

# GIBRALTAR

## HOUSE OF ASSEMBLY



# HANSARD

**2ND SEPTEMBER, 1994**

(adj 29th September, 1994)

REPORT OF THE PROCEEDINGS OF THE HOUSE OF ASSEMBLY

\* The Seventh Meeting of the First Session of the Seventh House of Assembly held in the House of Assembly Chamber on Tuesday the 2nd September, 1994, at 10.30 am.

PRESENT:

Mr Speaker.....(In the Chair)  
(The Hon Col R J Peliza OBE, ED)

GOVERNMENT:

The Hon J Bossano - Chief Minister  
The Hon J E Pilcher - Minister for the Environment and Tourism  
The Hon J L Baldachino - Minister for Building and Works  
The Hon M A Feetham - Minister for Trade and Industry  
The Hon J C Perez - Minister for Government Services  
The Hon Miss M I Montegriffo - Minister for Medical Services and Sport  
The Hon R Mor - Minister for Social Services  
The Hon J L Moss - Minister for Education, Employment and Youth Affairs  
The Hon P Dean - Attorney-General  
The Hon B Traynor - Financial and Development Secretary

OPPOSITION:

The Hon P R Caruana - Leader of the Opposition  
The Hon Lt-Col E M Britto OBE, ED  
The Hon F Vasquez  
The Hon H Corby  
The Hon L H Francis  
The Hon M Ramagge

The Hon P Cumming

IN ATTENDANCE:

D Figueras Esq, RD\* - Clerk to the Assembly

PRAYER

Mr Speaker recited the prayer.

CONFIRMATION OF MINUTES

The Minutes of the Meeting held on the 26th April, 1994, having been circulated to all hon Members were taken as read.

MR SPEAKER:

Can I sign the minutes as correct?

HON P R CARUANA:

Mr Speaker, the minutes are not correct. The second item on page 2 under the heading 'Answers to Questions' states that the answers and supplementaries to them are attached as an appendix to the minutes. If the Government were to make adequate resources to this House to produce Hansard in time then of course they would be but as they do not, they are not. Therefore the minutes are not accurate. They cannot be signed in that form.

MR SPEAKER:

I will have to amend that. Of course they are not attached but will be forwarded. To that you will agree I suppose.

The Minutes were approved and signed by Mr Speaker subject to the following amendment -

Minute 183 'Answers to Questions' was amended by the substitution of the words "are attached as an appendix to these minutes" by the words "to be attached as an appendix to these minutes will be circulated shortly".

DOCUMENTS LAID

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

- (1) Statement of Consolidated Fund Reallocations approved by the Financial and Development (No. 21 of 1993/94).
- (2) Statement of Consolidated Fund Reallocations approved by the Financial and Development Secretary (No. 1 of 1994/95).

Ordered to lie.

ANSWERS TO QUESTIONS

The House recessed at 1.00 pm.

The House resumed at 3.10 pm.

Answers to Questions continued.

The House recessed at 5.15 pm.

The House resumed at 5.35 pm.

Answers to Questions continued.

#### BILLS

#### FIRST AND SECOND READINGS

#### THE COMMERCIAL AGENTS ORDINANCE 1994

HON M FEETHAM:

I have the honour to move that a Bill for an Ordinance to transpose into the national laws of Gibraltar Council Directive 86/653/EEC relating to self-employed commercial agents be read a first time.

Question put. Agreed to.

HON M FEETHAM:

I now have the honour to move that the Bill be read a Second Time.

The primary purpose for bringing the Bill to the House is to give effect to Council Directive 86/653/EEC which is intended to provide a degree of harmonisation between the laws of member States governing relations between self-employed commercial agents and their principals. I should first tell the House that this is not such late implementation of the Directive as might appear from the date of 1986. The Directive had a general implementation date of the 1st of January 1990 but the UK had secured a derogation until 1st January 1994. I am advised that the derogation was given to the UK on the grounds that until the Directive came into effect there was no specific UK legislation in existence regulating contracts between commercial agents and their principals. The derogation was available to Gibraltar and it will be seen, therefore, that we are hardly behind the times in bringing in the Bill. The philosophy of the Directive was to provide protection to independent commercial agents. Although the rights and duties of principal and agent depend upon the express or implied terms of the agency relationship between them, common law rules have come into existence and apply in the absence of expressed agreement between the parties. The rules which are to apply when the Directive is implemented are significantly different from the common law position, and as I have said are aimed at protecting the position of independent commercial agents. I should also make it clear that the Directive and therefore the Bill deals only with agents who negotiate and/or conclude the sale of purchase of

goods on behalf of their principals. Those agents who deal with the sale or purchase of services will not be affected by the provisions of these regulations. We could, in relation to this Directive, even if we had wishes, argued that it did not apply to Gibraltar as being concerned with the free movement of goods since it is concerned with the service of the provisions of agency facilities even though the kind of agency with which it is concerned is limited to that relating to goods. Independent commercial agents can be in a weak position when dealing with their principals. The UK, in its consultation on the implementation of the Directive in the United Kingdom, acknowledged that there are occasions on which large agents represent small principals but in Gibraltar I am advised that this is scarcely the position. The philosophy behind the Directive reflects the fact that agents have often found difficulties in obtaining business contracts and access to all of the information they need to verify that they are being paid the correct amount of commission. Some agents have suffered because commissions have not been paid promptly and because contracts have been terminated abruptly. Hopefully, through the Bill and its implementation of the Directive, not only are we providing Gibraltar protection for Gibraltarians which is possible through our own courts but we are also removing any barriers to those agents operating throughout the Community by harmonising our laws as required by the Directive. Hon Members will also find listed in the schedule those areas of activity which are described as secondary, where the principal purpose of the arrangement between the agents and his principal is for one of these activities the Bill would in those instances not apply.

In drafting the legislation in Gibraltar we have relied heavily on the implementation of the Directive in the United Kingdom. We were able to do this as the UK method of implementation of this Directive is more or less by what is known as the latin method of implementation, that is to say to take the words of the Directive and as far as possible just to reproduce it in the national law. Recognising that the provisions of the Ordinance may have a disproportionate effect in Gibraltar it will not be the intention of the Government to take the Committee and Third Reading stages of this Bill until there has been an opportunity to take into account of any comments the members of the Opposition may have in this respect. It is hoped that prior to the Committee Stage such views can be taken into account and if necessary amending provisions drafted for consideration by the House in Committee remembering always that we have to ensure that the amendment would give effect to the Directive.

Essentially, the Directive is changing the legal relationship between principals and their agents. Its method of enforcement is by the use of civil remedies and I have no doubt it is an area on which both the principals and agents will wish to have an opportunity to comment. I commend the Bill to the House.

MR SPEAKER:

Before I put the question does any hon Member wish to speak on the general principals and merits of the Bill?

HON P R CARUANA:

Mr Speaker, it is almost mindblowing that there are people in Brussels who consider the subject matter of this Directive to be of legislative urgency. I can only assume that it cures some evil which has been widespread in continental parts of the European Union. I have never heard it be said in terms of English statutory in common law that any such evils exist. There is always the relative negotiating strength commercially of the large operator and the small operator and I do not suppose that there is anybody in Brussels who thinks that this law is going to change that natural law of capitalism. That said, the definitions of the type of agency activities that are actually regulated by this Directive are such that I actually think they will not have a great impact on local businesses and therefore I do not think that the suggestion of the Minister that there is grave concern or possible grave consequences to local business is actually going to materialise. I do not see that there is anything of any great political, in a domestic sense, content in this Bill. The role that we have served in the past as legislators on the other side from the Government in the case of implementation of Directives is when there is potential for differences in terms of local political approaches we have compared the legislation to the Directive to see whether the Government has been inadvertently..... Hon Members will remember that we did this with a package tour legislation to make sure that the Government are not unwittingly incorporating into the laws of Gibraltar obligations which are more onerous than the Directive required of us. I assume that this particular Bill has been expertly drafted by those responsible for this and that in those circumstances assuming as I do that given the latin approach that there are not more onerous obligations than the Directive requires. I do not see that the Opposition will be saying very much about this at this stage or indeed at Committee Stage. We will support the Bill in reliance on that principle.

HON M FEETHAM:

Mr Speaker, I did not say it was going to stir up a hornet's nest. The implementation of the Directive for me, as I see it and having asked around, seems to be out of proportion really to what is available and so on but we have to comply with EC Directives. If we did not have to bring it to the House I would not have done it.

Question put. Agreed to.

HON M FEETHAM:

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

ADJOURNMENT

HON CHIEF MINISTER:

I have the honour to move that this House do now adjourn to Thursday 29 September 1994 at 10.30 am.

Question put. Agreed to.

The adjournment of the House was taken at 8.30 pm on 2 September 1994.

THURSDAY 29TH SEPTEMBER 1994

The House resumed at 10.45 am.

PRESENT:

Mr Speaker.....(In the Chair)  
(The Hon Col R J Peliza OBE, ED)

GOVERNMENT:

The Hon J Bossano - Chief Minister  
The Hon J E Pilcher - Minister for the Environment and Tourism  
The Hon J L Baldachino - Minister for Building and Works  
The Hon M A Feetham - Minister for Trade and Industry  
The Hon J C Perez - Minister for Government Services  
The Hon Miss M I Monegriffo - Minister for Medical Services and Sport  
The Hon R Mor - Minister for Social Services  
The Hon J L Moss - Minister for Education, Employment and Youth Affairs  
The Hon P Dean - Attorney-General  
The Hon B Traynor - Financial and Development Secretary

OPPOSITION:

The Hon P R Caruana - Leader of the Opposition  
The Hon Lt-Col E M Britto OBE, ED  
The Hon F Vasquez  
The Hon H Corby  
The Hon M Ramagge

The Hon P Cumming

ABSENT:

The Hon L H Francis

IN ATTENDANCE:

D Figueras Esq, RD\* - Clerk to the Assembly

PAPERS TO BE LAID

HON CHIEF MINISTER:

I beg to move that under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with the laying of documents on the table.

Question put. Agreed to.

HON CHIEF MINISTER:

I have the honour to lay on the table the report and audited accounts of the Gibraltar Development Corporation for the year ended 31st of March 1993.

Ordered to lie.

HON J PILCHER:

I have the honour to lay on the table the following documents:

The Tourist Survey 1993  
The Hotel Occupancy Survey 1993  
The Air Traffic Survey 1993

Ordered to lie.

HON MISS M MONTEGRIFFO:

Mr Speaker, I have the honour to lay on the table the report and audited accounts of the Gibraltar Health Authority for the year ended 31st March 1993.

Ordered to lie.

HON J MOSS:

I have the honour to lay on the table the Employment Survey Report October 1992 and April 1993.

Ordered to lie.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I have the honour to lay on the table the following documents:

The Accounts of the Government of Gibraltar for the year ended 31st of March 1993 together with the report of the Principal Auditor thereon;

The Report and Audited Accounts of the Gibraltar Broadcasting Corporation for the years ended 31st of March 1992 and 31st of March 1993;

The Audited Accounts of the Gibraltar Community Care Ltd for the period 23rd of November 1989 to 30th of June 1990 and for the year ended 30th of June 1991;

The Audited Accounts of the Gibraltar Community Care Trust for the period 28th of August 1990 to 30th of June 1991, and

Legal Notice 61 of 1994 to raise the Tax Amendment Rule 1994.

Ordered to lie.

COMMITTEE STAGE

HON ATTORNEY-GENERAL:

I have the honour to move that the House should resolve itself into Committee to consider the Commission Agents Bill 1994 clause by clause.

THE COMMERCIAL AGENTS BILL 1994

HON P CUMMING:

I would like to make one small comment, Mr Chairman. It is about the explanatory memorandum at the end. It is simply to ask whether it would be possible when European laws come from Brussels whether we could have just a little more than saying we have to do this law because it comes from Brussels. A little summary of what it is

about so that those less legally orientated can find what it is all about.

HON CHIEF MINISTER:

All I can say is that we actually are quoting the Directive which is a public document and I am quite happy to let the hon Member have a lorry load of the Directives if he thinks he has got the time to go through them, because of what it amounts to. There is no way really of summarising that and we are assuming that the transposition is technically correct.

HON P R CARUANA:

Mr Chairman, just two points. First of all on the supposition that the transposition is technically correct, of course, this House does have a responsibility to ensure that we are not on the basis of defective drafting either misapplying a Directive or applying it more strictly than it might be in our interests to do so. In the previous transposition that we dealt with, the package tour directive, we went to quite a considerable trouble to compare the legislation with the Directive. That is an enormous amount of work and therefore I would like to think that there is careful checking done within Government to ensure that the drafting is technically and politically correct and it is not such a supposition.

HON CHIEF MINISTER:

I am not qualified, this is why I am saying it is a supposition. I am accepting the advice that I get but I cannot say myself that I am qualified technically to ensure that there is and I can tell the Opposition Member that in some areas where we have had differences of view with the United Kingdom, much of the differences arise out of differences between technicians rather than differences of policy at a political level. Where the Directives provide options, then the view of the Government is in line with what the Opposition Member has said that just like there is subsidiarity between Brussels and London, there is subsidiarity between London and Gibraltar and therefore the circumstances of Gibraltar may make the option that is desirable for us a different option from the one that is desirable for the United Kingdom. I am not saying that that policy is totally accepted by the British Government but that is the policy of the Government of Gibraltar that if there is a choice then the choice that we make politically here may be a different one from the one they make there but we are still complying with our international obligations by choosing a different option, and that is reflected where there is choice and there is the extent to which

there is a political input. The Law Draftsman, of course, through the EEC Legislation Unit which has been operating for some time now and where some excellent work has been done, has not got access which we did not have before to the briefing documents produced in the United Kingdom by the UK professionals for the UK Government which includes compliance costs for the UK. We have not done and we are not in a position to do a similar comprehensive exercise on compliance costs in Gibraltar but by having sight of the compliance costs for the United Kingdom it gives us an indication of what could be the possible burden on businesses in Gibraltar which is what most of compliance costs are all about. All that is taken on board beforehand but I am not sure to what extent frankly I can make all those documents which are internal documents of the United Kingdom Government - and which we have only really had given to us in the last six or nine months, we did not even have that before - can go outside the Government.

HON P R CARUANA:

Finally, Mr Chairman, my reading of this particular piece of legislation is that it appears not to greatly affect any activity in Gibraltar. If it were extended to services in its terms it is in fact only extended to goods, but if it were extended to services then it might catch such people as airline general sales agents because this legislation catches agents who are authorised by their principals to buy and sell on behalf of their principals whereas in Gibraltar the ordinary business agent is an agent or a representative and the agent buys the stock and then he sells it on to his customers. That is out of the realms of the activity. This piece of legislation does not address any commercial activity that I have been able to identify in Gibraltar and even if it did the legislation is really very much weighted in favour of protecting the interests of the commercial agent against his principal and therefore in Gibraltar there are unlikely to be principals, anybody captured is likely to be a general agent and not a principal and therefore I do not think there is any scope for any undue interference or affecting the commercial activities in this market.

Clauses 1 to 18 were agreed to and stood part of the Bill.

Clause 19.

HON M FEETHAM:

Mr Chairman, as I pointed out when I presented the Bill during the course of this meeting, practically all has

been transposed from the legislation in the UK to the extent, in fact, that we actually copied a mistake that they had and when we sent the Bill to the UK they pointed out that they had made a mistake in Section 18 which is Clause 19 of our Bill and what I am doing now then is moving an amendment to rectify the mistake that had been done in the United Kingdom. I wish to amend that after the word "The" the words "indemnity or" should be introduced.

CLAUSE 19, as amended stands, was agreed to and stood part of the Bill.

Clauses 20 to 24 were agreed to and stood part of the Bill.

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

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

### THIRD READING

HON ATTORNEY-GENERAL:

I have the honour to report that the Commercial Agents Bill 1994 has been considered in Committee and agreed to with amendment and I now move that it may be read a third time and passed.

Question put. Agreed to.

### PRIVATE MEMBER'S MOTION

HON P CUMMING:

Mr Speaker, I beg to move the motion standing in my name which reads as follows:-

"This House deplores the deteriorating state of relations with Spain and urges the Government to establish a process of dialogue in order to improve these relations."

Mr Speaker, I was flabbergasted, astounded, shocked, dismayed, all those words that political parties search for when they start a press release, when I heard the Chief Minister say on television that he had been saying to Douglas Hurd, in connection with relations with Spain, that if the Israelis were able to sit down and make progress with the Palestinians, then surely some progress would be possible in our case. Of course, this is the favourite argument of the pro-dialogue lobby in Gibraltar and being the prize argument, as it were, the Chief Minister has hijacked this argument for himself, so I was a little bit shocked at that. So I think, perhaps, we could start examining this question just a moment to compare the question of Israel and Palestine with the question of Gibraltar and Spain because, of course, Israel and Palestine after 50 years of bludgeoning one another have come to the conclusion that it is in their mutual interest to make mutual concessions, to accept, to come closer to one another's positions and it is not a question of us holding out waiting for the Spanish position to crumple and disappear, so that our problems can be solved. One could say, of course, that the problem that the Israelis have with the Palestinians and vice versa, is far worse than the problems that we have with Spain because there have been so many deaths and so many acts of terrorism and so much hatred, fanatically ousted from father to child and built up over the decades that, of course, their position has become one far worse than the problems that we have with Spain, that are far more civilised in comparison. With the question of mutual concessions, psychologists have studied in the past the question of mutual concessions. They call it tit for tat theories and it has always been very interesting to them to observe how motorists at night use their headlamps and how nearly 100 per cent of people comply with the dipping of headlights because it is a tit for tat situation. A car has lights up on mine, I will put mine up on it. It puts its down, I put mine down. I put mine down, it puts its down. It is in our mutual interests that we both cooperate with this. Therefore, this learning process that the most comfortable way to co-exist in this life is by making mutual concessions with those around us in order to establish good relations. This is a hard lesson to learn and it seems to me that the Israelis and the Palestinians have learned it the hard way, right down the road of very severe suffering and I would



consider it part of my role in politics to try and shorten the learning time about the need for learning how to cooperate with our neighbours. The question of concessions, of course, is intimately linked in my mind with the question of dialogue because when we talk about dialogue, maybe in the dictionary it may define it just as a conversation between two parties, but in the context of the problem of Gibraltar's future, the question of dialogue with Spain, obviously, is a dialogue addressed at the problems that separate us and dialogue is aimed at an attempt to trying to put things right between us. So, therefore, it seems to me untenable to say "Our attitude is one of no concessions whatever, but nonetheless we would like to participate in fruitful dialogue because it seems to me that if you go into dialogue absolutely determined not to give anything then, obviously, the chances are that on the tit for tat theory, we are just not going to get anywhere". In National Day, where I thoroughly enjoyed the SDGG event and the rally at Casemates, the one fly in the ointment for me was something that I took personally, perhaps over egoistically, was the great poster which said "No Concessions". It seemed to me to be a backward political slogan which gave the day a more or less party political slant that was totally unnecessary, because no concessions, of course, harps back to Gibraltar's reaction to the problems with Spain in the 1960s where the situation was so completely different. Spain was in the grip of a fascist dictator, where Spain was impoverished and ostracized from Europe, where they had no freedom. Here we rejoiced in the fullness of democratic freedom and we had no unemployment, we had total commitment from Britain. In other words, the situation was totally different and in those days, when we all said, "No concessions", we could equally have said "No dialogue", because we wanted absolutely nothing to do with anything. We did not want to know about anything, neither did we have any need, in my view, for any of that because we could manage fine without them. Even in the worst event when they closed the frontier, we still did relatively well and many of us would have been happy if we would have been able to sore off the isthmus and towed Gibraltar away into a state of isolation from Spain. The situation, unfortunately, today is greatly changed. Now if in Casemates, on National Day, we would have had a big poster saying "No concessions of sovereignty", I would have been happy with that. If it had said "No concessions with sovereignty implications", I would have said "Well this is a difficult one because if I am advocating an Andorra solution and proposing a co-head of State from Spain. This obviously is a concession with sovereignty implications". It would be stupid to pretend otherwise. Therefore, with that kind of concession, extreme caution would have to be exercised and the proverb says that if one is to have supper with the devil, one must take a long spoon. In any dealings on concessions to do with sovereignty implications, extreme care would have to be taken. And they would be few and far between, perhaps exclusively related to the head of state. On the question of concessions there are three categories. One is that

