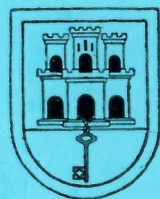


GIBRALTAR

HOUSE OF ASSEMBLY



HANSARD

24 MARCH, 1986  
VOL. I

REPORT OF THE PROCEEDINGS OF THE HOUSE OF ASSEMBLY

The Eleventh Meeting of the First Session of the Fifth House of Assembly held in the House of Assembly Chamber on Monday the 24th March, 1986, at 10.30 am.

PRESENT:

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

GOVERNMENT:

The Hon Sir Joshua Hassan KCMG, CBE, LVO, QC, JP - Chief Minister  
The Hon A J Canepa - Minister for Economic Development and Trade  
The Hon M K Featherstone OBE - Minister for Health and Housing  
The Hon H J Zammitt - Minister for Tourism  
The Hon Major F J Dellipiani ED - Minister for Public Works  
The Hon Dr. R G Valarino - Minister for Labour and Social Security  
The Hon J B Perez - Minister for Municipal Services  
The Hon G Mascarenhas - Minister for Education, Sport and Postal Services  
The Hon E Thistlethwaite QC - Attorney-General  
The Hon B Traynor - Financial and Development Secretary

OPPOSITION:

The Hon J Bossano - Leader of the Opposition  
The Hon J E Pilcher  
The Hon M A Feetham  
The Hon Miss M I Montegriffo  
The Hon J C Perez  
The Hon J L Baldachino  
The Hon R Mor

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 28th January, 1986, having been previously circulated, were taken as read and confirmed.

DOCUMENTS LAID

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

- (1) Statement of Consolidated Fund Re-Allocations approved by the Financial and Development Secretary (No. 5 of 1985/86).
- (2) Statement of Consolidated Fund Re-Allocations approved by the Financial and Development Secretary (No. 6 of 1985/86).
- (3) Statement of Improvement and Development Fund Re-Allocations approved by the Financial and Development Secretary (No. 2 of 1985/86).
- (4) Supplementary Estimates Consolidated Fund (No. 2 of 1985/86).
- (5) Supplementary Estimates Improvement and Development Fund (No. 2 of 1985/86).

Ordered to lie.

ANSWERS TO QUESTIONS

The House recessed at 12.30 pm.

The House resumed at 3.25 pm.

Answers to Questions continued.

The House recessed at 5.05 pm.

The House resumed at 5.40 pm.

THE ORDER OF THE DAY

BILLS

FIRST AND SECOND READINGS

THE SOCIAL SECURITY (INSURANCE) (AMENDMENT) ORDINANCE, 1986

HON DR R G VALARINO:

Sir, I have the honour to move that a Bill for an Ordinance to amend the Social Security (Insurance) Ordinance 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.

SECOND READING

HON DR R G VALARINO:

Sir, I have the honour to move that the Bill be now read a second time. Mr Speaker, as the House is already aware, agreement has been reached for the UK Government to contribute the sum of £16m over the next three years to meet the cost of pensions for ex-Spanish workers. The Social Security (Insurance) Ordinance as it stands at present does not provide for such contribution to be paid into the Social Insurance Fund and the Bill is intended to rectify this position. I commend the Bill to the House.

MR SPEAKER:

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

There being no reply Mr Speaker then put the question which was resolved in the affirmative and the Bill was read a second time.

HON DR R G VALARINO:

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

This was agreed to.

THE PERPETUITIES AND ACCUMULATIONS ORDINANCE, 1986

HON ATTORNEY-GENERAL:

Sir, I have the honour to move that a Bill for an Ordinance to modify the law of Gibraltar relating to the avoidance of future interests in property on grounds of remoteness and governing accumulations from property 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.

SECOND READING

HON ATTORNEY-GENERAL:

Sir, I have the honour to move that the Bill be now read a second time. Mr Speaker, this Bill deals with a most technical and complex branch of the law with which I must confess I am not familiar. The last time I had anything to do with perpetuities and accumulations was as a student about thirty-one years ago. Mr Speaker, the Bill is the

result of proposals put forward by the Finance Centre Group in order to make Gibraltar a more attractive and competitive place for setting up and establishing funds. The Bill is, with two exceptions, almost a direct equivalent of the 1964 Perpetuities and Accumulations Act in the United Kingdom. Mr Speaker, when a trust is created the law limits the period during which the trust may run. The rule against perpetuities limits the period of a trust to a life or lives in being, and twenty-one years and a possible period of gestation thereafter. First, Mr Speaker, a person could give property to such of his descendants as are living twenty-one years after the death of the last survivor of all linear descendants of King George V. Clause 2 of the Bill, Mr Speaker, gives the settler a more realistic option to the above and chooses a more realistic period of fixing the life of the trust up to 100 years. In this respect, Mr Speaker, the Bill differs from the 1964 Act of the United Kingdom in that in the United Kingdom the perpetuity period is 80 years. The Finance Centre Group recommended 100 years in order to equate our law with that of the law of Jersey which also commits a trust to exist of up to 100 years. Clauses 3 to 15 are all of a very highly technical nature, Mr. Speaker, which have been explained by the Learned Law Draftsman in the explanatory memorandum of the Bill. Mr Speaker, I am afraid that I shall have to leave it at that. All these Clauses are a direct crib from the 1964 Act. Clause 16 of the Bill, Mr Speaker, re-enacts with one change. Section 42 of our Land Law and Conveyancing Ordinance which was passed in this House on the 20th October, 1983. In 1983 the House fixed the accumulation period contained in Clause 16(1)(b) at 40 years, we have now enlarged this period from 40 years to 100 years in order to bring our law into line with the law of Jersey. In this respect, Mr Speaker, the United Kingdom Act is that in the United Kingdom the particular accumulation period is 21 years. Mr Speaker, Clause 17 of the Bill contains a mistake which I shall amend in Committee. Clause 17 should read: "Section 5 above shall apply to any question". Clause 18 of the Bill removes Section 42 from the Land Law and Conveyancing Ordinance. It is a consequential amendment following upon Clause 16 so now the whole law of Perpetuities and Accumulations is contained in one Bill. Mr Speaker, I commend the Bill to the House.

MR SPEAKER:

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

HON J BOSSANO:

The Bill is, in fact, totally incomprehensible to the Opposition, Mr Speaker, and therefore we shall be exercising an act of faith in voting under the guidance of the Hon and Learned Attorney-General and assume that the only



mistake in the Bill is the one he has mentioned because it could be full of mistakes and we wouldn't be any wiser. I would just like to make one point. If, in fact, what we are doing is making Gibraltar competitive with Jersey and Guernsey and meeting the request of the Finance Centre Group and, in fact, both sides of the House support the development of the Finance Centre, why do we have to limit ourselves to what they are doing? Why can't we do something better than they are? If we are moving, for example, from 21 years to 100 and if being 100 is attractive and they are offering 100, why are we not going further? Is there a reason why we can't?

MR SPEAKER:

Does any other Member wish to contribute? Perhaps the Hon and Learned Attorney-General might wish to reply.

HON ATTORNEY-GENERAL:

This is entirely on the recommendation of the Finance Centre Group. They have suggested 100 and 100 we put in the Bill and I think they suggested it on the basis of the law of Jersey. You have got to have some sort of limitation period, you cannot let a trust run on forever and I think they have chosen to make it competitive with Jersey. I am surprised that they didn't choose 150 years but they didn't and we have kept to the recommendation of the Finance Centre Group.

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

HON ATTORNEY-GENERAL:

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

This was agreed to.

THE IMMIGRATION CONTROL (AMENDMENT) ORDINANCE, 1986

HON ATTORNEY-GENERAL:

Sir, I have the honour to move that a Bill for an Ordinance to amend the Immigration Control Ordinance 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.

