



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

EVENING SESSION: 5.45 p.m. – 7.28 p.m.

Gibraltar, Thursday, 19th January 2012

The Gibraltar Parliament

The Parliament met at 5.45 p.m.

[MR SPEAKER: Hon. H K Budhrani QC *in the Chair*]

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

Questions for Oral Answer

Procedural

5 **Clerk:** Question 96, the Hon. P R Caruana.

Mr Speaker: May I inform the lady in the Public Gallery that photography is not permitted without the permission of the House.

10 **Hon. Chief Minister:** Mr Speaker. I do not intend to advocate for anyone who is in the Gallery, but I

understand that the press may have been informed that today was the session to take pictures for their library pictures, and I believe the lady is from one of the publications that was not here this morning.

15 **Hon. P R Caruana:** Panorama.

Hon. Chief Minister: So if the hon. Gentleman opposite will agree, because this is an issue that goes ahead with the consent of the whole House, I would ask that she be allowed, for the purposes of having their gallery of pictures of the House.

20 **Mr Speaker:** I am grateful. I was not aware that it had been consented to.

Hon. P R Caruana: Anything for Dr Garcia's father. *(Laughter)*

25 **Mr Speaker:** Yes.

**UN conditions for de-listing a territory
Gibraltar compliance**

30 **Clerk:** Question 96, the Hon. P R Caruana.

35 **Hon. P R Caruana:** If she is taking a picture, I had better tie up my jacket. Mr Speaker, can the Chief Minister say, what are the United Nations' current conditions for de-listing a territory and can he also say whether he considers that Gibraltar satisfies them all?

Clerk: Answer, the Hon. the Chief Minister.

40 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the information sought in the Question is publicly available, in that it seeks that the Government should list criteria set out international legal instruments.

I will tell him that my own view is that we have reached the maximum possible level of self-government and should, therefore, be de-listed by the UN. I am surprised he is interested, given his previous statements about how irrelevant he considers de-listing to be.

45 **Hon. P R Caruana:** Mr Speaker, the hon. Member knows that I am a little bit more Machiavellian in the Questions that I formulate to him than simply ask for information that I already know. I never ask a Question to which I do not already know at least part of the answer.

50 Now, Mr Speaker, the question is this: the hon. Member will acknowledge, I am sure, that we are separated across the floor of the House and it is relevant to his invitation to take me on holiday with him to the United Nations in New York, is that we have a different view, not about the Fourth Committee, but about the Committee of 24, the special decolonisation committee. That difference of view is, as I am sure he is aware, based on the fact that the United Nations' de-listing criteria are such that they will not recommend de-listing to the Fourth Committee, if there is anything in the territory's constitution that allows the ex-

55 administering power any residual legislative rights.
We presently have a constitution that *does* leave the ex... the United Kingdom, through Her Majesty, with residual legislative rights. On the other hand, the United Kingdom is saying – to all the Overseas Territories, by the way – we are not willing to give up our residual legislative rights, except if you want to retain your constitutional links and your sovereignty links with the United Kingdom. Why? Because we are not willing to have international responsibility, without any wherewithal to put an end to unacceptable behaviour in Overseas Territories.

60 We in Gibraltar want both maximum self-government, but we also say we value our British sovereignty, which we want to retain, and our constitutional links with Britain, which we want to retain. Those continuing constitutional links with Britain that we want to retain, and that British sovereignty which we say we want to retain, are not available to us in a way that can deliver compliance with the United Nations' de-listing criteria, because the United Nations say they are not willing for you to be British sovereign, and to have a

constitutional link with Britain, unless I have legislative last resort, legislative powers, and the United Nations says, 'Well, if you have got legislative powers in the territory, then you are not eligible for max de-listing.'

Because we want, not one of those but both of those, there is no point in changing the UK's mind. The UK is simply saying if you... we want British sovereignty and constitutional links.

So I am asking the hon. Member to consider whether, given that we want both things – de-listing and to retain British sovereignty and our constitutional links with Britain, which are not available without the UK having some sort of final handle over Gibraltar, much as we might not like that aspect of it – is it not logical, rather than carry on saying to the United Nations, 'Delist us, delist us, delist us,' when we are in blatant non-compliance [*Applause*] with one of their de-listing criteria, is it not more logical to say to the United Nations, 'Your de-listing criteria are antiquated and should be changed, because I am entitled to be de-listed and to preserve a constitutional link with Britain and to preserve my British sovereignty', which are the three things that we want. That is what separates us at the United Nations. I have not identified much else that separates us at the United Nations.

I am just asking the hon. Member what the de-listing criteria are and whether he thinks we comply with them, to have a debate to seek his views about whether he shares our assessment that, to obtain de-listing and keep our British sovereignty and our constitutional links with Britain, we are going to have to persuade the United Nations to drop that de-listing criteria with which we cannot comply *and* keep our British sovereignty and constitutional link with Britain, which we say we also want.

Hon. Chief Minister: Mr Speaker, just on a point of form, because there is a lot that we agree on in what has been said, and I will go onto it now. The hon. Gentleman has actually said, 'I am only asking this Question in order to have a debate on this issue'. A Question must not be a pretext for debate...

Hon. P R Caruana: I am asking.

Hon. Chief Minister: Except that, Mr Speaker, this is a very important issue that we should be debating in this House. Therefore, Mr Speaker I would invite that, in future, if there are issues like this, the hon. Gentleman put a motion, because I think it is important that we bring back the concept of debating on motions in this House, not just on issues upon which we disagree, but also on issues where it may be that we want the House to be committed on issues where there is broad agreement.

Mr Speaker, it is not that I want to take the hon. Gentleman on holiday. I wish that we got on better and perhaps we might both look forward to going together on holiday! (*Interjection*) I am not excited at the prospect, so he cannot expect that I am going to invite him to come to the seminar with me as well, or anywhere else – just New York, and for business, Mr Speaker.

But a lot of what the hon. Gentleman has said is a matter of agreement across the floor of the House. In his interpretation, and I know that he has said this before, and in mine, there is a residual legislative power to the United Kingdom, but it is pretty sparse and it is only there to be used in the sparsest of circumstances and I dare say that it is very likely that the United Kingdom would find that it was against both Government and Opposition and any other political party in this place and most people here, if it sought to exercise its reserved powers. The developing case law shows that the good government aspects of those residual powers now must be interpreted only in respect of the good of the territory and not the United Kingdom's wider good, although I am sure that lawyers could argue over those points here and in the Privy Council for days.

The important thing is that we believe that we have achieved the maximum possible level possible of self-government and our attitude – and it may just be a different side of the prism. Our attitude has been to say at the United Nations, 'Can you, Committee of 24, can you, Fourth Committee, please tell us why it is that you think that we have not achieved the maximum possible level of self-government required for you to delist us?' because those residual powers are only in our constitution, not because the United Kingdom has given us such a constitution and has reserved powers to do whatever she likes in the 'colony', which is what was the case when the criteria were established, but because the people of the territory, in an exercise of self-determination, *vide* the preamble of our constitution have chosen that that should be the case. So it is not the old colonial style, where the mother parliament withholds certain powers to herself. It is a modern relationship – of course, we agree it is modern, we just do not think that is enough – where the people of the territory have, in a referendum, chosen the status and we say to the UN, 'In that context delist us or tell us why you think that you cannot delist us, having heard those arguments.'

The hon. Gentleman has taken a different tack. It is true that perhaps it is not analysed in this way, when

we go head-to-head on the issue, but we are all, it appears, trying to reach the same destination.

125 **Hon. P R Caruana:** Mr Speaker, does the hon. Member not acknowledge that what he has just said is squarely with what I was saying and demonstrates the need to adopt the GSD Opposition's approach? It is precisely because the territory population has chosen it that the United Nations has to be persuaded that their view that, even when the territory has chosen it, they will not delist if there is a residual legislative power, that that is anachronistic, because we can never comply with that condition.

130 The United Nations are not saying it is okay for the ex-colonial power to have residual legislative power *if* the colonial people are content. Peter Isola went to say that, and they said they were only content, because the Spanish had gunboats pointing at us!

135 The United Nations are saying that the United Nations' de-listing criteria say that *even if* the people are content, *even if* the people are content and vote for it in an act of self-determination, it is *still* not acceptable to the United Nations to delist if the ex-colonial power has a residual power of legislation, and we say that is what we have got to demolish. We have got to persuade the United Nations that that condition is undemocratic, anachronistic, for the very reason that the hon. Member has just said, because the people have wanted it, have chosen it in an act of self-determination, and who the hell are the United Nations to decide what is an acceptable form for us to be decolonised and not to be colonised?

140 That is why I say to the hon. Member, it is not a question of going to ask them to tell you why our constitution is not compliant and in what respect; we know the answer to that question. The answer to that question is, because one of the de-listing criteria is that the ex-colonial power must not have legislative powers, and our constitution provides for the United Kingdom to have legislative powers.

145 Now, we can spend the next 25 years going to ask the United Nations to tell us what we already know and what is clear to anybody who reads the de-listing criteria and our constitution, and even if they answer the question, the position is still that we cannot comply with it; or we spend the next 25 years trying to persuade the United Nations not to be so damned autocratic and to allow us to delist, notwithstanding that the United Kingdom has residual legislative powers, because that is the will of the people of Gibraltar in an act of self-determination, and they should modify their de-listing criteria, not to forbid de-listing in those circumstances, but to permit de-listing in those circumstances. That is the GSD's position on the matter and has been...

