

GIBRALTAR

HOUSE OF ASSEMBLY



HANSARD

26TH FEBRUARY 1979

VOLUME 1

REPORT OF THE PROCEEDINGS OF THE HOUSE OF ASSEMBLY

The Fourteenth Meeting of the First Session of the Third House of Assembly held in the Assembly Chamber on Monday the 26th February, 1979, 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 Education
The Hon I Abecasis - Minister for Tourism and Postal Services
The Hon A W Serfaty, OBE, JP - Minister for Trade and Economic Development
The Hon M K Featherstone - Minister for Public Works
The Hon Dr R G Valarino - Minister for Municipal Services
The Hon D Hull - Attorney-General
The Hon A Collings - Financial and Development Secretary

The Hon J B Perez

OPPOSITION:

The Hon M Xiberras - Leader of the Opposition
The Hon P J Isola, OBE
The Hon Major R J Peliza
The Hon G T Restano

INDEPENDENT MEMBER:

The Hon J Bossano

IN ATTENDANCE:

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

PRAYER

Mr Speaker recited the prayer.

CONFIRMATION OF MINUTES

The Minutes of the Meeting held on the 19th December, 1978,

having been previously circulated, were taken as read and confirmed.

OATH OF ALLEGIANCE OF NEW MEMBERS

HON CHIEF MINISTER:

Mr Speaker, I am sure I am voicing the feelings of all members present in welcoming the Honourable Mr Hull to this House as Attorney-General. He has come a long way to us - from New Zealand, and I hope he will find, and we will find, that it was worth the long journey and that his stay amongst us will be a happy one.

HON M XIBERRAS:

Mr Speaker, may I on behalf of Members on this side of the House, welcome Mr Hull. By some coincidence, which proves this is a small world, both the Honourable Mr Abecasis and myself, whilst in Jamaica, had the opportunity of chatting and admiring the forceful style, of a friend of his in politics, Mr John Falloon, a very distinguished delegate from New Zealand. Mr Hull brings a new accent to the House, and if I may say so, for Members this will be a welcomed relief. We welcome him and hope that his contribution will be as signal as it promises to be.

MR SPEAKER:

As in other occasions I would like to join my words of welcome to those of the Chief Minister and the Leader of the Opposition. I am sure the House will benefit by your great wealth of knowledge of drafting, which I hear, is one of your keener departments of the law and I hope that I myself will be able to rely on you, Mr Attorney, on matters relating to the good running of the House whenever I need your services. Welcome to Gibraltar and to the House.

HON ATTORNEY-GENERAL:

Mr Speaker, I would like to thank you, the Honourable the Chief Minister and the Leader of the Opposition for your great cordial welcome. I place myself at the service of the House during my time in Gibraltar, and I look forward very much to being here. Thank you.

DOCUMENTS LAID.

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

1. The Landlord and Tenant (Communal Services Tenements) (No 3) Notice, 1978.
2. The Landlord and Tenant (Communal Services Tenements) Notice, 1979.

3. The Landlord and Tenant (Rent Relief) (Terms and Conditions) (Amendment) Regulation, 1979.

Ordered to lie.

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

The Group Practice Medical Scheme (Amendment) Regulations, 1979.

Ordered to lie.

The Hon the Minister for Trade and Economic Development laid on the table the following document:

The Port (Amendment) Rules, 1978.

Ordered to lie.

The Hon the Attorney-General laid on the table the following documents:

1. The Supreme Court Fund Regulations, 1978.
2. The Supreme Court Fund Rules, 1979.

Ordered to lie.

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

1. The Import Duty (Personal Relief) (Amendment) Regulations, 1978.
2. Supplementary Estimates Consolidated Fund (No 4 of 1978/79).
3. Supplementary Estimates Improvement and Development Fund (No 4 of 1978/79).
4. Statement of Consolidated Fund Re-Allocations approved by the Financial and Development Secretary (No 6 of 1978/79).
5. Statement of Consolidated Fund Re-Allocations approved by the Financial and Development Secretary (No 7 of 1978/79).
6. Statement of Improvement and Development Fund Re-Allocations approved by the Financial and Development Secretary (No 3 of 1978/79).

Ordered to lie.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, it would normally be appropriate, at this stage, to lay on the Table the draft Estimates of Revenue and Expenditure for the financial year commencing on 1st April. Budget Day, however, is on the 17th of April, and those estimates are not yet ready to be laid. However, the Clerk of the House, in accordance with Standing Order No 44(1), will send them to Members of the House not less than 15 days before such Estimates are considered. In due course I will move under Standing Order 7(3) the laying of those estimates before the House at the appropriate time.

MR SPEAKER:

The Clerk of the House will most certainly deliver those estimates of expenditure 15 days before if they are supplied within the time to enable him to do so. That is our responsibility provided we are given the means.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That, Mr Speaker, was implicit in my statement.

ANSWERS TO QUESTIONS.

MOTIONS

HON A W SERFATY:

Sir, I have the honour to move the following motion:

"Be it resolved that the House of Assembly do approve the giving by the Governor of the following notice:-

Title 1. This Notice may be cited as the Licensing and Fees (Amendment of Schedule) Notice, 1979, and shall come into force on the 1st day of April, 1979.

Amendment 2. The Second Schedule to the Licensing and of Second Fees Ordinance is amended as follows:-

Schedule to Cap 90 (1) by the deletion of Item 9. WHARFAGE CHARGES and by the substitution therefore of the following:-

"9. WHARFAGE CHARGES

A wharfage charge shall be paid in respect of each container discharged or in entering the Port as follows:

Containers up to 25 feet in length.....£ 7.50
Containers exceeding 25 feet in length...£15.00

Provided that no charge shall be payable on a container which has left the Port, other than by sea, on such container re-entering the Port".

(2) by the deletion of sub-paragraph (a) of paragraph 1 of Item 9A. RENTAL CHARGES and by the substitution therefore of the following:-

"(a) Containers discharged in the Port having arrived by sea:

(i) Containers up to 25 feet in length:

the first fifteen days including the day of discharge - free; for the next six days £2.50 per day or part thereof; for each succeeding day or part thereof, £5.00.

(ii) Containers exceeding 25 feet in length:

for the first fifteen days including the day of discharge - free; for the next six days, £5.00 per day or part thereof; for each succeeding day or part thereof, £10.00."

(3) by the deletion of paragraph 2 of Item 10. ARRIVAL AND DEPARTURE CHARGES and by the substitution therefor of the following:

"2. There shall be paid in respect of every fare paying passenger on departure from and upon arrival in Gibraltar by ship the sum of 30 pence."

Mr Speaker, there are two changes in this Notice, one is the wharfage charge and the other is rental charges. The wharfage charge was introduced because of containerisation and the consequent more rapid turn-round of ships, and because of this, berthing charges suffered a considerable reduction. The idea of a wharfage charge was to make up for those losses. We then thought that the number of containers handled in a year would be about 3,000 and we now see that it is more like 2,000, so in order to avoid a loss, we are proposing that we should increase the wharfage charge. The wharfage charge of £5 hitherto has been irrespective of the size of the container. We propose that the amount of £5 should be increased to £7.50 in the case of containers of up to 25 feet in length, and following the same principle as we have always done with rental charges, containers over 25 feet should pay £15.

As to rental charges, the only alteration we are making here is that the period of free rental should be increased from eight to fifteen days. This has been made possible by the fact that the Ministry of Overseas Development are releasing an additional strip of land at North Mole so that the capacity of the Mole to take containers has increased. It has also become necessary because the shipping pattern has changed from a turn-round of about 8 to 10 days to 20 days, and as the container owners have been taking the containers outside the port, this has rather worried the Traffic Commission and the Public Works Department because of congestion of traffic and also because of damage to roads. I think that the time has now come, taking into account that we now have the space in the port, that we should reverse our policy and encourage container owners to leave them in the port, and one way of encouraging them is not to charge a rental fee for the first fifteen days. Sir, I commend the motion to the House.

Mr Speaker proposed the question in the terms of the motion moved by the Hon the Minister for Trade and Economic Development.

HON P J ISOLA:

I think the Minister forgot to mention the last bit in his motion about the fare paying passengers.

HON A W SERFATY:

I must apologise. The passenger rates will be increased and this I have discussed with the Shipping Association who have agreed to the increase as from 1 April, so they have known, for some time, the intentions of the Government.

HON P J ISOLA:

Mr Speaker, I suppose this is neither the first nor the last time that there has been a reversal of policy of the Government so there is nothing particularly surprising about the fact that the Minister has at last found the error of his ways in relation to the period of free time at the port and has now agreed that containers should be allowed fifteen days free time. I think it is almost the first anniversary from the time when we asked that the free period should be extended so as to be fair to all the people in the port who are operating the containers and especially the local firms who have longer turn-rounds than the more established shipping companies. I think we must welcome that part of the motion, that for reasons obviously not connected with trying to be fair to everybody, but purely for reasons apparently out of consideration of what the Transport Commission says or what the Commissioner of Police says about the damage that these containers must be doing to our highways, something which, of course, I would have thought would have been in

the minds of the Government anyway when it was first decided that the containers should be moved out of the port instead of keeping them in the port. I do not know whether there is any connection in this reversal of policy with the fact that there is a new Captain of the Port who may have different ideas to the previous one, but anyway, Sir, we must welcome that a combination of events have at last produced the right policy as far as containers in the port are concerned.

Mr Speaker, I notice wharfage charges are being put up once more on containers, the amount looks small, and I do not know how this will affect the operation of the Port. I would have thought there is a lot to be said for making the port of Gibraltar competitive when one hears so much about the goose that laid the golden egg being killed as far as the port is concerned by a series of acts not necessarily just from the Government but from everybody concerned in the port. One hears that the port should be quite a big source of wealth to Gibraltar and an area of future growth is being made uncompetitive or unattractive by a number of measures like this one and then this question of the farepaying passenger which the Government is increasing the amount from 20p to 30p. I do not know how that is going to affect travellers, a rise of 10p probably will not, but I suppose it may affect the reputation of Gibraltar as being a place that is worth going to if every little item is increased. I know the Shipping Association have agreed, and perhaps, they know more about this than we do, but we all have to look at the whole operation of the port in general terms rather than the interests of any particular sector using the port. I think a lot of the problems that arise in Gibraltar, as far as the port is concerned, is because considerations affecting the day-to-day running of the port seem to have a greater influence than major considerations of policy of keeping the port as an attractive point of entry into Gibraltar and an area in which there could be growth but for the restrictions that seem to be put on its operations from time to time.

Mr Speaker, we support this motion mainly because of the extension of time of free berthing for containers that is inherent in this motion.

HON MAJOR R J PELIZA:

It gives me the impression that sometimes the Minister does not realise that putting up the cost of any movement in the port, such as the cost going up for containers does increase the cost to the importer. This means that neither the shippers, nor the agents nor the importers pay for it. In the end the one who pays is the consumer, and this contributes greatly towards the rising cost of living. Does the Minister know, that a small container

being brought to Gibraltar costs £520, plus £40 for lighterage and landing, plus another £20 for transport, plus import duty. In the end, the cost of an item, particularly furniture, doubles by the time it comes into Gibraltar. Therefore, the Government and particularly the Minister should bear that in mind. It is very easy to increase charges but, it is an illusion to think that this is going to be paid by someone outside Gibraltar because it is not, it is going to be paid here in Gibraltar. I certainly would have thought, that the Minister, should have looked into the cost of bringing and handling a container in Gibraltar and not be so quick in increasing wharfage charges. I cannot understand where this information was obtained from, but to have thought that we were going to have 3,000 containers and find that we were out by 1,000 means, that someone along the line produced the wrong information. This immediately, makes people like myself lose credibility on everything else that the Minister says, because, if he is wrong on a simple thing like this, God knows what the information is like on other matter of which one has no means of checking. I am very concerned by this. I will go along with my colleagues, of course, but my personal view is that we should vote against the motion.

HON CHIEF MINISTER:

Mr Speaker, when the Hon Mr Isola was speaking about the port I think he was, if I may say so, on the right lines about the question of the general interest of the port but then he went on to say that we are only concerned with matters of detail and small things. We should not forget that we have had a big struggle which we have fortunately won of having port development and having aid from ODM for a very big project in the port that is likely to help the port compete with neighbouring places and to enhance the very good name that the port of Gibraltar has. It is in this context that one should look at the port and not in respect only of small charges which, per se, of necessity, are bound to increase from time to time. It is all very well to say: "Do not increase this or that, but give more here, provide more nurses, etc" and then the expenditure keeps mounting up. We have a major scheme that will enhance the viability of the port and it is on that aspect of the matter that I would like to reply to what the Hon Mr Isola said. It has not been an easy matter, it has been consultant after consultant and a second thought given by the ODM to see whether the idea was viable or not, until finally we got the clearance and that was made abundantly clear this morning by the replies given by the Hon Mr Serfaty to the question of the amount of money committed by the ODM to port development.

HON J BOSSANO:

Mr Speaker, I am going to vote against the motion to increase the charges. I can understand the basic logic

of the point put forward by the Hon and Learned the Chief Minister that the Government must look for revenue and that there is a certain inconsistency in asking for things that require money to pay for them and not expecting the money to come from somewhere other than as manna from heaven. I think what one needs is a more cogent reason for deciding how much money should come from where, than just the fact that the money is needed. That the money is needed is obvious because there is an inexorable move in public expenditure everywhere in the world and it always moves in one direction and that is up. The argument that has been put forward, as I understood the Hon Mr Serfaty, for increasing the charges, is basically that the volume of containers is less than expected. That suggests that one is aiming for a certain amount of revenue from charges on containers coming to Gibraltar and that because the volume is less than anticipated, one is increasing the charge to still arrive at the target revenue. If that is the case, then I think that that is essentially the wrong approach, because, generally speaking, it happens in a great number of fields, if you increase the charges when you are facing decline in volume you generally find yourself with even more decline in volume because you are providing a disincentive. The way to develop the port is to try and increase the volume that the port handles and not to try and achieve a certain yield and pitch the charges at whatever levels are required so that if instead of finding next year that he has 2,000 containers he finds that there is only one container, then the Hon Member might want to charge \$20,000 on that one container to make sure his estimate is met.

The second thing is, of course, that if the reason for eliminating the charges for the first fifteen days is in order to encourage people to park their containers there, then surely, the best thing to do is to have no charge at all because that would be an even greater encouragement. So instead of just saying that the first fifteen days should be free of charge if we want to encourage people to leave them there, then have no charge at all and they will be encouraged to leave them there all the year round. Thirdly, the question of increasing the payment made by passengers. I think in both cases we are talking about fairly small sums of money both in the container charges and in the passenger charges. In passenger dues the estimate this year was \$30,000 yield. If this is a 50% increase, then we are talking about a \$15,000 anticipated yield for this year and if we are talking about revenue-raising measures, in fact what we are talking about is the first steps in the 1979 Budget, the first \$15,000 of revenue-raising measures in the 1979 Budget and if that is what we are doing then I would say let us have a look at the whole Budget before we are asked to vote on it.

HON M XIBERRAS:

Mr Speaker, I gather that we cannot introduce an amendment to this motion as it is part of Government business and a financial proposition, but as my Hon Friends have said, there is one particular part of the motion about which we warned the Government some time ago and obviously we welcome the change of policy on this point. I myself am not quite convinced that events followed the trend that the Minister said. I think, the fact that a particular company pitched its tent, as it were, in the area around Eastern Beach, moved its containers somewhere in the Old Slaughterhouse and refused to move it and had them there without permission as I understand it, must have influenced the Government in arriving at a more reasonable waiting period in the port. I remember seeing large containers just along Devil's Tower Road where the Black Watch Monument is. They were there for some considerable time and, apparently, without any permission. We are glad about this part of the motion and if we had the power to amend, we might very well delete all the rest and simply accept this. My Hon Friend Mr Isola has said that he would support the motion mainly on the basis of this provision, and my Hon and Gallant Friend has equally rightly said that he would like to oppose the motion on the basis of financial considerations. It is a fact, that if we are going to raise something like £2,500/3,000 against an expectation of 3,000 containers instead of the 2,000 that actually come in, then the financial difference itself is so little that it cannot be a good argument. That provision we disagree with. It is a very short-sighted policy to increase charges on containers at this particular moment when it is the Minister's and the Government's policy, which is shared by Hon Members on this side, to containerise more of the traffic that comes to Gibraltar. As the Minister very well knows, when you increase charges at that particular point of the importation process, it tends to get magnified by the people who handle the containers and bring in the goods. One tends to get to the position where, as perhaps with landing charges, in the case of aeroplanes landing here, at a particular point the increase may be a small proportion of the overall cost, but when the goods come to the shop then the effect is increased sometimes out of all proportion with the charge that is being levied at a particular point. I would like to ask the Minister for Consumer Protection, whether he has been consulted on this measure, because increases at the port at this particular point do tend to have an effect out of all proportion when the retail stage is reached. The other point is, why haven't we had 3,000 containers as expected? Is it a case of delays in delivery? Has it been a question of strikes? What are the reasons for this? The Minister has simply based his argument on a financial consideration but he has not really told us how much more money we are going to get from this. If we were to compare it with the amount of publicity we give the port, I think it is something like £2,000 that are

spent in publicity for the port. Nor has he said what the policy is. Is this money going to be used for port improvement? And, if so, against the background of an ODM grant of £1.2m it does seem rather a small amount to upset the apple cart for somethin like £2,500/3,500.

The other thing which I think is a valid consideration is the argument of the Hon Mr Bossano. One should look at these things in the round at Budget time as it is a revenue-raising measure which should be backed by a comprehensive statement of policy. As the Government knows, the House has been arguing for development of the port over a good number of years. Every time we have had measures of this kind, an increase in fuel charges, bunkering charges, etc., we have asked what is the overall effect on the attractiveness of the port? I do not think we should allow the Minister to slip this one past the House. They will, of course, because they have a majority but I do not think we need support him when he does that. On the question of passenger traffic, I would like to ask the Minister whether the payment of the amount by passengers is done by individuals or is it done by the shipping company as a whole. If it is done by the shipping company and the consent of the shipping company has been obtained, then there might be a better case. I myself do not like it. I do not think that the amount is going to be that much greater and I do not think that with that amount one can do a great deal in the port to make it more attractive to visitors. I think the argument of the Hon Mr Bossano is a good one on that. All in all, what my colleagues and I are going to do is to support that part of the proposition which we agree with and to show disagreement with that part of the proposition we disagree with and the only way we can do that is by stating our point and abstaining on the motion.

HON A W SERFATY:

I would like to answer one of the last points that the Hon Leader of the Opposition made and that is that the passenger tax is included in the price of the passage by the shipping companies and as I said before the shipping companies have expressed their agreement to this increase. I hope that that satisfies the Leader of the Opposition. As to the point made by the Hon Mr Bossano, it is true that I said that we are receiving about 2,200 containers. This is not due to any strike but that is the number of containers that we can see are coming to Gibraltar over a long period. I am sure the Hon Mr Bossano will understand too, that charges which are not expressed on a percentage basis like import duty, are bound to suffer because of inflation. This is not a budgetary measure. These charges have been brought as a package to the House because we were eager to lengthen the free period of rental charge and at the same time we are taking these other measures.

HON J BOSSANO:

Is the Hon Member suggesting that we are now running at between 50% and 300% inflation which are the percentages that he is applying to containers of under 25 and over 25 feet?

HON A W SERFATY:

No, it is a 50% increase on the wharfage charge, from £5 to £7.50 over a period of two years. This we will not touch for some time to come, so it is more or less keeping up with the value of money. I know, as a businessman, that the cost of bringing a container and cargo from the United Kingdom has increased considerably in the last few years. This small increase of £2.50 on the wharfage charge for a container is really chickenfeed, with all due respect to the Opposition.

HON M XIBERRAS:

If the Hon Member will give way. Has the Minister had the same experience with landing charges and things of that nature, where the increase has been small but the landing charges have had a very big effect?

HON A W SERFATY:

That is another subject altogether but landing charges, as we all know, have considerably increase in the last year or so, but this is not what we are discussing now. What we are discussing now, are the increases of rental and wharfage charges on containers. The Honourable Mr Bossano made a point about the lengthening of the period. Well, the lengthening of the period to fifteen days is because normally there will not be much rent to charge. There is no question of leaving a container and certainly we are not going to make ourselves a party to encourage anybody to leave a container a whole year in the Port. The fifteen days is because it more or less coincides with the period of turn round of the ship coming from the same company to collect the containers. I think it was the Honourable and Learned Mr Isola who said that it had taken us a year to bring this to the House. Well, it has taken us a year to get the Ministry of Defence to agree and make available, to the Government of Gibraltar, this new area for containers in the Port.

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

The Hon I Abecasis
The Hon A J Canepa
The Hon M K Featherstone
The Hon Sir Joshua Hassan
The Hon A P Montegriffo
The Hon A W Serfaty

The Hon Dr R G Valarino
The Hon H J Zammit
The Hon D Hull
The Hon A Collings

The following Hon Member voted against:

The Hon J Bossano

The following Hon Members abstained:

The Hon P J Isola
The Hon Major R J Peliza
The Hon G T Restano
The Hon M Xiberras

The following Hon Members were absent from the Chamber:

The Hon Major F J Dellipiani
The Hon J B Perez

The motion was accordingly carried.

BILLS

FIRST AND SECOND READINGS

THE SUPPLEMENTARY APPROPRIATION, 1978/79 ORDINANCE, 1979

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I have the honour to move that the Bill for an Ordinance to apply further sums of money to the service of the year ending 31st March, 1979, be read a first time.

Mr Speaker then put the question which was resolved in the affirmative and the Bill was read a first time.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I beg to move that the Bill be now read a second time. As the House by now is fully aware, the purpose of this Bill is to appropriate, in accordance with the provisions of the Constitution a further sum of 2914,199 out of the Consolidated Fund and in accordance with the provisions of the Public Finance (Control and Audit) Ordinance to appropriate a further sum of 2167,949 out of the Improvement and Development Fund. The purposes for which these additional sums are being sought are set out in the details supplied with the Schedules and these will be taken, as is our custom, in the course of the Committee stage on the Bill. I beg to move, Mr Speaker.

MR SPEAKER:

Before I put the question to the House, does any Honourable Member wish to speak on the general principles and merits of the Bill?

HON M XIBERRAS:

Mr Speaker, I have a few points to make. The fact that 2914,000 have been asked of the House does not mean, or does it mean, that this is a net increase required to meet expenditure, or does it mean, in fact, that there might be savings under the various Heads which do not increase the net expenditure voted by the House at the last Budget. The second point is the question of discussing re-allocation, the virements, and this, Mr Speaker, perhaps I might direct at you in a more direct way. Is it possible to discuss, within the terms of the motion, and in Committee, the virements which the Financial and Development Secretary has given notice of to the House?

MR SPEAKER:

I don't think so. The virements, surely have been already voted for and therefore they are not at issue in any manner or form.

HON M XIBERRAS:

On the question of the re-allocations, Mr Speaker, may I ask for your guidance on this, whether it would be necessary to bring a specific motion, let us say in this case two months after the event, to discuss a matter of, perhaps, a quite large re-allocation of Government Funds. Is that, in fact, the case?

MR SPEAKER:

That would be the case. As a matter of fact the financial procedures followed by the Government is open to question by the House by motion. The procedure that we are following now is voting extra sums of money. Any monies that have already been voted in previous appropriations are therefore authorised and are not a subject matter of the motion before the House or the second reading of the Bill itself.

HON P J ISOLA:

Mr Speaker, I am not trying to introduce virements through the back door but, presumably, this is the additional provision that the Government requires to pay for its Bills till the end of the year, but this is the balance that is required after using monies that have been voted for a particular purpose for another purpose. The only item that I would have thought, and I would welcome from the

Financial and Development Secretary an explanation why it hasn't been brought, I would have thought would have required supplementary provision, is one large item in the virements and that is a sum of £47,800 that has been vired from the painting and maintenance of Crown Properties.....

MR SPEAKER:

Which item are you referring to?

HON P J ISOLA:

This is one Head 21, page 2 of the virements. A sum of £47,800 that seems to have been vired away for painting and maintaining Crown Properties to meet what must be, I presume, an unusual incidence of sickness in the Public Works Department.

MR SPEAKER:

Are you looking at the statement on allocations? I think you are looking at the wrong papers.

HON P J ISOLA:

At the statement of re-allocations.

MR SPEAKER:

But this is not the one that is before the House.

HON P J ISOLA:

I know, Mr Speaker, what I was asking the Financial and Development Secretary is, in seeking provision from the House for £914,000, I would like him when replying, not now, to perhaps explain to the House how it is that he doesn't consider it necessary to include in the Appropriation Bill provision for this sum of £47,800 which has apparently been vired away from painting Crown Properties and maintaining them to maintaining people who are on sick leave. I think it would help the House because it is quite a large sum and I would have thought that there is a big difference between maintaining and painting Crown Properties and giving sick pay.

MR SPEAKER:

Perhaps we might seek at this stage the assistance of the Financial and Development Secretary.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the Members of the Opposition are beginning to succeed in confusing me totally. The motion before

the House is to approve the second reading of a Bill which seeks additional funds. It has nothing whatsoever to do with virement or re-allocation. The power to re-allocate is given me by law and it is the power to re-allocate funds which have already been voted, provided that the re-allocation is made for a purpose which is within the general ambit of the head to which this House originally appropriated them. What we are now talking about is something quite different. It is simply that Government is seeking the authority of this House by a Supplementary Appropriation Ordinance to increase the sums which this House has at previous meetings already appropriated.

HON M XIBERRAS:

I think, Mr Speaker, that the Financial and Development Secretary has not helped Honourable Members on this side of the House because he stated something that we do in fact know already. What we want to know is whether in fact the exercise of the powers that we know he has to re-allocate in fact gives the House a fair opportunity of discussing.

MR SPEAKER:

That is not the point that Mr Isola is making, under any circumstances. Mr Isola was saying that being such a big virement should it not have come under this Appropriation Bill. The answer that has been given by the Financial and Development Secretary is that irrespective of the quantum of the virement provided it is spent within the particular Head for which it was voted, he has got the power to re-allocate. Is that correct?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, basically, Mr Speaker.

MR SPEAKER:

That is the answer to Mr Isola's question that there is no need to appropriate again because it has been appropriated once already.

HON P J ISOLA:

Mr Speaker, I am aware of this and I thank the Financial and Development Secretary for interposing his explanation. I am not seeking to discuss the virements. I know they are there and that it is really for the information of the House and if we are dissatisfied with them I suppose we could raise them. But I would think that, for example, in the Public Accounts Committee I think it could be questioned as to whether money that was voted by the House for maintaining and painting Crown Properties could be used for the purposes of paying sick leave, for example.

It seems to me that whereas I can appreciate other virements that occur, and I am only mentioning this one, it seems to me that an item that is so large and really nothing to do with maintaining and painting Crown Properties.

HON CHIEF MINISTER:

And wages.

HON P J ISOLA:

Mr Speaker, I know there is wages in that factor but we are talking of sick wages. In other words, monies have not been used for maintaining and painting properties, it has been used for paying people on sick leave with it.

MR SPEAKER:

Order, order. The answer has been very specifically given. The answer is, yes.

HON P J ISOLA:

It does seem to me, Mr Speaker, that items like this should perhaps be sought for again in an Appropriation Bill even though this might result in a surplus under the vote in question. If, for example, the Government has not been able to maintain and paint Crown Properties because it doesn't have the paint or hasn't had the workers or the workers haven't worked with the paint and painted the properties, I don't think that money should be vired away from that in this way to pay people who have not worked and who have been sick. I thought the point should be made. I think it is of importance and I am making it, Mr Speaker, because in another capacity I think it is something that could in my mind be legitimately questioned, as to whether expenditure that had been voted had been properly spent.

MR SPEAKER:

Are there any other contributors?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I would like to deal first of all with the first point made by the Leader of the Opposition. He said: "Is this money that the Government is now seeking, the £914,000, a net amount or a gross amount?" It is a gross amount. It is based as set out in the schedule on applications received from Controlling Officers for additional funds for the purposes which are therein described. To that extent, therefore, it is money which they consider that they will have to spend on those services before the 31

of March which, if they do not have the authority of this House, they will of course, be incurring an excess vote. They therefore have sought from the Government, and the Government in turn is seeking from this House an additional appropriation amounting in total to the figure of £914,199. The Honourable and Learned Mr Peter Isola, I think, is misdirecting himself on two counts. First of all, he is overlooking the fact that the item which he mentioned which is painting of Crown Properties was an item approved in the Estimates and so too, was the other item to which money was vired. In other words, the power of virement is given in the Public Finance (Control and Audit) Ordinance to the Financial and Development Secretary, was exercised to re-apportion the amount originally voted under the one subhead to another subhead within the same Head. Of course, it will be perfectly proper if at the appropriate time the Public Accounts Committee wishes to call that power into question and whether, after hearing from the Financial and Development Secretary at the time and taking such other evidence obviously as it may wish to, it considers it so important that the powers which this House has given to the Financial and Development Secretary by law should be in any way circumscribed, then, of course, the Public Accounts Committee in reporting its findings and recommendations to this House, is perfectly at liberty to so recommend. Whether or not the Government of the day, whenever that may be, will see fit to accept such a recommendation is an entirely different matter, but there is no connection between what we are now debating and re-allocations. If, and I think we have had this out before, if any Member of the House wishes to have information as to the whys and wherefores of a particular virement between one subhead and another subhead, then they have the opportunity to table a question. What I cannot answer and I cannot be expected to do is to come to this House and have particular virements mentioned and be expected to explain the background and the whys and the wherefores. Mr Speaker, I beg to move.

Mr Speaker then put the question which was resolved in the affirmative and the Bill was read a second time.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

If all Members agree, Mr Speaker, and we reach that page this evening, then I would like to move the Committee Stage and Third Reading of the Bill.

This was agreed to.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I have the honour to move the suspension of Standing Orders Nos 29 and 30 in respect of the Barclays Bank International Limited Loan Agreement Ordinance, 1979.

MR SPEAKER:

Before I propose the question I will explain to the House that Standing Orders Nos 29 and 30 deal with the publishing of the Bill in the Gazette and the printing of the Bill, none of which have been complied with.

MR M XIBERRAS:

Mr Speaker, perhaps the reasons for the suspension of Standing Orders should in fact be stated at this point rather than in consideration of the Bill after the House has agreed to suspend Standing Orders. I do not know whether I am completely up the creek on this or not.

MR SPEAKER:

Unless we suspend Standing Orders we are not in a position to discuss the Bill.

HON M XIBERRAS:

In moving the suspension of Standing Orders the Member who in fact does so might indicate why he wishes to move the suspension of Standing Orders.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, if I may be allowed. This was an omission on my part and I apologise. The negotiations for this particular loan were only concluded last week and it was therefore impossible to set out the terms that had been negotiated in Bill form. We have attempted, however, and I think succeeded in bringing the Bill to the House in printed form. It was a question that there was no time after the negotiations were completed to give Hon Members the usual amount of notice and to have the Bill circulated in the usual way.

HON M XIBERRAS:

I thank the Honourable Member for that Mr Speaker, I think, in fact, the House often does this. Some Honourable Member asks for leave of the House to suspend Standing Orders and then makes his case for moving that suspension after the House has agreed to do so, and in fact I welcome this statement by the Financial and Development Secretary as to the reasons why the Government feels it is necessary to move the suspension of Standing Orders. It is a matter of some moment, obviously, not just because of the amount involved, but because of the policy involved, and I would support the suspension of Standing Orders. As to the format in which the Bill has come to the House, the Financial and Development Secretary congratulates himself in having brought it to the House in printed form. It is an unusual thing and I don't remember having seen this done before.

MR SPEAKER:

I am surprised that it is not printed in the usual green paper.

HON M XIBERRAS:

There might be a very good reason for it, Mr Speaker, but as with traffic signs, green and white do have a significance in the House and it marks the different stages in the approval of a proposition by the House and therefore there might be very good reasons for doing it but I think the matter should be raised in the House and perhaps explained rather than be a subject for congratulations.

Mr Speaker then put the question which was resolved in the affirmative and Standing Orders Nos 29 and 30 were accordingly suspended.

THE PARCLAYS BANK INTERNATIONAL LTD LOAN AGREEMENT
ORDINANCE, 1979.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I have the honour to move that the Bill for an Ordinance to raise the sum of £2,500,000 from Barclays Bank International Ltd be read a first time.

Mr Speaker then put the question which was resolved in the affirmative and the Bill was read a first time.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I beg to move that the Bill be now read a second time. Before I begin, I clearly am expected at least by the Honourable Leader of the Opposition, to apologise to this House for unwittingly trampling on delicate sensibilities in relation to certain coloured paper. I can assure the House that I had not the slightest intention in any way of disturbing those sensibilities. My sole objective, in consultation with the Attorney-General's Chambers, was to save some money so that instead of having a printing on green first and then on white, I decided we would save a little money by having a single run of printing. But if sensibilities have been in any way offended, quite naturally, Mr Speaker, I apologise. Mr Speaker, I think it is quite obvious that in moving the second reading of the Bill I must be precise in what I say. I would therefore hope that the Chair does not insist too stringently on Standing Order 46(3) and will allow me to make very repeated references to my copious notes. Mr Speaker, in the course of my statement to the House last April on the Estimates I outlined the Government's borrowing requirements in relation to the 1978/81 Development Programme. I said then that excluding the investment which would be needed to finance the development of electric power generation

and the construction of additional desalination plant, the Programme as it stood then, called for a mobilisation of a minimum of £4.5m of local funds over a three-year period. Of this sum it was thought that £2m could be raised through Annual Budgetary contribution and local funding and that the balance of £2.5m would come from the mobilisation of domestic savings through the implementation of House Purchase Home Ownership Schemes. Since then, and I am sure this will come as no surprise to the House, the borrowing requirement has had to be revised upwards. On the basis of current cost estimates, it is likely to be about £6.2m over the programme period, that is, until the 31 March, 1981. That sum is exclusive of any investment required for additional electricity generating capacity or new desalination plant. The figure is not firm, it would make my job a great deal easier if it could be regarded as firm. But estimation in this field is subject unfortunately to many variables and many of them, unfortunately, unforeseen variables. There are, for example, cost overruns, estimates have to be revised and almost invariably when we are talking of capital projects that means an upward revision of the cost. Additional works are from time to time added to the Programme which the Government wishes to carry out as a matter of urgency. Finally, of course, on the other side of the coin, there is no point in obscuring it, there is slippage. However, the single most significant factor which has pushed up the Government's borrowing requirement is the 10% local fund contribution to the cost of the major ODM funded projects. For the first two years of the Programme, that is until the 31 March next year and again on the basis of current estimate of cost, the Government is likely to need some £3.7m, the greater part of this amount being required in the course of 1979/1980 financial year. It was decided to attempt to fund up to £2.5m of this requirement with new money from outside Gibraltar, that is, by raising it externally in the London Market. To this end exploratory talks were held in August last year with the Bank of England, the Foreign and Commonwealth Office, with a number of Merchant Banks and financial institutions as well as with certain member firms of the London Stock Exchange. The response was favourable and led in November to the Government making formal approaches to six banks for a long term loan facility. Each of the banks approached responded with a definite offer and after the most careful evaluation of the various quotations received, the Government decided to give Barclays Bank International Ltd an inclusive mandate to negotiate terms and conditions for a credit facility of £2.5m. In the course of the subsequent negotiations, which as I have already said were only finally concluded last week, the Government was able to secure a number of small but significant improvements on the Bank's original quotation and the eventual outcome is now reflected in the terms and conditions of the agreement which appear as the schedule to the Bill.

The principal terms of the loan facility which has been agreed are as follows: The loan is for 15 years and will be used specifically for development purposes. It will be repaid in 24 half-yearly instalments of £100,000 commencing two years from the date of the agreement, with a final instalment of a like amount on the 15th anniversary of that date. There is a two-year moratorium on capital repayments. The loan will be made available in two tranches of £1.5m and £1m respectively. The first tranche will become available from the date on which the agreement is signed and may be drawn down at any time subject to five days business notice up to the 30 of September this year in amounts of £250,000 or multiple thereof. The second tranche will be available from and including the first of October this year and can be drawn down in a similar manner at any time up to 31 March, 1980. As is the normal practice with any credit facility of this kind, a commitment fee will be payable on the undrawn and uncalled balance of the loan so long as that balance remains available for drawing. The fee will be one half per cent and will be applied to each part of the loan separately. In other words, the commitment fee will not be payable in respect of the second tranche of £1m until 1st October 1979 when that tranche becomes available for drawing. By arranging the loan in this manner in two parts, the Government has thus been able to secure a small saving on the contingent expenses of raising the loan over the first six months. The rate of interest payable on the loan is expressed as a fixed margin of one and one eighth per cent over the appropriate London Interbank rate. At this point Honourable Members might look at sub-paragraph 5 of paragraph 4 of the schedule to the Bill; this is the provision which sets the effective rate of interest on the loan at any one time by giving the Government the right to back its own judgement, so to speak, where interest rates generally are likely to fall or to rise or to remain steady over the ensuing six months, and to choose when to roll over the loan. The initial choice has to be made at the time of the first drawing. Thereafter, the loan can be rolled over at monthly, three-monthly, or six-monthly intervals at the Government's option. This mechanism will enable the Government to keep the effective rate of interest on the loan broadly in step with movements of market rates and will ensure that at the time when money can be borrowed at around 5% or 6% as was the case about a year ago, the Government does not continue paying at the high rates which are current at this moment. There are three other conditions of the loan agreement which should be mentioned. The first appears as paragraph 9 of the Schedule and sets out the circumstances in which the bank shall be entitled to re-finance the loan. In the event that in doing so the bank's cost of obtaining the money is increased, this paragraph entitles the Bank to increase the margin of 1½% by such amount as will recover the additional cost. This provision which is often referred to as the reserve asset clause is a standard condition of all loans made in

United Kingdom domestic currency to overseas borrowers. It is necessary because from time to time the United Kingdom monetary authorities place restrictions on the London market as to the amount of domestic sterling which may be lent abroad. Should that happen, the lending bank might not be able to raise the money on the London market and might have to go to other sources which in our case will almost certainly be Euro Sterling Market. In that case it would almost equally certainly cost rather more than raising the money in the London market and therefore this clause gives the bank the right to recover the additional cost if in fact there is any at the time involved. Since, however, the loan is for only £2.5m which is a trivial amount in terms of market lending, these events that I have described are most unlikely. Nevertheless, the loan is for a period of 15 years and 15 years is quite a long time - who can possibly say what may happen on the money markets in 15 years. The second condition which should be mentioned appears in paragraph 10 and this has a bearing on the subject of Question 63 which the Chief Minister answered today. Were the Government at any time in the future to decide that Gibraltar banks should maintain in Gibraltar a certain proportion of their liquid assets, then in the case of Barclays Bank International Ltd, the amount of the loan which the Government had at that time drawn but had not repayed, would be set against such proportion of the bank's liquid assets as it might be required to maintain in Gibraltar. That seems to the Government to be only a very fair condition to insist on the bank's part. However, there is also provision in the agreement that the bank may, with the Government's prior consent, assign its obligations under the agreement. In the event that Barclays Bank were to apply to the Government and to be given consent to assign its obligation, under those circumstances, therefore, this safeguard, if you like, this offset against its liquidity would no longer apply. Finally, paragraph 13 of the Schedule. Since the loan is being raised in London in domestic sterling, it is only both natural and obvious that the terms and conditions on which it is to be raised should be subject to the law of England. Why, it may be asked, is it necessary to enact specific legislation for this money? Mr Speaker, there are three reasons: First, the Government has no constitutional power to borrow money, it can only borrow money in accordance with the provisions of a general or specific Loan Ordinance, and the powers which it has already taken - there are two - there is the General Loan and Stock Ordinance, Cap 66 of the Laws and the Local Loan (No 6) Ordinance which is Number 22 of 1978, do not extend to the kind of borrowing which the Government is now contemplating. Secondly, the agreement with Barclays Bank International requires the Government to satisfy the Bank that it has full power, authority and legal right to incur the debt. Thirdly, even if the other reasons does not exist it is desirable that a borrowing of this kind should be specifically legislated by the House. Mr Speaker,

in securing this loan the Gibraltar Government has broken new ground, it is the first time it has gone to the market and we can be well satisfied with the outcome. We were given no guarantee by Her Majesty's Government, we were adjudged creditworthy on our own showing, we were offered credit facilities by no fewer than six banks and we have been able to secure long-term money at as fine a margin of interest as anything which we could hope to obtain at this present time. But I want to add this: As I explained at the beginning, the loan that we have now negotiated will go only part of the way towards funding the Government's total borrowing requirements under the current Development Plan. The 1980/81 requirement has still to be funded and finance has still to be found for the planned development of our electricity and water resources. So long as Gibraltar's credit worthiness is not undermined by a failure to cut its coat according to its cloth, I believe the money can be found to finance these development. But Gibraltar's credit worthiness will be undermined if the City tries to live beyond its means and credit worthiness once it has been lost or seriously damaged is extremely difficult to restore. Mr Speaker, I commend the Bill to the House and I beg to move.

MR SPEAKER:

Before I put the question to the House does any Honourable Member wish to speak on the general principles and merits of the Bill?

HON P J ISOLA:

Mr Speaker, the terms on which the money is being borrowed appears to be rather better terms than are given by Barclays Bank International Ltd to borrowers in the Gibraltar market but I am not surprised that they are prepared to treat the Government a little more favourably than they treat the local market and I think that the deal that the Government has got on the loan, as a loan, is definitely a good one because it has a 15 year repayment period and, obviously, paying £100,000 every six months should not put an undue strain on the finances of the Government as long as their bills for certain things like sick pay and so forth do not go up too much, Mr Speaker. From the point of view of the Government I think that people would expect a bank that has such a heavy commitment in Gibraltar as Barclays Bank International Ltd to produce the best terms for a loan of all the other people who thought Gibraltar credit-worthy. I think this is natural and I think it is recognition by the bank that it owes some duty to the people in Gibraltar and to the public in Gibraltar and I would say that these terms are favourable, there is no question about it. On that point of view I think one would welcome the terms of the loan. I don't like very much, Mr Speaker, the House of Assembly passing a law which says that an agreement in that law is to be made subject to the law of England and not the law of Gibraltar. I don't know whether this

raises a point of constitutional importance that the legislature gives away its right to amend an Ordinance unless it happens to be in accordance with the laws of England, but anyway I don't think one should worry too much about that because it is the laws of England we are talking about but I hope that the Government if ever it has to negotiate any other loan, and it seems to be that that is a distinct possibility in the future, that it will not necessarily accept that an agreement is to be made subject to the laws of another country unless it happens to be the laws of England. In general terms the Financial and Development Secretary referred to his address to the House last year about the borrowing requirements of the Government in view of its contribution to the Development Plan and so forth and then he told us about the need to increase that figure of £4.5m to £6m. The only question I would ask is that I hope the Government has taken into account in deciding to go for the loan now as opposed to six months time, the very severe slippage there has been in the Development Programme which is quite obvious from the answers given by the Minister for Economic Development earlier today, the very serious slippage there has been in the Development Programme and whether the Government has taken into account whether it is in fact going to use this loan immediately because I notice there is a commitment fee to be paid, admittedly it is very small, it is £12,500, it is not that much in terms of Government expenditure but still it is something and I am just wondering whether the Government has taken into account the fact that on the reading that one has of the borrowing requirements and what it was going to be borrowed for, whether the Government is going to draw down on this loan at all within the times specified in the agreement, because if it isn't is it wise or advisable to enter into this agreement at a time when the lending rates are so high everywhere and likely to stay high? One thing we don't want is that the Government should not have the money when the time comes for it to spend it; but I would ask the Government to consider seriously whether they are in a position to use this money - it does seem to me that they are not from what I have heard, I hope I am wrong, but it does seem to me that they are not and therefore should they be borrowing this money at this particular point of time? When the Budget comes we will be able to go into the question of the performance but it is, I hope, a point that they have taken in mind and I hope we can have some satisfaction on that. Mr Speaker, I think I have said already what I wanted to say. I think, generally, the terms of the loan appear to be very favourable to Government, assuming interest rates don't go up too high. The only thing I wonder is the timing of the loan, is it the right time? Apart from that I think one should record appreciation to our leading bank of Gibraltar that it has offered the Government terms which are more favourable than it would have offered any other borrower. The last point I would like to make, Mr Speaker, is that I hope

the Government is able to assure the House that it will do everything that is necessary, as the Financial and Development Secretary has said already, to keep its credit worthiness in the market for the future because obviously this will not be the first or the last loan that the Government has to seek in the money market.

HON ATTORNEY-GENERAL:

Mr Speaker, if I can just refer to one point raised by the Honourable Member's question just to clarify the position. There is no question that this agreement scheduled in the Bill before the House in any way limits the competence of this House to amend the laws in the future. What the agreement does is decide that that particular agreement, so long as it remains in force, will be subject to the law of England. I think perhaps my Honourable Friend is perhaps in a better position to answer this than I am but I understand such a clause applying the law of one particular country to be quite a normal provision as an agreement of this nature.

HON CHIEF MINISTER:

Mr Speaker, before the debate concludes I would like to take this opportunity of paying tribute to the Financial and Development Secretary and those who have helped him because this is the end of a very long process which the Government has carried out to ensure that we got (a) the credit that was required and (b) that we got the very best terms possible. I think it is fair to say that the six institutions who were prepared to help the Government excluded Barclays Bank. We left Barclays Bank to the end but we did, as I have been doing for a long time and since my original statement here that it was the policy of Government thinking of ways whereby big institutions who are carrying on business in Gibraltar should invest in Gibraltar, has not fallen on deaf ears as regards Barclays Bank. I believe not only the local management but all Directors, Managing Directors and other Executives of the Bank who have been here have been told in no uncertain terms that Barclays Bank, as Mr Isola has said, is committed to Gibraltar and Barclays Bank is also making, we hope, good profits in Gibraltar and that it had to have first of all faith in the place in which it had three branches and doing so well and, secondly, it had to treat Gibraltar, not the Government, because by treating the Government well it is treating Gibraltar well - it had to treat Gibraltar well. I think this was appreciated from the very beginning and I hope that our exhortations to them, at least mine, and my suggestion of possible legislation to make something that can be done voluntarily compulsory, not that it had any direct bearing on this particular loan, have had the effect of appreciating that Gibraltar deserves special treatment and we have been fortunate in obtaining what I am glad to see that even

Members opposite have considered to be a very favourable loan. I would like to pay tribute to the steadfastness and the constancy and the care with which the Financial and Development Secretary and his team have been working on this for a very long time, very cautiously, with consultation with the Council of Ministers at every possible stage and which have brought the negotiations to a successful conclusion.