SECOND READING

HON ATTORNEY-GENERAL:

Sir, I have the honour to move that the Bill be now read a second time. Mr Speaker, the existing Section 12(2) of the Immigration Control Ordinance was enacted by this House in December, 1983. The whole purpose of Section 12(2) was to assist applicants for naturalisation to overcome a condition imposed by the British Nationality Act 1981 that applicants for naturalisation were not subject under the Immigration Law to any restrictions on the period for which they might remain in Gibraltar. Unfortunately, Mr Speaker, the Section as enacted contained a number of flaws. The first flaw was that the Section applied only to aliens, consequently the Section did not apply to Indian nationals who are Commonwealth citizens and not aliens but it did apply to Pakistani nationals who are not Commonwealth citizens and by definition are aliens. The second flaw was that the Section was not related to the naturalisation process in any way. No obligation was imposed on the person who had been granted exemption from immigration restrictions to apply for naturalisation, nor did the Section enable an exemption to be revoked in the event of an unsuccessful application for naturalisation. Clause 2 of this Bill, Mr Speaker, overcomes these flaws by enacting that any person who would be eligible to apply for naturalisation as a British Dependent Territories Citizen under the British Nationality Act 1981 but for his inability to comply with the condition imposed by the British Nationality Act that he be free from immigration restrictions may apply to the Governor for exemption of those restrictions and it also provides that any exemption granted may be revoked and if the exempted person either fails to apply within three months for naturalisation or is refused naturalisation. Mr Speaker, as this is a matter which concerns nationality, Her Majesty's Government in the United Kingdom have to be consulted. A reply has been received from the Nationality Division of the Home Office which reads, inter alia: "~~There is a~~ plausible case for arguing that the proposed amendment to the Ordinance achieves its objective, which will justify the Governor issuing certificates of naturalisation to people in this position". The FCO somewhat wryly commented, Mr Speaker: "I hope that on the basis of this advice, that is, the Home Office advice, you will be content to amend the Immigration Ordinance as proposed and be able to effect naturalisation under Section 18 of the British Nationality Act 1981 without fear that they will be challenged". Mr Speaker, I commend the Bill to the House.

MR SPEAKER:

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

HON M A FEETHAM:

Yes, Mr Speaker, very briefly. As You know Members of the Opposition have been, over a period of time, asking questions about when this Bill was going to come to the House so since this Bill meets the particular requirements that we were seeking we, of course, welcome it and support the Bill.

HON CHIEF MINISTER:

I think, perhaps, it would be a good opportunity to apologise to those who have submitted applications, who are waiting for so long, whatever the outcome of the application will be, but certainly they have not had an answer and this will give the opportunity to the department to process them and to be looked on their merits.

HON J BOSSANO:

Mr Speaker, I shall not let the opportunity go by, we are supporting this, it is designed to meet a specific requirement and clearly what we are doing is correcting an anomaly and therefore fulfilling the will of the House when the original thing was done. The original objective of the original amendment has been frustrated by problems which were not foreseen at the time. But I think there is a need for the Government to take a close look at the whole of the Immigration Control Ordinance which seems to us, in other respects in relation to the European Community, to contain requirements which are, in some cases, in our view, in conflict with Community law and consequently unenforceable. I don't think it is desirable to have legislation on the statute book which has ceased to have any meaning and we would certainly commend to the Government to take a close look at the existing Immigration Control Ordinance after this amendment and perhaps bring to the House a more up-to-date piece of legislation which is more consistent with European standards than the one we have got on the statute book.

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

HON ATTORNEY-GENERAL:

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

This was agreed to.

THE SUPPLEMENTARY APPROPRIATION (1985/86) ORDINANCE, 1986

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I have the honour to move that a Bill for an Ordinance to appropriate further sums of money to the service of the year ending with the 31st day of March, 1986, 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.

SECOND READING

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Sir, I have the honour to move that the Bill be now read a second time. I think, as the House will know, by convention any question on the details of the Bill are normally taken at the Committee Stage so I will end with that remark, Mr Speaker. I commend the Bill to the House.

MR SPEAKER:

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

There being no reply 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:

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

This was agreed to.

COMMITTEE STAGE

HON ATTORNEY-GENERAL:

Sir, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: The Social Security (Insurance) (Amendment) Bill, 1986; the Perpetuities and Accumulations Bill, 1986; the Immigration Control (Amendment) Bill, 1986; and the Supplementary Appropriation (1985/86) Bill, 1986.

This was agreed to and the House resolved itself into Committee.

THE SOCIAL SECURITY (INSURANCE) (AMENDMENT) BILL, 1986

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

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

THE PERPETUITIES AND ACCUMULATIONS BILL, 1986

Clauses 1 to 16 were agreed to and stood part of the Bill.

Clause 17

HON ATTORNEY-GENERAL:

Mr Chairman, I beg to move that this Clause be amended by deleting the figures "17(4)" and substitute therefor the figure and word "5 above". So that Clause 17 reads: "Section 5 above shall apply to any question".

Mr Speaker put the question in the terms of the Hon the Attorney-General's amendment which was resolved in the affirmative and Clause 17, as amended, was agreed to and stood part of the Bill.

Clause 18 was agreed to and stood part of the Bill.

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

THE IMMIGRATION CONTROL (AMENDMENT) BILL, 1986

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

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

THE SUPPLEMENTARY APPROPRIATION (1985/86) BILL, 1986

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

Schedule

Schedule of Supplementary Estimates Consolidated Fund No. 2 of 1985/86

Head 2 - Crown Lands

HON J BOSSANO:

On Subhead 4 - Rates Assessment of Government Buildings. I think we were told, Mr Chairman, in answer to a question that the Motor Vehicle Testing Centre was being introduced in the Valuation List from January, 1986. Will that require then a further supplementary in respect of that building?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, not that I am aware of, Mr Chairman. If it does, obviously, we will come to the House but I am assuming that it will be met by reallocation if there is any increased expenditure.

HON J BOSSANO:

Reallocation from what, Mr Chairman? How can it be met by reallocation? The Government is showing under Rates Assessment - Government Buildings, £141,900 which by implication means that in the £392,000 they did not include the notional payments of rents for the Desalination Plant at Waterport, it doesn't mean any transfer of money since what is shown here as expenditure will appear as income. That assumes that last March this was overlooked and was left out. We have also been told that the MOT Station is going to be included on the 1st January, 1986, we don't quite know why it should be the 1st January, 1986, because it was there for the rest of the financial year but, presumably, in being included now it implies that it was not included in March and consequently the same logic would apply to the assessment of the rateable value of that building as applies to the assessment of the rateable value of the Desalination Plant.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Mr Chairman, certainly I am not challenging the Hon Member's logic but just looking from my notes on the Vehicle Test Centre, the situation is rather different whereas as he remarked in the case of Waterport it was a mistake, there was an omission, in the case of the Vehicle Test Centre it is being included with effect from the 1st January, 1986, and the net annual value of the building and rateable equipment is £9,700 so if one is talking from a period of 1st January, 1986, to 31st March, 1986, the amount involved is considerably smaller than in the case of Waterport and I am assuming, thought I cannot confirm it because I haven't got the information, that it will not be necessary to come to the House for supplementary funds because of the smallness of the amount.

Head 2 - Crown Lands was agreed to.

Head 12 - Labour and Social Security

HON J BOSSANO:

Could I ask, Mr Chairman, can we be given some indication of what, in fact, was involved in the staff inspection? We have asked before, I think, about the desirability of strengthening the Labour Inspectorate to be able to cope, is this related to that or not?