Gibraltar is united in not willing to concede sovereignty in order to be integrated with Spain at all. The other thing is to say "No concessions". We will not have anything to do with them and we will reject all question of dialogue. The crux of the matter of dialogue and relations with Spain, is whether or not, in considering and in trying to arrive at a permanent settlement of Gibraltar's problems, we are going to take into consideration Spain's claim. My position is that yes, we must consider it. Not take it into consideration in order to concede, to submit to it, no, but to take it, to bear it in mind in talks and in negotiations so that at the end of a fruitful negotiation, everybody can have most of what they want. The question of the Spanish claim, much as we would like, is not going to crumble and disappear. It is so engrained in the Spanish nation, less so, of course, with democracy and liberalism in Spain, but it is still not going to go away. We may wish that it would go away but it will not. It is going to hang us and dog us in our life-time, unless we address the situation. This is very hard for Gibraltarians to understand, Gibraltar is a monument to Spanish national humiliation over the centuries at the hands of Britain. It provokes and they see Gibraltar and it is to them, and as indeed it is to us, an emotional issue and therefore with legal arguments, progress will not come from legalistic approach to this issue. We need more psychological approach because this is an emotional issue on both sides, which outsiders do not ever seem to come to grips with. People who are neither Spanish nor Gibraltarian, obviously, are in a position to be objective about the situation that we find very difficult. They find it difficult to understand our position or Spain's position because there are so many emotional undertones on both sides. Recently Denis Matthews spoke on the television and I thought first that this was a difference in policy between the GSLP and the Self Determination Group, but of course, reading over the last question session, I see here in Hansard where the Chief Minister says "Our philosophy and the philosophy that we support in the Self Determination Group, is that before we start talking about the status we want and .....". In other words a total identification between the GSLP position and the SDGG position. Denis Matthews on television the other night said "What kind of concessions can we give that will satisfy Spain? All they want is sovereignty. We have no oil wells to concede to get them off our backs, we have no large pieces of territory that we can hand over". Of course, that is completely barking up the wrong tree. Spain does not want bits of territories. What it wants is honour to be satisfied and if they feel that honour is being satisfied, that is what they want. They want us to attend to their claim. To sit down with them and take it seriously because now we must take it seriously. In the past we laughed off the Spanish claim. Britain was totally committed to Gibraltar and therefore, we could laugh off their claim and dismiss it. As each month passes, we are less able to do that for a whole variety of reasons and therefore we have to begin to take this seriously and to



study the issue and to analyse why it is that the Spanish behave the way they do. For honour to be satisfied, of course, our honour also needs to be satisfied. Certainly by polarisation and shouting at each other from the distance is not the way that the solution is going to be arrived at. We must sit down, take the matter seriously and discuss with them this matter. If we can just analyse very briefly the various positions on this question of dialogue and relations with Spain. It seemed to me that there was a bit of difference between the GSLP and the Self Determination Group before I found this quote in Hansard identifying the GSLP with the SDGG completely on this matter because the Chief Minister made very clear in the last question and answer time that the question of dialogue and relations with Spain, had for him a low priority, that the high priority was the economy. I will go on in a moment to look at those related questions that seem to me related but the point is that he has openly and honestly said, "This to me, is not an issue with priority; to establish dialogue or to promote better relations with Spain. This has a low priority". On the other hand the Self Determination Group recently because there are more voices bowing to the obvious commonsense of the plea for dialogue, say yes dialogue is the aim, the ideal that we are striving for. No sensible person will turn away from dialogue, but, it has to be and then a whole string of conditions which practically, of course, make dialogue impossible because what they are claiming is the end result of the negotiation process at the beginning. In other words, we should be recognised as a people in our own right and so on and so forth. A negotiating process is aimed to achieve in the course of its struggle with the issue and not at the very beginning because once they have accepted us as people in our own right, once our self determination is recognised in the UK and in the United Nations and everywhere, one would say "What is there really to discuss with them, other than there is between any friendly nations that has no dispute between them?". So there is a slight difference then, it seems to me, between the SDGG and the Government. The Government say they give this low priority and will not give it attention and the SDGG are the rough and tumble wing, as it were, of the GSLP, who are trying to deflect the new awareness there is in Gibraltar of the need for dialogue and the harm that we do to ourselves by delaying the moment when we sit down to talk. The GSD, I hope, will speak for itself on the issue of dialogue and concessions and so on. I would just like to say that at the beginning of the rift between myself and the GSD, the GSD published a letter saying that at the present time they could see no possible concession which would make Spain amenable to agreement. I must say that on the whole, I agree with that statement because at present relations are so polarised and so bad and views are so negative, that we get off to a very bad start. So first, we need to change the political climate by tackling less controversial issues, by beginning to talk, by getting gradually closer, by little gestures of goodwill

and so on, so that when a new climate is established, then real negotiations about essential core issues could commence with a chance of success so that if in the future, concessions can be identified, not of our sovereignty of course, which can make possible agreement with Spain and good relations with Spain on a permanent basis, I would hope that there could be reconciliation between the GSD position and my own. After all, if there can be between the Israelis and the Palestinians, surely they can be between myself and the GSD. Of course, in saying that, no, the GSD is not in favour of concessions at all, but if in the process of talks under Brussels, proposals should be made, these of course, would be submitted to referendum and I think that is excellent. Every political movement in Gibraltar should be bound to that. That is to say, that we will move as a convoy; we will move as a people. But it is not strictly logical to say that because if we acknowledge the proposals may come from dialogue, what are these proposals going to be? They are going to be - "You do (a) and I do (b)". If these are not mutual concessions, I do not know what they are, but obviously these mutual concessions would have to be acceptable to the people of Gibraltar in the majority, that is obvious. It goes without saying. My own stand on this issue is that for Gibraltar to flourish, it is essential that good relations with Spain are established because in the past we could flourish without them. The future shows itself bleak with total enmity between us and Spain. Now we have to tell the people of Gibraltar outright what the situation is. That our standard of living without dialogue, without any element of cooperation with Spain, is going to go irrevocably down and down. The call for dialogue, of course, transcends the question of the Brussels process because no Gibraltarian, I do not think, is enamoured of the Brussels process in itself. Many of its structures and its aspects are unpalatable to us, but the question is, can it be an effective tool in reaching a solution? Can it be safely entered into and can we turn back to base, if we see things getting worse instead of better? It seems to me that it is a potential effective tool. Gibraltar's history had enormous impact on the day that the Lisbon Declaration was made. When that agreement was entered into between Britain and Spain, it was undoubtedly a very black day for Gibraltar and maybe because the AACR tended to try and whitewash just a little the position that it left us in, it made it easier for the GSLP to overturn in the people's minds and to take the leadership in a situation of confusion. It was disastrous. It was going to change our history from then on. Gibraltar's history as pre-Lisbon and post-Lisbon. But seeing it done and faced with a fait accompli, what then is the balance? Lisbon opened Pandora's box. When Pandora's box was opened all kinds of unimaginable horrors came out, but, of course, it was totally impossible to gather them all up and force them back in again. They are out and they cannot be put back again. This is like the automatic bomb; totally counter productive to the benefit

off the world. It was invented and now cannot be dis-invented, however much disarmament we propose and however much we regulate, it is invented for ever and we have to go forward and not backwards. Lisbon preceded the accelerating departure of the MOD and the change then in Britain's commitment to Gibraltar. I am not saying that Britain is not committed to Gibraltar. Britain is politically committed to Gibraltar. Unfortunately, since Lisbon, our national interests do not coincide completely with Britain's national interest any longer. Prior to Lisbon they did, since then, they do not, especially when one adds to Lisbon the accelerating departure of the MOD. This loss to the Gibraltarian which is involved in Lisbon and the departure of the MOD, we feel means that we must go through a grieving process. This is natural in psychology. Whenever one suffers a loss, be it of a loved one, of a job that was important, of a relationship that was important the only way to recover and to be healthy again is to undergo the grieving process which psychologists are unanimous in saying begins with a denial. It is not true that this is so, and there are still many who think that the solution to all Gibraltar's problems is to wrap itself in the Union Jack and to pretend that there is no change in the relationship with Britain and Gibraltar and of course, there is and we must face it. This is followed by anger and we are angry that some raging letters stirring up of anti Britishness situations where maybe the British establishments on the Rock feel that they have got to be specially protected and so on. Hopefully, this passes in most balanced people. This phase passes and it goes on to a depression and an apathy. We say "There is nothing we can do, what can we do faced with this insurmountable problem?" But in a healthy grieving process, it goes on to a resignation and a positive acceptance. That is to say, let us do the best we can in this situation that we are in. The healthy grieving process can be spoilt by giving false hope and if anybody gives false hope, then, we go back to the beginning and we have to start all over again and we never come to a positive acceptance of our present situation. So, if we try and undo the damage that was done at Lisbon, the enormous struggle, us against the world, and if we must wait for the SDGG, valuable though their work is in lobbying, if before taking positive steps to make the best of our situation, we have to wait for the Self Determination Group to change the world's opinion, to change Britain's opinion, then we are blind guides and we should not set ourselves up of leaders of the Gibraltarian population. Clive Golt, asked me on the television a few nights back, "But what guarantee can we have that Spain is willing to meet us half way? That is to say, and it is a big 'if' the people of Gibraltar were willing to go half way, what guarantee is there that Spain will move the other half way?" Of course, there is no guarantee. There are hints that the situation is different. Felipe Gonzalez called for an imaginative solution. The King asked for a solution in keeping with the spirit of our times. Senor Westerndoff, the Spanish

Minister for European Affairs, said 18 months ago, that Spain would accept limited sovereignty, that it would accept nominal sovereignty. These are coded messages of a different prospective. There was, of course, the conciliatory invitation to the Chief Minister to attend Brussels straight after his last United Nations speech. The Chief Minister told us on the television that the attitude of the Spanish Ambassador was conciliatory inviting him to participate in the Brussels process after all the things that he had said. It surely can only be a sort of wink, nudge situation, "Look you are going to get most of what you want if you come along in this situation." I have gone public saying that an accommodation with Spain is in Gibraltar's interests and this has been a taboo word in the past, this has been bad language and I hope that that will change. The word 'accommodation' comes from the same root as Spanish word 'comodo', to be comfortable. That is to say, the difference between saying "an arrangement with Spain" and "an accommodation with Spain", is that in an arrangement we would have to say "What arrangement?", because it could be a very bad one. But an accommodation implies that it is a situation with which we are comfortable; with which they are comfortable with also. So an accommodation therefore, is the ideal solution; an accommodation with Spain. I think it will be a wonderful thing if in Gibraltar we had "An accommodation with Spain Party" because I think it would be the destiny of that party to over the next 10 to 50 years to produce an accommodation, a situation with which we are comfortable. A concession of sovereignty, a sell out of our rights, obviously is not an accommodation because none of us would be comfortable with that. In the past we had the AACR which lasted 50 years and fulfilled its historic destiny beyond the wildest dreams that they could possibly have when the party was founded. Association for the Advancement of Civil Rights; civil rights as against military rights and the balance was redressed admirably in the course of those 50 years. So much so, that in some aspects they may have actually been reversed because a couple of years back, a young man drove into my car and bashed it and I went to the insurance and they said he is insured and there is no problem. It is his fault and there is and there is no problem. He would not go and report it and I went to the police and they said I could take him to court, this is a civil matter, nothing to do with us and I could not get satisfaction anywhere until somebody said "He is a serviceman, go to the Provost Marshal". Within half an hour they came knocking on my door with everything arranged. Fifty years ago, before the days of the AACR, that would have been unimaginable, a situation like that. That is a lighter side. I have been accused of suffering the sin of appeasement and it is one thing for Joshua Gabay to accuse me of being an appeaser. It would be a very different thing for the Hon. De Bossano to accuse me of being an appeaser because he knows that I am not an appeaser. By sitting down to have dialogue with Spain, we are not submitting to whatever they want. We are not bowing down. In fact,

we want to have it out with them and we want to challenge them to their face and we want to take to the dialogue a positive agenda of our own to achieve the maximum possible aspiration of independence and nationhood that we could not possibly attain. There is in me then no attitude of cracking under pressure. It is not the mature fruit about to fall. Whenever I have the opportunity to speak to any Spaniard about this issue, I reinforce that here it is not a question of submission to what they want, it is not a question of being included in their constitutional arrangements, but this is a separate agreement that we want outside of their national structures. Between the concept of appeasement and surviving as a small nation, some may claim that there is a fine line, like tightrope walking, but we must be tightrope walkers then. In this world in which we live, tiny nations can only continue to survive by avoiding provocation of big powerful neighbours. We have the case at this very moment of Haiti and America. They have refused to consider the requests of America to protect its interests and its interests are simply not to be flooded with refugees. That is their main priority in this matter. Nonetheless, if they have not been able to have it 'a las buenas', they are having it by force. So, in order to survive as a small nation, we cannot be provoking powerful neighbours and we do aspire to nationhood. Has that not been the result that we have adduced from the celebrations of National Day, that there is an aspiration in Gibraltar to nationhood? How will we survive as a nation when we do constant provocation to Spain? The day that our self determination was acknowledged by the world, we could not suddenly change our attitude to Spain and from then on be completely different. Our attitude has to begin to change now in order to carve out a future for ourselves in a relatively hostile world. The Chronicle published some months ago an interview with the Chief Minister of Andorra and he was describing his policy at the United Nations and how their Ambassador in the United Nations was going to conduct their foreign affairs and they were exclusively going to vote there with Spain and France and if Spain and France were voting differently, then they would choose between those two options because they considered more important to maintain friendly links with Spain and France than to do their own thing and to play power politics in a world stage in which they were simply far too small to have megalomaniac aspirations. I am sure that if we go through all the micro states, certainly in Europe, like Andorra, Monaco, San Marino and Liechtenstein, high priority in their governments is to get on well with their powerful neighbours. If we want to survive as a nation, this is what we must do, but, of course, appeasing then would be to say "Look we cannot have a national day, because when we celebrate our identity as a people, it offends them". What I would say would be tough luck. That would be appeasement. But if on the other hand, we use our territorial waters as a refuge for smugglers escaping from their authorities, a desire to put that right is not appeasement because in that case they are right and that sort of provocation is intolerable in the long term and

works against our interests. When I was in the CPA Conference in Cyprus, I was in a queue beside a delegate from Singapore and I was asking him about his country and the great success that it has enjoyed and he said that the reason for their success is two fold. One is Lee Quan Yu and the discipline that he has imposed on the nation and the other is the effort that he has made to get on well with Malaysia, the powerful next door neighbour. That is one of the main reasons for Singapore's success. And if we get on well with Spain, if we achieve that, difficult though it may be, is the beginning of a better time for Gibraltar. So what is Britain's view in all this? We aspire to constitutional reform. How much can our constitution be reformed by Britain without the involvement of Spain? Already Britain is giving indications that not much more is going to come from that avenue without Spain's involvement and agreement. Personally, I was shocked when I was a Member of this House and I read in the Gazette that the Governor was not going to exercise powers of disallowance on laws (a), (b), (c) and (d). That, in fact, the Governor has to state that he is not going to oppose the laws before they come and I agree with General Jackson's proposals that the powers of the Governor should be re-defined and our own Government not have their powers defined. For various reasons, one, because I also aspire to nationhood here, but also because it gives Spain the wrong impression. Obviously, over the question of the airport agreement, Spain has shown itself to feel unjustly treated and sort of deceived over the question of the airport. So, it seems that when the British Government said to them "As soon as the relevant laws are passed in the House of Assembly of Gibraltar, Spain will be informed and they will start making these and other arrangements". Thinking that that was something automatic that would happen because Geoffrey Howe said it would happen and then when it did not happen, they feel that they have been deceived. Britain, I am sure, is determined never to use those powers. Those powers are now dead letter, but Spain does not understand it so and in order to clear up misconceptions in their mind, that that is a no go avenue, that is not an avenue through which solutions can come to the Gibraltar problem, it is best to close it in name also not just in the spirit of the thing, but in the letter of the law also. So I would definitely welcome that degree of constitutional change. Obviously, without any involvement from Spain, directly with UK and it might be possible to persuade them of this as a kind of last ditch constitutional advance that will not involve Spain. I think Britain is very clear in its mind that if Gibraltar is to prosper economically, we must have good relations with Spain and my impression is that Britain's anxiety in all this is also to do with honour. That is to say, they want to wash their hands off the problem but in an honourable way. In a way that does not impugn their honour and for that to happen Spain and us have to be friends. We may survive as a community without Spain's friendship into the future, but certainly we will not flourish. So the economic need then for an accommodation

with Spain is a driving urgency in this matter. Why should we be the only poor micro state in Europe? The frontier needs to be wide open for tourism. The 250,000 British ex-pats that live up the coast love Gibraltar and they would love to do all their banking, go to doctors here and all this, but, of course, that the problems that Spain puts to their use of Gibraltar, puts them off. We need also the Spanish tourists to come from the whole region and spend money here, but if they have to spend an hour in the hot sun in the queue when they go back home, they say to their neighbours "It is all very nice but you have to go through all this problem" and it puts off others from coming. Because the fact of the matter is that we are dependent on trade from Spain and on tourism from Spain and it would be a very serious matter for us if Spanish threats about the frontier are carried out. The problem of our political instability caused by this triangle of Madrid, London, Gibraltar, does a lot of harm to the finance centre and recently we had a prominent local banker making exactly that point. Certainly in the two occasions when through the CPA, I have had contact with people from the Channel Islands, certainly they give top priority to the question of political stability for the flourishing of finance centres and the question of our difficult relations with Spain prevents a lot of business coming to Gibraltar. The GSLP in its manifesto and in recent answers to questions in the House of Assembly has stated that it gives its priority to economic affairs and not to questions of relations with Spain, so that if, for example, I were to ask in the House of Assembly at question time and say "People are fed up waiting an hour in the queue to get into Spain, why does not the Government do something about it?" They would say "This is part of life in Gibraltar, we have to put up with everything that they dish out and we must get on working for our economy and suffer whatever they dish out". Unfortunately, the question of our economic future and our relations with Spain is on a day by day basis, more clearly to be seen and the link between the two. This is a democracy and if the majority of people are convinced in Gibraltar that no concessions must translate into no dialogue, and no hope of a settlement with Spain in the future or improving relations, then, we must live with the results and the results are going to be a continually winding down recession. We cannot keep blaming the Gulf War or the world recession. They are local problems and they are all related with our poor relations with Spain. The legal status of Gibraltar depends on the Treaty of Utrecht, much though it seems to us a total irrelevance that such an old treaty should have any bearing on our daily lives. Nonetheless, if Spain and Britain say that our legal status depends on it, then for all practical purposes, it does depend on it. This is an anachronism which we should aim to put right, so that the positive agenda that we take to dialogue with Spain should be an acknowledgement from both sides, from Britain and from Spain, that Utrecht is dead and that something new is going to be put in its place, that recognises the rights of Gibraltarians over their land. At the same time, in that very difficult but possible balancing act, taking into

account Spain's historical claim, through a pattern on the lines of Andorra. This new treaty that could be the result of dialogue with Spain, would result in security for Gibraltar over the next generations; security and prosperity. It would also make possible for us a new relationship with Europe because at this European movement meeting of micro states recently held in Andorra, there was no desire on the part of small states, obviously, to club together, as Dr Valarino had previously suggested, in order to enhance their position in Europe because, as was told by our delegates there, that they were so disinterested that they did not even turn up. So, clubbing together to form a stronger lobby was not on their agenda. We are faced with, we are told, a horrible prospect of 15 years backlog of laws. Many of them practically indecipherable and totally meaningless to Gibraltar's way of life that we have to transpose locally and with all the technical problems that it involves. Andorra being outside the political structure does not suffer any of those problems and would have been in a position not to pay, for example, the Spanish pensions and would have been in a position not to need the 1st July law, with all its bad feelings attached to it and so on because it simply legislates for itself and they have certainly no desire for Euro-elections or MEPs or anything like that. Their community life is well established and they feel no need for those things which they consider a luxury for larger nations. I have said in the past, Mr Speaker, that the new optical illusion of progress in Gibraltar is the Chief Minister's masterly expositions to the United Nations of the Gibraltar case and my personal belief is that this is unlikely to get us very far. Not because of anything that the Chief Minister has not done enough of, simply because of failures in the structure of the United Nations itself. The fact that Mr Lohia was mumbling under his breath at the end of the speech, that the wishes of the people are the most important thing, makes him a hero in Gibraltar overnight, but the question is is he willing to lay his career on the line for little Gibraltar. One can easily imagine his boss sending for him, saying "Look we send you to a cushy number in the United Nations to protect our interests, not to complicate us with problems with Spain, what has it got to do with us, let them fend for themselves?" and so on. Unfortunately, it is not a court of honour in which our problems are going to be solved. So I do support the Hon Mr Bossano's stand in the United Nations, but we must not pin our hopes. We must not put all our eggs in one basket. We must not think that that is the way, it may help us forward but at the end of the day, we must sit down and have dialogue with Spain because even if the United Nations overturns its resolution and recognises our right to self determination, it is not going to submit anymore than it made Britain submit. Therefore, that process of dialogue and negotiations with Spain must still be faced, if we are to face a good future in Gibraltar. We have had hints of the Chief Minister taking a new tougher line at the United



Nations and if this is so, it must be very tempting to say to them, "Look, are you here a lot of puppets or do you believe in the Charter of the United Nations or what are you going to do about our problems?" The thing is that even if they address themselves totally to doing something for Gibraltar, we are still left with a need for sitting down for dialogue with Spain. The new line that the Chief Minister is planning to take in the United Nations, I think, will explode once and for all the myth that has been created locally that the line that Sir Joshua Hassan took at the United Nations was very well intentioned but mistaken, that by saying we wanted to be with Britain alienated us from the Decolonisation Committee and that now because we have a different approach, we say we want to do our own thing, that now they are much more favourable and much more disposed to help us. That is the myth that I think that will be unfortunately exploded over the next weeks and months at the United Nations because it is really a lot of countries who go to the United Nations to protect their interests on a tit for tat basis, we could say. What we can do for them later I do not know. Brussels, as I have said, has many unpalatable aspects for Gibraltarians. There is a kind of fudge to it as though Britain is bringing to this dialogue all its political baggage and Spain is bringing all its political baggage and then we have to in an unclear position try and sort out our.... An element of fudge in international agreements is fairly common because politics is not like law. It does not function on minutiae of law, but on perspectives and attitudes. In my view, Brussels presents us with a potentially effective forum for negotiation and therefore because we are not committed to anything, we can safely attend with Britain's help. The GSLP manifesto states that taking part in Brussels requires supporting the terms of reference and that is totally wrong. Sir Joshua Hassan participated in Brussels without supporting its terms of reference, reserving his case, reserving Gibraltar's position and certainly if I had anything to do with attendance at Brussels, I would make crystal clear in the very first opportunity that my presence there was not to be interpreted as an acceptance of the United Nations resolutions or of any question of integration with Spain, but a sincere search for dialogue and a potential meeting of minds between us and a search for mutually beneficial concessions. And certainly, there has been, as I mentioned before, many hints of those requirements being met. The very strong position that the Hon Mr Bossano personally has taken with regard to the Brussels process, of course, has put us in a position where he personally is now an obstacle to dialogue. So he may be in a position like King Canute. King Canute went down to the beach with all his court to show them how he would order the tide to go out and it would obey him, and of course the tide insisted on coming in, so he promptly changed his order and said to the tide "Tide come in" and the tide was coming in, so he said "You see, it obeys me". I think, perhaps that kind of thing is what is required of the Hon Mr Bossano. There

is no need really to change greatly attitudes to the structures of Brussels. What there is is a need to change the attitude to dialogue generally. One of my favourite legends in the history of Gibraltar, and I am told that it is a legend and no more, is that of Queen of Spain's chair. On the top of the closest mountain in Spain, where it is said in the history of Gibraltar, at the time of the Spanish siege when it seemed likely that the siege might be successful, the Queen went and sat on the top of that mountain and said to the army, "Look, I am staying here until such time as I see the Spanish flag flying over the Rock of Gibraltar". Of course, when the siege was beaten off and the military disbanded, the Queen was left in a very embarrassing position, stuck there at the top of the mountain. It is said that a Spanish gentleman came to the Governor of Gibraltar and explained the position and he promptly said "Look, tell her to look through the telescope at the flag at 3 O'clock and I will run up the Spanish flag for a few minutes. No loss of sovereignty. Honour satisfied all round and a meeting of minds and no harm done to anybody, on the contrary, mutual relations fostered. I would recommend this kind of message going out from the Hon Mr Bossano that even though he is not keen on the structures of Brussels, a positive attitude to dialogue would help Gibraltar out of its difficulties. My position I have made clear in this House before with regard to the question of the Spanish flag, as we have just been about the Spanish flag and the Queen of Spain's chair. My position with regard to the Spanish flag is that it will never fly over Gibraltar with my consent in my lifetime. And I say that to any Spaniard that is willing to listen. My position as regards concessions is that the thermometer which regulates concessions that can be made and concessions that cannot be made, is that at the end of the day, we have to be recognised as a people in our own right, with sovereign rights over our land which we have accrued over 300 years. Any concessions which leaves that intact, it is possible to make. Any concessions that destroys that is out of the question. I believe that dialogue with Spain, with the readiness to make mutual concessions, with the view of establishing a new treaty in which Gibraltar can find security and prosperity is the only hopeful road ahead for Gibraltar and with that in mind, Mr Speaker, I commend the motion to the House.

