



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**MORNING SESSION: 10.06 a.m. – 1.10 p.m.**

**Gibraltar, Tuesday, 10th October 2017**

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# The Gibraltar Parliament

*The Parliament met at 10.00 a.m.*

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[ACTING CLERK TO THE PARLIAMENT: C Eagle *in attendance*]

## **Welcome to new acting Clerk Mrs Cynthia Eagle**

**Mr Speaker:** May I in the first place draw the attention of hon. Members that we have a new acting Clerk, Mrs Cynthia Eagle. As far as I can recall I think it is the first occasion when a lady exercises that function, so I welcome her to this session today. (*Banging on desks*)

## **SUSPENSION OF STANDING ORDERS**

### **Standing Order 7(1) suspended to proceed with laying a Report on the Table**

5 **Acting Clerk:** Meeting of Parliament, Tuesday, 10th October 2017. Order of Proceedings. Suspension of Standing Orders. The Hon. Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1), in order to proceed with the laying of a Report on the Table.

10

**Mr Speaker:** Those in favour? (**Members:** Aye.) Those against? Carried.

### **Gibraltar Annual Policing Plan for 2017-18 laid on the Table**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the Table the Gibraltar Annual Policing Plan for 2017-18.

15

**Mr Speaker:** Ordered to lie.

## Order of the Day

### GOVERNMENT MOTIONS

#### 50th Anniversary of 1967 Referendum – Celebration of Gibraltar's right to self-determination – Debate commenced

20 **Acting Clerk:** Order of the Day, Government Motions. The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

*THIS HOUSE:*

*NOTES that 10<sup>th</sup> September 2017 marked the 50<sup>th</sup> anniversary of the 1967 Referendum when the people of Gibraltar voted overwhelmingly to retain their links with the United Kingdom;*

*WELCOMES the events that have been organised to commemorate this important anniversary;*

*CONSIDERS that National Day celebrates the Referendum but is also an assertion of our right to self-determination;*

*FURTHER WELCOMES that the National Day rally returned from John Mackintosh Square to Casemates in 2012;*

*ACKNOWLEDGES the enthusiasm of members of the public spontaneously dressing in the colours of the Gibraltar flag, red and white, on that day and recognises the contribution to the organisation of National Day by the Self-Determination for Gibraltar Group;*

*BELIEVES that it is essential that a number of Members of the UK and the European Parliaments should be invited to Gibraltar during the year and more particularly on National Day itself;*

*AND THEREFORE DECLARES in the spirit of the 1967 Referendum, that the future of Gibraltar can only be freely and democratically determined by the people of Gibraltar in exercise of their right to self-determination.*

25 Well, Mr Speaker, as we move into the autumn, we will all remember very fondly, no doubt, 10th September this year – 10th September 2017 – when we were able to celebrate that 50th anniversary of the referendum held in 1967. The fact that we have talked a lot about this issue in the past months and that it is not novel to get up and talk about commemorating and celebrating the 1967 Referendum, I think it is a credit to the Deputy Chief Minister, who is not in the Chamber today because he is travelling back from the attendance at the Conference of the  
30 Scottish National Party, but he has been responsible for the organisation of the Referendum 50 events, which have enabled us all to refresh, in many instances, our memories of what happened in 1967 or indeed in the context of those like me, and most Members now who were not around in 1967, to learn a little about what happened in 1967.

35 So Mr Speaker, from the Pathé newsreels, we saw the excitement that there was in Gibraltar on 10th September 1967. We saw the passion that there was in Gibraltar to make the choice to remain British and we saw in the declaration of the result of the 1967 Referendum, the declaration of the 12,138 against 44. We saw the birth of a modern European nation – the nation of the British family of nations – that is the Gibraltar. And all of that, Mr Speaker, is something that we have rightly had cause to celebrate this year.

40 Mr Speaker, the images of Gibraltar in 1967 are memorable in part because of the carnival atmosphere that seemed to have gripped the place at the time and is the recollection that we are told by those who were then lucky enough to be around to make that choice.

All of the images show a Gibraltar bedecked in red, white and blue – a Gibraltar revelling in the opportunity that Britain put before it, as a territory on the list of non-self-governing territories of the Committee of 24 of the United Nations, that was going to be given the opportunity to exercise its right of self-determination.

Mr Speaker, we all know in Gibraltar, perhaps some should understand it in more depth, what came before and after that referendum in New York, in the context of the resolutions that were passed, generally in relation to the people of non-self-governing territories, and particularly about the territory of Gibraltar, and we understand that the context of 1967 was a different one to the context today. The choice that was put before the people of Gibraltar, in effect, was whether or not to continue with British Sovereignty or to take the offer that had been put before the people of Gibraltar by the then Government of Spain – in fact, it was an offer put to the United Kingdom, not to the people of Gibraltar. It was an offer to join a nation that was not even pretending to be a democracy. It was a nation that the world understood was a dictatorship under General Franco, a fascist dictatorship that had acquired power through civil war, and a more murderous dictatorship, Mr Speaker, there has not been in the context of our neighbour.

Mr Speaker, the choices that we made in 1967 were made by people who were staring down the barrel of the bully's cannon. They were staring down a bully who was making very clear that a no in the referendum to the choice that he presented would mean that there was going to be no easy ride. Indeed, the closure of the frontier might have seemed only like the tip of the iceberg of the attempts that Franco might take to repress the people of Gibraltar if they made the wrong choice in his view.

And yet, Mr Speaker, those Gibraltarian patriots, those men and women of Gibraltar in 1967 understood all that, and yet they made the choice that they thought was right for their nation and that they thought was right for their children, for the future generations of Gibraltarians. They had no thought for what might be their greater comfort. They had no thought for what might be their prosperity. They had a thought only for what was right for their children, and that is why they made the choices that they made, Mr Speaker.

And I make no apology for having explained this to the whole world gathered in New York last week at the General Assembly of the Fourth Committee of the United Nations, Mr Speaker, because they need to understand the choice that the people of Gibraltar made was not a choice to live in comfort, was not the easy choice; it was the hard choice, Mr Speaker. It was the hard choice that enabled us to reach the state of prosperity that we have reached today only by dint of further hard work and sacrifice, so it was not 'tick this box and Gibraltar will have the third highest GDP in the world in 50 years from now'.

'Tick this box to remain British and the frontier will likely close, your neighbour will take every possible negative measure against your people that it can and this is a future to choose the British way of life, the Gibraltarian way of life and the British rule of law, but it is a future that will be far from the most comfortable of futures' – and that is the choice that was made in 1967.

Mr Speaker, there was a different Chief Minister then; there was a different Leader of the Opposition then; but we will all remember the words of Joshua Hassan and of Peter Isola at that time, when they were defending the option of Britishness. There were other Members of the House who were equally active in their campaign. Gibraltar was entirely united in the choices that were being made.

And it is that Gibraltar, Mr Speaker, it is that difficult choice, it is that referendum generation that we have honoured – not just this year, on the 50th anniversary of the referendum – *half a century*, Mr Speaker. It is that Gibraltar that the Self-Determination for Gibraltar Group sought out to honour 25 years ago, when it was a quarter of a century since the referendum, in 1992.

Mr Speaker, it was absolutely right that even just 25 years after that choice had been made, we were already ensuring that the memory of the choice that was made in 1967, the assertion of rights that was made in 1967, would endure in the memory of Gibraltarians, thereafter by commemorating that day every year, celebrating that choice and asserting – because we are still  
95 on the list of non-self-governing territories – our right to self-determination.

And Mr Speaker, that is a political act. There is no getting away from the fact that it is a political act of commemoration, of celebration and of assertion of the right of self-determination of the people of Gibraltar and of the international community's obligation to recognise that right.

100 Twenty-five years ago, Mr Speaker, as ... I would like to say I was a schoolboy, but unfortunately I no longer was. I see Mr Isola smiling – at least, the Pathé newsreels show us what he looked like with hair!

Just as a university student, Mr Speaker, I enjoyed forming part of the Self-Determination for Gibraltar Group and inflating red and white balloons when that was politically correct and acceptable, Mr Speaker, to celebrate the 25th anniversary of Gibraltar's referendum.  
105

The Self-Determination for Gibraltar Group (SDGG) understood the importance of this and found in the Government a kindred spirit in the then Chief Minister, Joe Bossano, who quickly aligned himself with the objectives of the SDGG in ensuring the commemoration, the celebration and the assertion that National Day is about.

110 And National Day started in this place. It started in the Piazza – in the place where Hassan and Isola addressed the crowds when they returned from the United Nations in New York. It started in the place which is the heart of our democracy because of this Parliament being part of this area. But it moved quickly thereafter to larger premises as a result of its success, down to Casemates and Mr Speaker, on this side of the House, we are very clear that the home of  
115 National Day is Casements because of the numbers involved. It is now impossible to take it somewhere like the Naval Ground where it was taken for some years under the former administration. But it is important that we have space for our whole community to celebrate, to commemorate and to assert its rights on 10th September when we celebrate the anniversary of the referendum and for that reason, Mr Speaker, it was absolutely right that shortly after the  
120 first celebration of Gibraltar's National Day here at the Piazza, the events moved to Casemates, which is the home also of the Casemates Declaration.

And so Mr Speaker, in that context, I recall how National Day grew. I recall how it moved from a spontaneous day of celebration into a day that is now an annual day, with important political addresses, with important reflections on what is happening in the context of each  
125 particular year, and how it reflects on the right of self-determination of the people of Gibraltar being recognised by the international community.

And Mr Speaker, in that context, I think it is absolutely right that the House should recognise the contribution of the Self-Determination for Gibraltar Group in the establishment of Gibraltar National Day. Indeed, if I may say so, Mr Speaker, in the maintenance of National Day, even  
130 when there have been attempts to deny National Day of its obvious political significance, the Self-Determination for Gibraltar Group has ensured that through its organisation of events on 10th September, there is that significance maintained even in the context of attempts to undo the political significance of that day.

Mr Speaker, part of how we ensure that the international community, in particular the  
135 Westminster Parliaments – both the House of Lords and the House of Commons – and the European Parliament, understand the significance that the people of Gibraltar attach to the international recognition of our inalienable right of self-determination, is to ensure that those who hold seats in other parliaments and have political responsibility beyond Gibraltar share with us in the celebration, commemoration and assertion of our right of self-determination.

140 Mr Speaker, therefore it is absolutely right that in the context not just of 10th September, but in particular on 10th September, we should be joined by parliamentarians from beyond our shores who leave Gibraltar better informed about the issues that matter to the people of

145 Gibraltar, and in particular better informed about the nuances of the international issues that affect Gibraltar and how they relate to the 1967 Referendum and our commemoration celebration and assertion of the rights exercised on that day 50 years ago.

150 Mr Speaker, I have no doubt that the House will therefore share the sentiments set out in this Government motion, and will want to join in declaring in the spirit of the 1967 Referendum that the future of Gibraltar can only be freely and democratically determined by the people of Gibraltar in exercise of their right of self-determination, as the motion says in its final paragraph, and that the whole House will understand the importance of 10th September in maintaining and enhancing the political edifice of the assertion of the right of self-determination that underlines that free and fair democratic choice about our future.

155 Mr Speaker, National Day is a day when Gibraltarians celebrate together. It is not a day when Gibraltarians should be divided. National Day is a day when Gibraltarians commemorate the referendum generation and the choices that they made together. It is not a day when we should be divided.

160 National Day, Mr Speaker, is no doubt in my mind the day when if we are to be taken seriously by the international community, we must assert the international community's obligation to recognise our exercise of the right of self-determination, in the past and in the future, whenever we deem it absolutely appropriate and necessary, and that is something which this Government surely will never waver on. The 10th September is a day, Mr Speaker, when the Gibraltarians assert who they are and they assert politically that we will be masters in our homeland forever.

165 I commend the motion to the House. *(Banging on desks)*

**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

The Hon. the Leader of the Opposition.

170 **Hon. R M Clinton:** Thank you, Mr Speaker.

175 I do not think that anyone in this House can for one second, not identify with the spirit and the sentiment of the motion, as the Chief Minister has just laid out. Certainly it was very moving to see the black-and-white images of our forefathers and mothers exercising their right to determine what not only their future would be, but effectively what our future is today, as we sit here today.

The concept of self-determination is something that, chillingly, is becoming more of an issue on the international stage, on a daily basis. Any news channel you watch today, as we all know, will be full of the images of the way the Catalanian referendum was treated, and to see the images of people being physically pulled out of polling stations is shocking to say the least.

180 Watching those images in contrast with those of the 1967 Referendum which we held here, which was held peacefully and was recognised certainly by the United Kingdom, albeit not by the United Nations for their own reasons, it is stark contrast to what it is we hold dearest to our hearts, and that is the freedom to express our democratically expressed wishes and our right to self-determination. No-one can take that away from us.

185 We wait to see today what will happen in Catalonia, but there are other referendums happening around the world. I only read yesterday about the Kurds, about their right to independence, and that in fact was declared invalid by none other than the United States and the United Kingdom. So the ideal of having a referendum is fundamental and goes to the root of democracy.

190 The 1967 referendum is without doubt one of those defining moments in our Gibraltarian history, tantamount to the evacuation and any other matter which has cemented the Gibraltarian identity. It is entirely right and proper, Mr Speaker, that we in this House recognise the importance of that act of self-determination and that, politically, we continue to tell the world that we will continue to exercise that right, no matter what anybody tells us to do.

195 We as Gibraltarians in our hearts know what it is to be Gibraltarian. We know what it is to live  
in our own homeland. We know what it is to defend it. We know what it will take to defend it,  
and we all know that we will make the sacrifices necessary, if there are any sacrifices to be  
made, to do so.

Therefore, I obviously again agree with the sentiment expressed by the Chief Minister in that  
200 we have to continue to make the international world know about what it is that we as a people  
feel.

Mr Speaker, the idea of the referendum I think is now becoming so important that I would  
like in the Chief Minister's motion and again in the spirit of his motion to perhaps give it more  
focus and more prominence for years to come. That is why, Mr Speaker, I have proposed an  
205 amendment to the Chief Minister's motion – Mr Speaker, I am not sure whether we will take  
that when I sit down or at the same time or afterwards. But basically, Mr Speaker, what I would  
like to say is that I agree wholeheartedly with the Chief Minister – questions of physical location  
of the rally, really, I think are neither here nor there; what is important is the gathering of the  
people in whatever space is available.