HON DR R G VALARINO:

No, it is not. This is additional staff taken on during the course of the year to implement Community Regulations arising out of the Spanish accession therefore increasing manning levels at Key and Anchor. These are still present on a supernumerary basis until the Department is staff inspected again during the course of the year.

HON J BOSSANO:

The Staff Inspectors were not asked to look at the problem that also arises from the Spanish accession which the Hon Member must be aware of where the Department is frequently being asked to investigate allegations of labour being employed without proper documentation. Doesn't the Hon Member think it is important to have the Staff Inspectors look at the manning levels in that respect so that we are able to ensure that the law is being complied with?

HON DR R G VALARINO:

Mr Chairman, yes, I fully agree with the Hon Leader of the Opposition. In fact, the Staff Inspectors looked at this and we have had some changes in the staff there and I am glad to say that this Department is better structured now. In fact, from one of the last questions I answered at the last meeting of the House I was able to say how many people were now being taken forward for taking on illegal labour and therefore not paying either social insurance contributions and tax avoidance. Certainly the Department now is extremely good, the inspectorate section and the Staff Inspectors were happy at the time and the Department was working alright. Anyway, there will be another staff inspection during the course of the year and something else may arise out of this in which case more details may be obtainable from various sectors of the Department including the inspectorate. I will let the Hon Member know if there is any change.

Head 12 - Labour and Social Security was agreed to.

Head 13 - Law Officers was agreed to.

Head 14 - Medical and Health Services was agreed to.

Head 16 - Port was agreed to.

Head 18 - Prison was agreed to.

Head 19 - Public Works

HON J C PEREZ:

Could I ask Government whether the additional cleaning services following the full opening of the frontier has to do with an increase in staff?

HON MAJOR F J DELLIPIANI:

No, Sir, it is just an increase in overtime.

Head 19 - Public Works was agreed to.

Head 21 - Telephone Service

HON J C PEREZ:

Mr Chairman, on Subhead 1(A) it says 'cost of employing two telephone trunk operators on a temporary basis'. Will this mean that after direct dialling with Spain there will be no need to carry on employing the operators or what is Government policy on this?

HON J B PEREZ:

Precisely that, Mr Chairman, that is why they were on a temporary basis.

HON J C PEREZ:

Have they got a limited contract? Is the Hon Member in a position to say when . . . . .

HON J B PEREZ:

It would be wrong of me to try and remember the contract terms but they were obviously employed on a temporary basis but I can get the information for the Hon Member.

Head 21 - Telephone Service was agreed to.

Head 22 - Tourism, (1) Main Office

HON J E PILCHER:

Mr Chairman, on Subhead 1(A) Salaries - Additional staff as a result of the full opening of the frontier. Can I ask what the additional staff are, in fact, for?

HON H J ZAMMITT:

Yes, Mr Chairman, when the frontier opened it was obvious that we had to keep the Information Offices open at the frontier which, of course, was not there before and, in particular, at the coach park when we saw the coaches coming through and, of course, more arrival of aircraft, I am talking there of Information Clerks at the various Information places.

HON J E PILCHER:

One thing that I find amusing is on Subhead 2 - General and Office Expenses - Increased expenditure on cleaning materials as a result of the frontier opening. Do the officers get more dirty as a result of the opening of the frontier?

HON H J ZAMMITT:

There is more area to clean and there is more usage. For instance, I was astonished to see the amount of toilet paper used at coach parks and other cleaning materials, Mr Chairman.

(2) London Office

HON J E PILCHER:

Is it just the possible relocation of the London Office. Are we thinking of moving the London Office again?

HON H J ZAMMITT:

Yes, we are looking at the situation, Mr Chairman, very carefully because the rent increases of our London Office is a matter of concern, certainly for the future and Government is looking at and no more than looking at, the possibility of finding premises which we could purchase which would offer accommodation for the Manager and a shop front for the Office whereby we could sell the present Manager's residence and try and buy, which in the long-term would be an investment, our own property in a suitable place.

HON J E PILCHER:

A Gibraltar Embassy?

HON H J ZAMMITT:

No, Mr Chairman, if we had an Embassy then we wouldn't have had to pay VAT which we now have to pay.

Head 22 - Tourism was agreed to.

Head 23 - Trading Standards and Consumer Protection was agreed to.

Head 26 - Contribution to Funded Services was agreed to.

Schedule of Supplementary Estimates Consolidated Fund No. 2 of 1985/86 was agreed to.

Schedule of Supplementary Estimates Improvement and Development Fund No. 2 of 1985/86 was agreed to.

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

Clauses 2 to 4 were 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 Social Security (Insurance) (Amendment) Bill, 1986; the Perpetuities and Accumulations Bill, 1986, with amendment; the Immigration Control (Amendment) Bill, 1986; and the Supplementary Appropriation (1985/86) Bill, 1986, have been considered in Committee and agreed to 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.

The House recessed at 6.15 pm.

TUESDAY THE 25TH MARCH, 1986

The House resumed at 10.40 am.



PRIVATE MEMBERS' MOTIONS

HON J BOSSANO:

Mr Speaker, I beg to move that: "This House considers that to allow any aircraft the use of the Gibraltar Airport as if it were landing in Spanish territory would constitute a de facto infringement of Gibraltar's territorial integrity and pose a threat to its sovereignty. It calls on Her Majesty's Government to note this view and make it known to the Government of the Kingdom of Spain". Mr Speaker, there has been concern about the future of the Gibraltar airfield for a very long time and the history of this goes back to the Strasbourg process and I have been bringing motions on this subject to the House over a number of years and have seen unanimity of sentiment in the House but when it comes to translating that sentiment into unequivocal statements, I have seen, in fact, a wording used which if you will recall, Mr Speaker, for example, in the last motion that we brought we felt effectively that the position being adopted by the Government was one where the amendment created a motion where in our view the second part of the motion contradicted the first part when we were talking about the joint use and Spain having no say and as far as we are concerned if we have got joint use we don't see how you can have no say and that is the crux of the matter. The crux of the matter is that it is not an issue over which we can waffle, it is not an issue over which we can run with the hares and hunt with the hounds and therefore, Mr Speaker, we need to be categorically clear and we are totally convinced on this side of the House that of all the areas where giving in to Spanish demands would put Gibraltar at risk, this one is the most crucial and the most important and that if we give in on this one we are then on the edge of a slippery slope and there is no holding back. Gibraltar's airfield is an enormous asset to Gibraltar in an open frontier situation and in the kind of development that is being planned for the surrounding area. It is an asset which will help Spanish development anyway and it is an asset that by being used as a result of traffic being generated in the surrounding hinterland can at the same time provide an input into Gibraltar's own economic growth but there is no question of the airfield having to be used as if it was partly owned by Spain simply because they stand to gain from it and we stand to gain from it. The facts of the matter are that, in fact, at the end of the day if the Spanish Government does not accept what we consider to be a perfectly reasonable and normal attitude on our part, that is to say, that they are welcome to lay services to Gibraltar on the basis that they are landing in Gibraltar and that the people who get out of the plane get off in Gibraltar and whether they choose to stay in Gibraltar when they get out of the plane or they choose to go to Spain, well, then they are free to do so the same as everybody else but we don't see why we have to effectively create what we all know they want which is