Mr Speaker proposed the question in the terms of the motion moved by the Hon P Cumming

HON CHIEF MINISTER:

Mr Speaker, although the Opposition Member has spent most of the time that he has been on his feet talking nonsense, I am afraid we cannot treat what he has to say as a joke. I have attempted before to make him realise just how serious are the consequences of all the rubbish he normally talks, which in a democracy he is perfectly entitled to do but not under the mantle of being an elected representative of the people of Gibraltar. As an individual citizen, if he said 10 times as much as he has said today, and if people chose to publicise it in Spain, it would not make any difference because they would not be able to attempt to draw from it the conclusion that he reflects a tendency in our population which is democratically represented in this House and in whose name he is expressing the views that he is expressing. Nor that I am ever sure what it is that he wants or where it is that he stands, because as I take notes down from what he says, every three notes I come across his fourth statement, which immediately eliminates what he said in the previous three. The last of which is his concluding sentence that what he wants is our sovereign rights as a people over our land, having said that he wants a new treaty to replace the Treaty of Utrecht. Having said, we cannot expect to get self determination recognised by the United Nations or anybody else. Having said we are on our last legs economically and really we can only survive on Spain's sufferance, so the concession that we have to make to them is to say, "Please what would you permit me to do?" Nobody can take him seriously but he has got the right to put those views to the people and if he can convince sufficient of them that they should follow his leadership, then he can go along under Brussels or Lisbon or the new Treaty of Utrecht or the Cumming Andorran state or whatever he wants to call his process. He can go with the right given to him which he does not have today. Therefore, there is only one answer that I can give to his motion and that answer is to move an amendment to the motion and the amendment is to delete all the words after the word "House" in the first line thereof and substitute it by the following:

- "(1) Deplores the policy of the Spanish Government to continue with the harassment of the people of Gibraltar introduced in the 1960s by the previous Spanish regime;
- (2) Condemns the views expressed by the Hon P Cumming since April this year concerning relations with Spain;
- (3) Declares that such views did not form part of the policies on which the Hon P Cumming sought a mandate from the electorate in January 1992 to obtain membership of this House;

- (4) Therefore censures the said Hon P Cumming, calls on him to resign his seat forthwith and test the support he claims exists for his views by seeking a fresh mandate from the people."

Mr Speaker, the Opposition Member said in the House during the Budget session that he would not be testing his views with the electorate by creating a by-election by resigning his seat, that he would only do it if I asked his Excellency to dissolve the House and I have made clear that if it becomes dangerous enough, the Government may feel it has no choice but to go down that route but, frankly, we do not see why we should have to end our term of office prematurely because he has chosen to take a different view because we are still defending the views, which he may not like, which we defended in 1992. We do not think it should be necessary for us to go back to seek a mandate for our views because we do not want to change our views and we do not want to seek a fresh mandate and I am not going to do like King Canute and welcome the Brussels Agreement. In any case, I do not think the views that he has put in this House today have got anything to do with his support for the Brussels Agreement because if he thought the Lisbon Agreement was a black day for Gibraltar and the Lisbon Agreement said that the differences between the two countries had to be discussed and the Brussels Agreement says the issues (in plural) of sovereignty well if the first one was black, the second one must have been pitch black. How can he possibly be in favour of it? He has just put a stronger argument than I have ever put and let me say that when the Lisbon Agreement was announced, it was only opposed by me in this House. I continued my opposition but I had gone to an election saying I was against it and when the 1984 election took place, whether I liked it or I did not, it was won by the AACR defending the Lisbon Agreement. That is what the essence of parliamentary systems are about. That one goes to the people to say what one feels is right and good for the people. He may be saying what he thinks is good and right for the people, but he has not got the right to say it and he has got to have the courage of his conviction. If he means what he says, if he thinks that he has got the support, he knows as well as most of us that in fact, if he went to the people today and asked for their support for the nonsense that he has been saying, the dangerous nonsense that he has been saying this morning in this House, he would not come anywhere near getting elected. He knows that and he is therefore abusing, betraying, not the vote of the GSLP, the votes that he got in 1992 which he did not get to say the things that he has said today. How can he say in this House that we and Spain are like Israel and the PLO, bludgeoning each other. When have we ever bludgeoned anyone? It is not as if we have a terrorist movement because we did not recognise the State of Spain. We recognise the State of Spain. We welcome the fact that there has been a change. We are glad to see

that it is now a democratic country. The only thing that we regret is that democracy stops at La Linea and does not cross the frontier. But it is not of our making. It is not Gibraltar or my Government or any preceding Government that has questioned the rights of Spain as a member of the European Union. In fact, without my support and without the support of my party, Gibraltar actually gave them the rights in Gibraltar 11 months before they had them anywhere else in Europe. We gave it to them, Mr Speaker, nine years ago and they are denying us nine years later, what we gave them nine years ago before they were entitled. We did not give them EEC rights on the 1st January 1986. We gave it to them in February 1985 and they are blocking our rights in 1994 in the EEC, questioning the legitimacy, blocking an External Frontiers Convention since July 1991 because they say the EEC ends at the frontier of La Linea. Well, how could they claim in 1984, that we were in the EEC and in 1991 that we are not? Because they will use whatever arguments suits them and that is more than sufficient cause for the people of Gibraltar not to trust them, to resent them, not to believe anything they promise, more than enough and for a member of this House to try and make the case for Spain in the House of Assembly is shameful; unheard of. Everytime the hon Member opens his mouth, he digs a bigger grave for himself because today he has expanded on this constitutional relationship and revealed things which I have never seen before expelled by him in any letters or in any interviews, even though he appears with extraordinary frequency, he is the star show on GBC nowadays. He tells us that the new treaty will provide a status which will not make us part of the Spanish State. He says the comparison with Andorra is that we will be able to follow the example of Andorra in not having to impose huge amounts of EEC legislation. Well, has he ever explained to people that he thinks the solution is that we leave the European Union? Because that is what he is saying. Or does he not understand that that is what he is saying? The issue is not whether Andorra wants to join, which in fact, it does not need to join, because whether he knows it or he does not, it has got an association agreement which gives it virtually 100 per cent of Community rights, anyway. So it is not a question that it does not want to join, but is he saying that we should leave the EEC because we have been in since 1973. Does he not understand the difference between not joining and coming out? Does he not understand the enormous upheaval? He talks about the success of our economy. If it is even hinted to people that there is a possibility that a future Government of Gibraltar might want to negotiate the exit of Gibraltar from the EEC, we would not get anybody coming here. Not the people that we are getting here on the grounds that they have market access to the European Union. We may have obstacles put in our way but it is one thing to say that we have obstacles put in our way and another thing is to say that we have no rights. Fighting for our rights is not not wanting to have dialogue with our neighbours, is not not wanting to be friendly with them. In fact, I think the reality of it is that we are more than justified in being hostile to them but it is not what we are doing. We are not engaged

in a policy of going to war with Spain. We are engaged in a policy of demonstrating that the war that Spain started under General Franco has not finished. They are just using more sophisticated weaponry. Instead of attacking us by sending troops to try and cross the lines from La Linea, where our descending carriage was able to kill them on the neutral ground, they now have remote control exocets which they shoot at us from Brussels. The war has not finished and our armoury must become sophisticated to protect ourselves and the sophistication of our armoury and the nature of our case is that the hon Member may be right in saying "Who is going to stick out his neck in the United Nations in the Fourth Committee or in the Committee of 24 to defend the position of Gibraltar even if our position is 100 per cent legitimate and correct?" The very concept of the rule of law which we in this House are elected to translate into our Ordinances is the fact that an individual may not be powerful does not deprive him of the right to expect the protection of the law and we are saying to the international community, "We are entitled to the protection of Article 73 of the United Nations Charter". A man that does not believe that one is entitled to do that because one is too weak, means that he does not believe in the system at all. He does not believe that the rules matter because it does not matter whether ones rights are being taken away. It matters whether one is powerful enough to force people to recognise ones rights. By that definition, of course, Belize was totally mistaken in fighting for self determination and decolonisation because Guatemala had a claim on its territory. But, in fact, Belize eventually got its independence and eventually got Guatemala to give up the claim but they did not get it by doing what the hon Member claims should be done. They did it the opposite way. They did it the way we are doing it. We have not invented this system. This system must have been there since Mahatma Ghandi, not since King Canute and it is every colonial territory and every people and the hon Member cannot do two things. He cannot dress himself red and white one day a year and say "I defend our national day" and then 364 days a year undermine what we did on that day. He cannot do that. He cannot do that unless the people of Gibraltar give him the authority to do it and he has not got it today. I have tried gently to get him to understand the danger. I have said to him in the past, Mr Speaker, that I would give him the benefit of the doubt, that I would assume that he was doing this with the best of intentions, but that he had to be careful because what he was saying and what he was doing was capable of misrepresentation. He lapse it up. The misrepresentation does not worry him. The more they put him in the Spanish press, the more often he seems to want to go over there and tell them things and he has told us today that he says to them that as long as he is alive the Spanish flag will not fly over Gibraltar. Well, if we take his analysis to its logical conclusion, suppose all that we are talking about is an insignificant nominal putting of the Spanish flag, which all of us in Gibraltar felt did not really matter and the only person that felt



strongly about it was the Hon Mr Cumming. Surely we should make him a martyr for the cause, bum him off, he is no longer alive and we can do a deal with Spain, where Spain will give us everything we want and we all have the Spanish flag at Moorish Castle and Peter Cumming is dead and everybody is happy. Is that the solution to the problem? The answer is of course that when the hon Member says the words "An accommodation with Spain is tabu" he is right because if an elected Member of the House of Assembly says, "I want an accommodation with Spain", then he is creating a situation of what does an accommodation means? Something that we are comfortable with he says. He may be comfortable with it but he has not got the right, the majority or the support to propose things that he is comfortable with without first finding out who else is comfortable with it. The people on the other side are not going to be less encouraged to make life difficult for us by what he is saying. Does he not understand that every time he opens his big mouth, Mr Speaker, and says "We are going to go totally downhill because of the difficulties that Spain is making", he is encouraging them to make more difficulties; the difficulties that Spain puts in the path of Gibraltar's rights. We are not asking for anything else. We are not saying to the neighbouring country "We want you to give us special treatment". We are not saying like the Andorrans said, "We want you to allow us to take containers of duty free goods into Spain". We are not saying that. What we are saying is "You joined the club in 1986 and we joined the club in 1973 and although we do not think that because you came in 13 years late, you have to be treated any differently, and therefore, we allow Spanish nationals in Gibraltar, we allow Spanish visitors in Gibraltar. We do not discriminate between trade with Spain and trade with any member of the Union. What we do not think you have the right to do is to come 13 years after us and then close the door and leave us outside. We were there 13 years before you." The whole concept that the entry of Spain into the European Union would create the new climate for dialogue is a farce. It has not happened. We have got today NATO Ministers in Seville. The rhetoric of the military presence in Gibraltar today is the same rhetoric that there was in the 1960's when Spain was not in NATO. It has not changed because it does not matter what the rhetoric is. What the objective is we all know. What does the hon Member mean when he says concessions, but not concessions about sovereignty. Well, if he is talking about a treaty that replaces the Treaty of Utrecht, arising out of negotiations, it can only be negotiations between sovereignty, presumably between the two parties to the Treaty of Utrecht, unless he thinks that Spain is going to sign a treaty with us as opposed to the United Kingdom to replace the Treaty of Utrecht. When he talks about the accommodation with Spain and that perhaps the solution is to have 'The Accommodation with Spain Party', well right, all that he has got to do is support my motion, go tomorrow and start 'The Accommodation with Spain Party'. Then when he gets obliterated from the political scene he can as an individual citizen keep on writing as many letters as he wants but of course he will not be presented in the Spanish media as a current of political thought, now with mass backing from the Chamber of Commerce and the Transport and Workers

Union, according to Patricio Gonzalez in Algeciras. I do not know whether the hon Member who frequently claims to have many people who think like him but who are not prepared to come out and say so openly and I cannot imagine why. He spends a lot of time in this House giving us medical assessments about the state of the mental health of our people. He portrays himself as a latter day Sigmund Freud, when he makes his contributions to this debate. It is, of course, a well known fact that there are some mental patients who actually think they are the psychiatrist and that all the nurses and all the doctors are the patients. That is well known. By saying that the "Accommodation with Spain Party" would then sit down to come up with a new status for Gibraltar which makes us have the maximum possible degree of independence and nationhood that we can attain, he is saying that it would come up with the maximum possible level of independence and nationhood that Spain would grant us. That means that he is accepting that we are a Spanish colony, because colonies decolonise by negotiations with their colonial masters not with their neighbours. Belize did not negotiate its self determination with Guatemala. It negotiated it with London, but it then said to London, having established the right, "I am not going to be so stupid as to exercise that right until I have got guarantees of protection against Guatemala". To the extent that, in fact, until very recently, when our Governor went over there, there was a Gurka regiment of the British army stationed in Belize to protect its territorial integrity because of the Guatemalan claim; years after its independence because it got its independence in the 1960's. But, of course what does that show? It shows what comes first and why is it that we have to insist that the right of self determination has to be recognised because if it is not recognised, the only way that we are being given a say in anything is on sufferance as a concession to us? If we do not have a right to say "The soil of Gibraltar belongs to us" and it was said by every hon Member of this House in 1964, for heavens sake, 30 years ago. If we do not have the right to say that and saying that is rejecting the Treaty of Utrecht, let us be clear. There is no question about it. The Treaty of Utrecht under no circumstances says "The soil belongs to anybody other than the British monarchy or the Spanish monarchy". If saying that is an assertion of our view, then getting that accepted must be a condition of dialogue. Not because we are putting precondition as to what one says and somebody else says, but because we have to say "Who am I and who am I representing and I represent the owners of the soil?". If what we are discussing is what is going to be the rent I pay when my landlord sells the property over my head and I get a new landlord, then that is a game that we are not prepared to play. The hon Member, whether he knows it or he does not, is playing at that game and when he quotes things, he quotes it with total lack of having done his research. Singapore's success is not as he claims to me because of its wonderful relationship with Malaysia. He may not know that when the Malaysian Federation became independent from being a British colony, Singapore was,

in fact, part of Malaysia and what Singapore did was it deceded from Malaysia; broke its territorial integrity - that wonderful concept that had been worrying Spain for 300 years - and had a very hostile relation at the time of the break when it went independent. The years have passed and since then there has been a good improvement in that situation because of mutual trade and mutual development, but it did not start like that. It started by the Singaporeans saying, "We do not want to be a part of Malaysia. We are breaking away". Totally contrary to the definitions in the United Nations Resolution 1514 which Spain quotes in our case. That is what Spain says in the United Nations is prohibited, that we should have decolonisation by separating from an existing sovereign state. That is precisely what Singapore did and it was accepted. In 1967 when we were having our referendum here, as I quoted when I spoke to the United Nations, Anguilla that was part of the independent state of St Kitts, Nevis and Anguilla, broke away from that independent state; breaking its territorial integrity in 1967 not in 1704. The United Nations accepted that that was the will of the people and the one part of the colony that had gone independent wanted to go back to being a colony and it was accepted. Our case is irrefutable and we must not give up on it. The argument is that we have to put on the table our dignity as a people, our commitment to our country and our determination to get recognition for our rights, because otherwise the economy is going to go downhill, not because we are incapable of developing a sustainable economy, not because of that, but because we will not be permitted. The hon Member is saying "My advice to my people in Gibraltar, who voted me to this House, is that we have got a very powerful neighbour who is blackmailing us and that the response to the blackmail should be, I will sit down with you and try and negotiate as cheap a price as you will let me get away with to get you to remove the blackmail". That was a view that the people of Gibraltar rejected in 1964 when a fascist country imposed a blockade on Gibraltar in order to deny the Gibraltarians their democratic rights to say what they want and to determine their future and it was rejected in 1964 and it is unacceptable in 1994 and if he wants to put a different message, he cannot put that message to the Foreign Office in London or to the Foreign Office in Spain until the people of Gibraltar give him the power and the right to do it and he has not got it today, but that is the message he is giving. He is saying, "Under pressure the Gibraltarians, who are all stomach, will no longer fight for their rights and their dignity. Put them to the test and they are men of straw". Well that may be an opinion that the hon Member may have of himself and of the group that he says supports him in secret, because they have not even got as much guts as he has got to say what they feel. It is not the view of the majority of this House and it is not the view of the majority of the people outside this House. The hon Member clearly leaves himself totally exposed in his analysis by making it correlational with our economic performance the degree to which we have to make concessions to Spain in order to survive. He has made that crystal clear. He said we cannot feed our children on self determination.

Of course, we cannot feed our children on self determination. Nobody in the whole history of the 50 years of the United Nations has ever claimed they could feed their children on self determination, but it did not stop them saying, "We are entitled to it" and that is all we are saying. We can feed our children simply on the exercise of our Community rights which we have theoretically had since 1973 and on the ingenuity and ability and versatility of our people, who could be in competition with 400 million Europeans in a market without artificial obstacles put against us at the behest of Spain, like the External Frontiers, like the airport deal. And like banking where we know that they have been since July 1992 and we have only known that for one week, but we now know and we now have the evidence - which when the time comes will be made public - to show how they have been blocking our banking licensing system and we did not know it. We thought the problem was with the Bank of England, with the Treasury and so on, but we suspected that it might not be and now we have got the evidence. What should we do? Should we go to Spain. What is the concession? The concession that the hon Member says is not going to be a concession on sovereignty, not going to be a concession of the flag, it is going to be just minor. What is this minor concession that will make them remove their objection to our banking system, just one of the many things they have to remove in exchange in this tit for tat. What is the tit he is giving for the tat, because he does not seem to hold that many tits, Mr Speaker? He has removed the flag, so that is one tit gone and he has removed a deal on sovereignty. I see little else to persuade Spain to dramatically change a policy which he is telling them is beginning to work. The message that he is sending people in Madrid, does he not realise that, is that the fruit at long last is ripening. It did not ripen for poor old Franco to see it on his death bed, as he had hoped, but it looks as if it is going to ripen from his vision before Felipe Gonzalez goes to greener pastures. That would appear to be the analysis of the hon Member and the message has been taken to the Palacio of Santa Cruz, where all these things are carefully monitored. They will no doubt be saying perhaps we are beginning to see cracks in the edifice after all. We have to defend in this House the right of an individual citizen to put forward whatever view he wants to put forward. If there is somebody in Gibraltar who wants tomorrow to come out publicly saying "I believe that Gibraltar would be better off being a part of Spain and a part of Andalusia", he has got the right to say "That is what I believe". What he has not got the right to say is, "I am going to propose it" unless he gets elected by the people to give him the mandate to propose it. The hon Member has not got the mandate for one single sentence of the things that he has said here today and he cannot be allowed to continue saying them. He has got to understand that. He has got to understand that what he is doing is not simply wrong. If he really talks about wanting the best for Gibraltar and the best for our children and the best for our grandchildren, he has got to understand the enormous damage that he does, because at the end of the day, Mr Speaker, we are the Government. We have to handle these relations as a Government. We can have an opposition party elected on

a different platform that says they do not agree with our strategy and they do not agree with our approach and they would have a different approach if they were the Government and that is perfectly natural. One has to live with that. But what we cannot have is a maverick who does not agree with anybody except that he thinks that everybody secretly agrees with him but they have not got the guts to say it. Because, of course, it may suit other people to believe that that is the case and it may suit other people to believe that the tougher the going gets, the more Cummings there will be in Gibraltar. I do not believe that that is true, but there may be other people that do and therefore he is then partly encouraging the worsening of our relations when he is pretending to do the opposite. Of course, it is very difficult to say to the Government, as the hon Member is saying in his original motion - which, in fact, little of what he said has got any relevance to what the motion says - urging the Government to establish a process of dialogue in order to attempt to improve these relations, the answer is very simple. The problem with the relations is that the things that are damaging us are the result of a position adopted by the Kingdom of Spain in the United Nations in 1964 and which has not changed in 30 years. That is what is damaging us because every argument that Spain puts in an EEC context is based on disputed sovereignty. It is not based on anything else. The Spanish Government have not said in the European Community, "We do not think the Gibraltar banks should be allowed into the rest of the Community because they are badly regulated". They have not said that. They have not said, "We do not think that the lawyers in Gibraltar are professionally qualified". They have not said that. What they have said is, "Gibraltar is a piece of Spain occupied by Britain and therefore there is no such thing as a Gibraltar licence, it is either a Spanish licence or it is a UK licence. It cannot be a third licence which is neither (a) nor (b)". That is not an argument about banking, that is an argument about sovereignty. We cannot, therefore, counteract their argument by saying, "I am going to send a very qualified person to give them a licence." "But, I am not disputing the qualifications of the issuer of the licence. I am questioning the legitimacy of the currency". That is not recognising the banking passport, it is no different from what Franco did in the 1960s when he said, "I will not recognise the Gibraltar passport" because the Gibraltar passport said 'Colony of Gibraltar. Issued on behalf of Her Majesty the Queen by His Excellency the Governor'. And they said, "Gibraltar passports are not recognised" because that is giving a status to the Gibraltarian which they will not accept. They did it about the passports of the citizens of Gibraltar in the 1960s and they did it in 1993 about the passports of the banks. Clearly, the philosophy is the same. That is the philosophy that needs to change. The only way in which we can have, not an accommodation, because that is the wrong word, a neighbourly European democratic relationship with Spain is the way that Portugal has it with Spain and the way that France has it with Spain, which is on the basis of mutual respect, on the basis of accepting that we recognise their existence

and they recognise our existence, that we understand that they believe Gibraltar should be a part of Spain and they understand that we believe Gibraltar should belong to us. Then we can argue till the cows come home and we may or may not be able to reconcile different positions, but we cannot start from a position where we accept their view of history, but they do not accept ours because by accepting ours, according to the hon Member, we win the day. How can he say in the same breath that he stands for the inalienable right of self determination, which he has to, because that is what he stood for in 1992 when he got elected. He has got no choice. If he is going to pretend to have any legitimacy at all, he has got to stand by that. But how can he say he stands by that and then go on to say how can we possibly expect Spain to recognise our right to self determination, if they start off by recognising it then we have won the day? That is what we are entitled to say because everybody else has gone through that process. The hon Member is totally wrong. Does he not understand that the problem in relation to resolving the war in the Middle East between the Palestinians and the State of Israel was precisely the question of recognition? That was precisely the problem. The position of Israel quite simply was they were not prepared to talk about the future without talking about the past and the present and the past and the present required that their Arab neighbours recognise the State of Israel. "How can I sit down and talk with you if you say I do not exist?" Equally, on the side of the PLO, their position was that they were the legitimate voice of the Palestinian people and that therefore any discussion about the future of Palestine had to be with the PLO and there had to be an acceptance and a recognition that it existed. It was until the point of recognising each others existence was reached that no dialogue was possible because the dialogue could only be between parties that accepted each other as a reality without necessarily saying, "Look the PLO is the legitimate government of a sovereign independent Palestine," which they did not do, and which they have not done since, but they recognise it as an entity and with all that we are seeing the toing and froing in Northern Ireland, are we not seeing a process which by legitimising Sein Fein is recognising the reality of what the IRA has stood for in all those years? To me, therefore, the tragedy of those examples is that it is almost as if the international community were sending us a message that the reason why nobody pays any attention to us is because we are too peaceful. That is nonsense, how can we say that, how can we possibly believe that? But it is true that when they start killing people in Bosnia, everybody says Bosnia goes to the top of the list. We believe that the arguments that were put in 1964 on the rights of the people of Gibraltar have not been eroded by the passage of time. If anything, they have been strengthened. The position of the hon Member is that he himself says he would never have put in the 1960's. What is the difference between 1964 and 1994, that we had a big military presence, that the MOD in 1964 employed three quarters of us? What is he telling us? Is he telling us that his vision of his fellow citizens is that we all wave the Union Jack if the