HON MAJOR R J FELIZA:

Mr Speaker, I think this is quite a good innovation for Gibraltar. I think it should help very considerably, not just this present generation, I think, but future generations if it is possible to continue to borrow money from outside at rates which I think are very advantageous because if one realises that money is losing value constantly, I think that in many respects Gibraltar will be getting something for nothing as years go by. I agree entirely with the Hon Financial and Development Secretary that if this is going to continue our credibility must show all the time and a lot will depend on the way in which the Government of Gibraltar can administer the place so that at least our finances are shown to be sound. One matter I think that I certainly would have liked to hear and I do hope that we shall hear about at the time of the Budget, is how is the £1.5m that the Government are borrowing up to September this year is going to be spent? To me, quite honestly, this raises quite a number of questions bearing in mind the losses in development aid that we have had over the months and years and which earlier today we got the impression that the amount earmarked would not be spent in the allotted time this year. It makes me wonder whether now that we are going to raise this loan which I think can be very beneficial to Gibraltar whether this money is, in fact, likely to be spent by the time stated in the Ordinance. The Financial Secretary has said nothing about how that money is going to be co-ordinated with the rest of the money forthcoming from other sources. We have not heard that and so we are to some extent voting for money which we are not very sure is going to be spent and as it has a penalty if the money is not used, I think the House should know about it so that to that extent we are not giving the Government a blank cheque. I don't know whether the Financial and Development Secretary will be able to say something about it later on today but if this is not possible I do hope that by the time the Budget comes and no doubt we shall have another opportunity of looking into this matter, we shall be in a position to be able to discuss this with some figures available.

HON M XIBERRAS:

Mr Speaker, at the risk of raising again a procedural point, a point of procedure of importance it seems to me

that when the Financial and Development Secretary moved the suspension of Standing Orders, he gave good reason for the introduction of this Bill, he gave good reason why the House should agree to the suspension of Standing Orders. That was, I imagine, that the House should be able to start its consideration, in debate, of the Bill. I wonder whether he is also going to ask to suspend for leave to deal with the Committee Stage and Third Reading at this particular time.

HON CHIEF MINISTER:

If the Hon Member will give way. I have already indicated to the Financial and Development Secretary that it would not be fair to ask Honourable Members to go through Committee Stage tonight. I think that in the case of this Bill, Members opposite should be given the opportunity overnight to consider it and to take advice if they want to.

HON M XIBERRAS:

Mr Speaker, I think that is certainly a fair proposition and I think we would appreciate that. I don't know whether it is necessary to deal with this straight away in the first half of this Meeting or not. If the Chief Minister says that it is so, I would like to hear reasons why this is so. Is it a matter of clinching the agreement at the earliest opportunity or what other reason is there for dealing with this outside the context of the Budget? I think the Financial and Development Secretary has certainly not minced his words about the importance he attaches to the Bill before the House, he said that it breaks new ground and he has said that this is perhaps the first loan of others that will be following and the place of this loan in the scheme of things within the Budget and in the Improvement and Development Fund is important as has been revealed by the various debates we have had year after year on the desirability of loan finance and what proportion this should form of the general allocation for the Improvement and Development Fund. I do not think that the subject is done justice to in a debate of this nature without consideration of the projects and the stage of development reached in each of these. Apropos of that, Mr Speaker, Clause 2 of the Bill says that the £2.5m are to be applied for the purpose of financing Development projects as defined in the Public Finance Controlling Order Ordinance, 1977, which is fair enough, it is for capital works. But within capital works there might arise considerations as to where best and most equitably it might be applied and a firmer statement of Government's intentions in this respect would have influenced no doubt Members on this side of the House. May I use as an example the desirability of financing a desalination plant which is going to serve several generations as opposed to other expenditure within the Improvement and Development Fund which might more properly be

financed from elsewhere. What I am saying is that there are projects within the Improvement and Development Fund which are more worthy of being treated by loan finance and the cost of it being spread over a longer period and over successive generations. One point that may arise, Mr Speaker, in the future, is the question of Varyl Begg, to give an example. The Government may ask the House on the basis of the vote today to use part of this loan to finance remedial measures for Varyl Begg Estate which will not be the same proposition as financing a desalination plant or an Electricity Undertaking and so forth. Even though it might not be a fair point to make that the detailed expenditure should be set out in the Bill, I think it certainly is a fair point to make that the intentions of the Government as to how it intends to apply, to what use they intend to put this loan, is a fair proposition and perhaps the Financial and Development Secretary in rounding off, might specify more clearly. I am aware, in fact, that general statements about the desirability of raising money of this kind for desalination and the old Municipal undertakings have been made in previous debates. But if we are dealing with a specific proposition of £2.5m over a specific time, then I think that Government's intention as to the use of this money should be very specific which is really, Mr Speaker, another way of putting the point that has been made by my Honourable Friends already that if, for instance, there were to be great delays in the starting of the desalination plant or of the work on the Electricity Undertakings, then we might be using these funds for something other than that, for instance, I quote again, Varyl Begg. Mr Speaker, I think, too, that Barclays Bank, not that I am a great expert on this, but it seems to me from what has been said from a reading of the Bill that it is a good deal that the Government of Gibraltar has got but everything depends on the performance of the Government of Gibraltar and I think that the comments of the Financial and Development Secretary as regards expenditure and as regards performance, I would imagine, are to be taken in both senses, that present performance is not so bad as to deter people from offering us money on loan but, equally, I am sure he would agree that if there were to be better performance by way of capital development then the signing of such agreements would be made all that much easier. I would like to add my appreciation of Barclays Bank, of the Financial and Development Secretary and anybody who has had a hand in this but I would ask the Government to be more specific as to the use to which the loan is to be put. Finally, Mr Speaker, perhaps descending from the sublime to the ridiculous, on the question of the white paper on which the Bill is printed, I entirely agree with the Financial and Development Secretary that we should make every effort to save money but I think that the Financial and Development Secretary has spent enough time in legislature to appreciate that changes of this kind, even in name of

economies, are always questioned by Oppositions. If this is to be an innovation then, perhaps, Members of the Opposition should be warned that this is going to be a continuing policy and then we could consider this proposition in general terms.

MR SPEAKER:

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

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I would like to deal first with the two points which the Honourable and Learned Mr Peter Isola raised. They are the two most relevant points. He said: "Do we need the money?" The answer to that question is that over the next 12 months I believe we do. I think, perhaps, he has forgotten that it was agreed with the Ministry of Overseas Development last year in conjunction with the general understanding which was reached with them, that the Gibraltar Government would contribute 10% of the costs of all major projects. But that 10% contribution would not be paid until 1979. In other words, what we have got, just to quote one area, is that expenditure on major projects financed by Development Aid Funds in 1978/79, the 10% contribution in respect of those projects, will fall due to be made in 1979/80. I say therefore I believe we do need the money. I believe that in the course of the next 12 months this money will not only be needed but a considerable proportion of this money together with whatever else we may have will be spent. The second question he asked was: "What about the timing of the borrowing?" Well, I can see the way his mind is working. We are at the present moment in a period of extremely high interest rates, there is no doubt about that. It certainly was not like that when we started and it is anybody's guess whether it will be like that when we finish. The first thing I would say to the Hon and Learned Mr Isola is that although we shall be incurring a commitment fee of 4% on anything we do not draw, we are free within the first seven months until the 30th September, to choose the moment when we actually want the money before we draw it down. It may well be that it will be some months before we make a drawing, I don't know, this depends on cash flow but it may well be that at the time we make the first drawing then the interest rates will come down. But certainly it is that over the period of the loan as a whole, and this is something we have to look at, over a period of the loan as a whole there is no shadow of doubt at all that interest rates will fluctuate. Whether they will ever steady up at a historic level of 4% or 5% I do not know and I doubt very much whether there is anybody else in the world who knows. But the point is that they are going to fluctuate and undoubtedly there are going to be periods when they are high and there are also going to be periods when they are relatively low by comparison

with the last month or so. What this agreement does is to make it possible for the Government at least to follow the dip and the swing. It is not going to be paying, as I said, the current rate which is about 13½% for the whole 15 years and that if in six months' time the market has changed and we are down to 6% or 7%, then in six months' time the going rate of interest on this loan will be in the region of 6% or 7% because we shall be able to go down with the market. The Hon Mr Xiberras introduced a completely new theme because what he was really saying was that he wants to know to which project the Government is going to put this particular pound, that particular pound and some other particular pound. He wants it all spelt out, he wants to know exactly whether this pound from Barclays is going to the Varyl Begg, he suggested, for the Distiller, he suggested. Mr Speaker, it could be done, theoretically that is possible, but it is not the practice and never has been the practice that the quantum of local funds which the Government raises or requires or transfers from the recurrent Budget of the capital are allocated project by project. It has never been the practice to say, for example, that budgetary allocations in the past should only be applied to housing or should only go to the Hospital but that the money that we have raised by utilising our own funds such as the Note Security Fund or the Post Office Savings Bank Reserve Fund that they should only go to that project. If the Government were ever to decide that it should spell out exactly to which project each little piece of its capital fund should be devoted, so be it, but at the present moment it does not and as far as I am concerned it would complicate matters immensely and it would be of little real value because one looks at the Development Fund as an entity and one says that so much of the Fund is grant from the British Government. We know what we are going to spend that on because the British Government wants to know, that is one of the things that they insist upon but for the rest, all the other projects together with the contribution towards the aided projects, we have to find money and so far as the general picture is concerned it does not matter whether we borrow that money from the Social Insurance Fund, from the Note Security Fund or from Barclays Bank or whomsoever. Nor does it really matter whether some of that money which is applied, to Hospital Improvement, let us say, comes from the contribution which we have granted the Improvement and Development Fund from the recurrent budget. I cannot answer the Hon Mr Xiberras and say whether this will go to this project or that project. What I can tell him is that it will not go on the distillers or the desalination plant because as I have said on at least one occasion if not twice in this House, that it is the intention of the Government to finance those quite separately. The reason is because it will be possible to obtain much cheaper money for the capital equipment which goes into them and it will not be this money. Mr Speaker, there is one final point I want to make and that is to correct something else that the Hon

Mr Xiberras said. He said that if we performed well in a capital sense people would fall over themselves to lend us. That is what I understood him to mean, that if our performance was good in a capital sense our credit-worthiness would be increased. I regret to say that is not necessarily the case at all. What counts is the underlying strength of the administration, the fact that it is strong in reserves and that it is also good at managing its money, not merely throwing brick upon brick. Despite what the Honourable and Learned Members on the other side keep saying, performance is not necessarily a measure of good administration.

Mr Speaker then put the question which was resolved in the affirmative and the Bill was read a second time.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, Sir, I beg to give notice that the Committee Stage and Third Reading of this Bill will be taken tomorrow.

COMMITTEE STAGE

HON ATTORNEY-GENERAL:

Sir, I have the honour to move that this House should resolve itself into Committee to consider the Court of First Instance (Amendment) Bill, 1978, and the Supplementary Appropriation (1978-79) Bill, 1979, clause by clause.

Clause 1 THE COURT OF FIRST INSTANCE (AMENDMENT) BILL, 1978

HON ATTORNEY-GENERAL:

Sir, I made an amendment to this clause of a technical nature to change the appropriate year in the title of this Bill to 1979.

Mr Speaker put the question in the terms of the Hon the Attorney-General's amendment which was resolved in the affirmative and Clause 1, as amended, was agreed to and stood part of the Bill.

HON CHIEF MINISTER:

Mr Speaker, before the Attorney-General proceeds with the Bill and the amendments, I would like to say a few words on a matter which was raised by the Honourable Mr Isola and that is the question of clause 6 and the possible enlargement of the rights of greater hardship in Courts and so on. We have taken up this matter and we are leaving it as it is now and the substance of the matter itself will be considered in connection with the proposed amendment to the Landlord and Tenant (Miscellaneous Provisions) Ordinance. I have taken the opportunity of suggesting that

since the County Courts in England go up to £1,500 and since I understand that Court fees in the High Court are likely to be upped, it will be good practice to extend the jurisdiction of the Court of First Instance to £1,000. I hope the Honourable and Learned Member agrees with that.

Clause 2

MR SPEAKER:

Perhaps the Honourable the Attorney-General will move the amendment.

HON ATTORNEY-GENERAL:

Mr Speaker, this clause relates to the general jurisdiction of the Court of First Instance and the amendment which the Honourable the Chief Minister has just indicated is to increase from £750 to £1,000 the jurisdiction of the Court. If I may anticipate without going into them in detail the subsequent clauses, apart from the deletion of clause 6 and the deletion of clause 9, these are all consequential on the amendment being proposed to the present clause.

Mr Speaker put the question in the terms of the Attorney-General's amendment which was resolved in the affirmative and Clause 2, as amended was agreed to and stood part of the Bill.

Clause 3

HON ATTORNEY-GENERAL:

This is a consequential amendment following on the amendment to Clause 2 and it also increases to £1,000 the reference which as at presently proposed is £750.

Mr Speaker put the question in the terms of the Hon the Attorney-General's amendment which was resolved in the affirmative and Clause 3, as amended was agreed to and stood part of the Bill.

Clause 4

HON ATTORNEY-GENERAL:

Sir, this again is consequential from the earlier amendment to increase from £750 to £1,000.

Mr Speaker put the question in the terms of the Hon the Attorney-General's amendment which was resolved in the affirmative and Clause 4, as amended, was agreed to and stood part of the Bill.

Clause 5

HON ATTORNEY-GENERAL:

This again is consequential, it is consequential in the sense that if there is to be a principle to the general jurisdiction of £1,000 then it would follow that it should be applied throughout comparable clauses in the Bill. It is not legally consequential in the sense of necessarily following as a matter of logic.

Mr Speaker put the question in the terms of the Hon the Attorney-General's amendment which was resolved in the affirmative and Clause 5, as amended, was agreed to and stood part of the Bill.

Clause 6

HON ATTORNEY-GENERAL:

Sir, I move that clause 6 be deleted. The Honourable the Chief Minister has explained the reasons why it is not proposed to proceed with this amendment to the parent Ordinance.

Mr Speaker put the question in the terms of the Hon the Attorney-General's amendment which was resolved in the affirmative and Clause 6 was accordingly deleted.

Clause 7 was agreed to and stood part of the Bill.

Clause 8

HON ATTORNEY-GENERAL:

On clause 8 I move accordingly that it be amended by the deletion of the symbol and figures "£750" and by the substitution therefore of the symbol and figures "£1,000". This again is a logical consequence of the earlier amendment. This clause relates to the transfer of proceedings from the Supreme Court into the Court of First Instance.

Mr Speaker then put the question in the terms of the Hon the Attorney-General's amendment which was resolved in the affirmative and Clause 8, as amended, was agreed to and stood part of the Bill.

Clause 9

HON ATTORNEY-GENERAL:

Sir, I move that clause 9 be deleted. This is a consequence of the second substantial change proposed, in other words, not to proceed under clause 6 in the case of jurisdiction in relation with the recovery of land.

Mr Speaker then put the question which was resolved in the affirmative and Clause 9 was accordingly deleted.

Clause 10

HON ATTORNEY-GENERAL:

Mr Speaker, I move that clause 10 be amended by the deletion of the symbol and figures "£750" and by the substitution therefore of the symbol and figures "£1,000".

Mr Speaker put the question in the terms of the Hon the Attorney-General's amendment which was resolved in the affirmative and Clause 10, as amended, was agreed to and stood part of the Bill.

Clause 11

HON ATTORNEY-GENERAL:

Sir, I move that Clause 11 be amended by deleting the symbol and figures "£750" and by substituting therefore the amount of "£1,000".

Mr Speaker then put the question in the terms of the Hon the Attorney-General's amendment which was resolved in the affirmative and Clause 11, as amended, was agreed to and stood part of the Bill.

Clause 12

HON ATTORNEY-GENERAL:

Mr Speaker, if I could speak to this particular clause.

MR SPEAKER:

Most certainly.

HON ATTORNEY-GENERAL:

In consequence of the deletion of clause 6 and clause 9 there will be a strictly consequential numbering and perhaps this could be done at this point.

MR SPEAKER:

Perhaps we might do the consequential renumbering at the end otherwise we will be calling the wrong clause. We therefore call clause 12 as it stands.

Clauses 12 to 16 were agreed to and stood part of the Bill.

HON ATTORNEY-GENERAL:

Mr Speaker, I have the honour to move that in consequence of the deletion of Clauses 6 and 9, Clauses 7 and 8 and Clauses 10 to 16 be renumbered accordingly.

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

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

THE SUPPLEMENTARY APPROPRIATION (1978-79) BILL, 1979.

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

Schedule

Consolidated Fund Schedule of Supplementary Estimates No 4 of 1978/79.

Item 1 - Head 1 Audit was agreed to.

Item 2 - Head 5 Electricity Undertaking.

HON M XIBERRAS:

Mr Speaker, on Subhead 5 - Fuel and Fuel Sundries, there is an increase of £25,000. Could the Minister say specifically in respect of what this increase is?

HON DR R G VALARINO:

Increased cost of fuel especially the light oil.

HON M XIBERRAS:

Is it as a result of the last increase in world prices or is it a locally inspired increase?

HON DR R G VALARINO:

This is in respect of the overall increase in the price of oil. It has been increasing for some time and will probably go on increasing throughout the year.

HON M XIBERRAS:

Does it reflect exactly the percentage by which oil went up or is there any other extra charge?

HON DR R G VALARINO:

This is the increase up to the present time.

HON M XIBERRAS:

Does it reflect exactly the increase in world prices or has there been any extra amount added specifically for Gibraltar?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Perhaps I might help. I cannot answer that question but

what I can say is that originally the Controlling Officer expected that £850,000 on the cost of fuel and fuel suraries would be sufficient for the year. What this is now saying is that in view of the price increases which have gone on and we have had one and another one to come, by the way, in fact, 3 more to come, he now anticipates spending £875,000. That is what this supplementary is saying. I cannot begin to answer, naturally, whether or not there is this element or that element but that is what this supplementary is asking for.

HON M XIBERRAS:

Mr Chairman, my interest in this, in fact, is whether it is the policy of the suppliers of fuel oil to the Government when there is an increase worldwide, to apply that increase to the price of fuel consumed in Gibraltar or whether they add anything for Gibraltar?

HON MAJOR R J PELIZA:

Well could the Financial Secretary answer that? I hope he doesn't get annoyed because we ask what I think is a perfectly legitimate question.

MR SPEAKER:

Order. The inclination or otherwise of any particular person to get annoyed should not be relevant.

HON MAJOR R J PELIZA:

Mr Speaker, what I think we are all very entitled to know is whether in these £25,000 there is any element which is due only to Gibraltar and not because there has been an overall increase in the price of fuel all over the world. I think we are entitled to know that.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I thought I said I did not know. I do not know, Honourable and Gallant Major, I do not know.

HON MAJOR R J PELIZA:

Well, could he make it a point, Mr Speaker, to find out and let us know in due course.

HON CHIEF MINISTER:

Mr Speaker, I may be able to help indirectly. We have been put on notice that in future there will be a higher cost than there is now for the reason that parcels of oils will come in smaller ships because Malta is no longer going to be provided with oil by the suppliers now or, to some extent Cyprus, and therefore the smaller parcels will cost more than if they came in bigger ships. Therefore

that has got an added increase to the price at source from which I make the deduction right or wrong, that this is the normal increase when the increase at source goes up. We have been put on notice about the other one which would not be just on the value of the oil itself but the way in which it will arrive in Gibraltar.

HON M XIBERRAS:

Mr Speaker, Members on this side of the House are grateful to the Chief Minister for that indication of what the answer might be and I am surprised that the Financial and Development Secretary does not know that this is in fact the case. Any vote of an expenditure of this kind cannot be accepted by Honourable Members on this side of the House purely on strength of four words "Increase of cost of fuel." We want to know why, I repeat that to the Financial and Development Secretary, we want to know why and if we do not find out here we will find out in the Public Accounts Committee if necessary. We want to be absolutely sure that the Financial and Development Secretary is not allowed in the House to get away with the answer "I do not know" on every single occasion. I am sorry I have to speak in the House on these terms, Mr Speaker, but we have had a number of examples where the Financial and Development Secretary has been asked questions and he has replied that he does not know. I remember one time when he used to say: "I shall make an effort to find out." That was accepted by Honourable Members. What we cannot accept from the Financial and Development Secretary is that on several occasions during the course of this meeting and in previous meetings of late, that he should say "I do not know". Well, somebody must know or Members on this side of the House at present will have to consider voting against if the Government cannot provide a logical explanation.

HON CHIEF MINISTER:

This supplementary appropriation comes of course because it is the Government who is buying but Members will have noticed that petrol has gone up and this increase has been allowed as a result of increase at source.

HON M XIBERRAS:

Mr Speaker, on subhead 7 - Purchase of engine spares - an extra £40,000. I take it that this is completely in line with statements made by Ministers in the course of previous meetings and that there is no deviation.

HON DR R G VALARINO:

None at all.

HON M XIBERRAS:

Thank you.

HON P J ISOLA:

Can I have an explanation on subhead 87 (New) "Cost of power supplied by ISGS to meet demand which could not be satisfied by internal resources. Partly offset by revenue and savings in fuel costs". Mr Speaker, we are being asked to vote £65,000 and am I right in saying that in the past the borrowing of electricity has been mutual and that the Government has never had to actually pay cash for the electricity that it borrows or takes from the Inter Services Generating Station. Can the Minister tell us whether this is going to be now and in the future a continuing item of expenditure and is the claim which has been made by the Inter Services Generating Station in fact higher than £65,000 and the Government only pays something on account now and lastly, Mr Speaker, if there is this Inter Services Generating Station connection, why do we have our electricity cut off? Is the Minister aware that only a week last Sunday a certain section of Gibraltar suffered a power cut lasting an hour? Is this because we do not want to pay the services for their power and we therefore have it cut, or is this the general sort of breakdown there seems to be in his Department?

HON DR R G VALARINO:

Mr Chairman, the borrowing between the ISGS and ourselves continues to be reciprocal. The sum of £65,000 is a tentative estimated provision for the cost of power supplied by ISGS. This is the first time we have made tentative provision and whether this continues or not will depend on the availability of the engines at Kings Bastion.

HON P J ISOLA:

Mr Speaker, is the reason that we are now paying due to the fact that we are using more than we can hopefully repay, in other words, that the Services are not likely to make drawings and therefore they are wanting some payment now to put the account in balance. Is that the position? Can the Minister say whether the Gibraltar Government has actually ever paid any hard cash for power?

HON DR R G VALARINO:

Mr Chairman, we borrowed more for a period of time and this is why this figure is here, but this is . . .

MR SPEAKER:

You are being asked a simple question. Is this the first time that the Government is paying in cash to ISGS for electricity borrowed?

HON DR R G VALARINO:

Sir, this has come up before and the Honourable Member knows well enough that this is the first time.

HON P J ISOLA:

Mr Speaker, if I remember rightly when we had this motion we were told that the Inter Services Generating Station was claiming that this was under consideration and the Government . . .

HON CHIEF MINISTER:

It is still under consideration.

HON P J ISOLA:

Then why are we being asked to vote £65,000?

HON CHIEF MINISTER:

Mr Speaker, this is all the backlog of the difficulties we had when we had two or three of the big engines out of commission. The amount of electricity that was passed on to us at that time was extraordinary and if you take away that and things go well, we can go on helping each other without having to have any question of repayment. There is an outstanding claim, there is no settlement yet, there is a discussion as to the basis on which payment should be made and it is in order to have provision to be able to negotiate on a basis which will be acceptable to the Government that this is being done. It will not be a recurrent item if our engines continue to perform well and we have no big shut downs. If things go normally as they are now, we help each other and we pay back in kind. This refers to a particular heavy period where the generation had to be made for us, it wasn't required by them, it was not surplus to their requirements and it had to be generated for us because without that generation we would not have had the power supply to give to the people. We are thankful for the help that they have given us but this is a once and for all transaction which is in the process of being negotiated. We do not want to make a profit out of the help that has been given to us nor do we want anybody else to make a profit out of the help that we have been given.

HON M XIBERRAS:

We welcome that explanation of the vote but 265,000, however Mr Speaker, is a considerable amount. Is the Chief Minister saying that the people who help us out have considered that the balance has been inclined in such a way that they are not likely to need as much in the future or that we will not be able to supply them as much in the future as formally we did?

HON CHIEF MINISTER:

No, I did not say that, what I said was that this covers a period of crisis on which generation had to be created for us and which we cannot hope, in the normal course of the reciprocity, to pay in kind. It is a once and for all transaction because of a particular long crisis on which generation had to be made for us and they feel that as well now be able to pay in kind or we would take a very long time to do so and as they spent the money in providing it to us, that it should be settled by a down-right payment without in any way affecting the normal reciprocity. What is being argued is the rate at which the units have to be paid. We get money for those units ourselves and they have had to pay fuel for those units themselves and personnel and so on, so it is a matter now which is in the hands of the respective Electrical Engineers and there has been no political decision as to what rate or whether it is fair or not. If we find that it is not fair then we shall perhaps take the matter higher. I do not think that will be necessary.

HON M XIBERRAS:

Thank you, Mr Speaker. So 265,000 is really an approximate figure?

HON CHIEF MINISTER:

It is a figure for negotiation.

Item 2 Head 5 Electricity Undertaking was agreed to.

Item 3 Head 7 the Governor was agreed to.

Item 4 Head 8 House of Assembly was agreed to.

Item 5 Head 11 Judicial (1) Court of Appeal (2) Supreme Court.

HON M XIBERRAS:

Mr Speaker, Item 10 (New) Public Utility Costs and rent of temporary Court, ex-Anglican Home. Is there any implication that the Anglican Home is going to be put to new usage after that?

HON CHIEF MINISTER:

The Supreme Court will have to go into non-user because they have to carry out major repairs there which will put the court out of action temporarily. The big room in the Anglican Home and other surroundings have been let to the Government and this is the cost of rent and the other services required to be done. The idea of course is that when the other Home is changed, the Anglican and the Jewish Home will be one unit which the Governors may be able to get more money for in order to be able to become more viable and depend less from Government but until there is another place for the Jewish Home it is no use letting that one by itself.

Item 5 Head 11 Judicial (1) Court of Appeal (2) Supreme Court was agreed to.

Item 6 Head 14 Law Officers, was agreed to.

Item 7 Head 15 Medical and Public Health.

HON M XIBERRAS:

Mr Speaker, on Medical and Public Health. We always ask this question because there are always large amounts which the Minister asks of the House. As regards the provisional settlement with GPMs Pharmacists in respect of increases in the after hours service fees, would the Minister care to comment on the increase?

HON A P MONTEGRIFFO:

As I explained at the last meeting of the House when I came to supplementary funds for this particular vote, I did specifically state that this did not include the settlement we were negotiating with the chemists. This amounted to £15,000 and the cost arises as a result of the advice given by the costing Department of the Ministry of Health. It went up by 4½p as from December 5th, 1977. This was not accepted by the chemists and they have accepted the costing provisionally subject to the costing department having a further look at the figures that they would be producing. We have asked them to produce balance sheets which they did not produce originally. The service fees follows parity with the United Kingdom and they are getting exactly the same as they get for opening in the United Kingdom.

Item 7 Head 15 Medical and Public Health was agreed to.

Item 8 Head 16 Police.

HON P J ISOLA:

Purchase of wireless equipment. I cannot understand why if the equipment was ordered in 1977/78 and received

during the current year, why provision was not made in the estimates to pay for it. It was ordered in 1977/78 so therefore provision should surely have been made in the 1978/79 estimates for this amount. My only question is, was provision made for this amount in 1978/79 and the money used for something else? Is it not, Mr Speaker, elementary that if you order something one year and you do not receive it, when it comes to the next year you make provision for it.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, this represents, of course, the extra already voted this year. The £4,500 has been voted this year and this represents the extra.

HON P J ISOLA:

Mr Speaker, it says in the remarks column that the funds voted this year are fully committed. I assume it is for something else.

HON CHIEF MINISTER:

The sum of £4,500 was voted for equipment and the equipment which was ordered last year arrived this year and they have already committed the full amount this year.

MR SPEAKER:

I think the Honourable Member is asking for an assurance that the words "fully committed" in the remarks column mean - fully committed for the particular item and that the difference refers to the extra cost. Is that correct Mr Isola?

HON P J ISOLA:

Yes, Mr Speaker.

Item 8 Head 16 Police, was agreed to.

Item 9 Head 19 Prison.

HON G T RESTANO:

Could I have a breakdown of subhead (1) Personal Emoluments - £13,000, a breakdown of the overtime, sick leave, and conveying and escorting of prisoners?

HON A J CANEPA:

No, I cannot give a breakdown as to what proportion of the £13,000 has gone on sick leave, overtime and what have you. What I have done is to elaborate on the reasons. I say that I cannot because I have here with me a copy of the memorandum which the Controlling Officer, the Superintendent, has written to the Financial and Development Secretary requesting

the supplementary funds and he doesn't himself in the memorandum give a breakdown, he just elaborates on the reasons and I can do that for the Honourable Member if he so wishes. In the first place two officers resigned at the end of 1978 and additionally the Principal Officer retired and that has meant therefore that there has been some shortage of staff as a result of this shortage of staff and an accumulation of leave, this has also increased the amount in substitution allowance within the staff. For instance, if the Senior Prison Officer is acting for the Principal Officer and a Prison Officer is acting for the Senior Officer they are paid substitution allowance. We have also taken responsibility for conveying remand prisoners to court. This is an added commitment because it used to be performed previously by the Police and now it is undertaken by the Prison staff which means that some prison officers have to be called in on such occasions, they have to be called in specifically for this purpose. Also we have had this extra work that the prisoners have been doing outside the prison and this has meant staff shortages and we have needed to employ extra staff on overtime to be able to supervise this. As I say he doesn't give any breakdown but what the Superintendent comments is that the current funds will not meet the expenditure involved and that he is requesting this amount which he considers will suffice to meet the added expenditure to the end of the year. I am not sure that he himself can give a breakdown as to how the £13,000 are allocated, this is what he estimates will cover all his commitments.

HON CHIEF MINISTER:

He is trying to provide until the end of the financial year.

HON G T RESTANO:

I would be grateful if a breakdown could be provided at a later date.

HON A J CANEPA:

I do not think it can, Mr Speaker. What he can do at a later date once we know the total sum of money which has been spent during the year is to say how much has gone on what but we are unable to say how the £13,000 are going to be allocated in anticipation. It will be as things arise. We will have to await events, we cannot anticipate how the allocations will be.

HON G T RESTANO:

But did not the Minister say that one of the reasons was that there had been some staff shortages recently and that they had to pay substitution allowances.

HON A J CANEPA:

I said this was one of the reasons. There has been substitution allowance to be paid when an officer has been acting for a superior but that also means that some people who would otherwise be on leave had to be called in to undertake overtime. This was as a direct consequence of the retirement of the Principal Officer.

HON G T RESTANO:

But hasn't that already happened?

HON A J CANEPA:

It is still going on because the resignations at the end of December have still not been made good. Only recently, last week, have appointments finally been made and perhaps this morning they have taken over or it could be next week depending on when the other employing departments are able to relieve the people that are recruited so it is still an on-going thing. Some expenditure is being incurred at the moment and it may continue for another few weeks until the new staff are recruited. When the new staff are recruited then an allocation has to be made in respect of basic salary and so on to the new members of the staff.

HON G T RESTANO:

Does the Minister have any idea whether it costs a lot for the responsibility of conveying the prisoners to the courts. Is this a large sum?

HON A J CANEPA:

I am sorry, I didn't quite fully get that.

HON G T RESTANO:

Whether the responsibility of conveying the prisoners to court is an expensive business?

HON A J CANEPA:

I am not sure. It just depends on how many people go before the Supreme Court and are not given bail. If they are not given bail they are on remand and a remand prisoner may have to make more than one appearance in the Supreme Court or in the Magistrate's Court and they have to be taken down backwards and forwards by the prison staff. Previously it used to be a commitment of the Police Force.

HON G T RESTANO:

So, therefore, would there be a saving in the Police vote?

HON A J CANEPA:

It doesn't work that way, what might happen is that if the Police establishment stands at 180, if they want to undertake this they might require another two or another three, I don't know.

HON M XIBERRAS:

Mr Chairman, the position then is that we have a small establishment at the Prison which is usually in difficulty because of its numbers, and the Prison takes on extra responsibility and the Police which has, I understand, a full complement of men, well-paid, discharge that responsibility.

HON A J CANEPA:

It is not fair to say that because this increasing commitment which the Superintendent of Prison, let me add, agreed with the Commissioner of Police that he would take over when he has the extra staff, was the subject of staff inspection in the Prison during the summer of 1977. Account was taken of this commitment and the full establishment of the Prison does reflect and does take account of the fact that this is a commitment which they have taken on.

HON M XIBERRAS:

I appreciate that, Mr Speaker. My point is that we do have also a full complement of Policemen and that that is a bigger number, as it happens, than people at the Prison and as the Minister knows and I know, the staff in the Prison which is small, is subject to big fluctuations.

HON A J CANEPA:

Yes, and no doubt I am sure that with co-operation from the Commissioner of Police, and there is no reason to suggest that we do not get co-operation, the point that I want to make clear is that if our problems arising from having to convey prisoners to the court, were to be insurmountable because we have a great incidence of sick leave or resignation or what have you, I have no doubt that in those circumstances the Police would take over the duties.

Item 9 Head 19 Prison was agreed to.

Item 10 Head 23 Secretariat.

HON MAJOR R J PELIZA:

The note under sub-head 1 - Personal Emoluments says: "To provide for 11 new posts in Secretariat as recommended in the Staff Inspection Report." Can someone on the other side, Mr Speaker, give us a breakdown of these 11 new posts?

MR SPEAKER:

This has been given to the House in the statement made by the Chief Minister.

HON CHIEF MINISTER:

I have given a very detailed statement of the re-allocation of duties in the Secretariat, the strengthening of some part of it, and the creation of the post of Establishment Officer and we voted a token on that and of course the posts now have all gone through the Public Service Commission and people are getting into posts, some of them are, others are just being selected and getting into them and of course money for their pay will be required but this was the subject of a detailed statement I gave to the House just before the summer recess.

HON MAJOR R J PELIZA:

I cannot recollect exactly where these new posts were going to be filled.

HON CHIEF MINISTER:

It was the restructuring of the whole Secretariat. I spend some time there but I cannot tell you where all the bodies are but I know that many routine decisions are now taken at a lower level in order to release, the higher executives to be able to have more time to devote to the hard work that falls on that department. For example, the Administrative Secretary has been released from his post as Establishment Officer. There is now an Establishment Division separate from the Industrial Relations Officer's department. There is a Head of the General Division, and I can tell you that things get through much quicker and there are much more documented. Before, any Head of a Department would send a paper for inclusion in Council of Minister and it was seen by the Administrative Secretary in draft form and it was seen by me and it went into the machine for the Council of Ministers and then all the information was required. Now, the matter is processed and the whole background to the subject is gone into and papers to Council of Ministers take much more information which would otherwise require the presence of senior officers to answer. The machine was really cracking with the very heavy work arising from the blacking in 1974 and subsequently the parity negotiations and of course the Administrative Secretary was involved with the Working Parties and other matters which has taken a considerable amount of time in this work and there has been at least considerable delegation. His office was said to be sometimes the stumbling block of things but now papers go through departments without having to get stuck in one office. I will bring, if necessary, a Schedule at another time for Honourable Members to know how the machine works and make it available to Members.

HON M XIBERRAS:

I would appreciate that, Mr Speaker. We used to have Staff Lists and even diagrams of various department, namely who was responsible for what within the department. Mr Speaker, is this £51,000 a distribution of that amount of money between 11 people or is it an upgrading of certain officers in certain posts and if it is not is it a creation of new posts and is the cost of the old ones still excluded from that £51,000?

HON CHIEF MINISTER:

I presume it is all included there because there are a number of posts that have been upgraded, quite a number of them.

HON M XIBERRAS:

In the case of the upgrading of a particular post has the old post been abolished?

HON CHIEF MINISTER:

No, if there are new posts you do not abolish the old post, what you do is you put somebody else below and somebody else above.

HON M XIBERRAS:

In fact what you are doing is not upgrading but creating new posts.

HON CHIEF MINISTER:

Restructuring and upgrading. Some posts are new and some posts have been upgraded. That is the point.

HON M XIBERRAS:

There are two points here, Mr Speaker, one is the question of responsibility, the other, the question of numbers recruited into the service. The number of posts.

HON CHIEF MINISTER:

That is right.

HON M XIBERRAS:

As the Honourable the Chief Minister knows we showed an interest in this at an earlier stage.

HON CHIEF MINISTER:

It was only last week that the Public Service Commission made the last recommendation in respect of Executive Officers and they are now being distributed. There were something like 44 Executive Officers to be appointed.

HON M XIBERRAS:

Mr Speaker, sub-head 13 - Printing and Stationery. On stationery, £28,000, increased cost of stationery and printing of the Gibraltar Gazette and supplements. Is this the best price that can be got?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

It isn't only for printing the Gibraltar Gazette and supplements, it is for increased costs of stationery which is one of the areas, like drugs, which seems to go up virtually with every order. An additional £11,000, for example, is required for the purchase of machine adding rolls, carbon paper, typing paper, duplicating paper, foolscap, general stationery. Another £5,500 will be needed because much greater use is being made of the Rank Xerox process. Increased costs and distribution of publications available locally, for example, to the newspapers and this sort of thing, and then Gazette Supplements, £9,000. This is for increased printing and re-printing costs, the costs have gone up, but in addition to that there is an increased number of supplements and of the number of pages in the Gazette. I think that some of the Tender Notices seem to be rather long and get printed in the Gazette and that, perhaps, is one of the contributory factors.

HON P J ISOLA:

This is, I suppose, a classical case of a private employer giving parity and charging the Government for it. Would that be the case here?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Not in this case because we have our own process. It will be for the materials for the photocopying process that we have in the office, I think, and I will correct that if it happens to be wrong.

HON M XIBERRAS:

Is Rank Xerox used extensively now in Government?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

In photocopying, quite extensively.

MR SPEAKER:

Are you asking whether the firm is being used or the process?

HON M XIBERRAS:

Somebody mentioned Rank Xerox and I wondered whether it was a new process or a new way of doing things and whether this was being used extensively by Government.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

If what I think this means, and I would check this if it is wrong, is that we have a Rank Xerox process in the Government itself which we use now extensively for the reproduction of particularly, the Estimates, for example.

MR SPEAKER:

Of course the Clerk, quite rightly, has commented to me that the Hansards are all Rank Xeroxed.

Item 10 Head 23 Secretariat, was agreed to.

Item 11 Head 26 Treasury, was agreed to.

Item 12 Head 29 1976 Pay Review.

HON MAJOR R J PELIZA:

Could we have an explanation on this item.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The following departments have applied for additional funds to meet payments under the agreement or the various agreements which reflect the settlement of the 1976 Pay Review. The House voted £7.47m as a block sum and special provision was made in the Appropriation Ordinance for this to be distributed, as needed, throughout all heads. That has almost been exhausted. My information is that over £40,000 of it has already been distributed throughout the various heads of expenditure but there are eight departments with applications for additional funds to meet the cost of various allowances, pay, etc., to their staff directly arising from the settlement and hence the Government has to come to the House for the additional £613,000.

HON M XIBERRAS:

Could the Financial and Development Secretary give a breakdown of these departments bearing in mind the nature of the sum being asked for?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Customs, £1068; Education, £80,000; Electricity, £113,500; Fire services, £8,719; Housing, £24,662; Medical, £271,140; Secretariat, £80,774; Treasury, £33,377; and of that £32,627 is for the GBC.

HON M XIBERRAS:

Gone are the days, Mr Speaker, when we used to have very long debates in this House about the expenditure of £2m and we used to go backwards and forwards, now, Mr Speaker, we spend on one department £271,000 more and if we had not

asked for the breakdown of it we wouldn't even have known. Mr Speaker, could I ask about the Medical Department, £271,140, it seems to be the biggest. What is that expenditure due to?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Pay Review.

HON M XIBERRAS:

I appreciate that, Mr Speaker, but the Pay Review can cover a multitude of sins.

HON A P MONTEGRIFFO:

Mr Speaker, this is the wonderful parity which they brain-washed the people into accepting, and this is what we are paying - parity. These are the salaries they are getting now and this is the difference between the salary they were getting before and now and we are also paying overtime and the other allowances at an increased rate following parity.

HON M XIBERRAS:

Perhaps, Mr Speaker, the Honourable Members would give an account of this £271,000 because just to say parity is not sufficient for Honourable Members on this side. For instance, if it is agreement on overtime we would like to know.

HON A P MONTEGRIFFO:

Mr Speaker, what I am trying to say is that this includes the overtime that has gone up not in terms of hours but in terms of the rate because the wages and salaries have gone up. Let the Public Accounts Committee ask my Controlling Officer where these £271,000 have gone to, if they wish. It is wrong for me to bring a whole list of members of the staff, what they are getting, what they are not getting, I think this is nonsense, with respect.

HON M XIBERRAS:

Mr Speaker, I appreciate that but I think the House has already been in trouble over this sort of blanket kind of provision.

HON CHIEF MINISTER:

No, it is by not bringing it here that it can be in trouble.

HON M XIBERRAS:

Well, Mr Speaker, once it is brought here it is not going to be just rubber stamped. £271,000 in respect of the application of parity since the 1976 Pay Review. Was this not foreseen at the time of the review or does it have to be paid before the end of the year. What is it for?

HON A P MONTEGRIFFO:

Of course it was foreseen and we asked for the money as all the other departments have asked for the money.

HON M XIBERRAS:

Why is it additional, this is the point?

HON A P MONTEGRIFFO:

Additional to what? When we put down an amount of £7m or whatever it was, it was in a way a token figure, an estimate.

HON A J CANEPA:

What has happened is that in working out the amount of arrears and retrospection, the first thing that was done obviously which was the most straightforward, was on the basic salary. That would have been paid last summer but then you have got the departments where there are all sorts of complicated allowances being paid, there are premium rates of overtime in the Medical Department even within the 40-hour week because nurses and sisters work on a Saturday and a Sunday within the 40-hour week nevertheless they are paid premium rates, and that is the more difficult aspect to calculate and that would be less until a later stage and that is now what we are probably coming to the House for, the £271,000 probably reflects the arrears in respect of the second part of the exercise.

HON M XIBERRAS:

I am grateful to the Honourable Member for that, that is the explanation that we were asking for, was it in respect of agreements concluded before in connection with parity or had new agreements been concluded. In respect of the Medical Department is there any new agreement which has been justified under parity, but which was not agreed to originally?

HON A J CANEPA:

What I have explained all emanates from the first, if you like, the major parity agreement signed six or seven months ago, and it is significant that all the departments or nearly all the departments which the Honourable the Financial and Development Secretary mentioned are, by and large, departments where there is a fairly high level of conditioned overtime, of essential overtime, and where there are all sorts of allowances being paid. The Electricity Undertaking, Customs, Fire Service, where they work 56 hours but are conditioned to 48. They are all of that type but they all emanate from the original agreement and it would be difficult, I think, to say what there is there which might be as a result of any agreements dealing with minor matters which might have been sorted out in the last few weeks or few months.

HON P J ISOLA:

I would like to ask just one short question on this item from the Minister for Public Works and that is whether there is any sum included in that supplementary provision that we are seeking to vote for now that can be termed social overtime, in accordance with his definition in the budget speech last year. In other words, has it stopped or does it continue?

HON M K FEATHERSTONE:

I think the Honourable Financial Secretary gave a whole breakdown and the Public Works was not included in it.

MR SPEAKER:

That is a short answer to your short question.

HON P J ISOLA:

I didn't listen to the Financial and Development Secretary very closely, I usually do but my mind was wondering. I think it might be out of order for me to ask the Minister this question so I will keep it to the budget.

MR SPEAKER:

Which question?

HON P J ISOLA:

Whether there is any element, really, that we are not voting for, Mr Speaker.

MR SPEAKER:

There cannot be because no amounts have been sought by the Public Works Department.

HON P J ISOLA:

I know and that is why I am out of order. I will ask in the budget.

Item 12 Head 29 1976 Pay Review, was agreed to.

Schedule of Supplementary Estimates Consolidated Fund No. 4 of 1978-79, was agreed to.

Improvement and Development Fund Schedule of Supplementary Estimates No. 4 of 1978/79.

Item 1 Head 102 Schools.

HON P J ISOLA:

The marginal note says: "Required to meet cost of materials ordered". Is it envisaged that it will be paid before the end of the financial year?

HON M K FEATHERSTONE:

We are in advance of schedule and we are paying more things than we estimated we would have to pay. It is ODM money.

HON P J ISOLA:

If it is not going to be spent during this financial year what is the point of seeking the approval of the House?

HON M K FEATHERSTONE:

We are going to spend it, the materials are here, the bricks are here and all sorts of things are here.

Item 1 Head 102 Schools, was agreed to.

Item 2 Head 105 Miscellaneous Projects.

HON G T RESTANO:

Could I have some details of Sub-Head 13 regarding the compensation payable to the Stevedoring and Cargo Handling Company?

HON A W SERFATY:

This compensation is payable to the Stevedoring Company because Government has given them notice to quit their present premises which are going to be converted into the offices of the Port Department.

HON G T RESTANO:

Mr Speaker, was not alternative accommodation offered at one time to the company which they refused?

HON A W SERFATY:

No, the alternative accommodation, Mr Speaker, was for the workers living there, not for the messing facilities.

HON M XIBERRAS:

Is this the reprovisioning their offices at the crossroads?

HON A W SERFATY:

For messing facilities.

HON M XIBERRAS:

Which are those?

HON A W SERFATY:

Lavatories, showers, etc, which they have there and have to be provided elsewhere.

HON M XIBERRAS:

I see, and that costs £11,000?

HON A W SERFATY:

It is more but that is the compensation we are paying.

HON M XIBERRAS:

Who, in fact, negotiated this sum with the Company?

