



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3:10 p.m. – 8.50 p.m.**

**Gibraltar, Friday, 15th January 2021**

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# The Gibraltar Parliament

*The Parliament met at 3:10 p.m.*

[MR SPEAKER: Hon. M L Farrell BEM GMD RD JP *in the Chair*]

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

## SUSPENSION OF STANDING ORDERS

### Standing Order 7(1) suspended to proceed with laying of papers

**Clerk:** Meeting of Parliament, Friday, 15th January 2021.  
Suspension of Standing Orders. The Hon. the Chief Minister.

5 **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 documents on the table.

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

## PAPERS TO BE LAID

10 **Chief Minister (Hon. F R Picardo):** (vi) Mr Speaker, I have the honour to lay on the table the European Union Withdrawal (Application of International Agreements) (Amendment of Schedule) Order 2021.

**Mr Speaker:** Ordered to lie.

### Standing Order 7(1) suspended to proceed with Government Statements

15 **Clerk:** Suspension of Standing Orders. The Hon. the 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 Government Statements.

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

**GOVERNMENT STATEMENTS**

**COVID-19 update –  
Statement by the Chief Minister**

20 **Clerk:** Government Statements. The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, this morning I chaired a meeting of the COVID Platinum Command Group. Together with His Excellency the Governor, the Deputy Chief Minister, the Minister for Civil Contingencies, the Minister for Public Health and all other attendees, we considered how best to address the continued rise of infections of COVID-19 in our community.

25 Today, I can report that Gibraltar has already fulfilled 140,000 tests for COVID-19. There are 66 new cases in our community today and 99 individuals are now considered to have recovered from the disease overnight. That leaves 967 active cases – importantly, under a thousand. For some time we have been over a thousand, so today under a thousand.

30 To date, we have had 160 people, since the start of the pandemic in spring, admitted to hospital with COVID-19. At the moment, there are 39 patients in the COVID wards at St Bernard’s Hospital. I say ‘wards’ because we now have more than one ward with COVID patients. John Ward has, in part, now been adapted also. There are 11 people in the COVID Critical Care Unit (CCU). That means we presently have 50 in-patients at St Bernard’s Hospital with COVID-19. Of the 11 in the Critical Care Unit, nine are on ventilators. This puts huge pressure on our GHA staff at the CCU, as those patients require manual handling, as they are not conscious.

I am very sorry to have to report to the community a total, now, of 30 deaths from COVID-19. The last two have touched me deeply, as one was a member of my extended family and another was one of my former teachers. With 30 deaths, every family will now have been touched to some extent by a death from COVID-19 – and to think there was a time when we had avoided any deaths from this deadly disease.

40 Our frontline services continue to be impaired, with the GHA and the RGP continuing to suffer a casualty rate in excess of 10% in each of people in isolation or positive with COVID-19.

45 At the same time, after a magnificent effort with the support of the Foreign, Commonwealth and Development Office in London and in the Convent in Gibraltar and also the support of the MoD in the United Kingdom and in Gibraltar – in particular, of course, the RAF – we received our first doses of the Pfizer vaccine last weekend. There was, as hon. Members will recall, huge expectation in Gibraltar, not least because of the weather, on the potential for the arrival and landing of that RAF A-400 aircraft. Since then, I can commend the GHA for a magnificent effort, under the auspices of Health Minister Sacramento, for a vaccine programme that has gone without a glitch until now. Many have commented to me how well treated they have been in the process of making appointments and their treatment during the vaccination process.

50 To date, 4,187 – correct as at last night – have received the first dose of the Pfizer vaccine. That is 1,215 frontline GHA staff, 28 GHA patients, 437 ERS staff, 152 ERS patients, 2,339 over-70s and 17 patients at Ocean Views. Most importantly, I am pleased to be able to report to the House that no doses of the Pfizer vaccine have been wasted at all.

55 But until the vaccine is in our bodies and has had time to take effect, our people remain at risk and our ability to deliver services remains at risk. For that reason, we have agreed in COVID Platinum this morning that the correct way to continue to see a downturn in the numbers of infections recorded daily is to continue with the restrictions on mobility for a further seven days. We are seeing a downturn, but the growth is still there. We are no longer seeing 170 or 180 cases a day, as we were a week or two ago, but we are still seeing high double-figure growth in the number of cases. The R-number is now well below one, likely in the region of 0.77. The curve of infections is coming down, but it is still far too high for us to safely release the restrictions. I must tell the community today that the restrictions are likely to be renewed again in seven days’ time.

I do not take that for granted. We will not renew the restrictions if we are able to loosen them, of course, but we will be unlikely to be able to do so.

70 For that reason, I also do not believe that it will be possible for us to commit to reopening schools by Monday, 25th January, although that will, of course, continue to be our aim. We will continue to work with our teachers in order to ensure that when our schools do return, they return in a way that is safe for our teachers and our pupils. It is more likely that we will still see schools able to reopen safely on Monday, 1st February. That now appears to be a more realistic potential reopening date. On St Martin's, we are working for an even earlier date of reopening, if possible. We are conscious of the difficulties being experienced by the parents of children with special  
75 needs in particular. We will ensure our teachers are going to be in the very first round of those to be vaccinated beyond the at-risk groups, and the teachers at St Martin's will be the first of the first. Until then, the relevant Ministers are working to provide additional facilities for children and persons with special needs in parks, and the RGP are aware of the specific provisions in our regulations for persons with learning difficulties, an innovation that we did not have during the  
80 first lockdown but which Minister Sacramento specifically carved out this time. That is also likely to be 1st February, the more realistic date on which we might start to see the lifting of all the restrictions.

If we can lift restrictions next week, of course we will do so, but it will be the number of infections that will determine that. Also, it is important that I give the community a heads-up that  
85 when we do start to lift restrictions, we will do so in a gradual and safe way only. I believe we may see that, as we lift lockdown, we may have to maintain a curfew, for example. We may also have to maintain some restrictions in other respects. I do not discard the potential now of a territorial restriction on movement, other than for work or for medical emergencies.

Also, I will shortly be engaging with our catering industry, as, at the moment, we do not think  
90 it will be safe to open our catering establishments at the same time as we release other aspects of the lockdown. I will be engaging directly with the Gibraltar Catering Association again in coming days. They have been extraordinarily responsible in the work they have done with us, and I look forward to that continuing active and positive engagement with them.

We have already started working with our business sector on payments under what we are  
95 calling BEAT 5.0. We will continue to do so. But what is clear around the world, as I said in my New Year's message, is that all nations are facing public finance problems – even the oil-producing states – as a result of the COVID pandemic. For that reason, we must ensure that Gibraltar moves quickly to undo the issues of instability that arise for our public finances as a result of COVID and indeed the additional whammy of Brexit.

100 In order to assist me in addressing those issues as Minister for Public Finance, I have appointed Sir Joe Bossano as Minister with responsibility for financial stability, alongside his responsibilities for Economic Development and his other portfolio responsibilities. That will enable us to work together directly with the Financial Secretary, Albert Mena, in addressing the issues which will arise as we cast our first post-Brexit, post-COVID Budget for this community. This is something we  
105 are already working on, and Sir Joe has asked me to advise the House this afternoon that he is holding a meeting with the Financial Secretary this afternoon in preparation for this exercise, and for that reason has not attended Parliament. I know that we will all take comfort in this community from the extraordinary experience that the Government can count on in Sir Joe and the extraordinary ability that the Government can count on in Albert Mena as we prepare for these  
110 new estimates.

I must, before I conclude, thank our magnificent frontline public sector staff, all of them, in the  
GHA, the RGP, Customs, the GDP, ERS – everyone. I cannot list them all, as I will leave some out. Also, in the private sector, our supermarket staff, the delivery persons who bring food to our homes, and our pharmacy staff are also so essential. I will have left people out. A deep thank you  
115 to everyone who has helped at all in this effort. Today, in one of our local newspapers, I saw a report of Francis Huart, a good friend, who is trying to be a friend to everyone he can by delivering

what he can, as necessary. What an example he is. He is one case of so many volunteers seeking to help as much as they can.

120 I must end thanking everyone in our community for complying with the COVID restrictions. Incidences of failure to comply with the rules are low. The vast majority are complying with the rules. Those few who do not are letting themselves and each other down. So, please, I urge all members of the community: help us to lift these restrictions as soon as possible by continuing to comply with the rules. Stay at home, unless it is essential to go out. Go out only for essentials or essential exercise. Follow the rules, and together we will emerge more quickly out of these difficult  
125 times.

Mr Speaker, I will be happy to clarify any aspects of this Statement that hon. Members might wish me to address. I commend this Statement to the House.

**Mr Speaker:** The Hon. the Leader of the Opposition.

130

**Hon. K Azopardi:** Mr Speaker, yesterday we said that the lockdown should continue. We issued a press release to that effect. We thought that our own internal tracking of the numbers since the lockdown had been imposed did not really lead to any other outcome as a reasonable outcome, because of course we all want to get control of this virus so that we can restore commercial and social freedoms. But, having looked at the performance of the lockdown as it emanates in the  
135 statistics, the daily numbers that the Government publish, it became obvious to us in our own discussions internally that the lockdown needed to be extended a bit longer. So, to that extent, of course we think that this is the right decision, and indeed the inevitable one.

The Chief Minister mentions that the numbers have come down, and indeed in our press release of yesterday I did notice that the daily average has slightly come down, but when he talks about things like ... for example, that we have not had big numbers like 170, that is true in the last seven days, but I was struck that, if you look at the numbers of new positive cases over the last two weeks, the number on 13th January was the third largest number of positive cases, so we are still getting different and slightly erratic daily figures that can only lead to this outcome that the  
145 Government has announced.

We would like, on this side of the House, to also acknowledge the efforts of the GHA in particular, and all the other essential workers and indeed volunteers – like Mr Huart – the Chief Minister has mentioned. We think that they are doing an invaluable job and work and service to this community by everyone pulling together. And indeed we also associate ourselves with the sentiment of the Chief Minister that it is not only the essential workers and indeed the volunteers,  
150 but we all need to pull together as a community to ensure compliance with Public Health advice to make sure we get Gibraltar through this. That has been our approach from day one of this COVID-19 outbreak.

I also note that, in terms of the hospitalisations, we are today talking about 50. Certainly, from my own experience in the Health Service and Health Department many years ago, when bed occupancy levels were, in my mind, around anything between 160 and 170 ... I do not know what they are now, but that suggests to me that a good proportion – maybe between 25% and 30% – of the people in hospital are COVID patients. It might be a different number, but it does suggest to me a very big proportion. People need to understand that out there, in terms of the pressure that that brings to Health Service workers in dealing with a combination ... and a very different  
160 isolated environment in COVID-19 patients and the exposure that they themselves are facing on a daily basis, which we appreciate on this side of the House.

Mr Speaker, a number of issues for clarification that perhaps the Chief Minister could assist the House on, and everyone listening. He has spoken about his intention to have a meeting with the Catering Association and I have no doubt the Catering Association would welcome that meeting. Can he confirm to the House that the Business Compensation Scheme that is in place  
165 and was put in place by the Government will be extended until the end of the lockdown? So, if

businesses are closed because of the COVID-19 restrictions – nothing to do with them, of course – will the compensation scheme continue until that happens?

170 He has spoken about the possible opening of schools dragged from 25th January now maybe to 1st February. That is a helpful indication for anyone planning their lives around the restrictions.

175 Is he in a position to give us an indication – given his indication that restrictions will be lifted gradually – the kind of timescale that we would be looking at for the lifting of restrictions in relation to businesses? Do we assume that businesses will not open on the 1st, or should we assume that that some businesses will be also open on 1st February? Has the Government done any thinking and discussion itself, or indeed at COVID Platinum, on those issues, and is he able to give us an indication of the thinking? I am sure that people will not hold the Government to it, but I am sure also that business people who have had their businesses closed will want to have some kind of assistance and indication.

180 On the issue of ERS, will the Chief Minister perhaps give us a bit more detail about what is happening in ERS? I was struck, in my own tracking of the statistics, that on 1st January there were nine positive cases at ERS and yesterday there were 128 at ERS. I do not know the total number of residents of ERS. It would be helpful if the Chief Minister did have a figure, or if some of his colleagues could assist him who have responsibility in the area. Does he know what the total number of residents of ERS is, and what the 128 positives therefore amounts to in terms of the number of residents?

185 Secondly, on 5th January the Government issued a press release indicating how it was dealing with the outbreak in ERS at the time, and it said that it was introducing daily antigen testing, but it also said in its press release:

In order to prevent the further spread of COVID-19, residents are being cohorted into bubbles to safeguard and prevent any further exposure. All positives, as well as their close contacts, remain in isolated areas. To maintain these bubbles, 30 beds have been added in Mount Alvernia and a further 24 in Bellavista.

190 Will the Chief Minister perhaps comment on that particular point? On 5th January, these bubbles were created and yet the bubbles seem to have had almost no effect on the rise of cases. The cases have almost tripled since 5th January when they issued that press release. It seems – to me, at least, at face value – that those measures that were put in place, which I am sure were put in place by management with the best intention possible, do not seem to have had much effect. 195 Can he comment on that? We certainly understand on this side of the House that we are talking about frail, vulnerable people in close confinement and quarters and the spread of the virus is almost inevitable in that kind of environment, but I think it would be helpful if the Chief Minister were to comment on that, given that the public were told that certain precautions were being put in place and they appear not to have worked. What advice has the Government got in relation to that, and are we seeing a turn for the better at ERS? 200

Also in relation to ERS, I am receiving information from families of ERS residents that some of them are being called with information about the state of their family member in relation to a COVID infection, and some of them were completely unaware that the person had even contracted COVID. In one particular instance, it was said to me that a family was called to update them on the COVID infection of a particular family member who is a resident of the ERS, and when they asked when did this person contract COVID, the contraction of COVID had happened seven to ten days earlier. Can I ask the Government to ensure that family members, especially when they are unable to visit residents of ERS, are kept better informed on the condition of family members? 205

210 Also by way of clarification, can I ask the Government and the Chief Minister to comment on the reasons why Dr Kumar has been appointed Acting Director of Public Health? Is there a reason for that?

And then a couple of further clarifications, if I may. The vaccination programme is, of course, something we absolutely welcome, and indeed the vaccination on a one-dose basis – or at least on a first-dose basis, if I can put it that way – of almost 6,000 people is very welcome. But if it is a 215

key to greater liberation, is the Chief Minister in a position now, having indicated to the House – or, I think, publicly last week; it was at the press conference – that there was a possible shipment of further vaccines at the end of January, is he now, seven days on, able to tell us whether that possibility has now become a probability or indeed a certainty?

220 And then, finally, Mr Speaker, we are reading a lot about the different mutations of the virus. The UK strain was something that we discussed in this House some weeks ago, and now the hot topic is, of course, the Brazilian strain that has led the UK to ban flights from certain countries, and indeed Portugal today. Is there any biological work being done in Gibraltar to try to ascertain the particular strain that is afflicting our community? And is the GHA and Government alert to the  
225 work that needs to be done in respect of that? I appreciate that we are a small community with small resources, but can they rely on the UK to assist us in trying to do the necessary work to ensure that we understand the pathology of the particular strain of the virus?

Thank you, Mr Speaker.

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

**Hon. Chief Minister:** Mr Speaker, thank you, and I thank the Hon. the Leader of the Opposition for his support in the context of the extension of the restrictions for the next seven days.

I do note that the hon. Gentleman started by referring to a statement he made, not in this place, yesterday. His statement was about an extension for ten days. As I had reason to raise with  
235 him, we do not believe it is appropriate to think of an extension for ten days because the legislation would provide for an extension for a further seven days. We consider that we are bound, for civil liberties purposes, to ensure that we do not continue these restrictions for a moment longer than is necessary, and so we want to take it seven days at a time whilst giving the community a view beyond those seven days. So, we do not agree that we should extend for ten  
240 days. We believe we should extend for seven but we should indicate that we think it is likely that we will have to extend for another seven and that it is likely indeed that, after those fourteen, what we will be doing is removing some restrictions, but not all restrictions. I think it is important that we give the community a view forward but that we restrain ourselves from announcing that there will be restrictions for more than the days in the period that would be provided for in the  
245 legislation.