210 But Mr Speaker, I really do believe that for generations to come, we should make sure that  
they remember the referendum and what it stood for.

Thank you, Mr Speaker. *(Banging on desks)*

**Hon. Chief Minister:** Mr Speaker, just for clarification, is the hon. Member moving the  
215 amendment set out in his letter?

**Mr Speaker:** Yes, you have given me notice of an amendment. I think you should move it  
now.

220 **Hon. R M Clinton:** Right, Mr Speaker, that is what I was asking, yes.  
I would like to move the amendments to the motion I propose.

**Mr Speaker:** Would you read it out, please?

225 **Hon. R M Clinton:** Certainly. Mr Speaker, the amendments to the motion are as follows ...  
Sorry, I am on the wrong page.

Mr Speaker, I propose the following amendment to the terms of the motion standing in the  
name of the Hon. the Chief Minister:

*In paragraph 2, after 'anniversary', insert 'and congratulates the hard work undertaken by the  
SDGG in that respect.'*

230 Though obviously the fuller name, the Self-Determination for Gibraltar Group might be more  
appropriate and we are happy to accept the amendment to that. I note that they already have a  
congratulations later on, but I think they cannot be congratulated enough.

*Furthermore to delete paragraph 4: 'FURTHER WELCOMES that the National Day rally  
returned from John Mackintosh Square to Casemates in 2012;'*

Frankly, Mr Speaker, the reason for that amendment ... I speak afterward, obviously, yes?

Sorry, I carry on.

Then:

*In paragraph 5, after 'ACKNOWLEDGES' insert 'and applauds' and after 'white', insert 'and  
the flying and displaying of the Gibraltar Flag and Union Jack;'*

*In paragraph 6, delete 'essential' and replace with 'useful'; insert after the first word 'of relevant' and after 'parliaments' insert 'including the All-Party Gibraltar Group;'*

235 Finally Mr Speaker:

*Insert a new paragraph after paragraph 6:*

*'ASSERTS that a National Day holiday be reinstated as in previous years, to be called hereafter Referendum Day, in honour of the people of Gibraltar in 1967 who voted overwhelmingly for Gibraltar to remain British'.*

**Mr Speaker:** Would you like at this stage to say a few words in support of your amendment? Or you do not feel that that is necessary?

**Hon. R M Clinton:** If I may, Mr Speaker.

240 As I said a couple of minutes ago, all I want to do by way of these amendments is perhaps reinforce the importance of the referendum held in 1967 and ensure that it is enshrined in our national memory.

The insertion after paragraph 2 – again as I said, the SDGG cannot be congratulated too much.

245 The removal of the reference to the National Day rally frankly is just a question of geographic location, and as the Chief Minister said, really is a question of available space, and I do not think generations to come will understand why that was inserted in the motion.

In paragraph 5 I note the comment about red and white, but I think we should also make reference to the flying of the Gibraltar Flag and Union Jack. I think the flying of flags all over  
250 Gibraltar, not just on National Day, at Casemates has become very much a part of the occasion and I think it would be remiss to leave that out.

And then in paragraph 6, as regards the visiting MPs I would not say it is essential because essential implies that we cannot have a National Day without them; I would say it is useful, and again relevant MPs, and I think it is right and proper that the All-Party Gibraltar Group be  
255 specifically referenced in the motion, given their continuing support for Gibraltar.

Then finally, Mr Speaker, and perhaps the most controversial element of it, is to reinstate National Day in our calendar and perhaps call it Referendum Day because we are all, I think, in agreement that it was a defining moment in Gibraltarian history and that we should, in honour and memory of the people in 1967 who have put us where we are today, in a much more  
260 favourable position compared to the decision they could have taken, that for here and after it should be called Referendum Day. You can still have your rallies, we can still do whatever you want, but I think that particular national holiday should always be called Referendum Day and also it should be as close as possible to 10th September to commemorate the event. So, this year it would have fallen on 11th September and not the 4th, as it was placed, some might say  
265 mischievously, next to the GMF weekend.

And so, Mr Speaker, that is the spirit and meaning of the amendments I propose. I would hope that the House will understand the spirit with which I move them and I would ask the Government to consider them in the spirit in which I propose them.

Thank you, Mr Speaker.

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**Mr Speaker:** I now propose the amendment to the Chief Minister's motion as moved by the Hon. the Leader of the Opposition and which has been circulated to all Members. What is now before the House is the amendment.

The Hon. Joseph Bossano.

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**Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** I am not going to surprise the hon. Member opposite, Mr Speaker, because I am going to say no,



so I stand to speak on the amendment and to recommend rejection of the amendment. I understand the spirit in which the hon. Member has delivered it but I think some of it fails to understand the history, in particular when in 1992 we decided to have a rally in the square here it was on the basis that it was going to be Referendum Day commemorating 25 years of the referendum, and that the next Referendum Day would have been in 2017 to celebrate the 50th anniversary, and that nothing would happen in between. That is how we as a Government saw it then and I hoped then that I would be here now to do it 25 years later, and as I recently said in Casemates, I hope I will be there in future when we do it in another 25 years' time! I think that is something that is part of our history. And you say, 'Well, look, we don't do it every year because it is a very special thing' and 25 years really is no different from 24 or 26 but people tend to celebrate things in quarters of centuries all over the world, in every relationship and in days and things like that.

What happened then was that it acquired a life of its own. The Government did not say to people dress it red and white. The Government thought let's see if we can fill the square downstairs, and in fact, in effect, what we discovered was that the feeling of national identity was stronger than we had anticipated – strong enough for us to say forget that it is 25 years, what is clear is that, just like, not just Spain and the UK have got national days, but Scotland has its national day, Cataluña has its national day and Andalucía has its national day because in effect they have the cohesiveness of a nation, even if they are not recognised internationally as a state. The United Kingdom is the United Kingdom of a number of nations, but the state is a state which is a unitary state and therefore Scotland clearly has got an identity as a nation which is different from England, but there is only one state because there was a referendum there and there was not a majority for separation from the United Kingdom.

We are a colony and the concept of a colony is, in effect, very clear in that a colony can only cease to be a colony either because it acquires the identity of a nation state or it links up with an existing nation state either in free association that can be unilaterally broken by other ... and therefore it can link up and then de-link, or be de-linked, or it chooses to become integrated. Given that in effect we, as a colony, in international law are an embryonic nation state with three potential outcomes under the Charter of the UN, everything that Spain has done, from the first time they appeared in 1964 to the last time they appeared a week ago, has been to deliver one single message and that is that we are not a state at all, we are an occupied part of Andalucía and the occupying power is the United Kingdom, and they cannot follow those of us in this room and those of us outside this room. In effect, saying the most important thing is to remind us of Referendum Day, is to remind us of the fact that on a particular day we rejected a proposal made by Spain to integrate us into Spain. I think we have now gone beyond that point because, independent of rejecting integration with Spain, what we are doing 50 years later is saying we are a nation but a nation that has not yet exercised self-determination; and a nation, until it exercises self-determination, will not be recognised as a nation. Therefore, this is a bigger issue than the narrow issue which was put before us in 1967.

I think many people do not remember what it is that made ... I remember very recently being asked by GBC why was something being celebrated ... well, not celebrated but being remembered, because Castiella had kicked the bucket and I wanted him to know who Castiella was. Well, Castiella was the guy who invented the Spanish doctrine and when he kicked the bucket my own reaction was 'not a day too early'! But the doctrine of Castiella lives today and was in fact repeated a week ago because every single argument that Castiella invented in 1964 was based on a premise, and the premise was that we are not a real people. Therefore, what we now celebrate in the rally in Casemates is, first of all, the identity of the Gibraltarian as a British citizen, but as a Gibraltarian British citizen as opposed to an Irish British citizen, a Scottish British citizen, an English British citizen or a Welsh British citizen. It is the Gibraltarianness that is being highlighted on that National Day.

So we are not just saying we celebrate that our forefathers – or, in my case, not my forefather because I was the one that was there – rejected the Spanish proposal, that we are

330 doing more than that. We are saying, as the hon. Member rightly said, in my view, one of the  
elements in the development of our identity as a people was not so much the evacuation but  
the fact that the evacuation which dispersed us did not result in us being assimilated in the  
places to which we were dispersed, and losing, they decided to come back to our homeland. I  
was shipped out when I was a few months old and I came back when I was eight years old. My  
335 family did not want us to stay in Northern Ireland or in London or anywhere, and other people  
we knew did not want to stay in Jamaica or in Madeira; they all wanted to come back home. The  
fact that we knew where home was in 1946, and in 1947 when most of us came back ... I think  
we were one of the last to come back; the last cohort to come back were in 1947. Possibly the  
Foreign Office already had some idea what was happening. They let me come back and they  
340 kept me amongst the last. So then I think we began to see that our people, after many years  
outside of their homeland ... A few settled but the vast majority wanted to get back home, and  
they kept, wherever they were, their Gibraltarian identity, just like whenever people migrated ...  
When I left Gibraltar in the early 1960s there were communities where Gibraltarians lived. There  
was a community in Fulham because, in fact, many of the Gibraltarians had been taken there  
345 during the war, so even the ones that did not come back did not just stay there but kept a bit of  
Gibraltar alive there. Indeed, the whole movement during the closed Frontier days and the  
movement of chartering aeroplanes and coming back home from the communities that were in  
the United Kingdom was all centred around the communities in the area of West London, where  
the majority of them were.

350 So, what we have in National Day now is a reinforcement of that, and one of the fantastic  
things that has happened, I think, since the 25th anniversary in 1992, is that the reaction of our  
people in taking their babies in prams there, is that there is now a generation of 25-year-olds in  
Gibraltar who have only known life as being dressed red and white, even with red and white  
nappies, and that is embedded in their psyche, embedded in their brains and it gives them a  
355 reinforcement of their identity and of knowing who they are and of knowing who or what we are  
collectively. We are collectively a family of people. We have quarrels with each other, because  
all families quarrel – you do not have a real family unless you are quarrelling, and we are a  
quarrelsome family by nature, anyway. But it is that.

I think that to say this is just because of the referendum, which is... no, it is in fact because of  
360 the intervening 25 years, that what was seen by people like me as something ... ‘Okay, we need  
to do something because it is 25 years and then we need to something else in another 25 years,’  
was the understatement of the century. The people wanted much more than that and the  
people did a lot – not the GSLP, not the Government, the *people* – have developed something  
else. I think that what the GSD tried to downgrade was a mistake, a political mistake, because it  
365 failed to recognise the strength of the sentiment, and if that sentiment had not been there we  
would not have been able to have kept the rally alive in Casemates in opposition. People went to  
the Municipal Day jolly that was being organised at this end of town and then they went to the  
rally at the other end of town, where the political real business took place. I have no doubt in my  
mind that their main motivation was not that our constitutional relationship with the UK had  
370 developed to a degree that we were no longer a colony; I think the main motivation, as far as I  
am concerned, was very clear. It was that the rally was something that was not something that  
pleased people in Madrid and that there was a view then in the leadership of the GSD, which I  
believe is no longer there, I hope is no longer there – I certainly believe it was not there under  
Danny and I hope that it is not there under Roy, and I hope if Roy is not there it will not be there  
375 under whoever happens to be there; I hope it never comes back again – which is that asserting  
our identity and upsetting people in Madrid was gratuitously inviting trouble. The Catalans may  
be inviting trouble by declaring UDI, but nobody has suggested they were inviting trouble on  
11th September every year by having a national day, which they do. Their national day is on  
11th September because on 11th September they had the misfortune ... I do not know why they  
380 celebrate it, because on 11th September 1714 they had the misfortune to be incorporated under  
the Kingdom of Spain, just a year after our liberation from Spanish domination and colonial

subjugation was accepted by Spain as having ended in 1713. I suppose they consoled themselves by imposing on the Catalans what we had been liberated from.

385 So these are political issues, these are not municipal events, and I think the attempt to move the rally and then downgrade it was a mistake, and that is why we think it is right that we should want it to be back in the Casemates and want it to be a political rally, and I would want the hon. Members opposite therefore not to want to change it in the knowledge, which they may not have realised, of what the change meant, the significance of saying the political rally is not required because we are now decolonised, which is not correct in international law, we have not  
390 been decolonised. And in any event, when we are decolonised, as we will be – we will be decolonised one day. As certain as night follows day, that day will come, and when that day comes our National Day rally will then continue celebrating the fact that we have been finally recognised as owners of our homeland and that we are a nation. So the National Day does not end because we cease to be a colony; the National Day, if anything, continues with even greater  
395 sense and even greater significance after you stop being a colony. That is how it has been in every colony that has been decolonised.

But of course if you call yourself a municipality you are in fact doing what they want us to do in Madrid. The position of Madrid all the time has been ‘We talk to a nation and there is only one nation involved in this issue, which is the United Kingdom, and you can be present as the  
400 local council and so can the local municipality of La Línea.’ And their latest version of the proposed committee to discuss how we can co-operate with each other – which we have rejected, of course, and I have rejected in the seminars – provides that there would be the United Kingdom and the Kingdom of Spain, and then Gibraltar as a local municipality and then La Línea, the *mancomunidad*, Andalucía ... I suppose they recognised that they would need half a  
405 dozen of them to be able to counteract one of us, but I do not know why we, Gibraltar would want to go with so many other people there telling us what we have to do with our homeland, that there seems to be little...

So the answer has to be, just like I am critical of what the GSD did in removing the date, I am happy to acknowledge that what they achieved by having tripartite talks, where the three had  
410 equal voices, was an achievement which we have wanted to not lose, because what we are trying to do is claw back what the GSD achieved under a socialist government in Spain. Probably it would not have been possible if the socialists had not been in in Spain, but they responded more favourably to the idea of recognising to a greater degree than anybody else had done before them or since them the separate identity and rights of the people of Gibraltar and the  
415 right to be the only people who could speak about those rights.

That is why I do not support the amendment that we change the name or that we should not be changing the venue as we have done, and I would hope that the hon. Member recognises that I am putting arguments so that what I am saying is I would hope that if there is a future GSD Government – it is not that I hope that there will be one, but I hope that if there is one by some  
420 mysterious accident – then that bit of the history which was a bitter quarrel between the two sides will not come back, and there is no need why it should come back, because just like I have said, they did some things which we did not agree with and they did other things which I think took us forward, and it would be a mistake to downgrade the rally or to bring it back from the Casemates and have it in the square downstairs.