HON A W SERFATY:

The Government.

HON M XIBERRAS:

But who in the Government? I am sure it wasn't the Minister.

HON A W SERFATY:

In a way, yes, the messing facilities have been discussed by myself at meetings and the Attorney-General was also brought into it.

HON M XIBERRAS:

Mr Speaker, I just wondered because there is a lavatory there which I seem to remember. I don't know whether Honourable Members are aware of this, I have worked in that area and I know. Would the Honourable Members know, in fact, what they are giving £11,000 for? There is a wooden hut, I think it is on wheels, I don't know.

HON A W SERFATY:

We are not talking of a wooden hut, we are talking of a brick building which is now going to be converted into the Port Office. It is a substantial building.

HON M XIBERRAS:

And where is it?

HON A W SERFATY:

At the end of the road at North Mole on the right. I couldn't say who built that building.

HON P J ISOLA:

Sir, Sub-Head 14 - PWD Workshops/Garage - £70,300. Am I right in saying that this now has to be paid for by local funds because of the change of opinion by the Government as to where it was to go? What about the demolition of the Old Refuse Destructor and the Home for Social Misfits?

HON A W SERFATY:

They have now been reprovided.

Item 2 Head 105 Miscellaneous Projects, was agreed to.

Item 3 Head 108 Port Development, was agreed to.

Item 4 Head 109 Marina Development, was agreed to.

Item 5 Head 113 Telephone Service.

HON P J ISOLA:

I am not quite clear. Are these the extra switchboards that we were told were already in but are not in, what is it exactly?

HON DR R G VALARINO:

Mr Chairman, if you read the explanatory comment, the first one is the amount required to complete the project, the second one is the amount required to meet the cost of the lowest tender for strengthening the floor so that the switchboard can be installed and the last one is the fees payable to the consultants who came here to advise us.

HON P J ISOLA:

I take it this is to do with the semi automatic international service which will be in effect in April, in other words, when the satellite is operational in April. Will we have all this done by then and the extra lines operational and everything with the backup in the telephone exchange to meet the increased number of people dialling? Is that the position?

HON CHIEF MINISTER:

People dialling in England.

HON P J ISOLA:

Yes. or from Gibraltar out.

HON CHIEF MINISTER:

Well Gibraltar should be semi automatic.

HON P J ISOLA:

Yes, but the extra switchboards will mean that people will get answers more quickly from the telephone exchange, is that the idea?

HON DR R G VALARINO:

That is right, the extra switchboards are not included in this. If you look at one of the statements of reallocation you will find it in that one.

HON P J ISOLA:

On the question of the consultants is it the consultants on this thing or is this the international for the automatic?

HON CHIEF MINISTER:

The consultants were appointed at short notice by us without reference to ODM in order not to lose time so that we would have all the necessary materials and pros and cons before the Working Parties in order to be able to make sure that we were on the right lines for the satellite. We wanted an immediate feasibility study on the matter and going through ODM would have taken a long time and it was politically convenient to have the thing done quickly.

HON M XIBERRAS:

Mr Speaker, this means in fact that the decision on the equipment itself or rather the decision to pay this for the strengthening of the floor will mean that there will be no delay attributable to the Government for the introduction of the satellite, or has there been a delay?

HON DR R G VALARINO:

There hasn't been any delay at all. In fact, if you look at the statement of re-allocations (No 3 of 1978/79), you will find there in warrant 6, 113 Telephone Service, the £20,000 required to meet the cost of a six-position switchboard and ancillary equipment, which is this one.

HON M XIBERRAS:

Unfortunately, Mr Speaker, we cannot discuss these virements at this time but that would appear to me to be the more important for the House to discuss, in fact, the provision of the machine rather than the strengthening of the floor. Mr Speaker, perhaps I might be allowed because there has been discussion about this in the House, a decision has been taken to order, I take it, and that is why the strengthening of the floor is necessary. Has the type of machinery to be ordered been decided upon?

HON DR R G VALARINO:

We are strengthening the floor of the telephone exchange to instal the six-position switchboard and ancillary equipment in addition to the one we already have at the moment which is in the process of being completed.

HON M XIBERRAS:

I see, but the Minister mentioned a virement. Machinery had in fact been ordered and I am asking him about what type of machinery they want.

HON DR R G VALARINO:

The machinery for connecting the lines to the new exchange.

HON M XIBERRAS:

That has been ordered?

HON DR R G VALARINO:

Yes.

Item 5 Head 113, Telephone Service, was agreed to.

Schedule of Supplementary Estimates Improvement and Development Fund No. 4 of 1978/79, was agreed to.

The Schedule was agreed to and stood part of the Bill.

Clauses 2 to 5 were 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 Court of First Instance (Amendment) Bill, 1978 and the Supplementary Appropriation (1978/79) Bill, 1979, have been considered in Committee and agreed to, the first with amendments as shown and the second without amendments and I now move that they be read a third time and passed.

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

HON CHIEF MINISTER:

Mr Speaker, in welcoming the Attorney-General I omitted on behalf of all Members to record our congratulations to the Clerk of the House for the honour he has received in the New Years Honours.

MR SPEAKER:

And on this happy note we will recess till tomorrow morning at 10.30.

The House recessed at 9.50 pm.

TUESDAY THE 27TH FEBRUARY, 1979

The House resumed at 10.45 am.

PRIVATE MEMBERS' MOTIONS

HON J BOSSANO:

Mr Speaker, I beg to move that; "This House welcomes Government's decision not to proceed with revised tenancy agreements for new tenants at Varyl Begg Estate on terms which would have effectively deprived these tenants of their normal tenancy rights and considers that tenancy agreements of this type should not be introduced at any future date." Mr Speaker, this motion replaces one which I gave notice on the 6th of February where at the time it looked as if Government intended to go ahead and insist that tenants who had signed a normal tenancy agreement should replace the normal tenancy agreement by the revised one and tenants who had not yet been allocated a house or who had not yet signed a tenancy agreement were being given the revised one to sign. When the tenants were first asked to sign this new agreement they were obviously concerned by the very fundamental changes that there were between the normal one and the one that they were being asked to sign, and following a meeting at one of the blocks I contacted the Minister for Housing and explained to him that there was no way at all that the people concerned would be prepared to sign this agreement because they saw the situation as virtually cutting their own throats, giving up all rights of any description and not only assuming a liability for anything that happened to them but assuming liability for anything that might happen to anybody visiting their home. The Minister said that he would be discussing the matter with his colleagues and the decision was taken not to proceed with this agreement. I don't know quite why the original decision was taken to revise the agreements or even why the decision was taken to introduce that type of agreement because it is quite clear, Mr Speaker, that if the tenants concerned had not been asked to sign a normal agreement by mistake, they would in all probability have signed the revised agreement without knowing that it was a revised agreement because they had just been given a house and the natural thing would have been to sign the agreement fullstop. In any case they would certainly not have been in a very strong position to reject the agreement without having a house already. I think, therefore, that the motion has as its main objective the seeking of a commitment from the Government that an agreement of this type will not be introduced in the future because in fact it is wrong, if one analyses it carefully, to get people to sign an agreement that is in many respects placing an impossible burden on the tenant and to do so at a critical point in time when the tenant who has been on the waiting list for many years has got to choose between signing an agreement that effectively he will not be able to fulfil and being left without a new house. I think, Mr Speaker, that if one analyses the liabilities that the tenants were expected to assume, and I think the most serious one of the lot was the liability against any accidents happening to somebody visiting one's home, which no tenant in any government house would be

in a position to meet because if he were in a position to meet damages of that type, quite frankly, he should be able to afford to live in a home of his own without having to go on the housing waiting list, would put the tenant himself and anybody else in a position without having recourse for compensation for damages. In addition to that it seems wrong that in an estate where there are 650 flats, 500 odd of those flats should have protection, should have certain rights that they can claim from their landlord, should be able to ask for compensation if their property is damaged through structural defects and the other 100 odd just because they happen to have had to wait longer to get a house, they have been without a house for longer, because we know that the people who have had their houses were those who should have had them in September, 1976, so after having had to wait two and a half years to move into a new home, longer than necessary, it is wrong to expect them to move in on inferior conditions to all the people who have moved in before them. I don't want to make this, Mr Speaker, a motion that is critical of the Government for what it has done, that was what the other motion intended to do when I saw the situation as one where the Government was determined to proceed with what they had intended, the motion welcomes the Government's decision not to proceed with the tenancy agreements and I think the Government has got an obligation to do two things, give an explanation to the House why on earth it decided in the first place to try and introduce that type of agreement and secondly, reassure people here and outside that it will not be attempted again.

Mr Speaker then proposed the question in the terms of the Hon J Bossano's motion.

HON H J ZAMMITT:

Mr Speaker, Sir, the Government, of course, welcomes the fact that the Honourable Mr Bossano welcomes the decision of Government in not implementing the intended tenancy agreement and I think, quite rightly, that unless Government was in a position to be able to explain why this was intended to be introduced it obviously could leave a very sour taste. The facts about Varyl Begg, Mr Speaker, are well known to members of this House and I think, indeed, to the general public and in particular to those tenants of Varyl Begg, let alone those who have been pressing the Housing department over the last 2½ years on the existence of vacant dwellings at Varyl Begg without knowing what Government intended to do. In order to maintain brevity in this particular motion I think, Mr Speaker, that no one better than I could explain that the pressure that the department has had over the past 2½ years from those tenants who knew that they had qualified for the sixth phase of Varyl Begg and Block 18, that they were pressing Government because, in all fairness, there was nothing worse and nothing better in the construction or defects of construction or design in Block 18 and Phase 6 or there was no difference at all to the other remaining 5 phases.

Mr Speaker, needless for me to say this matter has been a matter of slow progress because of the technicalities involved in the Varyl Begg dispute.

MR SPEAKER:

We are not going to go into the Varyl Begg dispute.

HON H J ZAMMITT:

I am only trying to explain, Mr Speaker, as I said at the commencement, why Government introduced this. It was not purely a Government whim to bring up a new tenancy agreement for these 140 tenants, it was under no illusion at the time that this was going to be a simple matter, that it was going to have certain complications as later we saw. Mr Speaker, the fact that when we had advice that we could allocate the remaining flats at Varyl Begg that had been closed for 2½ years with the exception of the top floor, we were advised that this could be so, we could allocate the remaining amount of Varyl Begg flats but that Government should have some form of indemnity because we were advised that we should not go into the same predicament that we were having, and may I say that people were suffering, in Varyl Begg. Having said this, Sir, it was then agreed that we should ask the tenants moving into Phase 6 to sign the new tenancy agreement and that it should be done on the understanding that this was of a temporary nature, it was not creating two tenancies within Varyl Begg Estate, it was just to exonerate Government pending litigation or whatever, to be able to dismiss Government from possible claims particularly arising from the conditions we know in Varyl Begg. However, Mr Speaker, due to an administrative oversight it was realised half way through the allocation that tenants had not been asked or invited to sign the new tenancy agreement but had been given the normal tenancy agreement. It was therefore quite obvious that it made things even worse because people were now being asked to relinquish the normal tenancy agreement and enter into a new agreement which could be interpreted as signing your own death warrant, so it was quite difficult to have introduced that. However, I think the Honourable Mr Bossano did mention that possibly this could have been achieved if people who had been waiting for 2½ years plus, because the pressure we have received in housing was "Give me the house irrespective of conditions even if it does leak or what have you," the possibility existed that tenants would have signed this new tenancy agreement and there possibly wouldn't have been the hue and cry that was created as a result of not having asked them to sign at the time of offering, but where things did go wrong was that we asked them to sign after they had signed the normal tenancy agreement. Mr Speaker, it was intended, and I must make this very clear on Government's behalf purely as a temporary measure. Once we would have had the Varyl Begg dispute or problem sorted out, obviously those tenants would have reverted to the normal tenancy agreement

which Government enters in respect of every single normal tenancy. It would have been of a temporary nature and we had to decide on this particular issue on advice received to try and indemnify against possible claims. I think Government agrees that the wording was of particular concern but there we are. Mr Speaker, what we cannot accept on this side of the House are the last words of the motion, ie "and considers that tenancy agreements of this type should not be introduced at any future date." Mr Speaker, that is quite difficult for the Government to accept because circumstances, hopefully, should never arise but they could arise that we could find ourselves in similar circumstances whereby, God forbid, we were again to have houses in such appalling conditions and there could be pressure for the occupation of those houses irrespective of their conditions. If that were the case, there are two options not to allocate but if pressure is such that we had to allocate and I think all members are aware that it is pretty well indefensible in the present housing situation of Gibraltar to have a figure of 140 or even less houses vacant, Government might well have to reconsider introducing if not this type of tenancy agreement some other choice of words not so repugnant to tenants but which would safeguard Government's interests if the need arose. Mr Speaker, we agree entirely with what the Hon Mr Bossano has said with the exception of the last sentence and Government, I feel, cannot commit itself under any circumstances that this would not happen again. We hope it does not have to happen again but if the need arose then I am afraid that we would have to introduce some form of safeguard for the Government.

HON M XIBERRAS:

Mr Speaker, as the Honourable Mover and, indeed, the Minister for Housing must be aware, the Democratic Party of British Gibraltar issued a press release shortly after it came to our notice that the contract in question was being sent to tenants or tenants were being asked to sign this contract and the terms of it were quite categorical and I need not repeat them in the House. Following the withdrawal of the contract by Government, the Party issued a short statement on GBC welcoming the withdrawal but the terms of the motion are indeed not alien to our sentiments, that is quite clear. The contract, we said, was extreme in nature and we thought, in all the circumstances, an unfair burden on the tenants. It was putting them under a great deal of duress bearing in mind that people had been waiting for houses for a very long time. I don't think the Government is in a position to introduce, certainly not in the immediate future, a contract of this kind and as far as my colleagues and myself are concerned, we would not like to see a contract of this kind re-introduced. Whether the Government can commit itself to introduce it or not is a different question, we support the motion because those are our sentiments as expressed in the communique which we issued. I understand the position of the Government on the rather loose wording at the end "this type of contract."

A contract is an individual document and a change in a particular clause can make all the difference to a contract. The sentiment, therefore, is not alien to us, the actual wording does allow Government, if I may put it that way, a loophole through which to escape from supporting this motion. I understand the position of the Minister for Housing. Mr Speaker, despite the fact that most of the motion is concerned with events past and the Government's withdrawal of the contract, I welcome the motion because it points to the question of Varyl Begg and the responsibility. It is not fair to pass on the responsibility of the Government, or Governments, in the affair of Varyl Begg on to the tenants and this fundamentally appeared to be the purpose of the contract. It is not fair that if Governments have not acted in the past for many years now, at this late stage individual citizens should be made to shoulder the responsibility and a heavy responsibility it was as well, Mr Speaker. The contracts spoke about injury or death and so forth and did not define for what time the responsibility was to be carried by individual tenants. Bearing in mind what the saga of Government's impotence in remedying the faults at Varyl Begg, it was all the more punitive a contract and the tenants could not possibly be landed with that responsibility. So, Mr Speaker, we will support the motion and we perfectly understand what the Minister has said but we would like to see from the Government bench a clear indication that they do accept that this particular contract was an extreme contract and even though they are unable to support the motion because of the wording of the last sentence, they should make it clear that they will certainly not in the case of Varyl Begg try to adopt the same expedient again, that is, pass on the responsibility for whatever is wrong with Varyl Begg, or individual flats in Varyl Begg, on to individual tenants. We would like to have a categorical assurance from the Government on that because otherwise, Mr Speaker, the withdrawal of the Government could only be interpreted as a reaction to pressure. We know that this Government often acts in this particular way and we would like to be able to leave the House with the assurance that with all the pressures that are on them in respect of Varyl Begg, they are not going to be tempted to take the same way out. Mr Speaker, I do not know whether the contract would have stood the test of Court and so forth, I do not know whether it would be considered a fair contract, I am no lawyer, the matter has not come to the courts, fortunately, and no harm has been done. Mr Speaker, there is also one final point in question and that is the matter of discriminating as between tenants. Apparently, at one particular stage some tenants were offered this contract and other tenants were not offered or not required to sign the contract and this led to discrimination in treatment as between tenants within the same allocation. That was pointed out in our Press Release, I do not know whether that was a fair proposition, I would suspect that this is not the case, my information may be wrong, but I have had cases of people coming up to me and saying; "So and so has been offered a house at Varyl Begg with

the old contract" and that in itself, if it did take place, raises other issues, if it did not take place I am very glad but I would like to see assurances to the effect that this will not be done again.

HON CHIEF MINISTER:

I am glad that the Honourable the Leader of the Opposition realises that Government cannot support this motion because the Government cannot bind itself in anticipation of any situation which might arise and in which, in the public interest, the Government may see fit, whether you have communiques, whether you have letters, whether you have representations from the opposite side, the Government in its wisdom may think that it has to carry on. Let me say that the sequence of events in this matter are entirely unrelated to either the intervention of the Honourable Mr Bossano or the Press Release of the Honourable Leader's Party, though perhaps we might be here on a different kind of motion if things had turned out the way we wanted it, let there be no misunderstanding. The point was that in anticipation of the allocation of the flats, we were advised there were certain dangers and we asked the Legal Department for a contract which would indemnify the Government in taking the risk that they were taking after two years when the flats were empty, on the advice of the consultants, and as the communique said due to an administrative error arising mainly out of the fact that the Housing Manager was away on leave and he did not take notice of the fact that he had been instructed that new tenants would have to have this contract, they were so anxious to give out the houses that had been held up for so long, and they gave out contracts in the usual manner because it had not come to the knowledge of the Housing Manager that those were the instructions which he had to follow. So let there be no misunderstanding about it, there was no deliberate discrimination. There was no deliberate discrimination either in respect of flats or in respect of individuals. It was just that when they started to be given it had not reached the knowledge of the Housing Manager that a new form of contract was expected of tenants. The other point I have to raise is that it had been explicitly agreed that the new tenancy agreement would be explained to people and they were not and by the nature of things the normal tenancy agreement is a two page simple contract with a list of things you never do, about not having pets and so on and that the other one was a much more elaborate one prepared by the Legal Department and, of course, being prepared by the Legal Department they made sure that nobody could go back to the Legal Department and say "You have left this liability out." Therefore it was rather a draconian contract, I am prepared to admit this. This was the advice that we were given in the circumstances and on this we acted. Once it was discovered that a number of people had already been given a flat with the old contract and then they were given, I believe, a week's notice to change the contract, that, really, was a most unrealistic

approach to the matter because nobody in possession was going freely to sign that contract. If, in fact, for the need of having a house and once the matter was explained people, with their eyes open, wanted to go into those conditions that was a matter for them, they might have taken legal advice, they might have said; "I agree to paragraph so and so but I don't agree to other ones," that would have been a matter on which representations would have been received on individual contracts. We know there was anxiety to take the flats, we did not want to take advantage of that, what we did want was to safeguard the interests of the Government on the advice given by the contractors. What we could not allow, communicate or no communicate, we could not allow a set of circumstances where people in exactly the same circumstances because of an administrative error, some were in a better position than others and that was a matter for Government which was rectified as soon as it was noticed and we said everybody must be on the same contract and the indemnity which we were seeking we must forget and carry it ourselves. Let us hope that there will not be any need to come to this House to ask for money for compensation to anybody who has a claim arising out of that, which would not arise if he had signed the contract. That is why we cannot agree with the latter part of the terms of the motion but, certainly, we will undertake as it happened and as things would have happened properly it would have been brought to the notice of all tenants the same as when you go and visit a magazine or something else you are expected to sign an indemnity that you go at your own risk or when you visit a workshop or something like that it may well be that in some cases the Government be it in housing, be it in another case, the Government may be compelled. There is such an undertaking, I believe, asked for when visiting part of the waterworks where there are certain risks, even though it is quite normal to go there. True, there are different considerations in respect of flats, everybody who is given a flat should expect to be in the same conditions as everybody else, I agree. We were anxious to give the flats and we were anxious not to incur further responsibility having regard to the experience that we have had in previous cases. My attention has been drawn to the fact that in social cases and in cases where we have very bad accommodation to offer but it is better than nothing for the people in certain circumstances who are not entitled to accommodation but are homeless or there is a social problem which has to be solved, the Government does ask them for an indemnity in respect of that and that, I think, is why in fact we cannot ourselves be bound by that. I hope the explanation will be understood even if it is not agreed to. There was an administrative error at some stage which made the thing perhaps better because otherwise everybody would have signed and then there might have been trouble after. I agree with that point but on the other hand things being as they are perhaps with the explanation given by the Honourable Member, he might be inclined to think that the matter has been sufficiently aired and withdraw his motion.

MR SPEAKER:

If there are no other contributors to the motion I will call on the Hon Mr Bossano to reply.

HON J BOSSANO:

Mr Speaker, the explanation, to my mind, does not invalidate the commitment that is being sought from the Government about not introducing this type of tenancy agreement again in the future. I think that the wording does not, in fact, tie the Government down to anything other than not repeating what they attempted to do in this occasion and as regards an indemnity which the Government says the tenancy agreement attempted to achieve, in fact, it is one thing to sign a normal tenancy agreement with a tenant and say to the tenant: "Look, we know that the house is damp and we know the dampness may damage your clothes and therefore since we are not prepared to give you a house and have to pay for your clothes for the rest of your life, if you sign an indemnity saying you won't claim for any damaged clothes we are prepared to offer you a house on that condition with all your normal tenancy rights except that if other tenants can claim for damaged clothes you cannot," and you add that condition before the tenant signs the normal tenancy agreement. But of course this was not a normal tenancy agreement and this wasn't just an indemnity, this was something where the tenant assumes all liability for everything including the block collapsing on top of his head and that goes far beyond anything that can be expected of anyone in any circumstances. The motion welcomes the decision of the Government not to proceed with the agreement and I must qualify my welcome, Mr Speaker, because I see now that the Government is doing the right thing for the wrong reasons. I thought that they had decided not to proceed because they had had second thoughts about the morality and the wisdom of that type of agreement and having had a second look at it they had decided, not because of any communications and not because I came out to see the Honourable Minister, not for pressure, but because it is right to review decisions and it is right to admit mistakes and if it was a mistake to introduce that type of agreement and one reviews the decision, then it is not a question of saying: "I want to notch up the credit for myself," but in fact if the credit is due to anyone the credit is apparently due to the person who made the administrative error. I think if any communicate has got to come out putting credit, the credit should go where it is due, but that is the wrong reason to my mind, Mr Speaker, for not proceeding with the agreement. I think that the Legal Department may have produced an agreement which was 100% watertight from a legal point of view. The Government, I think, composed as it is of politicians, must in any circumstances weigh up what is wearable, what people will tolerate, and that type of agreement is not really wearable because whatever technicalities may be involved in a string of hypothetical conditions which might never materialise, it

really does send the shivers down the spine of anybody who is reading it because it talks about including the death of anybody visiting your house. I think this is essentially what my motion seeks to impress upon Government, that an agreement of this type is not something that really can be expected to be introduced without causing an upheaval even in fact, I believe, even if the error had not been made and even if people had signed it in order to get the house once they were with that house and that key in their hand and they were inside, they would still have tried to get the agreement reversed, Mr Speaker, in my judgement. Of course, the Government would not have been in the position then to reconsider the thing because of an administrative error, they would then have had to consider it on the merits of the case and what I am asking the Government to do with the motion is precisely to look at the merits of the whole thing and if they need at any future date to protect themselves in some measure, then to do it in some other way than through a tenancy agreement because in fact at the time when I had the meeting with the Honourable Mr Zammitt which was a couple of days after the agreement was produced, he explained what he has explained to me today and I said to him; "All I am asking you on behalf of the tenants is in fact to suspend any action on this matter to see if there is a way in which, by agreement between the Government and the tenant, a different form can be found which gives Government the protection that it needs," and I think that is the right way to proceed about it. The other aspect of this matter which I think is unrelated really to what the motion is all about is the question of the liability of the Government in having rented these flats. I am totally confused about this situation because the houses were kept empty for a very long time because the Government was getting legal advice that to rent the flats would make it more difficult for them

MR SPEAKER:

You must be careful that you are just exercising your rights of reply and you are bringing in a new matter which the Government will not be entitled to speak on.

HON J BOSSANO:

Mr Speaker, the point that I am taking up is the point that has been made that the Government gave out the flats in the last phase because of the pressure of the tenants.

MR SPEAKER:

Well, that is a matter you could have brought up when you were moving the motion.

HON J BOSSANO:

I have not brought it up, Mr Speaker, it was the Minister for Housing who said that the tenants were pressing so much to be given a house, that he knows it personally because the pressure has been put on him, that the Government decided that they had to go ahead and allocate rather than keep the houses empty any longer.

MR SPEAKER:

Perhaps if you give way the Minister could explain.

HON H J ZAMMITT:

It was certainly pressure from the general public in the allocation of flats and it was only until after the advice of Andrews, Kent and Stone who advised us that we could now continue to allocate the flats at Varyl Begg Estate with the exception of the top floor and I think I made that quite clear, Mr Speaker.

HON J BOSSANO:

That is the point that I am taking up, Mr Speaker. In fact, I understood the situation to be that the advice that the Government had had was that the flats could not be allocated without Government incurring a liability for those flats which they would not be able to obtain compensation from the contractors on originally. Then they got advice after a considerable time that in fact they could allocate them and not incur a liability, at least this is how I understood the statement that was made at the time announcing the decision to go ahead and allocate. Now it seems that they are incurring a liability because they want an indemnity from the prospective tenants so what is the situation now, in what way is it different from what it was immediately after the blocks were constructed? That is an aspect which is not really what the motion is about but which has been reflected in what the Minister said about being able to allocate now whereas they were not able to allocate before and yet nevertheless needing an indemnity when, presumably, the original reason for not allocating was the fact that there was a liability and consequently the need for an indemnity.

HON CHIEF MINISTER:

If the Honourable Member will give way. It isn't that way that things have happened. It is in connection with our claim against the consultants and/or contractors that we were advised and we could now allocate these flats not on the basis of the claim against the Government which we knew might be made, in fact, could be made from other sources too, but it was in connection with our withholding the granting of those flats lest our legal position against the contractors and the consultants might be prejudiced. It was against that possibility that we were advised that we could allocate these flats except the top floors.

HON J BOSSANO:

So in effect the tenancy agreement has nothing to do with the dispute between the contractor and the Government?

HON CHIEF MINISTER:

It has everything to do with it but the sequence of events as to why they were allocated later rather than earlier was because we were advised after the last consultancy that despite the difficulties and despite the issues that could be raised, we could, without prejudice to the case of the Government against either of them, we could proceed to allocate those flats. We have not allocated them lest we would prejudice our case against the contractors and the consultants. As a result of the latest advice we got from the latest consultants who went into the matter, we were advised that it would not prejudice our case, whatever case we might have against the consultants or the contractors, if we allocated those flats except the ones at the top floor.

HON J BOSSANO:

Mr Speaker, I would then assume logically that if the Government could allocate these flats without having its case prejudiced, then any compensation the Government could claim would include all liabilities and therefore it would not need an indemnity. That is what I would assume. One can obviously go on arguing these things, till the cows come home and we are not going to get any nearer but it is quite obvious to me that the explanations that have been given at different points in time do not fit entirely each other and there seems to me to be a gap between the explanation as regards the position of the Government today and the position of the Government initially which I can understand that it is a different one, and the fact that the Government still today needs to protect itself against liabilities when its case has not been prejudiced.

HON CHIEF MINISTER:

We haven't got 100% security that our case would be established and therefore it would stand as a second one.

HON J BOSSANO:

Yes, I can see that now. In fact, it is an added protection that the Government is seeking here just in case the contractor produces some liability on the part of Government to protect itself against that portion of the liability.

HON CHIEF MINISTER:

Well, certainly in this case it is not a question of liability of repairing the flats but the liability for damages for people occupying the flats which is a different thing.

HON J BOSSANO:

One assumes, Mr Speaker, that in its case against the contractors the Government, I think has been said, would include all sorts of things including loss of rent.

MR SPEAKER:

What the Minister is saying is that they were not quite sure whether any damage suffered by any of the tenants as a result of the conditions of the flats would be covered by the claim against the contractors or the architects.

HON J BOSSANO:

Well, to that extent of course then, Mr Speaker, the tenancy agreement is not something the Government needs in its dispute with the contractors. It only arises if the Government were to include in its dispute with the contractors, compensation for any claims it has received from tenants and that part of the thing was lost, only to that extent. Mr Speaker, I cannot in fact withdraw the motion for the reasons I have explained, I welcome the Government's decision but I think it should have been a decision arrived at on another basis and I don't accept that by giving a commitment that this type of tenancy agreement will not be introduced, the Government is binding itself to do anything that would inhibit its ability to achieve a measure of protection in some other way and I think the way that it can be done is the way that it is done with other tenants in other circumstances like the Honourable Member mentioned where social cases may be put in adequate premises that may be damp and they are told that the premises are damp and they accept that they are going into a damp place because it is better to have a roof over their heads than nothing at all, but they still sign a normal tenancy agreement and certainly nothing like the one that was attempted in Varyl Begg. I think that was a misconceived idea and it should not be repeated and that is the essence of what the motion seeks to obtain, Mr Speaker.

Mr Speaker then put the question and on a vote being taken the following Hon Members voted in favour:

The Hon J Bossano
The Hon Major R J Peliza
The Hon G T Restano
The Hon M Xiberras

The following Hon Members voted against:

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 J B Perez
The Hon A W Serfaty
The Hon Dr R G Valarino
The Hon H J Zammitt
The Hon D Hull
The Hon A Collings

The following Hon Member was absent from the Chamber:

The Hon P J Isola

The motion was accordingly defeated.

HON J BOSSANO:

Mr Speaker, I beg to move the following motion: "This House is concerned at the continuing failure of Government to correct the defects in the Tower Blocks and considers that an independent survey of the whole structure should be conducted and the results made public." Mr Speaker, the state of the Tower Blocks was raised by me in a motion in November, 1977, when there was quite heated debate and I was more or less accused of have fabricated the whole problem of the Tower Blocks. In order to ensure that I am able to speak with a certain amount of authority on the subject on this occasion I have taken the trouble to visit each individual flat which took me about nine hours, Mr Speaker, and I have seen the defects myself and those defects have not been caused by the heavy rains of this winter, Mr Speaker, because in a number of cases all the floor tiles have been lifted, there are whole walls covered in mould which doesn't grow in a week, there are very many flats with water coming in around the window frames, there are very many flats with the same walls cracked in the same position in the same flat, one flat placed above the above. I am no surveyor but I have taken the trouble, Mr Speaker, to go to all the flats of all the people who said they had a complaint to make and to make a note of the defects, I am sure that the Minister can get one of his technical experts to do a much more efficient job of surveying all those flats than I can but I think it is important that it should be somebody from outside Government service so that the minds of the tenants can be put at rest if, in fact, the Government does get a report that says that there is nothing fundamentally wrong with the blocks. There is no doubt, Mr Speaker, that the blocks are in a terrible state, they are in fact on their way of becoming slums. The general state of disrepair of these blocks is something which compares unfavourably, I think, with some of the older housing estates. There is undoubtedly a need to be able to increase the amount of maintenance work being done on Government buildings and this is something, of course, that the Department, in conjunction with representatives of the labour force, is looking at at the moment but I think that notwithstanding that and the fact that it may be possible to improve the quantity of maintenance already being done by organising work in a different way, there is no doubt in my mind that very little or practically nothing has been done in over a year since the motion was brought to the House. The previous motion was treated simply as scaremongering as indeed very often many things that are said are treated and not looked at on its merits as a reflection of a genuine situation that existed there, that the tenants were genuinely worried about the situation. It

isn't just the walls inside the flats that are cracked, it is also the walls in the corridors that are cracked. It may be that cracked walls all over a block do not imply structural damage but I would put it to the House, Mr Speaker, that most of the tenants would think that it implies that there is something wrong with the structure. It may well be that waking up in the morning and stepping into a pool of water does not imply that there is fundamentally anything wrong with the blocks but I would put it to the House that most tenants would think that there was and the situation is one which has been going on for a very long time and there are very many tenants, Mr Speaker, who have got long correspondence with the Housing Department and with the Public Works Department pointing out the things that are wrong. In the number of flats that I visited the electricity had been affected by the water penetration and we are not just talking about dampness, we are talking about walking into flats and the Minister can go there for himself like I did and spend two days going round flats and see water coming out of chandeliers in rooms. It may well be that there is no danger of people being electrocuted because, in fact, I remember that the last time that the matter was debated in the House the whole thing was being treated as an attempt by a local newspaper to blow up the whole thing, well, on this occasion, of course, the same accusation cannot be made and when the newspaper does come out which it will very shortly, Mr Speaker, then, no doubt, the accusation will be made against it as I am sure that the newspaper will want to make up for all the time that it has been out of circulation. Now that the Honourable and Learned the Chief Minister has been able to rest from the newspapers in question he should have recovered himself to withstand any new onslaught that they produce. Therefore, Mr Speaker, the matter is one where it isn't just a question of things being blown out of context, it is one where the tenants have been very patient and very longsuffering because the matter was debated in the House and it got to a stage where I was beginning to have doubts in my own mind about the accuracy of some of the information that has been put in my way. This is why on this occasion I have been to see the flats myself and it is true that the water comes in through the points and if that is not dangerous then if it was happening in my house, Mr Speaker, and I would put it to Members here, if it was happening in their house, they would be worried about a situation like that. There seems to be a particular pattern to the way that the water comes into these flats which would indicate to somebody with a limited knowledge about structure that there is a fault along which the water is travelling because the flooding of the flats occurs on flats that are placed one above the other on the same windows and coming in from the same walls. In a number of flats people are paying for a 3-bedroom or a 4-bedroom house and using the living room and this again is wrong, that people should be expected year after year to pay for rooms that they cannot use. They have got their furniture dismantled and stuck in the living room because most modern

furniture is made of this compressed wood that tends to act like blotting paper and if they left it in the rooms where there is dampness the whole thing would be useless, they would have to throw it out. These are matters which in my mind Government has got normal tenancy agreements in these places and if in fact the Government was concerned about possible liability arising out of the new phase in Varyl Begg, then I would say that if all the tenants in the Tower Blocks started totting up the damages of having to have lived in those premises for the way they have in the last few years, then the liability would be enormous. They haven't done it but apart from that an even more serious consideration is that if the problem is there and it is getting worse and that is the information that I have had from practically all the tenants that I have been to see, that the problem has not been improved, that it wasn't remedied in 1977, and that every winter is worse than the previous winter which suggests to me that we have a deteriorating situation there and it suggests to me, Mr Speaker, that if the Government doesn't do something to put the thing fundamentally right today, then it might be either impossible to put it fundamentally right in a few years time and if it is not impossible it is certainly going to be ten times more expensive and if they had done something a few years ago it would have been less expensive than it would be today. I think it is in Government's own interest in getting value for money, to tackle the problem even if it means spending more money now to put the things right rather than to do a patch-up job, rather than simply to put on a coat of paint as soon as spring comes and then the paint will peel off in the heat of the summer so that it is nicely peeled away by winter so that they can have another flooded winter in those homes. It is no good repeating the same medicine year after year if the same medicine is patently failing to produce results and the problem of the floods are getting steadily worse and there are more people affected every year and I have been to a number of flats and I can see for myself, Mr Speaker, that there is a progression, is almost like an evolutionary cycle, you can see the flats today there that are going to be like the worse ones in two or three years time because the dampness has started in the same places in the same bedrooms. You can see the ones that have started like that a few years ago that today have got all the walls covered, have got to put blankets under the window sills, have got water pouring into skirting boards, have got cracked walls and lifted floor tiles and a situation like that shouldn't be allowed to persist year after year, Mr Speaker, so I think it is very important that the Government treats this motion with the seriousness that it merits and that it takes immediate and dynamic action to get to the root of the matter and put it right before it finds itself with an unmanageable problem on its hands.

Mr Speaker then proposed the question in the terms of the Hon J Bossano's Motion.

HON M K FEATHERSTONE:

Mr Speaker, when the last motion was before the House there were certain allegations made which I think I scotched at the time. These allegations were, was there something wrong with the foundations of the Tower Blocks, and were we going to lop off five floors because they were a danger to the RAF. I did say at the same time that we were going to continue our investigations into the steel structure of the Tower Blocks as we do with all buildings that have a steel structure. I stated that as far as the information we had at the time there was no danger with the structure whatsoever but this of course did not mean that we would not continue our efforts to look at it. I am fully sympathetic with the situation in the Tower Blocks, I know there is considerable dampness, that this dampness is increasing and my Department is more than a little concerned how we can remedy these faults. As I said at the last debate, part of the fault was that in the initial construction for some reason or other the amount of rendering was reduced from $\frac{3}{4}$ " to $\frac{1}{2}$ " and this was put on in one operation and has given rise to a measure of crazing which allows dampness to penetrate the walls. We have also found another type of fault and that is that it appears that the cement when it was put round the beams was not, so I understand, sufficiently vibrated so that it stuck all the way along the steel beams but it set in such a way that there were cavities left and these cavities through the weakness in the renderings get filled with water and the water runs along the cavities and you may get a certain place where the water is entering yet where it comes out may be in quite a different place altogether so that one house may be very strongly affected, the next house may not be affected at all. The third house will again be affected because the water is travelling along the cavities and coming out wherever it can. Last year we were going to put into operation not a cure, a palliative, I accept that, but something that would last for about 3 to 4 years and that was to paint the whole of the walls with flintkote as had been done before and as had worked quite satisfactorily for the normal life of flintkote which is approximately 3 to 4 years but we started early last year looking at the steel structure and we found a certain amount of rust. We opened up the structure in a number of places from the outside walls, in fact, I myself went up on the outside on the cradle to the eighth floor, I was never so terrified in my life. I had no indemnity, no. We saw that some parts of the steel were showing signs of rust and I would explain to the House that there are two types of rusting in Gibraltar, one is normal rusting of water which can be brushed off and there is no harm whatsoever; the other is what is called chloride rusting which is very dangerous indeed because it is progressive, as fast as the steel rusts it flakes off and the next part is attacked again. We took samples of this rust from both the Tower Blocks and from different places and sent them to England

for investigation and the result came back that this was simple rusting, that there was no danger to the steel whatsoever and our fears that it might be the chloride rusting were therefore allayed. But this took a considerable period of the year and by that time we were unable to paint them with flintkote. What is our approach for the future? I am not sure if the Honourable Mr Bossano had inside information in the Public Works Department but it is our aim this year to ask technical aid from the United Kingdom to have somebody come out and look at these Tower Blocks because we are of the opinion that the absolute cure for this water penetration will be possibly hacking off all the rendering and re-rendering at the $\frac{3}{4}$ " , doing a system called "grouting" by which concrete is forced into the cavities so that these cavities are filled up. This is a difficult and expensive job and we feel that this would be the possible solution. There are other inherent difficulties which, perhaps, were not understood at the time when the design or plans were made and that is that in this area, with the configuration of the Tower Blocks, the rain does not always come down vertically, it does not only come sideways, sometimes it actually comes upwards and we are wondering whether the window frames were made as waterproof as they should have been made to stand that type of configuration of water attack. All this will be put to the expert who we hope to bring out to look into it and as soon as we have his report we will, of course, set into operation on one block at first to see after a year if the results are satisfactory and then the second block. In the meantime, however, we are going to flintkote them and this should last, as I say, for three years. It is not as the Hon Mr Bossano comments that you put the paint on in the spring and by the autumn it is no good any more, we have had experience of flintkote in many places and it is satisfactory for a period up to about three years. This would ameliorate the situation until we can put into operation the bigger repair job that will have to be done. As I said this is a complicated job, it will need skilled technicians to do it, I believe this grouting of cement to fill up the hollows is a very skilled job indeed and it may mean that we will have to bring a special firm from the United Kingdom to do it. The cost may be anything from £1m to £1m per Tower Block but we are very alive to the situation, we sympathise as much as we can with the persons who are affected but it is of such magnitude that when we get an approach from somebody that his house is getting wet, can we do something about it, our answer must per force be not as happy as we would like to make it that to remedy the position is not simply going there and plastering their walls, etc. Regarding the cracks in the corridor, I have been there and I have seen, especially at the top floors a number of cracks. My structural engineers tell me that these are quite safe, that the building in high wind does move some eight inches out of the vertical and this has put a strain on the walls which may have caused the cracks but they have patched the cracks up in many instances and there has been no more opening of the cracks so it

appears that this movement, once it has taken place and once the building has settled, is something which is no longer of any need to worry. I see no objection when we have the report from the gentleman whom we hope to bring out, I see no objection to it being made available to Members of the Opposition, the Hon Mr Bossano will be allowed to have a copy. Whether it should be made public or not I am not fully certain at the moment - it will be a very technical report and some times technical reports when given to the general public can be misinterpreted and can give rise to apprehension when no such apprehension should be there.

HON J BOSSANO:

If the Hon Member will give way. In fact, the wording of the motion gives the Government a certain amount of leeway as to what they interpret the results. The results can be that the expert has said that fundamentally the block requires the things that he has mentioned or that fundamentally there is nothing wrong with the foundation. They do not have to publish the whole report.

HON M K FETHERSTONE:

Based on that I think that we could accept that the result would be made public. Of course, we would be the first if there were, and I still feel that from the engineers' reports that I have had, there is nothing to fear with the Tower Blocks, but if there were to be anything untoward the Public Works Department and the Government as a whole would be the first who would be willing to make this public because obviously we could not condone that people should live in conditions that were dangerous. As I say, the report, when we have it, I will make available to Members of this House and I think there will be no difficulty in making the results or the main findings of the report public. In the meantime, as I said, we will go ahead with the flintkoting process and this should, at least, tide us over the next two winters and I hope that the unhappy situation of this rather severe winter will not be repeated. We therefore support the motion.

HON P J ISOLA:

Mr Speaker, I am glad to hear that the Government is supporting the motion because I think that what has been revealed today by the Hon Mover of the Motion and the Minister, in reply, is rather alarming. We are, of course, relieved to hear that there is no danger to the people actually in the area and this, of course, is something that should be probably stressed to the public and especially to the tenants of the Tower Blocks, that there is no immediate danger of any kind to them in their houses. But, Mr Speaker, it is rather surprising, quite frankly, that all these defects that exist and have obviously existed for some time were not spotted by the Department at the time of the last motion that was brought by the Hon Member in which, I agree, the allegations made in a certain newspaper were perhaps.

very, very exaggerated at the time, at least so it seemed from the reply of the Minister at the time, but nevertheless there was obviously some truth not on the question of risk to life but there was some truth in the problems with the buildings which were not brought to light by the Government at the time not because the Government was trying to hide anything but because those who advised the Government did not possibly carry out a survey at the time. But it is worrying, Mr Speaker, from the point of view of Gibraltar, from the point of view of elected Members, it is worrying to find that this is the third major case where it appears the Department for which the Minister is responsible has not been supervising the construction of crown property even though it may have been built by independent contractors, has not been doing its job of supervision and management correctly. This has occurred, Mr Speaker, with Penny House, it has occurred now with the Tower Blocks and it has occurred with the Varyl Begg Estate. And when one considers the vast amounts of money that are voted to the Public Works Department year in and year out, one considers that it is their responsibility to maintain crown properties, it is their responsibility to supervise the construction of crown properties, one cannot but be concerned and alarmed at the consequences to the public of Gibraltar, to the public purse at the consequence of this lack of supervision and management on the part of that Department. One cannot always put the blame, Mr Speaker, on the labour force, lack of productivity, etc. One must also be concerned about the lack of productivity of management and to me this seems a clear case of lack of management and the Department has only gone into it thoroughly apparently when it has been forced to do so but this is, Mr Speaker, a recurring responsibility of the Department. One is concerned of what is happening in other properties that are being built in Gibraltar in respect of which the Department has responsibilities. Are we to wait for three or four years till there is a complaint and then we find that there was half an inch of rendering instead of three quarters of an inch, we find that the thing was not properly built? Are we going to have the same problem with other crown properties, Mr Speaker? It is an alarming situation when you have such increases in professional staff in the Department and we find so little production from that professional staff and this, Mr Speaker, is clearly an indictment of management. It is an indictment of those whose responsibility it is to the Government and to the people of Gibraltar to do their job and this indicates that it has not been done in the Tower Blocks, it may not have been done in the case of Penny House and it may not have been done, depending on the results of the litigation when it comes, it may not have been done in the case of the Varyl Begg Estate. This is, I think, an alarming situation from the point of view of public funds and public expenditure. It is quite obvious from what the Minister has said, that to correct these particular faults is now going to cost an enormous amount of money. I know technical assistance is being sought from Her Majesty's Government now to send an

expert out but that is going to come from the grant given to Gibraltar, that is going to be money that is going to be used for Gibraltar and that will be part of Her Majesty's Government's aid to Gibraltar. Then, of course, the Government will have to go to Her Majesty's Government for the money to put it right which is quite obviously going to be a large amount of money. I support the motion and I support particularly, Mr Speaker, that part of the motion that asks for the results to be made public. I think it is important that people administering public funds and being responsible for the management of the economy, should be accountable to the public and the public should know what has gone wrong with money that has been spent on their behalf. Mr Speaker, I am glad to hear from the Minister that the Government agrees with the motion and I hope that the Government will make the results of the inquiry public and that the inquiry will be done by an independent person and that there will be no cover-up as regards responsibility for what has gone wrong.

HON A P MONTEGRIFFO:

I would not like to draw my sword to argue the accusation against management launched by the Hon Mr Isola. I can only say, Sir, that from other experiences in other blocks where it has come under the ODM at least I know from the Varyl Begg experience that it was brought to the notice of both consultants and the contractors that the way things were going were not to the liking of the local experts, only to be told that we were not the clients and that the clients were the ODM at that stage and on went the correspondence and little action was taken. I hope that all this will come out if and when we do take the matter up of Varyl Begg. I also know that when the Tower Blocks were built we did find originally by our own experts that there was something wrong with the Tower Blocks originally and something was done in an attempt to put it right. Whether they guess, and I say the word "guess" in inverted commas, correctly or not, for a while it seemed to work. But as the Hon Mr Bossano stated here this morning the situation has gradually deteriorated and it is likely to deteriorate if no action is taken. I think it is also not quite fair to say that nothing has been done and that we took the words of warning by the Hon Mover of the Motion about a year ago with a certain amount of complacency. I think the Hon Minister for Public Works has explained all the different tests and other things that were done by experts from the Department which has given rise to the bringing of this particular person under technical aid. We accept the spirit of the motion as my Hon Friend on my left has stated but I think the Hon Mr Bossano will appreciate that it is in a way a vote of censure on the Government which, of course, he can proceed with if it likes and cannot have our support. Therefore, if we can have an agreement which shows the united concern of the House about the particular problem I think we can all successfully vote in favour and the amendment I am suggesting,

Mr Speaker, is that the motion be amended by the deletion of the words "at the continuing failure of Government to correct the defects in the Tower Blocks" and the substitution of the following words: "that the defects in the Tower Blocks have not yet been corrected" so that the motion would read "This House is concerned that the defects in the Tower Blocks have not yet been corrected and considers that an independent survey of the whole structure should be conducted and the results be made public".