150 In the meantime, we do not go to the Committee of 24 precisely because we take the view that we have already achieved the maximum level of self-government that we can and we want, if we want to keep our relationship with the UK, which we do, and therefore there is no point going to ask for more than we want which, in any case, they are not going to give us. That is the difference between us. Much of what the hon. Member has said today recommends our approach much more than it would recommend a different approach, Mr Speaker.

155 Can I just, finally, ask him to acknowledge, if he would, that he is, I think, dangerously understating, in UN terms, he is dangerously understating the nature of the United Kingdom's power of legislation in the Overseas Territories, including Gibraltar. The United Kingdom *habitually* legislate for the other Overseas Territories. Every time the United Kingdom passes an Order in Council applicable to all the Overseas Territories, it is legislating for the Overseas Territories.

160 It is true that we, in Gibraltar, after a long rearguard action, certainly during all the 16 years that I have been in office, have persuaded the United Kingdom *not* to legislate by Order in Council for Gibraltar, but to allow us, through local domestic legislation, to replicate whatever they were going to do in the Order in Council for us. But the United Kingdom – particularly in aviation matters, for example – habitually passes Orders in Council. That is legislation. The law of the United Kingdom is that Parliament is sovereign and Parliament is free to legislate in the House of Commons, with territorial application in the Overseas Territories, whenever it wants to and, indeed, purported to do so recently – we have now persuaded them to reverse it – but did so under the Armed Forces Act 2006.

165 So this is not a theoretical or residual or rare thing. It is rare in its application to Gibraltar by agreement between us, but it is not residual in the practice. The United Kingdom is free to do it whenever it pleases. It may choose not to do it, as a matter of relationship or as a matter of whatever, but that distinction is irrelevant to the United Nations. I would ask the hon. Member to consider that the United Nations would simply take stock of the fact that the United Nations, without so much as a by your leave from the people of the territory, are free if they want to legislate as often as they please for the Overseas Territories and that is all they will look at. They will not look and say, 'But they're nice and they don't do it, because they respect' and all of that. That is going to be irrelevant.

180 So, I would ask the hon. Member just to consider, I am not trying to persuade him today to express a definitive view. I would welcome the opportunity for continuing conversations between us, public or private, to see if this difference can be narrowed, so that there is a single Gibraltar view and, frankly, when there is a single Gibraltar view, it is not necessary for me to go with him to New York. I am very happy to be represented by him as the Chief Minister of all Gibraltarians, including me. This is not about who goes and who does not and who pays the fare and does not pay the fare. This is about whether we have a viable, common position with a reasonable prospect of success, as opposed to now a position which sounds very hairy-chested, but has no prospect of getting to where we both want to get, which is to get Gibraltar's name of the UN's list.

185 I would ask the hon. Member to consider at least whether we can continue in discussion.

Hon. Chief Minister: Mr Speaker, of course, we can continue this discussion, publicly or privately, and it is important that we should, because we must do everything possible that, on this important issue, we should not be divided if we can avoid being divided.

190 Mr Speaker, the argument in our view is a little bit more complex than that. For example, short of modifying the UN criteria, it may be possible to persuade the UN to apply its criteria in a more modern way, looking at the way the world has changed.

195 I think, Mr Speaker, that Sir Joshua Hassan, who was Leader of this Parliament for so long and Peter Isola, who contributed so much to this Parliament, did much more than just turn up in New York and say, 'We do not want to be Spanish, because they have got Spanish gunboats pointing at us'. The criteria were there then; they are there now; they are 60 years old.

200 Would that we could achieve that the United Nations change its criteria and model it around the sort of status that we have today to achieve a de-listing, but it is also possible to say that the criteria 60 years ago applied in the modern world must cover a situation such as this, where the ex-colonial people, as we see ourselves, have chosen a constitution which contains these criteria.

Hon. P R Caruana: Mr Speaker, would the hon. Member give way just a second?

205 The answer to his question is 'no' and do you know why it is no? Do you know why it does not extend? Because the United Nations decolonisation crowd assume, as they assumed when Peter Isola and Joshua Hassan went, that we are going there meekly to say that and there is some sort of direct or indirect undue influence by the perfidious United Kingdom that has some sort of hold on us and simply uses us as their lackeys to bring about a result that allows what *they* regard as a continuation of a colonial status.

210 So they assume – they do not believe this business of exercise of self-determination. They assume that nobody would opt for decolonisation through a formula that allows the ex-colonial power to continue to legislate over them. That is anachronistic because they think that, because they recall their own decolonisation experiences.

215 My antidote to the argument is to say, 'Well, look, if you think, United Nations, that having the United Kingdom having legislative powers over a territory that is not part of the union of the United Kingdom makes them a colony, why have you not listed Jersey and Guernsey?' because the United Kingdom have the same legislative powers over Jersey and Guernsey as they have over Gibraltar, but nobody thinks that they are a colony. They are not on any United Nations list.

220 So we have got to attack this as anachronistic and undemocratic, this old 1960s view that if somebody is trying to break from the colonial shackles and comes along and says that they are happy for the ex-colonial power to legislate over them whenever it suits their fancy, they must be lackeys of the colonial power, oppressed, suppressed, cajoled by the colonial power into trotting along to New York to say those things, because they cannot imagine, recalling their own experiences, that they would have accepted anything of the kind. That is the anachronism that we need to break.

I am obliged to the hon. Member for giving way.

225 **Hon. Chief Minister:** It is not usual to give way at Question Time. This is becoming a debate and, if the hon. Member does not mind, I am going to say just a few things and I think we owe it to everybody to get on with the Questions.

230 But, Mr Speaker, the simple answer to why Jersey and Guernsey are not brought onto the list by the United Nations is because it was up to the UK to notify the Territories in the 1950s, and did not. That is the issue.

235 Of course, the United Kingdom reports to the Committee, to the UN, under article 73. The United Kingdom reaches a consensus decision with Spain. So although it is saying to us, 'The criteria are outdated, you do not need to be involved in that', it is actually taking part in the proceedings of the Committee. This is all the issues that make this much more vexed than just their position or our position. There is a lot in there which I think we should continue to discuss, because if it is possible to have a Gibraltar view on this, we owe it to Gibraltar to reach that view.

Mr Speaker: The Hon. Daniel Feetham.

240 **Hon. D A Feetham:** Mr Speaker, I do not want to shatter the *entente cordiale* that has temporarily developed between the Chief Minister and the Leader of the Opposition –

Hon. P R Caruana: On this issue.

245 **Hon. D A Feetham:** On this issue.

250 But in the light of the position he has expressed, the position the Government has expressed, in relation to this issue, that he believes that Gibraltar has the maximum level of self-government, short of independence and short of being commensurate with British sovereignty, does he not accept (1) that that arises out of the new constitution, (2) that, therefore, their position on the new constitution was misconceived, and (3) that the position that he has expressed in this House today is, in fact, a U-turn from the position they adopted on the new constitution?

Hon. Chief Minister: Mr Speaker, it is not a U-turn.

255 He does not seem to understand the niceties of what we have discussed. We are not here to answer for the things that we did as Opposition; we are here to answer for the things that we do as a Government, but I am quite happy to say that we do not feel that we were wrong in the position that we took.

That sort of contribution is what makes it difficult to reach a consensus for Gibraltar. It is a cheap political point and, frankly, it is better not made.

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National Day Potential changes

265 **Clerk:** Question 97, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, is the Chief Minister able to say – I realise it is early days – what changes he plans to introduce to the format of National Day to update it?

270 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, not yet, other than to say we will be putting the accent on young people and the political importance of the day that we are celebrating on 10th September every year.

275 An announcement will be made in due course. It maybe that we will have an opportunity of discussing those issues as well – not across the floor of the House – before the announcement is made.

280 **Hon. P R Caruana:** I was just a little taken, Mr Speaker, by one phrase in his broadcast on this Question, when he said that even with all the entertainment things for the youth were going to be refocused, so that these guys understand the political significance of what they are doing, which suggested to me that everything, even the concert, was going to be given a political flavour.

Presumably, the hon. Members may be planning to restore a political event, but they are not suggesting that they are going to be introducing political *content* into the non-political events, like concerts and... This is what he suggested.

285 I am glad to say, I can see his head shaking, that that is not what he meant.

Hon. Chief Minister: No Mr Speaker, except what we are celebrating is a political event to a great extent, because we are celebrating the referendum, etc. That is what National Day started as.

290 But I think you will find that this is not going to be us trying to force politics down anybody's throat on that day. There are, of course, civic events – most of them which originated after 1996 – which will be kept as part of the recasting of the whole thing. At Casemates, when we reintroduce the rally, there will be a political element to that, which is the focal point for many of us on that day.

295 But, as I said to him, I think this is an issue again that if it is possible, we should be discussing outside the confines of Question Time, because this is a day for *all* of Gibraltar and it must be seen as a day for all of Gibraltar. I know that there are very many people who would be very happy to hear that National Day is coming home to Casemates. That is one part of it – not all of it.

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**Chief Minister's proposed changes
Consultation with the House**

Clerk: Question 98, the Hon. P R Caruana.

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Hon. P R Caruana: Mr Speaker, can the Chief Minister say whether he intends to consult the House and in particular the Opposition Members of it, in relation to the changes that he has said he will introduce soon?

Clerk: Answer, the Hon. the Chief Minister.

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Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, yes.

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Hon. P R Caruana: So, implicit in that, although we recognise that, by their majority, they can change, effectively, whatever they decide, but it is implicit in that that there will be no unilateral or bilateral Speaker-to-Leader of the House changes simply announced to us, the Opposition will get an opportunity to participate through an expression of views, through consultation, in all the restructuring that we are going to do?