something that may appear very inoffensive, that people get into a sealed bus and then they disappear off the horizon and then presumably at some later stage one has to say: Well, the bus, of course, is not in Gibraltar, the bus is in Spain all the time so it will be a Spanish bus with Spanish wages and Spanish insurance and Spanish income tax and then, presumably, the fuel for the plane will go that way and the people who move the suitcases will go that way and eventually, as far as we are concerned, we will have to finish up going over to the other side to get on their bus to get into our plane because you will have parallel developments and on that side the development will be cheaper. Long-term if you have got a situation where we are developing the airport in parallel with theirs and it is a joint use airport, effectively the infrastructural services provided on that side of the frontier will knock us out of business on this side and it starts off from being the Gibraltar airport to being the La Linea/Gibraltar airport to being the La Linea airport. One thing that I would invite Government's comment on because I think it is important that Government should dispel false rumours if they are false rumours and the rumours as far as I am aware emanate from our neighbours, is that the proposals under consideration for a sealed bus are on the initiative of the Government of Gibraltar, that is, that it is the Government of Gibraltar that wants a sealed bus. I think it is important that the Government of Gibraltar should clearly say that this is not the case because there is not much point in my standing up here, Mr Speaker, and saying what I think of the Spanish idea of the sealed bus if it isn't a Spanish idea. I believe that there have been few issues in Gibraltar, Mr Speaker, where there has been as great a unanimity of view as on this one from the kind of reactions that we have had when we raised the matter and when publicity was given to the motion. We have found that there is support for a clearcut stand on this issue which says Gibraltar's airport is our airport, it is an RAF airport, it is for the use of civilian services to Gibraltar and it must continue to operate on that basis and because we have now normalised our relationship with Spain, that Spain should have the same opportunity to put services too as Air France would or any other airline, we don't want to discriminate against, we don't want to discriminate in favour of Spanish companies or Spanish airlines or Spanish aircraft and we have found that that corresponds, as least from the feedback that we have had, to the views of people in business, to the views of working people and it reflects for people in Gibraltar a watershed, a marking point that if we were to be seen to be on this one then people would be very, very seriously worried about the direction in which we are going. I think it is vital that we see this as a move on which we, the elected leaders of the people of Gibraltar, Mr Speaker, the Chief Minister, yourself, and I as Leader of the Opposition, are in a position to give leadership and lead the people of Gibraltar on a united stand, to speak with a single voice on this issue because, in fact, I think all of us

in Gibraltar, in this House, are in a position to go out of the House and stop and talk to people and we know what people feel and we know whether Gibraltar is divided on this issue or united and I think there is no question, whoever one stops to talk to, the view that one gets back is that the people of Gibraltar have got a very clear idea on this one, there is no confusion about it and therefore I commend, Mr Speaker, the motion to the House. I don't want to extend myself in putting arguments if in fact we are ad idem on this one and we all think the same then there is no point in just keeping the House here unnecessarily if the motion doesn't need defending. I think it is essential that we take this stand and I think it is essential that the British Government should be left in no doubt as to where we stand. I have, perhaps just to say, because I like to put things on the record, that when we met Mr Ratford in The Convent we had something like an hour with him and we told him that there was this prevailing rumour in Gibraltar that the British Government had already in principle given the nod to Spain and they were here sounding the ground out and trying to sell the package to us and particularly to the Government of Gibraltar and that the Government of Gibraltar was decidedly unhappy about it and he said that this was not the case, he said that the situation was that negotiations were still going on and that the British Government wanted an agreement with Spain but there were still differences and there would not be any agreement until we were satisfied that sovereignty was not at risk. I was sitting on one side of the table with my colleagues, Mr Feetham and Mr Pilcher, and on the other side we had Mr Ratford and the Deputy Governor and Mr Sindon and I said: "We or we over there?" And the answer was that they were talking about we over there so in fact when we were told 'we' it meant them not us and therefore I think it is important that that should be put on record because as far as I am concerned that wasn't a secret confidential meeting, it was a meeting where I went as Leader of the Opposition representing the Opposition and that is the answer I got and that is the answer I am entitled to bring back to the House and to the people of Gibraltar, that their view was put to us there and, in fact, our response to that was that the days of paternalistic colonialism were long gone and that our view was that the British Government was perfectly entitled in looking after our interest to come to us and say to us: "Look, we think this is best for you, option A as opposed to option B and if you take option A these are the advantages and these are the disadvantages and if you take option B those are the advantages and those are the disadvantages" and we who have now started wearing long pants, we have come out of short pants now, Mr Speaker, we then decide which option we take. On our shoulders the responsibility would then rest. If we made the wrong choice then; fine, but I have no doubt that the people of Gibraltar who aspire to a higher standard of living and aspire to being better off like every other people anywhere, if the crunch comes and they have to choose

to be less well off but clear that this is their homeland and that it is not being put at risk, that is the choice and it is a choice that one sees reflected constantly and a choice that we represent as a political party and we told Mr Ratford that as far as we were concerned they would be discharging their responsibility to us by pointing out to us the mistake we were about to make by not giving up our airport and then if we still decide to make that kind of mistake, fine, it is our responsibility. I am saying it primarily to have it on record, Mr Speaker, because it isn't directly relevant to the motion except, perhaps, to the last sentence in the motion because that is why it is important that we should be saying publicly this is what we want Her Majesty's Government to make known to Spain, our view, not their view, the view of the people of Gibraltar. I also think that in the context of the future of air services in and out of Gibraltar there is one important consideration again which goes beyond the motion and that is, we have got this Civil Aviation Authority in UK which is responsible for having to approve services in when Air Europe applied for a licence or anybody else applies for a licence, we have got the Gibraltar Air Transport Advisory Board which is here to give advice and which represents both sides of the House and therefore any question of any services, I think, by a foreign airline must of necessity come within the Anglo-Spanish air services agreement otherwise why are we talking about Gibraltar being a cabotage route and British airlines having priority on the route over other airlines, except when it comes to talking to Spain? When it comes to talking to Spain all the existing rules suddenly seem to go out of the window and therefore either we have got the right to ask independently on this issue and then we will draw up our air services agreement with anybody that we want or else we are part of the British air services agreement with certain nations and consequently if it is a service between Spain and Gibraltar and by a Spanish airline it has to come within the rules of reciprocity in Anglo-Spanish services and we must be part of that or we must have our own independent one with equal standing which I would imagine is even less palatable to Spain given how sensitive they are to recognising ~~that we exist~~ at all in a number of forums, whether it is sport or whatever it is. On that basis I think that, again, as background to the motion, our view would be that this should be the formal view of the Government and, indeed, what we would welcome would be that the Gibraltar Air Transport Advisory Board should have an opportunity to advise on this issue on that basis otherwise we have to rethink the whole question of whether it is worth carrying on with an institution which seems to have no useful purpose other than to look at fares once a year. I commend the motion to the House.

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

HON CHIEF MINISTER:

Mr Speaker, in standing up to speak on the motion on behalf of the Government I would like to say that we share all the remarks made by the Leader of the Opposition and the spirit of the motion. For once, I think, I will have to be a little longer than the Leader of the Opposition because I have a duty, now that the matter has come before the House, to put the matter in its proper historical context so I hope Hon Members will bear with me if I take a little longer than the Hon Member has done in order to deal with the matter. Let me say straightaway on what he has said that it is not true that the proposals about the sealed bus came from the Government of Gibraltar. Let me say that the view of the Government of Gibraltar has always been that we do not object to the joint use in the same way as the use with any other country that would bring its aircraft against a completely reciprocal basis of our being able to send aircraft to that country. That is the view of the Gibraltar Government. The talks on the airport which have taken place, on and off, over a period of months, I agree very much have given rise to much speculation in the press in Britain and in Spain and much anxiety. In fact, for those of us who know what is happening I sometimes wonder why people should have anxiety because we do not feel any anxiety ourselves because we have made our point very clear and if it comes to the crunch, well, we will see what the people's views are because we know what they are and we will put them forward. But, of course, what has happened is that as a result of so much press speculation and other media speculation, there is a degree of confusion or even of misunderstanding and certainly of anxiety, and I therefore propose to set these talks in their proper context and perspective. In doing so I will explain the Gibraltar Government's position on the matter while, as the Leader of a responsible Government, observing the confidentiality of the talks themselves to which we have been party. The talks, of course, had their origin in the provisions of the Brussels Agreement which speak about promoting cooperation, on a mutually beneficial basis, in a number of matters, notably in this particular context, economic, touristic and aviation matters. The first talks on civil aviation were held in June, 1985, and were followed by further talks in London in August, 1985, and in Madrid in February, 1986. The last round was held in Gibraltar and La Linea earlier this month. At the suggestion of the British Government, I agreed that the Administrative Secretary should attend the August, 1985, and February, 1986, talks as part of the British delegation. As announced on both occasions, the Administrative Secretary would, obviously, report to me on his return. He did not attend the talks held locally in March. Our approach to the Lisbon Agreement and, subsequently, the Brussels Agreement, has always been, first, that no concession of any kind should be made on the sovereignty issue and, secondly, that any developments or agreements reached on matters of cooperation would have to be on a mutually beneficial basis. I believe, in regard to cooperation as a whole,