Mr Speaker proposed the question in the terms of the Hon A P Montegriffo's amendment.

HON J BOSSANO:

Mr Speaker, I will vote in favour of the amendment. The object of the motion is not to censure Government but to get the House to realise that there is a serious situation in the Tower Blocks which is affecting the wellbeing of the tenants there and to get some steps taken to put it right. Therefore, I have no difficulty in accepting the motion and I can see obviously that my form of words is open to more than one interpretation, it can be failure because one tries and does not succeed and it can be failure because one does nothing which is something that needs censuring, of course. The Hon Member, the Minister for Public Works, has said that a number of steps were taken after my last motion although that was not reflected in the House, if I may say so, at the time, that the thing was being taken seriously. But obviously if some things were done subsequent to the motion and they have failed to produce any results, then what this motion seeks to establish is that we are concerned that the situation has not improved and from what I have seen is deteriorating, and that that concern will want translating into expert advice that will tell us what we need to do to make sure that we can put a stop to the situation.

Mr Speaker then put the question which was resolved in the affirmative and the amendment was accordingly passed.

HON M XIBERRAS:

Mr Speaker, I will make a brief contribution. My Hon Friend has already spoken about that part of the motion which we most favour, namely, that there should be an independent inquiry and that the results might be made public and I hope, Mr Speaker, that the Government, having taken this in the case of the Tower Blocks, will also be prepared to take it in the case of Varyl Begg.

MR SPEAKER:

I will call on the mover to reply to the motion as it stands now.

HON J BOSSANO:

The only thing I would like to say, Mr Speaker, is that obviously once we pass the motion the important thing is to try and get this off the ground as soon as possible.

Mr Speaker then put the question in the terms of the Hon J Bossano's motion, as amended, which was resolved in the affirmative and the motion was accordingly passed.

HON J BOSSANO:

Mr Speaker, I beg to move that: "This House, whilst recognising that the initiative announced by the Chief Minister in November, 1977, in launching the Strasbourg Process was motivated by a desire to inform the Spanish Government directly of the views of the Gibraltarians that sovereignty is not negotiable, considers that in the light of subsequent events the Strasbourg Process should be suspended for as long as the Spanish representatives maintain that the ultimate objective of the process is the eventual incorporation of Gibraltar into Spain and not simply the removal of the Spanish blockade". Mr Speaker, the Strasbourg Process appears to mean a lot of different things to a lot of people, and I am quite deliberately choosing to accept the version of the Hon and Learned the Chief Minister as to what it is all about. The announcement that was made in November, 1977, coincidentally the same time that the previous motion on the Tower Blocks was put, and it would be too much to hope for, I suppose, that having seen the light on the Tower Blocks the Hon and Learned the Chief Minister is about to see the light on the Strasbourg Process. At the time, in a motion moved by me which said that there should be no discussions between Britain and Spain on the question of sovereignty, the Hon and Learned the Chief Minister made the announcement of this proposal of his to Dr Owen which intrigued Dr Owen, we were told, and which had, as I understood it, a dual objective: to inform the Spaniards about how we felt and the way we felt was that Gibraltar's sovereignty had nothing to do with Spain essentially because we did not accept that it should be even a matter for discussion in Spain and, secondly, to discover whether the wind of change supposedly sweeping through Spain was having any effect on the Spanish view of Gibraltar. On that basis, Mr Speaker, I accepted that the Chief Minister should go to Strasbourg, tell the Spaniards how we feel and come back and tell us how they felt. I cannot accept that having done that in Strasbourg anything else can be achieved or is being achieved consistent with those two objectives, ie, that we are either explaining anything now to the Spaniards that was not explained in Strasbourg that they do not know or we are learning something from them that we did not learn in Strasbourg. In fact, it is quite clear that the Spanish side of the Strasbourg Process has seen it from the beginning in a totally different light from the light in which it has

been explained in this House. My opposition to the Strasbourg Process is based from after the first meeting in Strasbourg although I must say that the way that I found out that there were going to be these talks that had been proposed came as something of a surprise because I learned in the House that when the Hon and Learned the Chief Minister had raised it in London the Leader of the Opposition had been made aware of it in London and it became clear in the debate that the only person to whom it was news was to me. At that time it was not because I was against the Strasbourg Process because it had not yet started. However, I do not have difficulty in making my mind up on the spot and after listening to the Chief Minister saying that what he was going to tell the Spaniards was that he supported my motion and at that time it was a fairly rare thing it happens more frequently nowadays that he supports my motions, at that time it was sufficiently rare to warrant going to Strasbourg to tell the Spaniards. The immediate aftermath of Strasbourg was the visit of Sr. Ruperez to Gibraltar and in my view what the International Secretary of the Spanish Socialist Party has said in Gibraltar in his recent visit is essentially no different from what Sr. Ruperez said. I recall distinctly Sr. Ruperez saying on our television screens that although it was wrong of Franco to put restrictions it was clearly effective because we were now agreeing to talk which we had not been willing to do for as long as there were no restrictions, that is, that the restrictions had forced us on to the table and I heard that myself on CBC television by Sr. Ruperez so that Sr. Yanez should say that when the restoration of the telephone took place it was made clear in Strasbourg that they were taking place because we had started to talk and that the progress of the talks would determine how the removal or the non-removal of the restrictions progressed, he was not saying anything that I had not heard essentially from the approach of Sr. Ruperez, the only thing is that he was saying it much more bluntly and that in fact if the restoration of the telephones was directly linked to the question of the talks taking place that, in my view, should have been made public here and the people should not have been led to believe that this was just a shot out of the blue which nobody expected in Gibraltar and that just one morning the Spaniards decided to put the telephones back and nobody knew how long they were back for or why they were back or anything else, which was certainly the general impression in Gibraltar and the impression I had until Sr. Yanez told me otherwise. He not only told me otherwise, he went back and he told Area what he had told me, Mr. Speaker, so in fact our neighbours in La Linea are able to get much more detailed explanations about the Spanish view of the Strasbourg Process than the citizens in Gibraltar are able to get about the Gibraltarian view of the Strasbourg Process. I think, quite apart from anything else, quite apart from the entitlement of every citizen to be fully informed about this matter, and when I have asked to be informed, Mr. Speaker, I have asked to be informed only in default of the people as a whole being informed. If I cannot get other Members to agree to a full and detailed public statement for the whole of Gibraltar then I am prepared to

console myself with a far less desirable situation that I should be informed. Even if I disagree with the Process I am still entitled to know what is being said and done in my name. Perhaps, Mr. Speaker, in that respect I will go into some detail about the meeting that I had with the Hon Mr. Xiberras and Mr. Joe Pitaluga after the Paris meeting because, as I said before in the House in previous motions, I found out nothing confidentially from the Hon Mr. Xiberras about the meeting in Strasbourg because what I found out was public knowledge and therefore, as far as I am concerned, all that happened in Strasbourg I can say quite openly was that the Spaniards repeated their view and the Gibraltarians repeated their view and that is it. That is all I know that happened and I was fully informed of the meeting in Strasbourg, and that is being fully informed, right, so there is nothing more to Strasbourg as far as I am concerned because if I was told that in confidence and that is public knowledge then presumably the public is fully informed of what took place in Strasbourg, or as fully informed as I have been in confidence. It would have been better if there was a memorandum prepared, for example, for that meeting, that that memorandum should have been made public but I have not seen such a memorandum and I do not know whether it was. But, of course, as regards the Paris meeting when I had stated before the Paris meeting that the amount of information that I had had about Strasbourg was so small that it seemed to be almost non-existent, on the Paris meeting the Hon Leader of the Opposition did give me a detailed account in the presence of Mr. Joe Pitaluga and he did it after I had gone on television complaining about his not informing me and he gave me the account on condition that I accepted that it was confidential. Again, it seems absolutely clear to me that the secrecy surrounding the talks are a decision taken by, presumably, the Leader of the Opposition and the Chief Minister that as little information as possible should come out about these talks because I have written to Dr. Owen saying that notwithstanding his public statement in Paris that nothing was being done behind the people's back, he was not informing the people in Gibraltar and that therefore as far as the people were concerned it was all behind their backs and he said it is not up to him to inform the people of Gibraltar, the people of Gibraltar were present by virtue of the fact that the Chief Minister and the Leader of the Opposition were there, so he puts the whole responsibility for keeping people here informed on the representatives of the people at these talks which is where the responsibility should be. I would prefer that the responsibility should lie there and not elsewhere because then I can bring a motion to this House and do something about it and there is little I can do about getting Dr. Owen to make a public statement. In fact, because we are there we are committed in a way we would never be by Dr. Owen because just like we cannot ask him to discharge responsibilities to us he has got no hold on us either. We did not elect him, we are not represented in the House of Commons and the agreement that there is by the British Government that there should be

nothing done without our consent means that whatever he agrees is a referendum to us so our presence there commits us and does not give us any security that we do not already have. In that meeting, Mr Speaker, Mr Pitaluga had some notes taken in Paris and I have said at a public meeting in the Community Centre and indeed at public meetings in the Housing Estates where I have been explaining my position to people in Gibraltar, I have said that I had seen the minutes of the meeting that took place in Paris. I have now been informed that there are proper minutes of the meeting in Paris which I have not seen and that what I saw in Mr Pitaluga's office were just notes taken by Mr Pitaluga and not the minutes of the meeting. I have asked that I should be shown the minutes of that meeting and I do not know whether I will be or not. I assumed that they were the minutes because they were notes taken at that meeting and to the best of my knowledge that was the only record that there was. No doubt, if there are more comprehensive and detailed minutes then I look forward to seeing those because they may be able to give me an even more accurate picture of what took place there but, of course, rather than have the minutes supplied to me I would infinitely prefer that those minutes should be made public because I think every single citizen in Gibraltar is entitled to know everything that has been said by the Spaniards in those talks. They are entitled to know and I have been very careful, Mr Speaker, to stress in all the speeches that I have made that I am not exercising a platform from which to attack the Chief Minister and the Leader of the Opposition but from which to voice my disagreement with their handling of the situation and my contention that their judgement is wrong.

HON CHIEF MINISTER:

If the Hon Member will give way. It seems to me that we are going to be in a very great difficulty or he is going to incur in a considerable amount of repetition if he deals with his two motions separately. It seems to me that both motions are very closely linked and it would be as well if we could deal with them, if the Hon Member chooses, because otherwise we are going to have a repetition of everything. They are two different concepts of the same matter. The answer would be that it should all be one motion divided into one and two in the sense that people can vote in favour of one and not against the other but that it should be all one debate, that is what I think.

HON J BOSSANO:

The reason why they are two is because people might vote in favour of one and not in favour of the other otherwise there would be a conjunction joining the two because the arguments for making a full and public statement of what has already taken place is directly linked, to my mind, to a decision to continue or not to continue because the continuation of the

talks is made conditional upon the attitude of the Spanish representatives and I believe that that attitude will be made crystal clear the moment that what the Spanish representatives have said at the talks is made public.

MR SPEAKER:

Yes, but as the Hon Chief Minister quite rightly says we can tie up the two motions and then, of course, the mover would have the right to insist on separate votes on each of the two parts.

HON J BOSSANO:

I have no objection to that if that can be done, Mr Speaker. I have put two motions because I thought it needed to be done separately.

HON CHIEF MINISTER:

The answer should be perhaps to say "That this House (1) whilst recognising (2) considers"

MR SPEAKER:

There is no difficulty, it is the procedure that I am referring to. Perhaps the Hon Mover can move an amendment to the motion adding "and that this House considers there should be" and then you will be entitled to speak on that particular point of the motion too.

HON CHIEF MINISTER:

Yes, but we must preserve the point which he has intended and that is that there will be two votes on the two matters.

MR SPEAKER:

There is provision in the Standing Orders when a motion seeks two different votes, that I have made quite clear.

HON J BOSSANO:

Mr Speaker, then I move the amendment to the motion by adding "and that this House considers there should be a detailed and full public statement of the views expressed by the Spanish and British delegations at the meetings held in Strasbourg and Paris and the Working Parties held in London and Madrid". Mr Speaker, the motions both deal with the same subject matter and are intricately joined in the sense that the amount of information that we have makes it difficult for people to exercise a judgement as to whether there is any point in continuing with the Strasbourg process, whether it is in fact desirable or counter-productive to do so. In my judgement, Mr Speaker, the process should not continue. The reason that I am giving for not continuing is

that although we have had, for example, the Hon Leader of the Opposition quoted by the Gibraltar Chronicle at the time that the delegation was about to leave for the Madrid Working Parties, he was quoted by the Chronicle as saying that he thought that the talks were principally about the removal of the restrictions, it is quite clear that the Spaniards think otherwise, that they do not think that it is principally about the removal of the restrictions.

MR SPEAKER:

We will speak exclusively on the amendment.

HON J BOSSANO:

On the amendment the only thing I need to say is that I accept that the best way of dealing with the two motions is to have one debate on the subject but that of course it is important that different votes should be taken because I assume that there will be some sort of public statement issued on the talks after this.

MR SPEAKER:

I will put the question which is that the motion before the House be amended by the addition at the end of it of the following words: "that this House considers there should be a detailed and full public statement of the views expressed by the Spanish and British delegations at the meetings held in Strasbourg and Paris and the Working Parties held in London and Madrid."

The question was resolved in the affirmative and the motion was amended accordingly.

HON J BOSSANO:

Mr Speaker, the categorical statement from the Leader of the Opposition is that, of course, the talks are about the removal of the restrictions and nothing else as far as we are concerned. We then have a situation that there are two parties meeting for discussions, one party of which thinks that the meeting is for something and the other party thinks that the meeting is for something else and that, to put it mildly, is a very peculiar situation, Mr Speaker. The position that the Spaniards have adopted, and there is no doubt now at all in Gibraltar that whoever gets in after the end of the elections in Spain the position is being maintained throughout the political spectrum, on the question of sovereignty, on the question of Gibraltar's future there is unanimity of view in Spain, that Gibraltar is Spanish. In fact, the position of the Socialists is so clear-cut that I have been able to say in the public meetings that I have held that both Sr Yanez and I think exactly the same on sovereignty, we both say that it is not negotiable. But, of course, he says that Spanish sovereignty is not negotiable and I am saying that British sovereignty is not negotiable but we are both saying it is not negotiable.

The position of the Socialists is that they are not even prepared to sit down and discuss whether it should be Spanish. They are saying it has to be Spanish. That is how strong they are on the question of sovereignty. Perhaps because we are both Socialists we both feel so strongly about it. Dr Owen, on the other hand has got a view of the Strasbourg Process which does not appear to coincide either with the view held in Gibraltar or with the view held in Spain so the situation gets ever more interesting, Mr Speaker, because it seems the more people there are in the Strasbourg Process the more versions there are of what the Strasbourg Process is. Dr Owen says, according to a report in the Chronicle of his latest press conference where the views expressed have been welcomed by some people in Gibraltar, I cannot say that I welcome all the things he said there because there seems to be a certain misconception on the part of Dr Owen. He says that we, the Gibraltarians, are not prepared to negotiate with Spain while the restrictions are on. I think Dr Owen needs to be told that we are not prepared to negotiate with Spain with or without restrictions and I think Spain needs to be told what the people of Gibraltar feel and I believe that what the people of Gibraltar feel from the reaction that I have seen from the people is that although we prefer to live without restrictions we would rather have those restrictions there for the next 200 years than give an inch of our soil. It has got to be put that clearly and that categorically to the Spaniards, in my view, and then they could not possibly be under the misconception that we are meeting them in Strasbourg or Paris or anywhere, Mr Speaker, in order to discuss when and how Gibraltar is eventually going to become Spanish because the only thing that they are prepared to discuss is the transition to a Spanish Gibraltar. They are not prepared to discuss the eventual outcome. That, for them, is a fact of life that we have got to accept. We know that there are people in Gibraltar who consider that it is a fact of life that we have to accept and if those people are right then there is a certain logic in saying if something is inevitable it is better to sit down and try and salvage what you can rather than do nothing and be faced with a far worse situation in the end. That is a logical argument and one that gains strength from a situation where we are told in Gibraltar, like we have been today in the House of Assembly, that we are meeting the Spaniards to get them to take off the restrictions. How are we meeting the Spaniards to get them to take off the restrictions? Are we going to persuade them to take off the restrictions? Are we going to threaten them with something to make them take off the restrictions? Or are we going to bargain with them in order to give them something in exchange for taking off the restrictions? The three ways of approaching a problem where one is faced with restrictions. I would say that since the Spaniards have made it absolutely clear what their ultimate objective is then any bargaining attempts have got to be seen from the value that would be put by the Spaniards on anything we were to offer in the context of their ultimate objective.

If one were to put oneself in their place anything we offered would be seen by them as being worth having or not worth having dependent upon whether it would bring them closer to what they want to achieve or further away from what they want to achieve. If what they want to achieve and what we want to achieve is diametrically opposite then it is inconceivable for intelligent human beings to say that it is possible to find an answer to a problem where what the two sides want is the exact antithesis of each other. The two positions are totally incompatible. If that is the situation that we find, and that would appear to be the situation, then how is it that anybody can say that a solution to the problem can be found and Dr Owen is talking about a solution to the problem, not the removal of the restrictions, because the restrictions are not a problem as far as Spain is concerned and I think as far as most Gibraltarians are concerned the restrictions are not a problem. I think a problem is too big a word to use for the restrictions, Gibraltarians have adapted to a closed frontier, the restrictions are an inconvenience and people do not like having to go the long way round to go to the La Linea fair but they prefer to go the long way round to the La Linea fair than anything else. That is the situation that is genuinely what the overwhelming majority of people feel here in Gibraltar and that is the situation that the Spaniards have got to be told about and if they are told about that situation it is inconceivable that they can still cherish hopes the way they do, it is inconceivable that they should be able to say and use the lack of information in Gibraltar with a total misinterpretation of the events. I want information about these talks, I want what the Spaniards have proposed to be made public because I am convinced that there will be an adverse reaction to the whole Strasbourg process. The Spaniards also want the information for precisely the opposite reasons because they think that the people who are representing the Gibraltarians are deliberately withholding, and this is not new it goes back to Castiella, Castiella complained that the people here were never given a real chance to appreciate all the wonderful things that Spain was offering us. This is still a view held in Spain in both sides of the political spectrum that if only the people of Gibraltar had explained to them all the wonderful conditions and concessions that the Spanish state is prepared to offer us then the Gibraltar representatives would find themselves in hot water. That is the view that is held in Spain. In fact Yanez said immediately after his visit to Gibraltar in a public interview in Spain that the question of the telephones had been mis-handled because people should have been made absolutely aware in Gibraltar how generous the Spaniards were in putting the telephones on and that if they had been made aware then they would have been more conciliatory than they were. I think Sr Yanez is totally mistaken in understanding the character of Gibraltar. I think it would have been a very good thing if people here had been told that the telephones were being put on as a carrot because the policy of the Spaniards was to use the stick and the carrot to get us to

move in the direction we do not want to go because if it had been seen like that then peoples' reactions would have been, much as we would like to have telephones, "they can keep their telephones" just like they are saying today "they can keep the frontier closed". It is for this reason that I think it would be in Gibraltar's interest that as much information as is available should be made public, that people here should know precisely what the attitude has been in the meetings that have been taking place and that attitude has been reflected by the proposals that the Spaniards have been taking which shows how they focus the problem, how they fail to appreciate that nothing that they offer can fundamentally change our desire not to see a Spanish Gibraltar and I think, as well, if it was all made public, then we would not have the undesirable situation that we tend to find things our in dribs and drabs from the Spanish news media which is something that I have said previously in this House, Mr Speaker, as a matter for complaint that I think it is very wrong that one should read in Spanish newspapers or see on Spanish television Spanish politicians being interviewed and making statements about what has taken place in the different meetings which would appear to be in conflict with what we are attempting to achieve but which we are not in a position to judge because we do not know whether those things have been said or not said because nobody knows what has been said. That being the case, if there was a full and detailed account available people here would be able to judge just how much credence should be given to what is said on the other side of the fence and people would also be able to judge whether it is right, as I am proposing, that the talks should not be resumed. I understand from what the Leader of the Opposition said on television that they are suspended due to the uncertainty as to who will be governing Spain after 1 March, and, no doubt, as to who will be governing the United Kingdom within a very short space of time. Yes, no doubt, my Hon Friend Mrs Thatcher may well give my friends in England the pleasure of doing to her what they did to Mr Heath, Mr Speaker. This information that I am saying should be made public because I do not think that this should be treated in terms of trying to make the situation an esoteric one, a subject matter where only the experienced politicians have got the feel for diplomacy to be able to know how to handle it. I would say that it should be reduced to simple terms and it should be explained how it is that we are attempting to get the Spaniards to restore normality to Gibraltar. In restoring normality to Gibraltar it presupposes that Spain accepts that the position of Gibraltar is a normal one, which of course they do not because as far as they are concerned what we have in Gibraltar is occupation by a foreign nation. If one has got occupation by a foreign nation then the position of Spain would not look so bad but, of course, if we do not have occupation by a foreign nation, if what we have is a community here that freely chooses not to have anything to do with Spain, then it acquires a completely different conception so the essence of whether we are dealing with the restrictions or not dealing

with the restrictions and the Spaniards saying they are not restrictions is based on the point of departure and our point of departure has got nothing in common with theirs. We have got a situation where it would appear that the United Kingdom Government today is moving closer to accepting our right of self-determination than they have done in the past. The most recent statements would appear to indicate that the original position of having our right of self-determination limited either by views expressed in the United Nations or by treaty signed 270 years ago is not being put forward as strongly now as it had been previously. The essence of our position is that our future and the future of our land is something that we and only we can decide and nobody else has got the right to intervene in that situation. We have got nothing to talk to Spain about because there is a claim from Spain which we do not recognise as having any validity. If we think that by sitting down with the Spaniards we can persuade them to behave in a civilised manner towards us then, by now, we should know that this argument does not hold water and that it is not going to happen like that. It is not a question of persuading them, it is a question of either putting pressure on the Spaniards by taking a more aggressive stand, ie, by going on the offensive instead of the defensive, by not having Spanish representatives like Suarez standing up in Parliament in Strasbourg and virtually accusing us of doing something wrong because we are refusing to negotiate, rather than being made to defend himself under the accusations that should have been put there by the British representatives that when he said that the sovereignty of Spain was vested in the people of Spain he was enunciating a principle which should have universal applicability and should therefore be as true of Gibraltar and its people as Suarez claims it is true for Spain and its people. Spain should be made to answer, in my view, in Europe, for her stand instead of Gibraltar being made to answer in Europe for its unwillingness to negotiate its birthright.

HON CHIEF MINISTER:

If the Hon Member will give way. Did I understand the Hon Member to say a little earlier on that we were now being recognised to have the right of self-determination as we had not been recognised either in the United Nations or before, did he say that?

HON J BOSSANO:

I said that the position of the British Government now, recently, was coming closer to accepting our right of self-determination without the limitations that were consistent with the views expressed in the United Nations or with the Treaty of Utrecht. That, in fact, is the only encouraging bit I find about Dr Owen's recent statements.

The House recessed at 1.00 pm.

The House resumed at 3.25 pm.

HON J BOSSANO:

Mr Speaker, as I was saying the two parts of the motion are closely inter-linked. There is, on the one hand, the absence of information which makes it impossible for the people of Gibraltar to have a continuing influence over their decisions to go on or not go on with the talks because they are in an impossible situation to judge what progress is being made in this process and, indeed to judge what constitutes progress. We have heard Suarez say in Strasbourg recently that he was satisfied, if not happy, with the progress at the talks. Knowing the position of the Spaniards to be publicly stated that the talks are a means to an end anything that gives satisfaction to that point of view necessarily is bound to excite suspicions in Gibraltar in the absence of any detailed account of information about what has actually been said or has actually taken place. I think it is important to let the people know what the Spaniards are saying and I think it is logical to assume, even if one has not been told what they are saying, that what they are saying in private must be consistent with what they are saying in public. If what they are saying in private is consistent with what they are saying in public then they must be telling our representatives essentially that they want to take over Gibraltar either all in one go or bit by bit. I think that no representatives of the people of Gibraltar should be prepared to sit down to listen to that sort of talk from any representative of the Spanish Government even if that representative wishes to continue to tell himself that all he is doing there is persuading the Spaniards to remove their blockade because I am assuming that when we are told here that the talks are simply about the removal of the blockade which is the last sentence in the part of the motion dealing with the Strasbourg Process, the sentence that says that they are not simply about that but if we are told here that they are simply about the removal of the blockade then, as I pointed out earlier, there are three ways of getting a blockade removed, one is to persuade those who have got the blockade that they should take it off unilaterally, to pressure them into doing it or to buy them off. I hope it will be possible for those who follow me to say quite categorically that the desire to see the blockade removed will never involve any buying off however insignificant the price might appear in the first instance and that therefore when we are talking about a process that is intended solely and exclusively for the removal of the blockade, we are talking about a process that is concerned with persuading the Spaniards without giving anything in exchange. I think that it is clear that that process, the process of simply persuading them, stands no chance of success because there is no reason why they should be persuaded, Mr Speaker, because when the Spaniards talk about the Spanish problem they are talking about the problem of recovering Gibraltar, that is what the Spanish problem constitutes for them. When people in Gibraltar talk about the Spanish problem they talk about the problem of having to go to Morocco first. There

are two different problems. The Spaniards have made it clear that they are not prepared to talk about the restrictions or their removal out of context. They see it logically, from their point of view, as a permanent solution to the future of Gibraltar including discussion of the removal of the restrictions, but only in the context of the resolution of Gibraltar status, implicit in the commitment that is binding on every member of this House to oppose any discussion of sovereignty between Britain and Spain, implicit in that is also opposition to the discussion of Gibraltar's future between Britain and Spain. The future of Gibraltar is a matter for discussion between Her Majesty's Government and Gibraltar through its elected representatives. We cannot in my estimation avoid discussing our future with the United Kingdom because the position of Gibraltar as a British colony is anachronistic and it becomes increasingly difficult to defend or perpetuate in any international forum. Concentration on the restrictions to the exclusion of everything else is failing to recognise that Gibraltar's long term future needs to be discussed and settled with Britain. This is why, Mr Speaker, as members know, I have on a number of occasions attempted to persuade the House that we need to have immediate talks on our future which is something that other members of this House were persuaded of two years ago and what was immediately necessary two years ago appears to be receding evermore into the distant future. But if it was necessary two years ago, with every day that passes it becomes more necessary. There is nothing wrong, Mr Speaker, in talking to Spain as equals. There is nothing wrong in Gibraltar having to discuss with Spain its bi-lateral relationship just like France does or any other neighbouring independent nation does and as far as I am concerned we are independent of Spain and because of that then if Spain wants to have a ferry service to Gibraltar then by all means we should look at that possibility and seek reciprocity. This has nothing to do with restrictions and I am not talking about the removal of restrictions, I am talking about the normal relationship between different states that recognise each other's independence. If Spain is prepared to sit down with us on that basis, recognising our independence and treating us as an independent nation to discuss bi-lateral arrangements, then the representatives of the people of Gibraltar do not need to do anything other than come back and report the results, what we have got in exchange for the facilities we are going to be given. But that is not the situation, what we are talking about is a situation where we have seen during question time the Spaniards saying that flights between Gibraltar and Madrid are internal flights, what we have seen is a situation where Spain exploits every conceivable opportunity to drive home the message that the eventual spanishness of Gibraltar is inevitable and that the only thing that has changed is that we are being recognised today as something more than importees. When Sr Yanez came to Gibraltar, Mr Speaker, in the meeting we had with him as we have explained to the people in the various public meetings we have held, we asked him how he could reconcile the

traditional commitment to the right of self-determination of a Socialist with his commitment to the Spanish claim based on territorial integrity. His answer was that the concept of self-determination did not apply to us in Gibraltar because we did not own Gibraltar, it did not belong to us, it belonged to Britain and when it ceased to belong to Britain it would belong to Spain and that we were in a different situation from the situation of the citizens of the Spanish Sahara not just because we have not got the Polisario Front and Algeria behind us, I am sure those are considerations that also carry some weight, but because the owners of the Sahara soil are the Saharan people and the owners of the Gibraltarian soil are not the Gibraltarian people. We know they are not because we cannot even persuade the fifteen members of this House that that is the case. Because the moment that that is put forward as a concept we have misgivings about the possible dilution of our links with Britain. I do not think a commitment to our homeland that is 100% foolproof in any way diminishes or dilutes our desire to remain with Britain but it is our desire to do so and it is a different thing that we should want to be with Britain and another thing that Gibraltar should belong to Britain and that we should have no place to call our own. That is the essence of the continuing Spanish position that refuses to ignore the Gibraltarian as anything other than a minor element in the equation and it is quite clear whatever the Gibraltarian representatives may like to think about the situation, that they are in the Strasbourg process not representing a different point of view from that of Britain but representing one point of view from one side of the fence. In fact, according to Dr Owen they are there to reassure the rest of us that our wishes are going to be taken into account. Of course, they will not be able to reassure me of that because my wish is that they should not be there. But according to the press reports of what Dr Owen said he said that they do not wish, that is, the British Government does not wish to act in opposition to the wishes of the people of Gibraltar and in order to make this crystal clear they have arranged, presumably this is referring to Paris, for the Chief Minister and the Leader of the Opposition to be there and identified with the discussions that are taking place with the Spanish Foreign Minister because, of course, in Strasbourg it was not Dr Owen's idea, it was our idea that we should be there but Dr Owen now seems to want to take the credit. I think it is rather unfortunate that the Hon and Learned Chief Minister always has this problem, people come along and want to take the credit for the things he does and now even Dr Owen is doing it to him. What is the importance of the Strasbourg Process, and why is it different, Mr Speaker, from what has been taking place before? Because again the Chief Minister came out with an interview in the press when I first came out in the first public meeting, saying that the talks between

Britain and Spain would continue as required by the United Nations Resolution regardless of whether there were Gibraltarian representatives there or not. But I understood this to be simply more than the talks that have been going on for the last fourteen years. I thought this was an initiative that was different in kind and different in kind not just because of the physical presence of two Gibraltarians but different in kind because it was an opportunity for the Gibraltarian to put across to the Spaniards directly in a way he had not heard before how Gibraltarians felt and to hear directly from the Spaniards what the Spanish point of view was. That was how the thing was initially put across in this House of Assembly and that is how I understood it. In that sense it was something that was not simply the annual round of talks between Britain and Spain so that they could go back to the Committee of 24 and say, "We have met again and we have talked to each other," not the process that we used to know from the time of Sir Alec Douglas-Home where they were talking together and then thinking together and then sleeping together and so on. The Working Parties which followed from those talks again we know very little about them except that pieces of paper have been exchanged in London, that subsequent to that the representatives at those meetings must have come back here and reported in Gibraltar, that as a result of their reporting back they must have gone back with a new brief of what to say and that after that second meeting in Madrid they must have come back and reported back. I do not know how many other Members of the House know what has been involved in that process. I do not know anything but I do know that if it is perfectly alright for the Superintendent of Telephones to know this and if it is alright for a number of civil servants to know this, it must be alright for most people in Gibraltar to know it as well. I certainly think that the decision that other Members of the House took to agree to sending senior civil servants to Madrid was wrong and I was not aware that it was one in which all other Members had participated, I think it was wrong, and I think that the decision that the Leader of the Opposition announced in November, 1977, that the talks with Gibraltarian participation should not just take place in Spain and the decision that he took earlier this year that it would be wrong to send a representative of his Party to the Congress of a Socialist Party with the restrictions on, is in kind the same sort of decision that is required in the case of sending senior civil servants who as Gibraltarians may personally resent very much having to set foot in Spain. There are Gibraltarians who have not gone across for the last fourteen years and are now being asked to do so in the line of duty. I do not think there was a need for it and I do not think it was right and I think that it is only when we start from the premise that we do not have to adopt a conciliatory attitude to Spain, that we do not have to go round saying to the Spaniards how anxious we are to have the restrictions removed, quite the contrary, what we must say to them is that we condemn the restrictions not simply because they affect us but because in principle they seem to us to be wrong, but that

they were put on unilaterally and they have to be taken off unilaterally. At the same time what we should be concentrating our energies on should be finding a permanent solution to a re-definition of Gibraltar's status, a re-definition of our relationship which the United Kingdom which enables us to get out of the problem created for us by, one could almost say, established ideas about decolonisation and established ideas as to what is a colony and what is not a colony because we have a situation where Ceuta and Melilla are not colonies, the Channel Islands and the Isle of Man are not colonies, a number of other areas in the world that do not have in fact complete and total self-government are not considered to be colonies merely because they have not been defined as colonies in the past. We have a situation where we found ourselves quite unexpectedly wanted to be liberated by the Committee of 24 and that was the first time really that the people in Gibraltar woke up to the implications of the status of being a colony, the concept that people had here of being a colony was a completely alien concept to the concept that was normal in the Committee of 24 and it was only then really that people had the point driven home to them. But we cannot, in my view, Mr Speaker, simply hope that the thing will somehow sort itself out in the EEC or somehow that the Spaniards will in the democratic process come to their senses. I would remind the House that when we were talking at an early stage about Spain's entry into the EEC and the need for Spain to accept the incompatibility of continuing with the restrictions against Gibraltar, that I asked Members to think carefully because the removal of the restrictions, if it happens with Spain's entry into the EEC, would only be the beginning of the problem, it will not be the end, it might have solved the problem of the restrictions but we will still be left with the problem of two EEC Members, one claiming that another member has got a colony on its territory and these are the real and important issues that I feel we should be getting to grips with here in Gibraltar ourselves and that we should be doing it in conjunction with the United Kingdom who ultimately has got the responsibility for defending our interests in international forums. The Strasbourg Process to my mind if nothing else has deviated us already from this course of events. There are a number of Members in this House of Assembly who stood for election on a ticket of making this priority number one immediately after the election, Mr Speaker, and here we are coming up to the next election and we are no further along this road than we were when the Representative Organisations got together and tried to create a broadly-based forum for debating this issue immediately after Hattersley. We have made no progress at all since then and this is something that our energies would be devoted to, in my estimation, in the best interests of Gibraltar. The Strasbourg Process, Mr Speaker, I am prepared to accept was an initiative taken by the Chief Minister as my motion says for the reasons that he gave in this House. Well, both the Chief Minister and the Leader of the Opposition have already made clear to the Spaniards that we are not prepared to negotiate on sovereignty they have made quite clear to the Spaniards that we think the

restrictions should not exist and the Spaniards have made it absolutely clear to us that as far as they are concerned we are like an ostrich with our head in the sand and that their concept of the realities of the situation is something that they are not budging from. In those circumstances, Mr Speaker, I think that the talks with Spain should not continue other than on the premisses that we believe they should be. I do not think it makes any sort of sense for two sides to meet and then come away from talking to each other with completely different versions of what they were talking about, where they were going and what the process was for and that is the situation today. I think that a complete and detailed account of the views expressed would help enormously to eliminate possible confusion about this issue, would help enormously to eliminate any misgivings created by Spanish versions of what has taken place and would help to form public debate and for public opinion to be expressed in such a way that the Members of this House would be in a better position to be absolutely sure themselves that they were reflecting what the electorate wants, what the people who put us all here want, in doing what they are doing. I myself feel that the stand that I am taking is consistent with the commitments I entered into at the Elections, the things that I believe deeply and sincerely, and I believe that I am succeeding in persuading people outside the House that that is the right road to follow. If I can persuade a few inside the House as well, then, Mr Speaker, the motion will have done a good job. Thank you very much.

Mr Speaker then proposed the question in the terms of the Hon. Mr Bossang's motion.

HON CHIEF MINISTER:

Mr Speaker, I have listened with great interest to what the Hon Mover has had to say and he has gone a little further than the night he pitched his tent just opposite my house and spoke for a long while and when he found that nobody listened to him, or that nobody cared he said that he had received a better reception in other places, perhaps the roofs of these houses are not leaking and he went away licking his wounds at the failure he had had of an impact in that place. I am honoured by the fact that he chose the one in which I could hear him most comfortably from my sitting room but I am sorry for those living at the other end who could have taken the benefit of his loudspeaker and I can remember another member opposite who pitched his tent a little further down and was able to cover the whole of the spectrum of Shorthorn Estate. Anyhow, I think this was something like a serenade and I listened to it with great interest. There, as here, his dissecting brain suffers from one major weakness, if I may say so, and that is the attempt at over-simplification of issues, the attempt at putting everything black and white, the attempt at saying either it is this thing or the other without the possibility of the fact that there are other people who have different views in the matter and also the fact that no matter of conflict, not just the Gibraltar one, is as simple as black and white and at the end of his speech he spoke about "we ought

to eliminate the possible confusion and the misgivings created by Spanish versions of what the talks are about," and I would say that we should try here to eliminate the confusion that the Hon Mover has created and has attempted to create because at one stage in his public life he found himself with a rather well attended meeting half of whom were there to see what he was saying in order to be able to report to their respective parties and the other half were interested listeners to what he had to say per se and not just to report back and I think that that rather put him a little out of balance for one moment or for some time after, making him think that he could rally the whole of Gibraltar behind him in this campaign which has had no other effect, in my view, but to confuse people further and to frighten some people who only require a reasonable word of what is happening to be relieved of any anxieties that he may have felt after this meeting to the Hon Member. The motion asks the House, inter alia, to recognise that my initiative in launching the Strasbourg process was motivated by a desire to inform the Spanish Government directly of the view of the Gibraltarians that sovereignty is not negotiable. This is not a full statement of the reasons which I gave at the time and which are recorded in Hansard. What I actually said on 8 November 1977, was that it might be useful if at a meeting between the British and Spanish Governments, I, as Chief Minister, and the Honourable Mr Xiberras, as Leader of the Opposition, could be present and that the main object of the meeting would be to provide an opportunity for the two of us to have a talk with the representatives of the new Spanish Government so that they should know directly from us the views and feelings of the people of Gibraltar. It seemed to me right that the opportunity presented by the major changes which had taken place in Spain since the end of the Franco era should not be allowed to pass without some initiative being taken in order to see whether the new democratic Government of Spain might take a more up-to-date and more enlightened view on the question of Gibraltar. In expressing the views of the people of Gibraltar at the talks, the Honourable Mr Xiberras and I did not confine ourselves to stating our views on the question of sovereignty nor was this the only objective of the meeting. We spoke also, and at some length, on the question of the restrictions. It is of course a fact that, so far, the restrictions have not been removed, but our view is that it is our responsibility, as elected leaders, to continue trying to bring about a more normal situation. That must be our main aim. Of course, there is no question of wanting the restrictions removed at all costs. I have said many times in the past, expressing the views of the people of Gibraltar, that we will continue, with Britain's help, to put up with the restrictions for as long as may be necessary. This remains our position today and it is as well that the Spanish Government should know this, if they had not been told once they have been told many times. If they were to believe that the people of Gibraltar are in a state of intolerable distress and anxiety because of the restrictions, they would surely maintain them in the hope that we would eventually agree to a concession of sovereignty in order that they should be removed. This is not the position at all and, in fact, certain recent events, to

which I will refer later, have, if anything, made some people in Gibraltar actually say that they would prefer the present situation to continue and I have brought this to the notice of the Spaniards and to the notice of the Secretary of State. It will be recalled, though I shall have an opportunity of referring to it that the Secretary of State in his last press conference said that opinion in Gibraltar was hardening and that is exactly what the position is and the reasons for it. But I repeat, as responsible leaders we consider it to be our duty to continue to try to achieve a situation of normality and we believe that we would be abdicating our responsibility if, because we have not yet succeeded in this, we should now stop trying. We also believe that the majority of the people of Gibraltar want us to continue our efforts. I also said, on 8 November 1977, that I was as conscious as anyone of the enormous difficulties which lay in the way of reconciling the Spanish and our own points of view. This continues to be the case today, but again we do not consider this to be a sufficient reason for ceasing our efforts; on the contrary, it is an excellent reason for continuing them. I have no wish to bore the House by repeating statements I have made here before but I think it is necessary for me to keep referring back because this motion raises issues which have already been debated in this House and because it is important to recall the considerations which led the House to agree, first, that the talks should be held and, secondly, that they should continue. I said, on 8 November 1977, that the talks would be purely exploratory, would be held without any commitment whatever on any side and would be completely without prejudice to the position of any of the parties. All these reservations have been clearly and strictly observed and one wonders why the Honourable Mr Bossano should be so alarmed at the continuation of the talks and why the GSIIP should consider it necessary to stir up opinion in Gibraltar, and possibly alarm people as well. I also said, on 8 November 1977, that should my initiative fail to produce any kind of progress at all, I did not think we would have lost anything. I believe that we have in fact made some progress - and I will refer to this later as well - but, even if we had not, we certainly have lost nothing. Finally, I also said, on 8 November 1977, that by starting on the process we would have shown that we were at least willing to discuss the problem and that, in terms of the spirit of the European Economic Community, to which Spain aspired to belong, and in terms of Helsinki, to which Spain had already subscribed, this would weigh heavily in our favour in the light of international opinion. This I believe also still holds good today. It is in this particular context that I wish to refer to one or two points made at a recent Press Conference by Dr David Owen. First of all, I am sure that the House, like the rest of Gibraltar, will have warmly welcomed his clear and unambiguous restatement of the position which the British Government has taken throughout - and I quote - "I have always taken the view that we cannot have a resolution of the Gibraltar problem without carrying the people of Gibraltar with any decision. We will not act in opposition to their wishes". Honourable Members will recall - and this is particularly relevant to this motion - that