The hon. Gentleman is exactly right about 13th January. I saw that number, and it was soul-destroying to see once again a rise in the numbers being reported. The fact is that today is 15th January. The incubation period of the virus is roughly fourteen days; it can take a little longer in some people. We are still seeing now the effects of what the interaction between people might  
250 have been in the last week in December now. There are some people who might not manifest with symptoms until now; this is how the virus incubates. As the Director of Public Health says, we are always fourteen days behind the virus, and so what we are seeing today is the image of the virus at least fourteen days ago in our community. Then, we had some restrictions, but it is true also that many people did not observe restrictions in the period at Christmas and thereafter,  
255 and these are some of the consequences of that, although I do believe the vast majority of people did observe restrictions. But of course the nature of family life being what it is in Gibraltar, if one person with the virus goes back into the family home, it is very likely that the people in the family home will then become infected.

The hon. Gentleman is not wrong to estimate that it could be that in the region of 40% of  
260 patients in St Bernard's now are infected with COVID-19. That is an extraordinarily large number of people to be in the Hospital with just one affliction and it puts a lot of pressure on the GHA, for the reasons that I have set out.

In ERS, the number I gave the hon. Gentleman a moment ago, of those who had been vaccinated, was one hundred and fifty two. Residents in ERS would not have been vaccinated if  
265 they had been positive, or they were considered to be in isolation pending a potential exposure, so the number of persons vaccinated is one hundred and sixteen. Sorry, the number of persons

infected is one hundred and sixteen; the number of persons vaccinated in ERS is one hundred and fifty two. He will therefore see that just under 40% of residents of ERS have become infected with the virus, and of course that is hugely concerning.

270 Mr Speaker, I am going to take all of the ERS points that he made together, and then I will come back to the point that he made in respect of BEAT, so I will not deal with all his points chronologically, for that reason.

We have to understand that at ERS, although he is right to say that on 1st January there were nine positives and the cohorting started then, we are fourteen days away from the 9th, and so the  
275 decision to create those bubbles, which he says looks like it has not worked, actually, in my submission, has worked extraordinarily well, because if you have one hundred and sixteen people now manifesting as infected, go back fourteen days, it is very likely that if we had not ... Sorry, I am going back fourteen days to 1st January, when the hon. Gentleman told me that there were nine. The figure that the hon. Gentleman gave me – I am fully aware of it; I am happy to give way,  
280 if he wants me to – was nine patients on 1st January and the cohorting started on 5th January, and that is what I am going to deal with. So, if you go back fourteen days, the number has grown eleven times, in effect, since then, but it has not grown fifty times since then because by 5th January already there was the cohorting taking place. We will need to see whether those bubbles that were created by ERS management still lead to some of those bubbles now manifesting with  
285 further infection, because we are not outside the potential incubation period, but they have not all manifested in that way.

Of course, this is impossibly difficult. I do not mind telling him that the people who are working at ERS – like the people who are working everywhere else, but in ERS, I have to say, in particular –  
290 are really working like we could not ask them to work. They are wearing PPE all the time, which adds stress to them and to the residents. This is worse than awful, and we have to recognise that all of the work that they have done has kept the virus out of ERS for as long as has been possible. It has got in. We still cannot say whether it is through workers or through visitors – very likely workers. We all want to see visitors back as soon as possible, but we all want to see our elderly people safe as well. Hopefully, all of the one hundred and sixteen infected will recover, will be  
295 able to take the injection and will therefore be able to achieve that immunity and we will be able to then re-establish visits to ERS, but many of the carers and indeed many of the medical staff and the management of ERS have themselves succumbed to the virus now in this much more obviously infectious strain, and on top of the work that they are doing and the stress that that puts on them, they have become infected with the additional burden of that. So, I do think that they have had a  
300 hugely positive effect by creating these bubbles, because we have one hundred and fifty two people who are not infected, although it has not enabled us to protect every one of the residents of ERS, which is, of course, exactly what we would all – in this House and, no doubt, beyond this House and certainly the management and carers of ERS – would have wished.

Turning to the question of the business assistance and whether that will continue in place, the  
305 answer is – and I think I addressed this in my Statement – that the BEAT 5.0 will continue in respect of any business that continues to be closed, for as long as that business continues to be closed, which we hope will only be January, but in some instances I am already advertising the possibility that it could include continuing into February, in some areas. What we have to anticipate and the hon. Gentleman says that I will not be held to this, and I certainly take him at his word. I am being  
310 very open with the community and have said that things change and we make what we think are predictions today which could be completely wrong tomorrow. We hope that we will be able to see non-essential retail reopen as from 1st February, but we do not think we will see – again, subject to change – catering being able to reopen from 1st February, and in those sectors where we decide there cannot be a reopening, help will continue. There is, of course, some help which  
315 was already in place until the end of March, and that will continue for businesses that are operating in the way that it was before, which is this BEAT 4.0, which was the payment of approximately 30% of the BEAT to help them through this difficult period, even though they will



be open and operating. It is not possible for me, however, to give a more precise estimate of how we might be able to see a return of business activity.

320 The hon. Gentleman says that he has had information about families having updates on the progress of a patient with COVID when they did not know that that patient had COVID, so I will certainly look into that. I have not had any of those reports myself. I know from my experience of those working at ERS that their dedication to ensuring continued communication between patients and their families directly – or, indeed, if not able to ensure that communication, to report to the families how a relative is – is one of the things that they are most committed to. 325 They are really dedicated to ensuring that the fact that there is a lockdown of ERS does not mean that relatives do not have reports of the condition of their relatives, or indeed that they do not have the ability to communicate electronically, if possible, with their relatives. But it is possible that there may be anecdotal evidence of what the hon. Gentleman reports. If he gives me more details, I will be happy to follow that up, but I will put my hand in the fire for the staff of ERS, 330 Mr Speaker, because they deserve it. I will say that these are likely to be in the ‘man bites dog’ category, because they have done everything possible to ensure that relatives are aware of the condition of residents or indeed are able to continue in contact with relatives throughout this extraordinarily difficult period, but that is not to say this could not have fallen down on one or more occasion with the best will in the world. 335

The hon. Gentleman has asked me why Dr Kumar has been appointed Acting Director of Public Health. He will know – I think he might even have worked with Dr Kumar when he was Minister for Health – that Dr Kumar was Director of Public Health for many years in Gibraltar. Dr Bhatti has had to take a short time off, and because we are in this period of pandemic we have asked 340 Dr Kumar to assist us in this period. We have to understand that since the start of the pandemic in January last year – a whole year; not since the start of the second wave, but since January last year – Dr Bhatti has been, at a moment’s notice, involved in dealing with these issues. He has seen his family sparingly. Indeed, he was heavily criticised, for reasons I could not understand, for trying to see his family, but even when he was seeing his family he was constantly on video link to Gibraltar so that we could continue to tap into his expertise. That takes its toll. It takes its toll on all of us. I was able to get some time off last year with my family and I was lucky to be able to do that. He was not. We do have to understand that it is essential that we all look after our health and we all look out for each other as well. When the history of this pandemic is written, I think Sohail Bhatti’s contribution to ensuring that Gibraltar dealt so effectively with the first wave of 345 this virus, and as well as we have until now but with the difficulties of the casualties that we have suffered, Dr Bhatti’s contribution will be seen as having been extraordinary. 350

Mr Speaker, yes, on a first-dose basis we have been able to reach a large number of our over-seventies; not all of them yet. We do expect to be able to give the second dose, in many instances, very close to the twenty one days. In the majority of those instances, we will not have to see the second dose be delayed as much as we might have expected in covering the four key at-risk 355 cohorts. But I am not going to give the House and I am not going to give the public details of the numbers of vaccines that we expect to receive and when we expect to receive them at this stage. I will happily provide them to the hon. Gentleman. The hon. Lady and I have that date and we can share that over a conversation behind the Speaker’s Chair, but we will not share this information, for security reasons, at this stage. I think it is important that we understand that, from what we are aware of, it is essential that we are able to advertise when something has arrived and when it is going to be provided to the general public, but we have to be careful that we do not somehow create a situation which would be insecure for us in the arrival of the vaccine. What I can say is that I am now able to confirm that we will be receiving further doses of the vaccine before the 360 end of the month, and we have visibility to a further period of delivery after that, which enables us to plan very clearly how we would be administering those doses in that period, but I do not want to make that statement public now, with dates etc., although I will happily inform the hon. Gentleman and we will be making those statements public closer to the time. 365

370 The Government and the GHA are, of course, alert to the issue of the different strains of the  
virus that there now are. As the Spanish Minister for Foreign Affairs said when she was confronted,  
in my view unfairly, with the possibility that Gibraltar had been a point of access for what some  
are calling the UK strain... She said there are hundreds of new strains, many of them originating  
and circulating in Spain, and we have to be alive to all of those strains. Well, we are alive to those  
375 strains. Indeed, we considered today in COVID Platinum the position on putting restrictions, like  
the United Kingdom, on arrivals from South America, Panama, Cape Verde and Portugal, which  
the Hon. Minister for Civil Contingencies is now pursuing. Indeed, we are also alive to the need to  
have better genetic understanding of the strains circulating in Gibraltar, and the GHA does have  
the ability to have information about that. That is being dealt with through Dr Nick Cortes, who is  
Consultant Microbiologist to the GHA as well as holding that post in Hampshire. But this  
380 information is not information that is quickly available, because in order to have reliable  
information as to the pathology of the strain that is circulating, you have to grow the virus, as the  
hon. Gentleman will know. Indeed, I will just remind the House that when the Prime Minister  
reported in mid-December that the United Kingdom had detected a more infectious strain – which  
is now, although it appears to have originated in continental Europe, being called the UK strain  
385 just because they detected it – that detection related to a virus that had been circulating in  
September, so it took almost eight weeks to be able to grow the cultures etc. and be able to reach  
that determination. So, the virus, as Dr Bhatti sometimes says, is two weeks ahead of us. The  
genetic make-up of the virus is sometimes something that we will not be able to see for some  
more weeks in order to be able to have the detail that we need, but we are very much on top of  
390 trying to determine the pathology of what is circulating in Gibraltar.

The hon. Gentleman will have heard me make the point, and I will make it here also, that the  
behaviour of the virus even given the social interaction that we have seen and would expect to  
see despite the restrictions during the festive period, the behaviour of the virus is so much more  
infectious than the virus that we were dealing with in the spring and early summer, it suggests  
395 that there is a different strain in circulation or different strains – plural – in circulation in Gibraltar.  
Determining that is something that we will do with hindsight, unfortunately, but we have to  
prepare ourselves to be dealing with that more infectious strain and we have to protect ourselves  
from other potentially more infectious and indeed potentially even more dangerous strains by  
some of the restrictions that we will also be proposing in terms of arrivals from other destinations  
400 to Gibraltar.

Mr Speaker, I hope I have dealt with all the points the hon. Gentleman has raised. Does he  
want me to give way to him, before I sit down, to raise anything, given he has already spoken?

**Hon. K Azopardi:** Yes, Mr Speaker, not because of that, but there was one question that I had  
405 that I omitted to mention, and perhaps ... He said that he 'could not discard', I think was his phrase,  
a territorial restriction going forward. Did he mean, by that, some form of restriction by which  
people would be released from a social lockdown in Gibraltar but would not be able to cross the  
Frontier? Is that what he is meaning? And, if so, in what circumstances does he think that that  
would be appropriate?  
410

**Hon. Chief Minister:** Mr Speaker, yes, that is exactly what I mean.

If hon. Members care to look at how the numbers of infections are developing in Spain, there  
is now a growing call by the presidents of the various regional governments for a new national  
lockdown in Spain. Just this morning, there was a call by one of the regional governments for there  
415 not to be seventeen different regimes applying in Spain, but for there to be one centralised  
regime. We could spend time commenting on this. There were times in the March and April period  
when people in Spain were calling for there to be a decentralised regime of controls, blaming the  
central government for all the problems. Interestingly, now the regions are blaming the  
government for not taking a centralised approach.

420 The serious point here is that the numbers of infections in Spain are growing. They are growing in Andalucia in particular. Indeed, some individual has today said that some of the growth in Andalucia is the responsibility of Gibraltar, which is really, I think, impossible to fathom in the context of any logic. But it is true that in the municipalities around us there still is a municipal lockdown, keeping each person in the perimeter of each municipality.

425 It is true that La Linea has one of the highest rates of infection. Gibraltar has restrictions on movement which are designed to ensure that people do not move around Gibraltar, or indeed leave Gibraltar unless they are leaving for work or unless they are going for medical reasons, all of the restrictions that the hon. Gentleman knows apply here. Because we know that many people have what sometimes is classed as a second home – but is actually their primary home, in Spain, 430 although they may not have recorded it in that way for their own private reasons – we have not wanted to impose a territorial restriction on movement, because we know that that causes hardship. That hardship is already provided for if their home is beyond the municipal limits of La Linea because, at the moment, you cannot go beyond the municipal limits of La Linea. But it is also true that we are receiving anecdotal information of Gibraltarian residents leaving Gibraltar to do 435 things that are not permitted in the context of our restrictions in Gibraltar and now are doing it in a place where infections are higher than they are potentially even in Gibraltar as they come down in Gibraltar.

There is anecdotal evidence of a lot of residents of Gibraltar seeking to leave Gibraltar on a pretence and then spending days skiing in the closed ski resort in the Sierra Nevada. That is going 440 to just put pressure again on us, and if somebody thinks that their skiing holiday is more important than the Gibraltar economy being able to come back into operation, or more important than relieving the pressure on the GHA given the infectivity of this virus, then, given the rise of infections in the region of Andalucia and beyond, unfortunately we may have to apply some territorial restriction so that people are only permitted to enter Gibraltar for the purposes of work 445 or medical appointments and are only permitted to leave Gibraltar for the purposes of work or medical appointments. That would be extraordinarily difficult, of course, for those who have what they officially refer to as their second home in Spain but might de facto be their primary home in Spain. That difficulty has arisen for some people already in the past and now because of restrictions in Spain.

450 The Government of Gibraltar has not wanted to be the one to impose the restrictions, but I am sure he will agree with me that we may be left with no choice other than to impose such territorial restrictions, despite the hardship that they might temporarily cause, given the rise of infections in Andalucia and around us and given the gross irresponsibility that we are seeing in some ad hoc instances of some flouting the rules for those purposes.

455 So, Mr Speaker, yes, that is exactly what I was referring to, although I do hope that it will not be necessary for us to take that measure as we try to release lockdown.

**Mr Speaker:** The Hon. Marlene Hassan Nahon.

460 **Hon. Ms M D Hassan Nahon:** Mr Speaker, let me start by thanking the Chief Minister for his Statement and his information.

I would like to say that we are extremely concerned by the situation in our Hospital and in our Elderly Residential Services. We do understand that now might not be the moment to engage in discussions about how we actually got here, but to actually all work together to make things 465 better. However, with an overstretched Hospital, a full CCU, almost 1,000 active cases in the community and over 100 cases of difficult prognosis in our ERS, I would seek clarification as to what plans are in place to stop our health and care systems from being overwhelmed. So far, there has been no mention of deploying the Nightingale facility or why that facility, which has cost us so much, both in hard work and in financing, lies empty while infections continue to spread among 470 our facilities, or how, indeed, we would source extra staff if necessary.

On the reopening of schools, which the Chief Minister talked about, constituents have made representations to me as to whether teachers will be vaccinated before the schools are opened and in a way that gives them time to build immunity, meaning that if we are looking to open at the end of January perhaps, if that is the case, then they should start getting immunised already.

475 I would also like to ask for clarification, to get some idea of what percentage or numbers remain to be vaccinated within the groups that have already been mentioned and started the inoculation process.

Also, if the Chief Minister would be so kind as to explain further whether territorial restrictions will include air restrictions or from sea, or simply at the border.

480 Mr Speaker, it goes without saying that we support the lockdown extension, as well as any other measures required to keep contagion levels down until Public Health officials advise otherwise, based on their scientific modelling, on trends etc., and, of course, based on their indications that our healthcare systems will no longer be at risk of being overwhelmed.

Thank you.

485

**Hon. Chief Minister:** Mr Speaker, I thank the hon. Lady for her support for the measures that the Government is putting in place and has put in place. I acknowledge the worry that she refers to; it is the worry that the Government has shared with the community as a whole and expressed in the context of my most recent statements.