425 I also think that in terms of how essential it is ... Well, look, we are going to keep on inviting people and it is essential that they accept the invitations. It will be a very bad day for Gibraltar the day that we invite Members of Parliament and they do not turn up. It is not just useful that they come, it is absolutely essential because whether Members opposite are aware of it or not, the reality of it is that everybody recognises that the most powerful lobby that exists in the UK  
430 Parliament is the Gibraltar lobby, and when we had that regrettable episode with Hain ‘the Pain’ trying to introduce joint sovereignty, the fact is that what our friends in Parliament mounted in collecting enough signatures to have a motion to debate it, was sufficient to make the Labour government of the day, independent of the red flags and independent of anything else, question

435 the wisdom of what they were doing because the opposition was so strong inside Parliament and cross party.

The Gibraltar lobby, which we must nurture and support, is worth to us its weight in gold because there are 30,000 of us and we can mount a bigger lobby and have more influence than Wales has. As the Welsh Minister recently told me when he was in Gibraltar, was that in fact we have the ability to mobilise more support for Gibraltar than he has for Wales in Parliament. That is not because we give them a free holiday once a year; that is because when they see us on National Day in our national colours and with our commitment to our identity, they know that this is real. Nobody can come here on National Day and go away without knowing that this is not a fiction, this is not something we are making up. This is real. The spontaneity that was there in 1992 gets repeated every year. Nobody tells them they have to dress up their cats and dogs as well – they all do it.

445 I think understanding all that is something that I want to share with Members opposite so that on this occasion they know it is not simply because I like saying no to the hon. Member, but because there are sound reasons behind it, and therefore, without in any way affecting the affection and warmth of the friendship that I believe is mutual, I have to say I recommend the rejection of the amendments, Mr Speaker. *(Banging on desks)*

**Mr Speaker:** Does any other hon. Member wish to speak on the amendment? The Hon. Marlene Hassan Nahon.

455 **Hon. Ms M D Hassan Nahon:** I would like to speak on the general motion, Mr Speaker.

**Mr Speaker:** On the amendment? (**Hon. Ms M D Hassan Nahon:** No.) The amendment is what is now before us. If no other hon. Member wishes to speak, the procedure will be that I will call upon the mover to reply and then put the amendment to the vote.

460 The Hon. Daniel Feetham.

**Hon. D A Feetham:** Mr Speaker, I did not intend to say anything in relation this particular motion but I think that Minister Bossano's words also require me to say ... I feel compelled to say something.

465 First of all, I would like to say thank you very much for his warm words about myself and also about the Leader of the Opposition, but what I want to do is just ... I feel duty-bound to explain, because of course I was part of the GSD Government that made the decision to move from the rally at Casemates to the John Mackintosh Hall civil occasion.

470 The hon. Gentlemen in this House will understand and will appreciate that in any political party there is always going to be differences of opinion, particularly on issues of this nature. Normally what happens, of course, is that it is debated internally, it is debated in Cabinet, a majority decision then prevails and everybody defends that majority decision. I am not going to stand here and divulge or break any confidence by basically saying how people voted or anything like that – that was the position of the party and I myself have defended that position on public television and also at the time when the National Day comes along and one is interviewed about National Day. What I will say is this: that it was a decision that was taken completely in a bona fide way in what the Government of the day felt was in the best interests of Gibraltar at the time.

480 It is important that we place that into context. We had had a new Constitution that had been adopted here in Gibraltar when we took a position that it gave Gibraltar the maximum level of self-government short of independence and beyond which there could only be independence. That the United Nations refused to remove us from the list of non-self-governing territories we took the view that actually that is a political decision by the United Nations but what it does not alter is the reality of the situation, which is that the United Kingdom and Gibraltar are not in a colonial relationship, because Gibraltar is self-governing. That is the reality of the situation. We

can look at the Constitution and we can point to elements of the Constitution where there is a retention of powers by the United Kingdom and we can have an academic debate as to whether that is true or not true, but that was the position that we took at the time and I believe that there was merit in that position as to the consequences of the new Constitution.

490 So, as far as we were concerned, there had been the exercise of self-determination by the people of Gibraltar in the 2006 referendum adopting a new Constitution that gave Gibraltar a maximum level of self-government and that was an act of self-determination and indeed that that Constitution was akin, I think ... I will be corrected if I am wrong and I apologise if I am, but I think that the Hon. the Chief Minister has alluded in some of his speeches and public statements  
495 to the fact that our Constitution is akin to a full solution, which is something that the hon. Gentleman the Father of the House, Minister Bossano, first came up with, I think it was, in the 1980s when he was either the Leader of the GSLP or the Leader of the Opposition.

For those listening to this debate, the fourth solution is that we have – fourth option, I beg your pardon – is independence. We have free association, as the hon. Gentleman pointed out,  
500 we have integration, and we have a tailor-made model, fourth option, which is that we adapt our Constitution and our relationship with the United Kingdom to the needs of the local community and our relationship with the United Kingdom, but the reality is that the relationship is not constitutional and therefore we ought to be decolonised, we ought to be delisted from the list of non-self-governing territories on that basis. That is the view that we took and I believe to  
505 this day that there is merit in that view.

The hon. Gentleman also quite rightly pointed out that part of the context was that we had also reached an agreement with the United Kingdom and Spain, which were the tripartite agreements, and for the very first time Spain made very significant concessions and I think that it is universally accepted, or virtually universally accepted, in Gibraltar that the tripartite  
510 agreement was an agreement and a forum that was beneficial to Gibraltar and for the very first time allowed Gibraltar to basically talk directly to the United Kingdom, to Spain, and that that was of benefit to everybody.

In that context, bearing in mind that our view was Gibraltar has exercised our right to self-determination, we have a non - colonial relationship, one of the cornerstones of the policy of the  
515 then Chief Minister was that it was desirable to, in as far as possible, achieve a level of normality in our relations with Spain and that Gibraltar should strive to seek normality in our relationship with Spain.

In the context of that referendum result, in the context of the tripartite agreement, the view was taken is it appropriate to be having a political rally that talks of ... Effectively, it is almost like  
520 having a complex, if I can put it in those very simple terms, and that perhaps what we ought to be doing is celebrating a family day, a civic occasion in Gibraltar without having to be having a political rally talking about self-determination, which we have already exercised and which creates the impression that our relationship somehow with Spain and the United Kingdom is abnormal.

525 That was the rationale. I feel duty bound to put those arguments to the House so that the record shows ... I am sure that I have not done the argument justice, but so that the record shows what the argument at the time was.

When I became ... Well, indeed, when we lost the election in December 2011, the Government at the time, the hon. Gentleman's Government, took the view that they wanted to  
530 reinstate – which was a longstanding policy – the National Day rally at Casemates.

In September of that year I was Deputy Leader of the GSD. I was invited by the Self-Determination Group to the rally. I took the position that it was important for me ... and indeed others also attended – it was important for us to attend, and we did attend. And then when I became Leader of the Opposition in February 2013, one of the first decisions I took was to make  
535 it party policy for us to effectively support the National Day rally at Casemates. I took that decision because I think that it is important on issues of this nature for Government and Opposition, as far as possible, to present a united front. Indeed, unless the Opposition of the day

cannot live with a policy of the Government on issues of this nature and really has to take a stand, I think it is incumbent on the Opposition of the day to attempt to support the Government of the day in its decisions of this nature, unless it is something that they really cannot live with.

Of course there is an element here – and I feel that I can say this, that there is obviously going to be an element of coming to the fore of a leader of the party's own personal views, which is only natural. Indeed, I speak only for myself but I have always believed that National Day is an important event, it is a statement of Gibraltar's right to self-determination, and until such time – I hope it arrives one day – that the international community and also Spain recognises that we have that right, that we have exercised it and that we can live in peace and prosperity on our own, governing ourselves, it is important in those circumstances for us to keep repeating the point.

I just wanted, in as fair a way as possible, to explain the policies of the GSD Government and also explain what happened afterwards, and I am very grateful, Mr Speaker, for your indulgence. *(Banging on desks)*

**Mr Speaker:** The Hon. the Chief Minister.

**Hon. Chief Minister:** Well, Mr Speaker, just on the amendment that the Hon. Mr Clinton has moved. I will reply more fully to the part of his speech which did not concentrate on the amendment at the end of this debate.

Just on the amendment and starting with the issue of location, which the hon. Member said was not so important but constitutes part of what he has asked that we should change, I think Mr Bossano made it very clear why it is that Casemates for us is the right place to celebrate National Day. The issue of location has become tied in with a lot of the politics of National Day and the issues between the GSLP, the Liberal Party and the GSD before the 2011 General Election which led to our differences in this respect. So the location matters, Mr Speaker. Indeed, you might recall the phrase that estate agents favour, which is 'location, location, location'. Location matters in this instance because bringing National Day to the Piazza was, for the reasons that the Hon. Mr Feetham I think has fairly exposed, an area of great political difference between the GSLP Liberals and the GSD. Coming to the Piazza to offer *torta de acelga*, *Calentita* and soft drinks at greatly subsidised prices, which is what the announcement from the party opposite in Government was, was the attempt to move away from that raw political significance of the day, which the hon. Gentleman has recognised is important to us on this side of the House and, if I may say so, I think, is not unimportant to him given the way that he has expressed his views today, in particular the way that he has reflected the collective-responsibility aspects of how the decision was made and then subsequently defended.

Mr Speaker, it is very easy to fill a square with people if you tell them, in particular in Gibraltar, that they can have slightly subsidised food and drink. It has been done very effectively in Havana but it is not what we think is the spirit of the celebration of National Day, and this is where I think Mr Bossano put his finger on it. He talked – as history shows us Dennis Mathews talked in 1993 and 1992 – about the spontaneous nature of the support that there is for National Day. We do not need to offer people subsidised *tinto de verano* or *torta de acelga* for them to turn up on 10th September dressed in the expression of their colours of red and white in a small square or in a large square. This is not a celebration that the Government lays on and people attend; this is a celebration that comes from the people. It is a commemoration that comes from the people and it is an assertion of political right that comes from the people.

So we are not going to agree to a change of location, because the change of location is linked to the attempt to make municipal – 'civic' the Hon. Mr Feetham said – the nature of the celebration when this is a political celebration of the people and by the people. The congregation of people at Casemates is an important part of that, and indeed it is an important

590 part of some of the dynamic that I will come to now in the context of the leadership of the principal party opposite.

The Hon. Mr Clinton also wants to add an additional congratulation to the SDGG. If I may say so, I think there is a logistical reason why Mr Clinton has moved that. The motion that I moved in the House contains the congratulation to the SDGG; the motion that was published in various media does not, because it was the wrong version that was put out by the Press Office. The version that arrived here had the congratulations included and I am sure that therefore Mr Clinton has seen the published version in the media, not the version which was in the Parliament. Therefore he will likely agree that it is important, as the Government feels, to have the congratulations to the SDGG but it is not necessary to put it in twice, and in this context in particular because the Government, when we were first elected in 2011, moved a motion to endow Dennis Matthews, who had been the first Chairman of the SDGG, and Forty Azzopardi, who had been the principal organiser of all SDGG events related to National Day, with the GMH and the GMD respectively for their contribution, therefore recognising, congratulating and, rightly, in this Parliament reflecting the thanks of the people of Gibraltar for the work that they had done.

605 Mr Speaker, changing the name of National Day, changing the name of something that we have done for 25 years is not something to be done lightly and I think it is important to understand why National Day is called National Day. It goes to the root of what I said to the hon. Gentleman before: the referendum gave birth to a nation. That is why it is National Day, because that is the expression of the free will of the people of Gibraltar. That is the moment from which Gibraltar turns from a place British because it was conquered in 1704, or granted to Britain by treaty in 1713, to a place British by the choice of its people, freely and fairly determined in a referendum in 1967. The birth of a nation, therefore National Day.

610 That is the core of what we are celebrating, commemorating and asserting on 10th September on this side of the House and therefore we are not going to change our minds or our view on that. Indeed, if I may say so, I think it is something on which we have been *ad idem* with the GSD before. In the report of the 10th September celebrations for September 1993 the *Chronicle* of that day published an advertisement from a very fresh-faced and young-looking Peter Caruana – it is incredible what politics at the top does to you, Mr Speaker – headed ‘National Day Message’. It is an advertisement from Peter Caruana, and on behalf of the Gibraltar Social Democrats, then as Leader of the Opposition, he wished to ‘congratulate all the people of Gibraltar on the celebration of our first National Day’. This is the adoption, by the party that Members opposite represent, of National Day:

On this our National Day

– these are his words –

we commemorate also our historic decision, taken on Referendum Day on 10th September 1967, to preserve our close links with Great Britain, the first exercise of our right of self-determination.

625 So, Mr Speaker, a National Day advertisement by the party that the hon. Member presently leads in a caretaker capacity and purports to lead more fully. This desire now to change the name of National Day seems to be a little bit at odds with the position of the GSD, as it was at least in 1993, the first expression of the Opposition –

630 **Hon. J J Bossano:** The first at Casemates.

**Hon. Chief Minister:** The first Casemates rally, as I am rightly reminded by Mr Bossano.

Mr Speaker, I wonder what it is that is giving rise to this desire to change the name. The Government is not going to agree to change something we have been doing for 25 years at the motion of someone who has not been here for 25 months. He has to understand that there is a

635 historical significance to National Day, and when he understands that fully I put it to him he would not make a motion to amend a motion celebrating, commemorating and asserting our right to self-determination on National Day.

But I think it is a little bit more serious than that, Mr Speaker, and I think Mr Clinton's lack of understanding of some of the aspects of this motion which have led to his purported  
640 amendments are a little bit deeper than appear at first blush. For example, the idea that it is not essential to have people here on that day as part of our lobbying effort throughout the year and that it is also useful is a reflection not of the things that he has told us today on their own, but also a reflection of some of the things he has said outside this place.

In the newspaper, on the week of National Day, the hon. Gentleman said this, and the  
645 newspaper quotes him and reflects what he said in different measure:

While he agrees

– the hon. Gentleman opposite –

that this year is an important year to celebrate National Day, with the 50th anniversary of the referendum, generally he is not such a fan of the tub-thumping and patriotic fever.

Well, Mr Speaker, I do not think that National Day is about tub-thumping patriotic fever; I think it is about something slightly deeper than that.

Once daring to wear a green shirt on the fated day, he believes it has become a day for 'political grandstanding'.