Dr Owen went on to say that, in order to make this crystal clear in Gibraltar, the Chief Minister and the Leader of the Opposition had been identified with the discussions held in Strasbourg and Paris. Of course Dr Owen is not saying anything different when he says that that is why we are there in Paris because I suggested that we should go to Strasbourg. Once the process of joint representation is concerned, of course, he is in charge of the arrangements subject to our convenience and to the convenience of the other party, and it is the Foreign and Commonwealth Office that is responsible for the carrying out of the negotiations. We have a certain mission and a purpose there which we have fully satisfied. But to revert to the EEC, the Secretary of State also said that he believed that the discussions will have to be brought to a resolution before Spain becomes a full member and that he also believed that this was what the rest of the Community expected of the British and Spanish Government. I think this comment on the views of the Community shows that the point I made in November 1977, about international opinion is even more valid today. It is my view that, within the spirit and letter of the Treaty of Rome, within the spirit of the Helsinki Conference and the Belgrade meeting and within the general democratic attitudes of the countries of the EEC, the case of the people of Gibraltar, not only on the restrictions but on their own democratic right, conferred by Britain at the Referendum, to choose between British and Spanish sovereignty, has a good chance of obtaining sympathetic response. (I might add in parentheses, that the next Helsinki follow-up meeting is to be held in Madrid in November 1980.) But what sort of sympathy are we likely to receive if, in the world today, which believes that dialogue is necessary between those in dispute, we were to say that we are simply not prepared to talk? To say, in the context of the European Community, that talks which might conceivably lead to a greater understanding should be stopped, without some far more valid reason than the Honourable Member has put forward in proposing his motion, is an untenable position which would harm Gibraltar's case. Furthermore, I have no doubt in my own mind - and I should be interested to know whether the Honourable Mr Xiberras shares this view - that the British Government will continue the discussions with Spain, whether or not we decide to continue participating in them, and I have equally no doubt that it is in the best interests of the people of Gibraltar that their leaders should be present at these discussions. For how long have we been saying when the talks, whether they were for the Committee of 24 or the Fourth Committee, for how long have we been saying that the voice of the people of Gibraltar is not heard in the meetings held between the British and Spanish representatives and that it was fair that the people of Gibraltar should be there to know what was happening, to know what they were talking about. Then the suspicion was about the British Government of which a lot of people had considerable suspicion, and I always said that I wanted that Gibraltarian representatives should be there in order to satisfy ourselves of what was happening. Now, when after some effort one gets that opportunity to be able to do that then there is

the scaremongering campaign to try and stop it because of the innuendo. The Hon Mr Bossano is too clever a politician to suggest that we were going to sell Gibraltar down the river. But, of course, if you talk to the people about the fact that they are discussing sovereignty and that they possibly could get hold of somebody in a corner and make him sign away Gibraltar in a moment of weakness or something like that; just to talk about the idea: "Look, they are talking about sovereignty, and if this is the way things are going to go this is the end of us". Without all the necessary democratic safeguards and assurances of the British Government, without the precedence of the Referendum and without, if I may say so, the decency of those who were representing Gibraltar at the talks who were elected by the people of Gibraltar in no uncertain manner. I said earlier that I would refer again to certain recent events which had had the effect of hardening opinion in Gibraltar against Spain. I think Honourable Members will know to what I am referring. In the first place, we all regretted the statement made by Señor Oreja in the United Nations in November last year. We discussed this matter in the course of a debate on a motion by the Honourable Mr Bossano and the House concluded that, regrettable though that statement was, Gibraltar should continue to participate in the talks. Secondly, though not in chronological order, I would refer to the visit to Gibraltar of Señor Yanez in January to which the Hon Mover has praised for his sincerity. I would have said that he knew nothing about the problem. He just had sufficient knowledge to be able to appear as a representative of the PSOE in Gibraltar with an important mission but he was utterly ignorant of the intricacies of the Gibraltar problem. He was looking at it also as black and white, but Señor Ruperez, and I am not defending him, he understood and began to understand that there was an inherent problem in Gibraltar which was not simply solved by a black and white approach. Perhaps because the people of Gibraltar expected a different attitude from a Socialist Party and perhaps also because of the manner in which certain things were said by Señor Yanez, whatever measure of confidence might have been built up as a result of what, at times, appeared to be a shift in the Spanish attitude towards their approach to Gibraltar, suffered a severe set-back. There are also grounds for disappointment, and for questioning the approach of the Spanish Government, in the outcome of the meeting of the Working Parties in Madrid in December. Again, whatever measure of confidence might have been built up in Gibraltar was further eroded by the declaration of the Spanish Government at that meeting that they were not yet ready to discuss maritime communications, though they were prepared to discuss two issues falling outside the restrictions they had imposed on Gibraltar, namely, the question of social security pensions for Spaniards formerly working in Gibraltar, and their proposals on Gibraltar's external telephone communications. This departure from the balance of subjects announced after the talks in Paris in March last year, coupled with reports in the Spanish press that a political gesture was expected from the British Government before any concessions could

made on the restrictions, led even the most moderate opinion in Gibraltar to be sore disillusioned. I mention these events in order to underline the point I made earlier about the difficulties that could be expected in this process of dialogue. But my view, and that of the other elected members in this House, continues to be that we must carry on making every effort to persuade the Spanish Government that only a change of approach to the Gibraltar problem can possibly lead to reconciliation. There is a slightly brighter side to all this and as I said earlier I believe that we have in fact made some progress during these discussions in Strasbourg and in Paris. To begin with the atmosphere at the talks held in Paris was better than that at the talks held in Strasbourg. The same, I believe, is true of the second meeting of the Working Parties. This is nebulous and intangible but in a situation of complete hostility over a period of years, even a slight improvement in personal relations is to be welcomed. Secondly, I believe that through these discussions and also through visits of Spanish politicians to Gibraltar and others, there is a growing realisation in Spain of the realities of the situation here. Thirdly, and I think this is by far the most important point of all, the talks at Strasbourg and Paris have led to a clear and public acknowledgement on the part of the Spanish Government of the fact that the people of Gibraltar have a separate identity which must be respected. It is a very far cry from the attitude of the Franco regime which contemptuously dismissed the people of Gibraltar in ways which we all remember only too well. It is in the hope that further discussions will lead to even greater understanding that the elected members on both sides of the House believe that the talks should continue. I have so far attempted to set out why we believe that they are good reasons why Gibraltar leaders, supported by the majority of elected members in this House, should continue to participate in the talks between Britain and Spain and why, conversely, it would not be in Gibraltar's interest for us to cease to participate. I turn now to the attitude of the Hon Mr Bossano as reflected in the motion and in what he has had to say. Let me say once and for all that the question of the telephone communication was not a concession made at Strasbourg by the Spanish Foreign Minister at all, it was not. We mentioned the telephones as we mentioned so many other restrictions and he said that he would see what he could do when confronted with the list of restrictions which we said were inhuman and improper. That he kept the telephones after that was entirely on his own and not as a result either of asking specifically for it or of his telling us "We are going to give you something, now you think what you are going to give us back". I would ask whether the Mover really believes that the Hon Mr Xiberras and myself, with our record and for the matter the other elected members who as he told us when speaking on his motion on 8 November 1977, had been elected on the ticket that we would oppose any question of transfer of sovereignty to Spain, would ever be a party to any move in the talks with Spain which might run contrary to the wishes

and interests of the people of Gibraltar. I would ask him also whether he really thinks it necessary to try and stir up opinion in Gibraltar and to bring a motion to this House calling for the suspension of talks which can only indicate a distrust of the Leader of the Opposition and myself and in fact of all the other Hon Members of this House unless, Mr Speaker, you were to rule that to describe the motion as an emotional vote-catching impertinence was unparliamentary then I will describe it so. I would add that it reflected totally misguided attitudes which cannot be for the good of Gibraltar. If Mr Bossano believes that short of a United States of Europe there would ever come a time when any Spanish Government will abandon the Spanish claim to Gibraltar, he is being totally unrealistic. We do not like the fact that Spain claims Gibraltar and will continue to do so but it is nonetheless a fact. It follows that if the motion were to be passed its effect would be that under no circumstances whatever should Gibraltar leaders form part of a British delegation at talks with Spain, talks which I have said I am convinced will continue in any way. The Hon Mr Bossano really must not indulge in this practice of attempting to scare the people of Gibraltar and putting himself forward as the only true defender of their wishes and interests when others in this House and I would think it would not be invidious of me to think aloud for special mention from among the members, the Hon Major Peliza, the Hon Peter Isola, the Hon Mr Xiberras, my colleagues, all the members of this House who also belonged to his party and those who left him will say with all due modesty, "We have fought for the interests of the people of Gibraltar and will continue to do so and have the confidence and trust of the people of Gibraltar." It is all very well saying, as the Hon Member is reported as having said, that he does not accuse Gibraltar's leaders of wanting to sell Gibraltar down the river but only that we are mistaken. Many people will nevertheless interpret the motion and the campaign as reflecting on the trustworthiness on the Leader of the Opposition and myself and those associated with both parties and that the Hon Mr Bossano is really the only true champion of a British Gibraltar. Any who might not place this interpretation on it are at best being asked to doubt the wisdom and common sense, not just of the Leader of the Opposition and myself, but of every other elected Member in this House. I reject the suggestion that we are either knaves or fools or both. I realise completely the importance which these matters have for the people of Gibraltar but I really do believe that the motion now before us is a complete waste of time. It involves a tedious and totally unnecessary repetition of many things which have been said in this House on previous occasions. It is my firm belief that the people of Gibraltar have full trust and confidence in the Leader of the Opposition and myself and I am sure that if this were not the case they would already have made their sentiments felt and it is not for want of trying to get public opinion moved against us but, loud-speaker or no loud-speaker, it has singularly failed. There has been no need for the GSLP's attempt artificially to stir up opinion and I hope I have been able to show that the motion

if carried would do a great disservice to the people of Gibraltar. Mr Speaker, in November, 1977, Mr Bossano moved a motion which was unanimously carried to the effect that the House was opposed to any talks or negotiations taking place between Britain and Spain on the question of the sovereignty of Gibraltar. The Hon Mr Bossano knows from the account given to him by the Hon Mr Xiberras that Sr Oreja raised the question of sovereignty at the Paris talks. This does not, of course, mean that his proposals were discussed or that negotiations were held. Sr Oreja obviously cannot be prevented from saying anything he likes at these talks just as we ourselves are free to express our own views fully. He is clearly not going to say less than he and many others that have already said in public, what I flatly deny, and this can be confirmed by the Leader of the Opposition, is that there has been any discussion on sovereignty at these meetings. On 14 April, 1978, the Hon Mr Isola proposed a motion calling on the House to express its confidence in and appreciation of the manner in which the Chief Minister and the Leader of the Opposition had acted on behalf of the people of Gibraltar in the talks held at Strasbourg and Paris and to agree that the process started at Strasbourg should continue whilst bearing in mind at all times the motion on the subject unanimously passed in the House in November, 1977. I have tried to show that nothing has happened since April, 1978, gives cause for different views to be expressed today. On the contrary, I believe that if such were to be expressed it would be contrary to the interests of the people of Gibraltar. I am now turning to the second part of the motion on which I have not alluded yet because it was only when the Hon Member in his motion started to mix them together and I asked him that it should be better if we took it as one motion, I have separated them in my notes but I will deal with all the points that he has raised on the question of confidentiality. I will not be able to deal with the one aspect of it which is the one in which I was not a protagonist at the meeting between the Hon Mover and Mr Xiberras and Mr Pitaluga. Put in the debate on the motion proposed by Mr Isola to which I have just referred in April 1978, in support of the continuation of the Strasbourg Process, Mr Bossano said: "I have little knowledge of how things operate at the esoteric level of international diplomacy". I can assure the Hon Member that he is perfectly right. He has no knowledge. In fact, one does not have to be a professional diplomat nor have much knowledge of these matters to understand that there could be no hope for the success of talks at international level if everything said at such talks were to be published in full and in detail. This is particularly true of talks on subjects as difficult, sensitive and emotive as that of Gibraltar. Confidentiality in international discussions means no more and no less than none of the participants will reveal what was said by the other participant without their express agreement. At Strasbourg and at Paris there were four participants, the British Foreign and Commonwealth Secretary, the Spanish Foreign Minister, the Leader of the Opposition and myself. The agreement of all those parties would be

needed before the discussions could be made public in the way the Hon. Member wishes. I have no wish to over-dramatise this nor give any sort of impression that things have been said at these talks which are so dreadful that must never be revealed. But it seems to me obvious that if full and detailed public statements were to be made by both sides after each meeting, all those present would be so inhibited in the way they spoke or alternatively might be so tempted to play to the gallery outside that the talks would consist of no more than a repetition of public positions previously stated. I appreciate, from the way the Hon. Mr. Bossano has spoken on his earlier part of the motion that this is in fact what he thinks ought to occur. Such an attitude appears to the rest of the elected members to be shortsighted and unproductive and as in the case of that other part of the motion, he chooses to overlook two vital points. The first of it is the trust and confidence which the people of Gibraltar have in the stand taken by their leaders at these talks. Irrespective of all his disclaimers this motion, like the previous one, casts a far from subtle aspersion or at least some doubt on what the Leader of the Opposition and I are about. But leaving that aside for as has so often been made clear the Leader of the Opposition and I are acting honourably as leaders of the people who, we believe, have full confidence in us, there is another aspect to this motion. The Hon. Member knew when proposing his other motion as indeed he knew when opposing the Hon. Mr. Isola's motion last April, that all the other elected members would disagree with his view that the talks should stop. This then is another way of trying to achieve his objective. "Let us reveal all", he says, "and this will either lead one side or the other to break off the talks or at least make any future talks as fruitless as the public polemics of the past." In yet another way he tried to achieve his dual aims of casting suspicion on the Leader of the Opposition and myself and stopping the talks. As the House knows the Hon. Member has been kept informed of what happened at Strasbourg and Paris. He cannot disclose this, he has told the people, because he has been told in confidence but he then goes on to hint at all sorts of dark and sinister things that he says he knows about and cannot reveal. At least I got it from him yesterday that he was referring to what was said by other parties other than the Leader of the Opposition and myself and not by ourselves but that is not in the subtle innuendo that goes through the loudspeaker. In this way he has tried to spread alarm and suspicion when in point of fact the substance of the two talks has been made known in Britain, Spain and Gibraltar without a breach of the principle of confidentiality as to the details. The second fundamental point which the Hon. Member chooses to ignore is that no matter what devious or irresponsible way the Leader of the Opposition or I might have at the talks nothing can be done, no proposals can be implemented, no changes can be introduced if these are contrary to the wishes of the people. If, by some impossible stretch of the imagination, we were to act irresponsibly then not only would nothing happen because the people would not allow it to happen but our political

careers would be at an end, something which I am sure the Hon. Member would not cry much about. As has been said so often, even when proposals of real substance should emerge, and the setting up of the Working Parties was a purely procedural matter and no decision of any kind can be taken in them, they will be made public for the people to consider and decide. The need for confidentiality in international talks is so obvious to be scarcely worth debating. I will just say one final point, Mr. Speaker, and I am sorry if I have been at some length to deal with a matter which is of the utmost importance. When I stood for election in 1976, I stated publicly in my campaign that changes in Spain would in one way or another bring about talks between Britain and Spain and I said that in that case I wanted to be there to voice the views of the people of Gibraltar. I know what those views are and I know that the people of Gibraltar want me to express those views which I shall continue to voice for as long as I have the opportunity because I know that they will be for the good of Gibraltar. I need hardly say that we will vote against the motion.

HON. M. XIBERRAS:

Mr. Speaker, the campaign of the Hon. Mr. Bossano apparently is intended to reach a climax or an anti-climax with this motion at present before the House. The subject matters as has already been indicated, have been repeatedly before the House and the attitudes of Members is clearly known to the Mover and to each other. The campaign of the Hon. Mr. Bossano took place whilst I was away from Gibraltar but I have information of it and I caught only the tail end of it when his Group came to speak just in front of my house just after the announcement of the Owen declaration and, quick as a squirrel, he jumped on the nut that was provided for him by the hard work of many people, including the Hon. Chief Minister, including the European Movement both here and in the talks in London, the nut of Dr. Owen's very sound statements in Brussels. The Hon. Mr. Bossano said; "For the first time the Foreign Secretary has linked up the entry of Spain into Europe with the lowering of the restrictions. I do not want to claim the credit for this but our campaign must have had some bearing on the matter." I felt tempted, Mr. Speaker, to walk out of my house and have there a classic confrontation with him on the microphone but bearing in mind that I have a responsibility to the people of Gibraltar, I thought I might not make use of the opportunity and I thought that perhaps the matter might come before the House as indeed it has. The Hon. Mr. Bossano jumped the gun that day because the news had not been made public yet and the full text of Dr. Owen's statement was not known and we were much more cautious about it and waited for the whole text to become known, not that we expected anything different but I want to be absolutely sure all the time that the way things go are the way that the people of Gibraltar want things to go and Mr. Bossano does not have to remind me of what my obligations to the people of Gibraltar are. My obligations to

the people of Gibraltar are to keep Gibraltar British by any way I know how and that responsibility I have not failed in the last two years. Quite the contrary, I have advanced that cause and I am very glad to hear from him that even he, the critic of the Strasbourg Process, is willing, perhaps inaccurately, to say that as a result of these consultations and within this process, Dr Owen has now granted us recognition of our self-determination which was not explicit British Government policy before. It was mentioned at the United Nations by Mr Brown, if I remember, about 1964 or 1965, certainly the Integration with Britain Party to which the Hon Mr Bossano used to belong was aware of the views of Sir Alec Douglas-Home when he was in Opposition and certainly there have been intimations of British Government recognition of the right of self-determination the unqualified right self-determination of the people of Gibraltar but I would tend to agree with the Hon Mr Bossano that Dr Owen has gone further in the recognition of the people of Gibraltar than any other Foreign Secretary, however much I may disagree with this or that that he says. I think he called us a nation in fact in those statements in Brussels and therefore I do not think the Hon Mr Bossano is right in dismissing this as the only gain of the Strasbourg Process. Even if it were the only gain

HON J BOSSANO:

Mr Speaker, if the Hon Member will give way. I did not say it was anything at all to do with the Strasbourg Process, I said it was the only thing I agreed with in the statement.

HON M XIBERRAS:

Then it can be left out of the Strasbourg Process, conveniently for Mr Bossano, that he thinks that the confrontations that took place very recently in London were outside the Strasbourg Process. It is common knowledge that there was a review of the Strasbourg Process carried out by the Secretary of State, the Hon Chief Minister and myself in London. How can he possibly dissociate or make people believe that the meeting in London recently can be dissociated from the Strasbourg Process or the views that have been represented by the Hon Chief Minister or myself? Is he not even going to concede this point? Does he need it for his campaign?

HON J BOSSANO:

If the Hon Member will give way. The Strasbourg Process is, I take it, exclusively talks with Spain to get them to remove the restrictions, that was the Hon Member's definition of it.

HON M XIBERRAS:

Mr Speaker, speaking on one or two occasions in this House I have defined the Strasbourg Process quite clearly. I have

said that it involves the British Government very closely, that the consultations in London are part of the Process, that one of the gains to be derived from the Process is to show a reasonableness to the British Government and I am sure that as a result of this reasonableness combined with a firmness which should be absolutely apparent to the Hon Mr Bossano and would be more apparent if he cared to support the Strasbourg Process because it has been discussed often enough among all the other elected members, as a result of all this there has been a marked change in the attitude of Her Majesty's Government to the point that now the Secretary of State has indisputably linked Spain's incorporation in European institutions with the lowering of the restrictions. That is quite blatant and the Hon Member must have been tempted that night before my house to change course when he said; "Perhaps it has been my campaign that has made the Secretary of State change his mind." But the Hon Mr Bossano's campaign has been a mass of contradiction and misleading statements and deliberate misrepresentation. May I refer to the question of the minutes, Mr Speaker. We had a meeting only yesterday about this very question, the Chief Minister, the Administrative Secretary and myself. We were wondering why the Hon Mr Bossano had been quoted in the Gibraltar Chronicle of 27 January, 1979, as saying that he had eventually been allowed to read the minutes of the Paris talks. The Hon Mr Bossano did not make clear as he made clear in front of witnesses in your Chambers, Mr Speaker, exactly what he meant by that. He meant that Mr Pitaluga, who was present at the time following Paris, had a set of notes which Mr Pitaluga was not able to tell him yesterday whether they were notes taken in Paris or not but they were a set of notes, I seem to recall they were speaking notes for the particular meeting with Mr Bossano, that Mr Bossano had in fact seen the minutes, not read the minutes and that I had quoted from the speaking notes and that he might have glanced at the papers Mr Pitaluga was holding. That is not reading the minutes, Mr Speaker, but even if he had read the minutes which I am not in favour that he should read if he is going to use that to distort what is said - I will come to the question of confidentiality in a minute about which Mr Bossano has been very explicit on other occasions - but to use the minutes to distort or even to use the information which I had given him, to distort and to undermine not even the Chief Minister's position but my own position, Mr Speaker, which seems to be a major objective of his campaign. For that purpose, once bitten twice shy. Does the Hon Mr Bossano think that Sr Ruperez is going to come here and is going to tell him more about the Strasbourg Process than I told him in two hours conversation with him when we discussed not only Strasbourg but the way ahead, in the lobby of the House of Assembly, for him to come and tell me that somebody from the other side, Sr Ruperez, is giving him more information than I, a Member of this House is giving him, or after Paris when I had to call in a witness, the Administrative Secretary, he should distort the goings on there, that he should rush to a cocktail party and start spreading deliberate misrepresentation, Mr Speaker, because another word would be unparliamentary.

MR SPEAKER:

We must be careful. We are not discussing the Hon Mr Bossano's behaviour outside the House, we are discussing whether the Strasbourg talks should continue.

HON M XIBERRAS:

Yes, Mr Speaker, I am not even ascribing a motive for Mr Bossano's opposition to the talks. I am just saying, Mr Speaker, that the campaign to stop the talks has been carried out in such a way that I cannot help thinking that they are deliberate misrepresentations of the facts as known to Mr Bossano. Mr Speaker, perhaps the Hon Mr Bossano is trying to solve, as the Hon and Learned the Chief Minister suggested, his own political problems. I understand that he has problems, he has problems in the Union and that he has problems outside the Union, this is a fact, Mr Speaker, but I do not care what problems the Hon Mr Bossano has within the Union, I have had a lot of experience of that and my colleagues in the Integration Party have had a lot of experience of Mr Bossano's problems within the Union but he should not try to solve them at the expense of the confidence which the people of Gibraltar deposited on the Hon Chief Minister, myself and himself, not through a campaign of distortion and scandal-mongering. Mr Speaker; the advantages of the Strasbourg Process are obvious provided that there are safeguards. When the Hon Mr Bossano talks about the future of Gibraltar being defined, the very first step for the definition of the future of Gibraltar is recognition of the right of the people of Gibraltar to define their future and this has not been got, as I might have hoped at one time it would have been got, directly by appealing to the British Government, a clearer recognition of the right of self-determination of the people of Gibraltar had emerged out of a process which was not overtly directed at this and we have done it all along the line. We have got recognition of the Spaniards of our presence in talks which they had refused all along. We have been there to discuss the lowering of the restrictions. Our point of view on sovereignty has been recognised by the Foreign Secretary on behalf of the British Government, our point of view on the restrictions has been recognised by the Foreign and Commonwealth Secretary on behalf of the British Government. The Hon Mr Bossano knows that if anybody has done anything to keep Gibraltar in a firm position to resist the blockade indefinitely, it has been my Hon Friend on my right, other members opposite and I will also include myself, from 1969 onwards to 1972 and I am prepared and my colleagues are prepared to put up with the restrictions indefinitely and I told him in the lobby exactly what I had told Sr Oreja at Strasbourg, in the clearest terms. If he is saying that we are showing weakness, if he is saying that we are acting out of weakness, we who have spent a very long time in Gibraltar, even when he was in England, fighting it out, making Gibraltar strong against the restrictions, that

we are going to throw away not only our dignity but the work of years in surrendering to the Spaniards, is that what he goes around telling people? I would have thought that the brief time spent in our Party, under my leadership, would have taught him differently about me. Well, Mr Speaker, there are other advantages to the Strasbourg Process continuing but let me say, does the Hon Mr Bossano put in a wage claim and just hope it is accepted first go, after one meeting? The Hon Mr Bossano is a very persistent kind of man. What a naive statement, Mr Speaker, to make, that after the first original meeting at Strasbourg the Spaniards would overnight crumble, they would accept our right of self-determination and they would crawl back home to Madrid saying it is accepted, we have surrendered, when Spain has barely emerged from dictatorship, when attitudes have been inculcated over the years into the Spanish nation. How possibly could the Hon Mr Bossano expect sensible people to believe that after one or two meetings Spain would be in a position, or even responsible Spanish leadership would be in a position, to do an aboutturn and accept the right of self-determination of the people of Gibraltar? Characteristic of the process, I think, Mr Speaker, was the way the telephone communications were left on, a matter which has already been referred to. It was not done with a great fanfare of trumpets, certainly I can vouch for what the Hon and Learned the Chief Minister said that we did not ask for the telephone communications to be put back. It was a result of a recognition, it could be nothing else, that in this day and age how could you have two communities with family links of this kind, with no kind of communication at all. I think the Spanish position was very difficult to hold and it was in recognition of this that this advance has been made but if the telephone communications were to be cut once again I would not go and bare my soul to the other side and say: "Please, would you restore the telephone communications?". I would not provoke a break in the communications. Why should I? I do not want the frontier restrictions to stay up for ever and ever, not because I can't stand it, I quite prefer to die in Gibraltar with those restrictions on, but I am not going to say: "Let us have those restrictions on for the political manipulation than can be done inside Gibraltar so that some people do not lose power, so that certain situations can be engineered in Gibraltar." If we can get, and this is the object of the Strasbourg Process, if we can get a more, to put it euphemistically, humane situation going without surrendering our fundamental freedom, then is this not an honourable course to follow? It would be absolutely dishonourable to work against the wishes of the people and we all know that, we don't have to quarrel about that, but wouldn't there be also implied recognition of our position as Gibraltarians if the restrictions were lowered? Is it not to our advantage to work towards that point? Do we want to wake up after Spain has joined Europe in about 20 years time and realise that we have not had even that measure of recognition which a lowering of the restrictions would confer,

that we are still treated as outcasts despite Spanish obligations? Well, Mr Speaker, not related to the Strasbourg Process but certainly in the general context of an improving situation, we had a Spanish Socialist Leader here recently who was able to make certain statements which the House, generally, might applaud and that is the dissociation of the claim for sovereignty from the method of pursuing it. Señor Rojas Marcos, in fact, made this clear here. That is an indication of the kind of progress which one might achieve and Mr Rojas Marcos came some time after the Strasbourg Meeting and there might be others in time and so it is a question of chipping away. It is a question of plodding through this, it is not a question of even for local gain, political gain, suddenly breaking. What a picture, Mr Speaker, if we who had asked for representation, and the Honourable Mr Bossano was a party to this in 1974 when statements were made by myself in 1974 when he was a Member of the Party and I was repeating what my Honourable and Gallant Friend had said, when we spoke about Gibraltar representation in talks, what a picture, Mr Speaker, if we, the Gibraltar delegation, knowing that sovereignty was not being discussed, knowing that nothing had been infringed, none of our obligations had been broken faith with, if we were to walk out of the talks and leave the British Government of whom we had been asking for representation at talks, and the Spanish Government, to sort out the question of Gibraltar. Mr Bossano says, quite rightly, that we do not have any extra safeguards in being present at the talks, no extra safeguards in the last resort because it has been made clear by the Chief Minister that nothing, in any case, can change without the wishes of the people. But, Mr Speaker, this is a very negative aim. I told Mr Judd when he came, and I quoted him in the House, that the British Government should take an initiative long before with all due respect to the Chief Minister, he announced his own initiative. My colleagues were present, I have quoted from the minutes of the meeting with Mr Judd, in this House, because I felt that the initiative now could be taken by the British side and the gradual change in the balance might be affected. So there is an advantage, another advantage. Like Mr Bossano I am quite, not apprehensive, but I am quite concerned at the way in which restrictions might be lowered. The manner in which restrictions are lowered is of direct interest to the people of Gibraltar. We do not want a sudden change in the situation, we want to be consulted about this. We have been putting up with the other situation, building up our defences, changing our economy, changing our way of life because of the Spanish blockade. We do not want a sudden change which might upset the whole equilibrium within Gibraltar and arouse attitudes which are counter productive to normalisation. And because we are in the Strasbourg Process we are parties to the removal of the restriction if and when it comes, the phasing in of removal of restrictions. This is of vital importance

to our economy, to our political life, to everything. And now we are parties and we are recognised as being parties to this Process. The Working Parties have been set up with our agreement and very pointedly so, Mr Speaker, because in Paris, the Chief Minister knows, I insisted that the matter should come here to Gibraltar to be discussed by elected Members before we said "Yes" to the setting up of the Working Parties. Coming to the Working Parties, Mr Speaker. Mr Bossano put a little bit of camouflage earlier on in what he said, and I have mentioned this in the House before. When, after the Paris meeting, Mr Pitaluga and I saw him to inform him, after the meeting had concluded or on the point of ending, I asked the Honourable Mr Bossano: "Well, how do you feel about the setting up of the Working Parties?" and he said, and I cannot quote specifically, but the Honourable and Learned the Chief Minister heard him in your Chambers yesterday, that if the Working Parties were about normalisation of bilateral relations, when he saw nothing wrong with it. This is what he said in fact in the Chambers; today he slightly changed the emphasis to the bilateral and spoke about independence, between independent nations, and we said we are not an independent nation but we are independent of Spain. What a play on words, Mr Speaker. In fact, what he said to Mr Pitaluga and myself was that he saw no objection provided we discussed the restrictions - this is in fact the brunt of what he was saying. We were talking of what might happen after that, a point that we had also discussed in our previous consultations. I think Mr Bossano can have no objection to the setting up of the Working Parties. I think he can have no objection to the working for the lowering of the restrictions and that is what the Working Parties are about. It is quite clear they are about telecommunications, restoration of telecommunication, about the question of pensions, and about the question of maritime communication and that is not about sovereignty, that is not about the dignity of the people of Gibraltar, that is on the normalisation of the situation, three specific examples, and where are the objections there? Of course there had to be one and that is, why did they go to Madrid? Mr Speaker, the House may be amused to know that I was met by several people in Gibraltar at the time when our representation of the Working Party was in Madrid, saying: "But aren't you in Madrid?", because certain people were spreading the story around Gibraltar that I was in Madrid and that I had said I would not go to Madrid. But the scandalmongering and so forth was stirred up that I was in Madrid for all intents and purposes as far as a good sector of the community was concerned. The other story, Mr Speaker, is that in the Strasbourg Process I had no voice. Well, I am not going to speak about that, Mr Speaker. If I had no voice, Mr Speaker, it must be because I have spoken too much. The Honourable and Learned the Chief Minister knows perfectly well and is able to vouch for this and so can his colleagues and so on can mine, Mr Speaker, that we are partners in this venture but we each have our own opinions, we have enough common ground to be able to proceed on these matters but neither the

Government nor the Opposition side expect each to surrender his point of view to the other. It is an exaggeration, Mr Speaker, what Calge News once said that the Chief Minister led and I motivated the delegation, that is a complete exaggeration because we are ad idem on the basic things. The Chief Minister knows me too well and I know the Chief Minister too well to accept the kind of role, in fact, where one would do things with which the other would not agree and it is on the basis of agreement, it is on the basis of re-view that we proceed and if I were to disagree with the Chief Minister on something basic, then I would not attend the Strasbourg Process in representation of Gibraltar because I would not like to see a divided delegation going there. I think it is in the interest of the people of Gibraltar that their elected representatives should be there united and therefore I deplore the attitude of the Honourable Mr Bossano. I think I have sufficient foundation to be able to show that not all he said is logic, not all he said is realistic thinking, there is a great deal of deliberate misrepresentation of what has gone on. Mr Speaker, Mr Bossano's Party is also vying with the PSG on certain matters and may I touch in this respect on the question of confidentiality. Mr Speaker, Mr Bossano when he was in the position I at present occupy as Leader of the Opposition was speaking on a motion presented by the Honourable Mr Gerald Restano on December the 6th, 1976, which read as follows: "This House takes note that 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, 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, and His Excellency the Governor had no knowledge eleven 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 the House and to commit itself to keep the House fully informed as to what transpires at such meetings." This was an original presentation by a Member of his own Party, in fact, the mover, on behalf of the Party obviously, was asking for consultation on talks between Britain and Spain on Gibraltar, and on whether they should take place.

HON J BOSSANO:

Before there are any further talks.

HON M XIBERRAS:

Yes, Mr Speaker, before there are any further talks, but now we are talking about representation which I think the Honourable Mr Bossano should know enough of, international diplomacy is a step further. Mr Speaker, the motion was

debated, as I was saying, and on page 237, after the Attorney-General had made a statement and so forth and the House was trying to persuade Mr Bossano that a degree of confidentiality was necessary before he could be informed as Leader of the Opposition of these things, the Honourable Mr Bossano said on page 237: "I think it would be a good thing even if they vote this motion out that they should make it quite clear that it is not what they wish because even if I am kept in the dark I would at least prefer that the Hon 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 because the implication there is that even as Leader of the Opposition he would prefer the Chief Minister to be kept informed even though he as Leader of the Opposition was not kept informed and is urging the Chief Minister to be informed about the talks, I think the link, Mr Speaker, between consultation and representation is an obvious one and here Mr Bossano is not defending a position of telling everybody about everything, he is defending a position, perhaps not the most preferable one to him, defending a position that only the Chief Minister should be kept informed at least. We have done better, Mr Speaker, we have informed all the elected Members, we have informed Mr Bossano but he won't believe that what we are telling him is the truth. So, Mr Speaker, when the GSLP and the PSG speak about keeping the people informed and we are not telling you everything and so forth, surely, Mr Bossano is not adopting a different standard, surely, he does not expect netotiation on television, surely he does not expect a publication of minutes. What particular conference, in fact, to Mr Bossano's knowledge, has been publicised with the publication of a minute. A comprehensive statement has been made, the Chief Minister and I were interviewed on television live by the whole press when we came back from Paris and numerous statements appeared on television but Mr Bossano still wants more, he would rather believe the Spaniards. Mr Speaker, when he was addressing the House he said something which was, I think, indicative. Referring to the Strasbourg Talks he said: "Mr Xiberras told me that the British side had stated its position, the Spanish side had stated its position and that was it." Well, basically, that was it. I told Mr Bossano even more about it. I told him the general gist of what the Chief Minister had said, what I had said, what the Secretary of State had said, what Señor Oreja had said, what other people had said, I told it all to him, I told him everything. I told him what the repartee had been after that but, basically, it was a statement of points on both sides. What does he want me to tell him? I don't think he really wants me to tell him anything, I think he prefers to be able to go around the street saying "He hasn't told me". Then he can leave it to people's imaginations as to what happened or he can say, Mr Speaker, as I think he said in

his public meeting, it is attributed to him, that if people got to know what he had read in the minutes, some people might be hanged at Four Corners. Who does it mean, that the Spanish representatives should be hanged because according

MR. SPEAKER:

Yes, but this is not a statement that Mr Bossano has made in the House.

HON. M. XIBERRAS:

Mr Speaker, I think I have said enough but it is no joking matter. Here we are, going to one of the rather more important occasions in which this House and the people of Gibraltar have been represented, doing it quite openly, stating what our position is going to be, having a debate which is quite unnecessary of this nature which can be reported by everybody and having to do this on the basis of what? Is it an objection in principle to this process, is it really? Where is the objection? Is it that we are negotiating on sovereignty? Is it that we are showing weakness? Is it that sovereignty is in danger? Is it that there is no information? Is it because the Spaniards are pressing for devolution? Is it that the British attitude is weakening? Is it because civil servants go to Madrid? Is it because there is no progress? Is it because it is a waste of money? I have given answers to all those questions, Mr Speaker. It cannot be that we are negotiating on sovereignty. The Honourable Mr Bossano himself in his more sincere moments might say that he is not accusing us of selling Gibraltar down the river and we have repeatedly said: "No, there was no negotiation of sovereignty in Strasbourg, none at Paris, and we are ^{not} prepared to discuss sovereignty and we have not discussed it in either of these two places. Is it showing weakness? The Chief Minister has stated it, everybody here, he himself has just to walk out and just suggest to people that we are acting out of weakness, that we are going to barter sovereignty away in exchange for a lowering of the restrictions. Does he think that I live in another world and that I do not know what people outside would say about that, that I would commit suicide even if I wanted to do it, which I do not. Is there a weakening of the position, therefore, in Gibraltar. No, there is a strengthening of the position and we have always maintained that Gibraltar is strong so you should not want to stop the talks because there is a weakening of the position in Gibraltar. Is it because there is no information? Well, Mr Speaker, if he wants to be informed I am quite prepared to go, if there are talks in the future, I don't know whether there will be or there will not be, I hope that there are; if there are talks in the future and he agrees with the process certainly I have already informed him even though he does not agree with the process, on two occasions, but if he wishes to influence

the process inside it then he has to accept it. I have to be Union member if I want to be elected to the Committee and take part in wage negotiations. I cannot go there and negotiate, I cannot say; "I disagree with this wage claim, I disagree with Unions, I do not agree with this," and then be landed right in the middle of JIC - I cannot do that, it does not make sense. How can he be the same as any Honourable Member on this side or on that side, if he has been carrying out a campaign to destroy this very thing. We are speaking on his behalf but we are taking the responsibility for speaking for Gibraltar, that is part of the job of leadership, to take that responsibility, and if I lose popularity because of it, because Mr Bossano draws away followers of the ex-Integration With Britain Party or for whatever reason, I am prepared to put up with that because it is a responsibility to Gibraltar and my place as Leader of the Opposition is in the front line. I have said it on television and that is where I intend to be -- in the front line. And if it is necessary to go with a megaphone or a microphone round the streets, I have done it before and I will do it again but it is not necessary and I am the judge of what is necessary and my Colleagues advise me on this. So, Mr Speaker, is it that the attitude of the British Government is weakening? No, in Mr Bossano's own words there is a strengthening, there is more recognition of the right of self-determination, a *sine qua non* to my participation. The British Government must not only have regard for our views but be guided by our views in these matters and this has happened increasingly so, more in Paris than in Strasbourg, more this last time when we went to London than in Paris. The House has also heard the views of the Conservatives on this matter and Mrs Margaret Thatcher . . . , the Honourable Member may laugh but if he ever becomes Chief Minister he knows that whatever his view it would be ill-advised to deal only with one Party, the Gibraltar Lobby has always consisted of all Parties in the House of Commons and support for the cause of Gibraltar is welcome from whatever side, Mr Speaker, is it because there is a complete crumbling of our position in Gibraltar, is it realistic to think that on the evidence? No; is it because there is no progress? But there has been progress, Mr Speaker, it has been slight but there has been progress and progress should be counted, Mr Speaker, not so much in the lowering of restrictions but in the increasing recognition that we are getting. If Senor Suarez says that he is happy with the progress, I don't know what Senor Suarez is referring to; if he is happy I am happy that he should be happy. I myself, Mr Speaker, am quite happy as well and what makes me happy is that I have been able to represent the people of Gibraltar face to face with the Spanish Government and be able to tell them what I feel in exactly the same terms as I would tell the Chief Minister, Mr Bossano or, with all due respect, you, Mr Speaker.

HON MAJOR R J PELIZA:

Mr Speaker, I would like to say a few words since I find myself very responsible in many respects for advising my Honourable Colleague and Friend, Maurice Xiberras, in proceeding with accepting the principle of talking to Spain particularly I think as the representative of this House. The question of Gibraltarian representation in talks goes back a long way, in fact, I was asked when I was Chief Minister and I made my position very clear then I said that Britain was responsible for foreign affairs, that as far as I was concerned I wanted her to be so and continue to be so realising our own position. Naturally, we are incapable of representing ourselves in foreign affairs, we haven't got the means, we haven't got the strength, because, after all, foreign affairs to a large extent is a question of horse trading and we have no horse to trade. So, in that respect, I made it quite clear that the responsibility for foreign affairs was in the hands of Britain and as far as I was concerned for the time that I was Chief Minister it should not be Gibraltar's responsibility. Secondly, I said that I welcomed the idea of Gibraltarian representation provided that the delegation was led by a British Minister and that the responsibility was still Britain's. Thirdly, I said that if the Government was represented, the Opposition also had to be represented and that as far as I was concerned I would only go representing Gibraltar if I could find unity with my opposite number which I am glad to say is happening today. Fourthly, I said that the Gibraltar representation would never make a final decision at the talks, they would come back and consult their colleagues and that if their colleagues were in favour or against, it didn't matter, after we consulted each other if we thought that the matter required a final decision it would be put to the people of Gibraltar. That, I believe, is still the doctrine both of the Government and the Opposition today. To me that is a very strong position to be in and I see no reason whatsoever why we should feel in any way suspicious of our strong position being weakened by continuing to talk. In fact, I think that our position will strengthen, this is why I advised my Honourable Friend that he should go to Strasbourg. I believe the position of Gibraltar will be strengthened because certainly in the United Kingdom, Mr Speaker, public opinion is always trying to find out how reasonable the parties in any dispute are and above all, I think Gibraltar must be reasonable but not just be reasonable which I know we are, but also appear to be reasonable and I think that the approach that Gibraltar has been taking and making lately proves conclusively that we are being reasonable. Not only are we influencing people in influential positions in Britain, such as Members of Parliament and Ministers but also now in the international field in Europe where it matters so much. The House knows very well that I was very responsible for bringing the European movement to Gibraltar and also for the idea, it was in fact my platform at the last election, that

Britain should not support Spain into the EEC unless they dropped the restrictions and respected the rights of the Gibraltarians. It is obvious that through direct Gibraltarian representation it is made clear to all the nations of the world that the British Government, when they are speaking for Gibraltar, are expressing the wishes of Gibraltar and it is not a subterfuge to try and keep a naval base in Gibraltar as it had been said by the Spanish Government time and again and it is still heard now and again that that is the case. It is obvious that it is the Gibraltarians themselves who at these confidential talks are putting across the views of Gibraltar as I know that my Honourable colleague and the Honourable Chief Minister are doing, it is obvious that those are the wishes of the people of Gibraltar. We have gone a long way in that respect, the fact that the Spaniards have accepted Gibraltarian representation is giving recognition to the people of Gibraltar, a recognition which I don't think we want to lose, and if we were to break the talks now, we would be throwing away a very valuable situation that I think through the years and through the strength and will of the people of Gibraltar we have managed to create. We must preserve the situation, we cannot abdicate our responsibility which, I am sorry to say, is what my Hon Friend Joe Bossano is suggesting. We cannot abdicate our responsibility, our responsibility is to face the situation and to try to change it through persuasion which is the way, of course, that we as democrats must always pursue. There has been a change in Spain, no one can doubt that, a change for the better as far as we are concerned because at least we are now dealing with a democratic Government. The spirit of democracy is gradually catching on in Spain, the roots are going deeper and the grass is beginning to grow. We are, Mr Speaker, democrats and we must try and influence not just the politicians, but also the people of Spain. It is through this dialogue that is going on that the democrats of Spain are beginning to debate Gibraltar. Gibraltar has never been allowed to be debated in Spain before, you have to be either in favour of the process of the restrictions or else you have to shut up - this is not now the case. There are as we know already in our neighbouring town, people who are clamouring for those restrictions to come down, there have been demonstrations. We have had a member of the Partido Socialista de Andalucia who we know has said quite plainly that he would like to see those restrictions lifted. This is beginning to spread; it is obvious that there is common interest between Andalucia and Gibraltar, there is no doubt whatsoever. I think the people in La Linea are just as interested if not more interested in seeing these restrictions lifted than we are. There is pressure building there for the restrictions to be lifted. The importance of bringing down the restrictions is not so much this flow of free traffic between two communities, it is doing away with the symbol of the attitude of a Fascist Government.

MR SPEAKER:

Let us be very clear on this one. Let us not take it upon ourselves to discuss the whole spectrum of the problem.

HON MAJOR R J PELIZA:

No, Mr Speaker, I doubt whether I can change the mind of my Honourable Friend. Since this is a matter of judgement, of course, he is free to make his judgement but although he is free to make his judgement I think he must bear in mind that he belongs to an Assembly which, particularly in matters of foreign affairs, we should try very, very hard to be united in our view since if we are not a form of a collected responsibility which no doubt we have, not perhaps as acute and strict as there is within a Cabinet, but certainly there is a certain amount of collective responsibility amongst all our Members which should to some extent dictate that even if you differ slightly one way or the other, when it comes to the crunch, I think we should try and get together. This is why I am building up this argument, Mr Speaker, to prove to my Honourable Friend that the process of talking is not a sign of weakness, it is the accepted view in a reasonable and civilised society of trying to overcome difficulties and disputes. The dispute over Gibraltar is not a new one, Mr Speaker, it has been going on for years and I don't believe that the Spanish people are going to give up their claim to Gibraltar overnight. It would be impossible. It is only as something more important, more common to all of us, it begins to appear that there is a chance that the Spanish people will realise that this historical past has nothing to do with the progressive future and that they will see, Mr Speaker, that Gibraltar in the context of many other issues to do with Spain, particularly in connection with the European Common Market is really absolutely insignificant and I would even say, childish. They have to grow out of that situation and it is not going to happen overnight but I have no doubt, Mr Speaker, that our contact with politicians in Spain as in fact it happens on many occasions with Spaniards who come to Gibraltar, I have had many of them talking to me who after a couple of hours in Gibraltar see the problem in a completely different light. If we were to manage just to see a little bit of more traffic of Spaniards coming to Gibraltar which will happen. . . .

MR SPEAKER:

May I say that Mr Bossano has never objected to Spaniards coming to Gibraltar. What Mr Bossano is saying that he wants the Strasbourg Process discontinued, and that is what we should talk about.

HON MAJOR R J PELIZA:

I can hardly see, Mr Speaker, and this is why I mentioned it, I can hardly see how breaking the talks is going to help in bringing about closer understanding when there is

really no reason to break them as far as I can see yet. If we break the talks, Mr Speaker, the finger is going to be pointed at us as being intransigent perhaps, not that I believe that we are, not that I believe that the restrictions should have ever been put up, but the fact of life is that they are, the fact of life is that we are not going to change the situation just like that, overnight, by not facing the problem. What I think Mr Bossano is doing is very conveniently turning his back on the problem and that is not going to solve it, that is not the way to solve it, Mr Speaker, the way to solve it is to see it, face it, and try and find a solution. A solution which we have said before must not be based in any manner, or form in the dilution of our own sovereignty, a matter of course of which there is another motion in the House which is still pending over many months which to me is completely in contradiction with the attitude that Mr Joe Bossano is taking here today and to me it is incomprehensible how one day in this House on one motion he is going one way and the following day in this same House he is going to go the other way, to me that is incomprehensible and I wonder whether his judgement has not somehow gone the wrong way. I say his judgement, Mr Speaker, because here we are in this House, fifteen elected Members and out of the fifteen, fourteen believe that we should go one way and there is only one, Mr Speaker, who thinks that we should go the other way. What has happened to Mr Bossano's judgement, a man who I admire as very clever, very intelligent and very analytical. What he has said today here in this House, Mr Speaker, has not convinced fourteen of the Members here that his position is the right one. I fail to understand, Mr Speaker, how a very clever man can really take the position that he has taken. What is the fear? Is the fear that our delegates are in any way going to surrender our rights in Gibraltar? Does he honestly believe, and he knows me very well, that I, who am advising my Honourable Friend would in any manner or form, not that I think he is going to do it, allow my Honourable Friend to do that? He knows perfectly well, Mr Speaker, that I would come out shouting against my Honourable Friend the moment I had the least suspicion that he was in any way going to surrender British sovereignty of Gibraltar. But that is not going to happen. If he doesn't trust my Honourable Friend, if he does not trust the Chief Minister, if he doesn't trust me

HON J BOSSANO:

It is not a question of surrendering British sovereignty.

HON MAJOR R J PELIZA:

Well, Mr Speaker, if that is not his fear where does the hanging in Four Corners arise?

MR SPEAKER:

I will not have any further reference on that one. We are not debating, as I said once before, what Mr Bossano said outside the House. We are debating the motion before the House.

HON MAJOR R J PELIZA:

Mr Speaker, I do not believe that there can be the slightest doubt that there can be any risk whatsoever of our delegates surrendering our rights. I don't believe either that it would be safer for Gibraltar for talks to carry on as they would carry on because there is a mandate from the United Nations that Spain and Britain must talk over Gibraltar and I do not see the British Government giving up the struggle of trying to find a solution to Gibraltar, but the talks would go on without Gibraltarian representation and then the danger of something going wrong with the talks which would be unfavourable for Gibraltar would be much greater that way than it is now for at the slightest possibility of talks going unfavourable for Gibraltar. I have no doubt that both our representatives would sound the alarm and every opportunity would be taken to ensure that the situation was corrected as soon as possible. Therefore, Mr Speaker, why stop a process which in my view and I think in the view of, certainly, fourteen elected Members of this House, is that if we carry on talking, a sensible solution will eventually come about, at least it is a beginning. As the Chinese say, "If you want to walk a thousand miles you have got to take the first step." Well, we have taken the first step and perhaps it is a thousand miles that we have to go but at least we are trying to get there, we are not turning our backs to our aim, we are trying to get there and from what I see, perhaps we may not have made very visible progress but there is little doubt that from the statements that Dr Owen has made of which I think the whole of Gibraltar has rejoiced about, it is obvious that sooner or later the talks that are going on will be assisted by a diplomatic pressure that the Spanish diplomats and the Spanish Government will have to face because the issue of Gibraltar is extremely small in comparison with that of Spain joining the Common Market. If the Spanish Government would have to choose between one and the other, it is obvious that the choice will be that they must join the EEC. The situation is obvious and for the first time it has been linked up, as I think everybody in this House accepts, if not in words, certainly, in spirit, it is there, you can read it in between the lines, it is, as you might say, a warning shot. Mr Speaker, I do hope as a true democrat that if a decision is taken in this House by a majority that this be the case, that he will accept that as a final word and try and support all the efforts of all the other elected Members to try and bring about a reasonable solution.

The House recessed at 5.40 pm.

The House resumed at 6.20 pm.