Hon. Chief Minister: Yes.

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Hon. P R Caruana: I am much obliged.

Hon. Chief Minister: There will be two veins of these changes: one vein will be the independent commission which we are setting up, which will be subject of the difference between us at the time of the motion. That is looking at the long-term changes that might be desirable in this Parliament.

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The other vein and other things that we think are important, and we think are deliverable, even absent that sort of investigation of how things should change... The hon. Gentleman will know that I have said that we will now have monthly meetings of the House, as he and I have been discussing – and he knows I have discussed with the Speaker – that means that we will be using the Government majority to adjourn the House *sine die* on a monthly basis and bring it back administratively, as I am entitled to do, on a monthly basis. So there will be monthly question Times and there will be a monthly opportunity for motions. That really was the substance of our debate at the time of the motion, that those things could be done.

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There is one thing that has happened during the run-up to this meeting which I think, really, was very much in our gift and would have been in his gift, which was simply to say, to give an indication to the general public and to the Members opposite, of when Parliament was going to sit, when we were going to adjourn to, when it was likely – because it really cannot be more than that, unless we put Parliament into some strictures – that certain questions were going to be dealt with. That has happened because I have no difficulty in giving the Clerk an indication of when I expect to rise, and when we expect to come back and I hope that will have the effect of making Members' lives easier in planning their diaries and the general public who might have an interest in this place, who might have an interest in particular questions, in planning when they need to be here or when they need to have their radios on to hear a particular set of questions.

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I do not think it is going to be possible for us to have as clear a timetable as perhaps is the case in other

places, where they know when certain questions are going to be asked, unless those questions are going to be the ones at the beginning of a session. But that was really in the gift of the Leader of the House, the hon. Gentleman could have done it at any time during the 16 years that he was here, and the previous Chief Minister could have done in that way.

345 I still believe that it is possible to do a lot more that there is more broad agreement on, without waiting for the independent commission to report on the things which may be more controversial across the floor of the House and outside of this place. Certainly, it would not be my intention to try and force those things through, even with the Government majority, if there was a great measure of disagreement on the other side, because I think, in this place, we must not just be bulldozing things through, 10-7. I think that it is important that, unless we have a series disagreement about the benefit of something to the community, we should try and do this by consensus.

350 The issue of cameras, for example, is one that would not be able to happen simply with a conversation between myself and the Speaker, although we could then turn that into a vote of this House which goes 10-7. That is the sort of thing that I think we need to be talking about, because it is easy to say, 'Let us transmit and let us broadcast' – *(Interjection by Mr Caruana)* It is easy to say, 'Let us transmit and let us broadcast', but that could take many different forms. What does 'broadcast' mean these days? Does it mean television on the airwaves? Does it mean internet? Does that make it more accessible to people because most people during their working day would be accessing the view of Parliament from their PCs at work, rather than at home on television?

360 So are all of those issues, the hon. Gentleman can rest assured, we will be talking about. It will be, I hope, an inclusive process, and I hope he does not mind me revealing that we have discussed, just before this question, during the break, the possibility that Mr Speaker, the Leader of the Opposition and the Chief Minister will meet, given that there may be different ways of achieving the same effect that we intend to deliver, and that he may be contributing to that. So I am grateful for that indication from him earlier. I hope that we can do this as a Parliament, and not that there should be Government and Opposition debates on this. Of course, there are the independent commission issues which may be more controversial and which will come to the House, once the commission reports.

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**Alliance Manifesto
Total cost of implementation**

375 **Clerk:** Question 99, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, given that the Chief Minister said, during the recent Election campaign, that the Alliance's manifesto was 'fully costed', will he now say what is the total cost of implementing all the commitments contained in that manifesto?

380 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the costings we did before the Election are not the costings of the Government; they are the costings of the parties that sit on this side of the House.

385 The cost of each of the projects in our manifesto will be public and subject to all scrutiny as we commence them as a Government. Any such costings will, by then, be the result of open tenders for the projects.

Hon. P R Caruana: Mr Speaker, is he not willing to give me his costings?

390 **Hon. Chief Minister:** No, Mr Speaker, I am not.

Hon. P R Caruana: Well, Mr Speaker, I suggest to him that he is not willing to give them to me, because he does not have any because it was not a fully costed manifesto.

395 **Hon. Chief Minister:** Mr Speaker, that is not the case. In fact, costings are not mine, they are not of any individuals here. They are the costings of the party, as his costings are the costings of *his* party.

400 The position is a little bit more complicated than just wanting to share with him what these costings might be, Mr Speaker, because of course, he will understand – and he has deployed this argument with us in the past and I believe we have accepted it, almost without exception – when one delivers information like that across the floor of the House and we are going to go to open tender process for many of these projects, we are giving away what we think something might cost.

405 Mr Speaker, I do not think that is in the public interest that we should do that. He should rest assured that he is wrong in his assertion. I am sure he makes that mischievously. We know exactly what the cost of delivering our manifesto is, in our estimation. It may be that we can deliver it for less, as a result of the open tendering procedures, or it may be that it is going to cost a little more. Those are issues which he can quiz us on once those projects come on stream, and they are public. You will have the opportunity of asking us then, ‘Is that what you thought it would cost? Did it come in higher or lower?’

Hon. P R Caruana: With respect to the hon. Member, that is completely nonsense.

410 I am not asking the hon. Member to identify the cost of each project individually. I am asking him to give me one global figure – £400 million, £500 million, £600 million? To say that the entire manifesto will cost £500 million to implement does not help any tenderer when it comes to tendering for building the lake in the Commonwealth Parade! So that whole reasoning is neither here nor there.

415 The hon. Member knows that, in our *conservative* estimation, the cost of implementing his manifesto is between £400 million and £500 million – £400 million, excluding – although this did not come out in the Election campaign – the halving of the national debt.

420 Mr Speaker, he has what he says was a fully costed manifesto. He says he will not tell me now, because he is now Government and not the party and he is not in the House to answer for the party, he is in the House to answer for the Government. When we were going head-to-head, party to party, in the Leaders’ debate, I asked him what was the cost of his fully costed manifesto, he would not tell me then, either.

425 The hon. Member should then not be surprised that people come to the conclusion, when he does not tell me when we were parties and he does not tell me now that we are Government and Opposition, people will come to the conclusion... Does he not accept that he runs a grave risk that people will come to the conclusion that he does not say, because he does not have a clue – which is my view.

Hon. Chief Minister: Well, Mr Speaker, you see, he did not tell us what the cost of *his* manifesto was when he was competing with us in the General Election campaign.

Hon. P R Caruana: You never asked.

430 **Hon. Chief Minister:** It became abundantly clear, I think, to the whole of Gibraltar, and certainly to me on 9th December, that I was absolutely right when I was going round the estates, saying that there is only one way to fund it, in the hon. Gentleman’s imagination – D-E-B-T – debt. That is what he was going to do, in order to deliver – take us down the road of more debt.

435 Mr Speaker, the hon. Gentleman can press me as much as he likes. He is going to get the same answer from me on this issue and it does not take people to the conclusion to which it takes him, which is always the most negative and the most perfidious.

440 **Hon. P R Caruana:** Mr Speaker, I was illustrating that the hon. Member’s commitment to all this transparency of statistics and information is tempered by one overriding consideration, which is nothing to do with a commitment to transparency: it is transparency, so long as it does not suit him not to put the information transparently in the public domain.

445 **Hon. Chief Minister:** Mr Speaker, this is neither a request for a statistic or information. This is a clear partisan attempt to try and curry some favour with those few supporters that he may have left.

Mr Speaker, I am going to leave it at that . It is up to him whether he wants to come back. Let him come back.

450 **Hon. P R Caruana:** Mr Speaker, I do not know how many supporters he thinks I have left. But can I just remind him of what he used to remind me – notwithstanding that I had a bigger majority than him – that he has won this Election by fewer than 400 votes, and that, just to use the calculation that he used to use, that

requires only 240-odd people to have decided to vote differently for me to be sitting on that side and him to be here where I believe he belongs.

455 The hon. Member is in grave risk of losing that very slender majority, if he is going to go around behaving as if he was a Chief Minister who had been swept into office with a landslide majority, telling the Opposition that has got just 380 votes less than him that he only has a handful of voters left. My advice to him is that he does not go down that well, because a majority of 240 is very easily lost – indeed, he may have lost it this morning, just on the basis of the Minister for Employment’s answers to our Questions on the Employment Strategy.

460 **Mr Speaker:** May I remind the Leader of the Opposition, there was no question in that statement. We really must confine ourselves to questions. (*Interjections*)

465 **Hon. Chief Minister:** Yes, Mr Speaker. I really am obliged, Mr Speaker. They need to be short and contain questions. (*Interjections*)

Mr Speaker: Order!

470 **Hon. Chief Minister:** Mr Speaker, this is one debate I am delighted to have, Mr Speaker. Perhaps rightly, when I said to him after the last General Election, when he saw his voting majority reduced or the percentage by which he won the Election reduced, I said to him, Mr Speaker, the Chief Minister and his party ‘got in by a whisker’ and he said to me, Mr Speaker, ‘That whisker is irrelevant. We are the Government and you must stop arguing these things or you do not have a chance of winning the next General Election.’

Well, Mr Speaker, I carried on. He was wrong about that and he is wrong about this.

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**Government procurement policy
Subject to open tender**

480 **Clerk:** Question 100, the Hon. P R Caruana.