hand that feeds us is British and we all wave the other flag if the hand that feeds us is the one that comes from Marbella, is that what he is saying to us? That is not what the people of Gibraltar are. The people of Gibraltar were waving the Union Jack not because there was a huge military presence here, but because they saw themselves as being defended by the United Kingdom against the Spanish aggressor. Like the people in the Falkland Islands were defended in 1982 against the Argentinian invasion. That is what makes people feel a sense of loyalty and gratitude to the United Kingdom because they stood by us and defended our rights. The hon Member may have a different point and perhaps a more valid point in saying that the national interests of the United Kingdom no longer coincides with our national interest, which he has also said, but that is not an indictment of our people, that is an indictment of the policy of the British Government that they will say "I defend the principle when it suits me and when it does not suit me because I no longer have my national interest at stake, then I water down my commitment to defend the principle". That is what he believes that the UK is doing and he is not alone in believing that. There are many people that have come to the conclusion that today the United Kingdom is less forthright in defending our interests because they no longer have an interest in Gibraltar militarily. Clearly, what would be true would be that if they had contemplated in the 1960's handing us over to Spain, which they did not, and I do not think that they are contemplating that now either, but if they had contemplated it then there would have been a very vociferous military lobby against it which is no longer there, and that is a reality that we have to recognise. That for us, quite apart from the contribution in terms of employment and in terms of income to our economy, the military were a good political ally. That is the truth because the military would say, "There are important reasons for the security of the United Kingdom that make it essential that we retain a base in Gibraltar". That argument regrettably cannot be paraded anymore. They are all sitting in Seville, for heavens sake, discussing NATO. What is then the security of the United Kingdom now that requires a military base in Gibraltar? We are entitled to say to the United Kingdom, "We were there when you needed us, we have served you loyally for 300 years, we painted Gibraltar red, white and blue when that is what suited you in 1967 and now we are not asking you for charity. We are asking you simply to stand by us and defend our rights as you would defend your own, as you would defend your fishermen, as you would defend your banks, to defend us, because we are not permitted to do it ourselves by you, because you say that giving us the control and the representational right to handle our foreign affairs is not a constitutional step that we can take because that brings you into conflict with Spain and the Treaty of Utrecht. Then, you are doing it on our behalf and you are doing it, not on the basis of saying this is what is good for Gibraltar and this is what is good for UK, but there is a conflict of national interest and therefore my national interest means that I can now squeeze Gibraltar." No, that does not mean that, I am sorry. That is an abuse of the

position that they have constitutionally in Gibraltar. The position of the administering power under the Charter of the United Nations, is that they are administering the colony for the benefit of the people of the colony, not for the benefit of their closer relationship with Madrid. So, therefore, our response to that has to be a response of saying "We will not put up with this". But, of course, if we stand and say we will not put up with this and that means that one member of this House says "Now we are going to war with the UK, as well as going to war with Madrid". We are not the aggressor. We are defending what is ours and we should not need to. We are entitled to expect the United Kingdom to take the same line on every issue in relation to Spain, that they have taken on the External Frontiers Convention. If they have taken that line on the External Frontiers Convention because there is a coincidence of the national interest of the United Kingdom and the national interest of Gibraltar, then the hon Member is right in saying where the national interest coincides, there is one kind of approach and where the national interest does not coincide, there is another kind of approach. That analysis should not lead him to recommend to the people of Gibraltar that we must accept because we are too small and they are too big, so we must find out what they permit us to do, because really then, what are we doing here? What do we want elections for? How can he say that he finds offensive that in this day and age the Governor should have the power of disallowance over the Bills passed by this House? The Governor, in theory, exercises that power in the name of Her Majesty the Queen who, I am sure, does not have a clue what we do in this House, so really it is political control by the British Government which frankly, I agree with him, has really no place in the democratic process but then he is abdicating in all the other areas where the British Government has not even thought of interfering, that we should effectively seek their permission before we even speak. In fact, if we were to take, I imagine, the clinical approach of looking at the responsibilities of this House and the responsibilities of the United Kingdom, we are not even allowed to debate the motion we have got here because the Constitution makes it very clear that foreign affairs is totally outside our province. We are not entitled under the Constitution to say who we want to have relations with outside Gibraltar. It has to be done by the British Foreign Office. It is not the responsibility of the Government of Gibraltar to go into dialogue with a foreign country, which is the Kingdom of Spain. We do not accept that view, of course. But, that is strictly speaking what the Constitution says, and that is because the Constitution is 25 years old and smells. Notwithstanding what the Constitution says, we believe we have got a responsibility to behave in consonance with the basic mandate that we asked for in this particular aspect of our responsibility when we went to an election and of course, taking into account at any point in time, strategically, what is the best way to tackle a problem or not to tackle a problem. I would have thought he would have learned something from his days in the trade union,

one does not go into a trade union negotiation or any other kind of negotiation by parading to the four winds what all the arguments are going to be before even getting there. That is what he is doing all the time. Even if it were true, which I reject, that Gibraltar cannot survive economically without Spain being normal to us, that is to say, without them removing the illegitimate, unjustified neo-fascist tactics that they have got, even if it were true, and I do not think he described them that way, which I reject, we should not be saying it, even if it were true. By saying it we are putting even worse ideas in their heads than they have got up with this morning. Mr Speaker, I really, having tried to simply show the analysis of the hon Member to be full of contradictions and inconsistencies, have to say to the House, the approach of the Opposition Member is not one which could possibly lead to improving relations with our neighbour. It can only lead to our neighbour gaining confidence that their strategy is working and greater harm being done to us. Whether my analysis is correct or the Opposition Member's analysis is correct, is a matter for the people to judge. He is not letting the people have the opportunity they are entitled to have to determine whether they agree with all the things that he has been saying since he went off on his own and we have had in the past members of this House who were elected on a particular party ticket and did not continue. But we have never had a situation where the result of somebody leaving the party who put him up as a candidate, wants to question the very fundamentals, which have never been questioned here before and which nobody that has even suggested questioning them has got anywhere near getting elected. Nobody has ever got into this House since 1964 on the premise of anything other than a rock solid position on relations with Spain. Nobody! There may have been those of us at one stage who thought integration was the answer and there was another group that thought free association was the answer, but there was never, ever, anybody saying the answer is to negotiate a new status for Gibraltar with the Kingdom of Spain, where we sit down with them, we let them know beforehand we are prepared to give them concessions, but of course, we do not say what the concessions are. The concessions are not going to be a flag, the concessions are not going to be sovereignty, sovereignty they will never see it in our days but our grandchildren or our great grandchildren.... But of course, we are prepared to give something because otherwise it would be pointless. What is the use of saying we are going to go into dialogue unless we are prepared to give something and what we have to do is to find out what it is we need to give them so that they will permit us the degree of independence and nationhood that they are prepared to live with. Not the one that we are prepared to live with, because if the analysis is that that is what we need to do, and that we need to do that because unless we do that, we are going to be going from bad to worse economically, does he not understand that what he is saying is that we sit down with our traditional hostile neighbour to tell him, "OK, you have won the day, you have really got me with my back to the wall, now can you please be generous, democratic

and kind and allow me to please have the House of Assembly"? And the guy says "What are you going to give me for the House of Assembly?". And he says, "Not the flag and not sovereignty, what is it that you want?" Is that a kind of battering situation? The other side has been put in an impregnable negotiating position. The other side just has to sit there and wait for Mr Cumming to put his street market stall and say "I do not like this bungle, I give you so much for that one" and when he finishes, if he comes back with an empty stall, what does he say to the people of Gibraltar? "I have failed, my dialogue has failed, I do not have a new Treaty of Utrecht, I do not have for you an Andorran constitution. I have not been able to get them to accept anything that recognises our nationhood or our independence or our future". Therefore, if his premise was correct, he will then say "Well, having failed everything since the one thing that I will not accept is the flag, we are now stuck", because that is how he started. He started off by saying that because we were going to starve we have to go down this route and if they say no to everything and he has already made it public that that is his analysis, that that is his starting point and that that is the machinery that they have to use. If anybody went into a negotiating situation on that basis, he would be taken to the cleaners. Now, if that is what he thinks we should be doing, let him go to the people and let the people put him back here. Not that we are going to do it, but at least he will be entitled to say it. I commend my amendment to the House.

Amendment proposed.

The House recessed at 12.55 pm.

The House resumed at 3.20 pm.

MR SPEAKER:

I would like to clear a point on the actual procedure. This amendment proposed by the Chief Minister does not modify the original motion. It is, in fact, a completely new motion and therefore we follow the practice which is that we can debate the two motions jointly and therefore every hon Member can speak on both at the same time. If there are more amendments we shall have to take the other amendment first and then carry on and more complications will arise from other amendments I cannot foresee but I will explain as we go along if we have to change in every way the procedure I have just explained. That means that the Hon Mr Cumming can speak again if he wants to. No repetition is allowed, of course, and finally if it stays as it is now the proposer of the amendment will speak



last on the amendment. Finally, I will ask the mover of the original motion and after that we shall take the vote on the amendment and if the amendment is passed then the motion is defeated. I must say that the speakers in winding up cannot introduce any new matter or repeat themselves on what they have said.

HON P R CARUANA:

Mr Speaker, as this House knows from my previous statements in it and out of it, the Opposition that I lead support and are committed to the concept of dialogue with Spain. My party believes that from a process of dialogue will flow the possibility of better relations with our neighbour as neighbours, and that any improvement that we can bring about to our relations with our neighbour will benefit Gibraltar. I do not think that there is anybody in this House that argues that we had an easier task, either politically or economically, the worse our relations are with Spain. I think it must be common ground that the better our relations are the less problems and obstacles may be put in the path of our economic development and indeed of our political development. It is only by better relations through dialogue that we believe that the scenario can be created in which both Britain and Spain will recognise our right to determine our own future and later when we have determined it to enjoy whatever status we choose in peace and in prosperity. My party's commitment to dialogue with Spain is not and has never been based on the thought that we were dialoguing with Spain to decolonise Gibraltar. There are differences between the Government Members and my party on the question of dialogue with Spain. We are not so naive as to think that any process of dialogue with Spain in or out of the Brussels Agreement is necessarily bound to succeed. Indeed, we believe that no process of dialogue with Spain will succeed whether it be inside Brussels or outside of Brussels unless the Spanish Government radically alters their publicly stated position in relation to Gibraltar. However, we believe that it is in Gibraltar's interest to try to improve those relations and the obvious and well signposted difference that exists in approach between the Government Members and my party is that we believe that that process can safely be undertaken, safely in the sovereignty context, within the Brussels Agreement and they believe that the Brussels Agreement is a predetermined process designed to transfer the sovereignty of Gibraltar to Spain. We believe that it is not. We believe that this process of dialogue that I have described can safely take place within the Brussels Agreement. That is as I understand it the fundamental difference between the Government and the Opposition on this issue. We also recognise and always have recognised

and it has been the policy of this party since it was founded that the Brussels Agreement, as it has been implemented to date, contains a flaw in terms of the structure that the talks hitherto have taken place. Of course, it is also important to remember that the Brussels Agreement does not specify the structure of those talks. The ministerial meetings and the plenary sessions have evolved as a matter of practice. It is not written in the Brussels Agreement that this is what will happen and therefore whereas we think that the Brussels Agreement is a process in which dialogue can safely take place, we also recognise that it does not operate a structure of dialogue in which any meaningful progress is going to be made in relation to the purposes of that dialogue and that is why it has always been the policy of this party that the question of the structure of talks would have to be addressed as a matter of priority.

We do not believe that dialogue with Spain is a guaranteed instance panacea as the Hon Mr Cumming appears to believe, that the moment we agree to sit down and talk to Spain that all of our problems are suddenly going to disappear from our path. Dialogue with Spain is not, as far as we are concerned, the answer to our problems such as they might be. We do not believe that without addressing the issue of our relations with Spain on the basis that the Hon Mr Cumming has outlined this morning, that unless we do that this community is bound to fail; is bound not to survive. That is not our view. We have survived in the face of adversity from Spain in the past and we are confident that we will continue to survive in the face of whatever adversity Spain continues to put in our path but we are equally convinced that if the relations could be improved then that would make our task of establishing a self-sufficient economy, of obtaining recognition of our rights abroad, of eliminating the political harassment of our status by Spain in and out of the European Union. It might be possible to reduce those extraneous pressures on our development as a people, on our development of the economy. That is why we believe that we have everything to gain and nothing to lose by a process of dialogue intended to bring about an improvement in the relations. We therefore regret from that perspective that Government Members do not attach priority to dialogue with Spain. I think I correctly recall the Chief Minister saying that in answer to a question recently in this House, that they do not give priority to the question of dialogue with Spain. I say all this in opening because I would not want anybody to think that my comments from this point onwards signals any form of departure by my party from its commitment to seek a process of dialogue that involves both Gibraltar and Spain and indeed, of course, the United Kingdom. We consider that such a process of dialogue can only bring

benefit to Gibraltar and that we can do it safely without risk to those principles that are fundamental to us.

The motion introduced by the Hon Mr Cumming is nevertheless flawed in its terms and indeed unbalanced in its terms. Firstly, in my opinion, it fails to recognise that the state of relations such as they are or are not, depending from where one looks at it, between Gibraltar and Spain is due in the main if not indeed wholly to Spain's hostile stance. We hope that dialogue would improve that hostile stance and would diminish the hostility of Spain's stance but it nevertheless remains a fact which we recognise. In calling for dialogue we do not say that Spain's hostile stance is due to the actions or inactions of the Government of Gibraltar of the day. We recognise that the quality of the relations between Gibraltar and Spain is due mainly, if not wholly, to the stance adopted by Spain. The motion, on the other hand, appears to suggest that the key to improving those relations is in our hands as if by establishing a process of dialogue we would necessarily improve relations with Spain and somehow relations with Spain are not better than they are because the Government will not establish a process of dialogue which they are able to start. Secondly, the motion suggests that relations with Spain have in the past been satisfactory and are only now deteriorating into the realms of the unsatisfactory. We do not accept that. That is clearly not the case. The historical reality is that with or without dialogue, with or without this Government or the previous Government or the Government before that one, relations with Spain have always been highly unsatisfactory because of Spain's conduct towards Gibraltar and it is her conduct towards Gibraltar and not the lack of dialogue that has resulted in the unsatisfactory state of the relationship. Thirdly, the motion urges the Government to establish a process of dialogue. Unfortunately, it is not in this Government's hands to establish that. Presumably when he says "establish a process of dialogue" I suppose that he must mean a new process of dialogue. The motion does not call for the Government to attend talks under the Brussels Agreement as I would urge them to do. It calls on them to establish a process of dialogue, presumably one that is not already established, since Brussels is not something that needs to be established, it is simply something that needs to be gone to. I take notice of the fact that efforts have been made to establish an alternative process of dialogue, that they have not succeeded and that it is simply to urge the Government to do something which they cannot, with the best will in the world, achieve. I do not know whether the Government Members would wish to take part in a process of dialogue with Spain. I know that they do not attach a lot of priority to it but whether they would wish to take part

in it or not it is not something that they can bring about because the position of the Spanish Government appears to be and remains that they will not take part in a process of dialogue other than the Brussels Agreement. Fourthly, we believe that a balanced motion would have made it clear on what terms it was sought to obtain improvement in the relations. Does the mover of the motion seek to develop relations with Spain as neighbours, as Europartners or does it go further into the realms of a status of the sort of thing that has been ventilated in the two contributions this morning? We believe that a motion on this subject should have gone on to say at the end as we have done in our various political manifestos, to emphasise the fact that we seek to improve relations with Spain as neighbours. Other parties have emphasised the state that they seek to improve relations with Spain as members of the same European Union and emphasis of that kind.

We believe, that the motion is unbalanced and ambiguous. We do not feel for those reasons that we can support it in the terms in which it is presented to this House by the Hon Mr Peter Cumming. From the position which we defend of one of promoting and encouraging the existence of dialogue between Gibraltar and Spain, we believe that it is not in Gibraltar's interests for this House to pass a motion in terms which establishes a link between dialogue and the quality of the relation without making clear who is responsible both for the poor quality of the relations and indeed for the failure of such efforts as there have already been to establish other processes of dialogue from coming to fruition.

The mover of the motion said this morning that the question of concessions is intimately linked with the question of dialogue. That is not a proposition to which I subscribe. However, if he subscribes to it then he has got to understand the meaning of the motion that he brings to this House and invites this House to pass. If he believes that the question of concessions is intimately linked with the question of dialogue, when he invites this House to adopt a motion which suggests that a process of dialogue ought to be participated in order to improve relations, what he is saying since, he equates dialogue with concessions? What he is saying is that in order to improve the relations we must make concessions to Spain. That is not a linkage that we would defend in the process of dialogue, will accept or agree has any basis or any meritorious position. The hon Member, I think, has a short memory if he believes that the no concessions banner is a comment or an answer to his political position. As I recall from photographs of the event such banners were already being held aloft when Sir Joshua Hassan and Mr Peter Isola, the then Leader of the



Opposition, returned from the United Nations and indeed as I recall it was foremost and most prominent in the demonstration that took place in relation to the Airport Agreement before that agreement was entered into. It is a political clarion call which the people of Gibraltar understand. It is not a matter of semantics. It does not depend on the Oxford Dictionary meaning of the words concession, nor indeed on the Oxford Dictionary definition of the word no. It is a political clarion call which we in Gibraltar know what it means and when we say "No concessions" we all know what we mean. It has been the rallying cry. It has been the point to which all Gibraltarians, bar a few, have rallied ever since this latest phase in our evolution as a people was established in the post-war era. It is therefore not, I think, accurate for the hon Member to suppose that the call or no concessions to be made to Spain is a new political call that arises in answer to his position on the matter. He also said that in dialogue we must consider Spain's claim not to implement it but for fruitful discussion in which everyone can have most of what they want.

I was most interested in an article that I read in the Financial Times written by Mr Enoch Powell recently which was his tremendously incisive comment into the workings of the Downing Street Declaration between the Prime Ministers of the United Kingdom and the Republic of Ireland in the recent developments of the political situation in Northern Ireland. Mr Enoch Powell's assessment was that in his view the flaw in the Downing Street Declaration and why he thought the current political initiatives were doomed to failure were that the declaration failed to recognise, indeed glossed over the fact that the fundamental political difference between the parties in Northern Ireland and that indeed the fundamental issue in Northern Ireland was one of sovereignty and that there are no grey areas when it comes to sovereignty. Sovereignty of the six countries of Ulster must vest either in the British Crown or must vest in the Irish State. It cannot vest in between, save of course in the context of some independence status for the six countries of Ulster. Therefore I would respond to the Hon Mr Cumming's observation in that vein. How can the position between a people who believe that they have an inalienable right to self-determination and who do not wish to be integrated with the Spanish state, come hell or high water, be reconciled with a party who claims precisely that, our sovereignty and that we would be integrated in their state? How can such a process of negotiation result in everyone having most of what they want? It seems to me that Mr Enoch Powell's comment apply almost more to the situation in Gibraltar than it does to the situation in Ireland because at least in Ireland it is a question of the relative size of the

majority. In Ireland there is a sizeable sector of the population that would like to integrate with the Irish Republic whereas in Gibraltar, of course, there is near unanimity on the position that we do not wish to integrate with the Spanish state. I think the Hon Mr Cumming is far too sensitive to Spanish national pride and humiliation and I was most amused by something he said last time that he addressed the House on this matter. I really do regret that Sir Francis Drake should have launched unprovoked hit and run raids in the Port of Cadiz which the hon Member explained to us last time was part of the Spanish humiliation in relation to Gibraltar. I just do not see how firstly the Spanish sense of pride and humiliation can be addressed by us by us prejudicing, compromising or sacrificing not only our rights but indeed our own pride and our own humiliation and certainly when it comes to putting the respective pride and humiliations in the balance, we in the Opposition at least would give a good deal more weight to the Gibraltar pride and humiliation than we would do and give regard to those emotions in Spain. Frankly I doubt whether pride and humiliation are sentiments which govern Spanish public thinking in relation to the Gibraltar issue. I was interviewed yesterday or the day before by journalists from Spanish television Cataluna and they were telling me that certainly as far as the people in the north of Spain, not just the Catalans, were concerned, the issue of Gibraltar was simply irrelevant to their lives, personally, politically, socially and in every other aspect.

Mr Speaker, the hon Member supposed that the GSD would wish to speak for itself and that is indeed true. Indeed, we have spoken for ourselves since we have been elected into this House on this issue. We believe that in bringing motions to the House particular care needs to be taken because whereas in the political cut and thrust of extra parliamentary activity, views can be stated and opinions exchanged and nuances added here and there in the context of a domestic political debate, motions adopted by this House have a status which political debate outside of this House and exchange of political views do not attain. We therefore believe, for the reasons that I have outlined, that it would be not in the interests of Gibraltar's political interests for the House to adopt a motion in the terms proposed by the Hon Mr Peter Cumming. The hon Member believes, according to what he has said this morning, that Spain has been sending coded conciliatory messages. I would not accept, as he appears to believe, that the offer by a Spanish politician that they would accept limited sovereignty of Gibraltar is conciliatory since the people of Gibraltar are not willing to transverse sovereignty to Spain in any measure, limited or unlimited. He produces an Oxford

definition of the word accommodation as if Gibraltar's political problems vis-a-vis Spain and the United Kingdom were a matter of semantics. We believe that they are not a matter of semantics and regardless of the use of the word such as concessions or conciliation or, indeed, accommodation or whether it is an accommodation or an arrangement the fact of the matter is that Spain's position does not alter from one in which she will not recognise that the people of Gibraltar are entitled to be represented by their own democratic Government. That the people of Gibraltar do not have a right to self-determination and that it would be inconceivable in the day and age in which we live for the people of Gibraltar or their territory to be transferred to Spain contrary to their wishes until Spain does not shift her position on that ground. No arrangement or accommodation, call it what we will because this is not a matter of choice of words, until there is not movement from Spain on those three issues, there is nothing that a process of dialogue can achieve in terms of what the hon Member has called a final settlement of the problem. We believe, nevertheless, that it is still possible to improve the relations at a superficial day-to-day level, notwithstanding that there is no initial movement on those points subject to the fact that we would make it a priority in any process of dialogue, certainly under the Brussels Agreement, to obtain recognition of Gibraltar's status. The hon Member asserted that the legal status of Gibraltar depended on the Treaty of Utrecht. This is certainly not a view that he could have had when he was in the party that I lead because it has always been not only my party's view in the last general election in 1992 but indeed by my own personal political platform in the bye-election of May 1991 that the Treaty of Utrecht is an irrelevant determination of the political rights and aspirations of the people of Gibraltar today. In fact, there are many people in Gibraltar who think that if everybody adhered to the Treaty of Utrecht there are statuses which the people of Gibraltar could freely elect in exercise of their right to self-determination which would not necessarily infringe the Treaty of Utrecht. The Treaty of Utrecht is not necessarily an obstacle to the choice by the people of Gibraltar of the status that they might want for the future. However, what cannot be the case is that Spain puts the Treaty of Utrecht on the table for the purposes that it suits her and then pretends that it is no longer relevant for the purposes that does not suit her. Spain would have to explain. A treaty cannot be valid then become invalid for 300 years and then suddenly become valid again 300 years later. Spain will have to explain how the laying of sieges to Gibraltar historically is compatible with her assertion that the Treaty of Utrecht is still extant. Indeed, she would have to explain why she believes that the Treaty of

Utrecht is still extant. She can justify making a claim to that part of the territory of Gibraltar which not even she argues against was ceded in perpetuity to the British Crown under the Treaty of Utrecht. Therefore, I think that it is a grave error for Gibraltar to concede that the legal status of Gibraltar depends on the Treaty of Utrecht as the hon Member appears to have done this morning. Forget morality, forget the political arguments of whether it is justifiable to have to remit to any document 300 years old by the application of basic legal principles, Spain's conduct amounts to a renunciation of whatever contract she had made in the Treaty of Utrecht with the British Crown.