490 The question of what, with so many patients in the Hospital and so much pressure on our ERS staff and GHA staff what are the plans to stop the GHA and ERS being overwhelmed is exactly what I addressed in the context of my statement in respect of lockdown last week and the week before. The lockdown is required for that purpose, in order to stem the tide of infections in respect of those frontline members of staff in order to ensure that we can somehow see the resilience of those key frontline agencies not being put at risk. That is why we have ensured that we have  
495 locked down. I have given the House, this afternoon, the numbers of GHA and ERS workers who have already been inoculated, and part of the strategy, of course, is that as they become inoculated they will have the resilience to be able to continue at work because they will not be at risk, or they will not be as at great a risk of infection as they would have been in the past without  
500 the inoculation.

The context of Nightingale – I addressed this question specifically in my press conference, I think seven or fourteen days ago, when I said that the Nightingale facility is now potentially problematic in one particular sense: in the sense that it is not possible, given the pressure on the GHA at this stage, to easily reopen it because we would have to split our staff in the way that we  
505 would be providing for the opening of Nightingale. During the early period, we had imported staff. Now it has become harder and harder to obtain imported staff, for a reason: many more people are infected and many more people are being recruited elsewhere, and getting them to come to Gibraltar is very difficult indeed. But in order to be able to provide a step before Nightingale, what we have announced we have done – and I am sure the hon. Lady will have heard me explain this  
510 in my earlier press conferences and will have followed the press statements of the GHA – is we have created a stepdown facility. That is why I referred to John Ward today. So, as people need less care in the COVID ward, which was Victoria Ward, they are taken into John ward. That enables us to use the resources of St Bernard's – we already have a kitchen there; that is the base for all our nursing staff – in what we think is a better way to cohort down those who are on the way out  
515 of Victoria back home but who still need some observation and some assistance, but not the full nursing care. That is why we think that is, at the moment, the best way to deal with this, with Nightingale remaining the facility that we need it to be in the event that we see a further rise in respect of infections, none of which we can suggest is not going to be the case. Although there is a downward trend, we have not yet seen fourteen days from the peak of infections, which could  
520 lead to a peak even further than we are now of hospitalisations. Today is a peak – fifty people in our Hospital with COVID-19 is a peak. We just wonder whether that will come down now, or will go up, and that is the key question.

525 In the course of my prepared remarks, I talked about the vaccination of teachers. The  
vaccination of teachers after the four key cohorts have been dealt with will be one of the things  
that we are seeking to do first, so that they can be safe in schools and our children can be safe in  
schools. I have already said that the teachers of St Martin's will be the first ones to be inoculated.  
I do not think we have yet been able to bottom out whether we would be able to have the twelve  
days pass between inoculation of teachers and the opening schools. It may be that we cannot  
530 have that period, but that is a matter that is being discussed by the Minister for Education with  
teachers and with, of course, the department of Public Health and the Department of Health.

Mr Speaker, in terms of the giving of statistics as to how many of the cohorts have been already  
provided for with vaccination and when they will be provided with the vaccination, I am happy to  
have the conversation with the hon. Lady, as I said to the hon. Gentleman, behind your Chair, but  
I do not want, at this stage, to be advising how many we have left to inoculate in a particular  
535 cohort etc. We have to understand that we are in a race against time against the virus, but we are  
not in a race against any other jurisdiction. We are a small jurisdiction and we may be able to  
inoculate a lot of a particular cohort quicker than other jurisdictions, simply because of the size of  
Gibraltar. We have to ensure that that is not used against us in order to deprive us of further doses  
of vaccine in the future, because some might point to how well we appear to have been doing  
540 when in fact this is not a league table, this is not a boast for our community that we may or may  
not have done so much of a cohort or another, and we must be very careful that nobody suggests  
that that is what we are doing. I am not suggesting that that is what the hon. Lady is doing, but  
the publication of that information at this stage could be taken by some as a suggestion that that  
is what we are purporting to do. I do not want us to fall into that trap, because the important thing  
545 is that we vaccinate our key at-risk cohorts as soon as possible and that we then, after that,  
vaccinate as many of our community as we are able, as quickly as we can, with the supply of the  
vaccine that is made available to us through the United Kingdom in the way that is so helpfully  
being made available now. Therefore, I am happy to give the hon. Lady the information but I am  
not happy to share it across the floor of the House right now.

550

**Mr Speaker:** The Hon. Gilbert Licudi.

**Hon. G H Licudi:** Mr Speaker, thank you.

555 There can be no doubt that we continue to live through very difficult times, and it is important  
that we all recognise, and I think we all do around the two sides of this House, the tremendous  
efforts that are being made by everyone to deal with this pandemic. In particular, it is important  
to continue to support the efforts being made by our frontline officers, those in the GHA, the ERS,  
those in Public Health and, of course, all the volunteers who are also helping out.

560 The arrival of the vaccine, which we have already seen and which will continue to be rolled out,  
is no doubt a very welcome event for our community and indeed worldwide, but it is not  
something that resolves the issue in one day, one month, or even in a few months. That is why we  
must continue to be on our guard.

565 It is very sad to hear, from what the Chief Minister has said today, that the death toll in  
Gibraltar has now reached 30, and I am sure that the whole House extends its condolences to  
each and every member of the families of all those who have sadly died as a result of this  
pandemic. It is also sad to hear the numbers currently in hospital, and in particular in intensive  
care.

570 There is one matter, apart from all of that, which I would ask the Chief Minister to clarify from  
his Statement. The Chief Minister has referred to the BEAT 5.0 Business Compensation Scheme,  
and I note also that the Leader of the Opposition has referred to it and confirmed the Opposition  
support for the continuation of a compensation scheme for businesses and that it is something  
we must continue to do.

Today, there has been an important decision by the Supreme Court in the United Kingdom  
relating to insurance, in particular relating to business interruption insurance. Insurance

575 companies in the UK had denied claims made by small businesses following closures and losses resulting directly from the COVID-19 pandemic, and the Supreme Court has said that that is not permissible, that where there is business interruption insurance then closures as a result of the pandemic are covered by that insurance.

Lord Briggs said in his ruling, if I can just quote it:

On the insurers' case, the cover apparently provided for business interruption caused by the effects of a national pandemic type of notifiable disease was in reality illusory, just when it might have been supposed to have been most needed by policyholders.

580 Can I ask the Chief Minister to say whether, in his dealings with business associations, the Catering Association, business representatives, the Chamber and the Federation of Small Businesses this issue has been raised at all, whether anyone has complained about making claims on this kind of business interruption insurance and that claim not being met? And can he confirm also whether it is the Government's position that if a small business has a business interruption  
585 insurance on which it can claim, then it must make that claim rather than just relying on compensation given by Government under the BEAT 5.0?

**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman speaks for the Government when he talks about these being very difficult times; indeed, the recognition of the efforts of everyone  
590 involved, and in particular the frontline officers, as I have already said. But I think it will bear repeating just how much work has been done in particular by our frontline officers across the public service and by volunteers who have stepped up as well. It is absolutely important that we remind ourselves of that constantly, not now in the depths of this moment but, in particular, in the future. I think that is going to be a key determining factor of how the public see the public  
595 servants of Gibraltar for many years to come, I hope.

The hon. Gentleman is right that the arrival of the vaccine is not an immediate end to the issue; that the vaccine takes time to be deployed. As I was reminded this morning in COVID Platinum, vaccine in the freezer is useless vaccine; it is only vaccine in the arm that is helpful, and then with the period for the inoculation to take effect.

600 The hon. Gentleman refers also to the sad number of deaths in Gibraltar, which has touched us all greatly, and extends his condolences and the condolences of the whole House to the family members of those who have been affected by any such death. Mr Speaker, I had been hoping to propose to the House, and I will do so now, that when we finish this part of the exchanges, once all hon. Members who wish to speak have spoken, we should hold a minute's silence of this House  
605 in respect of all those who have passed away from COVID-19, so that they and their families are seen to be in the thoughts of all Members of this House. And, exceptionally, when we have finished that minute's silence, I am going to ask the House to make a lot of noise in respect of the support that we give our frontline services and our volunteers. So, silence for those who have passed, and noise for those whom we must support for the work that we are doing.

610 In respect of the statement that the hon. Gentleman has made about the Supreme Court today, I thank him for that information. I was not aware of it this morning. I have been dealing with COVID issues and I have not been able to catch up on that news. I am sure the whole House and the whole community will welcome the information provided. He is absolutely right that in early discussions with business representative organisations in Gibraltar they had put to us that they  
615 were being advised that business interruption insurance would not apply and that they could not make claims, and so this will be a very welcome statement from the Supreme Court. The whole structure of what we call BEAT – Business, Economic and Advisory Support – terms were designed because the business interruption claims were being denied. Therefore this will be an important factor that we will all want to take into consideration, and businesses will want to take into  
620 consideration because if they can make claims against those who have been taking their insurance premiums, then that is something that, of course, we will want to see pursued as a community

because those payments under the insurance policies are payments into Gibraltar, and that, I think, will be something very positive.

625 I am conscious the hon. Gentleman has told us that this is a decision of the Supreme Court. Knowing insurance companies as I do, it is not impossible that they might try and see whether they can take it even beyond the UK Supreme Court, but that may be deemed now to have been a final decision, and if it is a final decision then it will be very welcome indeed. The hon. Gentleman is shaking his head. I think he is indicating there will be no appeal, which is very positive. I give way to him.

630

**Hon. G H Licudi:** I am grateful to the hon. Member for giving way.

I have seen, in fact, a statement by the Association of British Insurers confirming that, as a result of the decision, all valid claims will now be paid, so it seems that the insurance industry is accepting the decision of the Supreme Court and will be paying on the claims.

635

**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is the bearer of even better news than I thought he was. I am very grateful that he has clarified that, and I hope that those listening who have business interruption insurance in this community, who have paid their premiums for business interruption insurance, now understand that they have the opportunity of making such a claim. I think that there is, therefore, an important moment here, an important reassessment for businesses of what their potential for recovery might be in respect of the losses they have suffered in this period, and I thank the hon. Gentleman for giving us that timely information and for clarifying the status of that decision.

640

Mr Speaker, before I invite the House to take that minute's silence, I wonder whether other Members wish to address.

645

**Mr Speaker:** Does any other hon. Member wish to speak?

**Hon. Chief Minister:** Mr Speaker, I now invite the House to observe one minute's silence in respect of those who have passed away from COVID-19 in Gibraltar.

650

*The House observed a minute's silence.*

**Hon. Chief Minister:** Mr Speaker, I now invite the House to bang its desks with vigour in support of our frontline staff and volunteers, to show them the support of this House on behalf of the whole community. (*Banging on desks*) I thank all hon. Members for that.

655

Mr Speaker, I wonder whether this might be a convenient moment to recess the House until 4.30, when we will continue with another Government Statement.

**Mr Speaker:** The House will recess until 4.30.

*The House recessed at 4.20 p.m. and resumed its sitting at 4.35 p.m.*

**New Year's Eve framework –  
Statement by the Chief Minister commenced**

660

**Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I am happy to rise to record in the Parliament that, after many months of hard work, we have reached an in-principle framework agreement with the United Kingdom and Spain for a potential treaty between the United Kingdom and the

665 European Union to govern the future relationship between the EU and Gibraltar. I will refer to this in-principle agreement during the course of this afternoon as ‘the framework’.

670 In the process of doing that hard work, we have kept Cabinet colleagues involved in the detail of the discussions as we have progressed through each stage of it. We have taken each step only after consideration by the Cabinet of whether it was safe, on the grounds of sovereignty, jurisdiction and control, for us to continue the discussions. Our Cabinet discussions have been an essential mechanism for ensuring that we shaped the framework, insofar as possible in the context of the negotiation, in a manner that was in keeping with the leeway we believe we will need in order to ensure we have the economic opportunities we need for our future prosperity.

675 We have also met with and briefed the Leader of the Opposition and the hon. Lady and shared with them all drafts of the documents being negotiated. I met with both of them last week and was able to provide them with final copies of the framework documents. I have been very grateful for their constructive engagement in this respect in our discussions.

680 As I have already said publicly, most recently last night on an extended edition of *Viewpoint* and in detail in interviews with *Panorama* and the *Gibraltar Chronicle*, the framework agreement is not in any way near final. This framework, in effect, is only an agreement to try to reach an agreement, and as such it is not yet certain that we have avoided a hard Brexit. What we have now is the opportunity but not the certainty of a UK treaty with the EU in respect of Gibraltar. It is important that I emphasise that: this is the opportunity but not the certainty of a UK treaty in respect of Gibraltar. There is a long way to go before that treaty can be considered to be likely, although it is now more likely than it was before we finalised the framework.

685 The Foreign Secretary, the Rt Hon. Dominic Raab MP, said yesterday, in a written ministerial statement on the framework, the following, which I think it is important to record in the House today. This is a direct quote:

In the UK Approach to Negotiations on the Future Relationship with the EU as published in February 2020, the Government stated that it would act in these negotiations on behalf of all the territories for whose international relations the UK is responsible, which includes Gibraltar.

We have worked side by side with the Government of Gibraltar to honour this commitment. As a consequence of the EU’s negotiating mandate which it adopted in February 2020, Gibraltar was not within scope of the UK-EU Trade and Cooperation Agreement (TCA). The Commission made a declaration alongside the TCA stating that this would ‘not preclude the possibility to have separate agreements between the Union and the United Kingdom in respect of Gibraltar’, and that it stood ready ‘to examine any request from Spain, in agreement with the United Kingdom, to initiate the procedure for the negotiation of such separate agreements should they be compatible with Union law and Union interests’.

To that end, the UK, working side by side with the Governments of Gibraltar and Spain, reached agreement on 31 December over a political framework to form the basis of a separate treaty between the UK and the EU regarding Gibraltar. We have sent this framework to the European Commission in order to initiate negotiations on the treaty. The political framework covers issues of key importance to Gibraltar and the surrounding region, including on border fluidity. It creates the basis for a bespoke model for Gibraltar’s future relationship with the EU that will permit an absence of physical checks at the land border with Spain, and therefore ensure fluidity of movement of people and goods between Gibraltar and the EU. The Governments of both the UK and Gibraltar judge that this framework provides a firm basis to safeguard Gibraltar’s interests.

The UK and Gibraltar are committed to ensuring that cross-border arrangements can continue in the interim, until a new treaty enters into force. Arrangements have been agreed with Spain that include provisions for the border (goods and people), road transport, healthcare, waste disposal, and data. In addition, the UK Government provided financial and other support to ensure that Gibraltar was fully prepared for the end of the Transition Period.

We remain steadfast in our support for Gibraltar, and its sovereignty is safeguarded.

690 That is the end of the quote from the Foreign Secretary’s ministerial statement. I want to thank the Foreign Secretary for his support throughout the process of this negotiation. The Prime Minister has also been very supportive throughout, as have their respective teams. I thank them on behalf of Gibraltar for their strong support throughout this initial period of the process and their commitment to continued support as we negotiate the treaty with the EU based on the framework. The House and the people of Gibraltar should all be reassured to know that both the Prime Minister and the Foreign Secretary have understood the need for a differentiated solution



695 for Gibraltar's socio-economic and geographic reality, which is what the people voted for in the context of the EU referendum and our General Election.

I should just also point out that the Trade and Cooperation Agreement (TCA) – that is to say what we might call the main UK-EU agreement – does not cover any of the Overseas Territories; it is not just Gibraltar. We should note that Gibraltar's exclusion from the TCA is not born just from the position taken by the Government of Spain in 2018, but also by the EU's own position that it had no mandate from the governments of the member states in the EU Council to negotiate for the EU's overseas territories or in respect of any of the UK's Overseas Territories.

705 Before I go on, I should reflect to the House the statements yesterday by Mrs Clara Martínez Alberola, Deputy Director-General of the Task Force for Relations with the United Kingdom at the European Commission. Mrs Alberola was responding in the European Parliament yesterday to issues raised by various Members of the European Parliament, notably including Sr Jose Manuel Garcia Margallo, in respect of the framework. She responded by saying the following, which I think it is important is reflected into the record of this House. Mrs Alberola said this:

Finally, a word on Gibraltar, which was referred to by the two Spanish MEPs who took the floor. There is no agreement yet. There is an informal framework, what the Spanish authorities and the UK authorities call a framework for the future negotiation and, hopefully, agreement between the EU and the UK covering Gibraltar.