Hon. P R Caruana: I said that is not a view widely shared in Gibraltar. (*Interjection by the Chief Minister*)

485 Mr Speaker, can the Chief Minister say whether it is the policy of the Government that all procurement of goods and services by the Government should be subject to an open tender process?

Clerk: Answer, the Hon. the Chief Minister.

490 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, subject only to the caveat that there may be cases where the public interest requires that the product or service subject to procurement rules may *have* to be procured directly as a result of urgency or other exigency. The rule will be open tender process.

495 **Hon. P R Caruana:** Mr Speaker, that was the previous Government’s policy. It did not stop him from criticising those few cases in which public interest and exigency or urgency dictated otherwise. We used to put it in a slightly different way: exceptional circumstances.

So, the hon. Member’s policy is that a tender, yes, unless *they* decide that there is a good reason not to do it.

500 **Hon. Chief Minister:** Mr Speaker, I think that is the policy of most governments – in other words, tender yes, unless there is, in the public interest, an urgency or other exigency which requires it.

The hon. Gentleman is putting his question, in my view, as if to suggest that we will find a way out of going to tender when it is not in our interest, as if that were in some way nefarious. He needs to accept that we are the Government of Gibraltar and we will only be taking items out of procurement by tender if it is in the public interest.

505 Now, he knows that I have taken him to task on this issue in the past, in circumstances which were not

about urgency or exigency, as I read it. The term ‘exceptional circumstances’ could mean something different.

510 Mr Speaker, I do not share the view that some of the things that were done by *his* Government had to be done outside open tender procurement, and I believe that they were done outside tender procurement for reasons other than in the public interest. That is a debate that he and I, I am sure, can have until the cows come home.

515 We have not yet procured anything, in my understanding, outside of the open tender mechanism. When we do, he will be entitled to come here and say, ‘Why did you do it in this instance? Was it a case of urgency? Was it a case of exigency and can you satisfy me of that?’ That is what his role is as Leader of the Opposition – but he has got to let us at least start procuring!

520 **Hon. P R Caruana:** Mr Speaker, alright, let us deal with the first one. What was the exigency that caused them, as we heard this morning, in answer to a Question on the smoke extractor system... what was the exigency in the public interest that led the Government not to go to tender on a relatively standard piece of equipment as smoke extractors?

525 **Hon. Chief Minister:** Mr Speaker, I am sure that he will reconsider, when he sits down, having asked that question because, of course for us, it *is* an exigency that there should be members of the City Fire Brigade – and perhaps the Shadow Minister will share this view – who are suffering with these fumes in the fire station, having been promised an extractor some time ago, because of the Health and Safety need for such an extractor and, where there are only two producers of this type of extractor, to have gone straight to the producers in order to get the best costings available.

530 Now, Mr Speaker, in my view that makes absolute sense. If there are people who could be inhaling this smoke for longer, from the day that we take over in Government, we want to stop that as soon as possible. That, in my view, is urgent and it is an exigency.

535 **Hon. P R Caruana:** So, the word ‘exigency’ is even wider than ‘exceptional’, then. Because, frankly, Mr Speaker, look – first of all, it is very arguable that anybody is inhaling anything. Secondly, it is very arguable that there are only two companies in the world that make these extractors – I do not know whether these are NASA space-rocket-type extractors or whether they are just... I suppose every fire station in the world, we are led to believe, must have them, if what he says is true.

540 But, in any case, given that this has been the case for 50 or 60 years, does the hon. Member think that it is actually urgent to override the public tender system to do it in six days? This is what I mean by the concept of exigency being very subjective. So what it really boils down to, does he not agree, is that the hon. Members go to tender when they want to do and do not go to tender whenever *they* think there is any sort of reason that justifies not going to tender. I do not think anybody could argue that it is *urgent* – would he agree with me – to correct in six weeks what has prevailed for 60 years?

545 **Hon. Chief Minister:** Mr Speaker, I do disagree with him. I think there are some things which have prevailed which it is urgent that we should resolve.

550 The Hon. Minister with responsibility for the Fire Brigade reminds me that all that has happened is that the Chief Fire Officer is in communication with the two producers. They have not yet been *procured* from anyone. We are seeking information about this and it may be that it is possible to go through the tender process for the procurement. (*Interjection by Mr Caruana*) Mr Speaker, therefore the question is based on a false premise. (*Interjection by Mr Caruana*)

555 I must tell him, Mr Speaker, that I do not believe that there were exceptional circumstances of *any description* which could have led to the entry into agreements for consultancy services with one particular company that he and I have debated, in respect of that agreement, across the floor of the House, and that we have a serious difference of opinion on that and that that costs Gibraltar *a very large amount of money*.

560 Mr Speaker, that is an issue which is worth debating and I am happy to debate it with him, if he wants, but to take this point now, when this Government has not yet procured anything, suggests to me, Mr Speaker, that the hon. Gentleman is not feeling sufficiently comfortable in his own skin, in his capacity as Leader of the Opposition, and that he thinks he is still the person who is in charge of procurement.

560 **Hon. P R Caruana:** The hon. Member must know that I do not ask the question on a false premise unless the Hon. Mr Linares has made a false premise to the House. It is not a false premise. It is based on the premise

that the Hon. Mr Linares said in the House this morning, in answer to another Question, that they would *not* be going to tender because there are only two manufacturers.

565 So now I ask a supplementary: on the assumption that we are not going to tender for this, because your Minister told the House this morning that we were not going to tender and gave us the reason, and you say now that it is a false premise because they have... Well, I am delighted if, as a result of our debate now the Hon. Mr Linares' Answer is no longer valid. So, despite Mr Linares having said this morning that they would not be going out to tender, for that pretty unconvincing reason, the position now is that you might well be going out to tender, which we think is the correct thing to do.

570 Mr Speaker, the hon. Member wants to persevere with this view that there was a procurement impropriety in the engagement of services –

Hon. Chief Minister: What is the question?

575 **Mr Speaker:** Next question please.

Hon. P R Caruana: I will ask a question. In respect of Gibraltar Land Reclamation Ltd, is the hon. Member aware that all Governments of Gibraltar have *always* procured – including the previous GSLP Government – consultancy design services on that basis, including from the heinous company in question? Is he aware of that?

580 **Hon. Chief Minister:** Mr Speaker, it is *he* that is suggesting that I am in any way characterising that company as 'heinous'. I am not doing that, Mr Speaker, because that company is not here in the House and it is not answerable to the House.

585 It is *he*, Mr Speaker, who was in this chair when those agreements were done. He is not here to answer my questions, so it will be a rhetorical one, but is it that he did not know that the procurement rules and the procurement laws changed in January 1996, in order to give compliance to the first tranche of directives on public procurement and that those also affected services?

590 Mr Speaker, he may or may not like it, but I do not agree with him that there were *any* exceptional circumstances for his Government to enter into those agreements without going out to public procurement. That is the issue. It is not about the company: it is about *his* Government; it is about *his* actions.

Mr Speaker, as far as I am concerned, I am not imputing any improper motive. I am just talking about the *process* of procurement, which was not followed, which *in my view* was required by law after January 1996. Those are the issues, Mr Speaker.

595 If he gets up, Mr Speaker, he should get up to ask me a question and not give me a speech.

Hon. P R Caruana: Mr Speaker, I will answer his rhetorical question and I will... I know that it does not suit the hon. Member for me to populate my questions with information which he cannot grasp and cannot deal with and cannot...

600 Is the hon. Member now suggesting to this House and to Gibraltar at large that all his campaign about the Government's contractual relationship with the Gibraltar Land Reclamation Company and its directors and all its people was not to suggest that there had been... If all that he was complaining about was an alleged breach of EU tendering rules and was not, as is his style, suggesting impropriety, why, in his pre-Election manifesto to the Civil Service, did he put in brackets 'a relation of a Minister'? If he was not suggesting corruption, why tell civil servants in his manifesto that, to boot, the person was a relation of the Minister – because that is not relevant to whether there is a breach of EU directives or not which, as he well knows, we do not believe that there was.

Hon. Chief Minister: Mr Speaker, we are entitled in this House to demand that.

610 **Hon. P R Caruana:** Exactly.

615 **Mr Speaker:** The remark made by the Hon. Leader of the Opposition *was* a question – he did style it as a question – but I must remind the Leader of the Opposition that the questions must be brief. They can be preceded by a *brief* preamble but the questions must be brief. We have spent a whole day dealing with less than 100 Questions. In the past we have dealt with a hundred Questions in a matter of a couple of hours.

Hon. P R Caruana: Yes, Mr Speaker, because in the past the Questions were all statistical, they did not have any supplementaries, and now we are asking political Questions.

620 **Hon. Chief Minister:** Mr Speaker, I am going to give him a political retort to the things he said. The people on this side of the House can grasp the information, and I am sure the people on that side of the House can grasp the information, because this is not a parliament where we come to say that each of us are not able to grasp information.

625 Mr Speaker, if he wants to get up and talk about corruption, he is the one getting up to talk about corruption. We have got parliamentary privilege. We can talk about corruption if we want to, but that word is in *his* mouth, not in mine. He is the one casting aspersions, not me.

630 I am saying that when he was in this chair, when he was Chief Minister, *he* – not anybody else, *he* – did not follow the procurement laws of Gibraltar and the directives that are relevant. That is all I am saying. If he wants to elevate the issue further, it is a matter for him. Let him stand up; let him ask a question. That is the role the people of Gibraltar have chosen for him: to ask questions, not give speeches. *That* was over on 8th December. *(Applause)*

Mr Speaker: The Hon. Daniel Feetham.