that both sides have in fact achieved mutual benefit although, because of differences of size and economies, the benefit, though mutual, cannot be of the same nature for both. No less important, in my view, is the fact that this cooperation and the personal relationships between the peoples on the two sides of the frontier have been established in a remarkably smooth and indeed friendly manner. There has been the odd hiccup, but there can be no doubt that, at local level in particular, the cooperation and relationships are genuine. This is as it should be, especially as we are now all citizens of the European Community and common believers in democracy. I have to add, in all honesty, that, understandably, some latent resentment still exists. This makes it all the more necessary for all concerned to be alive to sensitivities. The specific areas identified in the Brussels Agreement as appropriate for cooperation on a mutually beneficial basis were economic, cultural, touristic, aviation, military and environmental matters. Our view throughout has been that economic and cultural matters, generally speaking, should be allowed to develop naturally and spontaneously, rather than in an institutionalised way, although with assistance from Government Departments where appropriate. This, I believe, has happened, and happened successfully for both sides. Cooperation in touristic and environmental matters requires a greater degree of active participation and drive on the part of the authorities on both sides. This too has happened and we are in touch with the President of the Mancomunidad with a view to giving a fresh impetus to activities in areas of cooperation which are appropriately dealt with at local level and with direct participation by the authorities. As I have said on previous occasions, the potential benefit for both sides is very substantial and I believe that this view is shared by the Mancomunidad de Municipios of the Campo Area. I have referred to these matters because I think the question of cooperation in aviation has to be seen in the context and against the background of the situation as a whole. In our view, cooperation in aviation is no different, in kind, from cooperation in any of the other matters I have mentioned. It is, perhaps, different in degree because it embraces cooperation in economic, touristic and cultural matters as well and has, therefore, the prospect of very wide and mutually rewarding scope. It is universally accepted philosophy that communications and tourism lead to greater understanding among peoples in human and cultural terms and, I dare to say, in political terms as well. They are also of economic benefit, not only in terms of communications operations as such, but also in terms of all the tourism and general business spin-offs. We have no doubt at all that air communications between Gibraltar and Madrid and between Gibraltar and towns in Southern Spain, through a regional network, would result in all these benefits, quite apart from providing a more convenient method of travel for residents of Gibraltar and the vicinity. This convenience, in terms purely of proximity, would also extend to many thousands of people in the adjacent

Spanish neighbourhood. Furthermore, in the same way as the Gibraltar airport played such a large part in developing the Costa del Sol in its early days, there can surely be no doubt that the airport can play a similar role in developing the more southerly part of the region and in increasing substantially the numbers of tourists who would spend a two-centre holiday, part of it in Gibraltar and the rest in the adjoining area, with the opportunity to fly to the attractive cities near Gibraltar by means of a convenient, fast and inexpensive regional air network. I don't think I have to enter into a detailed statistical exposition of the economic benefits for both sides - and I must stress, for both sides - of a greater civilian use of the facilities of the Gibraltar airport. The potential must be obvious to all and I think the Hon Mover did mention that as being an asset to us and a benefit to the others. I revert now to the question of the talks which have taken place, at official level, on the question of civil aviation. The first point I wish to make is that the Gibraltar Government, throughout this long and, at times, difficult period, has scrupulously observed confidentiality. As I said earlier, the press in Spain, Gibraltar and Britain has speculated on the subjects discussed at these talks. There have been reports of special arrangements at the Gibraltar terminal itself, of the waiving of immigration and customs controls, of sealed buses and of a second terminal on Spanish soil. I do not intend to comment on whether any of these reports are accurate or not. I have not done so up to now and will not do so today. But it is these reports which have led to the acute anxiety felt in Gibraltar today on the airport question. The reasons for that anxiety are obvious: the press reports have linked civil aviation with political issues in regard to sovereignty. The Spanish Government maintain that Britain has no legal title to the territory on which the airport is situated. The position of the British Government, for their part, is clearly on record: Britain sees sovereignty over Gibraltar, including the isthmus, as being indivisible. To me, it seems that cooperation in civil aviation, in the way I have described briefly, and in the terms of the Brussels Agreement, can and should proceed, to the substantial benefit of both sides, possibly to the greater benefit of the Campo Area, without any political undertones. If considered necessary, the Spanish Government could, if I may say so, make a declaration, analogous to that made in relation to their continuing membership of NATO, to the effect that cooperation in the greater civilian use of the Gibraltar airport would be entirely without prejudice to Spain's position in regard to sovereignty over the isthmus. The British Government could make a suitable parallel declaration, if thought necessary, depending on the terms of any Spanish declaration. It has been done on NATO, it has been done on the Common Market, it has been done on the opening of the frontier, it has been done on the Geneva Agreement and the Brussels Agreement. These declarations would safeguard the respective positions of both sides on sovereignty and allow the

touristic and commercial exploitation of greater civilian use of the airport to proceed, to the considerable advantage of both sides through increased economic activity, and the creation of jobs, in the Campo Area and in Gibraltar. The other side of the coin is that, if greater civilian use of the airport does not proceed, many opportunities, on both sides, will have been missed. The absence of direct air communications between neighbours, and members of the Economic Community at that, is unnatural. The waste of opportunity would be regrettable. I said earlier that I would explain the Gibraltar Government's position on this matter while observing the confidentiality of the talks themselves. This confidentiality is important, not only because there are commercial considerations, but also because all concerned in these talks must observe it. We certainly do not wish to have a finger pointed at us on this score. The Gibraltar Government's position, therefore, in the abstract, as it were, is simply that, in accordance with our approach throughout, the matter should be dealt with strictly on the basis of cooperation to mutual benefit and without political undertones. When the Administrative Secretary reported to me on the talks held in Madrid on the 10th and 11th February, it seemed to me that there existed the possibility of political undertones creeping into the discussion. Up to that time they had been purely on a technical matter but at that level I thought political undertones were creeping in. I cannot be more specific than this for the reasons I have said of confidentiality. It continued to be true, of course, that the talks were at official level only and that any outcome would be ad referendum to Ministers. Nevertheless, because of the possibility which I have mentioned, I felt it necessary to inform the Governor that I did not wish the Administrative Secretary to attend the talks to be held on the 4th and 5th March. It was made clear to me by Mr Ratford last week, and I understand that the same point was made to others whom he met during his visit, that a conclusion on this matter is not imminent, that it is unlikely that further discussion will take place before May and that such discussion will be at coordinator level and will cover a range of other matters. I have made the necessary representations to the Governor and have put forward my recommendations on how the matter might be dealt with, a matter which would be acceptable equally to the Opposition as it would be to the Government, and I have no doubt that they will be carefully considered in London. Our attitude continues to be one of goodwill based on mutual respect for the respective views of the two sides on the fundamental issues. I would now like to deal with the wording of the motion. I unfortunately find it impossible to accept, from the Government's point of view, the wording of the Hon Leader of the Opposition's motion whilst agreeing fully with the spirit. I have to make amendments but I would like to say that they should not be regarded as watering down the motion in any way, certainly that is not our intention I can assure the House. The amendment I propose must not in any way