The hon Member also said that there was no need to change the structure of dialogue with Spain. If he was referring to the Brussels Agreement he knows well that it is the policy and always has been the policy of my party that the structure of the talks as it currently exists under the Brussels Agreement is not acceptable and that it would be a matter of priority and, indeed, that our continued participation in talks under the Brussels Agreement would depend on our success in shaping a structure of dialogue with which we feel gives confidence to the people of Gibraltar and answers and meets the aspirations of the people of Gibraltar to speak for themselves in matters where their interests and their future are possibly and potentially an issue.

Mr Speaker, I have no doubt in my mind that in the statements, in the philosophy, in the approach, in the posture that the hon Member has outlined this morning he has gone so far beyond the platform that he had when he was a member of this party that it no longer bears the remotest recognition to the principles and the arguments upon which he stood with the other members of the Opposition and on which he offered himself to the electorate in 1992. We do not share his analysis and we do not share the goals that he sets out for himself but we do not believe that the analysis that the hon Member has outlined this morning is a competent method of achieving even what he says he wants to achieve. In other words, it is not an adequate blueprint for the defence and for the establishment of the future status, rights and aspirations of this community. It is indeed, and in this respect I agree with the analysis made by the Chief Minister this morning, doomed to fail. The Chief Minister said that if the hon Member continued in the vein which he appears to have established, then he would call a general election if the situation gets dangerous enough. Presumably one has to interpret that to mean that whatever the Hon Mr Cumming is saying is not dangerous enough for Gibraltar to justify the GSLP risking its party political interests in going to the

polls. In other words, the party political interests of the GSLP appear still to hold more weight in the balance as far as the Chief Minister is concerned, than the danger to Gibraltar of whatever the Hon Mr Cumming appears to have been saying so far, because presumably there must come a time at which that balance would tip in favour of the interests of Gibraltar so that not even the political interests of the GSLP could any longer stand in the way of protecting the national interests of Gibraltar. I therefore take heart in the fact that the situation is still not dangerous enough for that, because of course whatever view I express here now, nothing that I can say can get the Hon Mr Cumming out of this House. I might now say to him "I think you should resign" and he might turn round and blow a raspberry at me. The only person sitting in this House who has the power to get him out of this House is the Chief Minister because he is the only person with the constitutional power to dissolve this House and thereby get the hon Member out of it. Therefore, again I can only judge that in the Chief Minister's judgement, which is a relevant one in the context of that particular conundrum, he has not judged that whatever the Hon Mr Cumming has said or done so far merits him exercising the power that he only has, not me, to get the Hon Mr Cumming out of this House. I have only got the power to ask him to go from the House. He has the power to leave him no option and therefore I judge that in the Chief Minister's estimation to date the situation has not yet reached the position where the national interests of Gibraltar require him to exercise that given the price the GSLP might be made to pay for it in party terms. If the hon Member that sniggered meant by the snigger that there is no prospect of the GSLP losing the next election then it simply strengthens my argument because it begs the question if they think they have got nothing politically to lose how can they possibly justify not dissolving the House and having this dreadful person in it. There are two issues on the question whether the Hon Mr Cumming should be asked to resign his seat or not. How easy it would not have been for me immediately to say to him "You should leave the House". It appeared to be what everyone in Gibraltar wanted me to do. It could certainly have done me no additional political harm in the aftermath of his departure from the party and indeed it could only have gained me brownie points from the electorate. Why then the House might be asking itself did I not do it? [Interruption], I will explain in order to relieve that misapprehension. One can believe that the Hon Mr Cumming should leave the House because he no longer represents the platform upon which he was elected into it. In other words, he is no longer representing the views of the people who voted him in or one can say he should leave the House because he is saying dreadful things with which

none of us agree. It cannot be the first one, that is to say it cannot be the principle that if one switches horses one leaves because there is no precedence for that in Gibraltar. The hon Members of this House, Messrs Reggie Valarino and Brian Perez, fought an election into this House with one party against another presumably because they thought that that other was dreadful and had to be kept out of the House and out of government at all costs, and then shortly crossed the floor of the House and supported those very deeply in government. The Chief Minister, when he concluded that his platform was no longer feasible left the Integration with Britain Party, offering his service in private to Mr Xiberras to resign the party. Indeed the hon Member sitting by my side now in my Party, the Hon and Gallant Col Britto, offered to resign just before he left the AACR in favour of the GSD and he was told by the AACR that he should not and that it was not in the interests of that party that he should then resign. Therefore, there is no precedence in Gibraltar. Indeed there is precedence to the contrary for people leaving the House on the basis of a principle that if someone changes the ticket upon which people voted for that person, in other words, then parliamentary rules requires that he renews his mandate. There is no such principle so on the other hand could it be therefore that we think that he should leave because he is simply saying things that we find distasteful? Certainly, since he left the party the view that I have taken is that I was unwilling to call for his departure from this House simply because he was making certain statements from time to time with which I disagreed however vehemently my disagreement might have been and indeed it was on several of his pronouncements. The question now is whether there is a need to balance on the one hand the principle that we should not harry out of this Parliament people simply because they say things that we do not like, which is an important principle in my opinion, not to be taken lightly because it could undermine the very concepts of democracy in this community. On the other hand, one has got to evaluate against that, in my opinion, not whether one agrees with what the Hon Mr Cumming says or not but whether on an objective analysis of what he is saying, on an objective analysis of his conduct, he is harmful by his presence in the House, not by the expressing of his opinions. By his presence in the House he is harmful to the on-going and continuing national interests of the community which both the Chief Minister and I as constitutional office holders have a primordial duty to defend. There are two principles which I placed in the balance in the immediate aftermath of the Hon Mr Cumming's departure from my party and which frankly had until today tipped in favour of not calling for him to leave the House. I believe that on the basis of his analysis today the balance of the scales tilted in the

other direction. What he has done today is that he has cobbled together all the various isolated comments and all the various isolated ideas that he has floated since April, and he has cobbled them all together into a posture in relation to Gibraltar and Spain, into a strategy for the future, into a philosophical blueprint for the resolution of this community's problems with Spain. On the basis of that we believe, after careful consultation, because of course this is not a conclusion to which we could have come until we heard him this morning, that on the balance of his analysis his presence in this House is, firstly, without any form of mandate because he has now so radically departed from anything that he could possibly have twisted or anything that he could possibly have said "Well, this is what the GSD said in the manifesto, this is the same point with a different gloss". What he is now saying is so radically different that the mandate which he received from the GSD no longer gives him even the most remote anchor to a mandate of any kind. In addition to that, which in large measure has always been the case since April, we have concluded that if the Hon Mr Cumming has now decided to present these views as a package, that if he does not enjoy electoral support for them and they are stated from this House without electoral support they are, on an objective evaluation of what is in this community's interests, dangerous and harmful to the interests of political interests of this community. Let us be clear what the Hon Mr Cumming stood for with me in 1992. As the Chief Minister has already pointed out it was on a platform for Gibraltar and its people had an inalienable right to self-determination and that we do not countenance any separation of the people and the territory for the purposes of the exercise of the right to self-determination. He stood with me on a platform and on a manifesto which certainly committed this party to dialogue and indeed committed this party to dialogue under the Brussels Agreement for the purposes of improving our neighbourly relations with Spain. That is what the manifesto says and that is the political message that I personally defended both at the 1992 election and, indeed, in a hand-to-hand combat, so to speak, in the bye election in May of 1991. Thirdly, he stood with me on a platform which defended the view that that process of dialogue which we considered necessary and desirable and which we thought was in Gibraltar's interests to try to improve our relations with Spain that that process of dialogue could be safely pursued under the Brussels Agreement. That is what he stood for. My party has never contemplated the principles of concessions to Spain. This is not a word that has ever been bandied about at any executive meeting in the run up to any policy-making meeting before or after the general election. It has been discussed obviously in the context

of commenting on articles in the Gibraltar Chronicle following the editor's trip to Andorra and his reporting. Obviously those reports were commented on but it was not in the GSD that the Hon Mr Cumming could have developed his penchant for any arrangement that involved joint sovereignty between Great Britain and Spain in relation to Gibraltar.

It is, therefore, Mr Speaker, the considered view of the five members of the GSD Opposition that are in this House today..... Mr Lewis Francis unfortunately is away from Gibraltar for reasons connected with his mother's ill health and therefore I have not had an opportunity to consult him. If he wishes to take a different line he will have the opportunity to say so at the next meeting but it is certainly the unanimous view of the other five members of the Opposition that the Hon Mr Cumming has gone so much further today than he has done in the past that he has moved so much further in his analysis and in the jelly of his views and in the presentation of his views today that we can no longer defend the principle that he has the right to express those views in this House. I would defend to the death his right to express those views out of this House but I can no longer defend the principle that he has the right to expound those views in this House relying upon any mandate that he might have obtained whilst standing with my party.

For that reason and on the basis of certain amendments that I will bring to the Chief Minister's motion, amendments let me say, which are designed to put my mind at rest in relation to the principles which were at stake in my mind before today. It is the intention of my party to support an amended motion. I have had indications that my amendments are acceptable to the Government Members. The Chief Minister's motion is entirely acceptable to me in paragraph 1 and therefore paragraph 1 remains unchanged. The Chief Minister's motion in paragraph 2 reads: "Condemns the views expressed by the Hon P Cumming since April this year concerning relations with Spain". My proposed amendment is that that paragraph should read: "Condemns the posture adopted by the Hon P Cumming recently and in this House today concerning relations with Spain". In paragraph 3 of the Chief Minister's motion which reads: "Declares that such views did not form part of the policies on which the Hon P Cumming sought a mandate from the electorate in January 1992 to obtain membership of this House", that would now read: "Declares that such posture does not conform with the policies on which the Hon P Cumming sought a mandate from the electorate in 1992 to obtain membership of this House". Paragraph 4 which censured him and then went on to say "therefore censures the said P Cumming, calls on him to resign his seat forthwith, and test the support he

claims exists for his views by seeking a fresh mandate from the people" that would read "therefore censures this posture....." in other words we censure the posture of the Hon Mr Cumming and then we call on him to resign his seat forthwith and test the support he claims exists for his posutre by seeking a fresh mandate from the people. The Chief Minister said if I can just refresh my memory from my note of it, that our case for self-determination is irrefutable and we must not give up on it. It is the conviction of this party in opposition that that statement is absolutely correct and as a statement of principle enjoys our wholehearted support and commitment as a political party. I therefore, Mr Speaker, commend to this House the Chief Minister's motion as amended by me.

MR SPEAKER:

This will alter slightly the procedure that I announced earlier in that this is an amendment which modifies the amendment introduced by the Chief Minister. What we are going to do now is debate the amendment to the amendment and after that, unless there are more amendments, we shall take a vote on that amendment and then we shall go back to the joint motion. Any hon member who wishes to speak on the amendment to the amendment can do so now. I must add that this is a censure motion, of course. It is an amendment to a censure motion and therefore when it comes to voting only the elected members will be able to do so.

HON P CUMMING:

Mr Speaker, if I speak now I can speak at the end as well?

MR SPEAKER:

You can speak now only on the amendment to the amendment. Then after that you can speak on the two motions and finally you have the last word on the original motion. All I ask you is to be relevant to what you are speaking now.

HON P CUMMING:

I must say that my first emotion is one of admiration for the consummate political skills and manipulative skills of the Chief Minister. Because this time he has done it so blatantly and so openly. Other times he has been more hidden but nonetheless effective. Over the past two and a half years I have been eating my flesh, as they say, over this precise mechanism that he has used so much of late. When I saw that the Chief Minister was willing to

carry the session over to the afternoon at great inconvenience to himself, messing with opposition matters when he could be getting on with Government business, I saw that he was going for the kill as it were. I want to say that my conscience, as far as the GSD is concerned, is clear. The GSD knew my thoughts from the first day. I did not hide anything from them. They called me. I did not call them. When I went to the first interview with some members of the executive I said I had been thinking of standing as an independent but I did not want to be embarrassing them with my views. Later on when I met the following day with the Hon Mr Caruana we went exactly over the same territory and there was no problem. It was obviously my policy. My views were not so crystallised but I mean, they were there in root form. When going back to the days of the bye-election, going further back for a moment to the AACR, when the AACR did its famous U-turn on Brussels it seemed to me that that was signing their death warrant because it smacks more of opportunism than of principle and it simply backfired completely. That was the end of the AACR. Then in the bye-election it seemed that once again there was a real alternative to the policies of the GSLP and we fought that election with hope of a real alternative. There was, of course, the famous opinion poll which showed 65 per cent in favour of Brussels. After the elections I think that the results were a very severe blow to the Leader of the Opposition, to myself, being elected for the first time. It was exciting and to me it was a perfectly satisfactory result but I think that it was an enormous disappointment to the Leader of the Opposition who began to think that this policy was a hindrance to political success rather than a help and Mr Douglas Hendrich said after losing the bye-election "Now let us all fall in together behind Joe Bossano as far as foreign policy is concerned". At that time this is not what the Leader of the Opposition did. Following the general election this became to me the way it was being done. Then the famous offer of consensus rejected out of hand at the European Movement. It was not followed up by an exposition of the possibilities of Brussels as an alternative but rather by a silence which lasted, I think, about 18 months on the issue which led people to believe that there was no supporters left for Brussels and for real dialogue as I have been outlind this morning. Consequently this was a matter to me of irritation and frustration and I certainly found the GSD more pragmatic in their views than what I have heard now and I think there has been a blatant manipulation of the position. What can I say? To me the GSD no longer represents a credible alternative for the way ahead for Gibraltar. These are policies which are anaemic, legalised, drop by drop. I could have said this speech in three minutes. Incidentally to go back now to policies

and not emotions, the Leader of the Opposition said that I claimed that we would not survive as a community if we go on as we are. That is not in fact what I said. I said that we would survive but we would not flourish and there is a difference. Spain bashing is perhaps good for one in the popularity polls. Personally I think it is counter productive. Britain bashing is even worse. I do not think it gets us anywhere. Analysis of situations certainly but Spain bashing for the sake of it, I think we have got to forget now about the..... I am surprised that the Chief Minister did not bring it up this morning the question of the altar wine and the oxygen for the hospitals. We could have got very nostalgic over that. I think that all this is counter production. I think that we have to turn a page and begin afresh and real dialogue not dialogue with so many conditions. The GSD has abandoned Brussels to all extents and purposes. It remains there as a meaningless structure. This was the objective of the exercise that the Chief Minister has carried out today.

My position in the House, Mr Speaker, as far as whether it is illegitimate or not, of course, Mr Speaker himself, I presume, is the first guardian of the constitutionality of all our positions and I think that I would have heard from Mr Speaker by now if my position were illegal or unconstitutional.

MR SPEAKER:

I can assure the hon Member that there is nothing unconstitutional. I think you have heard the hon Members speak and no one has said that your position is unconstitutional.

HON P CUMMING:

Thank you for that clarification. Is it ethical? Have I departed so much from the original mandate and all this stuff? Not in my view because going round with the loudspeaker the question of the dialogue, it was a full blooded promise. It was a real alternative. It was a real possibility of a way ahead and there was no couching it round with this and that parameter. So to me certainly I try to break the taboo of the word "concessions" because I really believe that concessions..... We could call them something else but why should we? To lose votes? My position is that I have no great political ambitions. I have no ambition to be Chief Minister of Gibraltar. I have not even ambition to be a member of this House indefinitely. Therefore, I can permit myself the luxury of conviction politics. I do not want to say things that the people want to hear and stir up the matters and play to the gallery. I want to

say things that I really believe that Gibraltar needs to hear. If the people do not like it the people will not vote for me and then I will recede gracefully into the oblivion that Dennis Matthews has prognosticated for me. Does it need to be right now? Forthwith? Personally I think this issue needs to be clarified because there is the position that I have put forward is a relatively complex one in comparison to the GSLP one which is readily understandable, it is quite clear; black and white. My position is much more easy to distort and of course the Chief Minister has very ably this morning spent a long time distorting it and in order to have a chance of getting my message through to the people with as little distortion as possible I think I need the time between now and the election. At the election the people will speak and if they do not want me and my views that will be the end of me as a politician and surely democracy is about this and I did stand. I never hid what I thought about dialogue, about the possibility of concessions. I never hid that from anybody least of all from the executive of the GSD. The question of the stomach which the Chief Minister referred to this morning, he said that I was making out that Gibraltarians were all stomach.....

MR SPEAKER:

I must draw your attention. Remember you have the possibility of referring to that when you address the motion generally. Please direct yourself to the amendment to the amendment.

HON P CUMMING:

I think there is one question relevant now to what the Hon Mr Caruana said. The Chief Minister has several times today and on previous occasions warned me that what I am saying will lead to my ruin. He may be happy to know that in the Opposition it is shared because in the GSD when I first mooted about the things I wanted to say..... I will not go into the underlying opinion on the nature of the thing itself but rather the effect of the announcement of it; political suicide but I am willing to take that risk. I am willing to take that risk and if the people do not have the discernment to see through and to think through the things that I am saying they will not vote for me and come elections in 15 months' time, if that is when it is going to be, the matter will go no further. Mr Speaker, that is all I think I want to say and I will take the matter up later.



HON CHIEF MINISTER:

Mr Speaker, I have not warned the Opposition Member on a number of occasions that he was committing political suicide. Why should I be interested remotely in whether he commits political suicide or any other kind of suicide? What I have warned him on many occasions is that even if I give him the benefit of the doubt and even if I assume that everything he is doing he is doing with the best of intentions, most of the garbage that he produces is dangerous in the hands of other people. That is what I have told him several times in the hope that he would reconsider what he was saying not because he has to stop believing in it but because (a) he has not got the right to say it with the authority of being a member of the House and (b) because the use that is being made of it was precisely because it was a member of the House that was saying it. If everything that he has said today here he had written in an article in a Spanish newspaper that would have meant that people would have said "There is a Gibraltarian that feels very strongly that this is the way forward." But he is saying here and he is compounding the felony because what he is actually saying is that he considers himself to be, after hearing the Leader of the Opposition, the guardian of the real soul of the GSD which the other members have abandoned through political opportunism. Then he ought to be moving a further amendment asking them all to resign for not keeping to the manifesto on which they were elected if that is what he believes. That is really what he has told us. It is not for me to defend the GSD any more than it is for me to stop his committing suicide. But all I can say is that it is very peculiar that he did not make the point on the 12th of April 1994 because when he said that he would leave the GSD if asked or that he would leave the GSD to pre-empt being asked, he was saying it on the basis that he did not think he was miles apart from the GSD but he never suggested in any of those interviews in April that in fact it was the GSD that was departing from him and that he was in the same place that he had always been in 1992. To be fair to Opposition Members I have to say that nothing that he has said today here was said in 1992 by anybody. If his argument is that his thoughts have evolved since 1992, well, I am afraid one cannot in politics and in something as fundamental as relations with Spain, matters of sovereignty, the future of our people, simply say "I stood as an integrationist with the UK in 1992 but I have evolved and now I am an integrationist with Spain in 1994". That is not on because these are fundamental things. This is why I do not agree with the analysis that the Leader of the Opposition made in saying why he felt that the question of the Hon Mr Cumming resigning

was not one for which there was a precedent but that he has finally been convinced today of the damage that he can do and that if I do not call a general election it must be because I am putting party political interests before the national interests. Let me say, I do not think it is right that the Government of Gibraltar should have to stop its term of office with 15 months to go because the Hon Mr Cumming chooses to leave the opposition party and then says all sort of horrendous things but if it needed to be done it will be done. No doubt if it comes to the point that we feel we need to do it we will be told that we are doing it for party political interests and not the national interests. If that stage is reached I will remind the hon Member of his words today. We are certainly not scared of going to an election tomorrow or in 6 months' time or in a year's time. We will go to our people on the basis that we did in 1992 and if they put us in Government we are in Government and if not we will be in opposition and I think he has to make us lose a night's sleep over it. It is a very onerous responsibility leading Gibraltar in these difficult times and therefore there is no question that we want to hang on to the last minute. But we have got a responsibility to complete our term of office, that is the basis on which we got elected and to say we are dissolving the House because the Hon Mr Cumming who should not be there refuses to go so the other 14 have to go to make him go, is an extraordinary inversion of the way things should be done. But I suppose if we feel that it is really so dangerous although I must say that I believe that even the motion to day calling on him to resign from the House will be of some benefit in the national interest because at least he will not be able to be portrayed in the Spanish media as the new saviour where legions of silent majorities are all signing up. If that is the interpretation then it means all 14 of us are going to lose the next election and he is the one who is going to win it with 14 new guys. I do not think that it is true and of course the hon Member is not pretending to be putting a message that he considers to be popular. He is saying he is entitled to be given time and a platform to put a message that he knows is unpopular. That is an extraordinary inversion of the democratic process. Should we then say all the ultra right parties who do not get enough exposure should be allowed to become Members of Parliament so that they are given the opportunity to convert everybody to fascism? He has contradicted even his position in saying he has not changed. If he has not changed what does he need the time to convince people about? People, according to him, were convinced when they voted for him in 1992 because his position today is the same as in 1992. If he is right and the Leader of the Opposition is wrong and what he is saying is true that the Leader of the Opposition



has tried to extricate himself from the commitment to the Brussels process because it was considered to be a political handicap and I wish he were right and would give up the Brussels process once and for all. Even if it improves his chances. Then he should have the courage of his convictions and say to this House "Look, I am not wanted, I am not staying but I think I am right. I think I defended the line that I did in 1992 and that all I am doing now is expanding on my basic position without any change of strategy and I will put it to the test and the people will vote me back". If that were to happen in a bye-election, unpalatable though it would be to those of us who think he should not be saying these things, we would have to accept that he has got the right to say them and we would still argue against him but at least we would argue against him on the basis that if he gets elected with more votes than the last time then he has got an argument for saying that there is increasing support for his views and if he gets elected with less votes than the last time others can argue..... And if he does not get elected at all then he can still say them as a private citizen but nobody will pay any attention to him. Therefore the damage that he can do because people assume that he has got a following which I honestly believe he does not have. I honestly tell him that even if people come up to him and tell him "You are doing a wonderful job" it does not really mean anything and he will discover that when he has been as long as I have. It cannot simply end with him saying "I changed my mind since April". In April I think he took a position where he was saying "If the party that presented me as a candidate wants me to go then I shall have to think very seriously of going". I do not agree, of course, with the Leader of the Opposition in that there was no need to tell him to go at the time and that it was a matter for him to decide because in fact as I have made clear when I decided after the Hattersley memorandum that I could not really honestly continue to defend integration after what Hattersley had said, I said to the Integration Party "You tell me when you want me to go, how you want me to go, what you want me to put in my letter of resignation because I still care about the party which I founded and I want to do the minimum amount of damage to my own party". They chose to ask me not to go and it is all in writing in case it ever needed to be used and I think that is the proper way to do things. Of course, the Hon Mr Cumming almost went as far as saying "I am not going to offer to go but if I am asked to go I will have to give it serious and sympathetic thought". That was in an interview on 12th April and now that he has had six more months to taste the sweetness of being in television every day as a member of the House he now becomes far less keen to be asked to go. He is being asked to go and he is not being asked to go simply by the party that put

him up, he is being asked to go by 95 per cent of the elected representatives of the people of Gibraltar, who are the rest of us. That is who are asking him to go and he cannot simply shrug it off. He may say that makes him full of admiration for my political skills. I am grateful for his admiration but I still want him to go.