I am surprised, Mr Speaker, that he might have taken that attitude, given that, as we have  
650 said, the expression of our colours, of our red and white, means so much to most people on that day that simply choosing to wear a contrary colour for the purposes of being a little bit more anti-establishment on that day does not really speak to most Gibraltarians, I would imagine, given that we all choose to wear red and white for a reason.

And then he says this, and this is a direct quote:

We got on perfectly well without National Day in the past. It is more an opportunity now for the government. It all goes a bit over the top. Half the dignitaries invited are just over here on a jolly. They don't really care where they are going.

655 Mr Speaker, more damaging words for the efforts of the Government in the essential lobbying that we do I cannot imagine. Many Members of Parliament who were here on that day picked up this free newspaper, which is available in hotel lobbies etc., and pointed out to me that they were not here on a jolly and that they staunchly defended the rights of their constituents, which is their obligation as Members of Parliament at Westminster, and  
660 additionally defended the rights of the people of Gibraltar when that was relevant in debates in the House of Commons.

So, Mr Speaker, I think that there is a little bit more underlying the purportedly innocent amendments that the hon. Gentleman is moving and I do not impute that to the second speaker on behalf of the Opposition, to Mr Feetham. That newspaper which published a double-page  
665 interview with the hon. Gentleman providentially that month had a full-page advertisement from the Social Democrats and that advertisement said:

The GSD is delighted to be celebrating the 50th anniversary of the 1967 Referendum.

It does not say 'National Day' anywhere on the advertisement, Mr Speaker. Perish the thought that I prefer an advertisement from Peter Caruana in 1993 to an advertisement by the GSD at least in its interim guise led by the hon. Gentleman *this year*. He says the speeches have  
670 become too political for his liking. Well, I do not know whether he means the speeches between 1996 and 2007 when we were treated to speeches from Peter Caruana, or whether he just



675 simply does not like my style. I certainly remember very fondly the tears streaming down my face when Joe Bossano used to speak at National Days between 1992 and 1996. It was not too political for me or for the many thousands who were out there listening at that time. Peter Caruana did not quite move me to tears, but at least he had my full agreement when he came up with the definition of 'nation' from the *Oxford Dictionary* and demonstrated to the world watching that there was every reason why this nation of ours should be described in that way.

680 On a political day of a political re-vindication of rights, for a political leader to say that speeches have become too political is really, frankly, quite something, but it belies the motivation behind the allegedly innocent amendments that we are seeing to this motion to try and change the name.

685 So I think the hon. Gentleman's nomenclature amendment and the hon. Gentleman's change from 'essential' to 'useful' in the context of the lobbying amendment are much more the underlying attempt to continue to fashion National Day in a way that is contrary to the view of most people in Gibraltar than they are the innocent attempt to simply amend the motion to make it stronger.

690 Mr Speaker, from the man who tells us that he sometimes wears a green shirt on National Day, to see an amendment to encourage people to fly flags, assuming that he does not want to encourage people to fly green flags, is really quite something. It is a step change, so from saying 'a day when you wear what you like, not just red and white', to saying 'not just wear red and white, fly the flag' it seems that we are seeing a transformation that one might think is more related to trying to curry favour with Members in the midst of a leadership election than genuine understanding of what National Day is about.

695 But again, here the celebration is *of* the people. Nobody had to say 'wear red and white' in the Government press release in 1991 or in 1992. The SDGG said 'we invite those who might wish to do so to wear red and white' – the SDGG, not the Government and not the Parliament – and spontaneously it happened, and we would be depriving the people of Gibraltar of that spontaneity if we included in the motion the requirement or the advice that people fly flags. Therefore, we are not going to go down the Castro doctrine, which we might start calling the Clinton doctrine when it comes to flags but not when it comes to tee-shirts.

700 As for the idea that we need to – (*Interjection by Hon. J J Bossano*) Yes! There is a defence of some aspects of the Castro doctrine from my left! Mr Speaker, the idea that we need to reinstate the National Day holiday is utter nonsense because the National Day holiday continues to be on 10th September every year when 10th September is otherwise a working day. The only issue is how should the choice be exercised when 10th September is not a working day: where should the bank holiday move? This year the Government made the choice that people would prefer a second August bank holiday closer to a very large event like the MTV Music Festival than they would to National Day – which was a holiday anyway because... or not a working day anyway because it was a Sunday – given that National Day events for most families end much earlier than Music Festival events, which end later. But that is only because of the fact that National Day was on a Sunday. Next year, National Day is on a Monday and National Day therefore will be a holiday on the Monday –

705 simple. I do not think the hon. Gentleman has quite understood that, Mr Speaker. There is nothing mischievous about making a choice about the day you move a bank holiday to.

715 The context of the congratulations to the SDGG must also be seen in light of the reality of what was happening when hon. Gentlemen had the ability to determine policy as Government. Between 1996 and 2011 the SDGG was marginalised. The SDGG was prevented from organising more and more events until the rally left Casemates and the SDGG was told it could not organise an event, (**Hon. J J Bosano**: That's right.) to such an extent that I want to place on record in this House again – because we also granted him the Medallion of Distinction – the gratitude of those of us who believe in National Day being celebrated at Casemates to A B Massias for allowing us the use of the ICC to celebrate at Casemates, with the organisation of the SDGG. So it is a bit rich to see the attempt now at congratulations from the GSD to the SDGG.

725 Mr Speaker, the extent of the lack of affection, if I can put it no higher than that, that there was between the GSD and the SDGG led even to a boycott of the SDGG's Casemates event when we had become the Government and they were in opposition in 2012:

GSD declare boycott of SDGG rally and urge normal National Day.

730 That is 'normal' being not what had been done for 25 years but what had been done for three. Well, Mr Speaker, I think it is right to set things in a historical context and remind hon. Members opposite of the reality underlying the amendments that the Hon. the Acting Leader of the Opposition is trying to put to us.

735 Finally, Mr Speaker, I just want to deal with some of the things that the Hon. Mr Feetham said and reflect on how those affect the amendments. The hon. Gentleman, in telling us what the GSD policy was – and, I think, not defending that policy, he simply sought to set out what the policy was, as I understood from him – told us that the view that had been taken was that we should not be acting as if we had a complex. Well, what we have on this side of the House – and I think most Gibraltarians, and I include him in it – is a complex understanding of the UN doctrine in respect of non-self-governing territories, and we have a complex understanding of the attempts that there are to undermine us in New York at the C24 and at the Fourth Committee. We have a complex understanding, developed in great measure by Joe Bossano's demonstration of how it is possible to give effect to the C24's mandate to educate people of non-self-governing territories as to what the fourth option amounts to and how it can allow a non-self-governing territory that does not fit easily within the concept of territorial integrity or of independence an option to exercise its right of self-determination and emerge from colonialism, and one which I think most people in Gibraltar also fully understand.

745 So the context that leads us on this side of the House to say that the Constitution that we have today, the 2006 Constitution, may be a mechanism which can lead us to the fourth option, may be the maximum possible level of self-governance short of independence which is required for the fourth option to engage, is one that has led us to submit that Constitution to the Secretary General. In fact, the only surprising thing is that it was not done by the GSD in 2006. It had to be done by Joe Bossano, who I was proud to accompany to the United Nations in those days and to the Chairman of the C24 – so not just to the Secretary General but to the Chairman of the C24 – to say to them, 'Look, we think this could fulfil the requirements and the criteria of the fourth option – if you think it doesn't, tell us which parts of it would require further amendment.'

755 That is the nuance between us and them on the issue of the Constitution. They say it decolonises us, we say it could decolonise us, but we all realise – and the United Kingdom in particular because it does not co-operate with the committee – that management of the list is by a third party, the United Nations, and therefore their view matters in the context of this issue, even though we may not share their view and indeed even though they fail to express a view, which is even more complex. It is in that complexity that it was wrong, in our view, to abandon the political National Day, which is the Casemates National Day, in favour of the municipal or civic National Day for all of the reasons that I have set out and for all the underlying reasons that Joe Bossano set out at the time and has set out today.

760 Mr Speaker, 'Caruana proclaims a National Day for a new Gibraltar' was the headline in the *Gibraltar Chronicle* on Tuesday, 9th September 2008 – so not the year after the new Constitution. There was a hiatus of a year. "No need for political rally" says Caruana' is the headline on Wednesday, 9th September 2009, and I read to Members earlier 'GSD declare boycott of SDGG rally and urge normal National Day' in 2011.

770 Mr Speaker, we do not share that view. This is a fundamental difference of opinion. It is probably the broadest dividing line that there is between us and the GSD in respect of that particular policy as expressed in that way. I think hon. Members did the right thing, led by Mr Feetham in 2012 after he became leader, in lifting that boycott and attending National Day

775 with the rest of us, although they explained what their view continued to be. If I have a  
difference with the hon. Gentleman on this issue it is that his view continued to be expressed to  
be that there was no need for the political rally – although I recognise that when he had his own  
mandate after 2015 his position changed. So between 2012 and 2015 the hon. Gentleman set  
out a position in respect of National Day which was not to boycott the rally, to come to  
Casemates to show unity but to set out a caveat in his National Day messages which was, if I  
780 may put it this way, the Caruana doctrine. In 2016 he took a slightly different position, which I  
also recognise, and I welcome that because this is hugely important and the narrowing of that  
red line between us is in the interest of every citizen of Gibraltar because we will achieve  
delisting and we will therefore achieve decolonisation. That day will come, as Joe Bossano has  
said. It will not be something that is put off because the GSD takes a contrary line, because I  
785 think we have demonstrated on this side of the House that whether we are in Government or in  
opposition the people are with us on that, but it will come earlier if we are more united on this  
issue than we have been in the period between 2008 to 2015.

Therefore, Mr Speaker, I am in the strange position of wanting to align myself with a Peter  
Caruana advert of 1993 and with statements of Daniel Feetham in 2016, and in that way saying  
that the Government will not agree to the amendments that are being moved by the Hon. Acting  
790 Leader of the Opposition.

Mr Speaker, I want to add one thing and that is that we were not alone at Casemates  
between 2008 and 2011. In those years, apart from having widespread support from the  
community and the strong support and encouragement, as ever, of our own membership, we  
were joined, in the chicken coop that the SDGG set up for us at the ICC, by Keith Azopardi QC,  
795 who, as leader of the PDP, took the view that it was wrong to move National Day from  
Casemates and supported the SDGG and delivered tub-thumping, patriotically fervent speeches  
from the ICC to those who congregated with us at Casemates.

Mr Speaker, I wanted to be with the Leader of the Opposition on this motion. I wanted it  
to pass unanimously and I am sorry that I cannot give his amendments my support, but I am with  
800 Caruana in 1993, with Feetham in 2016 and with Azopardi from 2008 to 2011 when I say that we  
should always ensure that we keep National Day at Casemates – location, location, location –  
and that the underlying politics of his amendments is the wrong politics for our future, and that I  
will never wear a green tee-shirt on National Day.

I will tell him one more thing: in that interview he said something about my wife that he did  
805 not need to say. In all the time that we are in politics together I will never say anything about his  
wife, other than to say that I know her and she is an absolutely lovely lady. (*Banging on desks*)

**Mr Speaker:** Is there any other contributor to the amendment? I will call, then, on the Hon.  
the Leader of the Opposition to exercise his right to reply.

810 **Hon. R M Clinton:** Thank you, Mr Speaker.

Where shall I start ... First of all, I think I should start with the most constructive contribution  
we have had to the debate today, from the Hon. Mr Bossano. I am always grateful for his  
impeccable memory and his knowledge of events that some of us here in this House obviously  
815 were too young to remember. I would again encourage him to write his memoirs sooner rather  
than later because it is something I think that generations to come will find invaluable.

**Hon. Chief Minister:** He hasn't finished making history yet!

820 **Hon. R M Clinton:** Well, he can make a start!

Mr Speaker, coming to the concept of National Day versus, for example, a Referendum Day,  
in which I sought to amend the motion, the French do not celebrate a national day, the French  
celebrate Bastille Day, because to them it means something; it was an event in history that  
defined their nation. It is for that reason that I think Referendum Day is perhaps a more

825 appropriate reference to what is National Day. Having said that, I could be persuaded by  
Mr Bossano's arguments, given the historical context and the rationale that he puts to it, but  
again we need to keep on reminding future generations as to what it is they are celebrating. As  
he quite rightly pointed out, there is an entire generation, 25 years, who have only known red  
and white, but we have to make sure that they remember that it is red and white and that it is  
830 because of the referendum. But if he feels so strongly that changing it to Referendum Day is not  
appropriate, well, so be it.

Mr Speaker, I think the most remarkable contribution came from the Chief Minister. I know  
that for at least a month now – and I pity him for this – he has been positively straining to bring  
up that interview in the *Olive Press*. I know, because he has been sending me horse's-head  
835 messages at lunches at the Governor's house and other little snippets elsewhere. But before he  
makes too much of this 'green' issue, what the interviewer failed to mention is that in fact I went  
out immediately and bought a red one, and the only reason I had a green one is I could not find  
my red one. So I am sorry to disappoint the Chief Minister on that score. And in fact, as he said  
only too recently, the future is green – although that is only for the Mediterranean Rowing Club  
840 and not for the members of the Calpe. And so, Mr Speaker, I really do not believe that this green  
matter is that much of an issue as the Chief Minister would believe, and it certainly was not an  
act of defiance on my part but perhaps an oversight for not having done my laundry the day  
before; But I did nevertheless obtain the required red tee-shirt.

Mr Speaker, although the Chief Minister entered Parliament as Chief Minister in 2011 in his  
845 New Dawn Government, the Chief Minister does not have a monopoly on what it is to be  
Gibraltarian or how to express that sentiment. The Chief Minister has not set 2011 to year zero  
and he, as Brother Number One, will tell us all in Gibraltar what is right and what is wrong. We  
are Gibraltarians in our hearts. We do not need to wear a shirt or tee-shirt or anything else. By  
all means let's celebrate it, but I think everybody should have the right to celebrate it the way  
850 they want. As I said, I did go out and get the required red tee-shirt. But enough of the red tee-  
shirts.

Mr Speaker, also in my article I said, about any joint sovereignty with Spain, that our  
generation will have to die before any of that ever became a reality. My generation, part of his  
generation, that grew up with the closed Frontier will never forget and will never forgive, and  
855 until my generation dies out there is no way that any of us will ever consider any proposals with  
Spain at all, (**Hon. D A Feetham:** Hear, hear.) and that I can guarantee.