635 **Hon. D A Feetham:** Can the Hon. the Chief Minister enlighten this House as to whether the Government has procured any alternative energy hybrid vehicles, directly and not by tender, because it has been reported in the press that you have done so.

640 **Hon. Chief Minister:** Mr Speaker, the answer is no. The only thing that has happened, if the hon. Gentleman looks at the press release... I do not know what the press has said, but what the press release said was that we had procured a test vehicle of one particular type of model. A test vehicle means, Mr Speaker, that the showroom gives you the car. It is like a test drive. So we have procured nothing that has cost the people of Gibraltar nothing.

645 All we have done is start the process – a process that you would have thought *any* Government would have wanted to start earlier – of testing different types of vehicles. That will help us to set the criteria when we go out to tender, to understand exactly what it is that is best in the circumstances of Gibraltar, what it is that is best for our community, how we can lead by example as a Government on all issues of renewable energy, *including* the vehicles that are used as part of the Government fleet.

650 It may be, Mr Speaker, that at the end of that exercise we will have to say there are no vehicles which are suitable for Gibraltar because of its topography, and it may be, Mr Speaker, that if the hon. gentlemen opposite, when they were here, had done that, they would not be open to criticism for not having done so. You see, you must not just put your finger in the air and say, ‘This car works for Gibraltar, that car does not work in Gibraltar,’ or ‘We don’t need to go down that road for Gibraltar.’ You need to ensure that you are doing as much as possible.

655 The short answer, Mr Speaker, is we have not procured *anything* in respect of such vehicles outside the tender process. All we have is that we have very kindly been provided with a test vehicle of one particular model and we are seeking other test vehicles of other models from other dealers, some of them in Gibraltar, some of them outside, which other dealers in Gibraltar may be interested in bringing in in the future if they are the right vehicle for Gibraltar.

660 **Hon. D A Feetham:** Can the Hon. the Chief Minister confirm this is the Toyota Prius? Can he confirm when he was provided with this car free of charge and when is he going to, effectively, give the car back to the garage?

665 **Hon. Chief Minister:** Mr Speaker, I cannot give that information because I have not been provided with the car. It is the Technical Services Department of the Government that has reached an arrangement with one particular dealership and they will have set out how long they need it for in order to test it. It may be that the car has already gone back; it may be that we still have it. They are doing the exercise of understanding whether that particular vehicle works in the topography of Gibraltar.

670 I actually have not seen the vehicle and not been in it, but the hon. Gentleman will, I am sure, be delighted

to know that when I go to the United Kingdom I use a company that uses Toyota Priuses to ferry people from the airport to the centre of London. It costs almost half because, obviously, the vehicle uses much less petrol when it goes on the M25. I commend it to him. I am delighted to give him the details if he is interested.

675 I am very keen that the Government should also use those vehicles if it makes sense in the UK. It may be that it does not, and again it will be something that will have to be investigated.

680 We are not for making decisions just for the sake of making decisions. This is an important issue. If Gibraltar can be more compliant... If Gibraltar can procure a fleet of Government vehicles that is better for the environment, what is wrong with that and what is wrong with starting the investigation at no cost to the Government? Absolutely nothing, I am sure the hon. Gentleman will say.

Hon. D A Feetham: I agree entirely. I am not questioning the motive. I am not questioning whether it is an environmentally friendly policy or whether it is not. That is not the point. The point was that it was reported in the press that the hon. Gentleman acquired a Toyota Prius. There is an article here in the *Newsweek Magazine*. I have got it here. I was just wondering whether that had been procured by direct allocation. The hon. Gentleman has explained it.

685 Can I ask him this: will this tender policy also apply in relation to these foreign investors that the hon. Gentleman confirmed at the interview with GBC that he had up his sleeve, and that he has confirmed during the course of today's session that he is in negotiations with – is it going to apply also to them?

690 **Hon. Chief Minister:** Mr Speaker, if they are going to provide services to the Government and they are going to obtain land from the Government, of course it must mean that we are going to be in a process which is going to be open and fair and is going to allow different approaches to prosper but, of course, give people an opportunity genuinely to compete for those projects.

695 **Hon. D A Feetham:** That does not necessarily follow at all. May I urge the Hon. the Chief Minister to reconsider that?

700 Is it not the case that if you had a situation... and I am just exploring here the parameters of their policy in relation to this tender policy. Is it not the case that if you have a situation where you are in negotiations with foreign investors who come to the Government with an excellent idea to do something in Gibraltar, it would be wrong – having those investors come up with that idea – to then say, 'Hang on a minute, it's your idea; yes, we're interested, but we are also going to put it to tender and allow others to compete on your idea.' I do not know: is that the policy of the Government?

705 **Hon. Chief Minister:** Mr Speaker, I do not see the conflict. I really do not see the conflict.

I think if there are people who are international investors who are interested in coming to Gibraltar, they do not necessarily come and talk to you to say, 'I want to be the person that provides you with this particular service, to the exclusion of everyone else.' That is not the type of international investor that I am talking to. There could be a circumstance where an investment requires the use of land in Gibraltar for a particular new industry, and it may be that, in those circumstances, the Government makes a decision to make an allocation of land to open a new industry that creates employment.

710 In our view, because we would not be procuring services and we would not be buying property or goods from that entity, that is not an issue that would be covered by the procurement directives. Making a direct allocation of a plot of land in the public interest of Gibraltar, in the economic interests of Gibraltar, to create employment etc, is not something that is covered by the procurement directives that we are talking about. We are talking about the Government procuring, i.e. the Government *buying* services or goods. That is what we are talking about. That will always go out to open tender, unless in the situation we have been very clear there have been cases of urgency or exigency which are going to force us in a particular direction.

715 The hon. Gentleman will know – and I do not want to say much more than that, because actually I was supposed to be meeting them an hour ago, and I have to meet them a bit later – that there were people who were talking to *him* about things which are good for Gibraltar, which we all agree were good for Gibraltar, that he was not able to talk about because of certain constraints imposed by the type of group that we are talking about, where there might be an allocation of land that would result in something positive for Gibraltar and the creation of jobs. If the hon. Gentleman looks at my lips, I will tell him what it is... Right.

720 So, in those circumstances – a particular chain of hotels, for example – where you are talking about an allocation of land, if the allocation of land results in great economic activity for Gibraltar, the creation of

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jobs... The hon. Members opposite had taken the view that there would be an allocation.

730 That is not procurement, and this Question, Mr Speaker, is about procurement of goods and services by the Government, and that is why our Answer is absolutely clear on the issue. Procurement of goods and services, in our view, under Gibraltar law already – and under EU directives that we have taken a view would have been directly effective in Gibraltar because their transposition dates have passed – *must* be subject to an open tender procedure and, depending on their cost, they sometimes even have to be European tenders. This Question is about procurement of goods and services, not about allocation of land.

735 **Hon. P R Caruana:** In any event, I am interested in the hon. Member's answer, which suggests that he has the same policy as us but, in terms of the other sort of tendering, for the making available, the selling, the alienation of Government land, he is, in effect, continuing the previous Government's policy whereby, if a property developer came to the Government with a proposal which the Government judged was, exceptionally, in the economic interests of Gibraltar, he considers that his Government is free – as I think it should be, and we felt we were free – to make a direct allocation, as we have already agreed to do with the very important hotel chain and the investors behind it that he has alluded to for the site of the – it's no secret – yacht club. That is good.

740 When we exercised the same judgement in favour of the Mid Town development, the hon. Members will recall the fuss that particularly Dr Garcia made about it, that the propriety or impropriety of such a policy cannot depend on the different judgements across the floor of the House of whether it is interesting, it is a good deal or not – that judgement is for the Government. The hon. Member will enjoy the Opposition's support for a policy that acknowledges you cannot expose inward investors to the lottery of a tender process for a project that is very good for Gibraltar.

745 Would he, however – and this is the supplementary attached to my very long speech – commit to making a public statement immediately that any such commitment is entered into and which has been exempt from the usual thing, which is that you sell, you alienate Government lands through a sale tender process.

750 **Hon. Chief Minister:** Mr Speaker, subject to the fact that we do not agree that the Mid Town project was that sort of project, and that is our position – we never suggested that it was 'improper', because those words have connotations – we believe, Mr Speaker, that that, as a project, should have gone out to tender because to give to a local developing consortium a local piece of land is not to alienate a piece of land in Gibraltar for the purpose of attracting inward investment which will be positive for Gibraltar.

755 It is not to say that international investors are going to enjoy a better regime than national investors when they come up with the right projects, and it may be, Mr Speaker, that the Westminster model of Government and Opposition means that the Opposition is always going to question whether the Government considers that there are exceptional circumstances in a particular instance. We do not think Mid Town was that sort of thing.

760 Mr Speaker, I think it is almost conjunctive that if we have made a decision to grant a parcel of land to an investor, international or national, because of what he, she or it are going to do there is in the economic interests of Gibraltar, we will be chomping at the bit to make the public statement, and he has my commitment that I certainly will be looking to make a public statement immediately – and that is an elastic term – as soon as possible after making such a decision, perhaps even before the documents have been signed, because if it is in the public interest of Gibraltar, we will want everyone to know.

765 **Hon. P R Caruana:** Mr Speaker, will the hon. Member acknowledge that the project that we are both talking about and we are not identifying is exceptional and in the public interest and we have no professional or other connection with it? We had got to the point of agreeing and negotiating the structure of the transaction and the lawyers just did not deliver the documentation in time to be signed but, certainly, if the hon. Member has come to the conclusion, as we came, that that project is, indeed, exceptionally in the economic interest of Gibraltar, we will support any decision that the Government makes to do a direct allocation of that land to those developers.