In his analysis of to what extent the departure from the position of the GSD justifies what the Leader of the Opposition says and I think it is a matter for the Leader of the Opposition whether he wants to deal with him or not, I certainly do not agree with the Opposition Member that when the AACR did the U-turn on Brussels it signed its death warrant unless he goes on to deduce from that that the Hon and Gallant Col Britto is a zombie because he was there when the death warrant was signed and he is still alive and kicking so it is possible to survive a U-turn on Brussels. I can tell the hon Member who will not make a U-turn on Brussels. I will not make a U-turn on Brussels and the GSLP will not make a U-turn on Brussels not because we think it would be our death warrant because we honestly believe that it was a mistaken policy and we honestly believe that it is in Gibraltar's interest if we can persuade others that it was mistaken. We honestly believe that if one analyses the period of dialogue, for heaven's sake, between 1984 and 1988 all the things that we complained about, the airport, the pensions, all that happened during the period of dialogue which the hon Member wants us to go back to. I honestly believe that it is possible to develop a strategy which does not require us to stand by things which have already been tested and failed. It is not as if people were saying we are going to try a new scenario which has never been tried before. It has been tried before. I was against it from the beginning, fine, I might have been proved wrong. It so happens that I think I have been proved right and so has the GSLP with its consistent analysis. I believe the more members delve into it and the more they go into the analysis of it and the fact that the Moran proposals were there from 1985 to 1993 and that the fact that the Moran proposals required us to be handed over to Spain, for heaven's sake, how can anybody not take any of that into account? What does the hon Member think he is able to come up with which is an improvement on what Moran thought was a very conciliatory position which he thought reflected on the fact that he was not the hardliner? What we consider to be an athema the author considered to be a position which was at the very extreme of how conciliatory it was possible to be within Spanish politics and survive. It seems to me that sometimes the hon Member comes to these things barging in like a bull in a china shop as if nobody before had given hours and days and years of their lives looking at it from every conceivable angle. It does not mean he is not

capable of coming up with a new angle that nobody has ever thought of but he produces new angles like a crystal gaze before our eyes and in the course of this morning he has produced half a dozen new angles. That is not the way to do business believe me, Mr Speaker, and therefore I have to tell him that nothing that he has said persuades us in the Government of the position which at the end of the day is not a pleasant one of having to tell him, "We do not want you here". That is what we are telling him and we will keep on telling him if he does not go. It has come to the crunch and it has to be said and if it is not enough then more things will have to be done to achieve the desired result. Therefore, as I indicated to the Leader of the Opposition, we are prepared to accept the amendment which seeks to some extent I think to protect the Opposition Member because we are censuring his posture rather than censuring him. I accept that by saying the views that he has expressed one could argue that the views that he has been expressing from April to date have created an increasingly wider gap between him and the other members of the Opposition whereas from our position the views were unacceptable from day one because they were unacceptable even in 1992. But if we are going to have a common position on where we think we stand today in relation to those views then obviously today what he is saying is as unacceptable to the GSD as it is to the GSLP and it is not a tenable position. We will be voting in favour of the amendment of the Leader of the Opposition.

MR SPEAKER:

If no other hon Member wishes to speak on the amendment to amendment, I will ask the mover of the amendment to reply.

HON P R CARUANA:

Mr Speaker, I am really at my wits' end to think what the events of today have to do with U-turns on Brussels. Does the Hon Mr Cumming believe that the fact that we are supporting this motion on the basis of what he has said today - I think he has mentioned the word "Brussels" three times in the whole morning - and on the basis of the quality of his mandate today in this House is no statement about my position on Brussels or anything else except about the quality of his mandate? Why he thinks the fact that we have concluded that he no longer has a mandate to express in this House views of the sort that he has expressed this morning means that I have done a U-turn on Brussels or anything else is beyond logical comprehension. The truth of the matter is that we have done no U-turns on anything today except on the tipping of the scale between the two principles that I expressed

in my previous address. "The GSD no longer represents a credible alternative." There is no change of policy in the GSD today. The GSD parted company with him in April precisely because he started saying things which were not in keeping with the party's policy amongst other reasons so presumably he began to feel that the GSD was no longer a credible alternative in April. But why he thinks that the GSD that has said nothing about his policies today or certainly has changed none of its policies today, is now less credible an alternative because we no longer think that he has a mandate based on what he has said this morning, is a non sequitor. It may well be that he has not quite appreciated as often happens when one is on one's feet delivering a speech. He is articulate. He does not read from prepared text. He stands up and speaks from conviction. I suppose it is possible that one does not quite put the whole picture that one has portrayed or painted together and analysed it. I think that when he reads himself in Hansard he will understand that there is no similarity between three quarters of the things that he has said today and anything that we have said in our manifesto or in any public political utterance or anything that the party has said in any meetings about what the party's views or policies are. The suggestion he wants to be a member of a political party it is for him to decide whether he can live with the party's policies and provided he is prepared to support and adhere the party's policies, his own views are irrelevant. It is when he starts departing from party politics and starts expressing aspirations and intentions and views and analysis which are not consistent with party policies or with the personal views of the individuals that comprise that party, that his position within the party becomes untenable. The suggestion that the hon Member can dismiss it in terms of perhaps my thoughts have evolved a little bit, well, he can dismiss it in those terms if he wishes but if he thinks genuinely and honestly that his dissertation of this morning bears any relationship to any exposition of his views that he made back in 1992 when he joined the party or any exposition of party policy or political opinion that he has heard since from any member of the party or in the executive or any public utterance, I challenge him to point it out to me. "A full bloodied commitment to dialogue" but to me and to my Party a full bloodied commitment to dialogue has never meant..... Others may think mistakenly but, as far as we are concerned, it has never meant a full bloodied commitment to share the sovereignty of Gibraltar with Spain. He has never heard that view expressed in any circle anywhere proximate to my party. He must understand that I do not know how long before April he started hatching the details of his current views. Certainly he was subjecting me to a fair amount of internal party criticism because he thought

that I had gone yellow on Brussels. We must stand on the rooftops and defend our policy on Brussels with confidence. Fine! He may think that my leadership of this party is inept. His option is to leave the party but what policy this party adopts, when it defends them and at what pitch it defends them and advocates them is a matter for the executive of the party and not for one member of it to push the rest in a direction further or faster than they wish to go. This is what happened. His suggestion that I had gone yellow on Brussels does not justify him in saying here today that we were more in keeping with his thinking. We are in keeping with his thinking of how he interprets Brussels now but how we have interpreted participation in Brussels has always been clear and has never been on the basis that he has explained this morning. Government Members, I am sure, do take the view that our policy on Brussels is mistaken because it is doomed to failure or for any number of other reasons but what our views are, are what we have stated. It is implicit in the hon Member's suggestion that there is some unannounced interpretation by us of our views on Brussels or on our policy on Brussels which he is now advocating when we have wished to keep the lid on it. Other members will have to speak for themselves. That remark is not consistent with anything that is taking place in my earshot ever. I know that we are all in transposing mode now that most of our legislative work is spent transposing Community laws into Gibraltar laws, but he cannot transpose his opinions to the rest of us and say now that we have had them all the time. That is a serious allegation in effect of misleading the electorate. What I believe about Brussels I have been saying since May 1991. I do not know what he was doing in May 1991, but he certainly was not in the party. My views on Brussels I have defended by myself in an electoral process, with no party to hide behind and no House of Assembly or anything else. The people of Gibraltar know what I think about Brussels and other issues. They may not like it. They may kick me out with him at the next elections for all I know but he cannot marry my views with his. There is no intellectual justification for doing so.

Therefore, I reject his analysis that somehow the GSD is now being merely mouthed to him on this issue. The Chief Minister said that he offered to go in April. This is true that in April and I think it was his first interview on GBC he said what the Chief Minister has just read out. That is unquestionably true. It is also true that in the next interview after that one, and I do not know the date, and in every interview since that one, he has confirmed that this was not his intention to resign and in fact what he said even in that interview was that he would have to take advice. I think his view was that he

would have to consult and take advice as to whether he would resign or not. That is what he said. He has subsequently made it clear to me and in public, in this House and in interviews that it is not his intention to cause a bye-election and therefore the failure or the decision of the GSD not to take the step that it has taken today until today which I am quite happy to defend, has not been a decision that has called the Hon Mr Cumming to remain in this House since April because I really do not believe that the Chief Minister believes that if I had said to the Hon Mr Cumming in April "I think you must go" he would have gone. He has constantly reminded us of how he knows the Hon Mr Cumming from his early days in the Union and I think that certainly I can understand that he wishes to use the point to make party politics against me but he cannot honestly believe that the Hon Mr Cumming has been in this House since April because I have not asked him to go.

Question put on the amendment to the amended motion. The following hon Members voted in favour:

The Hon J L Baldachino  
 The Hon J Bossano  
 The Hon Lt-Col E M Britto  
 The Hon P R Caruana  
 The Hon H Corby  
 The Hon M A Feetham  
 The Hon Miss M I Montegriffo  
 The Hon R Mor  
 The Hon J L Moss  
 The Hon J C Perez  
 The Hon J E Pilcher  
 The Hon M Ramagge  
 The Hon F Vasquez

The Hon P Cumming voted against.

The amendment was accordingly carried.

MR SPEAKER:

The question before the House now is the original motion as newly amended which reverts again to have the two joint motions because the amended motion is in fact another motion. Because the difference in the amendments are very slight, we have exhausted I think all the arguments and I cannot allow any more repetition. Things like Brussels cannot be introduced again and therefore if any hon Member wishes to speak can do so but please do not repeat yourself because I will be strictly restricting repetition.

HON MISS M MONTEGRIFFO:

Mr Speaker, I would like to say a few words because I honestly believe that we are dealing here with a very important issue. I would like my views to be known publicly in this forum. Whenever the Hon Mr Cumming has spoken in this House I have listened to him but I must admit that I have done so with a lot of patience and quite honestly in all the years that I have been a member of the House I have never heard contributions that are so damaging to the people of Gibraltar. Irrespective of whether we do not like what he is saying his presence here is extremely harmful to the interests of Gibraltar. I would go as far as to say that I consider his views, at times, to be completely anti-Gibraltarian. Very often he seems to be echoing practically, word by word, statements made by those outside Gibraltar who are constantly attacking us with a concerted plan to bring us to disrepute. More dangerously, as we predicted, he is sending the wrong signals and is being used as part of this campaign against our people. So how do I feel when I hear the Hon Mr Cumming? I cannot but feel that he is not only my enemy but the enemy of the people of Gibraltar. He appears, all of a sudden, to have become the spokesperson in this House for the Spanish Government. He appears to think that he knows what they want and talks about concession, but what concessions he does not say. Does he honestly think that if we give concessions to Spain that they will stop harassing us. Is he willing to give up our rights in order to appease Spain? And how long can he say that we need to continue to appease Spain? Assumptions, from an hon member who has earned the reputation of not knowing whether he is coming or is going. I remember in a session of this House the Chief Minister did warn the hon Member that we would be looking very carefully at his performance and if at any stage we felt that he was damaging, in any way, Gibraltar's national interests that we would take whatever measures we thought were at our disposal. The time has now come for the hon Member to live up to his present political title of honourable and he should honourably resign from this House. If he persists in staying in this House let me assure him that he will be doing a great disservice to the people he should be caring about; the Gibraltarian people. On many occasions I have also seen differences of opinion between some members of the GSD and the Hon Mr Cumming on matters which are of the greatest importance to us. The Hon Mr Corby, for example, in a supplementary to the Hon Mr Cumming's Question No. 119 of 1994 stood up and said, "Mr Speaker, I believe that I speak for the Opposition Members of the GSD who are in complete agreement in as far as the Airport Agreement is concerned with what the

Chief Minister has just said". Again, the Leader of the Opposition, the Hon Mr Caruana, also intervened in a supplementary to Question No. 121 of 1994 when the airport issue was being discussed between the Chief Minister and the Hon Mr Cumming and he said "Mr Speaker, just for the purpose of the record on that issue certainly the Chief Minister knows that he has always enjoyed our support since 1992". I have also sat here very patiently watching the hon Member who seems to be obsessed with the idea of constantly attacking the Chief Minister, that the Chief Minister makes apocalyptic type statements in the House and that he is going to sink with the ship. Well let me say that if anybody is doing anything which can damage or even sink the ship that the hon Member is referring to, it is himself and history will tell the House and the whole of Gibraltar the damage that the hon Member is doing to the people of Gibraltar.

Mr Speaker, we said that the hon Member would be playing into the hands of our enemies. We have been proved right and in the process, as we have already mentioned earlier, he is doing incalculable damage by the statements he makes as if he were a representative of a sector of our community. But who does he represent? Where are his followers and how many people follow him? That is the question. We, are totally convinced that the views he is expressing in this House are totally unacceptable to the vast majority of Gibraltarians and if he persists in claiming that his views are shared by many or some in Gibraltar then if he is so convinced, why does he not put it to the test and resign now and not hide behind the totally different ticket on which he was elected. He was elected as a member of the GSD. He then goes and betrays not only the GSD, but the electorate. I would like to refer to the words of my hon Colleague, Mr Baldachino when, during the last Budget session he reminded the Opposition Member of what he had predicted last year in this House, that he would be kicked out of the GSD. He went further to predict that he would one day be kicked out of the House of Assembly, certainly by the people of Gibraltar. I must congratulate my hon Colleague for his excellent clairvoyance. The Hon Mr Cumming has stated publicly that he would resign from this House if the GSD asked him to resign. I am glad to see that the GSD are doing just that today and now is the opportunity for us to test the Hon Mr Cumming's integrity. It is not only the GSDP elected Government who are asking him to resign, not only the GSD, but the people of Gibraltar. He has no option today, he must surely resign.

HON P CUMMING:

May I thank the Minister for her kind words. Mr Speaker, I.....

HON CHIEF MINISTER:

Mr Speaker, is he closing?

MR SPEAKER:

Any other hon Member wishes to speak?

HON CHIEF MINISTER:

As I understand it what we have passed is the Leader of the Opposition's amendment. We have voted once and therefore what we have is the amended motion which seeks to amend his. Presumably, if he speaks to my amendment to this motion, I still have the right of reply on my amendment and he has the final word on his original motion. Am I correct?

MR SPEAKER:

That is correct.

HON CHIEF MINISTER:

Even if other hon Members wish to speak the hon Member at this stage is not winding up because I have to wind up on my amendment before he can wind up on his original.

HON P. CUMMING:

Long back when the situation became rather critical and there was need for a quick and effective facesaving exercise and this was at 4 o'clock in the morning to produce an agreement to be presented to the workers at 9 o'clock the next morning it meant getting the Governor out of bed and of course that means that one has to be humble to get him out of bed so a scheme was thought up to instead approach the Bishop with a long string of how worried everybody was about the problems of Gibraltar and so on and immediately he leapt out of bed to do the dirty work of getting the Governor out of bed and negotiate. The comments that evening about the ruthless manipulation of that man for the purposes of achieving a face-saving exercise I am sure will be repeated tonight for the experience carried out here today.

I would like to refer just momentarily to the question of the airport and the pensions which it is claimed comes from Brussels. I do not see how it could be. This came from Spain entering Europe. Is anybody saying that if Brussels had not been dreamt up these issues would not have come to torment us? They would have because they came from Spain entering Europe not from the Brussels

Agreement. There is a lot of false innocence in the challenge to me to go to the people and to get a mandate from the people because even though I do not have a degree in economics like the Chief Minister I do know elementary arithmetic and with 30 per cent of the vote in the general election there would be an overwhelming victory for me and 30 per cent in a bye-election would be disastrous so this is not done with the innocent motives of ethics at all. This is done knowing that a bye-election is bad for me and a general election is better for me. My elementary arithmetic prevents me from taking that path because I believe that my campaign is in the interests of the people of Gibraltar. The Chief Minister has asked when we go half way to meet Spain and they do not correspond, that we are stuck up a gum tree and then what on earth will we do and it seems to me that there are two options if we came to that situation? Those two options, the people of course would decide. One of the options is to get the Hon Mr Bossano out to Mount Alvernia that is if they have not eaten all their capital and they have had to close down by that time. Alternatively, we can leave the problem for the next generation of Gibraltarians to solve but in the meantime having done spadework that will open the road of mutual understanding between Spain.....

MR SPEAKER:

We are going all over the same ground again. It is repetition.

HON P CUMMING:

I am answering the point brought up in the last intervention.

HON J C PEREZ:

If the hon Member will give way. What does the hon Member say about Mount Alvernia?

HON P CUMMING:

I was saying that presumably if my campaign was able to get off the ground and was put into practice and Gibraltar went half way to meet Spain and Spain did not correspond then we would be in.....

MR SPEAKER:

But that is what I am telling you. We have been through this about five times or more today. You are saying the same things again.

HON P CUMMING:

Because he asked for clarification. Many years would have passed presumably when by the time we reach that stage and presumably the Chief Minister would no longer be Chief Minister. He would be retired and we could call him back to say "Look, I told you so." "Alternatively, we can leave it for the next election. The Hon Mr Bossano also said that democracy in Spain does not cross the frontier and it stops at La Linea and the obvious answer then is why? Why did that happen? Senor Ruperez when he made the last nasty remarks about Gibraltar was challenged by the Chronicle and said "How come you have changed your tune? How was it when you came to Gibraltar your tune was different?" Gibraltar has also changed in what they are saying to what they were saying then, pointing to a polarisation. That does not mean that he is a great guy or anything like it but there are two sides to a case. The Chief Minister has talked about Belize but my recent understanding of the position is that in Belize they live in constant fear of invasion from Guatemala. They are constantly watching the situation and the beauty of a treaty agreed by all sides, tailor made for the situation is that it would relieve people of that anxiety. The question of Singapore the Chief Minister from his own mouth agreed that by dialogue and good business relationships they are patched up and prevented Malaysia getting stroppy with them. The sinister aspect of the GSLP policy, as I see it, is the unashamed stirring up of nationalism and history has proved time and time again that nationalism is a counter-productive and negative force and very much linked to war. Stirring up of young people's minds leads them to positions that are really untenable, people who in their youth have not known the problems of bringing up a family or holding down a steady job and this leads Gibraltar really to harmful situations. The other aspects of the GSLP policy is not a sinister one but a pathetic one and it comes across to me that when the Chief Minister goes to visit Douglas Hurd under his arm with a video of national day as the overwhelming argument I feel that that position is a little bit pathetic in spite of the fact that National Day was wonderful. They are going to see it and say "Yes, you had a great carnival, you have made a political statement. Well done! It was very big for you but in comparison with the problems of the rest of the world this is minute". I believe that when the history of this era comes to be written I believe this will be entitled "A short nightmare in the history of Gibraltar"; the time of the GSLP ruled our future.

HON J BALDACHINO:

Mr Speaker, I think I was one of the first members in this House to call for the resignation of the Hon Mr Cumming during the budget time and it is clear that I was right that the way and the posture that he was taking to keep to the motion was that it was leading us into a very dangerous situation. I do not think that he is a dangerous person. What really I am afraid of is who are the people that are behind this? Those people with unknown faces. Who is it that he has such a support from. Is it Sr. Ruperez in Spain? Because Sr. Ruperez really every time that the Hon Mr Cumming comes out saying that we should find an accommodation, or whatever he wants to call it, really takes a harder line than ever since they came into office. I do not know where one is coming or where one is going because he has changed so much; it is controversial every time. He made a comparison with what happened in the Middle East. I think some of the points have been touched by my hon Colleague the Chief Minister. Israel and Palestine; there was not an agreement until the state of Israel recognised the PLO as a representative of the people of Palestine and there also was not an agreement until Israel recognised that Palestine had the right to self-determination. The other point in the Middle East was Egypt. Israel went to two wars with Egypt and until Egypt recognised the state of Israel there was not a position where there could be dialogue. Exactly the same position as we are adopting here; the GSLP Government. We are saying "If you recognise the people of Gibraltar in their own right then we can have dialogue. If you recognise that we have a right to self-determination we can have dialogue". The Spaniards do not recognise us even though I know that the hon Member went to see Sir Joshua Hassan and he said that he had a sign in front saying "Primer Ministro de Gibraltar". The reality is that Sir Joshua Hassan was there as part of the British delegation not in his own right representing the people of Gibraltar. Spain has never recognised us. Every time the hon Member has gone on interviews he has said concessions is hypothetical but today he has declared the concessions that nobody has declared before. He has said condominium. He has said in this House that a condomunium could be a way out for Gibraltar. I give way.

HON P CUMMING:

Mr Speaker, I have never used the word condominium because the word condominium means dominare and really we do not want to be dominated by Britian let alone "con"



being dominated by Spain as well and therefore I have never used the word.