As the Members of the Parliament know, the TCA, the agreement that we have now concluded with the UK, does not cover the territory of Gibraltar, so there was this intention by the UK side, by the Spanish authorities, and with the support of the Commission, to try to understand if there was a possibility to have, in the future, an agreement that will cover Gibraltar. This is what the Spanish authorities and the UK authorities have discussed in this period of time. They have concluded a paper that contains certain provisions and principles and framework. But this has to be developed yet in the form of the mandate that will be approved, hopefully – first proposed by the Commission, then approved by the Council and hopefully with the support of the Parliament, and then negotiated by the European authorities.

So, it is too early for me to say how everything will be organised, because this has first to be reflected in a draft, a mandate by the Commission, and we will need to take into consideration all the provisions that are, of course, very important, relating to Schengen, relating to goods, to transport, to level playing field etc. and then negotiated with the UK authorities in the form of an agreement that we should not forget will be an EU agreement, an EU-UK agreement, and not anything else.

So, we will see this develop probably in the next weeks and months. The Commission, of course, welcome very much the fact that the Spanish and the UK authorities were able to agree on a framework and we will develop this in the future by the mandate and by the negotiations.

710 That is the end of the quote from Alberola. I think it is very helpful to have recorded the Foreign Secretary's words and Mrs Alberola's words in the Westminster and European Parliaments here, in the *Hansard* of this Parliament.

715 This is the position I have already set out for the people of Gibraltar. The framework is the basis for the negotiation now of the UK-EU treaty. The framework has no public international legal value of itself. It is not an agreement to prevent a hard Brexit, but it has enabled us to agree an extension not of transition but of certain bridging measures to apply between Gibraltar and Spain and the EU at our land frontier with Spain. So, for now, it assists us in having averted the worst effects of a hard Brexit as we continue negotiations.

720 I should also highlight that it was agreed that we would not publish the terms of the framework at least until the European Commission had a chance to consider it. The framework had been provided to the Commission for them to consider whether and what mandate to prepare, and it would not have been right to publish the framework in a way that appeared to be designed to put pressure on the Commission, which was the last thing that would have been helpful.

725 The framework, however, has now been published by a newspaper on its online portal. I am happy to be able to inform the House that I had already provided drafts of the earlier versions of it to the Leader of the Opposition and the hon. Lady and had agreed to give them the final version, not for publication but for consideration, before the publication of it online.

In this respect, the public should note that the position on publication of agreements in the parallel UK-EU negotiation also resulted in non-publication of notes of agreement. Indeed, none have yet been published. Only the treaty text that was to emerge was published, and indeed that

730 is what has now been published. I very much regret that the framework has been published other than by agreement between the parties and in a manner which has not enabled the EU Commission to consider the terms of a potential mandate ahead of the publication of the framework.

735 The framework for a UK-European Union agreement or treaty on Gibraltar's future relationship with the EU has the potential to enable us to reset our relationship with Spain and cast it in a more positive light going forward, but the reality is that the treaty proposed will govern the relationship between Gibraltar and the European Union in areas of EU competence.

740 What happened on the 31st was that the British Ambassador in the UK Mission to the European Union – he is no longer the permanent representative, as we now have formally left the EU – has written to the President of the European Commission confirming the UK's desire that such an agreement be negotiated and that the EU should seek a mandate for that purpose. Spain has confirmed that it, too, has written to the European Commission for that purpose.

745 As we have been seeking to do, the framework provides that the treaty to be negotiated will deal with maximised and unrestricted mobility of persons between Gibraltar and the Schengen Area. This part of the framework refers to something that *will* happen if there is a treaty.

Spain, as the neighbouring Schengen member state, will be responsible, as regards the European Union, for the implementation of Schengen. This will be managed by the introduction of a Frontex operation for the control of entry and exit points from the Schengen Area at the Gibraltar entry points. It is envisaged that these arrangements will be provided for a period of initially four years.

750 It will also seek to address maximised and unrestricted mobility of goods between Gibraltar and the European Union, which could be something that forms part of the final treaty. This part of the framework is referred to as something that *could* happen if there is a treaty.

755 We will also seek to reach agreement on matters related to the environment, the level playing field, social security co-ordination, citizens' rights, data and matters related to continued document recognition and other ancillary matters. These are the things that matter to people, to our citizens generally and to our workers in particular, to our businesses and to our entrepreneurs and our wealth creators.

760 The negotiation of the framework has been very difficult. That is why we went to the wire, right up to 31st December, and we concluded just in time to avert the worst effects of a hard Brexit on the morning of 1st January.

765 The important thing is that we should note that there are no aspects of the framework that in any way transgress Gibraltar's position on sovereignty, jurisdiction or control. I want to confirm on the record of the House that this is not just my opinion, it is also the opinion of all members of the Gibraltar Cabinet and is specifically confirmed in writing by the Attorney General of Gibraltar, Michael Llamas QC. I want to record my thanks to all members of my Cabinet for their advice and support as we have negotiated these arrangements. In particular, I have publicly and must here also thank the Deputy Chief Minister, the Hon. Dr Joseph Garcia MP for his work alongside me in the negotiating team for Gibraltar. I also have to thank Sir Joe Bossano MP for his specific guidance in each of the Cabinet discussions on this subject.

770 We have been clear about our position on the fundamentals throughout, and the reality is that we could not have countenanced an in-principle agreement of this type if sovereignty had been on the table. For that reason, I also have publicly and must here also expressly thank the President of the Spanish Government, Prime Minister Pedro Sanchez for the approach he and his government has adopted to this negotiation. From the moment that he first addressed the issue of Gibraltar, Prime Minister Sanchez has insisted that he wanted to look beyond the eternal issue of sovereignty. I also want in this House to expressly thank the Spanish Foreign Secretary, Arancha Gonzalez Laya for her work, her sensitivity and her own, very personal, efforts in getting a mutually acceptable framework over the line, as well as the efforts of Spanish Secretary of State for Europe, Juan Gonzalez Barba.

Mr Speaker, I think it is important that we reflect that this framework is, of course, imperfect. There is still a lot to be negotiated. Matters related to goods are concerning for us, as we have no experience of the Common Customs Union. We are not going to join it, but we are considering a bespoke arrangement with it which permits potential suppression of customs controls. This will  
785 require an in-depth consideration of issues with our business community. We have already established a Treaty Liaison and Advisory Committee (TLAC) to advise us on these matters. The Minister for Economic Development is already looking at these issues also. He has the benefit of being the only one of our number who was a Member of this House when the decision was rightly made by then Government, with the support of the House, not enter the Common Customs Union  
790 in 1972 when we joined the European Union – then the European Economic Community, of course.

We will get this right by working together and analysing together, and to those who want to see us create shared prosperity, I say this: remember that Gibraltar will need to be an engine of economic growth, and to do so we will only agree to arrangements which preserve our prosperity.  
795 It is in that way that we will be able to continue to create more private sector employment in and around Gibraltar for the benefit of Gibraltar and the whole region around us.

This has been a difficult process, but we have been battling the tide of history. With this agreement in principle we hope to start to see the future come into view, and in that respect we have to remind ourselves that Gibraltar has always sought proper and respectful engagement with  
800 our neighbour. We have always turned our back on Spain's attempt to strangle us economically, her sovereignty claim and her deprecation of our institutions. We know that we have to be careful, cynical and concerned about any proposals to ensure that we do not inadvertently fail to pick up matters which could adversely affect our positions, but we have never been the aggressor and we have never been the ones who have sought to put barriers between us. That has best been seen  
805 in the result of the referendum and in the support we have had for our plan to establish a link with the Schengen Area whilst at the same time ensuring we strengthen our post-Brexit economic planning.

Now, with this framework, we can be at the beginning of the creation of this fabled area of shared prosperity, and that is what we want to see: greater economic growth which will greatly benefit our people and will greatly benefit the people of the area around us. We want to see  
810 greater co-operation, which will greatly benefit our people and will greatly benefit the people of the area around us also. And we want to see greater prosperity become a material reality for the whole of Gibraltar and the whole of the region around us.

But there is still a long road to go, still a negotiation to be undertaken. There is still a treaty to be finalised, for which the EU does not even have a mandate. I am confident there will be a  
815 mandate and I hope that there will be a treaty. It is that treaty that we will negotiate like hawks to ensure that there is no cession of sovereignty, jurisdiction or control, and it is that treaty that we will have to scrutinise to ensure that have made no cession of sovereignty, jurisdiction or control. That, however, is not what today's Statement is about. That is what the debate on the  
820 treaty, if we achieve one, will be about.

Mr Speaker, as I have already done in respect of *Panorama*, the *Chronicle*, GBC and, yesterday, the people, on *Viewpoint*, I am happy to answer any requests for clarification that hon. Members may have. I commend this Statement to the House. (*Banging on desks*)

825 **Mr Speaker:** The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, our position has been longstanding in respect of our exit from the European Union. Our position has been, for a long time, that we want a safe and beneficial agreement, and we hope that, at the end of this process, we get a treaty that works and fulfils  
830 that, because that has always been the position the Opposition has taken, knowing that we were leaving the European Union.

Indeed, when the agreement of principles was announced on 31st December, there was a widespread sense of relief in Gibraltar, because of course we were down to the wire, to use the Chief Minister's phrase. The text was not known then, but we were told a few hours before that there had been an agreement and we cautiously welcomed the announcement that there had been an agreement. But of course the text of the agreement was not known at that stage, not even by us. The last time we had seen a text, a framework, a draft of the non-paper was on 14th December, and we had seen none thereafter until it had been leaked and the Chief Minister gave us a copy on 11th January, this Monday. But now the text is public, so people have a chance to see for themselves what the agreement of the framework of principles says and they can form a judgement on it.

I do observe for myself, as the Chief Minister has said, that this is not a binding legal agreement. The binding legal agreement will come if and when the treaty happens, so I temper our comments on that score, knowing that this is not a binding agreement, and it is important of course to see the draft treaty when it emerges, although the fact that other political agreements have not been binding either – and I have in mind the Lisbon Agreement, the Brussels Agreement, the Airport Agreement and indeed the Cordoba Agreement; all those were political agreements – did not stop people commenting, rightly, or forming a view on the principles contained in those agreements, and so, also, should we and the public at large on the principles contained in this agreement.

There has been wall-to-wall coverage first on the announcement, comment on the announcement, without people seeing the text of the agreement, and, since Monday – the text having been leaked – there has been also quite a lot of coverage in respect of that. The Chief Minister has done a number of media interviews, with the *Chronicle* and *Panorama*, as he says, and indeed, last night, a 90-minute programme on GBC *Viewpoint*. I watched it with interest, of course, because there was an opportunity for him to answer questions. Anyone watching it last night and seeing the Chief Minister reply on every single issue that viewers had concerns about ... He allayed those concerns and said that there was nothing wrong and that things would be fine, in essence. Anyone listening to it and then reading the document might be forgiven for thinking that they had read a different document. The Chief Minister last night was, at times, so effusive, so getting carried away ... I understand, with the glare of the light and his desire to persuade people about the agreement that he had signed up to, but he was being so effusive at times that he sounded like a second-hand car salesman, without the Brylcreem, trying to flog a cheap Daihatsu.

Is it really the position of the Government and the Chief Minister that there is nothing wrong with this agreement? Is that his position? Is it that his position is that there is nothing unacceptable in principle? Or is it not the case that there is a price to pay by us leaving the European Union and negotiating in a position of weakness? And, if so, what is the price? Isn't that the real perspective and the real basis of the debate we need to be having, and isn't that what the people of Gibraltar should be being told, that there is that reality of where we are?

We want an agreement, we have said so often, but when I look at the framework which was leaked by *El País* on 11th January and handed to me in person by the Chief Minister, and indeed when I look at previous versions, I have to say we have serious reservations on the content of the framework of principles. By that, I mean the concessions on jurisdiction and control and the bilateralism and the possibility of Spain gaining economic and administrative controls which build on already the MoUs and the new MoUs that will come, or a tax treaty, and that those economic controls will affect our economy and our sustainability going forward. We have also serious reservations about why we are where we are. Ultimately, we have found ourselves in a situation where the UK has a 1,400-page treaty and we have an eight-page document of principles that may or may not end up in a deal. As the Chief Minister says, we have the opportunity but not the certainty of a treaty, which the UK has – a treaty.

So, in terms of clarification, does the Chief Minister think that this agreement of principles is entirely acceptable? Or does he, in fact, view it as an imperfect document where you have to give

and take, and that is the proper perspective of the agreement that he and his Government has signed up to? Does he think this is a good agreement?

885 Have we given anything away? Is he content with the political and legal responsibilities that Spain would get if there is a treaty on this basis? Does he think the economic responsibilities that Spain would be getting are acceptable? Is he not concerned about the economic handle that Spain could get?

890 If a bespoke Customs Union arrangement is entered into, there would not only be Schengen checks at the Port or Airport, there would also be customs checks. Who would conduct those customs checks? There is a reference in the framework of principles to 'EU customs'. What is that is supposed to mean? Isn't the proper construction of the agreement in relation to the Frontex arrangement that after the end of four years we are left with the conundrum of a hard Brexit or Spanish officers? Does he think that is a good agreement, where we are simply kicking the can  
895 down the road and let's see what happens in four years' time – let's face that difficult crossroads then? Shouldn't we be dealing with it? Is the Government seeking to improve the agreement when it comes to the treaty negotiations; and, if so, how? Can the Government assure people listening that Gibraltarians will not need to go through Schengen checks? Or is it the case, on a proper interpretation of the arrangements that have been discussed, that if Gibraltarians arrive at the  
900 Airport on a flight from London they would need to go through Schengen checks?

Is the Chief Minister happy with the bilateralism of this arrangement? There was a lot of criticism of Sir Peter Caruana entering into the Cordoba Agreement, but the Cordoba political agreement was trilateral. This is an eminently bilateral arrangement, ostensibly so. The United Kingdom and Spain have entered into this arrangement, albeit no doubt with the involvement of  
905 Gibraltar.

Isn't the effect of this agreement that there are concessions on jurisdiction and control, and indeed that even joint patrols of waters are being envisaged? (*Interjection*) Sorry, I am not sure what comment that was.

Is the Gibraltar Parliament going to debate the treaty before it is signed? Are we going to have  
910 an opportunity to do so? The Chief Minister, yesterday, in answer to a question on a possible referendum, discarded it, I think, on the basis that he said he had been elected on a mandate, and said that that was their position. But is the Gibraltar Parliament going to get an opportunity? Ultimately, the UK Parliament got an opportunity to debate the UK treaty. Is the Gibraltar Parliament going to get to debate the treaty in respect of Gibraltar before it is signed?

915 The document was leaked, and indeed it is correct that the Chief Minister and I were discussing that a copy should be given to us in the Opposition so that we could comment on it, and he will recall that the reason for that was because I wanted to be clear that if we did receive a copy of the agreement at that stage, given that it had already been entered into by the parties, we would be free as the Opposition to comment on it publicly, and that was the reason that we did not agree  
920 to meet until 11th January. He is right that he did say to me that he had come round to the view that we should have a copy of it on the basis that we should comment, but it is also true that that only happened eight hours before I woke up, on Monday morning, to see that *El País* had it on the front page – this Monday.

Can he assist the House and the people out there as to what is missing from the leaked  
925 document? He has said in his Facebook post, and indeed I think he said it last night in answer to a question from Jonathan Scott, that it is incomplete. It may not be possible for him necessarily to publish it without the agreement of the UK and Spain, because ultimately they have all been in the discussion together, but does he not think – and does he not think he should convey the point to those other governments also – that, having the document in its majority being leaked, what is  
930 missing should also be published?

Ultimately, on Monday he did give me a copy of this other document, so does he not think that we should stop playing cat-and-mouse games with the public? I appreciate that there might have been a desire by governments not to publish until the European Commission took a view on certain things. I respect that, and he knows I respect that because we have been in discussions

935 about the negotiations. I have always respected that confidentiality because I know they are sensitive negotiations, but now that it was on the front page of *El País* and the non-paper was leaked – even the letter of the Spanish government to the European Commission has been leaked – does he not think that we might as well have the whole document out there, so that people can form a view?

940 Mr Speaker, my concern listening to the Chief Minister – not so much today but more so yesterday, actually – is that a lot of what is being said of how the arrangements will work ... I appreciate the positivity and the spin that he puts to it, but when the Chief Minister explains how things are going to work and you pick up the document hoping to find that explanation, it is not actually there. So, isn't it, in fact, the case that all of this is up for grabs and it is for the detail in the treaty, and at best all we are getting is an expression of how he would like it to work out if and when a treaty is negotiated that is favourable to Gibraltar, but, for now, all we are left with is the framework of principles, which does not assist at all in telling you how the detail is going to work in practice because there are different views? Gonzales Laya takes a view on how a certain part of the agreement is going to work, and he takes a completely different one.