770 **Hon. Chief Minister:** Mr Speaker, this morning when I was indicating that if we took projects forward which had been started whilst they were in administration we would not be looking to take the credit for them, this is the project I was thinking of.

775 In other words, if it is completed, there will be a public statement that will say, in respect of negotiations commenced before our election, which we have brought to a head because of our election, this is happening

and it is happening in this plot and we have made the decision that this plot should be used for these purposes in these circumstances. The hon. Gentleman knows that that is not the only plot that is being discussed on that basis as a residue of things that were happening before the Election.

785 There are a number of others which could be used for one purpose or another and international investors had already indicated an interest in them and *his* Government was taking forward that interest and it may be that my Government reaches a conclusion in respect of those which will result in the grant of land to certain such investors, not just the ones I am *hoping* to see this evening to try and progress it and to try and get it to a stage where Gibraltar has the benefit of that sort of economic activity and the creation of employment.

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**Alleged unfairness under previous administration
Referred to Chief Minister and Ministers**

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Clerk: Question 101, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister say what matters relating to unfairness suffered under the previous administration does he believe many people wish to see him and other ministerial colleagues on?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, there are so many such instances that it would take me days to go through the list.

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Suffice to say that I have come across cases of people who have never had letters replied to, having written repeatedly to Ministers on issues which caused them serious personal problems. These range from issues to do with immigration to housing and employment.

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Hon. P R Caruana: Mr Speaker, I suspect that the hon. Member will discover that what people call ‘unfairness suffered under the previous administration’ and he now calls ‘unfairness which caused them serious personal injury’ is simply not having got the decision that they wanted out of the system, which people quickly convert into a sense of personal grievance.

Anyway... so these relate to housing and immigration matters and things of that sort? Mr Speaker, I look forward to being able to ask him, in due course, how many of these he has been able to resolve.

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I am grateful to him.

Hon. Chief Minister: Mr Speaker, I have never referred to the hon. Gentleman inflicting serious personal *injury* on anyone. If I thought he had done that, I would be reporting him to the Police, I am not trying to sort it out myself.

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Of course, I accept that there are some people who think that they have been hard done by but, in fact, their grievance has no merit; but I think that there are people who feel they have been hard done by who have merit in their grievance. That may be an issue between us across the political divide. I am doing my best to resolve as many problems of as many people who need my help as is possible because I see that as one of my roles in politics.

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Hon. P R Caruana: As he has not seen them yet and, indeed, the statement was to tell them to be patient because he has not been able to get... As he has not seen them yet, he does not know whether they fall into the category of people who have been *genuinely* treated unfairly by the Government, as opposed to the complainer type. So this is a statement that he makes in his New Year broadcast on the *assumption* that there are people out there of this kind, aggrieved by the unfairness, but because he has not been able to see them yet he does not know whether that is true or not.

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Hon. Chief Minister: No, Mr Speaker, unfortunately, again, there are more things in heaven and earth than are thought of in his philosophies. I may have read their letters asking to see me and identified there the grievances which I think are genuine that they need to see me on.

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**Alleged unfairness under previous administration
Link to promises made during Election campaign**

840 **Clerk:** Question 102, the Hon. P R Caruana.

Hon. P R Caruana: Can the Hon. the Chief Minister say whether he thinks it possible that the many people that he says want to see him and other ministerial colleagues about housing, employment and immigration matters is actually because he spent the Election campaign and much time before promising people to see them, solve their problem and give them what they wanted immediately on his being elected, if they voted for him?

Clerk: Answer: the Hon. the Chief Minister.

850 **Hon. Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, I do hope so, as politicians are elected to serve people and resolve their problems, not to rule over them imperiously.

855 **Hon. P R Caruana:** Yes, Mr Speaker, but he misses the point of the Question, which is that the long queue of people clammering to get into him, which is not humanly possible for him to see all at once, are not because there is a great battalion of people out there who have been injuriously and unfairly treated by the previous administration, but if you go round Gibraltar for three months promising houses to everybody that asks for one, jobs for everybody that asks for one, immigration papers for everyone that asks for one, then when they deliver their part of the bargain, which is to vote for you, and you come into office, they all go clammering to cash in their chips, and that this is why he is inundated with people wanting to see him and not because there is a long list of people.

860 Mr Speaker, he was dealing with a long list of people *before* the Election. Do you remember when they used to come back here and tell us that, from their Opposition offices, people, constituents, used to go round this building along the pavement queuing to get in to tell them just how badly they had been treated by the GSD Government? So these queues must be generated by a different reason to what used to generate the queues before.

865 The question is whether the hon. Member thinks that it may be possible that these people who are wanting to see you and that you cannot fit... whose demands for timely meetings you cannot humanly satisfy, are actually the people who are responding to your invitations issued before the Election to do precisely that.

870 **Hon. Chief Minister:** Mr Speaker, first of all, there are many people who I have not even heard of, let alone met during the Election campaign, who now want to see me, who write to me and show me that they have serious grievances as a result of the way that they have been treated before the Election, so that cannot be true, Mr Speaker.

875 Whether before an election, during an election or after an election, in a great measure, that is what we are there for, Mr Speaker – to deal with the problems that the people of Gibraltar have – and perhaps the fact that he did not see himself in that way may mean that that is why I am seeing letters that have not been replied to from 2008, 2009, 2010 and 2011.

880 Mr Speaker, it is almost as if, in 2007, the hon. Gentleman had made a decision that he was not going to stand for election in 2011, because he has completely neglected some people, some people who I have not met during the General Election campaign and who therefore cannot be queuing outside my door because of anything I told them during the General Election campaign.

885 In fact, Mr Speaker, I am seeing a lot of people who saw *him* before the General Election campaign, who tell *me* that he promised them things and who tell *me* that he said that if he was elected he would deal with giving them a home. But, of course, Mr Speaker, he deployed another device during this General Election campaign to show that he was the incumbent, to not just go around promising people things but actually giving them things, and I think, Mr Speaker, that was the problem. They cashed in the chip before the vote, and that is why he is there and we are here.

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**‘Paperless’ Government
Official policy**

895 **Clerk:** Question 103, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister say whether it is the policy of the Government that the Government should go paperless?

900 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, yes.

905 **Hon. P R Caruana:** Mr Speaker, if the Government is to go paperless, can the hon. Member assure the House that there will be a system, and can he explain what that system will be, to ensure that, having gone paperless, which means that nothing is on papers in files, but presumably done by e-mail or something... Can the hon. Member say how he proposes to make good, in any *meaningful* way, his commitment to allow freedom of information, to allow people access to their files and to their papers and to everything, not just the 20-year rule – what is the 20-year rule going to be worth in 20 years’ time if there is not a paper in the Government? – and what will he be showing people if there is no paper in the Government? What system exists? I am sure some system must exist. What system exists and what system will he be implementing to ensure that his supposedly environmentally motivated decision to go paperless does not empty of real meaning his commitment to open, transparent Government, to production of information and to access to files, which then will not exist, of course.

915 **Hon. Chief Minister:** Mr Speaker, despite the apparent aggression with which it is delivered, I detect a humble asking of a Question in respect of a matter on which the hon. Gentleman does not know much. I do not call him a Luddite, but perhaps, generationally, I am better able to deal with issues such as this.

920 Mr Speaker, going paperless does not mean that there are no bits of paper at all. It means that you reduce the bits of paper as much as possible, because that is accepted by everybody else to be environmentally friendly. For that reason, Mr Speaker, we will be reducing the use of paper as much as possible. One of the things that we are doing, Mr Speaker, is that Members are getting only their Questions in printed form to come to that House so that when we are dealing with debates like this we have got a piece of paper, and they are receiving everybody else’s Questions and Answers, in order to be able to follow the debate, by e-mail.

925 Therefore, Mr Speaker, to answer his question – what will freedom of information require in terms of being paperless – it is very simple: when somebody makes a freedom of information request and we go back to the old files, which are on paper, it is very likely, if we are able to get the systems going, that we will simply scan those in and send them to those persons by e-mail, which is the way that it is done in the United Kingdom, you should know.

930 In the United Kingdom, the freedom of information mechanisms work on the basis that the first attempt to interact with the person who is seeking information is to ensure that they have got e-mail to try and send them the documentation in that way, and people can then see on their screens – on their iPads or any other devices that they use – the information, and there are now sophisticated programmes which allow you to even make notes in respect thereof. The same would apply in respect of the 20-year rule. He knows that, before the General Election, he was already looking at digitising the archive, which means that the archive... although 935 what was there in paper will be kept in paper, will also be kept in electronic form. It is almost nonsensical – but I will not say that it is that because I complain when he makes such allegations about things that we say – to suggest that it is not possible to do these things electronically... For years, newspapers have kept *their* records on microfiche rather than in hard copy, although a hard copy may exist in one library somewhere, which is the library of record.

940 So, Mr Speaker, there are many ways of doing this. I would have thought that this is something where we should be getting support from the hon. Gentleman and I will interpret his Question only as seeking information, despite the tone with which I detected it was delivered.

945 **Hon. P R Caruana:** Mr Speaker, I suggest the hon. Member limits himself to what is his statutory duty, which is to answer my questions, not to interpret my tone.

Mr Speaker, I do not know whether I am a Luddite or not. I do not even know whether being called a Luddite is being called a name, which he complains of when I call him one. I do not know whether being called a Luddite is being called a nasty name, which he always makes this fuss about when I call him... but I am not as sensitive as he is about these things.