Mr Speaker, the Chief Minister has finally made a confession about the National Day holiday.  
He has told this House, 'Well, Mr Speaker, the National Day holiday we did on the fourth  
because people stay up later at the MTV.' This is not a holiday to accommodate a commercial  
860 event, however successful or unsuccessful it may be financially, but is meant to be our national  
holiday. It should be sacrosanct. No one in Government should be saying, 'Well, actually, if we  
move it to this day it's better because I'll have a hangover, everybody will call it GMF hangover  
day, and then the day after National Day, well, that doesn't really matter.' I think if there is  
anything in my motion that the Government must see fit to support it would be to, at the very  
865 least, respect National Day and keep it where it should have been. We all know in this House it  
should have been on 11th September and not 4th September. He has admitted that it was more  
convenient to have it next to the GMF because people are going to be up later – oh, and people  
will not be up later on National Day. Seriously, Mr Speaker, does he expect everybody to go to  
bed at 10 o'clock on National Day because that is what he does? I think it belies the fact that the  
870 National Day holiday has been, unfortunately, usurped for other purposes and I would urge the  
Government to put it back to where it deserves to be.

Returning to the question of the MPs, I attended my first National Day rally on stage last year  
and I am sure it cannot have failed to have reached the Chief Minister's attention that one of  
those MPs that he had invited in his wisdom was actually an avid Brexiteer and probably made  
875 history by actually being booed by the people in the square. So I would say he has to be a bit  
more judicious in his selection of MPs that he brings to Gibraltar.

880 In that respect I would have thought that the one amendment to his motion that would have been acceptable would be to include reference to the All-Party Gibraltar Group – after all, as he has quite rightly pointed out, they do sterling work for us in Parliament. So, rather than just referring to MPs in general – or MEPs, who may not be around for much longer anyway – I think there should be specific reference to the All-Party Gibraltar Group.

National Day means a lot to everyone. For some it means a good time to celebrate with family and friends; for others, and for us in this Chamber and certainly for him opposite, it is of political significance where there is a political stage and a political message to be delivered.

885 As regards the concept that there is some great divide between us, we may differ on style, but I think in terms of purpose there is not much difference between us. We all agree that we need to defend the rights and interests of the people of Gibraltar, however best we may do that. And so my amendments to the motion were really exactly, as I said at the beginning, in the spirit they were meant. There was no hidden agenda or particularly subversive element to him that he has read into it. But again, that is, I guess, his privilege.

890 And so, Mr Speaker, I propose the amendments to the motion and, by way of aside, if I have offended his honour and his wife I apologise profusely and I acknowledge the fact that indeed my wife is most wonderful.

Thank you, Mr Speaker.

895

**Mr Speaker:** I will now put the amendments moved, in the terms moved by the Hon. the Leader of the Opposition to the vote. Those in favour.

900 **Hon. Chief Minister:** Can we have a division on the amendment?

**Mr Speaker:** We are voting on the amendment.

**Hon. Chief Minister:** Can we have a division?

905 **Mr Speaker:** You want a division? Then I do not have to ... Very well, call a division.

*Voting resulted as follows:*

FOR	AGAINST	ABSTAIN	ABSENT
Hon. R M Clinton	Hon. P J Balban	Hon. Ms M D Hassan	Hon. N F Costa
Hon. D A Feetham	Hon. J J Bossano	Nahon	Hon. Dr J J Garcia
Hon. T N Hammond	Hon. Dr J E Cortes	Hon. L F Llamas	
Hon. E J Phillips	Hon. A J Isola		
Hon. E J Reyes	Hon. G H Licudi		
	Hon. S E Linares		
	Hon. F R Picardo		
	Hon. Miss S J Sacramento		

**Mr Speaker:** The position is that there are 2 Members absent, there are 2 abstentions, 5 votes in favour and 8 votes against. Therefore, the amendment is defeated.

What is now before the House is the original motion of the Chief Minister. All Members, except the Hon. Roy Clinton, can speak on that motion. The Chief Minister has a right of reply, obviously, later. So that is now the motion before the House.

The Hon. Marlene Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, this year 10th September was indeed an anniversary to be proud of. Our people enjoyed as we celebrated 50 years since that historical day when Gibraltarians put pen to paper and let the world know who we were and where we wanted to go. Events organised this year have indeed been momentous, but I still fail to

understand why, among so many events and celebrations, we could not have had a bank holiday on 11th September, the day after National Day, to commemorate this 50th anniversary.

With respect, the choice to place the bank holiday after the Music Festival week as opposed to after National Day goes against the very message that this Government is trying to promote through this motion. On this occasion, I believe that Government has not proved to be in tune with what people wanted, and not allocating the bank holiday the day after National Day when it fell on a weekend this year contradicts the level of importance given to National Day in this motion before this House. The Chief Minister decided that placing it the day after the Music Festival was the best swap, but it should, when on a weekend, by default be moved to the nearest Monday to 10th September, just like any other bank holiday, regardless of other surrounding events a week or days before.

Furthermore, I regret to say that, as much as the Members of the UK and European Parliaments are welcome, in my humble view, to the National Day celebrations, that due care and sensitivity must be taken in the choice of delegates. Hard Brexiteers, for example, have not been well received in the past, causing embarrassment and discomfort when they have been jeered on stage, and it should not be a surprise, keeping in mind the 96% vote to remain in the EU last year, that sensitivity and due care must be taken. Similarly, other choices like far-right DUP representatives have also clashed with our views of tolerance which defines our National Day identity more than the colours we wear on 10th September. National Day should project Gibraltar's national identity as a multicultural and inclusive nation. Therefore I take this opportunity to restate the importance of choosing wisely and according to our values when inviting individual Members of Parliament to share a day like National Day with us.

Given these provisos and these caveats, which should be taken in the spirit of advice and consort, I shall still be voting in favour of the motion because I adhere to its general principles.

**Mr Speaker:** Any other speaker? The Hon. Lawrence Llamas.

**Hon. L F Llamas:** Mr Speaker, I am grateful to the Hon. the Chief Minister for bringing this motion to the House. It is an opportunity for Members of both sides to engage in a discussion about a matter which is of fundamental importance.

I am reminded, as I touch upon the matters raised here today, of Jo Cox, the former Member of the British Parliament for Batley and Spen, who Members will recall was murdered in cold blood in the days running up to the worst day of June last year. I am reminded of her because certain words that she used in her maiden speech to Parliament barely a year before her tragic death resonate with the matter at hand in this Chamber and at this very moment today. No truer words can be said than, in respect of the issue of who we are as a community, our emancipation and our exercise of our inalienable right to self-determination is a matter in respect of which it is clear to me that we have far more united and far more in common than that which divides us.

There are, however, a couple of points which do divide us, although by the grace of God such sources of division are neither critical nor existential in nature. National Day this year had the special significance of being the 50th anniversary of that day in 1967 when Gibraltar came together, as it has done on so many occasions before in our history, to stand up to the challenge of its identity and to assert itself as one community united. We have much to thank our predecessors in this House for much of who we are today and because for such a long time now the political leaders of this community have pursued our interest in an international context as well as they have, that we can stand proudly in our red and white on 10th September each year as Gibraltarians, knowing that Gibraltar's identity as a people and our inalienable rights to our homeland have been and will always be defended.

I believe that Gibraltar has already determined its own path but that the United Nations' unreasonable stance keeps us on their list of non-self-governing territories. I agree with and hold true to the position established by Sir Peter Caruana's GSD in this regard, namely that Gibraltar's

referendum adopting a new constitutional relationship with the UK was an act of self-determination. We have the highest form of self-government possible whilst retaining our links with the United Kingdom in a manner that is consistent with the democratically, freely and emphatically expressed wishes of the people of Gibraltar. National Day is therefore not, in my view, exclusively about us asserting our rights to self-determination but about celebrating our identity as Gibraltarians, an identity that over the years has naturally and inevitably been shaped by the peaceful and prosperous quality of life we have all come to cherish. That we commemorate or celebrate our exercise of that right to self-determination is, of course, also proper and correct, but it is not and neither does it need to be the central tenet of the annual celebrations of 10th September.

But there are some issues on which Members here do differ. It is a nuance, but the motion should note and not necessarily welcome the return of the rally at Casemates, because it must be clear that not everyone here is of the same view as hon. Members opposite, and that the policy of Members on this side of the House – at least that of the GSD and myself – is, as I have explained and as has been touched upon, that we hold the celebration of our identity on National Day in high regard but that a political rally is no longer required in the context of Gibraltar in 2017.

The House should also acknowledge that it is right, of course, that we invite foreign politicians who support us, but it must also acknowledge that it is right that we do so because the Government of the day has taken it upon itself to reinstate a political rally held under a banner seeking a right which we already have and exercise freely, and if it did not invite foreign politicians it would not be much of a political rally at all.

I presented a series of amendments to the Chief Minister behind the Speaker's Chair, which I commend to him, but I will not be presenting them formally on my own initiative, choosing instead to commend them to the Hon. the Chief Minister in the hope that he might be able to persuade or introduce some which he considers are not deal breakers in order that we may achieve the unanimous support of all Members present. The essence of the amendment I commend to the Chief Minister is that the return of the rally should be noted as opposed to welcome and that the invitation of foreign MPs should be done consequent to the decision to reinstate the political rally at Casemates. I trust the Chief Minister will give these matters some consideration and look forward to hearing his views on them.

Thank you, Mr Speaker.

**Mr Speaker:** Any other contribution from the Members on the motion? The Hon. Albert Isola.

**Minister for Commerce (Hon. A J Isola):** Mr Speaker, very briefly, if I may, I have to say sitting here and listening to the contributions made by my friends on the other side of the House has left me feeling rather confused as to not what the position of the GSD is, because that seems to be confused in itself, but also of the Members who sit on either side of the GSD Opposition.

I remember the 1967 referendum as a very young five-year-old child. I remember the festive atmosphere. I did not know what was going on but it was a cracking time to be in Gibraltar and to enjoy the celebrations that were going on then, even though of course, as the Chief Minister has mentioned already this morning, it was a deeply political step that was being taken. In fact, the referendum generation, as the Chief Minister has now labelled them, took that decision in the full knowledge of what awaited them, and not just what awaited them but lived through the entire period that they suffered during the closed Frontier and the many restrictions, which were not limited to the closure of the Frontier, as we all know. And so to choose that day to celebrate National Day could not have been more appropriate 25 years ago. The response that we received from the people of Gibraltar in respect of that call could not have been more appropriate.

And so the significance of this motion is, in my view, totally undermined by talk of on what day is the bank holiday or on whether the arrangements should be in one place or another,

because frankly, for the GSD leader to stand up and say that the choice of moving from Casemates or to John Mackintosh Square is geographical location when we all know that of course is not true, when he seeks to congratulate the SDGG when in 2011 his party was calling to boycott the SDGG, there is some substance lacking entirely in what the Opposition is saying in respect of this, what I consider to be a very serious motion.

I, like I know my colleague Ms Hassan Nahon, will be very proud of the roles our respective fathers took part in that day, and I think if they were listening here today they would be deeply disappointed with what they have heard today.

Thank you, Mr Speaker. (*Banging on desks*)

**Mr Speaker:** The Hon. Joe Bossano.

**Hon. J J Bossano:** On the original motion, Mr Speaker, let me say that I do not agree that the decision that we took in 1967 was a very difficult decision which we had great courage to take. We happened to be next to a neighbour that was garrotting people like me. I probably would not be here to tell the story if a decision had gone the other way. Anybody who had any left-wing leanings had a very short lifespan. Most of the leaders of trade unions and political parties in Spain in those days only kept their heads if they went into exile. So the reality of it is that it was incredible ...

It is not that the British gave us a choice, because they did not have a notion of what we would decide until they gave us a choice. It is just that it would have been unprecedented in the history of western civilisation for any community that had free elections, free trade unions, the right to strike, a constitution protecting human rights and the right to elect a government of their choice to freely give all that up and join a military dictatorship created by a *coup d'état*. That was the choice. Forget about being British or being Spanish, it was about either being free or choosing not to be free. That is why when I spoke that day at Casemates I said the incredible thing is that 44 people chose not to be free, chose to be under Franco's dictatorship. It can only be because they probably were people who had links with the other side and knew where in the hierarchy of the dictatorship they would finish off and they would be better off under Franco – because the ordinary person would not have been.

So I think we need to understand that the people took the decision in the knowledge that whatever hardship the outcome would produce of a closed Frontier – before the closure the removal of supplies of oxygen for our hospitals, or removal of the flowers for our churches, all the things that they did – all those things could not possibly be compared with what we knew life under Franco was like every time people went across that Frontier on the 80 days a year, with the 80-day pass, that they were permitted to visit.

So let us be clear that what the British Government did was important in the sense, as the Chief Minister has said when we celebrated our National Day and since ... was that in effect they were saying 'The people of Gibraltar will say whether they want to be with me or not, even though I, as the administering power, have the right to decide.' And indeed the position in 1964 and 1965 which the UK took, which in my view was a mistake and which antagonised the Committee of 24, was not the position that they took in 1967 when they had the referendum but the position to say 'the Committee of 24 doesn't tell the British Crown what it does with its possessions – this is British sovereign territory and nobody is going to tell us what we do with our sovereignty.' In 1964 and 1965 the UK of 1964 and 1965 is not the UK of 2017 and therefore they said it on the basis of if the people want to go, then we will respect the people's right, but no foreigner is going to tell us that a British territory has to stop being British.

In fact, technically they were right in saying that the disputed sovereignty by Spain as a result of the retrocession clause in the treaty was not a matter for adjudication by the Committee of 24; if by anybody, it would be by the international court that adjudicates as between member states of the United Nations when there is a dispute over a treaty. Spain had no argument then and it has no argument now because the nature of the argument is that the territory that is



owned by the United Kingdom as a colonial power, which is still the case. Whether Mr Caruana, as Chief Minister of Gibraltar, decided that we were not a colony or whether Mr Llamas believes today that we are not a colony is irrelevant because it is not in their gift under international law.