950 What assurances will the Government seek in the negotiation of the treaty to ensure that the treaty will be complied with by Spain? Ultimately, Spain does not have a very good track record in compliance with international treaties in relation to Gibraltar. The 1713 Treaty was ignored almost as soon as it was signed. As he very poignantly said last night on the *Viewpoint* programme, before the ink was dry – 'on the quills', I think he said – they had ignored it, so what safeguards are going to be put into this treaty to ensure ...? I know it is an EU-UK treaty, but ultimately the EU is now ... If it was a members' club that we complained was always on the side of Spain rather than Britain, it is now a members' club that, undeniably, will listen to its member, and we are not in it anymore, so there need to be safeguards.

960 What happened to what was being proclaimed with great fervour about the fact that, as the relations between the Gibraltar Government and the British government were so good – between the Chief Minister and Mrs May, and between the Chief Minister and Mr Johnson to the point that he gave him a baby grow when his child was born ...? What happened to the UK negotiating for Gibraltar because Gibraltar was part of the British family? What happened to the fact that we thought, and Gibraltar thought, that if there was going to be a treaty, it would be a UK treaty; there would be an agreement on exit that Gibraltar would also benefit from? What happened to that, given that we have a scenario, as we face the reality today, where we have a 1,400-page treaty that the UK is going to enjoy, given its own objectives, which are different to Gibraltar's, and we are left with a situation where we have a framework of principles and, as the Chief Minister says, the opportunity but not the certainty of a treaty? In other words, the real prospect that at the end of the six-month period we might not even have a treaty at all, that a hard Brexit could happen on 1st July. What assurances has he got from the UK that it will ensure that we get a treaty? They will have wrapped up theirs by February. Isn't it a fact that we are here, not knowing if we are going to have a hard Brexit on 1st July, the only territory to be so exposed – because Northern Ireland has been protected – because there has been a failure of the UK government or a failure of his Government? Who else is to blame? Should we at least not temper his excitement and sense of relief with the reality that we have not actually achieved anything yet? (*Banging on desks*)

980 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has risen to deal with probably one of the most seminal issues that will define the lifetime of this Parliament and has decided that he wants to go down the road of name-calling and caricature by making reference to the way that he wishes to characterise what he said was my 'selling' – in his phraseology – style and even references to the colour and style of my hair. I am surprised, because he often seeks to characterise himself as different, especially when it comes to issues which are of seminal importance. Indeed, I have done him the credit, every time that I have been asked or commented

about this, to say that in the context of the discussions that we have had behind closed doors he has always been constructive – and I will not change that characterisation.

990 I want to start my response to him calling me a second-hand car salesman with slicked-back hair by emphasising how constructive and positive he has been behind closed doors in assisting the Government in the negotiation of this framework. I want to emphasise to the community that when the cameras are not rolling and people are not watching, he has been supportive and constructive in the approach that he has taken, and I want to emphasise that different Keith Azopardi with whom I have worked in the process of the past nine months, who has been, in my view and, I know, in the view of the Deputy Chief Minister also, only constructive in the approach  
995 that he has taken in assisting us – and I use that word advisedly – in reaching this point. I will forgive that there may be some others in his party who are seeking to drive him to make attempts – because I do not think he has succeeded – at populism in parts of how he has dealt with this address today. I will try and take away the veneer of some of what he has tried to do this afternoon and not rise to the mischaracterisation of each other in the way that I respond, although  
1000 of course it would be so easy for me to do so – but I will not.

I will simply address those of the serious points that he made in the context of his address this afternoon, because this is too serious. We are talking about casting the economic relationship that we will have with the largest trading bloc on the planet, and indeed casting the mobility arrangements that we will have with the continent of which we are a part, and I am not going to  
1005 fall into the easy trap of having a ding-dong across the floor of the House or descending into name-calling, because I think that is not in the interests of our community. I am not even going to tell him that he has let himself down in that respect, because I am going to concentrate on his very constructive and positive approach when we have been discussing these issues behind closed doors, as I have repeatedly said.

1010 Mr Speaker, the hon. Gentleman starts by saying that what he and his party want is a safe and beneficial treaty between Gibraltar and the UK on the one part, and the European Union on the other part, which he hopes to see come. I welcome that, because that is also the position of the Government; it is the position we have been setting out for some time. He talks about the sense of relief that people felt on 31st December. Well, in the same way that he is right in saying that  
1015 this is not a legally binding treaty, he is also right to have indicated that people felt a sense of relief, because, as I said during the course of my Statement, this non-treaty, this framework, which is not public international law, at least has enabled us to agree bridging measures – all of them as yet to be tested under the strain of complete mobility; both southern Spain and Gibraltar now have the restrictions on movement, which mean that we are not testing the mobility in the way  
1020 that we will when there is free, unrestricted return to post-COVID movement – and so that is already assisting us. We are not in hard Brexit today, even though we are not in treaty today. We are hoping that these bridging measures can last until we have negotiated that safe and beneficial treaty, and therefore there is that benefit already.

1025 He says that he cautiously welcomed the text of the framework before he had seen the final text, having seen the last text some 16 days before, on 14th December. I hope he does not mind me disclosing that what he said to me when we met behind closed doors and I gave him the text of the treaty was simply that there were very few changes from the last text that he had seen.

1030 **Hon. K Azopardi:** Will you give way?

**Hon. Chief Minister:** Of course.

1035 **Hon. K Azopardi:** Mr Speaker, what I said was that I cautiously welcomed the announcement, not the text, because the announcement had been made on 31st December when we did not know what the text was. And yes, I did say that it was unchanged, but I did not welcome the text. I had not seen the text. We cautiously welcomed the announcement of the principle of the new agreement. We assumed there would have been changes.

**Hon. Chief Minister:** I see that the ballet on the pinhead has begun, because the hon. Gentleman knows that he saw the text on 14th December and then, having said that there were very few changes to the text on 31st December, if he gave a cautious welcome then unless there had been huge changes to the text which vitiated his caution, I am surprised that he is taking that attitude. Anyway, Mr Speaker, I am just simply observing that all of us, no doubt cautiously, were pleased to see that we did not find ourselves in hard Brexit on 1st January, and now a treaty is possible. Without the framework a treaty would not be possible, and getting up to observe that this is not a binding legal agreement is not the most ground-breaking observation that he has made in this House, especially given that that has been actually what I have been talking about, even when I made the statement that he says he cautiously welcomed, and indeed the Statement that I have made today.

The reality is, as we have all agreed, this is a framework and that that should not stop us from commenting on it is not something that the Government has tried to do. In other words, the Government has not said, 'This is just a framework, please do not comment on it.' Of course it is true that, as a framework, it should be commented upon, in the same way as other agreements have been commented upon in the past, but he knows that there is a big difference between political declarations, which are an end in themselves – Strasbourg, Lisbon, Brussels – and something which is simply the annotation, which was not intended to be published, of what will be a legally binding piece of international law. These are what are known in the lexicon of public international law as the *travail préparatoire*. This is the work that goes behind the treaty, which can in future be relevant in interpreting what ends up in that treaty if there is ambiguity in that treaty. This is not Brussels or Lisbon, far from it, and I think he knows that.

If he says that anybody who was listening to *Viewpoint* last night felt that I was somehow effusive, he will forgive me for not having watched *Viewpoint*, because I was on it, but I did not feel effusive whilst I was on it. But look, one man can describe an object in one way and another can choose to describe it in a completely opposite way, and both will feel that they are describing it in the way that is honest for each other. Perhaps my natural state might appear to many more people to be more effusive than his natural state – that is probably true, but I did not think that I said anything that suggested that I was effusive in any way.

Without falling into the trap of responding in kind to his characterisation of me and his physical description of me, which I think is an unnecessary way of being less than statesmanlike in the approach to this important debate, let me just say that he has started by asking me, as almost his key thesis, to recognise something that I said in my presentation. The hon. Gentleman has asked me to say that this framework is somehow imperfect. That is exactly what I had said in the context of my prepared remarks, Mr Speaker. He has asked me to recognise, as if it were to achieve in cross-examination a great admission from a witness, that which I had said already in the context of my presentation. I do not know whether the House recalls that or whether the House wishes me to refer exactly to the part of my initial statement where I used the word 'imperfect' – which I cannot immediately locate by going through it, but it is ... There it is, in fact, Mr Speaker; I just found it:

Mr Speaker, I think it is important that we reflect that this framework is imperfect.

The hon. Gentleman was asking me to accept that which I had already presented, and so I do not think that there is a difference between us in that. Indeed, if the hon. Gentleman wants to say that this is a document which is the fruit of a negotiation and therefore, given that it is not the fruit of a dictation, it will contain things which we would not have dictated into the text if we were the only ones writing it, then of course he will have my agreement because there has not yet been an instance when governments have met to negotiate something and one of them – indeed, the government of the nation representing the smallest population, the only one of the three without an army ... and that one of the three has dictated the terms to the other two. If there is an instance



of that in history, I really do look forward to being pointed to it so that I might study it in greater detail.

1090 Mr Speaker, I do not think that the hon. Gentleman sets Gibraltar up for the most successful negotiation of the next stage of the agreement – in other words, the actual agreement, the treaty – by asking me to accept that we were negotiating, in his words, from a position of weakness and that there was a price to pay for these arrangements. Of course there is compromise in negotiation – it is not negotiation otherwise – but I do not know whether the hon. Gentleman believes that by asking the Chief Minister of Gibraltar to accept in our Parliament that we are negotiating from a position of weakness he somehow strengthens our position for the negotiation of the treaty, because I would have thought that what we all wanted to do together is strengthen Gibraltar's position as we go into the negotiation of the treaty. I think every resident of Gibraltar, every Gibraltarian, will want to see Gibraltar take this framework into a treaty that will be the best possible safe and beneficial treaty – to use his words, and words I have used before – for Gibraltar, and nobody can persuade me that the best way to deliver that safe and beneficial treaty for Gibraltar is for the Leader of the Opposition to get up and ask the Chief Minister of Gibraltar, as he heads into those potential negotiations, if the European Commission agrees to wind up a mandate to negotiate that, if the people of Gibraltar are entering those negotiations from a position of weakness. Neither do I think it is helpful to set out where we think our negotiating strengths are, or indeed to analyse where our potential negotiating weaknesses are. Whenever you go into a negotiation, each party does that for themselves and enters the negotiation conscious of that, and of course in a democracy we are all free to do that analysis publicly, but as the incumbents of Government we also have an obligation. Indeed, it is probably one of the most incumbent obligations on us not to defend ourselves when we are attacked if, in answering an attack which might otherwise be unfair, we might give away negotiating leverage for our people, because this is not about party, this is about people, about the people we represent. It is about our nation and it is about Gibraltar, and if we have to suffer party political attack in the process of producing the best deal for Gibraltar, suffer it we will. Therefore, I am not going to respond to his request that I should, in clarifying my Statement, accept that Gibraltar was negotiating from a position of weakness, because I do not think that is in the interest of Gibraltar, although relative strength and weakness will have been analysed repeatedly by the public and by the parties to the negotiation.

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Mr Speaker, the hon. Gentleman says that when he looks at the text he has serious reservations about bilateralism. There is, he will accept, in the text that has been published by a newspaper, variable geometry. There is, in the text which I have given him, variable geometry. What does that mean? The treaty is going to be between the UK and the European Union. That is surely not the bilateralism that concerns him. I think we all agree, and indeed later in his remarks he, I think, accepted that the fact that the treaty is with the European Union is better than a treaty that would be just with Spain, so that is not the bilateralism that concerns him. I am sure that the bilateralism that concerns him is not the reference in the fourth paragraph to the language that he referred to in respect of Cordoba – in other words the reference to the fact that there will be a political instrument between Spain, the United Kingdom and the authorities of Gibraltar – because that geometry is three. That cannot be the bilateralism that concerns him. It cannot be that he is concerned that in the framework there is reference to arrangements, MoUs etc. between Spain and the Gibraltar authorities. That bilateralism – that *is* bilateralism – cannot have concerned him. If there is express provision for a recognition in that way of the competence of the Gibraltar authorities that Spain, in a document which has no binding public legal international value but he says is as valuable as Brussels etc., has recognised that there will be what would best be described, to take his description, as bilateralism between Spain and Gibraltar – something which has never been seen before – then I am sure that that is not the bilateralism that concerns him.

That this framework is entered into between the United Kingdom and Spain I am sure is the bilateralism that concerns him. He can see that there is lateralism of many different sorts here. He refers us to the Cordoba arrangements, but the Cordoba arrangements, he will recall, emerged

1140 from a bilateral statement which was purportedly of a Brussels meeting, so it was a bilateral  
statement between the United Kingdom and Spain that gave rise to that trilateralism which gave  
rise then to the Cordoba arrangement which he lauds – lauds, not lords – and so he praises. And  
1145 so he has seen an example of a bilateral arrangement giving rise to a trilateral arrangement which  
he now praises. Therefore, he will no doubt want to appreciate that in this bilateralism – this  
bilateral framework, to take his analysis – there is reference not just to trilateralism to come, like  
the Cordoba arrangement that he praises, but also to future Spain-Gibraltar lateralism to come,  
1150 which was not achieved during Cordoba, and that I assume he will consider is a positive emergence  
of a reference to bilateralism.

But all of this, Mr Speaker, in the context of the Government insisting, as I said last night and I  
have said today, is an imperfect arrangement, and imperfect because – I just want to be clear – if  
the United Kingdom had dictated this framework, it would very likely have been considered  
1155 imperfect by Gibraltar, if Spain had dictated this arrangement it would have been considered  
imperfect by Gibraltar and the United Kingdom, and if Gibraltar had dictated this framework it  
would likely have been considered imperfect by Spain and the United Kingdom as well, because  
this is the nature absolutely of negotiation. I accept that, but that is something that I have set out  
already, so I do not think anybody needed him to do an analysis which resulted in a repetition of  
mine.

Mr Speaker, in terms of economic and administrative control I do not accept that there will be  
absolutely any. The hon. Gentleman and I have discussed this. There is no question of there being  
any economic or administrative control of Gibraltar. It is, in my view, not a proper reading of the  
framework to suggest that there will be, and certainly it will not be, in our view, what will be  
1160 acceptable in treaty.

‘Why are we where we are?’ he said – ‘The UK has a 1,400-page treaty and Gibraltar has an  
eight-page framework.’ Well, Mr Speaker, in that 1,400-page treaty there is less mobility for UK-  
resident persons into Europe and less mobility for UK goods into Europe, and vice versa. That is  
the opposite of what we want to achieve. I know that under his breath he is making less than  
1165 positive remarks about my intervention – I am not surprised – but he needs to understand that  
when he raises questions I am going to reply to them, and he might not like the replies but it is my  
obligation to provide them.

Absolutely we wished to have been able to complete our negotiation of the framework, see  
the European Union wind up a mandate and negotiate that mandate into a treaty at the same  
1170 time as the UK negotiated its treaty, and to have finished doing so, but we were not able to find  
agreement. In other words, because we had to insist in the negotiation we were not able to finish  
this in time. Does he think that it was possible – I suppose everything is possible, let me start again:  
that it was probable – that the United Kingdom would have stopped negotiation of a £650 billion  
treaty in trade with the European Union in order to ensure that the Gibraltar arrangements were  
1175 done in time? Gibraltarians need to be able to judge their politicians and determine whether they  
are people who approach negotiations and life and what is deliverable realistically, or whether we  
set ourselves up for such unrealistic aims that we might end up crashing the car and taking all the  
family silver with it because we just fail to understand what is realistically possible.

Absolutely it is true, and it has now been demonstrated, that the United Kingdom was  
1180 negotiating for the whole British family of nations, including Gibraltar, and Gibraltar was alongside  
doing the negotiating for them, for Gibraltar. We would have wished perhaps that the United  
Kingdom would have used all the leverage of that £650 billion trade deal to help us in the  
negotiation – I am not going to reveal the details of the negotiation – but was that realistic? I really  
do not think it is realistic to think that, and indeed we were nonetheless able to finalise the  
1185 framework in time, and today we are not suffering the consequences of a hard Brexit.