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Nor have I done anything such as he has attributed to me. I have not attempted to suggest (*Interjection*), let alone suggested, that it is not possible for the Government to go paperless. What I have asked him, and I would ask him again –

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Hon. Chief Minister: What is the premise of his question. He is not asking a question. He needs to ask questions.

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Hon. P R Caruana: Look, Mr Speaker, I do not know how long the Chair in this parliament is going to want to take instructions from one Member of the House from a sedentary position. He knows, Mr Speaker, that it is not for him... This is like a footballer who asks the referee to produce the red card. He should sit there quietly and when the Speaker wants to enforce the rules of Parliament, he will.

Mr Speaker: Order! Order! May we please get on with the question?

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Hon. P R Caruana: Yes, exactly, Mr Speaker – prompted by the Chief Minister, there is always an admonition.

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The question that I have asked him is not to suggest that it is not possible. I have asked him what *system* he is going to put in place to ensure precisely that the paperless Government... and the first question was whether it was going to be paperless, and he said yes. He did not say, ‘No, the only element of paperlessness is that we are not getting copies of the Questions.’ He said that the Government was going to go paperless. ‘Paperless’ means without paper.

Hon. Chief Minister: It does not.

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Hon. P R Caruana: ‘Paperless’ does not mean without paper, okay. Well, it means without paper to most people.

Hon. Chief Minister: It does not.

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Hon. P R Caruana: What I have asked him to do is to explain to this House what method, what technology, what system is going to be put in place to ensure that paperless Government does not mean unauditible, inaccessible, unverifiable, recordless Government?

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Hon. Chief Minister: Mr Speaker, there are many systems around the world that deliver that. ‘Paperless’ in the context of trying to deliver the use of less paper does not mean no paper.

Mr Speaker, Mr Luddite was a gentleman who destroyed a machine because he thought it was going to rid him and some of his colleagues of work. It is not an insult; it is a description. It is in the dictionary; it has a *meaning*. I am surprised the hon. Gentleman –

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Hon. P R Caruana: So is ‘bastard’. I do not think I can call him one.

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman says that so is ‘bastard’. Of course ‘bastard’ is in the dictionary. It also has a meaning which is applied even in courts, describing what that name implies. In playgrounds and in people who speak as if they were in playgrounds, that word means something different. ‘Luddite’ in a place like this has the meaning that Mr Luddite bequeathed to those of us who speak the English language.

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Mr Speaker, there are many systems that can be used for this purpose. These are the things that we are looking at. Already we are making progress: e-mail is one of them. Frankly, how is it that we can have a row about something like this, Mr Speaker? One really is left to wonder whether there is the animus to have a parliamentary session which works like a parliamentary session should.

Mr Speaker, the hon. Gentleman, in my view – (*Interjection by Mr Caruana*) In giving him my Answer,

Mr Speaker, I want to say this to the hon. Gentleman. He spent a long time asking me a question. In most instances, when we look at *Hansard*, it will be visible for anyone who cares to consult it that today the questions have taken longer than the answers. Mr Speaker, the questions should be that: questions.

1005 **Hon. P R Caruana:** Mr Speaker, the reason why we are having a row about this is that the hon. Member not only does not answer my question; he invents the question that I have asked him and then answers not the question that I asked but the one that he manufactures and attributes to me. That is why, and it is his style. It is his... incorrigible waffler not in control of detailed style, which characterises him not just in this House but outside.

1010 I have not, for example, suggested to him that there is no system. I have asked him to explain to the Opposition, as we are entitled to ask, and I do not care whether he thinks it is a good question or a bad question, whether he approves of it or not. It is none of his business. (*Interjections*) His business is to answer it. I have asked him what system, of all the ones that he thinks exist... Given that he has already issued instructions for the Government to go paperless, he presumably has already chosen a system to allow non paper-based information to be stored in a retrievable fashion, in a collatable fashion by subject matter, to ensure that, for posterity, it can be protected and retrieved, and all I have done is ask him how he is going to do that, and then I got 'Luddite', and this, and motive and –

1020 **Hon. Chief Minister:** I got 'bastard'. I got 'bastard', Mr Speaker. 'Luddite' is not so bad.

Hon. P R Caruana: You did not get 'bastard'.

1025 **Hon. Chief Minister:** Well, I mean waffle, not in control of detail. Mr Speaker, come on! (*Interjection by Hon. P R Caruana*)

Mr Speaker: Order! Let's move on to the next Question.

Hon. Chief Minister: There are some things... [*Inaudible*], but one does not say out of politeness.

1030 **Mr Speaker:** Order!

Clerk: Question 104, the Hon. P R Caruana.

1035 **Hon. Chief Minister:** You didn't ask the Question.

Hon. P R Caruana: Yes, I did. I asked you what system you have chosen.

Hon. Chief Minister: You got carried away with yourself, as you usually do.

1040 **Hon. P R Caruana:** So he is not going to tell me what system he has chosen.

Hon. G H Licudi: No, the next Question has been called.

1045 **Hon. P R Caruana:** Exactly, so he is not going to tell me. That is what I have said.

Hon. Chief Minister: I have told him. We are going to have an e-mail system and scan the records.

1050 **Development of Gibraltar**
Modern, vibrant city

1055 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister say what he thinks Gibraltar needs to make it a modern vibrant city?

Clerk: Answer, the Hon. the Chief Minister.

1060 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, four years at least of a GSLP Liberal Government! (*Laughter and applause*)

Hon. P R Caruana: Yes, and what does the GSLP Liberal Government intend to do during those four years, particularly to increase the modernity and the vibrancy of our city? (*Interjection by the Chief Minister*) I would have thought the Question was a reasonable Question. He has given the Answer that he has given and then he wonders why we end up in a row. He knows why we end up in a row.

1065 **Hon. Chief Minister:** Mr Speaker, all the things that are set out in the manifesto which saw us elected by the people of Gibraltar to become their Government on 9th December.

1070 **Hon. P R Caruana:** It is implicit that he does not believe that Gibraltar is a modern, vibrant city now, then?

Hon. Chief Minister: Mr Speaker, it is implicit that, as the proud Gibraltarian that I am, I see that this country could be going much further than it has in the past 16 years and that its modernity and its vibrancy have been constrained by the previous Government.

1075 **Hon. P R Caruana:** Mr Speaker, the hon. Member has not said that he wants to make Gibraltar a more modern and vibrant city; he has said that he wants to make it a modern and vibrant city, namely it is not a modern and vibrant city today. If he had said a more modern and vibrant city, then the answer that he has given might be apposite, but it is not apposite. I want to know whether he considers that Gibraltar today is not a modern and vibrant city and that it needs four years of GSLP Government to become one.

1080 **Hon. Chief Minister:** Mr Speaker, yes.

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**Changes to Constitution
An 'evolving document'**

1090 **Clerk:** Question 105, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister say in what respect our Constitution is an evolving document, and can he say whether he intends to seek further changes to our Constitution?

1095 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, every constitution is an evolving document. Ours contains a Chapter on Fundamental Rights and as these evolve so will we need to update that Chapter.

1100 In political terms, if there are changes *de facto* in the way we operate in Gibraltar, we will seek to amend our Constitution, in partnership with the UK, to reflect those changes *de jure* in the letter of our Constitution.

Hon. P R Caruana: But, Mr Speaker, would this be evolving change to increase the level of self government, rather than to decrease it or neuter it?

1105 **Hon. Chief Minister:** Mr Speaker, I should trust that there will never be any difference between us across the floor of this House or anywhere else that might suggest to anyone that the evolution in our Constitution should actually be *devolution*. 'Evolution' means only one thing –

Hon. P R Caruana: In one direction of travel.

1110 **Hon. Chief Minister:** In one direction of travel, absolutely right.

Hon. P R Caruana: Good Mr Speaker, we can agree on that, if we have to, here.

1115 Does he agree that evolution means formal change to the document, that this is not a question of reinterpreting any part – you are reinterpreting what is in the document unilaterally – that what we mean is that if he can find a way of increasing our levels of self government he will try to get those reflected in the letter of the document called our Constitution?

Hon. Chief Minister: Mr Speaker, I believe that is exactly what my first Answer said. If it did not, I am delighted to confirm it to him.

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**Gibraltar Constitution
External reasons for change**

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Clerk: Question 106, the Hon. P R Caruana.

Hon. P R Caruana: Yes, and I see that the Clerk is moving me on at his speed. Alright. Mr Speaker, can I –

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The Speaker: Does the Hon. Leader of the Opposition want to...?

Hon. P R Caruana: No, I was in jest.

1135 Mr Speaker, can the Chief Minister say what reasons external to the relationship between us and the United Kingdom would justify or require changes to our Constitution?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, none that I can think of.

1140 My view is that nothing external to the relationship between the UK and us would justify or require changes to our Constitution. That is what I said in my New Year's message to the nation.

Hon. P R Caruana: Sorry, then I have misread it. Your message to the nation said:

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'... and we need to keep that evolution fluid and constant, never believing that it is a document set in stone that cannot be changed for reasons external to the relationship between us and the United Kingdom...'

– which means that it can be changed for reasons. 'Never believing that it cannot be changed' means believing that it can be.

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Hon. Chief Minister: No, Mr Speaker, I believe that what my message says is that it cannot be prevented from changing for reasons that are external to us.

Mr Speaker, there, what we are saying is Spain cannot stop us from going further if we and the United Kingdom are prepared to go further.

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Hon. P R Caruana: Oh, I see.