HON J BALDACHINO:

I do not know who would be conning us, Mr Speaker, but the reality is that he has defended publicly the Andorra solution. He has mentioned that the Andorra solution could be a solution for Gibraltar and that is a condominium. The head of state is between a Spanish national and a French national. The reality is that before the hon Member proposed condominium already other people had proposed condominium in the 1960's and the people of Gibraltar have rejected it. He also accuses the Government of carrying out false nationalism. I do not know if he considers the demonstrations on National Day as false. Is he saying that the people of Gibraltar really do not know what they were doing in Casemates on National Day? What false nationalhood is the Government trying to impose on the people? The people in their own free will went to the Casemates. They demonstrated. They asked for self-determination, which is a right that we all have and which is something that the hon Member in his speech and in every article that he has come out tries to undermine. Even though I am against Brussels and I was against Brussels when I was in the Opposition in 1984 - we walked out - but the GSD was elected on the ticket of attending talks under Brussels. He has gone further than that and he has proven it today that even the Leader of the Opposition has said that he has gone further than that because all the political parties in Gibraltar who have supported Brussels have never said that there would be concessions. They have said that it is a way for dialogue. It is not the ideal way for dialogue but it is a way for dialogue. That is a very respectable position but I believe that the ideal position is the one that we adopt, not attending but the hon Member is saying we shall go there and we shall look for concessions. Maybe we can give them an inch but look what happens if we given them 2.5 inches because we are only 2.5 miles. They would take the whole of Gibraltar. What guarantees, and from whom has the hon Member had from the Spanish state that if we give a little concession that they will leave us in peace. That there will not be any queues in the frontier because that is what he mentioned. He mentioned the threat that the Spaniards might close the frontier. What? That if we do not give in to their demands they are going to close the frontier? Therefore we give them more importance and they do not close the frontier and that we hand them Gibraltar on a plate? Or is it that we should stay as we are and say we have the right to self-determination. We have the right to choose our future even though the frontier is closed. I suppose that in the 1960's when I

was a young person and was subject to not going to Spain, and it was a position that was fully understandable. I know what I was doing. I did not want to come under the sovereignty of Spain, simple as that, and I am sure that the young generation today in Gibraltar are stronger in their beliefs than I was in the 1960's. But when the hon Member says that they can make life difficult for us I do not know how much more difficult they are going to make it than what they are already making it. I do not know what are the difficulties that they can put on us and what concessions that we have to give them so that they do not make it difficult for us when all they want is just one thing. It has been said by Sr. Moran when he was the Foreign Secretary. It has been said by Sr. Ordonez. Sr. Moran was a more honest politician, I suppose, he said "Look, I would prefer to have Gibraltar but I would like it to be with the wishes of the people of Gibraltar but if it is handed to me on a silver plate I would take it even if the wishes of the people were not there". They only want one thing and the hon Member is making a contribution to the Spanish position. He is clearly defending all the time in all the statements he makes in all the press releases he has given, he is all the time putting the Spanish position and attacking the Government of Gibraltar and for that matter the people. He has told us that we are all smugglers. That we all launder money here. That is what he said and we live out of that. He has made a statement. He made a statement in the Chronicle. He has made a statement in the AREA. They are all here. If he wants it we can show it to him. I suppose what the hon Member is telling the people of Gibraltar instead of dropping our pants all in one go, because that is what he is proposing, that we should drop it slowly. I do not know what is happening when our pants are below our knees but I do not think that.... we will probably have King Canuto of Spain coming behind. That is what he is proposing. I am not prepared to take on the first battle on my pants but if he is prepared to do it.

He tried to send the Chief Minister to Mount Alvernia. I thought the right place where to send him. I would send him right to the mental hospital because the things he says sometimes does not stick. Does he believe in the United Kingdom, does he not believe in the United Kingdom? What position is he in that relationship because I think I missed it in his last contribution? I thought he said something that he did not believe that the United Kingdom would fight something or the other.

In essence, I think that the hon Member has done a great disservice not to this House, not to the members of the Government, not to the GSD or the members of the Opposition, he has done a great disservice and is still



doing a great disservice to the people of Gibraltar. And if he thinks when he says that he has no political ambition well, if he has not got any political ambition, and if he has at heart the people of Gibraltar, why wait until there is a general election? Why does he not go now? That is the honourable way he can go. He should test the opinion and I assure him that if he gets 100 votes it would depend if his family is as big as that.

HON R MOR:

Mr Speaker, I think that the Hon Peter Cumming suffers from general syndrome of deficiency, GSD. Let me clarify the fact that the initials correspond to the party in opposition is purely coincidental. I think the Hon Mr Cumming does not appear to know very much about the Spaniards or knows them at all in the way that he has gone about his contribution earlier on but perhaps I could enlighten him slightly if we consider that Spain has three neighbours which are Portugal, France and Gibraltar. It is a fact and he can be looked into, that the Portuguese dislike the Spanish attitude. The French equally dislike Spanish attitudes and although, of course, the French seem to dislike everybody else as well, but it is a fact that the French and ourselves dislike the Spanish attitudes. I think that should prove to the hon Member at the very least that the Spaniards are lousy neighbours, if nothing else. This morning of all the utter nonsenses which he put across, there was something in particular which struck me and that was that he said at one stage, "The crux of the matter is that we need to consider Spain's claim." I do not know whether in the 1960's the hon Member was studying to be a monk and he missed all the fun that we had in Gibraltar and perhaps to enlighten him I would like to go over some of the things which Gibraltarians had to put up with during that period. Even before the complete closure of the border there were already many restrictions in place and before 1969 we already had all the queues which went up to nine hours at times and that is little different, to what seems to be happening nowadays so it shows in a way that the Spaniards are practically repeating many of the things which they carried out in the 1960's. Even before 1969 they introduced special passes for Gibraltarians if they wanted to go to Spain. We had to apply for special passes and obviously those Gibraltarians that were most affected were those who had family connections in La Linea and they did not have much choice in having to apply for these passes. Let me recall one particular incident which demonstrates the mentality of the Spaniards towards us at that time in the early stages just before the complete closure of the frontier. In this case a mother was taking a daughter in a pushchair across into Spain and she carried an umbrella because it

was cloudy. Several hours later when this lady came back she was stopped at the frontier and asked where was her umbrella and the lady was surprised and said "I have forgotten it". She was made to go back and pick it up and bring it again to the frontier. They removed the special pass and suspended it for one month. That illustrates the sort of mentality which we are dealing with and in a way it poses the threat of people who act like that and think like that. It might be very well to say that at the time it was the Franco regime but, of course, Franco was not at the frontier, it was just a civil servant there and the manner that they carried out their duties was over enthusiastic to say the least and to make it as inconvenient as possible. As is well known in 1969 there was the full restrictions imposed on us. We suffered an economic blockade. The air restrictions and telephone communications were cut and this made it extremely difficult for families who had been separated, those living on one side or the other of the frontier, to communicate with each other. I remember that it was very common at the time that if someone wanted to pass some news over to the other side the person used the radio and dedicated records and at the same time put in a message. This is the sort of thing that the Spaniards are capable of doing to us and it is something that quite frankly we have resisted all that aggression throughout the years. We have made it quite clear that we are not prepared to give in to any sort of pressure and if the Spaniards at any time were to come here they would have to do it quite frankly over our dead bodies. That is my position and the position of my hon Colleagues.

We are not prepared in any way to make any concessions in return for giving up any of our rights on sovereignty or whatever else it may be. Quite frankly, we have nothing to give and I think that this is, I believe, the general feeling of the Gibraltarian people. We are not prepared to make any concessions or give in in any way, given the fact that we have already resisted a tremendous number of years. The fact that the hon Member, Mr Peter Cumming is in this House making such statements that he has been doing in the past, I think quite frankly it is shameful and I think that if his continued presence in this House would be an absolute disgrace to us. Thank you, Mr Speaker.

HON J MOSS:

Mr Speaker, I feel I would want to mention a point which perhaps has not been stressed by other members of my party and by other hon Members of the House today and that is that it is not as though dialogue with Spain has not been tried before and cooperation with Spain has not been tried before. Even at the very modest and

uncontroversial level, shall we say, of sporting, cultural activities, youth exchanges and so on and so forth, there has been contact with Spain in the past. There have been attempts by Gibraltar to show that there is goodwill on our side to try and get on on matters which are not of primordial importance to us and I have to say that these attempts have all ended in failure. They have ultimately ended in failure not through a lack of willingness on Gibraltar's side to put aside our differences but because unfortunately the Spanish Government only has one interest in so far as Gibraltar is concerned and it is not in our goodwill. The motion before us, is perhaps unprecedented because we have never in this history of Gibraltar's political life been confronted with such an issue. I would put it to the hon Members that that is precisely because of the fact that so much of Gibraltar's political arguments, including our internal arguments, actually revolve against the background of the problems with Spain. This is precisely the reason why the kind of line that has been taken by the hon Members simply cannot be tolerated.

Quite frankly, the line that he was using this morning was the kind of language that the apologists used during World War II to justify the different invasions of European countries. There could always be found somebody willing to stand up and say "Well, this is a matter of honour for the German people. We must not look at it in the context of them trying to bludgeon us into doing something that we do not want to do". Quite frankly, it is not acceptable. I think that the kindest thing that can be said of the Hon Mr Cumming is that he is at best extremely misguided and that he is suffering from a violent attack of wishful thinking. The Hon Mr Cumming reminds me of the little boy who is afraid of the classroom bully and he is so afraid of this bully that he actually wants to believe that the bully is really on his side and that perhaps if he agrees to what the bully wants him to do that he is not going to beat him up. That is certainly not the kind of experience that I have from my school life. One does not give the bullies what they want. One stands up to them whatever it is. So with the kind of political schizophrenia that the hon Member seems to be suffering I am afraid that as far as I am concerned there is really very little that he can do other than to comply with the wishes of the majority of the members of this House and that is to resign and that is not because of any personal grudge against the hon Member but because it is simply unacceptable that this House should be used by somebody to get in here under false pretences and then abuse that position to try and give aid to those who would harm not the interests of one political party but the interests of the whole of Gibraltar.

The Hon Mr Cumming says that he needs time to develop his thoughts. We have seen the kind of development that those thoughts have taken in the last few months and if he needs time to think then perhaps the honourable thing is for him to resign, not fight a bye-election and fight a future general election when his ideas are sort of felled into place but at the moment he presents us in the House with this putative 'Accommodation with Spain Party' that we do not know if there are any other members. We do not know if there is really anybody else who is standing behind him and helping him or not but if there really are more voices pleading for dialogue in the terms in which he puts it, then unless they are only pleading in his presence or unless he is imagining these voices I think it is time for those voices to have their say and the only way they can have their say is if the Hon Mr Cumming gives them the opportunity to say so. Then we will not require the services of an interlocutor who claims to be speaking for all these people. They will have the right to stand for election with him perhaps and defend what they believe in but I think that those people need to stand up and they need to be counted and the Hon Mr Cumming did make the comment in his contribution this morning that he thought that it was an excellent idea to have a referendum. An election is in a way a kind of referendum where people are given the opportunity to state their views and I have no doubt that if he does choose to resign and present himself before the people in a bye-election that they will have their say which is what democracy is all about and which is why we are all here. My advice to him would, therefore, be to listen to what the elected representatives are telling him. To listen to what the people of Gibraltar are telling him and to resign and perhaps after a bye-election or after a general election he will regain his seat in the House or perhaps if he has not got the opportunity to get back into the House then he can go and sit in the Queen of Spain's chair and wait there for the white puffs of smoke to be seen from the Convent or whatever but I certainly would not advise him to ask his wife to wait up for him, Mr Speaker. Thank you.

HON J PILCHER:

Mr Speaker, I have been in this House now for the last 10 years and certainly been coming to the House since shortly after the early start of the party that you led, Mr Speaker, and always avidly followed politics and therefore when I first saw this motion my immediate reaction was to try and identify what were the thoughts behind the mover of the motion because I think that is normally what a person expresses when he puts the motion, what is he trying to get at? Obviously, when I read this

motion the first thing that struck me was that the wording of this motion pre-determined that the relationship with Spain, the problems of the relationship and the deterioration of that relationship is our fault. That is what the motion pre-determines. It says "This House deplores the deteriorating state of relations with Spain and urges the Government to establish a process of dialogue" as if to say it is our fault we are not talking to them and it is our fault, we should do something about it. I think, secondly, it appears, and I think the point was made by my hon Colleague Mr Moss that there has never been dialogue at all. That there is no dialogue. That we have not spoken to the mayors in Spain. That we do not talk to cultural bodies or touristic bodies. That there is no dialogue, or else no Gibraltarian or no representative of the Gibraltar Government wants to talk to Spain or any member of the Spanish Government. Surely, it is the other way round, because in an attempt to start to create a process of dialogue the person that one has to ask to dialogue must accept that one exists. How can I ask my counterpart or one of my junior counterparts in Spain to come and discuss any matter related to, for example, tourism with me if they do not accept that I exist? There is no Minister of Tourism in Gibraltar. There is not anybody dealing with tourism from a political point of view because they do not accept that we exist as a parliament, that we have the right to be ministers, or councillors or mayors or call it what we like and that all that we are is an ingrown population on their piece of territory and what we should do is go back to the UK or to wherever it is that we belong to.

I think in analysing the motion this is a motion that could easily be presented in the Spanish Cortes, hopefully by the hon Member who has presented it here. It could easily be the Spanish Cortes deploring the state of their relations and asking the Spanish parliament to take steps to discuss matters with us, which they will refuse to do. I do not want to delve into the Brussels Agreement or anything like that but that is one of the major problems relating to dialogue, that they do not accept that I exist and therefore cannot talk with me. They have to do it through a third party which is the United Kingdom, but they cannot talk directly with me. I think the Chief Minister mentioned the constitutional difficulties in us asking Sr. Felipe Gonzalez to come to Gibraltar. We could not do it. It is not our responsibility but even if we did, Sr. Felipe Gonzalez could not accept it because he does not accept that we exist. I think that is one of the points. I was in a bit of a problem relating to why the motion was brought. In hearing the hon Member before me I am even more confused. I think it has confused everybody including his previous colleagues but he makes statements which he

has been making in the press for the last couple of months. He talks about Spain-bashing, Britain-bashing, what the hon Member has to do is give me, or give us or give the people of Gibraltar concrete examples of when we have gone out of our way in this House or anywhere in public to Spain-bash or anywhere in public to Britain-bash. I will tell him what we do. We do Gibraltar defending. That is what we do, which is a totally different thing. We stand up and defend our position, the position of Gibraltar, whether that be against the Spanish Government or whether that is against the British Government because what we are elected to do in this House is to defend the people that put us here which is what the hon Member has forgotten to do. The hon Member is now defending the position of our enemies and they are our enemies. The hon Member cannot do one thing. He cannot forget our history and of course we live, we accept, we forget but at the end of the day that is what has created our history. I think the Leader of the Opposition pointed to the Hon Mr Cumming the fact that many people turned up at El Martillo, I think it was called, to welcome Sir Joshua Hassan and Mr Peter Isola back from the United Nations. I was one of them on top of my father's shoulders when I was a little kid. We were holding a banner. I used to sit with my father to listen to Manolo Mascarenhas, the word of the people of Gibraltar in the early 1970's. I have not forgotten those. I can forgive the Spaniards for what they did because I went through a healthy-grieving process when Franco died. I did and I have forgiven and forgotten the things that they did to us then. My children do not even know about it but it is part of what they grew up with and my hon Colleague Mr Baldachino was right. My children, his children, and all the children in Gibraltar now feel Gibraltarian. They did not fight in the streets. They did not burn banners. They did not go to the airport to meet Sir Joshua Hassan at the time but they believe they are Gibraltarians. They have a right to their land. They have a right to self-determination and they do not have the right, to bow down to the threats, to bow down to the pressure of Spain and try and come to an accommodation with them because what the hon Member was describing this morning is termed very well by my father who calls them "panzistas" which is a lower class of vermin. It is people who put their stomach before their head and their heart and that is what the Hon Mr Cumming preached this morning. What he was saying this morning is if it comes to the crunch and we have a problem in our economic development and we have to put the Spanish flag up there we will put it. No, he will put it and I will be at the bottom of the pole trying to drag him down.

The hon Member thinks he has discovered I think he said this morning "conviction politics". He defends conviction politics and again I do not want to bring other elements into it, but in 1976 when the Strasbourg process was first started most of the members of the GSLP and many others that are in our executive, sat in a garage, because we did not even have premises, and had a meeting at 2am or 3am discussing the dangers of that for Gibraltar. Strasbourg, Lisbon, Brussels, our convictions, our thoughts have not changed. We do not change our convictions. We do not change our thoughts because it may be politically desirable one moment or the other. Eighteen years later we still feel that the Strasbourg process was wrong, the Lisbon Agreement was wrong and the Brussels Agreement was wrong and we will continue to think that whether we are here, or there or nowhere at all because that is our conviction, that is our upbringing.

I think I would want to do one thing, certainly on my behalf and I know that I speak for the Government when I say this. I think the message and the difficulties and the dangers in what the Hon Mr Cumming is doing is similar to the dangers that we saw in the Strasbourg process, in the Lisbon process and in the Brussels Agreement. The danger is that if Spain believes that we have got a little chink in our armour they will continue to try and break into our armour. If, during the great sieges, they had seen a weakness this would not have been Gibraltarian, this would not be British, because if one sees a chink in the armour of the enemy then he goes for that chink. There is no chink. Certainly there is no chink in the Government and undoubtedly from what was said this morning by the Leader of the Opposition, there is no chink there either. The message is one which is absolutely clear. The message is there will never be a transfer of sovereignty from the British Crown to anybody except the Gibraltarian, that is the message. That message goes out to Spain and it goes out to Britain, to both because it is not Spain-bashing and it is not Britain-bashing, it is defending the right of the Gibraltarians, the people who elected us and put us here and I will do that from the Government, from the Opposition or anywhere else, Mr Speaker. My parting thought to the Hon Mr Cumming is I do not want him to dip his headlight, I just want him to switch them off and get the hell out of the House of Assembly.

HON M FEETHAM:

Mr Speaker, a lot of things have been said and a few more things need to be said. I remember having told the Hon Mr Cumming just after he departed from the GSD and started becoming more pronounced on his, up to then,

mental secrets about his position vis-a-vis Spain that in my view he was making a very fundamental mistake. A mistake that would lead to his political downfall because he was actually, for the first time, creating a perception in Gibraltar, and more importantly a perception outside Gibraltar that there was now a fundamental change in attitudes towards Spain. Quite frankly if I may say so with respect, I feel sorry for the Hon Mr Cumming but we are not here to feel sorry for anybody. We are here to judge people on their political views and what they have to say in the public interest. I said to him, "Please, do not be used because you are being used directly or indirectly by anybody". Within Gibraltar there is a fifth column, in my view, that is driven, perhaps by other motives other than a need for a settlement with Spain but perhaps because of personal animosities, anti-GSLP stands, anti-Joe Bossano stands, anti-Michael Feetham perhaps, even anti-Caruana stands that will use every possible means of utilising anybody in order to create friction because for that type of person what they think is right for them, is more important than what is right for the people of Gibraltar. This morning he has made very, very clear, the effect in terms of Spain and what it has meant to Spanish public opinion which is being fuelled by the media in particular because I do not believe, and I want to be on record, that every Spaniard is the same. I cannot stand here in honesty and condemn every Spaniard as being a person that wants to sink Gibraltar. I do not believe that. I believe that there are good and bad people everywhere. I believe that there are good and bad people with different political motives everywhere but the view that he was taking, the stand that he was taking, the fundamental change that he was taking, I compared that with what happened in 1984 in relation to what happened in the middle of the 1960's. I recall it very, very vividly because I was one of those people during the frontier demonstrations in the early 1960's and was dragged by the police carrying out their duties and dumped me into landrovers because we were demonstrating against the fascist tactics of Franco in those days. I go back a long time but I recall a very important statement shortly after, made in the United Nations by the British Ambassador there when he said, which was greatly welcomed by the people of Gibraltar at the time, that sovereignty was not negotiable, or words to that effect. I am sure Opposition Members will remember the record that I am referring to. That was a statement that was welcomed by the people of Gibraltar and in fact, in my opinion I may be wrong, actually led to the closure of the frontier of Gibraltar despite everything else that may be said.

So therefore when we talk about dialogue and this Brussels Agreement is a means of trying to overcome

the..... I think the words used by the Leader of the Opposition was artificial things that we could get along with. Really no because it is fundamental things that are important and that have got to be overcome before even artificial ones can become overcome but the fundamental change that took place from the early to middle 1960's and that statement by Mr King and what happened in 1980 with the Lisbon Agreement and in 1984 with the Brussels Agreement, was that sovereignty was put on the table for discussion and negotiation. That is the interpretation that the Spaniards gave to it and what the British said is there, it can be raised and so on. It was a fundamental shift in that process and no matter how we want to paint it, no matter what position we want to take in trying to create dialogue with Spain, the fact that agreements have been reached by two major states, in their foreign policy, above the heads of the people that they are going to be discussing their future is detrimental to the future of those people unless the people themselves have been part and parcel of drawing up the rules upon which the discussions are going to take place. That has not happened. I cannot accept, our Government can never accept, a position of going into negotiations not because the Hon Mr Cumming is actually saying the tactics and actually announcing what he would like to do and so on and therefore put ourselves in a position of weakness. As trade unionists we know what that means. No, because it has already been predetermined for us and the next result has been that from 1984 to 1989 we have had in the process of dialogue a number of things happening that have been detrimental to the people of Gibraltar. If there is going to have to be a shift in positions it cannot be by us because we have not created the position. It can only be done by the people involved in drawing up and putting us in that position and the only way that there can ever be any open sincerity in creating dialogue is to start recognising the rights of the people of Gibraltar. Not necessarily if we want, for the sake of saying something else, the right to the land - which I uphold and everybody else does - but the rights that we have accrued in the European Community since 1973. Let us start getting that into place. Let us see whether Spain accepts our position in the Community that we were in from 1st January 1973. Let us start talking about the fundamental rights there. Let us see that gesture. It should not be very difficult because we are talking about a legal position clearly vested in us. There is no sign of that but why? It is very clear why there is no sign of that. It is not because we do not want to talk to them. It is because talking about negotiations positions if one holds the aces which have been given to why does one want to hand those aces over for the sake of 30,000 people? That is what any Spanish Foreign Secretary would be saying, "I

have got Brussels, I have got the Airport Agreement, I have got enough, why do I want to change that position? It has been put on us on a plate." They have got the aces and if hon Members want me to be more clear and more open about what I think I do not think the Spaniards are interested in dialogue with Gibraltar. I think they are interested in leaving it there. That is my view perhaps I have not been long enough in politics and I may be totally mistaken, maybe the view expressed by the Hon Mr Cumming is the correct one. I do not believe so. So therefore when my hon Colleague talks about not showing a chink in the armour, I think Spain is big enough, intelligent enough, understands the position clear enough so does Britain so now what the real feelings of the Gibraltarians are and the real feeling of this Government on what we can do and are not able to do and what we are unlikely to be able to do in the future. So, the Hon Mr Cumming's position in that context is not one of a chink, it is one of letting down the people of Gibraltar in their struggle in trying to change the scenario that has been created for them in their best interests and to start talking about dialogue with Spain in the scenario that I have described is actually conceding from the word go, concessions. That is what it means. Having conceded Spanish EEC rights in Gibraltar even before Spain entered the Community was a concession. Why should we now, having got them in, concede as well that they have got the right to kick us out? So, no, the Hon Mr Cumming is fundamentally wrong and above everything else he has taken a stand which he has no right to take because I know him a long time and because the scenario is not the same scenario on Black Saturday in 1968, where I was also convicted for the stand that I took in defending the right. I do not shed the fact. That position is not going to occur today one will be able to say whatever one wants to say without fear or without favour but to do so politically from this House one needs the support of the people of Gibraltar. The Doves did not have the support of the people of Gibraltar when they went to see Franco.