be regarded as watering down the sense or thrust of the motion nor do they have that effect. I did try to see whether the changes which, in my view, were desirable, could be made by retaining the framework of the motion and substituting some of the words but I found that this was impossible because of the way the motion is drafted. My amended motion is an attempt to express our common view on this matter while, at the same time, taking into account the hypothetical nature of the present situation. I have to make an amendment to this amendment and that is that I did not envisage eliminating the last paragraph and therefore the amendment that I propose would have all the words of the first sentence substituted but I do not intend to do anything to take away the last paragraph, whatever we agree, 'Her Majesty's Government should ~~NOTE~~ and make it known to the Government of the Kingdom of Spain' but whilst the typed copy does not contain that phrase I did not intend to take it away. I am sure that Hon Members want to know exactly what I propose. This is what I think is the feeling as seen from the Government side. In introducing the amendment I don't say that it is being looked at in the wider sense of Government responsibility because I don't want to say anything that would appear to undermine what the intention of the motion is but the amendment envisages a reality which I think we have before the House. The amendment would read: "This House affirms that, should proposals be put forward, in connection with greater civilian use of the Gibraltar airport, which might make it possible to represent or interpret such use as being an encroachment on British sovereignty over the isthmus, such proposals would be unacceptable to this House and to the people of Gibraltar". As I think I mentioned Mr Ratford's report on this matter, the matter is still under consideration, the matter is long away from an agreement, it has not gone even up to Minister level and I wish to put an input there of the feeling of the House in respect of the matters in which we are concerned. Put it one way or put it the other, my suggestion is that it comes exactly to the same problem because what we are concerned is that nothing that is done in respect of that as far as this House is concerned should be interpreted in any way that we are prepared to cede either, even further than cede, that anything could be interpreted as ceding. I want to make it quite clear that the message from this House should be that whatever arrangements are being considered the input from Gibraltar should be that even if there are assurances on both sides, anything that could be represented and I have no doubt that that would be very quickly done by the other side, that that, in itself, capable of that interpretation, is obnoxious and repugnant to this House. I hope that my statement will serve to allay anxieties in Gibraltar and to reassure people that, as always, the Government stands for the protection and preservation of Gibraltar's British sovereignty in all its aspects. With Britain's help and with the support of the overwhelming majority of the people of Gibraltar,

we have succeeded in doing this ~~through~~ very difficult times and I have every confidence that together we will continue to do so. Thank you, Mr Speaker.

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

HON CHIEF MINISTER:

I should have said before I sat down, Mr Speaker, that I very much ask the Opposition to look at the thing carefully and to see whether they can see their way to accepting the proposal.

MR SPEAKER:

Since there is an amendment before the House, of course, the Hon the Leader of the Opposition has the right to contribute to the amendment.

HON J BOSSANO:

I think, Mr Speaker, we need some time to consider to what extent this, in fact, reflects the same position as the original motion does or not. If we had had the amendment before we started we might have been able to respond immediately but we need at least to discuss it amongst ourselves. If we could have a five or ten minute adjournment.

HON CHIEF MINISTER:

Absolutely, I think we could have a recess for you to consider it.

HON J BOSSANO:

We don't want to respond negatively if it is possible to respond in another way.

MR SPEAKER:

Perhaps it would be convenient to have a short recess.

The House recessed at 11.20 am.

The House resumed at 11.40 am.

HON J BOSSANO:

Mr Speaker, we have considered the Government's amendment and I propose the addition of a few words which, in our view, are necessary for the avoidance of doubt but do



not effectively change in any way the wording proposed by the Government but simply serve to avoid possible later debate as to whose interpretation is the one that matters. I think it is important and we are responding to the Government's amendment to our motion very much in recognition of what the Hon and Learned Chief Minister has said in moving the amendment which satisfied us that, clearly, we share the same view and we share the same sentiments and it is important for Gibraltar that that should be known and that this motion consequently is, in fact, a statement of the Gibraltar view on this issue. The amendment that I propose, Mr Speaker, is that we should include the words "in the view of the Gibraltar House of Assembly" after the word "might" appearing in the third line. The motion would therefore read: "This House affirms that should proposals be put forward in connection with greater civilian use of the Gibraltar airport, which might, in the view of the Gibraltar House of Assembly, make it possible to represent or interpret such use as being an encroachment on British sovereignty over the isthmus, such proposals would be unacceptable to this House and to the people of Gibraltar". It then continues with the final sentence: "It calls on Her Majesty's Government to note this view and make it known to the Government of the Kingdom of Spain". I think that is a very clearcut statement and it should serve, in fact, to reassure people that whatever rumours about what might or might not happen, at the end of the day if what is intended should happen is seen by us, who have got the responsibility of being answerable to our electorate, as being a danger, then clearly the stand is there and it is a clear stand and it is a united stand and it is a stand that I am sure the people of Gibraltar will be reassured by and comforted by. I commend the amendment to the House, Mr Speaker.

Mr Speaker proposed the question in the terms of the Hon J Bossano's amendment to the Hon the Chief Minister's amendment.

HON CHIEF MINISTER:

Mr Speaker, I am delighted to accept that amendment, about which we have consulted, making it more clear but it was always that intention that I had in mind. I am delighted to accept that and I think it will be a very good thing if it is clear that we are unanimous in our sentiments on this very important matter that might have crucial results in the future.

Mr Speaker then put the question in the terms of the Hon J Bossano's amendment to the Hon the Chief Minister's amendment which was resolved in the affirmative and the amendment to the amendment was accordingly passed.

Mr Speaker then put the question in the terms of the Hon the Chief Minister's amendment, as amended, which was resolved in the affirmative and the amendment, as amended, was accordingly passed.

HON A J CANEPA:

Mr Speaker, it is very much of a red letter day in the light of this present House of Assembly that was elected in January, 1984, that I think it is actually for the first time on what is a major matter of foreign policy we have been able to reach unanimous agreement. I think that it is even more significant against the background of the debate and controversy that surrounded us and divided us on the question of the Brussels Agreement. There has been a great deal of feeling, I think, in Gibraltar recently, it has been echoed or found echo in one or two letters that have appeared in the media locally calling for a united view, wishing to see the Gibraltarians getting together on this matter and I think that the message that should come out of this House loud and clear is that the leaders of the people are able to do precisely that, they are able to give the leadership that is necessary and they are able to work together for the benefit of the people as a whole for the benefit of those who elected them to this House of Assembly just over two years ago. The problem, Mr Speaker, with this matter, this issue of the airfield, as with many other matters that affect us in Gibraltar, that impinge in any way on sovereignty or any of the attributes of sovereignty is, in my view, the harassment to which the people of Gibraltar are subjected on a daily basis, on a weekly basis, from the media, principally, of course, the Spanish media. The Spanish media is constantly putting forward the Spanish attitude, the Spanish approach to the various matters that arise over Gibraltar and one really has to feel very sorry for the people of Gibraltar that we have to live under this cloud, under this Sword of Damocles and, of course, it is not in the realm of practical politics that Spain will drop the claim. The most that one would hope is that the human dimension of the problem should prevail, that the understanding that there is on the part of the people of Spain in the neighbouring region will, in time, work its way through to the Government in Madrid and that they should have a far better understanding of what the issues are. The problem, as has been put to me by Spanish politicians in the Campo Area, is that the politicians in Madrid right at the very top do not understand the human essence of the Gibraltar problem. They think that all that there is in Gibraltar is a few hundred Gibraltarians meeting and serving the needs of a base and not that there is the reality of a people with an identity of their own and with a way of life of their own that has been so well established over the years and until that message gets across, Mr Speaker, we will continue to get a repetition of the situation that here you have the Spanish Government scoring a great political triumph