Hon. Chief Minister: That is what I believe that says, and I have read it 20 times to see whether it is possible of mischievous interpretation. I would invite the hon. Gentleman to agree with me that it is not, for reasons that are bigger than him and me.

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Hon. P R Caruana: That is a very helpful clarification. I agree with him.

Mr Speaker: The Hon. Daniel Feetham.

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Hon. D A Feetham: Yes, Mr Speaker. Can the hon. Gentleman, the Hon. the Chief Minister, tell this

House that, in the light of the previous statement that he made earlier on this afternoon – that we now enjoy the maximum level of self government short of independence, or which is compatible with British sovereignty – how does he envisage further constitutional evolution to grant us more self government in the light of that statement?

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Hon. Chief Minister: Mr Speaker, because constitutions are evolving documents and relationships are evolving, and it is possible that, for reasons neither known to him or me today, there can be changes which are positive to the people of Gibraltar.

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Frankly, if what he is trying to do is put me in the corner on this one, he needs to put his Gibraltar hat on, take off his GSD hat, and allow us to make that progress if it is possible, and not simply say, ‘You cannot reconcile your statement, so there is no way forward.’

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Of course there is a way forward, Mr Speaker. As my Government progresses and perhaps, Mr Speaker, when I am here for four, eight, 12, 16 or, heaven forbid, 20 years – and I would not want to be here for anywhere near that long – we will make progress in our relationship with the United Kingdom which we cannot envisage today. The world changes, things change and it is possible that the maximum possible level of self government today is not the maximum possible level of self government tomorrow.

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The Hon. the Chief Minister, in the ... The Hon. the Leader of the Opposition... (*Interjections*) Teething trouble – he must be giggling where he has gone! The Hon. the Leader of the Opposition (*Interjection*) said before, Mr Speaker –

Hon. D A Feetham: If he wants to change roles now...

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Hon. Chief Minister: Mr Speaker, the Hon. the Leader of the Opposition said before that, despite what the Constitution says, the practice has developed that the United Kingdom does not make law for Gibraltar by Order in Council. There is a development, Mr Speaker, that we all bank, rightly, *de facto* and that one day we may be able to reflect *de jure*. There, Mr Speaker, is just one example.

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Hon. D A Feetham: Mr Speaker, I am not trying to catch the hon. Gentleman out at all. I am just trying to understand the Government’s policy on this.

The Government has said that its view is that we enjoy here in Gibraltar the maximum level of self government short of independence and compatibility with British sovereignty, and I was just trying to explore with the Hon. the Chief Minister what areas he envisaged might be ripe for further constitutional development in the light of that statement.

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So really, at this stage, the answer is that he does not envisage any further... Is that the answer, that he does not envisage, or he cannot come up with any areas for further constitutional development in the future, at this present moment in time?

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Hon. Chief Minister: No, Mr Speaker, that is not the position. I am not going to accept that the hon. Gentleman put words in my mouth. I have said what I have said, not necessarily what he said I have said.

The hon. Gentleman who has just come back in the Chamber will be delighted to know that he was called something much better than a Luddite a few moments ago when he was out of it!

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Hon. P R Caruana: By whom?

Hon. Chief Minister: By me.

Hon. P R Caruana: You think I should be Chief Minister?

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Hon. Chief Minister: No, I don’t think you should be. It was a Freudian slip.

Hon. P R Caruana: It was a dream. I miss all the better ones! My bladder has let me down!

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Hon. Chief Minister: Believe me, it was not a dream; it was a nightmare, Mr Speaker. Mr Speaker, I have already come up with one example of a circumstance which might somehow one day develop and evolve into something that is reflected in... a new constitution and it is the example that the Hon.

1225 the Leader of the Opposition gave, which is that there has been developed a practice that the United Kingdom actually does not make law for Gibraltar by Order in Council – something that we all, of course, welcome, Mr Speaker – that may have consequences and, as time passes, that may become something that we reflect in some way in our Constitution. Of course, that is one example. What we cannot do is pretend to know everything that will happen and how things change.

Therefore, I believe that there are circumstances that could result in us wanting to change the Constitution, even though I have said what I have said, namely, that we have achieved the maximum possible level of self government.

1230 **Hon. P R Caruana:** Yes, Mr Speaker, the problem is – and perhaps this is what set the kite flying – that if in a New Year message, Gibraltar’s newly-elected Chief Minister says the things that he has said, it does make people think whether he has something in his mind that he is setting the scene for and my questions.

1235 I have no doubt my hon. colleagues were in the vein of trying to pick his brain to see whether he did have anything in mind, positive or negative, for Gibraltar in terms of this carefully constructed paragraph which followed immediately after the reference to Mr Liddington’s... to the... not Mr Liddington’s... to the Overseas Territory Review which had... Bellingham, the Minister of State, the Foreign Office for Overseas Territories, is conducting on a cross overseas territory-wide basis. It was the link.

1240 I was just trying to establish whether there was a link between those, or whether he was simply saying, which is the impression he has left me with this afternoon... whether he is simply saying that the fact that Spain would protest is not a reason for withholding further constitutional development for Gibraltar. If that is all that he is saying, fine, then there is no link of the sort or other implication.

1245 **Hon. Chief Minister:** Mr Speaker, if the hon. Gentleman ever has that thought again in relation to issues like this, I would say to him I will take your phone call whenever you ring, and it is important that, if there are issues like that (*Interjection by Mr Caruana*) we should not... it depends what type of phone he is calling from. We should not necessarily –

Hon. P R Caruana: From my mobile.

1250 **Hon. Chief Minister:** – have to talk about them across the floor of the House because if I did have such a thought, it may be that it might have been useful for us to share it. I would call him if I had such a thought before putting it in a statement like this or he would have an indication from me otherwise.

1255 Mr Speaker, what was in my mind then and is in my mind now, and will always be in my mind, is that we had the 1969 constitution for 37 years and we were very often told that that was it and our constitution was never going to be up for renegotiation and it is important that nobody get the impression – and I thought that this would be an issue of common ground – that we accept that where we are is where we are and there is nowhere else to go because it may be that, across the floor of the House, we agree that there is somewhere to go in the future.

1260 In respect of the first Chapter, Mr Speaker, on fundamental rights and freedoms, there are fundamental human rights and freedoms, which are evolving. For example, there are rights for disabled people not to be discriminated against. We now face the possibility, as a result of international legal conventions, that we may be making laws to enshrine those rights and we may find ourselves, Mr Speaker, with certain fundamental rights set out in a constitution and others set out in a statutory provision, and we may agree, Mr Speaker, that it is important that all of those fundamental rights should be equated within the first Chapter of the constitution. There is one example that comes to mind of something that may be very easy for us to agree *inter se* and may be very easy for us to agree with the United Kingdom. There is provision, Mr Speaker, in the constitution for there to be changes to that Chapter for just those reasons.

1265 Hence, Mr Speaker, I believe I am reflecting what the constitution is, a living and, therefore, in our view, and I hope across the floor of the House, only in one direction and positively evolving document.

1270 **Hon. P R Caruana:** Yes, Mr Speaker, thank goodness we are not all Luddites on this side of the House as my very young and very un-Luddite colleague has been able to give me a copy of the Constitution.

1275 Does he acknowledge, nevertheless that, insofar as the European Convention of Human Rights is concerned – in other words, human rights that are recognised on an inter-government basis in Europe – there is no need to change the constitution to recognise them because the constitution already says precisely that –

that the constitution shall be deemed... I am just trying to get to that... that the... Yes, here it is:

1280 'That the decisions, amendments to the European Convention of Human Rights judges' decisions, declarations of advisory opinions, opinions of the European Commission of Human Rights, decisions of the Commission in connection with article...'

– that these are all effectively incorporated automatically into our constitution. So that is one of the things that we did, in the constitutional... [*Inaudible*] to avoid the constitution ever being out of sync with the European Convention of Human Rights. He is aware of that?

1285 **Hon. Chief Minister:** Mr Speaker, yes, that is what I was saying in my previous answer. That is why it is an evolving document and that is why that chapter can also be changed, but, Mr Speaker, there are some things that come to us not just from Europe. There is an International Convention on the Rights of Disabled People (*Interjection*) which is not necessarily covered by that.

1290 What I am saying, Mr Speaker, is that we may make a decision as a parliament, this is not a decision of the Government unilaterally, but we may make a decision as a parliament and as a political class to incorporate those things in the fundamental chapter and we should not close the door to that and I take it from what I am hearing on the other side that they agree.

1295 **Hon. D A Feetham:** We do not disagree with that, but would the hon. Gentleman agree with me that, in fact, that particular chapter has nothing to do with the levels of self government? It deals with human rights, not levels of self government in Gibraltar that you are talking about.

1300 **Hon. Chief Minister:** Mr Speaker, that is why I spoke before about the issue to do with levels of self government and then spoke about the issues to do with fundamental rights. He may not have been following and I commend the *Hansard* to him, where he will have seen that I was talking about the other matter previously. I should say with his current leader.

1305 **Adjournment motion**

Hon. Chief Minister: Mr Speaker, I have the honour to move that the House do now adjourn to 10 o'clock tomorrow morning.

1310 **Mr Speaker:** I now propose a question, which is that this House do now adjourn until Friday 20 January 2012 at 10.00 a.m.

I now put the question, which is that this House do now adjourn until Friday 20th January 2012 at 10.00 a.m.

1315 Those in favour (**Members:** Aye.) Those against. Passed.
This House will now adjourn until Friday 20th January 2012 at 10.00 a.m.

The House adjourned at 7.28 p.m.