HON P J ISOLA:

Mr Speaker, the Chief Minister and the Leader of the Opposition have recounted their experience of the campaigning of the Honourable Mr Bossano of which we are told that this is the culmination but knowing the Honourable Member, I am sure it isn't, but, anyway, we are told it is a culmination and I can of course add to what they have said and confirm that the campaigning of the Honourable Member was very vigorous indeed. I didn't have the pleasure of listening to him when he was at the top of Bell Lane. As a matter of fact, Mr Speaker, I heard a lot of noise and I am used to getting a lot of noise from a bar up Bell Lane from a juke box and a television set and I thought at first it was a football match but when I heard no applause I discovered it was something else and it was the Honourable Member holding forth in an area which did not, I think, appreciate his address all that much. But, anyway, Mr Speaker, I didn't listen to him and I didn't listen to him for two reasons. The first, at my age, I suppose my blood pressure could be affected and the second reason is that I think it is sad, it is sad for Gibraltar that in a matter such as this where elected representatives have tried to keep a fairly united front in the past, not just for the sake of appearances but because I think elected representatives have a particular responsibility in this and I think it was the Honourable Leader of the Opposition who mentioned it or my Honourable and Gallant Friend Major Peliza, that as far as foreign affairs are concerned, the people of Gibraltar tend to look at the elected representatives as a whole to represent their views in relation to Spain and the problems that have arisen with regard to Spain. The people of Gibraltar, showed it in the elections, I think, in the elections they voted for all those people whom they reckoned, by and large, believed in what the majority did and that is to put it very simply - a British Gibraltar, a British Democratic Gibraltar, and those who were in favour of some sort of settlement with Spain of a kind that does not meet with the wishes of the majority of the people in Gibraltar, were all left out of the elections; and I think that year in year out people have got in to the House of Assembly since these troubles began in 1964, mainly on this ticket, I think, because if it was any other ticket my Honourable Friends opposite might not have been elected. Anyway, Mr Speaker, generally on the ticket of the stand on the Gibraltar issue, that is how people have been elected and therefore it is time that an Honourable Member of this House, an elected Member of the people of Gibraltar, has chosen to break ranks, let us put it that way, on this issue and given an appearance to what I think is a pretty confused public in Gibraltar because they hear so many things, there are so many newspapers they can now read, so many different opinions being given, they

get a bit confused and I think the people of Gibraltar will be and have become confused possibly by the campaigning of the Honourable Mr Bossano. I cannot see why he feels so strongly on this now. After all, in November, 1977, when the Chief Minister announced his initiative, the Honourable Member welcomed it, he welcomed this initiative and he said, and he doesn't have to quote it to me, I have just read it, and he said: "If only so that the Chief Minister will have an opportunity to tell the Spanish Government and Spanish representatives how the people of Gibraltar really feel". I don't think I have quoted him verbatim but that is what he said, he welcomed the initiative. Mr Speaker, the Honourable Member is an intelligent man, I think we have all had experience of his intelligence and I cannot believe that a person could be so naive as to say: "Oh, yes, I welcome the initiative purely and simply because this is an opportunity for the Chief Minister to tell the Spaniards what we think and after that it all finishes, it is all over," could be so naive as to think this, that in the process of our relations which is a developing process of relations of the people of Gibraltar with Britain, with the European Community and, indeed, with Spain itself, that the process has to be a continuing process as my Honourable and Gallant Friend has said. It is impossible to think that you can change people's minds on issues that are so important and so vital to the different countries involved, Britain, Gibraltar and Spain, that you can change these issues overnight. I think the Honourable Member at that time when he was welcoming the initiative, he was welcoming that the initiative was taking place in the context of a motion that he himself moved on the question and issues of British sovereignty over Gibraltar which received the unanimous approval of this House, that it was in that context that he was welcoming the initiative, it was in that context that the initiative was announced and it is in that context that the Gibraltar side of the delegation in the Strasbourg Process has been working. So why does the Honourable Member suddenly feel that the Strasbourg Process must be stopped at all costs? I don't know, Mr Speaker, I am a political animal and I suspect the Honourable Member is also a political animal and I wonder whether the Honourable Member is really moving this motion now as an act of political judgement for the future saying to himself: Well, here you have the Gibraltarians who have very decided views on the question of British sovereignty over the Rock, there is the British Government who is saying that they will stand by the wishes of the people of Gibraltar and there is the Spanish Government and Spanish political Parties saying that there is no question of restrictions going down until we are prepared to negotiate or talk about sovereignty, for example. And having seen all that the Honourable Member says: "Obviously these talks are going to come to an end, they have to come to an end. If the British don't break off, the Spaniards will break off and if they don't break off the Gibraltarians will break off." He has made that political judgement so he

says: "Well, let's lead back this particular horse now. I say break the talks, I campaign about it - it is going to have no effect of course, because the talks are going to go on because there are bigger issues involved than my own political interest and of my own political future in Gibraltar. But when and if the talks are broken off I will be able to tell the people of Gibraltar that only the Honourable Mr Bossano was wise, he told you about it." Well, Mr Speaker, I don't admire that sort of judgement even though it might be a clever judgement. I look at that really as an abdication of political responsibility because the problem of Gibraltar is not just a problem of black and white, unfortunately, we wish it were. It is not a problem whose solution is within the power and control, absolutely, of the people of Gibraltar. It is not a problem that would be settled overnight and can be settled overnight, it is a problem that we have been landed with as a matter of history and it is a problem that we will be dealing with whether we shut our eyes to Spain or shut our eyes to Britain or decide to become independent or whatever, it is a problem that would be with us and will not run away from us and whether we like it or not because of the Spanish Government's interest in Gibraltar and the Spanish national interest in Gibraltar we cannot shut the Spaniards out of the Gibraltar problem - we cannot do it, it is not within our power, equally, we cannot ourselves tell Britain what they have to do. Britain has accepted that they will act in accordance to our wishes and therefore, they have in a way accepted the self-determination of Gibraltar. But that is not, Mr Speaker, a licence to the people of Gibraltar to do what they like in whatever context and however they like; it is not a licence for the people of Gibraltar to conduct the foreign affairs of the British Government and to tell the British Government how they have to conduct their own foreign affairs. It is a recognition of the rights of the people of Gibraltar which I believe Britain will respect, but in recognising those rights they have gone further and they have given us or they have agreed that we should have representation at talks that will take place, will continue to take place between Britain and Spain whether we like it or not, whether Spain likes it not or whether Britain likes it or not they will continue to take place because as my Honourable and Gallant Friend pointed out earlier on, this is what happens in the civilised world, you go on talking. I cannot understand an Honourable Member of this House who has always asked for more and more information as to what is going on, who has always asked for Gibraltar's views to be put forward, who himself as a spokesman of the people of Gibraltar puts those views forward, I cannot understand such a man saying: "Get out of the Strasbourg Process, do not engage in any more discussions with Spain because we know how the Spaniards think." We have known how the Spaniards think for 250 years, this is nothing new. What the political parties are saying today in Spain is nothing new but what we hope to do in a small way. We cannot hope

to sit with the Spanish Government as equals; we are not a country although I notice Dr Owen described it as a state, we are a small population, we are a population that cannot exist on our own; we cannot exist without the help of Britain and without the support of Britain and without the force of Britain before us. We would disappear, we would be absorbed into a Spanish unitarian state, this would be a matter of minutes, days, but this is the reality of life and therefore all the elected representatives in Gibraltar can do and must do because the people of Gibraltar place their trust on us, is to ensure that the Gibraltar viewpoint and the wishes of the Gibraltarians are always there especially in the events that are occurring today in Europe when Spain and Portugal are applying for entry into the European Community and that application will go forward and what we want in that application and in the discussions that take place in that application, we want the British Government to have in the forefront of their minds the Gibraltar situation and the wishes and the aspirations of the people of Gibraltar and their rights and their freedoms to have them very much in their minds and how better can this be done, Mr Speaker, than by the Gibraltar elected representatives working closely with the British foreign office, let's put it that way, or with the British Government, and putting forward a united front on this matter. How better can you achieve that than by having actual participation by Gibraltarian elected representatives and it is a big responsibility that we take on because before, we could sit back in Gibraltar and wait for the British Government and hit the British Government for not telling us what was going on and hearing our views and all this business that used to go on, before we could do that and it was a fairly safe position to work from. Now, the only person who is working from that fairly safe position is the Honourable Mr Bossano and making very good use of it, if I may say so, to great political effect but whether that is in the real interests of the people of Gibraltar I would very much doubt, but by being in this process we do have the responsibility, we are faced with the problems, we are faced with the wider problems that Europe is facing but at least, Mr Speaker, although we are faced with these problems, by being there and by being recognised as people with an interest and with a right in what is going on, this gives us power, this gives us influence in the decision making process of the British Government and, hopefully, in the decision making process of the Spanish Government, not in the sense that what we say is going to necessarily affect them but in the sense that they realise and I think this is true, this is happening already, they realise that the people of Gibraltar have an important bearing and an important influence in the thinking of the British Government and because of that they respect us and they feel that they have to respect us because they see that we are very much an important factor in the British Government mind and I think it is not unfair to say that the Spanish Government probably accepted Gibraltarian representation at talks because their information,

possibly, wasn't as accurate as the British Government's information and they suspected, possibly, that if the Gibraltar representatives went there they would be able to tell them first hand what Spain held for Gibraltar for the future and they thought that perhaps the British Government was mis-representing to them the Gibraltar view point. I think the process in Strasbourg, if nothing else, has cleared the air, has made everybody realise where they stand but that is only the first step, Mr Speaker, I think the next step is, hopefully, that the democratisation of Spain which I think is going fairly swiftly and I think there is no question about it, anybody who has been seeing the Spanish election campaign on radio and on television must be impressed by the amount of political activity that is going on in Spain today and we cannot eradicate what I may call the Franco Regime or the Castiella teaching on Gibraltar and how it was inculcated into everybody, apart from historical inculcation the added inculcation of the Red Book in Spain and so forth. We cannot hope to eradicate or hope that it should be eradicated. A prime example of that, Mr Speaker, was Mr Yañez from the Socialist Party of Spain. When he came here I could just close my eyes and it was Castiella I was listening to, not a great Socialist but a great Fascist. As far as Gibraltar is concerned that is what he was saying, he was telling us: "We are not going to get the restrictions away, that would be crazy. We know Castiella shouldn't have put them on but now that he has put them on we should take advantage of it in Spain; we are not going to just take them off just because you want it." I cannot believe that if Yañez is a true Socialist and I have no reason to doubt this, I cannot believe that his thinking, for example, on the question of the restrictions will continue to be that, it cannot be. As the process of democratisation goes on and as people really believe in the rights of people and so forth, then if they look at the Gibraltar problem they will still claim Gibraltar, we have no doubt about that and I understand the Spanish reasons for claiming Gibraltar. They would still claim Gibraltar but I think they will recognise, they have to recognise and it has come to that, especially in the context of Europe and so forth they have to recognise that if they want Gibraltar that is not the way to get it, to put it bluntly. They have to recognise that you cannot use, how can I put it, Soviet tactics on Gibraltar, you cannot use the Berlin Wall strategy or Chinese tactics - I don't know what you like to call them - but in the great democratic comedy of nations this is not the sort of thing you do and I think they must realise that. And I think, Mr Speaker, something that the Honourable Member has not kept in the forefront of his mind when he talks of Spain and Britain, that he has not kept in the forefront of his mind, that there are other nations involved and who will become involved in the Gibraltar problem, Europe as a whole, and again here we have a problem because why should France, for example, who wants to have her wines protected as against Spain, why should France go out of her way, for example, for the sake of Gibraltar, if it can do a deal that will protect

her wines with Spain in the Common Market, wheeling and dealing arrangements and so forth, and therefore there is a need for the Gibraltar viewpoint to be put forward more widely than in Spain and I think for that we must be grateful to my Honourable and Gallant Friend for bringing the European Movement to Gibraltar. This is important and all this process of talking and putting forward the Gibraltar point of view and the British Government being able to tell the French Government and the Italian Government and the West German Government: "Look, the people of Gibraltar are being utterly reasonable, they are coming to these talks, they are talking with Spain, we are talking, they are trying to persuade the Spaniards that they have got rights, this is what is going on in Gibraltar." All this situation is a continuing process, Mr Speaker, it is not something that can be settled overnight. It just cannot be, you can't just say; "I want this and I shall have it," because we are not a sovereign people. We do not have the control of our destiny in truth and in fact. The British Government has recognised our right to decide our future but we cannot exercise that right, for example, for independence, it just doesn't work. And when I heard my Honourable Friend saying that we can talk independent of Spain, I am not sure what he was saying, I am not sure whether he was talking on the theme of the people and the territory are inseparable or he was talking or he was being unduly influenced by his Colleague in the Union who talks about "independence of whatever" when he started saying that we can sit across bilateral arrangements between Gibraltar and Spain. He has pushed England out of the way and he is going to sit with the Spanish Government, and the Spanish Government is going to apply to the Honourable Member to put a ferry service from Algeciras to Gibraltar and he is going to ask for reciprocal rights. He is living in a world of fantasy, Mr Speaker. This is just not the reality. Gibraltar has not got a Foreign Minister running around the world. Talking of bilateral relations between Gibraltar and Spain, Mr Speaker, is very nice but he is living in a fools' paradise and I am sure the Honourable Member cannot believe that for one minute, he can't believe what he is saying, Mr Speaker. Therefore, I do think that the Honourable Member has been driven by his emotional involvement in, if I can call it this, the power process in Gibraltar and has grown a bit big for his boots. He cannot control what goes on outside Gibraltar, this is the problem that we all have, he cannot do it. He may say it, he may go to the top of Bell Lane or outside Sir Joshua's house or my Honourable Friend's house and tell the people; "We must stop this process, we must do this and forget . . ." he can say it and people, unfortunately, because he is talking on an emotional subject, people can say: "He is quite right, he is quite right, let us close everything, let us forget everything." But he cannot retire like an ostrich, Mr Speaker, because then what does he do? He demands from Britain? What does he demand from Britain and what does he do if Britain doesn't give it? I don't know what he does, he declares independence and puts up the flag and then what does he do? I do wish the Honourable would

come back on to the plain of reality and appreciate that the Honourable Members in this House, some of us with more experience than others, some of us have been in this from the beginning, others have come in at a later stage, we've all gone through it, we've all got experience, we all see the frustrating problems inherent in the Gibraltar situation but we are all prepared to plug on, carry on, fight on, hoping and praying that reality, that good sense will prevail in this Europe in which we are forming a part and this is all we can do. But for the Honourable Member to go around Gibraltar and say, I won't say what he said, Mr Speaker, I won't say it because there is a dispute as to whether it was Four Corners or Casemates but, anyway, I won't say what he said but I think it is unfortunate that the Honourable Member, in trying to persuade people to break off the Strasbourg Process, should have made implications or should have implied in any shape or form that any Honourable Member in this House is privy or is party to any agreement of any kind or any process that whittles away the unanimity of the motion that was proposed in this House by the Honourable Member himself in November, 1977. I think it is unworthy of the Honourable Member, knowing as he does the elected Members of this House and knowing as he does more closely my Honourable Friend the Leader of the Opposition when he was a Member in his Party, knowing as he does the Honourable Member, that he should even suggest that any elected Member of this House was doing anything dishonourable where the question of British sovereignty over Gibraltar is concerned. It is unfortunate that by bringing this motion he puts doubts into people's minds not in Gibraltar, because in Gibraltar people know how people stand. The Honourable Member can say what he likes in every corner of the street, he can say what he likes - people know where people stand in Gibraltar, and what he says will not affect. He may bring them up a bit, stir it up a bit as they say, but when it comes to an election he hasn't got a hope in heaven, Mr Speaker, of convincing anybody in what he is saying. But the problem on a motion of this kind is that outside Gibraltar a motion is brought like this, the motion is defeated and this could be used against Gibraltar. The Spanish Government could say: "There you are, here is somebody who put in a motion that the Spanish Government wants this and they voted against it, in other words, the people of Gibraltar are prepared to talk about sovereignty now because the motion says that they should suspend the discussions for so long as the Spanish representatives maintain that the ultimate objective of the process is the eventual incorporation of Gibraltar into Spain. So we are maintaining that and the House of Assembly in Gibraltar by a vast majority has rejected the motion of Mr Bossano." Therefore, you, Dr David Owen, don't tell us now that the people of Gibraltar aren't prepared to talk about sovereignty. The Member by his motion puts Gibraltar in a difficult situation but we cannot agree to his motion because it is irresponsible, it does not take account of the facts and the realities of the Gibraltar situation in international politics and is not positive and does nothing positive to help the process that we, the people of Gibraltar, have embarked upon for fourteen or fifteen years now in trying

to persuade the world that we are people, that we have rights and that what the Spanish Government is doing and the Democratic Spanish Government after March the 1st, we hope, if it continues to do it, what it is doing is against all the principles of the Charter of the United Nations, it is against all the principles of democracy, against all the freedoms as we know them in the democratic countries of Europe. Mr Speaker, just a very short word on the second part of the Honourable Member's motion in which he asks that the people of Gibraltar should know every little detail of everything that happens in Strasbourg, Paris, London or Madrid. Mr Speaker, the Hon Member must realise that it is impossible and it is unreasonable to make such a request however attractive it may seem to people. People want to know everything, well, people just do not know and cannot know everything and this happens, I would say, in every sphere of life and when the employers have a meeting on industrial problems, the Government does not come out and give the Union the minutes of the Council of Ministers and every detail they have discussed, the Union does not tell the Government: "We had a meeting yesterday and this is what everybody said and, incidentally, you do not know it but tomorrow we are going to withdraw labour here, withdraw labour there," it is just not done and in the diplomatic world, Mr Speaker, surely the Hon Member must realise that it is impossible to conduct negotiations or to conduct talks in public. Mind you, it would be very interesting to listen to what Mr Krushchev told Mr Carter and what Mr Begin told President Sadat and all this, it would be very interesting but it does not happen that way and I think it is unfortunate to allow the people of Gibraltar to think that because you are not told it is because they are saying something that if you knew what they had been saying would lead you to take them to Casemates or to Four Corners, it is unfortunate that that sort of accusation is made or if it should be made because, Mr Speaker, despite it, it cannot be said. You cannot break confidentiality. If you break the process of confidentiality then you never get anywhere and as far as what happened in Strasbourg and Paris is concerned the Hon Member only has to look at the public statements that have been made of the position by the British and Spanish Governments and he only has to look at what the British Foreign Secretary said recently that my Hon and Gallant Friend Major Peliza quote from, to realise that all is well, the state is safe and that we think we can survive even without the support of the Hon Member but it is unfortunate I think that we are now entering a new sphere of activity in which within the House a common front and a common approach and general principles is now under attack. Mr Speaker, we have enough problems outside Gibraltar, we have enough problems with the Spanish Government, we have enough problems perhaps of a different kind with the British Government, possibly, because they don't do anything we tell them to do, we have enough problems with the odd small political party that is rising in Gibraltar with very little support, we are pleased to note, we have enough problems with all these people and with the Hon Member coming into this House and telling us that we are no longer standing for things that he knows we stand for and he knows we have stood for for many years and will continue to stand for with or without his support.

HON A D MONTEGRIFFO:

Mr Speaker, I intend to be very brief. I think I must deal first with Mr Isola rather than Mr Bossano because he started by saying that we have won most of our elections on a British ticket. I think, Sir, that because we believe in all the sentiments that have been expressed so ably by other Members of the House and which, as a whole, represent the vast majority of the people of Gibraltar we have not got to start waving the British flag at every occasion not even to win an election. I think the work was done for us by the present Opposition and that is why they contributed in helping us to be here where we are today. He ended up by saying that we could survive without Mr Bossano joining us in the Strasbourg Process and although we can, I still feel and I think it was the Hon Leader of the Opposition who said it and it was repeated by the Hon and Gallant Major Peliza that it would be very sad if we could not persuade an intelligent man like Mr Bossano to join us in this process and strengthen the views that he has about Gibraltar and the views that we have about Gibraltar. I do not want to go as far as another Member of the House, who very dangerously came near saying that Mr Bossano has lost his mind. I will only go as far as saying that he has lost his way in the political jungle or perhaps in what I like to describe as the labyrinth of the Gibraltar problem because as the Hon Mr Isola and the Chief Minister have said during their intervention, it is a difficult and complex problem over which we have, to a very great extent, a certain amount of control but only so much and I think that the Strasbourg Process, if it has achieved nothing else, it has achieved two outstanding successes. The first one is the Gibraltarian presence at this particular process which whether we like it or not will carry on and about which we have been rather worried in the past as to whether we were going to have a voice. It is not that we mistrust Britain because if we were to mistrust Britain certainly we would not be discussing things as we are discussing them today. We are not even keeping a watching brief on Britain when we go to the talks but I think that there is no better man than a Gibraltarian to be able to put across and express what he is fighting for, which is nothing short than his survival. Even for Britain it is a diplomatic problem, for us it is much more than that, it is the survival of our future and, of course, in defence of our own dignity as free human being and therefore by being present and by having these regular contacts with Dr Owen it was a further success, not just being there at this political and diplomatic platform, but we have been able to extract something that they had been telling us in loose words before, in concrete and tangible form in the communique that was brought out from the Brussels conference by Dr Owen. That, again, I think is a success. He has been able to express in the same way as the Gibraltarians would have expressed what it is that the Gibraltarians want and this, I feel, is very important and the Hon Mover of the motion has expressed that view himself and I am glad that he considers that at least some movement in that respect has been achieved. Regarding the last part of

the motion, I feel that he does not really mean what he said. One cannot possibly expect to have every detail of diplomatic talks spread out either on television or to the rest of the people. I have full confidence on both the Chief Minister and the Leader of the Opposition not because they happen to be called Sir Joshua Hassan or Mr Xiberras but if you, Mr Bossano, were to be the Chief Minister holding this type of process, because I know that you believe in what I believe as regards the Gibraltar problem I would have the same faith in you and I have complete faith and complete confidence that the basic issues that have resulted, little as they may be out of the Strasbourg talks and the Paris talks and the Working Parties, have been put across to the people of Gibraltar. Let there be no misunderstanding that there is any sinister part of the talks being kept away from the people of Gibraltar. That is not so. I cannot understand why there should be so much fear about this dialogue carrying on. It may well be that nothing comes out of the talks but we must go with the idea and the determination that however long it takes we are going to succeed and succeed in defending not just the Gibraltarian cause, not just the opening of the frontier so that it will be better for commercial relations or we can go every Sunday to enjoy a sunny day, or a car ride, that is totally irrelevant. We want those restrictions withdrawn because we think it is an offence to humanity and for that reason alone I would appeal to the Hon Member to support what is a difficult task which I think, would be made slightly less difficult if there was a complete unanimity in this House.

HON J BOSSANO:

Mr Speaker, I am grateful to the Hon Mr Montegriffo for having attempted to persuade me that I am the one who is mistaken. In fact, throughout the campaign I have made the point of saying that I was not and it appears that all the areas that I visited, the Members of the House who were fortunate enough to be within earshot, have only got a selective memory of what I said, because I also did say in every area that I went that I was putting in doubt the wisdom of the Strasbourg Process, the wisdom of carrying on with that process and not the integrity of the people participating in it or their motives. I also said that in a campaign that lasted ten nights and I was not doing it as the Hon Member may think simply with a view to gaining political popularity because it would appear that I was not gaining political popularity, I am told that there was no applause anywhere that I went. But, of course, Mr Speaker, the Members will recall that the Hon and Learned the Chief Minister assured the House that the 500 people who turned up at the Community Centre consisted of emissaries from other political parties with the intention of listening and reporting back. But whatever they may have come there with they certainly did not go away with the same thing because the response from that meeting was that the people in the meeting asked us to organise a campaign to explain how we stood on this issue and to try and get

a demonstration organised to stop the talks and that did not come from me, it came from people who might well have been sent there simply to report back but who got carried away in the heat of the moment as the Hon and Learned Mr Isola has told us happens when I go round with the microphone. I do not think Gibraltar is confused, Mr Speaker, because I have been going round explaining my position. I think Gibraltar is confused, and I share that confusion, because of the inconsistencies about what has been said the Strasbourg Process is all about even today in this House of Assembly, never mind what is said by Owen or by Oreja or by our own representatives, even today here, and I cannot accept, Mr Speaker, that if my analytical mind tells me that there is something wrong with what I am listening in that it does not click or it does not seem to square or the equation has something missing, I do not think that I can be asked for the sake of unity to swallow what I cannot understand, what does not make sense to me, and I regret that that should be so but I honestly think that if the Strasbourg Process is simply an attempt to persuade the Spaniards to take away the restrictions, then it is not what Dr Owen says it is, it is not what Britain has been asked to do by the United Nations, it is not what the Spaniards say it is, because all these other parties and some of the contributions that have been made in this House today indicate that it is something else. It is an attempt to find a solution to the problem of decolonising Gibraltar in a way that does not offend Spain, that does not offend us and does not offend the United Nations. If that is what it is it is something different from simply going along and telling the Spaniards that they should not misbehave and keep on those restrictions. The Spaniards are maintaining that this is what the Strasbourg Process is about. I have said that the talks are about decolonisation because the resolution of the United Nations was a resolution saying that Britain and Spain had to have talks about Gibraltar's decolonisation and we have been told that even if we do not participate in the Strasbourg Process the talks will just carry on because of a United Nations resolution and therefore the Strasbourg Process and the talks about decolonisation are presumably the same thing. If they are not then I would like, Mr Speaker, somebody with a better analytical mind than mine, to explain to me what Dr Owen means when he says in answer to a question: "I am not going to get into how I think we can resolve the Gibraltarian problem, that is for another day and another audience". So Owen is talking about the talks in the context of resolving the Gibraltar problem, not the removal of the restrictions and what he means when he says in answer to a question whether there was any new evidence that we, the Gibraltarians, were prepared to consider a new relationship with Britain which can only mean decolonisation, because any relationship that is new will imply that we cease to be a colony and become something else, a new relationship in the context of Spain's entry into the EEC, Dr Owen replied: "I do not think so, their feelings at the moment is that it is

impossible to have more than discussions. They are not prepared to negotiate while the restrictions are on". We have got this wonderful process that enables us to put our views across to Dr Owen and Dr Owen thinks we are not prepared to negotiate because the restrictions are on. We are not prepared to negotiate because we do not accept that Gibraltar's future is something that has to be negotiated with anybody other than the power that is responsible for Gibraltar at the moment and if there is going to be any change in that relationship then it is a matter between us and the United Kingdom. I stood for election, Mr Speaker, on this ticket and so did a number of other members in this House of Assembly and my commitment is not to ensure that I do not rock the boat in this House, my commitment is to ensure that I do not deviate one iota from the things that I promised. People I would do when I asked them to vote for me and one thing that I included in my promise was that I would go back to them, to the Housing Estates, not just in four years' time to ask them to vote again but whenever I felt it was necessary for me to go back in order to explain my position and, therefore, as often as I consider it necessary to explain my position to the people directly in their own homes from the comfort of the armchair next to the fire, as enabled the Hon and Learned the Chief Minister to be part of my audience, comfortably, he can sit in his own house and listen to me. You never know I might even get a vote in the next election from him. I regret, Mr Speaker, that in particular the Hon Mr Xiberras appears to be completely convinced in his own mind that there had to be some sinister explanation from what I am saying or what I am doing other than the explanation that I am giving myself and I am sorry that this should be so. In fact, the Hon and Learned Mr Isola, has said and I have known the Hon Mr Xiberras long enough to know how he feels. I am sure that nothing that I am saying now will surprise Mr Xiberras or will surprise the Hon and Gallant Major Peliza because if he throws his mind back to the sort of sentiments that I have expressed in the past about not accepting that we have got anything at all to discuss with Spain on the question of Gibraltar's future he will find it very familiar. The whole essence, in fact, of the start of the Integration Movement in 1964 was the need to establish a secure future for Gibraltar and we thought at the time that we would be able to persuade the majority of Gibraltar that that secure future lay in integration and, unfortunately, it did not prove possible to do so. The situation has been put in much clearer terms by the Hon and Learned Mr Isola than by anybody else and in terms which I can understand. I can understand the type of argument that he is using when he says: "If only it were possible to talk the way you do, but in the real world in which we live it is not possible, Gibraltar cannot stand up like a little David and take on Goliath." Mr Speaker, I am not sure that things are necessarily as difficult or as impossible as they appear to be but I am sure of one thing that what we need in Gibraltar, the direction we need to take is a direction of going on the

offensive on this issue and not of being continually on the defensive as we have been up to now and when I hear the emphasis of the need to be reasonable and of appearing to be reasonable, what do we have to be reasonable about, Mr Speaker? We have not done anything to anybody. If anybody needs to be reasonable it is the people who have been unreasonable up to now with us. We have not blockaded Spain, so why is it that the onus of responsibility is on us to show the rest of the world what good boys we are because if we are not reasonable then Britain is going to get annoyed with us? Then what is Joe Bossano going to do, declare UDI? Well, I would say then to the Hon and Learned Member, what is he going to do if the British Government says to him tomorrow: "You either start talking about sovereignty or I will get annoyed with you." Is he going to declare UDI? Regardless of whatever stand we take on whatever issue the problem will arise, Mr Speaker. It does not make any difference whether we are talking about going to Strasbourg or not unless in one case we are acting in a way that is consistent with what Her Majesty's Government want at this moment in time and with the other point of view we are not acting consistent with that and then, of course, the problem may be looming more evidently on the horizon in one position than in another but the fundamental problem is still there whatever position we are taking at the moment if the position that we are taking is one that we have arrived at independently and not because we have been persuaded that it is required of us. As far as I am concerned, I said that I was glad about the way Dr Owen had referred to the people's right to decide their own future in terms that seemed to me to come closer to recognising our right of self-determination than has been done before but that is the only thing that I was glad about and I do not know that this can be attributed to the Strasbourg Process any more than that it cannot be attributed to my going round with loudspeakers, who knows? It might well have been a loudspeaker that produced this move on the part of Dr Owen, but I certainly dislike very much the other things in his statement, the one that I have mentioned about saying that it is because there are restrictions that we are not prepared to negotiate, the one where he says that the other countries in Europe expect Spain and the United Kingdom to resolve this issue before Spain's entry into the Common Market and the issue that he is talking about is the issue of the Spanish claim to Gibraltar, let us make no mistake about that. How is it possible, Mr Speaker, that the other fourteen Members in the House do not see the issues in the same way as I do? How is it possible, Mr Speaker, that the other Members in this House have, on occasions, seen things the way I have done, stood for election on a ticket that said that the first priority after the election would be talks with the United Kingdom on our future, been involved with me in plastering Gibraltar with placards saying "No concessions to Spain", been involved with me in a demand that we must know our future in 1976 and yet today I am being accused of having lost my way. If anything, if I can be accused of anything, it is of not moving with the times, of still maintaining in

an ever-diminishing minority something that has been said by other people in the past, I might be accused of that and I might well have to accept it, that eventually everybody else will move into this wonderful new world in which everybody understands each other and I still belong in the past in that world when I was convinced that the only way anybody was going to understand us was if we stood up and fought for our future and not simply fell into line with what is considered to be correct diplomatic behaviour at international level. I believe that the Hon and Learned the Chief Minister is right when he says that one of my defects is that I see things black and white, I think he is right, I do. He has also said that perhaps I over-simplify them, perhaps I do over-simplify them, I try to see things clearly and simply and explain them to others as clearly and as simply as I see them and for me to sit down with a representative of the Spanish Government that comes along and says: "Your house belongs to me," and not to get up and push him through the window of that house is not a natural reaction, Mr Speaker, though it may be undiplomatic. I think that in expressing this type of sentiment I am reflecting the resentment that very many people in Gibraltar feel who may not have voted for me at all, who may have voted for other Members in the House and I think the other Members in the House should be conscious of that feeling because I think I am being an accurate barometer, I am not simply being a spoon stirring things up, be conscious of that feeling and since I do not want the political downfall of all other fourteen Members primarily because I cannot replace them all and I might find myself with worse alternatives in this House, I think they should take it into their calculations even if I cannot persuade them at this stage to go along with my view that the process of talks with Spain if it is to be exclusively to persuade the Spanish Government that they are wrong in having restrictions against Gibraltar

HON M. XIBERRAS:

If the Hon Member will give way. What has not been mentioned by him is what exactly is he asking? Is he asking that Gibraltar should pull out of the process or is he asking that Gibraltar should influence Britain to stop the talks?

HON J BOSSANO:

Mr Speaker, as I understood the Strasbourg Process, the Strasbourg Process the talks being conducted for many years between Spain and Britain in keeping with the Resolution of the Committee of 24 which requires Britain to meet Spain and talk and report back, and the process started in Strasbourg, are two separate things, that is how I understood it. That being so, the talks under the United Nations mandate will presumably carry on and presumably what Britain will go back and report is that as well as the talks there is this Strasbourg Process with Gibraltar representation. What I am saying is that since we were the ones who suggested this

process in order to put our view across directly to the Spaniards, we should go along to Britain and say: "Since the Spaniards seem to have got the wrong end of the stick entirely it must be made clear to them that we will carry on with this provided it is clearly understood by all sides what it is we are here for, we are here to persuade you that the restrictions should be removed which means that you will not be able to carry on doing what you have been doing up to now and you come out after every meeting saying that it is a process leading us to the eventual incorporation of Gibraltar into Spain which is what has been said by the Spanish side." In suggesting that let me make it quite clear that I am stating what I consider to be a soft line on the issue. As far as I am concerned the Spaniards should simply be told that they can take the restrictions off when they are good and ready because they put them on and they can take them off but I do not expect to be able to carry the rest of the House with me that far. As the next best thing I would suggest then that we should make it clear to the Spaniards that the Strasbourg Process and any Working Parties under it are entirely devoted to the issue of the restrictions and are not to discuss the Gibraltar problem or Gibraltar's future or what is going to happen to Gibraltar once it ceases to be a colony or what is going to happen to Gibraltar once Spain enters the EEC. I think those issues need to be tackled straight away and I think that time is very precious and we should not delay it any moment longer. I thought they should have been tackled, Mr Speaker, in August, 1976, and I went to an election with three other Members of this House saying that if we got elected our first job in October, 1976, would be to ask the British Government to have immediate talks on Gibraltar's future and I brought a motion to this House saying we should have exploratory talks with Britain on Gibraltar's future and I was told: "How can you have exploratory talks without an agenda?" Well, apparently, you can have it with Spain. If we have exploratory talks all the time, Mr Speaker, with Britain on Gibraltar's future then this is very important but it should be known that we are having exploratory talks on Gibraltar's future

HON CHIEF MINISTER:

If the Hon Member will give way. You do not have to have exploratory talks with people with whom you are in good relations and who you see frequently. Exploratory talks are arranged with people you have never seen before or that you have never discussed the matter before and that is what I described earlier this afternoon in my speech that the nature of the talks are exploratory and so remain. There is one other point I would like to clear and that is this question of mixing up the Strasbourg Process with the duty of the Spaniards and the British to talk under the terms of the resolution. I would have thought, and I am only expressing my own personal view, that so long as there is this dialogue going on both parties can report to the United Nations that they are talking and that is enough for them, that if this stops then other kind of talks strictly preferable to the resolution would have to be substituted.

HON J BOSSANO:

I am grateful to the Hon and Learned Chief Minister for that because I can see that there is an explanation that can cover both eventualities. I think the position of the Hon and Gallant Major Peliza that there is a collective responsibility on this House in respect of the Strasbourg Process quite frankly is not accurate because on the constitutional issue the only responsibility that there is is the responsibility on the four GDM members to have talks with the United Kingdom on Gibraltar's decolonisation at the earliest opportunity because as far as I know, Mr Speaker, the only candidates who committed themselves to immediate talks with Spain were the candidates who did not get elected so they are the only people who have got a responsibility in this respect, nobody else has and those of us who were committed to immediate talks with Britain have been unable to obtain the agreement of the others who have not got an obligation because they did not promise they would do this if they got elected but, surely, collective responsibility arises from a common commitment entered into. I think we certainly all have a collective responsibility in not agreeing to any transfer of sovereignty not because there is a motion in the House which commits us but because anybody who is willing to take a different line on this fundamental issue has got a responsibility to stand on that ticket amongst any other things that he wants to stand on but that must be a thing that he must make clear to the people who are voting for him so that anybody who gives a vote for that person knows quite clearly what he is letting himself in for. As the Hon and Learned Mr Isola has said the verdict of the electorate in that respect was absolutely clear-cut, there is no doubt about that. But I am concerned, Mr Speaker, that the views expressed by the Spaniards in the talks so far, where they are dealing not with the question of sovereignty, I have not suggested that sovereignty is being discussed, but with specific issues, I think those specific issues should be made public and I am not talking as the Hon Mr Montegriffo suggested about keeping a diary explaining every second of Oreja's day. I am not saying that, but I am saying that there were specific things which were quite clearcut which, in my view, are important enough for people to know about and I do not think it is valid to make all this constant comparisons between a negotiating process whether we are talking about JIC or we are talking about international relations because when there is a negotiating process the first thing is that people have got a brief when they go into that process and the brief is known and is public and is known to the people who are delegating the authority of the responsibility to the person in charge of those negotiations. Apart from the fact that sovereignty is not negotiable, there is no other brief here in our case. So in fact notwithstanding the fact that the word "negotiation" has been used by almost everybody else to explain why you cannot make things public at a certain stage, there are no negotiations, all that there are are discussions. Dr Owen says that there are no negotiations because there are restrictions. As far as I am concerned there are no negotiations because

there is nothing to negotiate. But, surely, Mr Speaker, the very point that I am making, the very point that has been made by other speakers show that there is confusion about the Strasbourg Process not just in Gibraltar, generally, but in what each individual member of this House sees in the process and what it sees that it is for and what he sees it as doing. I am not saying, when I am asking for information for a detailed account, that everybody should be told what each person did from the moment they arrived in Paris to the moment that they left but what I am saying is that we need to have the substance of what has been said by the Spaniards made public and that has not been made public. The specific things that they threw around as ideas if you like, it does not make any difference what we call it, but that is an indication for me of how the Spaniards see things developing and I think that what is an indication for me may not necessarily be the same interpretation, other people may not see the same dangers as I do but I believe that the implications that I see, the dangers that I see, are likely to be reflected by many people in Gibraltar and I believe that the pressure to stop the process would be greater and since I believe the process should be stopped I believe that making the information public will assist in stopping the process. I am not hiding where I stand on the matter, Mr Speaker, but of course if the people who have got so much confidence in the process are as convinced of their views as I am of mine then making it public should not weaken their position in any way. People should be able to say "Oh, well, the Spaniards said this but they meant no harm", so there should be no problem at all. I have asked for information for myself only because I cannot get it publicly. I prefer, Mr Speaker, that the thing should not be limited to Members of the House of Assembly and again in this this is consistent with the open Government which a number of Members of the House of Assembly paid such a strong service to during the election campaign and which they will no doubt be reminded about on more than one future occasion when the time comes. I think, Mr Speaker, that when it comes to political responsibility it is essentially the citizens of Gibraltar who will judge who is being responsible and who is being irresponsible and I know that in saying this I am probably falling into the trap of allowing the Hon and Learned Mr Isola that I am confirming his worse suspicions that I am just an astute politician seeing the day when the talks will collapse and I will be able to say that I was the only one who predicted it. I am not saying that, I am just trying to counter one of the many accusations that I have to be subjected to to the unfortunate situation of being isolated in the House which means that I can only speak once and I can allow everybody else to say their piece which means I have got to go through reams of paper to be able to answer everybody afterwards. I would ask Members of the House, given that they are not able to pursue on this the same line that I am taking, that at least they should pursue the same line on the question of initiating talks with the United Kingdom on Gibraltar's future. I think, Mr Speaker, that that is something that we should be able at

least to get everybody in the House together and it is something that we have got to do because I see the Strasbourg Process leading us to that eventual situation with the participation of the Spanish Government and for me it is implicit in a lot that has been said today in the House and it is certainly implicit in the analysis of the situation both by the United Kingdom Government and by the Spanish representatives. I therefore regret that the views that I hold which I think do have a lot of support amongst our people, have not been able to get Members in the House to reflect on what has been done so far with a view to changing direction. The talks, of course, are at the moment suspended notwithstanding the very strong commitment that there is at the moment here and, of course, being an optimist I cannot discount the possibility that the other party might decide not to renew them.

Mr Speaker then put the question in the terms of the Hon J Bossano's motion, as amended, which read as follows: "That this House, whilst recognising that the initiative announced by the Chief Minister in November, 1977, in launching the Strasbourg Process was motivated by a desire to inform the Spanish Government directly of the views of the Gibraltarians that sovereignty is not negotiable, considers that in the light of subsequent events the Strasbourg Process should be suspended for as long as the Spanish representatives maintain that the ultimate objective of the process is the eventual incorporation of Gibraltar into Spain and not simply the removal of the Spanish blockade and that this considers there should be a detailed and full public statement of the views expressed by the Spanish and British delegations at the meetings held in Strasbourg and Paris, and the Working Parties held in London and Madrid."

On a vote being taken the following Hon Member voted in favour:

The Hon J Bossano

The following Hon Members voted against:

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 P J Isola
The Hon A P Montegriffo
The Hon Major R J Peliza
The Hon J B Perez
The Hon G T Restano
The Hon A W Sarfaty
The Hon Dr R G Valarino
The Hon M Xiberras
The Hon H J Zammitt

The following Hon Members were absent from the Chamber:

The Hon D Hull
The Hon A Collings

The motion was accordingly defeated.

The House recessed at 7.40 pm.

WEDNESDAY THE 28TH FEBRUARY, 1979

The House resumed at 10.30 am.

COMMITTEE STAGE

HON ATTORNEY-GENERAL:

Mr Speaker, before I move the Committee Stage of the Barclays Bank International Limited Loan Agreement Bill may I have the leave to the House to give an answer to one of the Hon Members opposite on a matter which I undertook to look into. It was in relation to the - Item 8 - Police - in the Schedule of Supplementary Estimates, Head 80 Purchase of wireless equipment. I did undertake that I would check the position. I can confirm that the amount of £1,617 which was sought for further expenses for wireless equipment is not the only money that has been spent on that as it is for further wireless equipment. The sum of £4,500 already voted was also spent for wireless equipment but in this case the particular equipment to which the £1,617 relates had been ordered the previous year and had not arrived and that is why it was being sought for inclusion in the present year's estimates. Mr Speaker, I have the honour to move that this House should resolve itself into Committee to consider the Barclays Bank International Limited Loan Agreement Bill, 1979.

THE BARCLAYS BANK INTERNATIONAL LIMITED LOAN AGREEMENT BILL, 1979

Clauses 1 to 4 were agreed to and stood part of the Bill.

Schedule

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Chairman, there is typographical error which we might correct. In paragraph 9(3) of the Schedule, there is a reference there to Clause 6, it should in fact be Clause 7.

Mr Speaker put the question in the terms of the Hon the Financial and Development Secretary's amendment which was resolved in the affirmative and the Schedule, as amended, was agreed to and stood part of the Bill.

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

The House resumed.

THIRD READING

HON ATTORNEY-GENERAL:

Mr Speaker, I have the honour to report that the Barclays Bank International Limited Loan Agreement Bill, 1979, has been considered in Committee and agreed to with an amendment and I now move that it be read a third time and passed.