with the result of the referendum and in the same breath the issue of Gibraltar has got to be brought right to the forefront of it all in a manner, in a way that leaves a bad taste for us in Gibraltar because if we in Gibraltar take a very broad view and we think that it is good for Western defence that the referendum should have gone the way that it has and as democrats I think we should welcome that, nevertheless our feeling, our desire to identify ourselves with that success is seriously marred and seriously jeopardised by the fact that the Gibraltar issue is once again dragged into the forefront bringing us once again under pressure. It is something that we have to live with but we, I think, as leaders in Gibraltar, all politicians must be constantly conscious of this and make it our business in the House and from the House, in our regular contacts with people, I think Mr Bossano made reference to that, we see people constantly, we meet them in the streets and talk to them, reassure people, bring home to them the essence of the Spanish attitude to Gibraltar. For Spain Gibraltar is the number one obsession and because of that their aspirations are very high about the Gibraltar issue, I think their aspirations are high on virtually everything, the Spaniards invariably in their approach to the EEC, in their approach to NATO, they are in doubt as to whether they are going to go in or stay out but if they are in they want to be given command of the Straits and what have you. This is very much in the nature of the Spanish people, it is one of the idiosyncrasies in their character that they raise their aspirations very, very high and then, of course, they cannot deliver the goods and they fall flat on their faces. Unfortunately, on this occasion the speculation has not been just in the Spanish media and, of course, what the Spanish media is invariably putting across is the Spanish point of view, it is the Spanish negotiating position and I am glad that the Chief Minister cleared up in no uncertain terms, at the invitation of the Leader of the Opposition, that of course any suggestion of a sealed bus could not possibly emanate from the Gibraltar Government. If there is to be such a thing as joint use of the airfield, there is a perfectly good air terminal which we have expanded recently and airlines are welcome to make use of it. But anything else that can give the impression that sovereignty is being undermined, that the rights that we have achieved by way of immigration control or customs control are going to be undermined, we cannot be a party to that sort of thing let alone be the initiators of such a proposal, this is madness, but this is the kind of thing of course that brings about anxiety and undermines the confidence of the people. I agree with Mr Bossano that to give in on the issue of the airfield could spell out trouble in the future. It is the most crucial area, it is the most crucial area because Spain does not recognise British sovereignty over the isthmus, because Spain does not consider that the isthmus was ceded at the time of the Treaty of Utrecht and I think that, on the contrary, any fear that the question of the airfield should spell out trouble for

us in the future will, after today, I think, take a completely different line, a completely different direction in that the message that comes out which I am sure will be noted by the British Government and by the Spanish Government is that this House of Assembly can be united and that therefore any suggestion, any view that in a difficult situation the Opposition would make political capital out of the situation and be quite happy to see the Gibraltar Government resigning and they take over just for the sake of power is something which is totally out of the realm of practical politics as far as Gibraltar is concerned. I think that that is a good thing, Mr Speaker. I was somewhat disturbed about the point made by Mr Bossano regarding the meeting that he had held with Mr Ratford that it is Britain that has to be satisfied about what constitutes an infringement of British sovereignty over the isthmus or not. One knows that Britain is the governing power, as it were, the administering power, but this is where I am a little bit worried about any joint declaration surrounding an agreement over use of the airfield because it would be the British Government that would have to be satisfied about that joint declaration and we knowing and following very closely events as we do in Spain and knowing the Spanish character and idiosyncrasies in this respect, we have no doubt about the extent to which the media in Spain, the press, would make political capital out of any agreement that involved a two-terminal solution or a sealed bus solution and any description of flights as being internal flights and so on. The British Government for their part might be somewhat satisfied about assurances from the Spaniards but that would not in any way remove the reservations that we would have and that is why I think it was particularly important to introduce the amendment that Mr Bossano introduced to the Chief Minister's amendment in that it is the view of the Gibraltar House of assembly that should be the underlying factor because we are much more sensitive to the situation than anybody else. I would just, in conclusion, take the opportunity, Mr Speaker, since I have been saying a great deal about press speculation on the matter, to make reference to the Sunday Telegraph article where it has been alleged that Whitehall believes that the talks on the future of the Rock would move very quickly in the coming few months and that the Foreign Office was likely to agree to the Spanish demands for special immigration and customs arrangements from passengers proceeding from one point in Spain to another through the Gibraltar airport. The allegations in this article are not accurate, they are based on speculation and no credence should be attached to them. The article has been discussed with Mr Ratford last week and we, for our part, found his detailed explanations quite reassuring. Finally, Mr Speaker, to make reference to what a veteran diplomatic observer had to say that the people of Gibraltar would not be prepared to go back to the bad old days, one would hope that given Spanish membership of the EEC the Spaniards would not in the face of any intransigence on the people of Gibraltar reintroduce restrictions and most certainly

not close the border. If they were to do that they would be infringing their Treaty of Accession where a declaration was attached to the trade chapter regarding freedom of movement. I don't think that it would ever come to that but if it came to the crunch I have no doubt that the people of Gibraltar would be happier to go through another sixteen or seventeen years of economic blockade than to give in on any issue which they felt undermined their future. There is, I think, a parallel in this, whilst joint use of the airfield could bring about and would, no doubt, bring about commercial and economic benefit for the Rock, our approach to that is very much in parallel with what is our approach on the question of supplying our own electricity and our own water. It would be very much cheaper to get water from Spain, it would be very much cheaper to plug into the Sevillana and get our electricity from there, nevertheless we have never done so, we have never contemplated doing so because we have believed firmly in the policy of self sufficiency and because we believe that we have to be economically strong through our own resources in order to be politically strong. As I said earlier, Mr Speaker, I hope the message will now go out clearly from this House, the Members of the Government and of the Opposition are united in their approach to the matter and it will strengthen the hand of the Government immeasurably in the consultations which take place quietly within the realms of confidentiality and about which a great deal cannot be said but what one would like is to reassure people that in the conduct of affairs on this matter the view that has been constantly expounded to the British Government and put across is the view that any ordinary self respecting Gibraltarian would put across. Thank you, Mr Speaker.

HON J E PILCHER:

Mr Speaker, I will be very brief because I think there is very little to add on the extensive explanation of the Hon and Learned Chief Minister, the amendment speaks for itself and the contribution of the Hon Leader of the Opposition and certainly the scenario painted by the Hon Mr Canepa but I think I have to say a couple of things. I agree with the Hon Mr Canepa that this is a red letter day although I wouldn't go as far as calling it a red letter day because a red letter day seems to signify a uniqueness of the day in question, although red is alright. The point, I think, we would like to make is that I think this should dispel the continuous criticism of especially this House of Assembly in that the Government and Opposition couldn't come to terms with anything whether it was on foreign affairs or on local affairs and that it was a question of the Opposition opposing for opposition sake and the Government wanting to make sure that they were the leading power and not agreeing to anything the Opposition said. I think this will dispel criticism and certainly I would like to reassert here and now the fact that our party will take a united front with the governing party