Under international law we are a colony, as Spain frequently says, correctly, because the British government decided to put us on the list as a colony. Ceuta and Melilla are not there, but Western Sahara was because the Spaniards decided to put Western Sahara but decided not to put Ceuta and Melilla. The United Kingdom decided to put Gibraltar, Malta and Cyprus but decided not to put the Channel Islands or the Isle of Man. Had they put them on the list ... because it was not the UN that drew up the list, it was the members of the UN who were invited to put on the list in the 1940s, in 1948 or 1949, and the list then eventually in 1854 was finalised but on the basis that territories could be removed or added. In fact, New Caledonia has been in and out and French South Pacific territories were included, if you remember, a few years ago.

So the reality is that this is the list and once you are put on the list the problem is that you cannot come off it that easily. The United Nations Committee of 24 has acted totally in breach of its terms of reference under the United Nations Charter because it has allowed Spain to argue that because they have not even a claim but a right of retrocession, then the people of Gibraltar are not able to exercise their right to self-determination.

But of course the argument of Spain in 1964 in the UN when we had our first referendum was that we were not a people, and therefore you cannot separate the fact that we are, at the rally in Casemates, declaring our right to self-determination and say, as Mr Llamas says, what we were declaring was the fact that we are the Gibraltarians, a people, because it is only because we are the Gibraltarians that we have the right to self-determination, and it is not because, like the Catalans, we are a region of anywhere. Under international law it is only and exclusively the territories that are under colonial rule and foreign domination, to use the colourful language of the 1960s, that entitle as a human right to exercise self-determination, and under the provisions of the resolutions of the UN of the 1960s and the one of later years, the criteria for being able to call yourself a people is that your identity should be distinct from the identity of the colonial power.

Therefore, if the administering power is the United Kingdom and the people in the colony are all settlers from the United Kingdom, then the settlers from the United Kingdom cannot really say 'we have got the right to self-determination', and therefore the people in Ceuta are not a colony because the people in Ceuta are integrated in Spain and they see themselves as Spanish. We do not see ourselves as Anglo-Saxons, we do not see ourselves as ex-pats. We have no other home; this is our home. And if we say we are Gibraltarians and we are celebrating our Gibraltar identity, then we are saying by definition we are celebrating the right to self-determination because only the people who can say the first can say the second. The people who choose to say the second and cannot say the first lose the argument in law because the interpretation of the United Nations of chapter 11 and of the resolutions are that only those with a distinct cultural identity of their own are entitled eventually to be owners of their own destiny, owners of their own land, and enjoy the right to self-rule.

Self-determination is the road that has to be followed to achieve self-government. It is the degree of self-government that we have got and that degree of self-government, in our view, can only be determined to be sufficient by the United Nations – because that is what the Charter of the United Nations says, not because we want it to be like that – because that is the only body of international law that exists. So we may be 99.99% of what is required and they would still say 'You stay on the list.' And they are entitled to say it. When the United Kingdom created associated statehoods for the colonies in the Caribbean, the United Nations refused to remove them from the list.

So we cannot celebrate our national identity unless we claim to be a nation, and we cannot claim to be a nation unless we are talking about being a nation which is not yet fully self-governing. Therefore, what we are celebrating is something that started as an event where we were not exercising self-determination. It was the closest we had been because before we had

not had an opportunity to decide anything. But in 1967 what the United Kingdom said to us was, 'Look, these are the Castiella proposals – do you want to accept the Castiella proposals or do you want to continue as you are?' We voted to continue as we are in 1967, as we were, because we said it is better to be under colonial rule with the United Kingdom than free under Franco, because freedom under Franco was that you left every day with your head on your shoulders and you were not sure how you would finish that day. That was the freedom and it is a freedom that they seem to be having great difficulty in shaking, given the way they behave when people want to vote in Cataluña.

So the reality of it is that the assertion of our identity with which we are all clear carries with it a responsibility for doing the next thing – which seems to be difficult for some people – and saying this is ours, we take the decisions here, we are the owners of this place, nobody tells us what to do in our homeland, and we choose to be with the United Kingdom even as a colony because it is the lesser of two evils. That is what we decided in 1967 because that was the choice on the ballot paper. The choice on the ballot paper was 'Do you want to be decolonised by being put under a fascist dictatorship, or do you want to be a colony under a democracy?' Well, you had to be a very peculiar person to choose to do the second. But it was a self-determination. Self-determination requires that the people of Gibraltar freely choose independence, free association, integration or the fourth option, which we did not know existed and in fact we did not discover that had been there since 1971, even though we discovered it in 1992 when I first went to the UN. Nobody told us, and in those days there was no internet. Today they cannot keep anything away from anybody because all you do is you google it and you find the answer.

So, I think in supporting the motion, as I am standing up to do now, I do it in the context that we have moved away from the referendum because the referendum was a very narrow choice. We had the choice of being a colony or being under a fascist dictatorship, and I think the choice today, the result would be the same, for two reasons: one, because as a colony under our new Constitution, under British rule we have a greater level of self-government than Cataluña and the Basque Country, which are not colonies but have got less right to govern themselves than we have; and because even though they may have a democracy in Spain, they seem to have a tendency to choose very undemocratic leaders in the process. Therefore, there is no question about it: if the choice today were limited to be under a so-called democratic Spain or a British colony under the United Kingdom, the vote would be the same, even if it were that narrow.

But fortunately it is no longer that. Today we are able to celebrate that the United Kingdom has accepted our right to choose whatever we want – not whatever Spain may offer us, whatever we want – and the only argument that they have, which we think is incorrect, and not only do we think it is incorrect but the GSD think it is incorrect, because when the letter from the Foreign Secretary that introduced the new Constitution to Gibraltar was transmitted to Gibraltar it contained a clause agreed by Government on a position that we did not agree with the UK view, that the Treaty of Utrecht prevented us from choosing independence. We may not want to be independent, simply because we are sensible people and we know how long that independence would last – I am not sure if we would measure it in minutes or in seconds – but not because we do not have a spirit of independence in us and it is not because, as Margaret Thatcher told Felipe Gonzalez when she visited him in 1995, 'the people of Gibraltar in 1995 would be an independent nation today if it had been any other colony', because we are more advanced than many of their other territories that Britain has given independence to, 'and the only reason that they do not is because we say we respect the Treaty of Utrecht we have with you, and you should be thankful for that.' That is what she told him – because she had no problem in telling people things to their face.

So the reality is that we are now in a situation, when we are talking about the United Kingdom, that accepts that and that accepts a degree of control over external affairs that did not used to exist, in that they will not enter into talks about our constitutional development or about our future or about our sovereignty without our prior consent. That gives us a degree of

control over external affairs which other remaining colonies – non-self-governing territories, as they are called nowadays – do not have.

But the fact that we are at that level has not decolonised us, because the 1964 Constitution of Bermuda is more advanced than the 2006 Constitution of Gibraltar – in 1964, and they are still on the list with that constitution. So we can say, if we look at the Constitution that we have got today and we compare it with the one of Bermuda, we should not be a colony – well, then, Bermuda should have stopped being a colony then.

The hon. Member, Danny, will remember that when we were in London and we asked for the same text as the Bermuda constitution, what we were told by the expert from the Foreign Office was, 'Nobody's ever going to get that again because that was a mistake that we made – we gave it to them in the 1960s because they told us that they were about to go independent, and then they didn't do it, and therefore we are not going to make that mistake again.' That is the reality. That is the knowledge we have to have when we make a judgement and an assessment of what it is that we are doing, and in the context of that knowledge I think what we are doing today is in fact taking our constitutional development a step further by moving on from the referendum to where we are already, where we have been as a result of what the GSLP did and as a result of what the GSD did and as a result of the new reality that the United Kingdom has accepted, a reality that will never again allow any Foreign Secretary in the UK or any Secretary of State in the United Kingdom to try and foist on to us joint sovereignty with anybody. The only joint sovereignty there is ever going to be in this place is British and Gibraltarian, and that is a day we will celebrate when we are finally decolonised. (*Banging on desks*)

**Mr Speaker:** Any other contribution? The Chief Minister.

**Hon. Chief Minister:** Mr Speaker, Joe Bossano has been following issues relating to the decolonisation of Gibraltar and its international status since before he came back to Gibraltar in 1972. His involvement with the IWBP – the movement first and then the party later – started when he was beyond Gibraltar and he has said on occasions in this House that what most motivated him to return to Gibraltar was forming part of the struggle in Gibraltar in relation to our international status.

What hon. Members have had the benefit of today is what Members of the UNC24 enjoy the benefit of every year in the seminar that is organised by the C24 before the session in New York. There, the UN invites only territory governments, it invites the members of the UN, the ambassadors who are members of the C24 and the secretariat. In the years when the GSLP Liberals were in opposition, Joe Bossano was invited in his own right as an expert on the right of self-determination, something for which he is recognised perhaps sometimes more outside of Gibraltar than he is inside Gibraltar.

Therefore, Mr Speaker, I associate myself with everything that he has said this morning in setting into context the National Day celebrations that were born at the time that he was Chief Minister and indeed at the time that he was returning Gibraltar to the UN and to our annual opportunity to defend ourselves against the annual opportunity that being on the C24's list gives Spain to claim our land. This is an important part of what I am going to say in reply.

Hon. Members might take the view that they have expressed what Mr Llamas said was the GSD view under Sir Peter Caruana that he still associates himself with. I do not know that the Hon. Mr Clinton was making that assertion, and indeed I do not know that Mr Feetham was defending that assertion – he told us he was just setting out what the position had been, and his position in 2016, when he had his own mandate on National Day, was different to the one that he had taken in the years between 2012 and 2015 when he had the mandate that the GSD took in 2011's General Election.

That is the reality, Mr Speaker: that every year in New York, because we are not decolonised, Spain gets to claim our land at the United Nations. She does it twice: at the C24, where she has to seek leave to make her claim and express it from the secretariat, which of course grants it

because she is a member of the United Nations seeking leave to intervene in a committee; and at the Fourth Committee of the General Assembly in September.

Just so that hon. Members understand – and I do not understand this half as well as Joe Bossano does, given that I am almost half his age – the General Assembly meets in September; the session starts in September. Hon. Members will see the Pope, the King of Spain, the Prime Minister of the United Kingdom attend the session. It starts in September, the beginning of a new UN year. Then after that plenary, the UN divides into committees. The committee that has responsibility for non-self-governing territories is the Fourth Committee. It has an initial hearing in October and then sends to the C24 – which then will meet, after a seminar in May, in June – the issue of what is happening with the remaining listed territories.

At that Fourth Committee, whatever our Constitution says, the Spanish ambassador says, ‘United Nations, you said in the 1960s we have to negotiate with the United Kingdom the return of Gibraltar to Spain under the principle of territorial integrity, which was the applicable principle in terms of the decolonisation of Gibraltar. We want to start that process. Please tell the UK that we must do so.’ That happened in 1968, 1969 and 1970, despite the change of Constitution here; it happened in 2005, it happened in 2006 and has continued happening after 2006 whatever our Constitution says – *whatever* it says.

And so Hon. Members can stick their heads in the sand like ostriches and say we are decolonised, but in New York somebody will be planning to come and ram them on their behinds because they have got their heads stuck in the sand, because the decolonisation of Gibraltar has not happened where it needs to happen.

Colonisation is no longer an instrument in the national legal order of the United Kingdom. The concept of colonialism disappears from the United Kingdom legal order when we moved to Overseas Territories and the new constitutional structures, yes, in the 1960s and the 1970s, and whenever the United Kingdom has dealt with that issue. But it was never an issue in the national legal order, other than in the context of nationality. You could not have nationality if you were born in one of the colonies. The United Kingdom did not take the *pax romana* attitude of the Roman Empire and make citizens of those who it conquered. It created two classes of citizens, something that only the United Kingdom could do – like a P&O cruise, different classes; British Airways colonialism. Overseas Territories citizens were in those old days BOTCs, not full British citizens. Not until after Hong Kong did the concept of full British nationality for everyone come into the concept of British nationality.

It is therefore in that context that the battle for decolonisation starts. It starts in the 1960s when Sir Joshua and Peter Isola lead us at the United Nations. What they were fighting then is still the reality today. For national political purposes, if you get a great constitution and you want to say, ‘Yes, I’ve done it, I’ve achieved it, I did what Hassan and Isola could not do’ ... Of course you can understand that a local political leader might try and do that, but he is not going to pull the wool over anybody’s eyes who has bothered to understand what is happening. It might be what *should* have decolonised us – and this is the point that Joe Bossano has repeatedly made since 2006 – it should be very likely the maximum possible level of self-government short of independence that should amount to the fourth option, but whilst the C24 and the Fourth Committee do not recognise that, then whether we like it or not, in international law, which is the battle we started fighting in 1964, we are still a colony, and you cannot assert that you won the fight, that Hassan and Isola could not win, simply by saying ‘I’ve done something in Gibraltar.’ Well, look, if we could have done something in Gibraltar we would have done it in 1964, or we would have done it later. Maybe the UK would not have played ball in 1964. As Joe Bossano also said a moment ago, the UK of 1967 is not the UK of 2017. But the idea that we have won in New York that which we lost in 1964 is a nonsense which we cannot swallow.

All of that leads us to what happens in Gibraltar on 10th September. Have we won in New York? No. Then 10th September has to be a political act not with a view to the United Kingdom – I think we have won the argument with the United Kingdom. And not just Gibraltar; it has been won by all the Overseas Territories, but in particular by Gibraltar. What we have not won yet is

the right that we started fighting for, and it cannot be right that Gibraltar is divided in half between ... not in half, 68-32, by those who are persuaded by the magical art of politics that we have won today that which we started fighting for in the 1960s but which we have manifestly not won.

I am half tempted, Mr Speaker, to ask the Hon. Mr Llamas to accompany me to New York in October or June. I am sure he would make a very convivial travelling companion. When we get there he will see the Spanish ambassador give the same speech today that they have been giving since 1962 – the same speech on the same legal principle. And therefore the re-vindication of our right, the assertion of our right in the context of the international battle that we are fighting, is as important today as it was then, and whether I am Chief Minister or not I will be at Casemates every 10th September for the rest of my life until in New York somebody one day has the courage to get up and recognise, as Joe Bossano has just said, that the people of Gibraltar are decolonised under this Constitution or a future constitution. But until then I will not tire of persuading people that although Peter Caruana and his negotiating team – which included Mr Feetham, included Joe Bossano and included the Deputy Chief Minister and included you, Mr Speaker – brought back a great Constitution from London in 2005 and 2006 ... But is it a decolonising constitution? The answer, Mr Speaker, is not yet.