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

CONTINUATION OF PRIVATE MEMBERS' MOTIONS

HON P J ISOLA:

Sir, I have the honour to move the motion standing in my name which reads: "That this House is concerned at the manner in which Government has acted in relation to local and locally based building and civil engineering contractors in relation to the sand project on the Eastern side of the Rock and calls on the Government to inquire into the circumstances of the award of a contract to a contractor more closely than it has done up to now". Mr Speaker, this motion has been down for discussion some time now and it arises from Question No 178 of 1978 which was answered by the Minister for Public Works on 24 October 1978. I gave notice at the meeting that I would raise the matter on the adjournment and then I did not actually raise it on the adjournment because I thought it was more proper that it should come in a substantive motion. Mr Speaker, the objective of this motion is a fairly limited one. I am not seeking to censure the Government, I am only seeking that the Government agrees to enquire further into this matter. The reason why I do this is because it seems to me, reading through the answers from the Minister, that the Minister himself was not obviously personally responsible for what occurred in this matter and he was really in this House passing on the information that had been passed on to him departmentally. However, I am sure that when he looks carefully at what has actually happened he will agree that there is a need here to go a little further into it and try and find out what actually happened in relation to the particular contract for the question of the preparation for the winning of sand on the Eastern side, a contract which was worth \$160,000. It appears, Mr Speaker, from the facts, and I am summarising them very briefly, and I do not pretend to be an expert in this, but it appears from the facts that the normal procedure is to put out works to tender, that is the general rule, and in order to make an exception to it there have to be good grounds. It appears that the procedure of putting out the work to tender was not followed in this case. It also appears and it is clear from the evidence that there were firms, and I am going to mention them by name, Mr Speaker, because then we know what we are talking

about, who have shown interest in this particular operation some time back. The general principle of going out to tender, of course, is to give everybody an opportunity to tender, it is a principle of fairness and also the principle of the public interest that if you put it out to tender then you are likely to get or, hopefully, you will get the lowest price possible for the work that has to be done. Therefore, on two grounds, tender procedures are advisable (a) fairness to those who can do the work and (b) fairness to the public who have to pay eventually. In this particular case it was of course the Overseas Development Ministry. It is obvious that as far back as 1974 Gibraltar Underwater Contractors Ltd showed interest in winning sand and in fact wrote letters to the Financial and Development Secretary in relation to this matter. In June, 1978, they wrote saying that they understand that Robertsons Research International Ltd had advised Government that Messrs Mackley were the only contractors who could carry out this work. Also it appears from a letter written by Taylor Woodrow International Ltd to Mr Scott on 20 September, 1978, that as a company they did carry out investigations on the possibility of moving the talus area and a report to this effect was forwarded to the Director of Public Works. It is beyond our comprehension that a statement should be made stating that in the consultants' opinion they did not have the potential to carry out this work. So that as far as this particular project was concerned the Public Works Department had put in a report about it some time previous to the advice given by Robertson Research and therefore the Public Works Department knew that Taylor Woodrow were interested and could do it and as far as the Financial and Development Secretary was concerned, representations had been made as far back as 1974 by Gibraltar Underwater Contractors Ltd. These are facts, Mr Speaker. Then we have a letter that was written by the Financial and Development Secretary to Gibraltar Underwater Contractors Ltd on 12 September 1978, where it was stated, and I quote from the third paragraph of the letter: "The project is being implemented under the directions of Robertson Research International Ltd, the consultants appointed by the ODM to implement the project. The contract was awarded to J T Mackley and Co Ltd following an invitation to them to tender direct. This procedure was followed on the advice of the consultants after investigation by them of a number of possible local construction firms including Gibraltar Underwater Contractors Ltd. The consultants advised the Government that in their opinion Messrs J T Mackley and Co Ltd were the only firm with the necessary capacity to carry out all the parts of the project." So that the Financial and Development Secretary wrote to Gibraltar Underwater Contractors telling them that Robertson Research had investigated a number of possible local contractors. The Minister, in answering question in the House followed the same line and when he wrote to Mr Scott who raised this matter on behalf of the Democratic Party of British Gibraltar with the Minister he wrote back and he followed the same line that

this had been done on the advice of Robertson Research International Ltd, the consultants to the Government. These are all facts as I understand them, Mr Speaker. Also facts are letters written to Mr Scott by a number of local firms and the first one is Taylor Woodrow International Ltd, a firm of some considerable repute and international standing. They wrote saying that at no time had they been approached by Robertson Research International Ltd. Then there is a letter from Fabri Constructions Ltd dated 18 September in which they say that at no time had they been approached either by the Public Works Department or Robertson Research International Ltd. Then, of course, there is a letter also from Gibraltar Underwater Contractors Ltd on 18 September 1978, addressed to the Financial and Development Secretary in answer to his letter of 12 September, 1978, in which they say that they had never been approached by Messrs Robertson Research International Ltd and they ask the pertinent question: "We would like to know the source of information they have in order to be able to assess us." They asked the pertinent question to the Financial and Development Secretary, what was the source of information of Robertson Research International who say they investigated all the local contractors but apparently have not approached any of them and by any of them here I just mention these three companies who have shown interest, there may be others who could have done it, that would come out in the normal tender procedure, but it is clear that they did not approach the firms that could possibly do a project of this size. These are facts as well, Mr Speaker. What is disturbing, to my mind, is that in the course of his answers the Minister stated that the engineers of the Public Works Department went to the President of the Tender Board and said that the consultants said that there was nobody in Gibraltar that can do this other than Mackley. And again in the course of supplementaries to Questions, the Minister seemed to infer that the principal reason why Mackleys had been selected is that they had a bulldozer and the others did not and that they had the equipment to get on with the job. Mr Speaker, the unfortunate thing about that statement is that innocently there is a mis-representation in this sense, that Mackleys are a firm that are well-known for hiring their plant and equipment, so the fact that they had a bulldozer and the others did not of course makes no difference in the circumstances of that particular firm who are well-known as a firm that hires their equipment out. In fact, I understand this is a fairly common practice among contractors. The other point is that, of course, with a contract of this size £180,000, I would have thought that any firm that got it would not find much difficulty in getting the equipment that was required for it. For example, I would have thought that Taylor Woodrow would have no problem in shifting a bulldozer from one part of the world to the other. Mr Speaker, if Mackleys were the only firm that had a bulldozer and Mackleys had told the engineers in the Public Works Department; "If this contract goes to tender and needs a bulldozer, if somebody else gets it we are not going to hire out to them," which I would not have thought they would do because

they are generally in the hiring market. But if they were to say that then the short answer to that would surely be then obviously you will be able to tender for a lower price than another firm that has to tender. But these, Mr Speaker, are only in my view very minor considerations. What I want investigating and what I think the House ought to insist that the Minister investigates, is how it is that Robertson Research say that they have investigated all the local contractors and the only people who can do it is Mackley. On whose advice did they say this? Is it the engineers of the Public Works Department? Did the engineers tell Robertson Research; "Do not bother about approaching Taylor Woodrow, do not bother about approaching Gibraltar Underwater Contractors, do not bother about approaching anybody else, the only firm in Gibraltar that can do this job is Mackley and therefore let us do away with all tender procedures, let us not give an opportunity to anybody, it does not matter what it costs the ODM or the British taxpayer, you do a deal with Messrs Mackley." Because it would be very disturbing, Mr Speaker, if that was the position. I just cannot understand how Robertson Research International, an English firm, can come to Gibraltar and say they have investigated Taylor Woodrow, Fabri Constructions, Gibraltar Underwater Contractors Ltd, without even approaching them or without even having a preliminary chat with them. It is quite clear that these firms were not approached, they were completely bypassed. How can the Government say that Robertson Research International Ltd have investigated these firms? How do you investigate a firm, Mr Speaker? How do you investigate whether Mackley can do a job or not? Don't you require some information about Mackley? In any event, how did Robertson Research International get to know that Mackley was the only firm who could do the job? Who informed them about this? Did Mackley go to Robertson Research International and say: "We are here, you are doing this job and we are the only people in Gibraltar who can do it," and did Robertson Research International accept their word without investigation? How did they get to know about Mackley? Who told them that Mackley was operating in Gibraltar? It seems to me that certain basic information must have been given to Robertson Research International when they arrived in Gibraltar and I want to know who gave them that information. Was it the engineers in the Department? And if it was the engineers in the Department who told them about the firms in Gibraltar, what information did they give Robertson Research International about these firms in Gibraltar? I cannot understand how they can say that the only firm that can do this is Mackley without getting some information about the other firms and getting some information about Mackley. Somebody must have told Robertson Research International not to bother about anybody else. This is the information that I think the House must have in the interest of good administration and in the interest of the Public Works Department showing that they do not favour any particular contractor in Gibraltar and that they do not have any particular friendly ties with any particular contractor

in Gibraltar and this is a matter of great concern to the House because the Public Works Department is the Department that takes most out of public funds and it is absolutely essential and vital for the good administration of Gibraltar that an explanation is given on this point because if two engineers can go to the Tender Board and say: "Robertson Research International say this" when it is a fact that Robertson Research International have not investigated any other company in Gibraltar and not even approached them, then it is a matter of great concern to the House, Mr Speaker. It may be that there is a very simple answer but I doubt it because if at least Robertson Research International had gone and visited these other firms and I would have thought that the party that would have introduced them to these other firms would be the Public Works Department, in the same way, Mr Speaker, as we have had arriving in Gibraltar recently under the auspices of the House a certain gentleman from the United Kingdom Parliament and he is introduced to the different Members of the House. What I would like to hear from the Minister, because it is obvious to me from his answers that he has just passed on to the House what he has been told in the Department and I do not blame him for this but I am asking him to go back to his Department and ask these questions. If the Department just turn round to him and say: "Look here, Mr Minister, the Director and the engineers said nothing to Robertson Research International, we just got him into our Department and we gave him a list of contractors and that is all we heard about it. We did not discuss the matter with them, we did nothing." If that is the answer he gets then I would ask the Minister to take it up with the ODM and Robertson Research International in London and get to the root of it because the contractors in Gibraltar and the locally-based contractors in Gibraltar have a right to expect fairness in the award of contracts even if it comes from the ODM or from Robertson Research International. I would ask him then to go to Robertson Research International and ask them: "Why didn't they approach any other company in Gibraltar except Mackley?" It may be that Mackleys told them not to bother about anybody else that they were the only chaps who could do this job. It may be they told them that and then, of course, it does not say much for Robertson Research International if they accept that advice but I think there is a need to find this out, Mr Speaker, because there are a lot of contracts that will be coming from the ODM and we do not want blue-eyed boys to be getting the jobs without going through the normal tender procedures. It might save money to the British taxpayer if it is a tender procedure. If, in fact everything had been done properly and everybody had been investigated and it was shown to be in the interests of the public there should not be a tender, fair enough, I do not think we could all object to that but on the face of it, with the replies that have come, with two companies having shown interest in the project, is to me, Mr Speaker, very, very, very strange that these two companies should not even have been seen as a matter of courtesy by Robertson Research International Ltd.

This is why we are calling on the Government, we cannot call on anybody else, we cannot call on the Director of Public Works to look into the matter, this is why we are asking the Government, to go into this further in the interests of fairness to local contractors and in the interests of fairness to the public and to the British taxpayer to whom we also owe certain obligations to see that work is done on a competitive basis and by the best people available. Mr Speaker, I commend the motion to the House.

Mr Speaker proposed the question in the terms of the Hon P J Isola's motion.

HON MAJOR R J PELIZA:

Mr Speaker, I think it is fair that I should add a couple of words to the very well put case of my Honourable and Learned Friend Mr Peter Isola. What I cannot understand is how we have a firm which is supposed to carry out a research and doesn't seem to carry out one at all. And if they have carried a research I would have thought that they would have produced a report - I don't know whether this exists or not - on which there, in detail, they show what they have done and then they show their conclusions because after all the final decision must be taken by the Government. What I would like to know from the Minister is how the Government agreed to the decision of this research body, based on what, on a report, on just a straight forward recommendation without comments? And I would like to hear the Minister explain what happened and eventually how the decision was taken. I would be very glad to hear that. Although this research body was sent by the Ministry of Overseas Development, I think it still remains the responsibility of the local government in the end. I didn't like very much what the Honourable Mr Montegriffo said yesterday with regard to the Varyl Begg Estate and I am saying this to try and prevent an argument similar to that one when he said: "We were told, when we went to investigate how the building was proceeding, that we were not the client and therefore they did no more about it. This is not so, we are the clients; the money is really ours and therefore we carry the can in the end and if we carry the can in the end it is not, I think, an argument that we should accept sitting down and although I didn't stand up to speak on that yesterday I hope we don't get the same answer today with regard to this research body, that we are not the client and therefore the decision had to be accepted without any question. But I do hope that the Minister will be able to give us a detailed explanation as to how they arrived at the conclusion that this was the only firm that could carry out that job.

HON M K FEATHERSTONE:

Let me say from the very outset that it is not my job as Minister to give out contracts or to be concerned specifically with the giving of contracts in any way. I would also

add that although this is the prerogative of the Tender Board, there are conditions which say that should advice be given to the Tender Board that a negotiated contract may be made, the Tender Board can accept this advice and such negotiated contract can be made if required. I would start with the Honourable Major Peliza and I would inform him for his further knowledge that Robertson Research were not engaged by ODM simply to effect research into the winning of sand, they were engaged to look into the question of whether sand could be won and, if so, to set up the organisation by which such winning of sand could be effected either on their own or with others to help them. Robertson Research started to do this in mid-February 1976, when they first came out to Gibraltar.

HON M XIBERRAS:

If the Honourable Member will give way. Was this in respect of the whole project or part of the project, what he has said about setting up the organisation for the winning of sand?

HON M K FEATHERSTONE:

I am not quite clear what you mean by the whole project of part of the project.

HON M XIBERRAS:

The House will recall that there was, in fact, a distinction drawn between the initial bit which was £150,000 and the whole, which was winning sand from further up, that is my recollection of it.

HON M K FEATHERSTONE:

The organisation for the whole of the project, so that it could be either, once it was ready, operated by themselves under licence, handed over to the Public Works Department to operate as a section of Public Works Department, handed over to another company to operate, they would get everything ready and have it to go into operation when they had finished their work. As I have said they have started in February 1976, when they came to Gibraltar and they have been often in Gibraltar since then, I believe they maintain an office here, and they have a fair knowledge of Gibraltar, the set-up in the engineering industry. But the situation, and I have investigated this fairly closely so perhaps the second part of the motion which asks for an inquiry into the circumstances of the award has already been done. In April, 1976, Robertson Research sent in a report on the winning of sand and since they considered this was a feasible project, they went on to the second stage of what they were requested by ODM to do, to actually get everything ready so that the winning of sand could be effected. At this stage they started to get into contact with Messrs Mackley in the United Kingdom where Messrs

Mackley, of course, have offices. Drawing were prepared for the project application and at this stage I understand Mackleys in the United Kingdom were assisting Robertson Research with some of the drawing for some of the equipment that might be needed. This was in July, 1976. The project was sent to the Foreign and Commonwealth Office in July, 1976, and later on there was a revision of costs from Messrs Robertson Research as to what the whole scheme would cost which was sent to ODM and was used for a revised project application. There was a little bit of a hiatus after that, apparently the ODM was studying the situation, and at that time, regrettably, ODM or FCO were taking rather a long time to get things done and nothing much happened until March when Robertson Research asked what was the state of play. They were obviously informed that the project was with the ODM and no further news could be given but in October, 1977, and this is where their measure of what might be termed slippage came in, the project was finally approved by the ODM though practically a whole year or even a little more than a year had gone by since the original project application and the project approval. Robertson Research were informed of this approval by ODM and were asked to proceed with the final design for all the equipment needed to win this sand and they were formally appointed as consultants to the project in November, 1977. At that time there were various considerations coming up from Robertson Research as to how the winning of sand proper was to be done, as I said before, was it to be a Public Works Department's section or was it to be done by Robertson Research under licence, was it to be done by a separate company, and various considerations did come up and it was considered that perhaps the best method might be, although it is not definitely accepted, that it should be a private company wholly owned by the Gibraltar Government which for a period of time would act as Managers and would give their expertise. All this time Robertson Research were getting ready for the winning of sand and they started ordering various pieces of machinery that were required and they were working reasonably closely with Mackleys in England on various aspects of design not least I understand was a little railway that has to be incorporated in the project. As I said, they were also out here and I understand from the Engineer of Robertson Research that they were aware of the potential of various local engineering companies though I have not asked him, and I am willing to do so in the future, whether they actually approach these local companies but they did inform me that they knew there were other engineering companies here. Robertson Research after a period of time started to suggest that for the physical part of the setting up of the scheme, Mackleys would possibly be the best firm that could do it. When certain of the equipment that had been ordered started to arrive in Gibraltar Robertson Research instructed Mackley to take this equipment into their stores and look after it for them so it appears that in the United Kingdom there was very close contact between Robertson Research and Mackley. There was a period in which Robertson Research went into the whole situation in the light that it was now 1978 and not 1976 and inflation had come in and a revised figure of costs was provided.

These were updated in November, 1977, and again in January, 1978, when the price had been based on specific items, I think one of them is called a drop. These machines, obviously, do go up as time goes by and this information was passed to the Financial and Development Secretary and obviously it was passed on to ODM to approve these extra costs and at this time Robertson Research were actually asked to visit ODM and explain the increases and the whole project was very carefully gone into at ODM. Fortunately, ODM accepted that these extra costs could be effected and the time came when it would be necessary to appoint a firm to do what one might call the nuts and bolts of the scheme, the physical part, the installing of this little railway, the actual excavating of the area at the base, the actual putting in of the slide where the sand has to come down and at that time Robertson Research stated quite clearly in a letter to the engineer in the Public Works Department who was most closely concerned with this operation: "In our opinion the main contractor, J T Mackley and Co of the United Kingdom and 13, College Lane, Gibraltar, is the only firm in Gibraltar capable of carrying out all parts of the project. They have been involved in the design and concept of this project and in discussion on the safety railway since, 1976. Since the project became more definite in November, 1977, considerable design work has been done by them which has culminated in the drawings now being prepared. We are very pleased to be able to recommend that they be allowed to carry out the actual construction and installation works."

HON M XIBERRAS:

Can you give the date of that letter?

HON M K FEATHERSTONE:

Yes, this was on the 31st May, 1978. My engineer received this letter and accepted it at its face value and passed through to the Director of Public Works this recommendation and suggested that an approach should be made to the Tender Board that therefore since this recommendation was so strong, the normal procedure of tendering should be set aside and a separate contract should be made. My engineer did not tell Robertson Research that Mackleys were the only firm that could do this sort of work, Robertson Research had been in Gibraltar and had, apparently, in ways best known to themselves, made their own enquiries but perhaps, and I think this is reasonably justified, perhaps their attitude towards Mackley of 13 College Lane was coloured by their association with Mackley in England with whom they had been working very closely. And it is not unreasonable to assume that Robertson Research who were given the understanding that they were to do the whole job either by themselves or getting assistance from somebody, felt that they could go ahead reasonably well and get assistance without having to resort to a tender procedure in Gibraltar of which most likely they were not even aware and that is why they did

make their initial approaches to Mackleys in the United Kingdom and that is why they accepted design work and design drawings from Mackley in the United Kingdom on the basis that they assumed all this was under their own umbrella and that they were entitled so to do. I don't think there has been any bad faith whatsoever in this, I think Robertson Research has felt all the way through that they were acting in accordance with what ODM had told them they were permitted to do, and that they were just doing the best possible job for Gibraltar that could be done. The Public Works Department was not aware that Gibraltar Underwater Contractors were interested in this, they did not have any knowledge of this letter which the Honourable Mr Peter Isola said was sent to the Financial and Development Secretary in 1974, and they were later contacted once the knowledge had come out that Mackleys had obtained the contract. I did receive a letter from a Mr Scott who I assumed at the time was a private individual but who afterwards appeared to be a wolf in sheep's clothing since he was writing on behalf of a political party. Had I known he was writing on behalf of a political party I would not have answered him, I would have told him to get one of his colleagues in the House to approach me so that it could have been done on a Member to Member basis. As I said the Tender Board accepted the recommendation of the Director of Public Works that a private tender should be negotiated and the contract was actually signed in July, 1978. Since then there has been the obvious work that Mackleys have done at the base of the slope where the sand is due to come down and the whole question of the bulldozer is a very small element in the whole consideration. I don't think that the fact that Mackleys had a bulldozer made all the difference to Messrs Robertson Research suggesting that they were the only company that could do this. I think, from what I understand from Messrs Robertson Research, it was based more on the fact of the design capability and the design potential that they made their recommendation. I don't think there is very much further that I can add to this. As the Honourable Members will see I have investigated this fairly extensively but I will tell them that I have done one thing, I have told my department that no further recommendations for private contracts should be passed through to the Tender Board until I have had the opportunity of seeing them and making a decision or at least tendering my own advice on this position, so that this situation would not arise again without the Minister's knowledge. In this instance it was something which, quite rightly, I think, was done by the Director of Public Works at the time and the engineering staff, since the Minister is not intrinsically interested in the award of contracts. I only hope now that the winning of sand will turn out to be a success and that the British taxpayers' money will not have been mis-spent and that we have got value for money from the contractors who are doing the work and from Robertson Research who are in overall charge.

HON M XIBERRAS:

Mr Speaker, the Minister, I think, is to be complimented for the research he has done into Robertson Research but there is, certainly, a bit of bad odour in this and the first question that arises is the question of ODA. The Minister has certainly followed up the situation within Gibraltar and I should ask him whether he has, in fact, followed up with ODA at the London end, on what basis or whether they at any time approved the sub-contracting of Mackley and whether they are satisfied that this was within the terms of reference of the original contract with Robertson Research and whether there was in ODA's mind a legitimate consideration or fairness in the allocation of sub-contracts within Gibraltar. That, I am sure, my Honourable and Learned Friend will develop when he comes to replying. The other thing is the amount of plant involved in the work. The Minister has spoken about a "drop" which to the uninitiated might seem a great deal of machinery, a "drop" is possessed by a good number of firms in Gibraltar and it is simply a shovel to load lorries with and move sand around a small one, on caterpillar tracks. And there might have been perhaps, a JCB which is a sort of a grab to load lorries and move sand around. The material itself is sand which is easily handled and therefore from the point of view of plant there are a number of firms I would imagine in Gibraltar perfectly capable of doing this work. On the question of expertise, engineering knowledge in setting up the railway, I am not on such sure ground because I don't know what is involved. It seems to be that the work and most of the money for the work would be in fact for the removal of sand and we are talking of a sum in the region of £160,000. Therefore even if engineering skills were a consideration, surely, local contractors had there the possibility of doing work and of making money at a time when the development programme was not yielding very much for local contractors. The other thing, Mr Speaker, which has been partly answered by the Minister but in rather vague terms, and that is at what point did the Public Works Department authorise Robertson Research to grant sub-contracts to Mackley. There is a letter which the Minister has mentioned of May 1978.

HON M K FEATHERSTONE:

If the Honourable Member will give way. Public Works did not authorise it, they recommended to the Tender Board that this should be authorised.

HON M XIBERRAS:

They recommended to the Tender Board the direct granting of the contract and this was, in fact following the letter of 31st May, 1978, and at that particular point who authorised this to be done and was it in the knowledge at that time that there had been very close contact, to quote the Minister, apparently since 1976, between Mackley in the

United Kingdom and Robertson Research? Was the recommendation made in the knowledge that this close contact had existed over a period of time and during that period of time, between 1976 and 1978, was in fact anybody in the Public Works Department involved in the consideration of the eventual allocation of the contract. Mr Speaker, the same arguments might arise in respect of the recommendations for the Public Works Department itself to set up machinery to develop the rest of the sand. Mr Speaker, I would like the Minister or a Member of the Government to say whether they are prepared to take the matter up with ODA and find out exactly what happened at that end. Mr Speaker, there is one more point. The Minister said that a letter from certain underwater contractors in Gibraltar was written to the Financial and Development Secretary, I understand, prior to the recommendation by the Public Works for the direct allocation of the contract but the Department of Public Works had no knowledge that this letter had been written but after the recommendation had gone from the Public Works Department, a letter was written to Underwater Contractors. I think that was the sequence of events. I suppose it is in fact explaining what the position was because I don't think that the matter could hardly, at that stage, have been opened up for reconsideration. Or was consideration given at that particular stage to opening up the matter and having a tender invited? I hope I have made that point clear to the Minister. It is a large sum of money, Mr Speaker, it is important to local contractors that they should get a fair crack of the whip. Often they are not in a position to do work on bigger housing projects and so forth and it is a sore point as the Minister knows that there should be a fair competition for local contractors. We must be one of the few countries, I think, where the local contractors are not given a significant advantage over other people though I imagine within the terms of EEC and so forth this might be different here but we have Trade Licensing laws and so forth which have to be adhered to and the very least we can ask is that the local contractor should have an even chance in these matters.

HON CHIEF MINISTER:

There is only one point which concerns me in this matter and that is the question of the request that have been made that the ODM should be asked for a report or should be asked to enquire into how this matter was done. If, in fact, ODM appointed Robertson Research as contractors and they were given power to appoint sub-contractors, it is another matter. I think we have to be careful how we ask ODM how they go about their business just to satisfy ourselves because we do not want to appear to be enquiring into the manner in which they do their own research and their own investigation as to the award of contracts which they pay.

MR SPEAKER:

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

HON P J ISOLA:

Mr Speaker, I am grateful to the Minister for the information he has now given on this matter. It is quite obvious that he has gone into it much more closely than when the question was originally asked and it is quite obvious from his own research into the matter that there was never any intention to put this out to tender in the mind of Robertson Research International and obviously in the mind of his Department possibly because they were aware or the engineer or the Director of Public Works was aware of the close liaison that had existed between Mackley and Robertson Research International for a period of almost two years. I agree that in those circumstances it is possibly difficult to go against the advice that has been given that it shouldn't go to tender. What is unfortunate, Mr Speaker, is that this is not how the situation has been put forward. It is quite clear to me from what the Minister has said that Robertson Research International never investigated anybody. The statement of facts show that. It is quite clear to me that somebody introduced them to Mackley in 1976. Alternatively, they had already an association with Mackley in the United Kingdom, it is also possible, and they went straight to them and gradually got involved with them. It is quite clear to me that that happened. I think it is unfortunate that the impression has been given that nobody else in Gibraltar could do it except Mackley. It is obvious to me from what the Minister has said, that Robertson Research International were appointed and they said: "We must look around to somebody to help us," and for some reason or other it was Mackley and I think that requires still further investigation as to why Robertson Research International went to Mackley. Was it that they were already in association with them in England and they happened to know they had a company in Gibraltar or were working in Gibraltar or was it that from Gibraltar they were told, England. I think that requires still further research. I think it is important, Mr Speaker. It is also obvious that somebody must have told Robertson Research in 1978: "We just cannot give the tender to Mackley because of this policy of tender procedure unless you certify that they are the only people that can do it." And this is what they obviously did, they said that in their opinion they are the only firm in Gibraltar who could do it. Well, of course, they couldn't say anything else after working with them for two years. The whole thing could be in absolute innocence, but it is unfortunate, Mr Speaker, that Ministers previously or other people have tried to justify this on the basis that Mackley were the only people who could do it. It is quite obvious that is not the case, it is quite obvious from the account the Minister has given that this association between Mackley and Robertson Research started in 1976 and it was logical at that stage after all the research that had taken place, it was obviously logical that Robertson Research should want Mackley to get it so that as far as the other contractors in Gibraltar were concerned, they didn't have a look in on the matter. That to me is quite obvious from the information the Minister has given us. I am glad that the

Minister has said that he has told the Department that in future no recommendations for a private contract should go through to the Tender Board without him seeing it first. I would ask him also to ensure that the Department gets in on the situation at an early stage because, as I say, it is very possible, because firms here know what is going on, it is possible that Mackley in England wrote to Robertson Research International and said: "Look, we are engineering contractors in Gibraltar" and Robertson Research International took them up and started consulting them and then felt morally bound to them. I do not know what the position is but the unfortunate thing about this, Mr Speaker, is that from what the Minister has said it is quite obvious that the department did not inform him at the time he answered questions to the House, did not inform him of the true picture and he gave answers which, inadvertently, I am quite sure, on the part of the Minister, misled the House, because the impression one got was that Messrs Robertson Research came along and investigated all the firms in Gibraltar and said Mackley are the only people who can do it. That was the impression that was given whereas the true position is that as far as those two years go they had a liaison with Mackley on the whole project and they were working with them on it. The way it was done by them, I am not saying the Government, by them, I think, precluded or made it impossible for the things to be put out to tender. If that is the case then I think it would have been fairer to local contractors to have told them the situation and to make sure this does not happen in the future. As far as going to ODM and telling them about this is concerned, I think that this is a comparatively different matter once the Minister has found out in his department whether there is an earlier record of them having said anything to Robertson Research International, to put the facts before the ODM of any further action they feel might be necessary because, Mr Speaker, I would ask the Minister again to enquire further how it was that if the Department or the Director of Public Works, or the engineer knew that in fact Robertson Research had been in close liaison with Mackley ever since 1976, if they knew that, why did they just pass on the recommendation themselves and said that they agreed when they must equally have known that in fact they had not approached any other firm in Gibraltar. I think it requires further investigation, I think in the interest of the Minister himself. I think he has made an attempt now to clarify the situation and he has given us an explanation which explains to us really why it was that it did not go out to tender, that there had already been a sort of agreement between Robertson Research International, as Managers, as opposed to just consultants, there had already been an agreement between Robertson Research International, as Managers, and Mackley, so that there was never at any time in the year before 1978 any intention on the part of Mackley or of Robertson Research that the matter should go out to tender. There are obviously cases, Mr Speaker, and there must be cases where, perhaps, the tender procedure is not the correct one

and this may have been one of the ones but it is unfortunate that it wasn't projected in that way and that these firms were not told, as I think they ought to have been told what was in fact happening and I think what obviously upset all these firms is to be told that they had been investigated when they had not even seen the representatives of Robertson Research International on the matter. Mr Speaker, I am sure the Minister is concerned and he has shown his concern on this matter by saying that he has already given instructions on the matter and whilst asking the Government now to support the motion or abstain on this, in asking them to do this. I think the motion should go on because I think some more investigation is required by the Minister on the matter on the lines that I have asked and although he has in fact given us now an explanation of how it happened and we can now understand how it all happened, I think it still requires a little further information or investigation in the interests, I think, of fair play to the contractors, to the ODM and, of course I think to himself personally because he himself answered the question on a very different basis, I am sure he will agree if he looks at the supplementaries, than he would have done I think if this information had been put to him when he was asked to answer the question.

Mr Speaker then put the question and on a vote being taken the following Hon Members voted in favour:

The Hon P J Isola
The Hon Major R J Peliza
The Hon G T Restano
The Hon M Xiberras

The following Hon Members voted against:

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 J B Perez
The Hon A W Serfaty
The Hon Dr R G Valarino
The Hon H J Zammitt
The Hon D Hull
The Hon A Collings

The following Hon Member was absent from the Chamber:

The Hon J Bossano

The motion was accordingly defeated.

HON M XIBERRAS:

I beg to move, Mr Speaker; "That this House is concerned at the effect on applicants for Government housing and certain Government tenants of the apparent lack of coordination between the Department of Medical and Health Services as its functions affect housing applications, the Department of Public Works and the Housing Department itself." Mr Speaker, may I stress that the motion has an important word in it, other words are also important, but there is one which I would like to stress and that is the word "apparent" in the phrase "apparent lack of coordination" between the departments mentioned. My purpose in this motion is to help housing applicants and government tenants to get a fairer deal as they are entitled to and that this should not be obstructed by any lack of coordination between the three departments mentioned. It is no secret, Mr Speaker, that the Public Works Department is unwieldy and that on many occasions the performance of the department has been the subject of criticism in this House. When it comes to specific persons in the community, persons who might be suffering hardship as a result of bad housing, it is very important that the Public Works Department should be acting efficiently itself and also at the same time in smooth co-ordination with other departments involved. As regards the Department of Medical and Health Services this is not an unwieldy Department in respect of that part of it to which I am referring which is relevant to the motion, namely, that part concerned with public health, but even this part of the Medical Department has a number of scattered functions and a number of multiple relationships with other Government Departments which are based on, I might say, a quasi judicial function, namely, to look after public health and in doing this it should be guided obviously by the legislation which exists and should be guided without fear or favour, it should be equitable in the performance of this role. Mr Speaker, as regards the Department of Housing it is a relatively new Department born out of the Housing Unit and its functions as a Housing Department have developed only of late. Its functions include that of being, as it were, landlords of Government dwellings and also in some degree and to a quite unprecedented degree, arbiter of allocation of Government houses - I am referring to the modernisation programme and indeed the vast majority of the houses that have been given out over the last two years. Mr Speaker, it is a well known fact that in the allocation of houses the question of the state of the house as regards Public Health is an important factor and it came to my knowledge in a meeting with the Minister, and I use this by way of illustration not by way of substantiation of the motion, that there did not appear to be or he did not appear to find at a particular stage, certain recommendations of the Public Health Department which I was under the impression from previous meetings, had in fact been made by the Public Health Department and which affected particular applicants and also one housing estate, namely, Varyl Begg. I was very surprised by this because

the recommendation of the Public Health Department can change the value of an application almost overnight and it is very important for the applicant that the state of this house should be accurately known by the Departments concerned with the allocation, the Housing Department. I am not quite sure what happened to these recommendations, I was not speaking on that occasion unprepared because I had been to see on one or two occasions the Chief Public Health Inspector and I had written letters, I had also been to see the Minister with matters concerned with this, the Minister of Public Works, and I had written to the Chief Public Health Inspector, to the Minister of Public Works and on a number of occasions seen the Minister for Housing and written to the Minister for Housing in respect of some cases and it seemed to me that the Public Health Department was in fact doing its job, in other words, that it was visiting places, it was issuing recommendations, it had issued a number of recommendations about Varyl Begg, about individual flats, and, collectively, about a number of flats, but these were not in the possession of, for instance, the Minister for Housing as I understood it from that meeting. It might be that they were in fact going to the Public Works Department but, for instance, in the case of Varyl Begg, because of the bigger decision which Government has to take and I hope will take soon, the Public Works Department found it difficult to tackle individual cases and so the value of the recommendation of the Public Health Department was nil as far as the applicant was concerned. This, Mr Speaker, these great issues of principle because Government, as is known, is the biggest landlord in Gibraltar and conditions of Government dwellings and Government obligations as landlords affect a greater number of people than those in the private sector and Government, being Government, is bound to set an example in compliance with Public Health requirements. I understand the difficulties of managing a very big housing estate such as Government's is, but nevertheless I am much concerned with the fairness of the situation where apparently most of the recommendations of the Public Health Department which eventually find their way to court, and I believe there is something like 2,000 nuisances reported in the Medical and Health Department Report for 1977, 2,000 no less are all concerned with the private sector, in other words, with the private sector complaints often become actionable whereas with the public sector housing they seem to in many cases not find their way to the right person, the person responsible and I dare even say, lie dormant for long periods of time. I have a letter from the Minister for Medical and Health Services and I have got correspondence from various cases with the other Honourable gentleman concerned but I do not want to go into individual cases, I am not pleading a particular case, I am talking about the situation as a whole which is to my mind most unsatisfactory. Mr Speaker, another obligation which Government has as landlord and this touches upon individual cases but I am not taking them as such, which were raised at question time, the case of those involved in Varyl Begg, for instance, where

the Housing Department collects rent, or is supposed to collect rent in respect of these premises, another obligation is to provide safe and good premises in a good state of repair. This, to my mind, Government is in danger of incurring very serious liability for instance at Varyl Begg where conditions in some of the flats have not only been certified in the cases of one, for instance, Mr Speaker, which the Minister referred to at question time, the person who had been moved to another flat, and the case of another, the Baglietto case, which I mentioned, the Public Health Department had actually recommended that the house was unfit for human habitation and the people should be moved or that a room should be closed up and not be used. Now in these cases there is an obligation on the part of Government, as Public Works, to put the matter right within a reasonable period of time but yet in the case of Mr Rutherford, to mention one case, that has been in existence for a very long time and Public Works has been producing reports consistently about this. Mr Rutherford said on television that there was actual danger from loose cables which might involve yet another Government Department, the Fire Brigade, from loose cables, and the water coming in and this is a generalised complaint in Varyl Begg as all three Ministers know. How can the Public Health Department bring pressure to bear on the Government and what happens if other Government Departments do not respond, especially in critical situations, to the recommendations of the Public Health Department? What would happen, Mr Speaker, to take another case in point, which we have had in the House, vis-a-vis the Fire Brigade, the question of the keys that were lost when the fire at Curmania House took place. I am talking about the relationship of certain Departments which have a quasi judicial function with the doing Departments of Government. Mr Speaker, there is provision in the Public Health Ordinance for individuals, Government tenants for instance, to take up the matter in the courts, I think it is Section 84, of the Public Health Ordinance, but most people do not take advantage of this, in other words, an individual can take the Government to court, either the Housing Department it would probably be, or the Public Works Department, for not complying with certain standards, but this does not happen, what is in fact happening, generally speaking, is that the Government is taking private landlords to court, 2,000 complaints in 1977. I don't think that Government tenants should be in such an underprotected situation, where the onus is placed on them to raise complaints and take the matter to court, whereas in the case of the private tenant it is the Government who starts and finances the action in the court. This is an important point of principle, as I say, and it affects a good sector of the community. Mr Speaker, the other thing in respect of the Public Works Department, is what particular repairs can be carried out reasonably in a particular house. The Minister knows of a case in Devil's Gap Road. There certain people were given premises for the time being, and the Chief Minister referred to this sort of case earlier

in the proceedings of this House, where social cases are given accommodation, the house which they are given is known to be in a not too good state of repair, sometimes even in a dangerous state of repair, and the Public Works Department, because of its workload or whatever, is unable to carry out the necessary repairs because the building is going to be pulled down at some future unspecified date, or a date which might be flexible and the Housing Department is not in a position to give the tenants alternative accommodation. In these cases, what is the view of the Government, what should happen in these cases, who should decide what should happen, how much weight should each of the three Departments involved have in making a recommendation about a particular case? A good number of the cases in the Housing List are, in fact, of this type. Are there regular meetings, Mr Speaker, between the Ministers concerned? Are there regular meetings, between the Heads of Departments concerned? Are there regular meetings at a more working level? Are files kept in some central point, for instance, the Housing Department, which contains all the information about a particular case. I could show many examples, Mr Speaker, of cases which come where it is the Members of the Opposition, or whoever, who has to bring together the various bits of information into the central housing file. That, Mr Speaker, should not be the job of a Member of the Opposition or whoever is making representations, or of the applicant who often has to run around conveying views of different departments so that it can be incorporated into a particular file. And if decisions are taken without all the information being there, can we say that the decisions are fair to all the applicants concerned? So, Mr Speaker, I would commend the motion to the House and as the House knows I have not brought it lightly, I have made my investigations and attended meetings and written letters but I have not bothered to read them to the House. I am sure that the Ministers concerned will agree that it is in the interest of applicants and in the interest of fairness that these matters should be subject to rather smoother functioning than they have been up to now. I commend the motion.

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

HON A P MONTEGRIFFO:

Mr Speaker, firstly I would like to dispel the idea that despite the fact that we issued 2,000 nuisance notices in the private sector, that we haven't got the same or more or less the same problems that we get from the landlord, in this case, a Government landlord. As the Honourable Member well knows we take nuisance notices to court, they are given 90 days in which to put the thing right, in many cases they do not comply and you get another date for a hearing, they are fined and given another 90 days, 90 days go by, you go for another court order which takes another 3 or 4 months and about a year has gone by before anything

has been done though, admittedly, in this particular case, the private landlord is punished to the extent of £25 in the first instance and I think it is £5 penalty for every day on the second occasion that it is taken to court. We find difficulties too that after all the repairs have been done and everything appears to be alright, six months later the roofs carry on leaking and the same problems arises again, so it is a constant and continuous process which we carry out irrespective of whether it is the Government or a private landlord. Whatever the law prescribes, we pass on that information and those recommendations either to Public Works or to Housing. Mainly to Public Works when it is a question of repairs and to both when it is a question of remedial dampness for which the tenant might get points. We do supply all the information and in the case that the Honourable Leader of the Opposition mentioned that there was nothing in the file, I think there is a reasonable explanation and perhaps the Minister for Housing might care to explain because that was brought to my notice, I was very annoyed and asked why it had not been sent and of course it had been sent, it had been sent but apparently there are different sort of files in the Housing Department and it appeared in one file but not in the other. We act without fear or favours but the only thing is of course that we do not take Government to court, we do not take ourselves to court, that I can accept and it is well known that we don't.

HON M XIBERRAS:

Mr Speaker, could I ask the Minister what response in fact is there in the majority of cases from the Government and, secondly, to whom do recommendations of his Department about Varyl Begg Estate go?

HON A P MONTEGRIFFO:

Varyl Begg Estate go to Public Works. When it is a whole block or a number of tenants it goes to Council of Ministers. As to what response there is, sometimes we get a good response and sometimes we do not get such a good one. I am afraid that is as far as I am able to say at this particular moment. I think the Honourable Minister for Public Works will inform the House that some sort of working ad hoc committee will meet soon so that my Department at least will get some joy of seeing that some of the things that are sent across to other Departments are proceeded with expediency taking into account the difficulties that other Departments may have in their hands, too. That must also be taken into account.

HON P J ISOLA:

I would like to say something in support of the motion. I think the Honourable the Leader of the Opposition has put forward a very real problem of a Department of the Government serving notice or making reports because as the

Minister for Medical Services says they cannot take themselves to court, but making reports about nuisances and these not being done or complied with whereas at the same time the same department is serving notices on private landlords, for example, who may have the same sort of difficulty and problems that the Government has but who if they don't do it are taken to court and made to do it and I cannot see the Government having, in principle, any greater problems dealing with the situation of tenants than the private landlords have. It is a bigger landlord, yes, but on the other hand it has a vast Department, the Public Works that can deal with this matter judging from what we spend on the matter and I am sure it is very frustrating on the Public Health Inspectors of the Department when they find they have to take private landlords to court for not complying with nuisances and they find these very same nuisances existing in their employer's houses and nothing being done about it. I think this is bad, frustrating and of course it is very wrong in principle as my Honourable Friend the Leader of the Opposition has pointed out. I think it would be useful if the Minister for Public Works were to give us some idea percentagewise, how many complaints or notices or reports from the Public Works Department are in fact complied with by them within a period of, say, 6 months. I think it would be interesting for the House to have those figures. The other point I wanted to make is, the last speaker said in an aside while my Honourable Friend was speaking that it was Section 89 of the Ordinance which enables somebody who makes a complaint to a Justice of the Peace, to get an order made even against the Government in the sense that the court can direct the Government to abate the nuisance. Well, I would like to ask somebody on the Government side to say whether if they get an order from the court to abate the nuisance whether they will in fact debate it because my next question would be, and it is probably more directed to the Honourable and Learned the Attorney-General, that if the Government does not abate the nuisance who does the court send to prison and if the court fines the Government it just comes out of one pocket, charged to one vote and appears in the other vote so, in fact, is this section that the Minister for Medical Services has spoken about one of which the general public, tenants, can avail themselves because if at the end of the day the court orders the Government to abate the nuisance and the Government doesn't abate it, what can the court do about it? If the Honourable and Learned the Attorney-General tells me that they can bring the Director of Public Works into jail for not having done that then this could be a progressive movement, and I am sure the work would then be done very quickly but if, in fact, as a result of an order from the court the Government just doesn't comply with it and nothing further can be done, how can one expect a Government tenant to go to court, it is just a waste of time. I would certainly like to hear something on that and of course there is the other argument

which my Honourable Friend has put that it is not right that a tenant should have to go through the expense of taking the Government to court whilst in the private sector a private tenant does not have to go to that expense, the Government does it for them but I would be interested, Mr Speaker, to have answers to these questions from the Minister for Public Works.

HON MAJOR R J PELIZA:

I wonder whether the House could be told how many notices have been served on the Government as landlords and due to unfitness and hazard to health and what the result has been. I think that if the answer is very negative perhaps the suggestion that my Honourable Friend has just made could be pursued.

HON CHIEF MINISTER:

Sir, dealing with another aspect of the matter, no doubt the Minister will take note of what the Honourable Member has said, but I think perhaps this is the most appropriate time, I have to remind Honourable Members that the Public Health Ordinance is the Public Health Ordinance which was administered by the City Council before the amalgamation and that in fact it was the statutory duty of the Municipal Authority to ensure that nuisance notices that were served and that nuisances were abated. In respect of the Government, it was never found necessary or, in fact, it was never the practice to take the Government to court but the Honourable Mr Isola brother as City Councillor, was a great scout on the question of the list of Abatement Notices because the problem has been there all the time, in fact it probably got worse because of the bigger number of houses and lapsed leases which people have left back into the Government. The procedure - and I think this is why there is this provision in section 89 which meant that somebody else had the authority and not the Government itself - the procedure was that a notice was served on the Government by the Public Health Department for the abatement of the nuisance in the same way and in the same form as it is done in respect of the private landlord and whether it was complied with or not, it was followed up in exactly the same way and when of course there was this time lag and this lack of following them up and there was this outcry saying: "You are making the landlord do one thing and the Government the other," in order to satisfy the Council, as it then was, that the Government was complying; or at least to keep the Council informed of what happened in what was called the Miscellaneous Papers, Reports and Returns which were circulated to members while the meeting was on, there were certain files and water reports and all sorts of things and we came to build up a list of Nuisance Notices served on the Government, the sort of information that is being asked now from the Minister, which he may or may not have available, but that was a cumulative list which was published every fortnight at the Council meeting. There was always a big list of

items which was left pending or rather which the Council was urging the Government to carry out. Despite the fact that, it is the same authority now, on one hand and the other, the same thing happens really because the Health Department does its work irrespective of who the landlord is. They have to do their statutory duties, they are concerned with health matters and they do not, and I can vouch to that, they are not partial if it is Government property and therefore let it go, short of seeking authority to take the Government to Court, if they can do that, that is a matter for the Attorney-General. I just want to draw the attention of the House that this situation arises out of the fact that the Public Health Ordinance, except for a few amendments, if you look at section 88 of the Public Health Ordinance you will see that it was amended by regulations of the 28 May, 1970, but section 89 remains unchanged. So section 89 is in exactly the same position now as it was when the Council and the Government were two different institutions.

HON H J ZAMMITT:

Mr Speaker, Sir, I will not dwell for one second on the legality or illegality of section 89, but I think I should reply to something that the Honourable the Leader of the Opposition has said with regard to the question of liaison between Government Departments. In the case of the Housing Department, Mr Speaker, if a Government owned dwelling is found to be unfit for human habitation and is certified as unfit for human habitation and I think I should say here that one must differentiate between the present position at Varyl Begg and the remaining housing block because we know that there are some things at Varyl Begg that we cannot at this moment take direct decisions on but in normal housing estates, in normal Government housing, if the Public Health Department condemn a house and say it is unfit for human habitation, it invariably sends a copy to the Director of Public Works and then the Public Works Department would inform Housing that that house is, say, in a state of collapse, to put it in a more dramatic state, and then of course the Housing Department invariably re-house these persons as best they can, that is where there is danger of possible collapse.

HON M XIBERRAS:

But not necessarily because it has been declared unfit for human habitation.

HON H J ZAMMITT:

Well, if it is unfit for human habitation, yes. We do our utmost to try and assist. It is not applicable in some cases, particularly in the social cases, and I think I should elaborate on that. Mr Speaker, we have had instances in which the Leader of the Opposition did not go into detail

but about which some reference has been made in particular to the address. If it is a social case, Mr Speaker, of somebody who is, let us say, thrown out of his house by his in-laws or parents and is rendered homeless and because of the lack of housing he is offered something well known to Government not to be in the best of conditions, that person is told: "This is what we can offer you, it is not to the standard that we would like it to be, but this is what is available." What is unfair is that these people, because don't forget that there are other people living with social problems and having to live with them, unfortunately

MR SPEAKER:

Yes, but let us not go into details of social problems and whether some people take advantage of a particular situation. What you are trying to say is that if a house is condemned and considered to be unfit for human habitation, then the policy of Government is to house the tenants, is that correct?