on whatever issue we think that the Gibraltar Government has taken the right attitude in the right situation. We have, in fact, said this in the past and I think today proves that it was not only just a set of words but something which we were prepared to follow up with action if action was needed and just to reassure all the Members opposite and members of the media that there is no question at all of us making political capital and jumping in if the AACR would want to resign on any issue, that we on this side of the House were backing them to the hilt. It would be a united front and not a petty squabble in this House. I think one other point is that it shows what we have always said that reassurance for the people of Gibraltar must come from this House of Assembly. I think this debate that we have had this morning, this motion which we all agree on is, I think, the best reassurance that the people of Gibraltar can have and I think it is a thing we have been saying in the past and I think it is a lesson to be learned and whenever there are these rumours and these aspersions being cast, that the place to resolve them is here in the House of Assembly and although I accept the confidentiality that the Hon and Learned Chief Minister is subject to, nevertheless there are times when without breaking confidentiality, like obviously he has not done this morning, we can come to this House of Assembly and reassure, even if we don't agree, reassure people of our different position. The last point I would like to make is a point that I made to Mr Ratford. I think the Hon Mr Canepa has already pointed to it and I suppose it is a point which has surfaced because of perhaps the idiosyncrasies of the Spanish people, the continuous bombardment of the Spanish media and it is a point I made to Mr Ratford and which I want to repeat here and it is a point that has surfaced over the last couple of weeks in the British media and certain part of the British media which is very close to the Foreign Office and that is the softening of attitudes of the Gibraltarians. I reassured Mr Ratford that not only is there no softening of attitudes about the principles of sovereignty and other principal issues but, in fact, because we expect more from a democratic party, if anything the Spanish and British Governments will find that there is a hardening of attitudes over things like sovereignty and not a softening of attitudes. That is all I want to say, Mr Speaker.

HON M A FEETHAM:

Mr Speaker, I wasn't going to make a contribution but I think the debate has gone to a great extent as one had envisaged because this is a very important issue but I think we must not give the impression at the same time that we are naive insofar as the circumstances prevailing in this matter which are very profound in relation to the fundamental problems that we are going to be faced with. We are actually saying in this House that the Spanish Government are unreasonable and that they are taking a line which is not acceptable to us because it does not

seem to be a democratic line to take by a Government that forms part of the European Community and continue to be a member of NATO. But the thing is that we must also make it quite clear to the people of Gibraltar and to the British Government because the British Government is the Government that I am concerned about because it is the British Government that handles our affairs. The British Government's attitude in relation to Spain in the context of the problem of Gibraltar changed drastically and fundamentally with the signing of the Brussels Agreement which we have not agreed with and I am not going to get into a debate about that because in fact the Chief Minister has defended the wider interpretation of the Brussels Agreement as his Government sees it and, of course, he knows how we see it but the British Government accepted in the Brussels Agreement the question of discussing for the first time sovereignty over Gibraltar with the Spanish Government which was a complete shift to what Mr King had said in 1964 in the United Nations when he said that Spain had no right to be consulted on the future of Gibraltar and this was a matter between the people of Gibraltar and Britain. Therefore, when we talk about high aspirations of the Spanish people and the Spanish Government it is because the British Government has given them aspirations as far as the question of sovereignty is concerned, let us be quite clear about that, and it is in that area that we have to show by supporting this motion here that, in fact, the people of Gibraltar have got strong reservations about that matter and that when we talk about mutual cooperation and things like that we have to be very careful that we are not actually building up their hopes to such an extent that the Spanish Government turn round and say: "You are just not delivering anything and therefore you are in breach of the Brussels Agreement" because it is a unilateral agreement between Britain and Spain, it has got nothing to do with the European Community, it is outside the scope of the European Community and that is what we have got to be careful about. I can assure Members of the House that as far as I am concerned I am not surprised at all that the question of Gibraltar should have come up in the NATO referendum. It is an important issue for the Spanish Government, the question of Gibraltar in the context of NATO, and it would have come up and I don't think it is a secret and I am sure that every Member across there in having discussions with different political or administrative people on the British side have been told in private what they don't want to say in public and that is that there is a withdrawal of the British presence in the Mediterranean and that their interests are best defended in the North Atlantic and the Southern Atlantic and there is a review taking place in NATO and there is a possibility that Spain is also earmarking Gibraltar as part of their structure so it is nothing new and we shouldn't give it too much importance that Spain is in fact saying in the context of NATO that we have to talk about the Gibraltar command, we are certainly against it. When we discuss this sort of motion let us not concentrate too much on what the Spanish Government view is because we have known that for 274 years, they haven't changed

at all, the British Government have changed and our fight in this family that we belong to is making sure that sometimes the children are becoming far more educated in the eyes of the world, educational process has improved and our children today know more than I knew when I was their age and in relation to the British Government we know much more now than we knew years ago and that is what we have got to be very careful about that we put things in their true perspective and that is why this motion in support on the matter of the airport, this united front is so very important. Our struggle is in convincing the British Government that what is in their best interest and that is what Ratford was saying, 'what we consider to be best for you', is what he was saying to us, may not necessarily be so. We can interpret what we think is in our best interest because there is conflict of interest on the matter between Britain and Spain over Gibraltar and that is why this is very important and I think perhaps at the expense of having said something which may bring the debate slightly out of context in the atmosphere that it has taken place, I think I had to say that in all conscience because I think it is an important thing that should be said and people should know about.

MR SPEAKER:

If there are no other contributors I will call on Mr Bossano to reply if he so wishes.

HON J BOSSANO:

I shall be very brief, Mr Speaker. We attach a great deal of importance to this, I think we highlighted it in the Swearing-In of Sir Peter Terry when he arrived as Governor, we drew attention to this issue and to the importance of this issue and to our stand and I think it was in that contribution that I spoke of a stand which was not merely a GSLP party political stand but a stand as Gibraltarian patriots ready to stand up and be counted when it came to the defence of their homeland. I think that is the message of the motion, that this is not a GSLP/APCR motion, this is, in fact, a Gibraltarian motion expressing a Gibraltarian sentiment and telling the rest of the world that at the end of the day it is what Gibraltarians want and what Gibraltarians think that is the paramount factor in the equation and once that is made clear, and it is a unanimous view, I think we are talking from a position of strength. Whatever other issues may divide us because we see things differently, when the crunch comes Gibraltar has to come first because if there is no Gibraltar then what are we fighting each other over. Thank you, Mr Speaker.

Mr Speaker then put the question in the terms of the Hon J Bossano's motion, as amended, which now read as follows:-  
"This House affirms that, should proposals be put forward in connection with greater civilian use of the Gibraltar airport, which might in the view of the Gibraltar House of Assembly make it possible to represent or interpret such use as being an encroachment on British sovereignty over the isthmus, such proposals would be unacceptable to this House and to the people of Gibraltar. It calls on Her Majesty's Government to note this view and make it known to the Government of the Kingdom of Spain".

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

The Hon J L Baldachino  
The Hon J Bossano  
The Hon A J Canepa  
The Hon Major F J Dellipiani  
The Hon M K Featherstone  
The Hon M A Feetham  
The Hon Sir Joshua Hassan  
The Hon G Mascarenhas  
The Hon Miss M I Montegriffo  
The Hon R Mor  
The Hon J B Perez  
The Hon J C Perez  
The Hon J E Pilcher  
The Hon Dr R G Valarino  
The Hon H J Zammitt

The following Hon Member abstained:

The Hon B Traynor

The following Hon Member was absent from the Chamber:

The Hon E Thistlethwaite

The Hon J Bossano's motion, as amended, was accordingly passed.

#### ADJOURNMENT

#### HON CHIEF MINISTER:

Mr Speaker, I beg to move that the House should adjourn to the 17th April, 1986, when we will take the Budget.

Mr Speaker put the question which was resolved in the affirmative and the House adjourned to Thursday the 17th April, 1986.

The adjournment of the House to Thursday the 17th April, 1986, was taken at 12.15 pm on Tuesday the 25th March, 1986.