That is why the nub of the issue, dealing with Mr Llamas's contribution, is not a nuance about whether or not we are celebrating or commemorating. I know that he came with a prepared speech, but I was very careful in what I have been saying all of this morning. I have been saying that National Day is about celebrating, commemorating and asserting. We are commemorating the generation that did what it did in 1967; we are celebrating the choice that they made – thank goodness the result was not otherwise, otherwise the people in this room might have ended up with their skulls cracked simply for defending different opinions; and asserting because we have to assert, at least internationally, that we continue to be of the view that Gibraltar's future will only be determined by its people.

Every year there is a consensus decision of the C24 and of the Fourth Committee that talks about the re-establishment of talks under the resolutions. That consensus decision has occurred, as I said, before and after the two Constitutions which are relevant in this debate, 1969 and 2006; it occurred after Sir Joshua and Peter Isola's intervention; it occurred in the years between 1969 and 1992, when Joe Bossano did not attend and there was no representation from Gibraltar; it occurred from 1992 onwards. The recitals to that declaration are different, so in different years different things have been added to it – the UK and Spain are in a trilateral process etc. – but the conclusion is always the same one about our homeland.

In New York – and this is where we had the great difference about Peter Caruana's decision as Chief Minister not to attend the C24 – in New York in June there will be a decision that says Spain and Gibraltar should start the process of discussing the reintegration of Gibraltar into Spain. Do hon. Members, and Mr Llamas in particular, think that we should not be there to put the point of view of our people? In October they do the same thing.

Hon. Members will know – because I learnt it from Joe Bossano – that I go to New York for 20 hours, Mr Speaker. I do not go for a week. I do not get a chance to have a great meal and I do not get a chance to do much shopping. I go for 20 hours because Joe Bossano taught me that we go to New York to do what we are there to do, not for a jolly or a holiday. Why do I put myself through that? Why did he put himself through that, even when he was not in Government? Why did Peter Caruana put himself through that, and continue to do so in respect of the Fourth Committee in October but not in respect of the C24? Because it is absolutely the first duty of whoever is the political leader of this nation to tell the international community when they are considering the issue of Gibraltar what the view of the people of Gibraltar is, because they are still stuck in the 1960s considering how we reintegrate this place into that place.

If there was anybody who in good faith heard the siren calls from Madrid in 1967 – there were 44 – in 2002, or indeed when Mr Montegriffo and others have made statements about reaching accommodations with Spain ... If there was anybody who heard those siren calls and

was slightly persuaded and then sought to persuade the people of Gibraltar that we should accept any aspect of Spanish control of our sovereignty, then I genuinely believe that a week on Sunday, when Gibraltarians were watching their television screens, they understood that it was right that we chose not to allow Spain one foot in the door of our sovereignty and that it will not be necessary for the GSLP to be alone making the argument in the future with the Liberal Party, because the images on our television screens made that argument. Whether it is something as potentially light as making the argument that perhaps one day a Gibraltarian Chief Minister might recommend a modern Andorra-style solution to the people of Gibraltar, as Sir Peter said in Seville in December 2010, I do not think there will be ever any Gibraltarian leader now who will be able to persuade anybody to listen to him for a moment if he starts to make that argument.

All of this is connected. All of this is what Spain is pushing for in New York. All of this is what would be easier if we did not congregate as a people on 10th September each year to commemorate what happened in 1967, to celebrate the choice that was made and to assert that we will forever be the masters in this place and that we have the whip hand on the political future of Gibraltar.

So this is not something that we can consider to be in the bag and we cannot put our heads in the sand and our posteriors in the air, because there are people in New York planning how they are going to ram things down not our throats but anything else that might be exposed.

Mr Speaker, coming back to the contribution from the Hon. Mr Clinton, he said that the issue of self-determination today was taking a new prominence. Indeed, it is. It is in our daily newscasts – and not because of Gibraltar. Indeed, what I sometimes call during our Budget debates his ‘beige friend’ carries a headline today which is not usual for that particular publication, which is ‘Self-determination versus sovereignty’. It is a very good in-depth article about the collision of national sovereignty and the issue of self-determination. It is important that we do not allow anybody to confuse the issues of movements like the movement that there is in Cataluña with their seeking to find a right of self-determination and assert it, with our existing recognised international legal right of self-determination set out in the United Nations resolutions, especially in Resolution 1514 of the General Assembly XV.

Mr Speaker, that is an internationally recognised right. Spain says – and in the context of the debate that we have seen internationally on Cataluña in particular – the only internationally recognised right of self-determination is the right of the colonial peoples. And you almost feel like ramming yourself down the television when you hear somebody say that on a Spanish news broadcast, except although they do not articulate it in the context of the debate as it is today, the footnote is that the people of Gibraltar are not a people and therefore they do not have that right according to the Spanish dogma.

We need to understand this, because this underlies our conviction about 10th September and what it means and why it must be called National Day. We do not do this simply because we like to be hot at midday at Casemates – although Joe Bossano always loves to be out of air conditioning and in the sun, like every good rock scorpion – but we do this for a good, valid international political reason.

Mr Speaker, it is very important that people internationally understand that the people of Gibraltar are not nationalists in the dirty sense of that word. In other words, we are not seeking to expand the writ of the kingdom of Gibraltar beyond our shores, as some nationalists seek to do. We are defending our shores, our borders, our rights, our people. We are not seeking to secede or to go beyond. We are not expansionists. We are simply seeking to defend the part of the world that is ours.

In the Kurdish referendum that the Hon. Mr Clinton referred to there is an interesting example of a state not recently in democracy, the Iraqi state, dealing with an attempt at secession in a way more civilised than some who have been longer in democracy, because although there is no recognition of the result of that referendum – indeed, the Turks have taken a slightly more belligerent approach to the Kurdish referendum than the Iraqis – there was no

repression of the ability to vote in it. I think that is an important juxtaposition to some of the things that we have seen closer to home where, without seeking to interfere or comment on the legality of a vote, I think people in Gibraltar have been shocked by the brutality of the repression of it.

I will put the issue to hon. Members in this way: do hon. Members believe that if the Scots had decided under Ms Sturgeon to vote in a referendum which had not been approved by Westminster, that the riot police would have been drafted in from all around the rest of the United Kingdom to stop the Scots from voting, that their ballot boxes and their ballots would have been collected and that their heads would have been cracked? I think all of us understand that that would not have been the case.

There is, in fact, an example when that happened within the writ of the United Kingdom, and that is Gibraltar. In 2002, with the support of this House, and with our support when we were on the other side, the then Government of Gibraltar organised a referendum on the joint sovereignty proposals that had been tabled by the then Minister Pique in the context of the shameful discussions between Tony Blair and Prime Minister Aznar of Spain.

The only difference that the GSLP have had with the GSD then in Government, was that we had thought it should have been a referendum called sooner, but it was absolutely right that again the people of Gibraltar exercised their right of self-determination in the context of that choice.

It is important that we reflect on that for three reasons: the international reason; the sporadic nature of the choice that had to be put; and third, the reaction of the United Kingdom. Let me go through those.

First of all, the international reason. We do not know when international politics is going to turn against us and we are again going to have to assert our right of self-determination over our land. We did not expect it in 2002. Just so that hon. Members understand, Tony Blair had been to visit Joe Bossano – when Joe Bossano was Chief Minister and Tony Blair was not yet Tony Blair, (**Hon. J J Bossano:** A backbencher.) a backbencher – with Cherie. They were in Gibraltar. Labour politicians supportive of Gibraltar and a Labour politician who had brought in the minimum wage before the United Kingdom etc. And yet in Government, for reasons related to the Iraq War etc., suddenly it is Labour that is presenting us with the sell-out that Hain and Straw etc. led on. Gibraltar galvanised itself, but look, we are very secure in our Britishness with the first part of our preamble as set out on the stalactite that we can see there, and yet we had to act, we had to assert our right of self-determination. But we asserted it in the context of a choice, not the sort of choice that a governing and administering power is required under the Charter to put in the context of a referendum on self-determination as required by the UN, which is to put the four options – or three options and a fourth option if a fourth option is relevant to that territory. But we exercised the choice. So therein another reason why we cannot say ‘we are done with the right of self-determination, let’s have a party’.

Second, it is absolutely important to reflect on the fact that the United Kingdom did not repress the referendum. There was no attempt, apart from political insistence that the referendum would not be binding, indeed that it was not legal – which leads hon. Members to understanding our Referendum Act, which was a manifesto commitment under our first administration, which is now on the statute books, which cured the legality going back and going forward of referenda ... The United Kingdom, despite saying that the referendum was not valid, did not crack anybody’s head open for trying to vote in it. Indeed, there was a huge demonstration of all the people of Gibraltar in 2002 where we were all able to march peacefully, as is the nature of the Gibraltarian community, and then we were all able to vote peacefully, as is the nature of every opportunity that the people of Gibraltar have been given to cast a ballot, whether it is in a General Election, however contested until the night before, or in a referendum. I think that demonstrates that we made the choice in 1967 which allowed us to continue to make these choices in an orderly and peaceful way.

All of that together demonstrates that the choices we made were the right choices and that the siren calls, even when they came, were the wrong choices.

I think this is the third point: the international community needs to understand in New York every time we make those choices, and needs to, under the Charter, also be kept updated about what is happening in Gibraltar now. We may not like those rules, but we cannot ignore them and we cannot pretend that they are not there, because pretending that they are not there leads you into a much more difficult political situation as the noose starts to get tighter around your throat. Imagine, 50 years after the referendum, if Joe Bossano had not come back in 1992, where the C24 and the Fourth Committee might be. Would that lead to action if the C24 reached a conclusion which was, 'Okay, the UK is not talking to Spain – we declare that Gibraltar is Spanish'? Would it lead to action? Would the tanks roll? Probably not, but the world is a much more dangerous place today than it was two years ago. We need to ensure that the noose does not tighten, that we are there to make the argument.

Mr Speaker, it is absolutely right, and I reflected this in my speech, that the referendum generation is in great measure also the evacuation generation, and indeed the evacuation generation, the referendum generation and the closed Frontier generation are hugely important in the creation of the Gibraltarian identity that we have today, that we are today and that we celebrate also alongside the assertion of our political rights. But we should not take that for granted. We should never take for granted that our nation has been forged by those generations without sacrifice. It has been forged in sacrifice and in deep debate about what our future should hold. We must never, however, allow anybody to believe that a challenge can be put in a way that will do anything other than strengthen us, because they evacuated us and we came back stronger, they put a choice to us in a referendum that was a threat versus opportunity and we faced that down, and then they closed the Frontier on us and we got stronger even then.

So, Mr Speaker, referendum generation, evacuation generation, closed Frontier generation, all of them have fought to deliver the Gibraltar that we have today. That does not mean that they are not all constituent parts of the nation that is Gibraltar and that does not mean therefore that just because there is a referendum generation that the 10th September should be Referendum Day.

It also does not mean, just to come back to the point, that where you put National Day is a point of geography, whether it is the Piazza or Casemates. It simply is not, for all the reasons I gave earlier in answer to the hon. Gentleman's amendments, for all the reasons Joe Bossano has gone into further. I would put it to him like this: a point of geography is when you move from the theatre at the John Mackintosh Hall into the Charles Hunt Room. One you go into if you have 350 people you have to accommodate; the other one you go into if you have 60 people to accommodate, a geographic move that hon. Members have recently done in the context of their annual general meetings. But if you have a clamour of the majority of your population who want to come out, it is not a point of geography to try and squeeze them into a smaller square; it is an attempt to prevent the demonstration of the wealth of support that there is for the position.

This is not about the French celebrating Bastille Day, but the French also gave birth to a nation on Bastille Day – the Republic of France. They moved from monarchy to republic and that became the French nation. The French nation before was the Kingdom of France. So they celebrate the moment of emancipation from the sovereignty of a monarch, a divine monarch with a divine right of kings, to the right of the people who created the French Republic. They are recognised by the United Nations as a nation and that is their moment of emancipation, but they do not celebrate 'Cutting off of the Head Day' – which is another way of saying Bastille Day, isn't it? They do not celebrate 'Guillotine Day'. They celebrate the place which they stormed – Bastille Day. This is different to Referendum Day versus National Day and the hon. Gentleman is not going to be allowed to get away with that sort of allusion, pretending it is going to persuade anyone of anything.

When he refers to Joe Bossano's reference to the 25-year period when Gibraltarians have only known red and white as a good reason to move back to Referendum Day rather than



National Day because people might not remember the referendum, well, that is our duty. It is our duty that on 10th September people remember Referendum Day, and they always have in those 25 years. Whether, wearing red and white, they have had too much of the red and too much of the white and they cannot remember what the speeches were about is another matter, but 10th September, at least with a GSLP Chief Minister, has always been about the referendum and the choice and never been about *la torta de acelga* and the *Calentita*.

He said that I was positively straining to refer to his *Olive Press* speech. Well, I do not strain much; I have quite a good body clock in that respect and olives certainly do not make me strain. But what I thought was important was to point this out because the hon. Gentleman could not get away with setting things down on the historical record of a newspaper and not be challenged for it, Mr Speaker. It is important if he was misquoted, though, that he should clarify that. So, if he did not say 'Haha, I wore a green tee-shirt on National Day in defiance', he should write to the editor and take up with him the fact that he has been misquoted on an issue that is fundamental in the context of Gibraltar politics. Even John Cortes favours red and white over green on National Day, Mr Speaker, so he should not allow the editor of the *Olive Press* to misrepresent his position in respect of this matter.

I do not pretend that I have a monopoly on being Gibraltarian. Gibraltar is a diverse community. It is a community of different colours, it is a community of different beliefs, it is a community of different religions, it is a community of many different sexual orientations now that we recognise that, rightly, under the stewardship of Samantha Sacramento. It is a community that we are all proud to call home, and we all celebrate it in a different way. But that does not move us away from the objective reality of the laws that we are dealing with internationally and in New York, which, as I was telling the Hon. Mr Llamas a moment ago, that is an objective international reality. It is not a question of what colour we choose to wear.

Mr Speaker, to suggest that I am insisting on people wearing red and white and that I am trying to impose my view of Gibraltarianness while saying that he always wears red and white does not quite sit comfortably one along the other. It is almost as if to say 'Maybe I made a bit of a mistake in the context of the interview that I gave, and I am not going to allow Fabian to suggest that everybody must wear red and white on that day.' I wear red and white on that day because I believe it is right. If other people do not want to wear red and white it is up to them, but when they assert it politically let them defend it politically as well.