Again, he asked me, in the context of his remarks, repeatedly, ‘Is this an imperfect  
arrangement?’ Yes, it is an imperfect arrangement. ‘And does it give away sovereignty, jurisdiction  
and control?’ It does not give away sovereignty, jurisdiction and control, Mr Speaker. I have done  
that analysis already in a lot of the interventions that I have made, and hon. Members have had

1190 the benefit of it. There is no economic handle given to Spain, absolutely no reference which will  
 provide that now or in the future, and indeed all of those parts of the framework are under the  
 [inaudible] of the part that refers to what *could* be in the treaty, not *will* be in the treaty, if there  
 is one.

1195 The hon. Gentleman will have heard me say last night that it is not impossible that we end up  
 with a treaty on mobility of people and not arrangements in respect of mobility of goods, or that  
 those might take longer, or that the arrangements might not be as ambitious as we might wish  
 them to be. Do we hope to improve some aspects of what may have been agreed up to now in  
 the treaty? Of course we would wish to improve what we have in the treaty from some aspects of  
 1200 what is in the framework. I have no doubt that that is the position also of Spain. In other words,  
 Spain may have found itself compromising aspects of their ambition in the context of the  
 negotiation of the framework, which they might like to see come back in the treaty – of course. It  
 is not to say that, as I said before, this was a dictation where we were able to win all the points,  
 far from it. The example that the Deputy Chief Minister and Sir Joe sometimes give me is of the  
 constitutional negotiations that he was involved in, where the House voted, after the Select  
 1205 Committee, a proposed Constitution. They came back with one which was different, where they  
 had negotiated some things and not achieved some others. And there is still, of course, the  
 ambition to try and achieve more in the future in that respect. Well, Mr Speaker, of course we  
 retain all our positions as we go into the treaty negotiations, but the ambition is that the fruit of  
 those negotiations, if it is going to be successful, should be a safe treaty for Gibraltar that is  
 1210 beneficial for Gibraltar.

The hon. Gentleman then actually referred to criticism of the Cordoba arrangements. I recall  
 all the criticisms that I made of the Cordoba arrangements. I also recall the statements by the GSD  
 at the time about cherry picking, and he will recall that when we were elected we took the position  
 that although we wished to renegotiate Cordoba if we were able to, we nonetheless believed that  
 1215 although they were not instruments of public international law, we would respect the fact that a  
 former Gibraltar Government had entered into those arrangements, we would perform against  
 them if the other side performed against them, and we would seek to renegotiate those pieces  
 that we did not like. That is how serious governments behave. In fact, all of the things that were  
 said to us about cherry picking in respect of Cordoba became the position not of the Government  
 1220 of Gibraltar but of the then government of Spain, which decided not to comply with the obligations  
 they had acquired in respect of the Airport, not to build the bits they had to build to continue to  
 take the benefit of the pensions, and yet the ones who have suffered the accusations of cherry  
 picking have been us. But I was not the person who wrote, at the time of Cordoba, that we had to  
 be careful against the sharp-toothed wolf in sheep's clothing. That was not the GSLP Liberals, it  
 1225 that was the PDP condemning the Cordoba arrangements, which he now praises. I am not  
 surprised, but everything must be put in its relative place.

There will not be joint patrols of Gibraltar waters envisaged. What the hon. Gentleman might  
 wish to reflect upon, if he is going to do an analysis of that part of the text – as I told viewers last  
 night on *Viewpoint*, not effusively that I can remember – is the reference to police co-operation  
 1230 being aligned with a reference to judicial co-operation. That is an innovation, if ever there has  
 been one, because the hon. Gentleman knows that, although our Police have co-operated wholly  
 in the past with their Spanish counterparts whenever they have been able to enjoy that co-  
 operation on the Spanish side – and not just our Police, our Customs also and all our law  
 enforcement bodies – what has not been forthcoming from the Spanish side has been judicial co-  
 1235 operation. In the 21st century I think that is just unacceptable. Our police officers have always  
 been prepared and, on occasion, have been called and have attended or given evidence in Spanish  
 proceedings against defendants who have been charged with criminal charges in Spain arising  
 from facts where Gibraltar Police and law enforcement have evidence to provide, never the other  
 way round. So, if a drug trafficker has had the bales that he was trafficking in Gibraltar confiscated  
 1240 by Spanish law enforcement and not by Gibraltar law enforcement, the Spanish have not been  
 prepared to come to Gibraltar to provide the evidence and to secure the conviction, in a Gibraltar

1245 court, of a drug trafficker. Now, we are looking at that potentially being something that we might  
be able to agree. I think that a lot of the debate in respect of the framework, comment in Spain  
etc., might scare the horses. We might not get to a treaty, but if we do, for the law-abiding people  
of Gibraltar it will be a huge step forward that our law enforcement agents might at last be able  
1250 to count on the support of Spanish law enforcement agents in judicial proceedings in Gibraltar.  
On that, what's not to like? I am sure that most people we will see that the sharp-toothed wolf in  
sheep's clothing, as the hon. Gentleman figuratively referred to Spain in his pejorative  
representation of the Cordoba arrangements that he now praises, is now taking a different –  
potentially – approach. But I have said we have to be cynical and we have to be careful because  
of the damage that Spain has done institutionally to the way that we can regard her.

1255 There were some, at the time, who sang the praises of the Cordoba arrangements. Indeed,  
they were impossible to describe as anything other than effusive, even people who would not  
usually be described as effusive in their approach but who, in that instance, were nothing short of  
effusive, indeed – 'effusive' is the wrong remark – sycophantic in the way they presented the  
achievements of the then Government in respect of the Cordoba arrangements. I will, of course,  
if necessary, deal with those remarks that were made at the time, in the event that somebody  
were to now try and turn on a sixpence (*Interjections*) and present a different approach, because  
1260 the people of Gibraltar like nothing less than somebody who changes their position on the  
fundamentals, even though there are some who change their positions so often that the people  
of Gibraltar have got used to not having the highest regard for what it is that they might say.

1265 Will there be a parliamentary debate in Gibraltar before the treaty is signed? That is certainly  
the intention of the Government of Gibraltar, that we will have an opportunity in this Parliament  
to consider the treaty – but not just the treaty. The hon. Gentleman, assuming he has followed  
everything that I have said, will have heard me say that it is necessary for there to be amendment  
to the legislation passed by this House for certain of the things that are envisaged to be able to  
happen in Gibraltar and to have legal cover. And so it is very likely that the House will not just  
consider the treaty and if it is safe and beneficial, as I hope it will be and I am sure we all hope it  
will be, that there is no desire for there to be anything other than a safe and beneficial treaty for  
1270 Gibraltar. However one might think that there was an attempt to sabotage this process, we will  
all no doubt wish to see a safe and beneficial treaty for Gibraltar. If there is a safe and beneficial  
treaty, and it comes to this House and it is approved in this House by a majority or by unanimity,  
then there will be a need for legislation to give effect to it.

1275 It is important that I explain. I think I mentioned it yesterday during the course *Viewpoint*. The  
United Kingdom and Gibraltar, common law jurisdictions like ours, do not acquire into our national  
law the obligations set out in a treaty immediately the treaty is signed. In other words, the treaty  
binds the high contracting parties. In some systems of law, which are called monist systems of  
law, the simple entry into effect of the treaty makes that the law of the land, and citizens can sue  
and be sued and the state has the rights of citizens, and vice versa, which are contained in the  
1280 treaty. France is like that. Spain, in some respects, is like that, but France is the best example of  
that as the cradle of civil law of a monist system of implementation of treaties. The United  
Kingdom and Gibraltar are dualist when it comes to the implementation of treaties, dualist  
because in the monist system, one act of entry into effect of the treaty is enough for the treaty to  
take full effect, dualist because you need two steps for a treaty to take effect. The first is the entry  
1285 into ... of that instrument of public international law, and the second is the act of exercising  
legislative power to give effect to the treaty, and in the context of what we are talking about here  
– to give the hon. Gentleman the comfort that I think he is seeking – we will not just be considering  
the treaty; we will have to consider legislation to permit the things that the treaty will have bound  
us, in international law, to do. So, if there is to be a Schengen passport check in Gibraltar – to  
1290 explain it in this way – nobody can be compelled to go to the Schengen passport check unless  
there is a law in Gibraltar that compels them to do that, just as there are laws in Gibraltar which  
require that Gibraltar immigration authorities be satisfied of your right and ability to enter  
Gibraltar when you manifest at one of the Gibraltar entry points.

1295 Then the hon. Gentleman confirmed I had agreed to give him a copy of the document. He  
knows that some time, not eight hours, before *El País* had published, some days before, I had said  
to him, 'Let's meet – I have now got the final text, I will give you the final text and I will give the  
hon. Lady the final text and we can have a debate,' and he said – and I think he has explained it,  
but I have to explain how we understood it too – 'Okay, but I need to be able to refer to the text,'  
because I had told him that we could not publish it at that stage. So, he cannot pretend, and I  
1300 hope he was not pretending, that I only said I would give him the text the night before *El País*  
published. He is shaking his head. I am grateful that he is shaking his head, confirming that. I had  
already indicated to him that I was giving him the final text when I first suggested that we should  
meet.

'What is missing in the leaked documents?' he asked, and do I think that, given that the  
1305 majority of the leaked document is already out there, we should not see the whole document?  
Well, Mr Speaker, everybody knows what is missing from the publication of the text, because  
there is an asterisk, I think in paragraph 8 or 10, where that was going to be changed throughout  
the course of the negotiation, which refers to practical arrangements. People will see that what  
was published is now widely available and no doubt has been viewed hundreds of thousands, if  
1310 not millions of times, so I am not disclosing anything. There is an asterisk that refers to the practical  
arrangements paper, so that is what is missing. He knows that, because, as he knows and he will  
agree no doubt, I have given him the practical arrangements paper, and so he knows – and I  
appreciate that he asked rhetorically – what is missing, and that is what is missing. And of course  
I agree that it should be published, but for the reasons that I set out earlier it had been agreed  
1315 between us that those things should not be published, certainly until the Commission had had an  
opportunity to consider them and had prepared a mandate – a mandate which will be public, by  
the way, because the Commission's mandates are public – for the purposes of entering into the  
negotiation.

So, it is unfairly pejorative for the hon. Gentleman to say that the Government should stop  
1320 playing cat and mouse with the public, because the Government does not intend to play cat and  
mouse with the public. The Government would wish all of this documentation to be public, but  
unfortunately there are procedures to go through, and given the relative interest in Gibraltar that  
there is in Spain, these things have now been published by a Spanish newspaper, despite the  
agreement of the three governments to give the Commission time to work up its mandate. I say  
1325 that because I think it is important in the context of this debate, and salutary, that hon. Members  
should note that Gibraltar has been on the front page of, I think, every Spanish newspaper since  
the 31st, every single one of them at different times for different reasons, all related to the  
framework but for different reasons. Gibraltar has not been on the front page of every British  
newspaper. I think we need to be realistic in understanding the relative interest that there is on  
1330 the Gibraltar issue. If we want to do an assessment of our negotiating leverage, where it lies and  
what it is, we have to do it honestly – I am not going to do that assessment, for the reasons I set  
out earlier, but I am going to point out that relative interest between one set of publications and  
another.

Then the hon. Gentleman suggested to me that there was too much positivity and spin in what  
1335 I was saying. I know that this is one of the themes that they want to seek to develop – it is  
blindingly obvious; they try to accuse us of that all the time, so they are trying to make this  
stick – but I wonder whether the hon. Gentleman thinks that the interests of Gibraltar lie in  
negativity rather than positivity. I do not know whether the hon. Gentleman believes that it is in  
the economic interest of Gibraltar that I should talk down the benefits of the framework and that  
1340 I should talk up the liabilities of the framework, that I should talk down the possibilities of a treaty  
for Gibraltar in the next six months and talk up the likelihood of the absence of a treaty in six  
months. Does he think that our businesses, our entrepreneurs, the economic stability of Gibraltar  
is best served by the Chief Minister of Gibraltar getting up and talking negatively about the  
opportunities that Gibraltar has to conclude those arrangements? In accusing me of positivity and  
1345 spin, he must be suggesting that that is the opposite of what is good for Gibraltar. I genuinely do

not believe that anyone in this House or outside it can believe that there is benefit in negativity in the approach that we take to the possibility that there might be a treaty for Gibraltar. If I am wrong about that, I am open to be persuaded because if the interest of Gibraltar is in me talking us down, then, please, someone should explain to me the value of that, and I will do my best to talk us down for the benefit of Gibraltar, its economic stability, his children, my children, all our children and our future. So, when he accuses me of positivity and spin, given that I cannot be convinced that negativity and grimness is the right approach, I shall consider that to be flattery, although I do not think he intended it that way, perhaps because he had not analysed the consequences of the opposite of what he was saying.

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He says that he cannot find in the framework some of what it is that I am saying about the framework and what it achieves. The Deputy Chief Minister, the Attorney General, the Financial Secretary and I have been involved in discussions with Spanish colleagues – and despite his reference to sharp-toothed wolves in sheep’s clothing, I am going to call them colleagues because we have built negotiating trust, and I think the interest of Gibraltar is to talk about a collegiate approach to try, while cynically ensuring that nothing happens to usurp what we think are our key fundamentals ... I think the interest of Gibraltar is in trying to create a collegiate atmosphere. We have been involved in that for nine months in relation to this part of the process, for almost three years in the context of withdrawal. What we are trying to do is explain what lies behind the framework. Surely he is not telling me that he expects the Chief Minister of Gibraltar, when he opens himself to interviews and questions by the people of Gibraltar or by journalists in Gibraltar, to answer the questions simply by referring to the words in the framework as answers to questions: ‘You are asking me this – well, let me repeat to you paragraph 5, which is the one that deals with mobility,’ or ‘Let me repeat to you paragraph 11, which is the one that deals with goods.’ Is that what he is saying, because he says that he cannot find in the framework some of the things that I was talking about? Isn’t it fairer that I should give people the interpretation of the Government of Gibraltar in respect of what those words are, and not play cat and mouse with people by just referring to the text of the framework? And isn’t it fair that, in doing so, I should indicate what it is that we believe, in the context of negotiations, we have agreed; and isn’t it fair that I should do so as openly as I can, which is what I have tried to do?

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Does he accept, Mr Speaker, that because we are not dealing with a piece of public international law, we are dealing with a framework, and we are not dealing with a contract between private parties, the parol evidence rule does not apply? That is to say the document is not the be-all and end-all. He might be right if he was talking about the treaty. In other words, if I was asked a question about the treaty and I said something that cannot be identified in the context of the treaty in his analysis, he might say, ‘That might be an interpretation, but it is a difficult interpretation because it is not here,’ and I would say, ‘There is a reason for that: the *travail préparatoire* includes a reference to this and this is what the parties have agreed it means.’ But this is a framework, Mr Speaker. Or is it that when he is asked a question about an interpretation of law, the only thing that he refers to is statute? Sometimes we find that case law makes statute almost unidentifiable, and there may be something in a statute which has been interpreted over decades of case law in a way where you think, ‘I do not know how on earth the statute means that,’ so for him to say that the answers that I have given cannot be identified in the framework is, frankly, not something that I think he would have meant to say if he had given it any further thought.

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The hon. Gentleman says that the Foreign Minister of Spain has a different view as to the operation of some of the things that I have referred to. I have explained this to him in private. He knows that I have expressed views about entry into Gibraltar. The Foreign Minister of Spain has expressed views about entry into Schengen. Those two are and remain different things, and so I do not appreciate contradiction in what it is that has been set out, unless the hon. Gentleman has forgotten why I explained to him there was no contradiction, but what is certainly true and is an impossible hurdle for any government to get over is the idea that we might be able to find a treaty that is going to be 100% assured, where Gibraltar will ensure Spain’s compliance. If you set that

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up as the test to determine whether the treaty is one that is safe and beneficial, you will never be able to pass the test.

1400 The example I gave last night, which he helpfully repeated – that bit of what I explained he obviously took down and understood – is, for me, the obvious one: it is the Treaty of Utrecht. If, in a treaty, one nation cedes something forever and no sooner is it ceded it lays siege to that territory in order to undo the cession, there is your answer: that treaties cannot be assured to be complied with. There is your answer. There are no doubt better examples in public international law. Given that it is, I hesitate to say, more than 30 years since I was a student of public international law, I have forgotten those better examples, but the Utrecht one, like every Gibraltarian, I carry here. And so, when we start the negotiation of this treaty, to tell us that we must bring an assurance that Spain will comply is an impossible hurdle.