HON H J ZAMMITT:

What I am trying to say, Mr Speaker, is that one has to show a degree of fairness because there have been cases where private landlords have accommodated a family unit into quite pressed accommodation, that person automatically becomes an applicant on the housing waiting list and because of the state of the house, a public health report comes about their overcrowded situation and other circumstances, lack of normal facilities, and these people jump the queue and there are other people who are more resigned to living in pressed accommodation who feel that they are left behind and may I add to that, Mr Speaker, that no sooner has the Government or the Housing Department housed these people, particularly from private accommodation, that the landlord is able to put somebody else there within a week or so and again another application comes and that person can jump the queue again. I am not saying that these are condemned houses because one thing we have certainly made sure in the last few months is that if a private landlord gets a court order then the house in question cannot be let out and no application will be received from Housing from that dwelling, but this wasn't the case in the past. It is now being done. We have a system in the Housing Department whereby there are two files. One is a housing file and one is a tenancy file and through some omission one of the reports from the Public Health Department went into the tenancy file because this particular person wasn't an applicant and therefore there was only one file. There is coordination, Mr Speaker, and invariably if we do get a directive from either Public Health Department and in most cases confirmed by the Public Works Department that the repair is of a major nature then of course we do our utmost to re-house people. Mr Speaker, what we have found recently is that there has been a certain cry particularly in houses which are earmarked within a development programme for either demolition or modernisation and I think, quite honestly,

that it would be a waste of time and a waste of money for Government to spend money in a house or in a block of houses that we know very well are earmarked for modernisation and we hope that some within this development programme and some within the next development programme will have to be modernised and therefore it would be a waste of money to spend money on them now. But I would insist, Mr Speaker, that tenants who are put there, particularly the social cases, are informed that they can have the house, we accept they are not up to the standards required, but Government is not prepared to spend money in this type of house. Mr Speaker, I hope at the next meeting of the House of Assembly to be able to produce a more realistic Housing Allocation Scheme that will to a degree do away with the present situation, particularly as regards public health. The Honourable the Leader of the Opposition referred to cases at Varyl Begg reported to the Housing Department as being unfit for human habitation and that is not the case.

HON M XIBERRAS:

I said in a dangerous condition and I mentioned the water in the cables and lack of public health reports in the housing files. I also mentioned the case of Mr Baglietto where one room had been condemned.

HON H J ZAMMITT:

I have the file of the Baglietto family here, Mr Speaker, and we have a medical report and there is nothing I see from the Public Health Department or even from the Public Works Department that the house is unfit for human habitation. There is, of course, a report from Public Works saying that there are certain repairs to be carried out and there is dampness in the walls.

HON M XIBERRAS:

If the Honourable Member will give way. There is a letter which says that the Public Health Department have been visiting the Baglietto family at least one every six months.

HON H J ZAMMITT:

And it has not rendered the Baglietto flat as unfit for human habitation.

HON M XIBERRAS:

They have closed a room.

HON H J ZAMMITT:

They may have closed a room, Mr Speaker, but they have not rendered the house unfit for human habitation.

HON M K FEATHERSTONE:

Mr Speaker, I would confirm what has been said by my two colleagues. There is a considerable measure of cooperation between the three Departments, in fact, the number of letters that are passed from one to the other and the number of times members in one Department ring the other up are, perhaps, far more than the Honourable Leader of the Opposition would realise. The point mentioned by the Honourable Major Peliza about prohibition orders being put on Government is a point which does not actually arise because a prohibition order is made by order of the Court and since Government is not taken to court they do not get prohibition orders but we do get letters from the Public Health Department complaining about various nuisances which should be abated and as far, as my Department is concerned, they look at this as sympathetically as possible but they do divide the complaints into what are classified as immediate nuisances and what are classified as secondary nuisances. An immediate nuisance, for example, is somebody who has got a blocked toilet, a blocked drain and this is dealt with, possibly, within 24 hours. They are very quick to do these immediate nuisances and in many instances we even send the emergency people to do the job late at night so that the nuisance can be abated as rapidly as possible. In most instances the nuisance has been abated even before the letter comes from the Public Health Department because obviously the person concerned has made a requisition to our depot and in most instances they have been treated even before the letter comes through. What we classify as a secondary nuisance is not something which we wish to be unsympathetic about, but where you get a complaint of dampness in a wall and plaster coming off, this complaint is so common in Gibraltar that we have to take each item in its turn and deal with it on a roster system, we cannot simply take Mr X because the Public Health Department has written us a letter about Mr X when there are Mr A, B and C with the exactly the same complaint waiting patiently for us to do something. I would comment that we are getting at the moment something like 12,000 requisitions a year and these are increasing since our housing stock is going up in numbers. We are managing at the moment to do around 11,000 to 11,500. Regrettably, we are building up a little bit of backlog and although we are making every effort to improve on this, such a backlog does tend to become pernicious in so far that if you have a small leak in a roof or a small patch of dampness in a wall, if you don't deal with it in a matter of 3 to 6 months it becomes a severe leak or a big patch in the wall with the plaster falling off and consequent running of the tenant concerned to the Public Health Department and more letters coming through. We are also in very close contact with the Housing Department and as has been said by the Minister, we do get instances where a person on social grounds has been housed and has been told and has agreed at the time that no work can be done in his house, yet this person does immediately make a requisition to Public Works and in certain instances where we can and where we feel it is really essential we do some work there even though to some extent the money is

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wasted since that area is down for re-development or for modernisation or pulling down or what have you. We do get instances where we wish to ameliorate a situation and sometimes the tenant refuses to give us the cooperation we require. If we have to hack the plaster off the wall they say we cannot do this because the furniture is going to be damaged, they have nowhere else to put the furniture, and they immediately rush off to the Housing Department and say: "The Public Works want to deal with my house, you must give me somewhere in the meantime," and by the meantime they mean a new permanent accommodation. We have instances where even in the Varyl Begg Estate we have tried to rewire and the person concerned has said: "You cannot do the rewiring as you wish to do it, on a surface, you have to chase it in the walls," and this is something that we resist because it is our policy to chase wiring in walls. Therefore they would not allow us to put surface wiring and they continue with the temporary wiring and at the same time they are putting pressure on the Housing Department that their wiring is not satisfactory and they should be given a new flat. As the Honourable Minister for Medical Services has said, we are setting up a committee which will comprise members of the Public Health Department, the Public Works Department and the Housing Department, to try and coordinate as much as we can so that the most urgent cases are dealt with first, we can pull them out of the requisition list and try and give the best service we can. I would continue to say that we have a tremendous amount of work to do and there are times, for example, when you have very wet weather, when you cannot immediately ameliorate a situation because weather conditions will not allow you to do so. If, for example, you have to strip a roof it is no good doing it during this month of February when you get two days of sunshine and you say: "Now I can take the roof off" and suddenly the next day you have thunder and lightning and torrential downpours. You have perforce to wait until the time is more propitious and then you get on with the specific jobs of roofing and dampness. I think, therefore, the Honourable Mover of the motion can rest assured that there is a strong measure of cooperation between the three Departments, a strong desire on the part of the Public Works Department to cooperate. I can see instances where we cooperate with the Public Health Department even when it is not our duty to do so. One very simple example, I can tell the Honourable Member, that there is an area in Gibraltar where there is an accumulation of rubbish in a patio and this has been classified as a fire risk. By rights the Public Health Department should take the person concerned to court, get a court order and get him to remove this nuisance but Public Works are doing it because we want to remove the fire risk as rapidly as possible and we cannot wait for the rather longdrawn out procedure which can occur with courts as we have seen, for example, I think we had a question at the last House of Assembly about No. 221 Main Street which has been dragging on for two years. I hope he will understand that we are cooperating on the three levels as much as we can, we intend to improve this cooperation with our new Ad Hoc committee and as far as we can possibly do it we will give the best service to our tenants that we possibly can.

HON ATTORNEY-GENERAL:

Mr Speaker, I would like to clarify some of the legal questions that have been raised and in particular the spectre of the Director of Public Works threatened with imprisonment. Part 2 of the Ordinance does of course place on the Government a duty to take steps in respect of nuisances but I think the main thrust of section 89 in as much as it refers to the Government, is to provide that where somebody has made a complaint concerning a statutory nuisance the court, as an alternative to other remedies, may direct the Government to take steps in the matter. The implication of section 86 does appear to be that it is contemplated that there may be a nuisance order made against the Government. My Honourable Colleague, the Minister, I think, might have misunderstood that although I would also add that it is obviously a very unusual step to take. I think it will be clear from what has been said that in effect the Government is aware of its statutory duty in this matter and if I may revert again to the Director of Public Works, I would certainly advise that Government observe the law. However, while Government have a duty to observe the law and would observe the law, of course the normal sanctions which apply to individuals are not appropriate in the case of the Crown itself so I think that one may rest easy that there is no prospect of a particular public officer going to jail.

MR SPEAKER:

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

HON M XIBERRAS:

Thank you, Mr Speaker. May I first of all thank the Attorney-General for that view which he has expressed, for that opinion that he has given the House, and I am very glad to hear it as at least potentially the same sanction is available if I understood him correctly.

HON ATTORNEY-GENERAL:

Mr Speaker, what I said, in fact, was that the Government will observe the law which was a general principle of administration. Government is not liable to the immediate sanctions which private individuals are liable to but it will observe the law.

HON M XIBERRAS:

I still thank him but I understood differently. We do have now a tight situation in Government where the Government exercises quite considerable powers in Gibraltar, there being no local authority and no central Government now, and whilst I entirely agree with the Attorney-General that there is an obligation on the part of Government to observe certain standards, I must at the same time, Mr Speaker, express my concern

at the apparent lack of concern amongst Government Ministers with the present situation. The problem is a very real one, Mr Speaker, it affects a good number of people, almost every day of their lives, and much of the running around that these people have to do between Government Departments is connected with the state of their dwellings and on this score though I am glad to hear that a co-ordinating committee is being set up between departments, I do not know whether this is as a result of the motion or not, but I am glad about that and I would like to see public expression of concern on the part of the Government and I hope that Government will, in fact, support the motion to express this concern because, Mr Speaker, I do not think that the situation gives as much grounds for complacency as the Minister for Public Works, who unfortunately is the person who carries the brunt of actually doing the work. For instance, may I just briefly quote the Baglietto case which has been mentioned already. When I went to see the Minister he said he would have people immediately there to look at the Baglietto house and I in fact went across the way to chase up the Minister for Housing who wasn't there at the time, left him a note saying that the Minister for Public Works agrees that a team should be sent down immediately to look at the house, but needs your authority to do so or at least needs some sort of requisition from you to do so. Nobody turned up, Mr Speaker, I think the next person who turned up was in fact the Governor who went on a visit and spoke to the Baglietto family and the Baglietto family apparently were still waiting for this immediate action to be taken in pursuance of a Public Health Report, Mr Speaker, which apparently was not made and was certainly not in the file of the Minister for Housing at the time, the Public Health Report concerned with the closing up of one of the rooms of the Baglietto family. So, Mr Speaker, on one particular case, maybe I was unlucky, on one particular case there are certainly no grounds, to my mind for the Government not supporting the motion and expressing concern over the situation. The other thing which I would like to comment on is the distinction which the Honorable Mr Zammitt, the Minister for Housing, tried to draw between Varyl Begg and other Government dwellings, not a valid distinction, Mr Speaker, on grounds of public health in my view because tenants at Varyl Begg are entitled to the protection of public health legislation as any other Government tenant and this issue, Mr Speaker, is connected with the question of the special contract which we had earlier when even the Government recognised that in respect of Varyl Begg the Government itself, as landlord, was in need of special protection, Mr Speaker. I do not agree with the Minister for Housing that a distinction is possible on the grounds that Government is unable to do the work which it should do, apparently, to meet public health standards. Mr Speaker, weight has been given in the debate to both aspects of the motion, the question of the private sector and the question of what action is possible and what response can be obtained from moves started by public health. Mr Speaker, the situation is aggravated by the fact that Government housing stock is not in a good state of repair and therefore standards, Mr Speaker,

of Government housing stock are subject to and can be legitimately subject to criticism and the comparison between some Government stock and private landlords who are prosecuted is quite a close one, Mr Speaker, they are practically the same bad state of repair. I am not pleased, Mr Speaker, with the response the motion has obtained from Ministers as to their attitude to the problems involved. They are notorious, Mr Speaker, these problems and we are no nearer getting pressure on Government, as landlords, for the correction of these faults. I am not saying that they are not trying hard enough, what I am saying is that we have a Public Health Ordinance there and we have a quite considerable shortfall, Mr Speaker, in the meeting of standards by these Government Departments. It is not a satisfactory state of affairs or a fair position for the community as a whole. One last point I would make and that is the obligations of the Minister for Housing as landlord to the tenants. Those are quite distinct, Mr Speaker, to other obligations. There are many people, over 200 cases of non-payment of rent, I believe, in Varyl Begg Estate. That is in response to the state of the houses. That is evidence, Mr Speaker, in that particular area and has not spread to the rest of Gibraltar, Mr Speaker, because there has been a concentrated reaction in Varyl Begg Estate but that is evident that a problem exists and that concern should be shown by the Government, their losses of rent, Mr Speaker, and there are people who are taking it upon themselves individually, not advised by any association, not to pay rent and they are taking a risk with it and they are putting their money aside against the day when they have to pay up. There has been no reduction in rent for these cases so there are grounds for concern, Mr Speaker, in that situation. If Government is concerned about the Varyl Begg situation and it is not concerned about the non-payment of rent, well, I don't know. How can Government say that they are not concerned and not support the motion? So, Mr Speaker, I hope the Government does reconsider and votes in favour of this motion.

Mr Speaker then put the question and on a vote being taken the following Hon Members voted in favour:

The Hon P J Isola
The Hon Major R J Peliza
The Hon G T Restano
The Hon M Xiberras

The following Hon Members voted against:

The Hon I Abecasis
The Hon A J Canepa
The Hon M K Featherstone
The Hon Sir Joshua Hassan
The Hon A P Montegriffo
The Hon J B Perez
The Hon A W Serfaty
The Hon Dr R G Valarino
The Hon H J Zammitt
The Hon D Hull
The Hon A Collings

The following Hon Members were absent from the Chamber:

The Hon J Bossano
The Hon Major F J Dellipiani

The motion was accordingly defeated.

The House recessed at 1.10 pm.

The House resumed at 3.25 pm.

MR SPEAKER:

The next motion is a motion moved by the Honourable Mr Joe Bossano on the 24th of October, 1978, which has been adjourned on two consecutive meetings. The state of the motion, as I recall, is that Mr Bossano moved the motion, then Mr Restano took the floor immediately after that and proposed an amendment which was defeated, then Mr Canepa spoke on the main motion and he was followed by Mr Isola who in the course of his address moved an amendment to the motion to read that the motion be amended by the addition after the word "unit" of the words "under British sovereignty". To this particular amendment Mr Bossano, the Chief Minister and Major Peliza have spoken. Therefore we now have the floor open to any Member who wishes to speak on the amendment.

HON CHIEF MINISTER:

Mr Speaker, before we proceed with the debate I would just like to report that at some stage the Honourable Major Peliza suggested at the time that I should seek a consensus on this. I have tried but it has not been found possible and therefore we are where we left it.

HON M XIBERRAS:

Mr Speaker, just before the House broke up when the motion was being debated on the 25th of October, I had a brief intervention when the Chief Minister moved the adjournment of the House in which I made it clear that for my colleagues and myself, this matter was a matter of considerable importance and since then, speaking with the Chief Minister, I have made it clear to him that this is a matter of fundamental importance for my colleagues and myself. The position, as I outlined it in that brief intervention, was that having considered all that had been said on this motion and having considered also what was said on the motion on the right to our soil proposed some time back by the same mover, we felt that much of the debate and essentially the debate on this motion now before the House, involved the basic principle which has been discussed at some length on that occasion when the motion on the right to our soil had been discussed. It was for this reason that we felt that, if possible, a consensus should be arrived at. Mr Speaker, the consensus which was reached on the motion of the right to our soil was read out by me towards

the end of the last meeting and we feel that this incorporates, comprehensively, all the aspects of the question before the House. If, indeed, the Government feels that both amendments one moved by my Honourable Friend Mr Restano, and the other at present before the House are inadequate or inappropriate, I suggested then at the end of the last meeting, then we should have a reaffirmation of the motion which was unanimously carried by the end of the meeting in which we discussed the right to our soil. The text of that motion is available to Members on pages 185 and 186 of the Hansard of the 24th of October, 1978, I was quoting, in fact, the previous meeting. That motion, Mr Speaker, speaks about the people of Gibraltar being inseparable from the territory of Gibraltar.

MR SPEAKER:

I would like to make one thing clear. We are now speaking exclusively on Mr Isola's amendment and nothing else. I think you still have the right to speak on the main issue in due course. It is the addition of the words "under British sovereignty" that is the subject matter of the question now before the House.

HON M XIBERRAS:

I am merely doing this, Mr Speaker, because of the hiatus and because I would like to leave the House in no doubt as to how my colleagues and myself feel on the matter which is the substance of the amendment at present before the House. Mr Speaker, in the course of the previous motion on which the House was somewhat divided, Members attempted to reach a consensus and there were appeals from the other side, from the Honourable Mr Montegriffo to the Honourable Mr Bossano, so that there could be unanimity of views on this matter. I share what was said by the Honourable Mr Montegriffo and by the Honourable and Gallant Major Peliza that in these matters there should, in so far as possible, be unanimity of views, but we respect the Honourable Mr Bossano's right to dissent as we, for our part, would have the right to dissent. But there is a consideration here which perhaps did not apply to the previous motion, and that is that the subject has, in fact, already been discussed and amply discussed by this House and unanimity was possible on that occasion, on an amendment, if I recall correctly, drafted not by this side although I cannot quite recall who exactly moved it. Therefore, Mr Speaker, it would be a shame that if on grounds of inappropriateness or on procedural grounds, the House were to divide on this most basic of issues. I wish to add nothing else to what I have to say at this stage except to repeat that it is a matter of fundamental importance for Honourable Members on this side, it affects the whole position of Gibraltar for arguments which I will make clear, if necessary, at a later stage, and I do hope that the common approach which has been possible in the past not only within this House but far from Gibraltar, can be maintained. I wish to leave no room for ambiguity, I wish to state the position

absolutely clearly. In respect of the amendment, Mr Speaker, I would support the amendment if there is no indication that the consensus motion to which I have alluded will be acceptable but I am sure my Honourable and Learned Friend will withdraw his amendment to allow the House to adopt, if it so wishes, a consensus motion at the appropriate stage.

HON CHIEF MINISTER:

Mr Speaker, what I want to say, Sir, is that we are likely to forget what has happened and therefore it is a bit of a lopsided debate in this matter and the Honourable Member on the amendment has spoken about other matters and I would just like to refer back to Hansard.

MR SPEAKER:

May I remind the Honourable the Chief Minister that he still has the right to speak on the main question.

HON CHIEF MINISTER:

Yes, but I do not want to use it now because now we are only on the amendment of the Honourable Mr Isola on which I have already spoken.

MR SPEAKER:

In other words, Mr Bossano has given way to you.

HON CHIEF MINISTER:

The difficulty that we find ourselves now is in the reality of the debate because we are dealing now with matters which were said in October and the essence of the debate is the fact that the ideas are in front of Members when discussing a matter. Now it is dead in the sense that it has been stagnant since October and I can only say that the Hansard says why I spoke against the amendment and I don't want to repeat myself because I don't want to lose the right to speak on the general question. We are also concerned about this matter. The Honourable the Leader of the Opposition has referred to this and how this arose. Certainly it was prepared on this side, in fact, it was more or less in the same situation and I was asked to look for consensus and eventually after discussions inside and outside the House I produced something but I think it was moved from the other side but it did not matter because it was a unanimous one and it doesn't matter who moves anything it is going to be accepted unanimously. In this case we have given the reasons why we feel that the amendment that has been so far moved limits the concept which the motion seeks to establish which is one of general application.

HON G T RESTANO:

Mr Speaker, I completely support the amendment but before giving the reasons for my support I would like to take this opportunity of taking up Mr Bossano on a subject that he broached during his intervention and on a subject, in fact, that he loses no opportunity of bringing up in this House on every occasion possible, and that is his repeated accusations and insinuations that the three Members of this House who were formerly with him in the GDM have changed their policies on the subject matter of this amendment. I would not presume to answer on behalf of the other two Members, those who have crossed the floor, I am sure that the Honourable Dr Valarino and the Honourable and Learned Mr Perez are quite capable of answering for themselves so I speak for myself only. As far as the policy of GDM was concerned, I think if one takes a look at the manifesto of the GDM one will see that what we said at the time of the elections was that in the simplest terms what we want is that we should have a firm undeniable right over the territory and not be merely tenants. This would mean a re-definition of our present relationship with Britain. There is no question there of there being any other interpretation, it was a re-definition of our position with Britain. GDM were asking for decolonisation but not decolonisation without the British links. I can recall also the intervention at the Ceremonial Opening of this House by the Hon Mr Bossano when he was Leader of the Opposition speaking on behalf of the four Members of the GDM whom he represented here in this House and of the GDM as a whole. He said; "Members of this House have taken today an Oath of Allegiance of loyalty to the British Crown, an Oath of Allegiance which I think reflects accurately the loyalty and the feeling of the people of Gibraltar for the British Crown." I am just bringing up these points because in his insinuations and accusations the Hon Mr Bossano has been saying or implying that I have changed my policy by not being with him any more and this has come up time and time again. I would even quote the Honourable and Learned Chief Minister in a motion when he on the same subject said in November: "In so far as the political side is concerned I do not remember in the course of the election campaign of the Gibraltar Democratic Movement any affirmation of continued British sovereignty on the part of the Party so I think it was taken for granted and I do not dispute that that would have been the attitude had they been asked." The attitude, at least as far as I am concerned, is exactly the same, my policy is exactly the same as the policy which I held when I stood for election as a Member of the Gibraltar Democratic Movement. In fact, I made it quite clear, too, in an interview with a local weekly paper when I said: "The problem of Gibraltar was that Spain wanted sovereignty over the Rock and we Gibraltarians are not prepared that sovereignty should be passed to Spain, the fact that we are not part of Spain nor do we wish to become Spanish. We are Gibraltarians and we are British and we wish to remain that way". This interview

was when I was a Member of the GDM and in fact this interview took place two years ago, in February 1977. On the question of whether the soil of Gibraltar should belong to the people of Gibraltar I said: "Yes, very definitely, this should not be interpreted as a call for independence. The soil of Gibraltar should belong to the people in the same way as the soil of the Channel Islands belongs to the Channel islanders whilst sovereignty of both the Channel Islands and Gibraltar lies with Great Britain."

HON J BOSSANO:

If the Honourable Member will give way. Can I ask why, when he is expressing all those sentiments, he cannot in fact accept the motion which is a direct quotation from his manifesto?

HON G T RESTANO:

Yes, Mr Speaker, that is why, in fact, I referred to and I quoted from the Chief Minister's address. Whereas it was taken for granted that what the GDM was asking for was decolonisation whilst retaining the British links, this particular motion as far as I can see it, the motion as it stands is an incomplete motion because it does not give the complete and total impression of what the people of Gibraltar want, it is a little ambiguous, if I may put it that way. It is a little ambiguous because it could be interpreted in many ways. That is the reason why I am bringing up this question of the Britishness and the British sovereignty over Gibraltar. Again, when the Honourable Mr Perez and myself resigned from the Gibraltar Democratic Movement, we did say in a letter to Mr Bossano that: "We think there is a need to make a public stand on the fundamentals. The fundamental issue in our minds, is to safeguard Gibraltar's future and to ensure its economic stability. This is why we all stood as Members of the GDM. We believe there is a need for us to state categorically that we adhere to the principles on which we were elected, that is, the decolonisation of Gibraltar whilst retaining our British links. However, very regrettably, it is becoming increasingly obvious to us that the GDM, far from becoming identified with the principles on which it was elected, decolonisation but keeping Gibraltar British, seems to be moving in a direction that could put this at risk. We think we can best retain our position by resigning from GDM because it no longer seems to represent what we stood for at the elections." Then, of course, the sequence of events as far as I am concerned was that I joined the Opposition Parliamentary Group which made its policies known in no uncertain terms and then at a subsequent date joined the Democratic Party of British Gibraltar which by its name makes its position absolutely clear. As far as I am concerned, Mr Speaker, there has been no change at all in my position and I suppose that the reason why the Honourable Mr Bossano continues at every possible opportunity to bring up these insinuations and accusations is that he has a very

revere bout of sour grapes that he is where he is and that he is not still the Leader of the Opposition. Perhaps the Honourable Doctor may be able to prescribe something to alleviate his continued bout of sickness but in any case since the elections there have of course been new developments as far as Gibraltar is concerned as far as I see it and I think it started with the visit of Mr Frank Judd in September

MR SPEAKER:

I am afraid that I must call you to order. It is exclusively the amendment that we are talking about. You have had your contribution on the general debate and I don't think it is fair on other Members that I should allow you to continue in this vein. We want to hear whether you agree that the words "under British sovereignty" should be added.

HON G T RESTANO:

What I was going to say, Mr Speaker, is that since the elections there has been a very favourable change, as far as I can see it, which started with the visit of Mr Frank Judd to Gibraltar. I think he was the very first person who stated quite categorically publicly that Britain recognised the wishes of the people of Gibraltar. Of course we had had before that correspondence from the Foreign and Commonwealth Secretary, the later Mr Crossland, who said that the interests of the people was for the British Government to decide and in fact this was one of the reasons why the GDM came into existence. Then of course that statement of Mr Judd was reaffirmed very strongly by Dr Owen and it has been repeated by Dr Owen on many occasions and recently of course it has again been reaffirmed by Mrs Thatcher in a letter to the Leader of the Opposition. The amendment, Mr Speaker, adding the words "under British sovereignty" by my Friend Mr Peter Isola, I think puts the motion in the right concept and in the right terms. It is the accurate way of describing the way the people of Gibraltar feel about their decidedly right aspirations of decolonisation but within the sphere of British sovereignty. I think for the Government to vote against that amendment could give a very, very wrong impression indeed, it could give the impression that in fact the Government wanted something else rather than what the Honourable Mover of the amendment wishes to introduce and I appeal to the Government to reconsider its decision to vote against the amendment. I think it would be rather irresponsible to give that wrong impression, that wrong impression which could be taken and interpreted very differently not only across the border but in Britain as well. So, Mr Speaker, I support the amendment for the reasons given and I hope that the Chief Minister will reconsider his position and, as the Honourable the Leader of the Opposition has said, if he finds other terminology that he prefers along the same lines, we will be very happy to look into it favourably.

HON A J CANEPA:

Mr Speaker, we cannot accept this amendment on the Government side because we consider that it undermines the status and the rights of the people of Gibraltar with respect to the territory in which they have been born and where they happen to live. I explained, I remember, in an earlier intervention on Mr Restano's amendment, the concept which the AACR had followed over the years with regard to the indivisibility of the people and territory and I quoted from an article which had been published in the Gibraltar Evening Post, in my name, based almost entirely on a speech at one of our Party Conferences on a motion very closely related to this matter. The people and the territory of Gibraltar are for Gibraltarians an inseparable unit, an indivisible unit, regardless of what sort of sovereignty there were to be over Gibraltar. And if we are going to qualify that by the addition of the words "under British sovereignty", the expression that it is going to be given is that it is only under British sovereignty and with British sovereignty that the people of Gibraltar and the territory are an inseparable unit and that if there was a change of sovereignty, God forbid, which we don't want, then we would not necessarily be an inseparable unit and this we cannot have. One doesn't want and one will not visualise a change of sovereignty, but I think it is the duty of Members in the House today not to undermine a concept of this sort by qualifying it in this way and with all due respect for the Honourable Mr Restano to say that if the Government votes against Mr Peter Isola's amendment that all sorts of wrong concepts are going to be put on that, is nonsense. If that is what they are afraid of, the wrong connotation that could be put on that amendment being defeated, then it should never be put at all but what I think is wrong, and it is very significant and it is now becoming very much a pattern of the way of thinking of Honourable Members opposite, is that the words "British" has got to be tagged on all the time somewhere and if it is not then you are in serious trouble, and this is where I think they are going wrong. I do not think that any Honourable Member in this House differs from that point of view. I do not think that we want anything other than British sovereignty so why, for the love of God, do you have to be constantly ramming that down, why do you have to be ramming that down and then if any other Member feels differently about it then the Honourable Members opposite of the Democratic Party of British Gibraltar are very worried about the connotation which is going to be put to it. As I say, on this side of the House we cannot accept that amendment and we do not accept it because it undermines the basic principle. Regardless of what sovereignty there is in Gibraltar, I and my colleagues, as a Gibraltarian, feel that without the territory of Gibraltar the people of Gibraltar just do not exist, we are not Gibraltarians, if we do not have the territory of Gibraltar, we cease to be Gibraltarians and we were born Gibraltarians, British Gibraltarians, but if ever at any future date the Gibraltarians cease to be British for some reason or other, not that we want it, but if it were to happen, and no one

knows what will happen two or three hundred years from now, there may be no Great Britain for all we know, Britain may not exist, Spain may not exist, we don't know. There are wars and nations are created and nations are destroyed, that has happened more than once in the present century. We do not want that to happen but if it were to happen I would still want the people of Gibraltar, the Gibraltarians of the future of 50 or 100 years from now, to be intrinsically and indissolubly linked to their territory, to Gibraltar, whatever the sovereignty and that is why we cannot accept this amendment and rather than have it defeated if Mr Restano is worried about the connotation, the answer is that the Honourable Mr Isola should withdraw it.

MR SPEAKER:

If there are no other contributors to the amendment, I will call on the Honourable Mr Isola to reply.

HON P J ISOLA:

Mr Speaker, I am astounded by the Minister for Labour and Social Security, I am astounded. I spoke yesterday about the world of fantasy in which the Honourable Mr Bossano lives and today the Minister for Labour and Social Security has joined this world of fantasy himself. He says that if at any date the sovereignty of Gibraltar should change, we want whoever takes over to know perfectly clearly that the people and territory of Gibraltar are inseparable, Mr Speaker. What use is that going to be to the people of Gibraltar when that day occurs I would like to know. It is an interesting academic point the Minister raises but I would ask him a very straight question, don't ask me to withdraw the motion I would ask him to say and for his Government to say, can we afford to vote against that amendment, can we afford it in view of our obligations to the people of Gibraltar?

HON CHIEF MINISTER:

If the Honourable Member will give way I will tell him. Of course we can afford it. I think to some extent Members opposite suffer from an inferiority complex in this respect. The principle in the concept is acceptable and is dear to us and must remain dear to us but it is qualified in this way by the amendment, and it is only a substitute to an amendment which the Honourable Member himself said was rather awkward and that was Mr Restano's amendment.

HON P J ISOLA:

Mr Speaker, as I said I asked for the adjournment of the House in order to allow the Government to hold consultations to see whether there could be a consensus. Apparently, this idea was favoured but apparently also, because the Honourable Mr Bossano wasn't prepared to agree to a consensus and the Government thought that the balance of power ought to be redressed, it was against Mr Bossano yesterday, perhaps it

should be against the other section in the Opposition today, I don't know, but I ask the question to the Government again, can they afford to vote against the amendment and I will try to show that they cannot and I will try to show why, Mr Speaker. The Honourable and Learned the Chief Minister said that it was a long time since this motion was moved, yes, and some things have happened too since that motion was moved, some significant things have happened. There has been for example, Mr Speaker, the Honourable Mr Bossano going around Gibraltar attacking the Talks and his motion that talks should be stopped until Spain admits that she cannot have sovereignty over Gibraltar but in his speech he talked about talking with Spain as equals, he never talked about British sovereignty, his attitude was "We do not want Spanish sovereignty" but he didn't say "We want British sovereignty", we assumed that, but he also said: "If I am going to be a second class British citizen I would rather not be a British subject", and so forth. I don't know, but I would have thought that the sort of address that the Honourable Mr Bossano made yesterday - I throw that as a thought on the Government benches - makes it necessary that the motion, as amended, should be carried, makes it necessary that as far as this House is concerned of course we accept that the people and the territory are inseparable under British sovereignty and when the Honourable Minister for Labour says that in 200 years time something else might happen, I am sure it might, in 15 years time or 20 years time we may all be Russian for all we know but what we do know, Mr Speaker, is that the security of Gibraltar is bound up with being under British sovereignty. That is why the motion is amended, because we do not want people to get wrong ideas on this. It is very dangerous, it is like the Party for the Autonomy of Gibraltar or the Partido Socialista de Gibraltar. This sort of motion, without that amendment, furthers their cause in Gibraltar and this is what I think the Government must recognise. I would only invite the Government themselves to look at the photograph of their conference, Mr Speaker, in the Chronicle of November, 1978. There they were, a British flag and a Gibraltar flag. The Honourable Minister for Labour doesn't want to talk about it, he is embarrassed about it, but in the conference when it was passed for publication, there he was. I will concede that the Honourable the Chief Minister sat above the Gibraltar flag but I would like to point out that the Minister for Labour was sitting behind the British flag. Come on, say the Government, Mr Speaker. Let us come on, let us imagine, Mr Speaker, that the motion as amended, in other words, "the House declares that the territory and the people of Gibraltar are an inseparable unit under British sovereignty", is defeated. The House has had its word, the House hasn't thought it necessary or advisable to put in these words and then, as a result of this, that the AACR Government has voted against the inclusion of the words "under British sovereignty", the Honourable and Learned the Chief Minister is invited to Gibraltar television and is interviewed. Can you imagine, Mr Speaker, the first question that is put to him: "Sir

Joshua, why have you voted against the amendment of the inclusion of the words "under British sovereignty"? Is it that the Government is thinking in terms of another sovereignty?" I can imagine the Chief Minister's answer: "Of course not, of course not. Of course we do not contemplate any change in that status whatever." "Well, then Mr Chief Minister, why didn't you vote for the amendment?" And what would the answer be? "Well, it is not necessary, it goes without saying." That, I would imagine, would be the answer of the Chief Minister, but then the persistent interviewer would go on: "Well, if everybody agrees that it is under British sovereignty and you do not envisage any other sovereignty, why did you vote against the inclusion of the words "under British sovereignty"?" By then, I should imagine, the Chief Minister would be getting a bit uncomfortable. I think he would, Mr Speaker. And then, Mr Speaker, as the interview draws to a close the interviewer might ask: "Chief Minister, one last question. The Minister for Labour said in the course of his intervention that we had to make it clear that the people and the territory are inseparable and that the preamble to the Constitution hasn't made that at all clear, do you share that view Mr Chief Minister?" "Is the motion necessary to ensure that people know what the preamble says, do you share that view of the preamble, Mr Chief Minister?" It would be interesting to hear the Chief Minister's response and perhaps when he talks in the debate it will be interesting to hear. Perhaps he would answer: "It is inconceivable that any British Government should consider the territory and the people are not an inseparable unit." He might answer that to the interviewer in which case the interviewer again would say: "Well, why are these fears expressed by the Minister for Labour?" And he would probably say: "Well, he must answer that question himself." On the other hand, Mr Speaker, the Honourable and Learned the Chief Minister might answer: "Well, perhaps the Minister for Labour and Social Security has a point there. Perhaps it is not clear in the preamble." And then, if I was a persistent interviewer, I would ask the Chief Minister - unless it is a point of order I don't intend to give way.

HON H J ZAMMITT:

On a point of order, Mr Speaker. Is a Member of the House entitled to be a television interviewer?

MR SPEAKER:

That is not a point of order.

HON P J ISOLA:

If the Chief Minister were to answer the interviewer: "Well, perhaps the Minister for Labour has a point in what he has said", I would then imagine that a persistent interviewer would then ask the Chief Minister: "What has your Government and Party been doing since these doubts were spread

in 1969 when the Constitution was first published, what have you been doing to remedy this situation, why didn't you bring this motion in the House in 1970 and not wait for the Honourable Mr Bossano to bring it in 1978?" I would think that the Honourable and Learned the Chief Minister would have a difficult time and what is more important, Mr Speaker, I think the public in Gibraltar would be somewhat confused as a result. A man sitting there would say; "Well, he said under British sovereignty, he said he doesn't contemplate any change, he said he hopes it would always be that, he said that the people and territory are obviously an inseparable unit, and then he voted against an amendment saying "under British sovereignty." I ask the Honourable Members on the other side of the House to put themselves in the shoes of the average Gibraltarian, not with the fantasy that they have, not with the imagination of the Honourable, the Minister for Labour and Social Security who thinks sovereignty of Gibraltar might pass to some other body other than Britain or Spain at some future date, but just an ordinary person who was cheering the Honourable Mr Bossano because he thought he was talking for a British Gibraltar when he wanted to stop the talks, who voted for the Government, what would he think, what would his reaction be? He would say: "Why the devil doesn't this man vote in favour of the motion if he agrees with everything that is in it?" That is what I would ask the Government to think about and I think that that is the point that my Honourable Friend, Mr Restano, was making in his speech. It is not for us to withdraw something that we are quite proud to put in and quite proud to live by, the words "under British sovereignty" in the inseparability of the people and the territory, because we know that it is either British sovereignty or Spanish sovereignty in the situation of Gibraltar having regard to the history of Spain and having regard to a thousand other things which it is useless and futile for me to go through again, because we know it is that, it is not for us to withdraw the amendment to the motion so as not to cause embarrassment to the Government, it is for the Government to have the courage of their conviction and to convince the people of Gibraltar that when they are talking of the people and the territory being inseparable, they are talking like us of being inseparable under British sovereignty. That is the responsibility of the Government, that is why I didn't push my amendment, hoping that there would be a consensus and the consensus that I was asking for, or rather my Honourable Friend the Leader of the Opposition was asking for, was merely a repetition of a motion that was passed unanimously in this House and that is all we were asking for and I am still prepared to withdraw my amendment on the motion.

HON CHIEF MINISTER:

If the Honourable Member will give way. Of course, if the previous motion had been put as an amendment we would have supported it fully and I told the Leader of the Opposition that.

179.

HON M XIBERRAS:

If the Honourable Member will give way. Mr Speaker, I had not understood, let me make this absolutely clear and I would not have spoken as I did on my Honourable and Learned Friend's amendment, I had not understood from the Chief Minister that he was willing to adopt the suggestion I made earlier of having a re-affirmation of the past motion. I was perfectly prepared to move such an amendment, I made it clear that I would but I wanted to have an indication because I had not previous knowledge that the Government was willing to accept it. Mr Speaker, could I ask the Government this question because I think it might help.

MR SPEAKER:

You cannot ask the Government anything because the motion has got to the stage when the mover is replying to it.

HON M XIBERRAS:

Well, Mr Speaker, it was just to ease the matter procedurally as the Chief Minister intervened at an earlier stage and made a statement even though he had spoken on the amendment that I wish to intervene at this stage.

MR SPEAKER:

You haven't got the right to.

HON M XIBERRAS:

I don't, as the Chief Minister didn't, except by somebody giving way, Mr Speaker.

MR SPEAKER:

Which I have allowed you to do.

HON M XIBERRAS:

I just want to make clear, Mr Speaker, to you and to the House that in my consultation with the Chief Minister in the Ante Room I had not gathered the knowledge that the Government was definitely willing to support a re-affirmation of the consensus motion because otherwise none of this would have been necessary and if the Government so signifies then my Honourable Friend will withdraw the amendment and I shall move the other amendment.

HON CHIEF MINISTER:

May we shorten the proceedings if I am allowed to make a statement?

MR SPEAKER:

Yes.

180.

HON CHIEF MINISTER:

Mr Speaker, it is very difficult, I must say, to deal with the Leader of the Opposition with the best will in the world. Not only had I agreed that this was so but I even told the Honourable Mover that if that was proposed we would support it, he can bear that out. I did it on the understanding that I had said the same thing to you. How can that be misunderstood? And I told all my colleagues.

HON M XIBERRAS:

I thought, in fact, the Chief Minister had told me: "We will see how the debate goes." However if that is the case then there is no problem at all, my Hon and Learned Friend will withdraw the amendment.

HON P J ISOLA:

Mr Speaker, may I suggest that we recess for a few minutes. Before I actually withdraw the amendment I must tell the Chief Minister that my final words were going to be a suggestion to GBC that they invite the Honourable the Chief Minister to go on television but it may not be necessary.

The House recessed at 4.15 pm.

The House resumed at 4.50 pm.

MR SPEAKER:

I understand that there has been a consensus.

HON P J ISOLA:

Mr Speaker, you understand perfectly correctly. I would like the leave of the House to withdraw my amendment.

Leave to withdraw the amendment was granted.

MR SPEAKER:

We are now back to the original motion. The mover, Mr Bossano, spoke followed by Mr Restano, Mr Canepa and Mr Isola. I understand that the Honourable Leader of the Opposition wishes to speak now.

HON M XIBERRAS:

Thank you, Mr Speaker. Mr Speaker, as you may be aware, the Honourable Members have had their consultation in the Ante Room and I am glad to be able to report that there appears to be a consensus based on the following amendment which I now beg to move. I beg to move that the motion be amended by the deletion of all the words after the word "declares" and by the substitution therefor of the following words:

"in all the circumstances surrounding the situation of Gibraltar and bearing in mind that the people of Gibraltar have evolved as a distinct entity over more than 200 years in Gibraltar and are inseparable from the territory of Gibraltar, that sovereignty over Gibraltar must be decided solely according to the democratically expressed wishes of the people of Gibraltar and as evidenced by the results of the 1976 general election that the people of Gibraltar including all Members of the House adhere firmly and unwaveringly to the view expressed in the 1967 Referendum that sovereignty should continue to lie with Britain and should not be a matter for discussion with Spain."

MR SPEAKER:

As it is a long amendment and it is a consensus, do you wish me to propose the question or do you wish me to put the question?

HON J BOSSANO:

Let me say on this question of a consensus that as far as I am concerned, Mr Speaker, the amendment includes, in fact, the original motion using slightly different words.

MR SPEAKER:

Let there be no misunderstanding, I am referring to the amendment. If you want to speak on the amendment I will propose the question, if you don't want to speak I will put the question. You wish to speak on the amendment? I will then propose the question which is that the original motion moved by the Honourable Mr Bossano, should be amended, by the deletion of all the words after the word "declares" and by the substitution therefor of the words as moved by the Honourable the Leader of the Opposition.

HON J BOSSANO:

As regards the idea that this is a consensus, this is, in fact, an amendment produced by the Leader of the Opposition which does, more or less, what the previous motion passed in the House did. The reason for my bringing the motion that I have brought this time to the House is because I believe, for many of the reasons that have been put forward particularly by Mr Canepa, that there is a need for a clear-cut, unambiguous and concise assertion of our right to Gibraltar as a right of birth because we have been born here. That sentiment is included in this amendment. I feel that it is regrettable that it should be included in such a way that one has to search for it rather than have it standing clearly on its own in the way it did in the original motion. I welcome, of course, the additional part that says, particularly, that the sovereignty over the territory of Gibraltar is a matter to be decided according to the wishes of the people and not, as the preamble to the Constitution says, exclusively by an act of Parliament.

HON M XIBERRAS:

Mr Speaker, I am glad of the indication that all the elected Members of the House will be able to support this amendment. I, too, am glad that the words the Honourable Mr Bossano alluded to are included now and were, in fact, included some time ago in a motion before the House, and if he has reference to the draft aims of the Party to which I belong he will find them there in concise form. However, it is the feeling of the House, obviously, that however important they may be, they must be put into perspective of the general position of Gibraltar which I think is admirably stated in the motion at present before the House.

MR SPEAKER:

I will then put the question which is that the motion moved by the Honourable Mr Joe Bossano which reads as follows: "That this House declares that the territory and the people of Gibraltar are an inseparable unit," be amended by the deletion of all the words after the word "declares" and by the substitution therefor of the following words: "in all the circumstances surrounding the situation of Gibraltar and bearing in mind that the people of Gibraltar have evolved as a distinct entity over more than two hundred years in Gibraltar and are inseparable from the territory of Gibraltar, that sovereignty over Gibraltar must be decided solely according to the democratically expressed wishes of the people of Gibraltar and as evidenced by the results of the 1976 general election that the people of Gibraltar including all Members of the House adhere firmly and unwaveringly to the view expressed in the 1967 Referendum that sovereignty should continue to lie with Britain and should not be a matter for discussion with Spain."

The question was resolved in the affirmative and the amendment was accordingly passed.

MR SPEAKER:

So that we do not go wrong procedurally, the question before the House is as I have read it now and if no one wishes to speak to the main question I will call on the mover to reply if he so wishes.

HON J BOSSANO:

Mr Speaker, I think there is only one thing that I wish to say and that is that we have again been subjected, as we have on previous occasions, to highly effective theatrical performances which I think tend to attempt to create a situation where if one doesn't agree entirely with the way of expressing things that some other people might wish to have done, one is immediately subjected to high pressure salesmanship of the type that implies that there are enormous risks in having a different view. In fact, I am very

glad to know and no doubt the people of Gibraltar will know, that the majority of the Members of this House were willing to support the original motion as it stood and if that the Democratic Party of British Gibraltar had allowed the majority to have its way the motion would have been passed. However, in order to get the unanimous vote in favour it has been necessary to agree to an amendment which does not, in my view, add anything to the fundamental principle at stake and a fundamental principle which we in the House of Assembly have got an obligation to assert because I think it is what people in Gibraltar hold most dearly. I think it is an even deeper feeling than the attachment that there is to continuing to be with Britain which is the attachment to the place where we were born and, as the Honourable Mr Canepa said, we are Gibraltarians because Gibraltar exists as an entity and because we live here as a community, if we were transplanted anywhere else we would cease to be what we are. That is a deeper sentiment and it is a sentiment which goes to the very heart of the natural right of self-determination which is the basic human right which we all know is under greatest threat by the spurious claim of Spain to the incorporation of Gibraltar. This motion is, once again, an assertion of that right and no doubt it will serve us when we need to make use of it.

MR SPEAKER:

I will then put the question which is that: "This House declares, in all the circumstances surrounding the situation of Gibraltar and bearing in mind that the people of Gibraltar have evolved as a distinct entity over more than two hundred years in Gibraltar and are inseparable from the territory of Gibraltar, that sovereignty over Gibraltar must be decided solely according to the democratically expressed wishes of the people of Gibraltar and as evidenced by the results of the 1976 general election that the people of Gibraltar including all Members of the House adhere firmly and unwaveringly to the view expressed in the 1967 Referendum that sovereignty should continue to lie with Britain and should not be a matter for discussion with Spain."

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

The Hon I Abecasis
The Hon J Bossano
The Hon A J Canepa
The Hon Major F J Dellipiani
The Hon M K Featherstone
The Hon Sir Joshua Hassan
The Hon P J Isola
The Hon A P Montegriffo
The Hon Major R J Peliza
The Hon J B Perez
The Hon G T Restano
The Hon A W Serfaty
The Hon Dr R G Valarino
The Hon M Xiberras
The Hon H J Zammitt

The following Hon Members were absent from the Chamber:

The Hon D Hull

The Hon A Collings

The motion was accordingly passed.

The Hon the Chief Minister moved the adjournment of the House to Tuesday the 17th April, 1979, at 10.30 am.

The adjournment of the House to Tuesday the 17th April, 1979, at 10.30 am was taken at 5.15 pm on Wednesday the 28th February, 1979.