When he tells me that I do not have a monopoly on being Gibraltarian and what should be done or worn on 10th September, but yet he has tried to amend the motion to insist that people fly flags on that day, it is almost as if to say not 'Fabian, you don't have a monopoly on what being Gibraltarian means on National Day and it is wrong that anybody should assert it'; it is almost as if to say 'You, Fabian, don't have a monopoly on what should happen on National Day and what is Gibraltarian – I, Roy, do!' Well, we are not going to fall for that one either!

Mr Speaker, I was pleased to read that part of his interview where he said that in his lifetime there would not be a consideration of joint sovereignty. I did not for one moment suggest that he had said anything to the contrary and I am surprised that he felt that he had to say that in the context of this debate, but I am very pleased that he did because that means that we have moved on more considerably perhaps than people know, until today, from the GSD of Seville in 2010, although Mr Llamas still appears to agree with the Caruana convictions that the GSD of December 2010 is the GSD whose leader said 'I might one day consider the possibility of recommending a modern Andorra-style solution to Gibraltar.' I take it from what I have heard today that that is not his position, because for many of us that amounts to joint sovereignty. Titular or otherwise – but Spain has never really sought anything other than titular sovereignty – it amounts to joint sovereignty, so I am very pleased that he has said that that will never be the case under him.

There is a footnote to Keith Azopardi's book *Sovereignty and the Stateless Nation* – get it now on amazon.com – which suggests that the Andorra-style solution is not a joint sovereignty solution. I respectfully disagree with my friend Keith Azopardi in that respect. I believe it is a

joint sovereignty solution and I am very pleased that by saying no to joint sovereignty today the hon. Gentleman is indicating positively his view that he is rejecting even the possibility of one day recommending a modern Andorra-style ... Ah, no, he is saying he is not so sure. I do not know ... He is not so sure. Okay, well then we have not come as far as I thought we had come, so I will abandon the point and allow him to be captured by it, Mr Speaker.

Then he came on to the issue of the National Day holiday. I do not think he has understood this and I think Ms Marlene Hassan Nahon has also not understood this, Mr Speaker. National Day is a holiday on 10th September every year when it is a working day. It is not a holiday on a Sunday because Sunday is a day off. So nobody has moved the National Day holiday. The National Day holiday was celebrated on 10th September. The holiday given in lieu of National Day, which only happens in two out of every five years, was this year given – because it is in the discretion of the Chief Minister – closer to summer and closer to the MTV Festival than on the day after National Day. So, on the days when it is given the week day after National Day, or before National Day depending on when it falls, this year we made the choice of moving it another way. We have not for one moment abandoned the holiday of National Day – because how could we expect people to go to Casemates on 10th September if it is a working day? So hon. Members have got it completely wrong on the holiday, completely wrong. The holiday has not moved. It will not move. We are the GSLP Liberals. We believe 1st May should be celebrated on 1st May, an important day to recall the sacrifice of workers. We are the first Government to have done that, from 1988 to 1996. The Government after us undid that and we reinstated it after 2011. We are the Government that introduced the holiday on 10th September for National Day. We will maintain it on 10th September every National Day. When it falls on a weekend, whoever is Chief Minister will be able to decide when to give it.

Hon. Members may like to have a discussion with me behind the Speaker's Chair of why it is not in anybody's interest to have a long weekend exactly the weekend of National Day on some occasions. I am quite happy to have that discussion with them behind the Speaker's Chair, but perhaps if they think a little bit about it and they talk to the SDGG, who are the ones responsible for organising the National Day celebrations, they might better understand what is behind that. Literally, as soon as we break I shall tell them what the issue is.

Mr Speaker, therefore not everybody should go to bed at 10 o'clock like I do on National Day, as the hon. Gentleman imputed to me. Well, unfortunately, although I have a pretty exhausting National Day, National Day weekend and National Day week, in particular this year, I do not get to go to bed at 10 o'clock, in particular on National Day. I am surprised that he has said so, because we were together at 10 o'clock on National Day – not holding hands, but watching the magnificent display of fireworks organised by the SDGG over the Bay of Gibraltar up at the cable car together with a collection of people who I think were here doing some fantastic work for Gibraltar and he thinks were here on a jolly. So even when the hon. Gentleman makes an assertion as to the time, hon. Members need to check with me before they take it from him.

910 And as to the issue that both the Hon. Ms Hassan Nahon and Mr Clinton took of who is invited as a Member of Parliament to come to Gibraltar, because we made the mistake of inviting some leading Brexiteers who were jeered and booed, in the same sentence as I have  
915 been told to include in the motion a reference to the All-Party British Gibraltar Group, leaves me a little cold because the Brexiteer who was jeered last year was the Chairman of the All-Party British Gibraltar Group, Jack Lopresti. Is it that hon. Members did not know, or had forgotten that, Mr Speaker? So, on the one hand I am told 'You must congratulate the All-Party British Gibraltar Group, those are the ones who should come', and on the other hand I am told, 'Don't bring the Brexiteers who are jeering.' They are one and the same. Mr Lopresti is no longer the Chairman of the All-Party British Gibraltar Group, but he was last year and he got booed.

Mr Speaker, hon. Members need to have a better grasp of the detail of politics before they stand up here and make assertions which make fools of them, because they are saying one thing on the one hand and the opposite on the other hand about something as important as a motion

920 on National Day. Please, we need to be a little bit more cautious when it comes to the detail of these things.

He ended with an assertion that his wife is very nice; well, so is mine, but you see, the point is this, and so is the partner of everybody here, Mr Speaker, because they do not choose to be involved in politics, they do not choose to have to go to endless parties, they do not choose to have to put up with all of the rest of us. The point is that none of us – indeed the hon. Gentleman sitting to his right – none of us have ever thought that someone’s partner is a target through which to get at the other, never, until the hon. Gentleman gave an interview to a particular newspaper, and that, Mr Speaker, I think is a new low in Gibraltar politics. So his assertion in response to me that his wife is nice does not take matters further. What this House needs is an assertion that we are not going to be using each other’s partners, as we never have before, to try and get to one of us on an opposite side. We do not need to do that. This is about a contest of ideas, about what we each defend for the future of our nation, and if the hon. Gentleman wants to lead he should lead from the front and he should attack from the front and he should attack at the front. He should not try and attack from behind, he should not try and use a person’s spouse or partner in order to try and get at them. That is the point, Mr Speaker, because I make the assertion that my wife is as nice as his, his wife is as nice as he thinks she is and all of our partners are perfectly nice and they do not deserve to be brought into the political frame.

Mr Speaker, the hon. Lady was very pleased with the celebration that we held on National Day, except for the issue of the bank holiday, which I have dealt with already. I was particularly pleased to see her and her mother and to see Mr Isola with his mother as representatives of Sir Joshua and Peter Isola at the magnificent concert that we held at the Victoria Stadium where the Royal Philharmonic Concert Orchestra played us into National Day with a patriotic Proms-style entrance to the celebrations, which I think everybody who was present on that day will never forget, and I think we have done proud the memory of the people who voted in 1967, the people who organised in 1967 and the political leaders who were part of that celebration. We saw magnificent video images of the day and indeed that small film then developed into a *Viewpoint* programme where we saw even more of what happened on that day and we had the opportunity of hearing from other Chief Ministers past and present, political leaders, about the significance of the referendum. Joseph Garcia is not here to hear me say it, but the work that he has done to bring to life the events of 1967 cannot be ignored.

Mr Speaker, the only point that I think is left for me to reply to in respect of the hon. Lady, apart from the issue of Brexiteers, is the issue of far-right DUP Members that she referred to. I have to take this point with her: is the hon. Lady saying that we should not seek to influence the group that holds the balance of power in Westminster? If that was the only reason we were doing it you might think, well, that is a bit mercenary, but nobody complained about Ian Paisley when Margallo was making it impossible for people to cross the Frontier and live their lives, when even the restricted mail, the diplomatic mail, between the United Kingdom and Gibraltar was being interfered with, when at that time Gibraltar needed friends and Ian Paisley stood up in the Houses of Parliament, in a style reminiscent of his father, and said, ‘What we should be doing is telling the Spanish Ambassador to get his sombrero and his donkey and go back to Madrid.’ Everybody clapped. Nobody looked at what his views were on equality. And yet now a person who has been coming consistently to support Gibraltar we are told is not somebody who should be welcomed. I do not know which barometer the hon. Lady chooses, because if it is the barometer of booing I do not bring the Chairman of the All-Party British Gibraltar Group, and if it is the barometer of cheering I do not bring those who are cheered but who have opinions which might be slightly different to ours. Ian Paisley Jnr, Bob Neill, Fabian Hamilton, none of them are members of the GSLP – they are all members of different political parties with different views. The hon. Gentleman might share views with Fabian Hamilton about nationalisation and not with Bob Neill about privatisation, or the other way round, and we might all share some views with Ian Paisley on issues relating to self-determination and sovereignty and none of his views in

relation to equality, but the man has been there to support us so I think we need to be a little bit careful about how we criticise those who have consistently been there for Gibraltar and not take a more populist attitude that might simply satisfy one particular interest group on one particular day.

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Mr Speaker, I was pleased to hear the Hon. Mr Llamas start with Jo Cox. I think Jo Cox is an emblematic politician. She was somebody who I was not aware of until she passed away, but going back to see what she stood for and some of the things that she said is a refreshing reminder of what politics should be about. This was a woman who was clearly against rancid nationalism, but who I think would have stood side by side by every Gibraltarian asserting our rights to defend our homeland and our right to self-determination.

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The Hon. Mr Llamas, however, then told us that he held true to Sir Peter Caruana's GSD and its views about National Day in the celebratory aspects trumping the political aspects, so I am interested to see how that develops in the context of how the leadership of the party opposite might develop. I do not know whether being part of Sir Peter Caruana's world view in the GSD makes you a part of Roy Clinton's world view in the GSD and whether it excludes you from being in the world view of a potentially Keith Azopardi led GSD, because that, last time I checked, was all about Casemates. So I am watching with interest from the side lines to see how that develops, Mr Speaker. But for all the reasons I told him before, and I do not intend to take him through again, this is not about nuance; this is about cold, hard international law and the importance of ensuring that what we do in Gibraltar and what we do in our relationship with the United Kingdom dovetails into what needs to be done in international law and in New York at the United Nations. Otherwise, mental masturbation aside, we have not achieved what we need to achieve in international law, however much we might want to think that we have and however much somebody in the past may have wanted to sell us a pup in respect of that matter – if you will excuse the pun in relation to his particular hobby – because the pup was sold to us by the man whose world view in the GSD he still tells us that he believes in.

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Mr Speaker, I want to end taking the House to somebody else's words, not to my own. I want to take the House to the words of the Chairman of the Self-Determination for Gibraltar Group in 1993, the year of the first National Day rally at Casemates. Peace broke out for a few moments there. There is an excellent photograph in that day's newspaper of Ernest Britto, then an Opposition Member for the GSD, with the magnificent Mrs Perez, the mother of Minister for Government Services then, Juan Carlos Perez, both of them enjoying the day at Casemates. So it is good to sometimes put our differences aside and enjoy ourselves together. They both looked magnificent on that day, Mr Speaker. The letter is called 'Identity' and it is from Denis Matthews, Chairman of the SDGG. It says this:

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If any doubts existed about the desire of Gibraltarians to be finally recognised as a people in their own right, then these must surely have been dispelled last Friday. The massive turnout and the overwhelming display of the Gibraltar colours have established a Gibraltarian identity in the most emphatic and least controversial manner.

Clearly that was not the day that someone strolled in wearing green.

Friday, 10th September 1993 will be remembered as the day Gibraltar came of age and the day that recognition of our rights by Spain began. In the words of the Chief Minister, the time will come when the Treaty of Utrecht and the Lisbon and Brussels agreements will be forgotten but the Casemates declaration will always be remembered.

The Chief Minister in that context was Joe Bossano and the reference to Spain was the reference to a group of Spaniards who came to Gibraltar to sign up to that declaration and recognise our right to self-determination.

The presence on the platform of Gibraltar's political leaders together with Spanish politicians, the President of the Amigos de Gibraltar, the Secretary General of the European Liberal and Radical Youth Movement and, last but not least, those old friends of Gibraltar who were able to recall that their last visit here at the time of the referendum, Lord and Lady Merrivale, made it a day of friendship and unity unequalled in Gibraltar's history. This was reflected

also by the crowds thronging the streets, the young people at the Rock Concert and all the people later on at the fair. Everyone in festive, happy mood with not a single incident to mark the occasion.

As the organisers of the Gibraltar National Day celebrations, the SDGG wishes to thank all those, too numerous to mention here, to whom time and effort meant nothing when working for our National Day. Most of all we would like to thank the people of Gibraltar who turned out in such large numbers and by their mere presence made our first National Day the tremendous success it undoubtedly was. We now look forward to seeing you all again at next year's celebrations.

1010 Mr Speaker, we are not going to change the name 'National Day'. We are going to ensure that National Day endures. That is part of our political DNA on this side of the House. We hear the whispers of the women of the 1967 generation and the murmurs of the men and will never let them down. *(Banging on desks)*

1015 **Mr Speaker:** I now put the question in the terms of the motion moved by the Chief Minister. Is a division required?

**Hon. Chief Minister:** Yes, Mr Speaker.

1020 **Mr Speaker:** Yes, very well.

*Voting resulted as follows:*

FOR	AGAINST	ABSTAIN	ABSENT
Hon. P J Balban	None	Hon. L F Llamas	Hon. N F Costa
Hon. J J Bossano			Hon. Dr J J Garcia
Hon. R M Clinton			
Hon. Dr J E Cortes			
Hon. D A Feetham			
Hon. T N Hammond			
Hon. Ms M D Hassan Nahon			
Hon. A J Isola			
Hon. G H Licudi			
Hon. S E Linares			
Hon. E J Phillips			
Hon. F R Picardo			
Hon. E J Reyes			
Hon. Miss S J Sacramento			

**Mr Speaker:** There are 2 Members absent, there is 1 abstention and there are 14 votes in favour of the motion. The motion is therefore carried.

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now recess to this afternoon at 3.30 p.m.

**Mr Speaker:** The House will recess to 3.30 this afternoon.

*The House recessed at 1.10 p.m. and resumed its sitting at 3.30 p.m.*