1410 It is true, however, that if the high contracting party is not Spain, it is the European Union, although Spain is a member of the European Union it will not be – (*Interruption by mobile telephone*) Sir Joe must be laughing that it is not he, today, who has managed to interrupt the proceedings with his mobile phone! No worry at all.

1415 Mr Speaker, I have lost my thread for a moment ... Making the treaty one that we must ensure is one that Spain is going to comply with is easier because Spain is not the contracting party, but, as I said yesterday, and in fact I think I said it in the interview I gave to the *Gibraltar Chronicle*, until we have seen the treaty and the termination clauses and all the aspects of it, we cannot give an assurance in respect of that compliance and how it might be that one member state – we talk about Spain; it could be another one – of the European Union might be able to undo compliance by the European Union with its obligations under the treaty. That is, at the moment, something that is just hypothetical and academic, but of course it is something that we will have very much at the front of our considerations when it comes to the negotiation.

1420 The hon. Gentleman asks: the EU is a members' club that, when we have been members of it, has too often been on Spain's side – agreed – so what safeguards can we have now to ensure that the EU, as a members' club only with Spain in it, without us in it, is going to comply with the treaty? Well, answers on a postcard gratefully received – No. 6 Convent Place, Gibraltar. That is obviously one of the things that we are dealing with. It is one of the things on which we are taking advice; it is one of the things that we have to prepare for.

1430 Then the hon. Gentleman said, 'What happened to the relationship with the United Kingdom, his friendship with Mrs May and Mr Johnson?' and why did I give Mr Johnson a baby grow?' (*Interjection by Hon. K Azorparadi*) Ah, now he does not have a problem with the baby grow. He tells me, Mr Speaker, from a sedentary position, that he never had a problem with the baby grow. I am grateful, because, given that he said in *Hansard*, 'You gave him a baby grow,' as if to say that had secured Gibraltar's position in the treaty, I thought that it was a little disingenuous for him to have suggested that. I thought it was appropriate, given that the Hon. the Deputy Chief Minister and I were meeting the Prime Minister of the United Kingdom in the week when it had been announced that he was going to be a father, that the Gibraltar Rugby Union's proposal that we should gift him a baby grow was something which most Gibraltarians thought made sense in the context of the strength of the relationship. We also gave him a jersey, which I have yet to see him wearing when he goes on bike rides seven miles from Downing Street; I look forward to seeing him wearing it. These things are a demonstration of the relationship, and positive, I would have thought, and I would have expected that the hon. Gentleman would think that there was nothing wrong with that – and he has now confirmed that.

1440 Mr Speaker, the UK, he said, in the end was going to enjoy a 1,400-page deal with the European Union and we had an eight-page framework. He finished more or less where he had started. I ask him what it is that he thinks we would enjoy in that treaty, because there is very little in that treaty which Gibraltar would want. As I said to him when I was dealing with how he first mentioned it, that treaty, actually, to a great extent is the opposite of what it is that we have been trying to negotiate for the economic benefit of Gibraltar. It is not about mobility of persons and it is not about more mobility of goods in the way that would create fewer queues at the Gibraltar frontier.

1450 But it is done now, and I do sincerely believe, as I said at the time, despite the fact that our treaty  
was not done, our best friend in the world was, is and will be the United Kingdom, and a stronger  
United Kingdom is a better friend for Gibraltar. Or is it that we were wishing upon the United  
Kingdom that they would not have done a treaty because we had not done a treaty? If that is the  
case, the hon. Gentleman has to be clear and say that, and say that we wish the United Kingdom  
1455 would not have had a treaty, with the economic consequences that would have meant for the  
United Kingdom as a government and for the people of the United Kingdom, simply because we  
do not have a deal.

Mr Speaker, I will say more about this, and it is this. I indicated in my prepared remarks – and  
the hon. Gentleman has not picked this up, certainly in what he has said publicly – that the other  
1460 Overseas Territories also do not have the benefit of that treaty. In other words, the EU left out its  
overseas territories – the overseas territories of the member states, and there are some that have  
them – and excluded not Gibraltar, excluded all of the Overseas Territories of the United Kingdom.  
I do not know whether he has been following the issues that that has created for some of the  
other Overseas Territories. It has created huge issues for the people of the Falkland Islands, with  
1465 whom we stand as one. It created huge issues for the people of Pitcairn and Tristan da Cunha,  
whose main exports were to the European Union and the United Kingdom, and we stand with the  
people of those Overseas Territories as well. In fact, what I assume he did not want to do was to  
highlight that we are the only ones of the Overseas Territories who have been able to engage with  
a member state of the European Union and are now at the stage of the European Union being  
1470 prepared to consider a mandate for a treaty with *this* Overseas Territory. We are also the only  
Overseas Territory that is on the European continent. We are also the only Overseas Territory  
where the consequences of the absence of a treaty or an agreement will affect citizens of every  
single one of the member states of the European Union. Analysis of relative negotiating strengths  
and weaknesses again.

So, when he talks about the failure alleged by him of the United Kingdom to do a treaty for  
1475 Gibraltar although it did one for them, he needs to also highlight – and I would have thought it is  
no skin off his nose – their failure to do a treaty for the other Overseas Territories. But as the  
Foreign Secretary said in the statement that I read to this House a moment ago, the EU would not  
engage, and so the United Kingdom had to make a decision: engage for the rest of the treaty, or  
1480 not engage. There are also relative strengths and weaknesses in that main negotiation between  
the trading bloc of 480 million people and the United Kingdom – an analysis of strengths and  
weaknesses which I am not going to do, but the United Kingdom decided it could not win the  
battle of including the Overseas Territories, not just Gibraltar, in that negotiation.

The hon. Gentleman then said to me, ‘What assurances do you have that the UK will ensure  
1485 that we have a treaty?’ Mr Speaker, he is seeking assurances in absolute terms which are  
undeliverable, and he should not pretend to the people of Gibraltar that it is possible to have an  
assurance that we will ensure that we have a treaty, because that is entirely undeliverable and it  
would have been no more deliverable by him as Chief Minister than by a Chief Minister, whichever  
of the previous ones it may be we might today be deciding to refer to as the greatest Chief Minister  
1490 of all time. Even on that, there are more changes than in quicksand.

‘What assurances do you have that the UK will ensure that we have a treaty?’ This is to be  
negotiated. We do not have any assurance that the European Union might not turn around and  
say to us, ‘We have considered this with the other 26 and we are not prepared to wind up a  
mandate on these issues, because it raises too many problems: it raises problems on the border  
1495 between Romania and Hungary, and therefore it is not possible to even wind up a mandate to  
have this negotiation.’ In those circumstances, the analysis the hon. Gentleman fails to do is if,  
without a treaty, we need the assistance of the United Kingdom, is it better for us to have a United  
Kingdom that has a trade deal with the European Union and is prospering as a result, or to have a  
trade deal with a United Kingdom that has not done a deal with the European Union? Although  
1500 no doubt the United Kingdom would have prospered without a deal with European Union, I have  
no doubt it will prosper more because it has a deal with the European Union and therefore will be



better able to assist us in the event that we do not have a treaty with the European Union going forward.

1505 The hon. Gentleman in his final statement said that Northern Ireland had been protected. The hon. Gentleman knows – because I have a high regard for him, despite the way that he seeks to characterise me on some occasions – the United Kingdom that he refers to is a kingdom made up of four nations: England, Wales, Scotland and Northern Ireland. He cannot pretend for much longer – although he has been doing so since he found he had nothing left to argue in respect of the arrangements we had entered into in the Withdrawal Agreement – that Gibraltar should have

1510 the same treatment as Northern Ireland, unless Gibraltar were to become the fifth kingdom of the United Kingdom, in which case we would be entirely integrated into the United Kingdom, and then at least his arguments on bilateralism would disappear because the government of the United Kingdom would be the only government empowered to negotiate for the United Kingdom.

1515 The hon. Gentleman has not seen my dear and supportive friend Arlene Foster negotiating any of these things in Brussels or in London, so he knows that comparisons with Northern Ireland are entirely outside any parallel that can seriously be drawn. Northern Ireland is part of the United Kingdom; Gibraltar is not. We are, whether we like it or not, an Overseas Territory of the United Kingdom. We are not a Crown Dependency of the United Kingdom. We are an Overseas Territory of the United Kingdom and we are a non-self-governing territory on the list of non-self-governing

1520 territories in New York. That is our public international reality, so it advances the debate nothing at all and seeds confusion to suggest that Gibraltar should have the same treatment as part of the metropolitan United Kingdom, Northern Ireland.

Why does he say Northern Ireland? If he is honest, why doesn't he say, 'England has protected its position – why are we not as protected as England?' because England is another one of the four

1525 nations of the United Kingdom. And so I think it is important to put the spotlight and the magnifying glass on the things that he says, so that when people come to reflect on his remarks and my answers, they say he might be right, we have not had the protection that Northern Ireland has, is this a failure of the United Kingdom government, he said, to protect us was the failure of the Government of Gibraltar to negotiate support like the government of Northern Ireland. It is

1530 neither, it is simply incomparable, and to set that up in that way is to create a confusion, if he will forgive me, akin to saying, 'This election has been stolen from us: go to the Capitol and get it back.' It is that level of pretence of something being the opposite of what it is, which certainly I will not tolerate the people of Gibraltar not seeing the other side of, and that is why I must present the facts and the reality, so that the analysis that people do of this seminal moment and

1535 of the framework agreement that could lead to a treaty is an analysis that they have the benefit of doing with reality before them.

Mr Speaker, the excitement and the sense of relief, he said, that we felt on 31st December has to be tempered in the context of the reality that this is not yet a treaty. Absolutely right, and that is exactly what my Statement to the House set out to do. I think when the hon. Gentleman goes

1540 back and looks at what I have told the House, he will see that I accepted that in the context of my Statement today, as I did in my intervention yesterday on GBC *Viewpoint*, as I did in my interview in the *Gibraltar Chronicle* and as I did in my interview in *Panorama*, which he appears not to have read – I am happy to send him a copy. Therefore, both that reality and the reality that this is an imperfect document, which is also contained in my Statement to the House today, is not

1545 something that he gets from me as a concession in response to his statement, because it is exactly the position that I have been putting to the people of Gibraltar from the moment that I announced that these arrangements had been entered into.

Mr Speaker, before we move to other statements from other hon. Members, or other requests for clarification from other hon. Members, I do have to once again recess the House for five

1550 minutes because I need to speak to somebody outside of the House in respect of these ongoing matters. But I will say this: when you look at everything the Hon. the Leader of the Opposition has said and you break it down and apply the microscope to his remarks about Northern Ireland, to his remarks about imperfection and to his remarks about the fact that this is not yet a treaty, what

1555 there is, I am pleased to say, is, I believe, qualified support for us to continue to seek to negotiate  
a treaty that we bring to this House that we might all, I hope, determine is safe and beneficial for  
Gibraltar and that might be something that we all acquiesce around, or that at least a majority of  
us acquiesce around, so that we can have such a safe and beneficial relationship in future with the  
European Union. That, in effect, I think is what he said when you break it all down and you see  
1560 through the politics, and instead of storming the capitol you accept that the result of democracy  
is that we have a mandate to negotiate this, we have negotiated it and, with all its imperfections,  
as yet incomplete, we have brought back a framework that gives us an opportunity to seek that  
safe and beneficial treaty for Gibraltar.

1565 Mr Speaker, I would ask the House to indulge me with a recess of ten to fifteen minutes, so I  
can continue with Government business. I hope it is a good moment for the House to also refresh  
itself.

**Mr Speaker:** The House will recess until twenty to the hour.

*The House recessed at 6.21 p.m. and resumed its sitting at 6.51 p.m.*

**UK closure of travel corridors –  
Update by the Chief Minister**

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

1570 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am grateful for your indulgence. I just need to  
bring to the attention of the House and the public that the United Kingdom has just announced  
that, effective on Monday morning at four a.m., it is bringing down all travel corridors given the  
high incidence of COVID-19 in the United Kingdom and indeed the concerns about different strains  
coming in from many different directions. The Government of Gibraltar has just also replied to  
1575 that, in answers to questions from local media, saying that we support the decision of the United  
Kingdom at this difficult time, that we too will be taking advice from Public Health Gibraltar and  
Public Health England about what these new strains that are concerning the United Kingdom and  
might come in from different jurisdictions might be. So we might act in a way that is designed to  
protect Gibraltar as much as possible.

1580 Also, the very sad news that has come in from the World Health Organization at the same time,  
that the worldwide toll of losses from COVID-19 has today exceeded two million in the past  
twelve months.

1585 **Hon. K Azopardi:** Mr Speaker, obviously this is news hot off the press, but it calls into question  
lots of issues. Can the Chief Minister perhaps discuss with the Opposition privately and keep us  
informed on those issues?

1590 There will be a knock-on effect on a number of important things and arrangements that  
perhaps are brought over to Gibraltar by air, and not least perhaps medical supplies, urgent ones.  
There will be an effect on a number of issues of the public service. I am not focusing on business,  
because that is less important at this stage, but our students who are in the UK will be concerned  
and families will be concerned about these arrangements, and so the maximum information that  
may be possible being given families who have children overseas is also an important factor.

1595 Obviously we are very concerned about the impact of new strains, as I did in my previous  
contribution say, and it is important that we work together as a community. We acknowledge the  
need for these things sometimes to happen, but we will need to look at the detail of the impact  
on Gibraltar by the removal of the air bridge on a temporary basis.

**Hon. Chief Minister:** Mr Speaker, I am grateful for the hon. Gentleman's statement. Indeed, this is something on which we must support the United Kingdom.

1600 The air corridor I announced is coming down from the 18th, to 15th February. That is not the  
air bridge, so we expect that we will continue to see flights between Gibraltar and the United  
Kingdom. The difficulty, of course, will be that people will have to quarantine for a period on arrival  
in the United Kingdom, probably also on arrival in Gibraltar. The air bridge will continue.  
1605 Therefore, there will be flights. There may, nonetheless, be a need to have conversations with the  
airlines, which my friend the Minister for Tourism, the Hon. Mr Daryanani had been already  
conducting in anticipation of this. We are down, I think – and he will correct me if I am wrong – to  
two flights a week at the moment. Those two flights a week are the ones that are bearing the  
brunt of the arrival of supplies, of mail, etc. We expect that we will continue to have the bridge. I  
1610 have explained before the difference between the bridge and the corridor. The bridge will still be  
there, and we will be negotiating with the airlines to ensure that it is.

In terms of students, I understand that most have not gone back because universities have not  
reopened, but they will have concerns about whether they are required to go back and, when  
they are required to go back, whether their flights will be available. Some may have gone earlier,  
or indeed some may not have come back over Christmas, given some of the advice that was given,  
1615 so any help the Government can provide we certainly stand ready to provide to families who have  
concerns which we may be able to address. The Department of Education has been doing a very  
good job of ensuring that students have the information necessary and we shall continue no doubt  
to try to work together on these issues in the interests of our community, whatever our  
differences may be in respect of other issues.

**New Year's Eve framework –  
Statement by the Chief Minister continued**

1620 **Mr Speaker:** This is in relation to the earlier Statement by the Chief Minister? Right. The Hon.  
Marlene Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, if you would allow me, in just a couple of sentences,  
to thank the Chief Minister for his clarification on the natural questions raised by the Leader of  
1625 the Opposition regarding the effects of the new restrictions as just announced by the Chief  
Minister.

And if I may just echo my sheer sadness at the declaration of that two million figure by the  
WHO, that colossal figure on loss of life, a figure that should really remind us what we are dealing  
with and how crucial it is to follow Public Health advice and to respect Public Health advice in  
1630 order to minimise casualties and spread.

Mr Speaker, on the Brexit agreement Statement and asking for clarification, let me first thank  
the Chief Minister and his negotiating team for their energy, for their devotion and for their  
commitment and dedication in arriving at this juncture which presents an opportunity to take  
Gibraltar forward in difficult times. It cannot have been easy, for a number of reasons. Firstly  
1635 because, despite what the Chief Minister may say about the support of the UK government, it has  
become clear that from the outset the UK has had very little intention of fighting the EU's  
negotiating position of leaving us out of the UK-EU deal, and although he will never admit it, the  
Chief Minister has been the one fighting from day one to carve out whatever possible positive  
solution he could. That much is clear to me.