If the hon Member feels that he is a loyal Gibraltarian he needs to go and get the support of the people of Gibraltar. I was shocked frankly, as I said because I know him, of calling him a traitor to the interests of Gibraltar, I could not do that. I honestly do not think he is acting like that. I honestly think he is just looking at politics in too much of a simple way but in doing so he is creating a harmful state of affairs for us. We have all concentrated on the political side but some of the statements that he has been making on the economic side are nothing short of a disaster for Gibraltar's aspirations in trying to make Gibraltar economically self-sufficient. I say that as a person who is trying to do his utmost to attract investment here.



So when I get somebody here he believes there is a future for him in Gibraltar and when he listens to the press reports from Spain he gets cuttings from Spain and he listens what the hon Member has to say on GBC. He honestly starts to think that we are in a situation in Gibraltar that we are nothing short - the hon Member said so again this morning - of a haven for smugglers running away from Spanish justice. This is what the hon Member said. Who is running away from Spanish justice? I remember a time when they were running away from Spain and Gibraltar became a haven for refugees from Spain, for free masons, for the evangelical church that was created in Gibraltar because they run away from Spain and for politicians and for people that stood up in Spain to defeat the regime and wanted to say their right and they had to run away because of fear. That is what Gibraltar has always been, a beacon of freedom and a beacon of democracy. That is what Gibraltar has always been. So, please let the hon Member stop making statements in order to justify his position of the sort that he is making in relation to the economy of Gibraltar. It is doing us a great deal of harm.

He has a perfect right to criticise the Government's economic policies but to make some of the statements that he is making is too much and we can see from the whole list of cuttings of the Spanish press the way they are really going to town about Gibraltar and it has been published in some of the very important international press too and on international television and radio. I am in a position to gather information from an awful lot of people all round the world who are interested in Gibraltar, who I have got contacts with and they send me the press cuttings, of all sorts. That is all I have to say. The Hon Mr Cumming will have to go from the House. He has no choice if he is as honourable as he ought to be in having presented himself in the first place to be elected by the people of Gibraltar.

HON J C PEREZ:

Mr Speaker, the Hon Mr Cumming clearly, I do not think he stands a chance if he were to test his views in a bye-election or in a general election but he seems to be under the impression that there is a sort of plot to make him go to a bye-election because he would be less advantage by that than by a general election. Let me tell him gratuitously that if he looks at the history of this House of Assembly and of the Legislative Council before it, he will see that minority views have only been able to make an impact in the politics of Gibraltar electorally by a bye-election and had that not been the case I would question even whether the Hon Mr Caruana would be sitting there today had he not contested his

first seat in a bye-election and not in a general election. But be that as the case may be, I only want to make clear to the hon Member that there is no plot that we would like him to go to a bye-election and not to a general election because we feel that he has got less of an advantage. We know he is not going to get less of an advantage. We know he is not going to get the support of the people and that is why we are asking him to step down because he is not speaking for the people and he has no right to express those views on behalf of the people. The hon Member was talking about Belize and said that the people in Belize live in constant fear of invasion from Guatemala. I say this as a point of reference because he stood for election on that basis, and I think this colours his whole judgement of the political spectrum in Gibraltar and the simplistic way he views politics. He stood for election on the platform that there was fear in Gibraltar to express a view. When we have to be critical of a position by the Spanish Government or Spanish officialdom in the Campo and when we have to be critical about a particular position of the United Kingdom Government or officials in the Foreign Office, the Hon Mr Cummings is there first to stand up and say as my hon Colleague Mr Pilcher said that we are either UK-bashing or Spain-bashing. He has explained quite clearly why that is not the case but what is the case and what undermines the position of Gibraltar and the Gibraltarians is the Gibraltar-bashing that goes along with every statement that the Hon Mr Cumming makes. I can clearly accuse him of Gibraltar-bashing because he uses every opportunity, he has got a blind spot whenever the Chief Minister is mentioned. He has got a personal antagonism which shows and reflects itself in every statement politically he has made when he was in the GSD, before that and after that. Because of that he is allowed to be led by Spanish politicians and by Spanish journalists on the other side of the frontier and he gives credence to the scurrilous accusations, the lies and the attacks about Gibraltar having a drug centre here feeding the whole of Andalucia which is what this bloke Camacho recently said, that we were producing amphetamine or cocaine in Gibraltar. It is people like the Hon Mr Cumming with irresponsible statements that are attributable to him in the Gibraltar Chronicle and I have heard him say on GBC itself, that give credence to our enemies and give them the chance to try and discredit Gibraltar. He comes to this House and in every third word that he utters he gives the impression that someone wants to stop him expressing his views. He came and in answers to questions without giving any justification whatsoever or any evidence which I allowed him even to go and see the Attorney-General about, he gives the impression that his telephone is being tapped by the Government. Either the man has a persecution complex and



he thinks that everybody is ganging against him and following him around and everything else or I cannot believe that he deliberately wants to create an impression where, because he expresses a particular point of view, there are authorities in Gibraltar that try to stop him or tap his telephone. After he gives that impression then he echoes all the complaints of the politicians and of non-politicians in the Campo Area against Gibraltar. I think precisely because of the personal antagonism of my hon Colleague the Chief Minister. He sees red when he sees him. He has even accused him this afternoon of his machinations, of getting the Opposition to vote now against him. This is a machination of the Chief Minister. The GSD Opposition since he left do not take free decisions on their own; making a political judgement on a situation. No, they are being manoeuvred and machinated by the Chief Minister into a plot against him. This is sadly the kind of member of the House of Assembly that we have who makes statements on behalf of the people of Gibraltar and who has no right to make those statements, or those accusations, or those nonsense in the name of the people of Gibraltar because he does not represent the people of Gibraltar for those views. Certainly, the revelations today that he was actually called to be candidate by the GSD I am sure does not reflect on other decisions that the Leader of the Opposition has taken.

Much has been said on dialogue with Spain already but the Hon Mr Caruana said that the Hon Mr Cumming fails to see that the position of the lack of dialogue was not one where Gibraltar was at fault. It was one where the Spanish position was at fault because of the things that were happening. The Hon Mr Cumming does not believe that, his expositions of the fact today put the whole onus of why there was no dialogue because according to him the Government and the people of Gibraltar are continuously provoking the Spaniards. That is why the Spaniards do not want to speak to us. He has not taken into account that in breach of Spanish law - because there is a law in the Cortes that the Spaniards have not lifted the maritime restrictions on Gibraltar that were imposed by General Franco, - the air restrictions in Gibraltar imposed by Franco are worse today than they were because at the time of the restrictions there was still a BEA flight that used to stop in Madrid on its way to London. Not even that is there today, not because there is no dialogue but because the Spaniards are not fulfilling any of their would-be obligations of becoming a Community partner. He has failed to recognise that the lack of dialogue is because whereas we contend that the Brussels Agreement and that the Airport Agreement were grave mistakes but on top of that we had Sr. Francisco Fernandez Ordóñez, when the Airport Agreement was signed,

coming to Algeciras interviewed by GBC television, saying "No, the Airport Agreement is subject to the approval of the people of Gibraltar" and him conceding on that interview - not Sir Geoffrey Howe, he had already conceded that - that at the end of the day the Airport Agreement would be implemented or not implemented if the people of Gibraltar wanted it implemented but the last word lay with the people of Gibraltar. That was said by a Spanish Foreign Minister on television. What does the Spanish Ministry say today? Why isn't the Airport Agreement being implemented? The Airport Agreement is not being implemented. He tries to bully people to decide in their favour what even the Foreign Minister at the time said was a matter to be decided by Spain and if we were as faithful and as nice like the Hon Mr Cumming to everything that Britain or Spain said and if he had taken the word and the advice of the British Foreign Office that it had no implications on sovereignty and we would have applied the Airport Agreement, today there would be a new official in the Foreign Office telling us "I am sorry my predecessor made the mistake and legally there is an infringement on sovereignty in the Airport Agreement that is now applied and we have to live with it because it is applied". It is a good thing that this Government tested it in the European Court of Justice rather than take on an advice given to us freely which turned out to be the wrong one had we taken that road. The hon Member gives a scenario this morning that had he been the Chief Minister of Gibraltar leading the delegation to Spain by the time that he had finished the meeting there would be a Spanish Military Governor in the Convent and the Guardia Civil would be waiting for him downstairs. He has come this morning as a culmination of all the nonsense and all the atrocities that he has been saying since April and even before. I remember when he was still a member of the GSD, he used to stand up and the Hon Mr Caruana and the Hon and Gallant Colonel Britto used to be embarrassed by the things he used to say there. He comes this morning and he wants to have a negotiated surrender after the surrender has taken place. This is what he wants to do and he thinks that we are waging war on the Spaniards and provoking them. We are not. We are the victims. The Spaniards continue with the blockade that Franco started on us, continue manipulating the press in Spain and have a continuous campaign against Gibraltar at different levels all the time and continue behaving as what they judge to be the Brussels Agreement. We have another former Spanish Foreign Minister, Sr. Fernando Moran, who represents the majority of Spanish MEP's in the European Parliament and who has vouched in public, not in secret, to do everything possible in Brussels and in the European Community so that any right that is applicable to Gibraltar should be denied it on the basis that the

agreement that he signed in Brussels makes all of the issues of the European Union bilateral issues between Britain and Spain and that they do not automatically apply to Gibraltar. That is what the architect of the Brussels Agreement thinks he signed and he is the one that put a proposal for a Spanish Gibraltar to the British side in the nice dialogue where nothing happened which has been sitting there being considered by the British Foreign Office for seven years. It has been rejected on day one, the day the report came. The day the report came Mr Moran should have been told. "No, this does not represent the views of the people of Gibraltar, the wishes, the desires or the aspirations of the people of Gibraltar". This Government has done a lot to redress a lot of what are genuine mistakes by the people that were here before us and one is not going to put the blame on anybody that they did it with any sense of malice or any sense of wanting to do harm to the community but here was a judgement taken at a given time. If we look at the history of what has been happening in Gibraltar over 25 years this Government has done a lot to redress all of what has happened, and all of what did not happen in the 25 years and continue to do it. The Hon Mr Cumming's sole aim in life since April has become to undermine everything that the Hon Mr Bossano does even if he undermines the public interest as well. This charade is over. The curtain has fallen on this melodramatic pantomime which is being fed credence by all this nice interviews and all this great importance they give him. If he thinks that he really and generally is speaking for any section of the people of Gibraltar, Mr Speaker, then he should come and he should resign his seat from the House and he should stand for a bye-election and should test public opinion on the matter, because what he is saying are very important issues at the centre of the future of generations of Gibraltarians. He is being used by the other side and the views that he is expressing are being used by the other side not because he is allowed to express an opinion, he can express any opinion he likes. Solomon Seruya does it continuously. Guy Olivero even pays adverts in the paper to do it but that is nonsense, they do not represent anyone. The basic issue here is that the Hon Mr Cumming purports to represent the people of Gibraltar. He has no mandate whatsoever for 95 per cent of the things that he is saying and he is being quoted everywhere as representing a political view in Gibraltar which he does not represent and the time has come to tell him to go and not to come back; not on that basis. I am glad that the rest of the Opposition have seen fit to join the Government in calling for him to go and have seen the seriousness of the issues at stake on this matter. I hope that he is not too rash about it, like he was on Radio Gibraltar today, that he really thinks about

everything that has been said here today, that he takes a concerted view of everything that has been said here today and he takes his decision so that at least there is one measure of ethics and honour left in him to do the right thing. And the right thing is for the Hon Mr Cumming to go and to express all the views that he wants in the street, in the papers, wherever he wants because this is a free and democratic society notwithstanding the fact that he believes it is not because clearly everything he said before and since the general election demonstrates that that is the view that he holds and if the people of Gibraltar at any time support that particular view that he is expressing then I am sure that they will return him. But they have not done so now and I am sure that they will not do so if he goes to a bye-election today. If he does so perhaps that is the reasoning why he does not want to go. Perhaps that is what is holding him back because he really deep down knows that the truth is that he is alone, that no one backs his policies, that not one backs his views and that he will not be returned and he will say "Well, another 15 months of the salary of the House of Assembly would come in handy". Gibraltar might not be able to put up with another 15 months of the type of campaign and scurrilous attacks that we are being victims of by the Spanish press and by other enemies as a result of the stand the Hon Mr Cumming is taking. Thank you, Mr Speaker.

HON COL E M BRITTO:

Mr Speaker, in the interests of brevity there will only be one more speech from the official Opposition, the one that I am making now. We think that the opinion of the GSD has been more than well put during the course of the day by the Leader of the Opposition and that it is unnecessary to continue to hammer the same points. The fact is illustrated by the Government motion as amended that we have supported and that motion speaks for itself and we think that it is now up to the Hon Mr Cumming to consider the terms of that motion and act accordingly. I do not think anybody should underestimate the difficulty of taking the stand that the Opposition has taken in the case of what at the end of the day has been a former colleague but in the interests of duty, the position that we have taken has been taken. What I do want to say on behalf of my hon Colleague in the Opposition is to reject the underlying insinuation of what the Hon Mr Cumming was saying that in the GSD we were totally aware of exactly what his ideas were as put today during the time that he was in the GSD. The point has been made before and I will make it again that when he joined the GSD he accepted GSD policy, he accepted the GSD manifesto and he fought an election on the GSD manifesto, irrespective of what his own thoughts or his own ideas

might have been at the time. He accepted the position which the GSD took. At no time, irrespective of anything that may have been said, have I been present at any meeting or am I aware of any meeting of the GSD executive elected members of otherwise some of the ideas floated by the Hon Mr Cumming today were considered or discussed with a view of them becoming policy. Never has the subject of concessions on sovereignty been considered in any way by the GSD and never will be, certainly as long as I am a member because the moment that concessions on sovereignty away from British sovereignty were to be considered I would cease to be a member myself, at that very moment. That has never happened and I know that my hon Colleagues in the Opposition agree never will happen. Certainly, the idea of condominium has never been discussed or considered seriously and all I say is that neither the Hon Mr Cumming nor anybody else should ever mistake that their own ideas which they may have and which they may even float occasionally but which others in that room may discard because they do not agree with and if that person is on a minority that in no way can be taken to mean that other people in any way share the talk of that particular subject. That is all, Mr Speaker.

HON CHIEF MINISTER:

Mr Speaker, let me just say that in response to the point made by the last speaker on the Opposition side who said that in the interests of brevity he was going to be the only one to speak. In the interests not of brevity but of making the message loud and clear to the Hon Mr Cumming all the Members on my side expressed a very strong desire to state how they felt on this because it is not just a matter of the party whip and telling people here this is how you have to vote, it is a matter that when we considered how we should respond to the motion we thought it should be given the seriousness that it deserved and what we are telling the Hon Mr Cumming not as former colleagues but in fact as current colleagues of his in this House, we are telling him he is persona non grata. That is what we are telling him and that therefore it is not simply that we find his views unpalatable or unacceptable, it is that we find his abuse of his position totally contrary to the very essence of the democratic process and he has admitted it himself in seeking to defend his continuation in this House after today and although he may have reacted instantaneously at lunchtime by saying that he was not going to go and he said so as I mentioned earlier during the Budget Session, I think he really has to consider seriously because I have not discarded taking the step of dissolving the House if that is what it takes to remove him at a future date but certainly I can tell the Opposition Member that if he persists in remaining in this House we will review

the whole of our relationship. We do not think he has got any right to be here and we do not think he is entitled to any of the privileges of being here. If he is using his position here to express views which he has not been elected with a right to express and therefore I am afraid it simply will not do that he says "I want more time in the House in order to try and persuade more people to vote for the views that I hold" because he is admitting therefore that the views that he holds did not have that support when he started off. He is saying that those views are evolving. If they are evolving and they have evolved at the rate they have evolved between April and September, where are we going to find him in 15 months' time? The other element, of course, is that he says we want to have a bye-election because he would stand a less good chance of getting elected in a bye-election than he would stand in a general election. It is not a matter of a numbers game. If he really thinks that these are serious things that he is saying, if he is not conscious of the damage that he can do by his irresponsible behaviour, then it is not a question of saying "Tactically I may be able to get in with 30 per cent in a general election but I will not get in with 30 per cent in a bye-election". He has got to understand that the kind of views he is expressing would not normally be expressed by people with 30 per cent. He is turning over the stand of this House for 25 years. All he has got to do is go back in time and he will find that there might have been differences of degree but there have never been differences of substance until now and a revolution of that nature which is what Spain thinks is happening, this is why they say he represents a dramatic change in the attitude of the Gibraltarians, because they think it is a revolution in the position of the Gibraltarians and because he claims that it is in fact brought about by the effectiveness of the pressure that we have been put under which constrains our ability to survive and that we really have to go down that route. He himself has said in this House on previous occasions. He wished our policies were successful and that we were able to guarantee prosperity for our people but he does not think we will be permitted. That is for somebody to defend a philosophy on the basis that he is going down that route because he is not permitted to do other things, immediately debunks the philosophy intellectually, cannot he see that? Of course, because if one believes in it, if one believes in the deal with Spain one should believe in it irrespective of whether we have got economic difficulties or we have got money pouring out of our ears. It should not be a mercenary thing. He should not say we must have dialogue with Spain because otherwise we are going to become poor but if we become rich then it does not matter. What kind of principle is that? What is it that's believed in? That

is not a principle that one can say "This is my philosophy" as there have been people who have said "I believe in this and I am not doing it to be popular or unpopular, I am doing it because I believe it is the right thing for Gibraltar and if nobody votes for me, fine, nobody votes for me" but the hon Member is not saying that, he is saying that he is being driven into this belief because of his assessment that other than on that basis we will not succeed as a people. I believe that that assessment is totally incorrect. Clearly, if we had a friendly neighbour the task would be easier but the fact that Monaco has got a friendly neighbour is not because of concessions that Monaco has made to France and the fact that Leichstenstein has got a friendly neighbour is not because Leichstenstein has given in to Switzerland. Leichstenstein has now voted to join the European Economic area and Switzerland voted no to it. That did not lead to Switzerland saying "Now we are going to put sanctions on you because we do not agree with your decision". The reality of it is that the fundamental analysis he is making is wrong and the only way we can continue to keep on with that tactic is if he tests it and he has no choice. He really has got to go down that route. He really has to put his cards on the table and state his political credentials by going to the people and defending the views that he has defended in this House and he has defended in the Spanish press without a mandate to do so.

The hon Member has said earlier on today whether in fact Mr Speaker there is anything in the rules that enable us to require him to leave the House and you said there was not. I think you are wrong, Mr Speaker, I think in Article 30 of the Constitution it is possible to require a Member of the House to leave if he is of unsound mind. I do not think we would be too far wrong in that judgement if we put it to an opinion poll. Maybe that might be the route we have to take, if we cannot do it by persuasion. I commend the amendment to the House.

HON. P. CUMMING:

Mr Speaker, just a few minor remarks. Reference has been made by the Chief Minister in my relations to the Spanish press. I always tell them their interest in me is premature but they do not take my word for it. I had thought at first that the best policy would be to avoid them like poison because it is an edged sword with two edges but somebody told me "Look, if you give up an opportunity to use the Spanish media, you give up an opportunity to defend the right of our people" and even though I know they are interested in me because they think I am the softest end, as it were, towards them, I always use the opportunity to push the question of our

accrued rights over our 300 years here in Gibraltar and under the Charter of the United Nations and the way that they have bullied us in the past and obviously one cannot give them all that. But I always use the opportunity for uncontroversial aspects referring to our rights. The Hon Mr Mor was making out earlier on that I missed all the hardship of the times of the shut frontier. This in fact was not so. I was greatly looking forward to using my ex MOD landrover in Spain and was not able to. I stopped going to Spain a whole year before they actually shut the frontier because they made clear that we were not welcome there and I did not like to go in those circumstances. I was here when the frontier was shut; when the labour force was removed. I did go to study for three years consequently, after that I was in Gibraltar all the time. I left Gibraltar on two occasions for one week each time and those were good years for me, I did not feel claustrophobic here. A colleague of the Government Members, John Gomez called Gibraltar in those years a high quality concentration camp over GBC. I must say I never found it so. There was plenty of work; part time jobs galore. For me, personally, they were not all that bad years but I followed the problems of Gibraltar through that time. The question of the bully was brought up by the Hon Mr Moss and, of course, I agree with him that Spain has bullied us and continues to bully us and I have taken my dictionary in looking for a word to translate "bully" and there is none because I want to use the word "bully" and the concept "bully" whenever I have an opportunity to speak to the Spanish press and say "How can you expect Gibraltar to look favourably towards you when you have bullied us constantly over the years" and the fact that I want to sit down to talk to them does not mean to say that I want to appease them. I want to have it out with them and these things that many people have been saying about Spain, of course I agree with them. They have not been nice to us, to put it mildly and I want to have these things out with them. The Hon Mr Feetham is upset about my remarks about the economic situation but of course these remarks have only been coming since last April and we were in economic difficulties well before that. Foreign investors come to their research, they do not need me to point out to them the difficulties that we face with the Spanish position. The Hon Mr Perez makes out that dreadful scurrilous things are being said by me and the implication is that bales of cannabis wash up on our shores and we have got to ignore them as out of patriotism. I think that avoiding the truth does not help us. The Hon Mr Perez says the initiative more rightly comes from the Spanish side to seek dialogue and I agree with him. It would, the unfortunate thing of course is that Spain does not suffer at all in this relationship with us. We suffer at

their hands and therefore it is in our interests to seek a relief of those conditions.

Mr Speaker, the motion that I have brought to the House today is one seeking dialogue with Spain in order to have a better relationship with Spain and I firmly believe that these are good things for Gibraltar and I brought them in good faith and I am sorry that the House rejects them at this time.

Question put on the Chief Minister's amendment to the motion, as amended. On a division being called the following hon Members voted in favour -

The Hon J L Baldachino  
The Hon J Bossano  
The Hon Lt-Col E M Britto  
The Hon P R Caruana  
The Hon H Corby  
The Hon M A Feetham  
The Hon Miss M I Montegriffo  
The Hon R Mor  
The Hon J L Moss  
The Hon J C Perez  
The Hon J E Pilcher  
The Hon M Ramagge  
The Hon F Vasquez

The followig hon Member voted against -

The Hon P Cumming

The following motion was accordingly carried -

"This House:

1. deplores the policy of the Spanish Government to continue with the harrassment of the people of Gibraltar introduced in the 1960's by the previous Spanish regime,
2. condemns the posture adopted by the Hon P Cumming recently and in this House today concerning relations with Spain,
3. declares that such posture does not conform with the policies on which the Hon P Cumming sought a mandate from the electorate in January 1992 to obtain membership of this House,
4. therefore censures this posture and calls on the Hon P Cumming to resign his seat forthwith and test the support he claims exists for his posture by seeking a fresh mandate from the people".

#### ADJOURNMENT

HON CHIEF MINISTER:

I have the honour to move that this House do not adjourn sine die.

Question put. Agreed to.

The adjournment of the House sine die was taken at 7.15pm on Thursday 29 September 1994.