1640 The Chief Minister made assertions just earlier in his own address about how negotiations  
work, in his reply to the Leader of the Opposition, on how strong a friend the UK is to us, but if the  
UK had genuinely had our backs, they would have precisely withheld signing their own deal and

leveraged to help us, because that is what family does when they talk about the UK family – and I include Gibraltar. But now I believe that, without that, we have little or no leverage.

1645 And, yes, the Chief Minister is right that we are not part of the United Kingdom, but we have a land border with the EU and we have a land border with a country that has a sovereignty claim, so we needed to be prioritised as much as Northern Ireland, if not more. So, to say that the UK is helping us now I believe is sycophantic, to use the word that the Chief Minister himself used about a Member of the Opposition today.

1650 But back to the difficulties that the Chief Minister has faced. It has to be noted that although Gibraltar always punches above its weight in these situations, it has been pitted against two giants of European diplomacy, an ultimate challenge even for the best of us, so I understand the reasons why the Chief Minister will champion the New Year's Eve agreement in principle as a victory snatched from the jaws of defeat, but in my eyes, and the eyes of many on our Rock, the reality is more akin to the fact that we have made the best of a bad situation, and for that alone we are grateful and he has my support for this process, the support of my party and the support of the demographic that I represent from this seat in Parliament.

1655 But this support is inevitably conditional because this is an in-principle agreement, and therefore the support remains in principle. We cannot give this agreement unconditional support until we see the final draft. And let us not forget that nothing has been signed yet and there are many months of arduous negotiations ahead which will give shape to the agreement. At the moment, there are far too many ambiguities and far too many things to flesh out for us to join that victory march.

1660 And despite my in-principle support for this agreement, let us not pretend that there have not been any concessions. Again, we understand why the Chief Minister might have us believe that he is such a master in the field of international diplomacy that he has managed to convince Spain and all the other 26 member states of the European Union to give us everything we want without giving anything in return, but we are not stupid. There have had to be concessions here. This is where I would ask for further clarification. Gibraltar is to reach an understanding with the Schengen territory and a secondary Frontex check in our Port and Airport will be the ultimate arbiter of who enters Schengen, but the Chief Minister says no Frontex check will affect Gibraltar residents, as they will only be coming into Gibraltar, not Schengen. So, it looks like this is not going to actually be Schengen Gibraltar but a Schrödinger's Gibraltar, both in and out of Schengen, depending on who comes in and when.

1675 In the early versions of the Chief Minister's narrative, Gibraltar residents would not have to go through any Frontex check at all. Then, as the pressure mounted, no checks turned into light checks. And then, in his last *Chronicle* interview, Mr Picardo finally admitted that all travellers into Gibraltar would have to go through a Frontex check, but specified that this did not infringe red lines on control because – and I quote – 'we are giving permission for these checks to happen'. Then, in yesterday's *Viewpoint*, the Chief Minister spoke of another option, which would be issuing Gibraltar-only visas for matters of national interest or for humanitarian reasons. Of course, the last hypothesis would need to be discussed at the treaty stage, as we have no guarantee that this formula will ever be accepted by the EU.

1685 The only real thing we have at this stage is what is set out in the document. According to the in-principle agreement, Gibraltar is to have an agreement with the Schengen territory, and a secondary Frontex check in our Port and Airport will be the ultimate arbiter of who enters Schengen. Everything else, at this stage, is conjecture. I heard how the Chief Minister explained to the Leader of the Opposition his reasons for not quoting verbatim the agreement, but surely he cannot speak with any certainty on outcomes either, before the negotiations on the treaty have begun. This is not about the importance of giving a positive or negative spin, but an honest, simple appraisal that people can understand, and his answers today to the Leader of the Opposition have been exactly the opposite of this, and just more bad spin, pretending that the only alternative to something is its complete opposite.

1695 Mr Speaker, back to my request for clarification. It is also very difficult to understand how, if  
all inward travellers will have to cross a Frontex check, Frontex will respond to Spain. We are  
supposed to believe we have not ceded an inch of control. The Chief Minister's argument that it  
does not constitute a loss of control because we chose to allow these changes to happen sounds  
pretty hollow, particularly against the backdrop of a potential hard Brexit. We understand that  
negotiations often require difficult concessions, but this does not detract from the fact that the  
1700 Chief Minister himself promised that this red line would never be crossed. And that is okay. If the  
electorate has given this Government a mandate and this Government has used that mandate to  
secure the conditions, then let the Chief Minister say so, but what he cannot do is answer  
questions from the press with certainty, as if he knows already how things are going to materialise,  
but then change answers as he goes, while at the same time admitting here today that things  
1705 might happen, not happen, or happen very differently.

We are also concerned with the impact on our economy. We would urge the Chief Minister to  
clarify and deliver the figures of what this deal means for all sectors of our economy. We are going  
to feel the effects of this and people need to know, to feel better prepared. What will be the cost  
of delivering the necessary infrastructures, the impact on businesses and our economic model,  
1710 and the expected downturn in tax revenue? We understand the opportunities an area of shared  
prosperity will bring – in fact, we are very hopeful – but it is just as important for everyone to have  
a clear understanding of what might need to change and what this change will actually cost us.

Despite it being a very welcome step to set up a committee, albeit at this late stage, to discuss  
impacts on both our economy and industry, we urge the Government to engage in more and  
1715 better communications with all sectors of business, many of which have come to us unsure of  
what the future holds for them. And if I may seek further clarification on the reality that if this  
treaty does not come to be, what is the Chief Minister and his party working on at present, in the  
event of a cliff edge come 1st July?

I would also like to bring one other matter to the table. I ask this House and the public to reflect  
1720 on one thing: what do they think the hon. Member or the Hon. Father of the House would have  
made of this deal if they were sitting on the other side of the House, on the Opposition benches?  
Would they have called bravo and championed this deal? Or would they have, in all probability,  
maligned the incumbent, as they have so often done in the past when it has suited them, as if they  
are the only party in our history that has the monopoly on what it really means to be a patriot?  
1725 Wouldn't they have tried to ride this wave of nationalism all the way to No. 6 Convent Place, even  
if it meant going against the national interest? The Chief Minister, Sir Joe Bossano and many other  
GSLP Members have created a toxic environment in the past with their [inaudible] nationalistic  
rhetoric that most people in our community are afraid to say what they think for fear of being  
tarnished for life. And in a similar way it has to be said that we have seen members of our own  
1730 opposition practising nationalist populism at a time of weakness for Gibraltar.

But regardless of all this, Together Gibraltar and I are willing to be brave and do what is right  
for Gibraltar. We will be offering our conditional support to this Brexit deal while we wait for  
further clarification on all these unexplained and unresolved issues to be worked out. We will  
continue to support the Chief Minister's efforts to come to the best possible deal for Gibraltar,  
1735 but we also have to call out hypocrisy and spin where we see it – it is our obligation – and I do  
hope that the public will see it too.

Thank you.

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

1740

**Hon. Chief Minister:** Mr Speaker, I *think* I am grateful for the hon. Lady's support! (*Laughter*) I  
*think* that what the hon. Lady has done is tell us that she has – and I think she put it quite clearly –  
given us the cautious indication that she supports that we take this to the next stage and try to  
secure a treaty that is safe and beneficial to Gibraltar. To that extent, it would appear to me that

1745 the position of the Official Opposition and the position of the hon. Lady is the same, although  
couched in different terms, but, when analysed, that is what it amounts to.

I was, of course, very grateful for her recognition of the, as she put it, energy, devotion and  
commitment that has been required in order to achieve even a non-binding framework agreement  
in principle. As I said to the hon. Gentleman, and I will say to her as well – it is unfair that I should  
1750 not, because she has been less pejorative than the hon. Gentleman – she has been very  
constructive and very supportive in the engagement that the Deputy Chief Minister and I have  
had with her and the Leader of the Opposition in the nine months that have led us to this  
framework agreement, so I must also thank her for that. But it would be unfair for her to  
personalise, as she has, her comments about energy, devotion and commitment in me, because I  
1755 have drawn on the energy, devotion and commitment of the Deputy Chief Minister, the Attorney  
General, the Financial Secretary, the Father of the House and every single one of the members of  
the Cabinet in trying to get this over the line, and indeed, in respect of the negotiations, also the  
energy, devotion and commitment of the wider UK negotiating team, all of whom have been ready  
to work every hour that we have had available – some very ungodly hours – in delivering this in-  
1760 principle framework agreement. When she says it cannot have been easy, it was not easy, and to  
an extent, because of the private communications between us, hon. Members, the hon. Lady and  
the Leader of the Opposition know how difficult the highways and byways of this have been.

The hon. Lady says that the UK had very little intention of fighting for us not to be left out, that  
we should almost find that the UK did not have our backs because they did a treaty without us  
1765 having had a treaty, and that they should have withheld consent to their own treaty because that  
is how family behaves. That is one way of presenting it – of course, I fully understand that that is  
one way of presenting it – but we are not talking about understanding the world as we would  
amongst us in a non-political sense, we are talking about international diplomacy and  
international trade.

I do not accept from her, as I did not accept from the Leader of the Opposition, that Gibraltar  
has no leverage in this. As the senior elected representative of the people of Gibraltar, I do not  
enter the next stage of the negotiations accepting that Gibraltar has no leverage, far from it, and  
I think the hon. Lady and the hon. Leader of the Opposition would accept that Gibraltar has  
1770 leverage. It is relative leverage. It depends what one thinks of as leverage.

Did the United Kingdom turn up in the negotiations with the European Union as a nuclear  
power with a seat at the United Nations and all the threat that that might entail? Or did it turn up  
at the negotiations as a former member state of the European Union, neighbour to the European  
Union, with important trade with the European Union, wanting to leverage the trade it brings to  
the EU versus the trade the EU brings it, in a way that could result in the best potential deal?  
1780 Obviously the latter, not the former. Diplomacy is not just about threat.

Therefore, there is a lot more that is relevant, and I think it is not incumbent upon Members  
of the Opposition in Gibraltar to be suggesting that Gibraltar has no leverage, because that, as I  
suggested a moment ago, would make those who are negotiating with Gibraltar think that the  
things that Gibraltar presents as leverage at the negotiating table are actually not leverage at the  
1785 negotiating table.

There is a reality of leverage. We know what our leverage is. It is, of course, relative. She has  
rightly said that Gibraltar punches above its weight and that Gibraltar has found itself pitted  
against two giants of international diplomacy. Whether we like it or not, the United Kingdom of  
course is a giant of international diplomacy and Spain is a giant in international diplomacy. It is a  
1790 nation of forty four million people, it is the fourth largest economy in the Eurozone, and therefore  
weight is relative, but of course there is much more than weight behind how these negotiations  
have been approached. That is why I thought it was appropriate to recognise Spain's approach  
through its Foreign Minister and their Prime Minister.

I do not accept the parting premise that the hon. Lady starts with, which was one of the points  
1795 that I took against the hon. Gentleman, that Gibraltar has no leverage in the negotiation. Certainly  
Gibraltar would have had more leverage in the negotiation if the United Kingdom had said at the

1800 negotiating table 'and I am not getting up from this table on my treaty until you have done a treaty with Gibraltar', but there have to be realistic elements to this. The hon. Lady ends her statement by saying we must not be hypocritical and we must not present things in a way that is not realistic, and yet she starts her statement by postulating something which I think we would all understand is unrealistic. If we look at the revenue of Gibraltar, when we have revenue in years which are not pandemic years, we are talking about 1% of the trade deal that has been done by the United Kingdom.

1805 Let me give the hon. Lady another example, talking about family. The merits or demerits of the aspects of the TCA which relate to fishing will be debated for many years, but the British fishing industry is about the size of Gibraltar's revenue, about £650 million or £750 million. Many of them feel that their interests have been hard done by in the negotiation. I have not made an assessment of it, I am commenting only on what I have seen in the commentary, but we have to understand how much was at stake there, and the suggestion I do not think is a realistic one that we are just not family because they did their treaty before doing ours.

1810 Sometimes, as I read the other day and was a salutary reminder of even the moment we are in, when you are on an aircraft they tell you to put on your oxygen mask before helping the person beside you. Why? You are a better help to the person beside you if you have got your oxygen flowing and you can assist them. In medicine, the doctor must always save himself first, so that he is able to help others. Is the United Kingdom a better ally to us with a trade deal with the European Union, or without a trade deal with the European Union? A stronger United Kingdom, I put it to hon. Members, is a better ally, protector and supporter of its Overseas Territories than a United Kingdom that does not have a trade deal, and I think that is what has happened here.

1820 As hon. Members will know and will have seen, knowing where we were in the negotiation and understanding the equities that were in play, the Government of Gibraltar issued a statement on 24th December when the United Kingdom entered into its treaty, or rather announced that it had its treaty, congratulating the Prime Minister for having reached that arrangement and saying that we were continuing to negotiate although the clock has not stopped for us, because we understood that and we understood where we were in the context of the negotiation and where we could get to.

1830 A strong United Kingdom is not just better able to support us. A strong United Kingdom is showing us its support in the sovereign guarantee that it has provided, and indeed – talk about family – providing the COVID-19 vaccine at no cost. It would be an extraordinarily difficult decision to make if I had to choose between the United Kingdom not signing that treaty until we had our treaty, or choosing that we have a vaccine so that our elderly and most vulnerable had the vaccine. Why is that a choice? It is not. It is not a choice, but it is a clear indication that the United Kingdom is treating us like family, because, on a key fundamental like that, we are getting vaccine before some parts of England, Wales, Scotland or Northern Ireland. We have to understand that.

1835 And so, in making an assessment of how the United Kingdom has stood by us, we cannot make it in silence. We cannot say they went ahead and signed the treaty knowing everything that could happen if they did not, knowing where the Gibraltar negotiations were, knowing the support that they were giving us. That is not a simple assessment of whether my brother loves me or not, whether he gave me a pound for a pint or whether he lent me his bicycle – if he could not do both, we are not family. I think the assessment is a much more nuanced one than that, and as I sometimes say to her when I reply to her, I think the hon. Lady understands that.

1840 Mr Speaker, the Government has not pretended to take victory from the jaws of defeat. The Government has made clear that at the very last minute we were able to continue with bridging measures and no hard Brexit because we have the opportunity for a treaty. We accept entirely that we have not got a legally binding certain arrangement with the European Union with the framework. The European Union is not a part of the framework. The European Union is considering the framework to determine whether or not it should be a treaty partner to the United Kingdom in respect of what is set out in the framework. We are not pretending otherwise, and if people are hearing us say otherwise it is because they are not understanding exactly what it is

1850 that we are saying, although I put it to the hon. Lady that we are saying it in fairly explicit terms.  
And we have not said, as other Chief Ministers have said in the past, this is the best agreement possible. We have said this is an imperfect framework which will lead to what we hope will be a treaty in months to come.

1855 I am very grateful that the hon. Lady has said that she is giving us support from Together Gibraltar and in respect of those she represents, given those who supported her to put her here, and that that support is conditional until they see the final draft of what it is that we bring back, because that is exactly the position that the Government has provided. In other words, this is a good way of going to the next step, imperfect though it is, and this is a good way of bridging the issues that we faced on 1st January if we had not got at least to this stage. But we have to see where we end up to ensure that what we have and bring back is safe and beneficial in treaty form, and there we must dot i's and cross t's and ensure that we have none of the concessions that would concern us.

1860 The hon. Lady's position on conditional support is no more and no less than what we ask for, and I am therefore very grateful for it. And so, when she tells us that she cannot join a victory march, I am just going to say to her that, if she did, she would be marching on her own because the Government has not declared victory. I will not ask her to march on her own in support of a victory of mine that I have not claimed, so our positions are entirely as one.

1865 Mr Speaker, having done me the great service of presenting me as energetic, committed and devoted, which I did not deserve because that is a remark that she should have saved for the team, I think she does me a great disservice in suggesting that I have presented myself as a master of diplomacy. I have not. Indeed, I hope in a very deprecating way I have made clear in the things that I have said repeatedly that to claim that there are no concessions on sovereignty, jurisdiction or control is no great claim to fame when the other side of the negotiating table have said that they have put aside their claim on sovereignty, jurisdiction and control. So, I am not pretending to be a master of diplomacy, I am accepting that the other side of the negotiation did not seek to take advantage of that at this time.

1875 Indeed, I should remind the House that in Spain the right-wing press has been rabid in its criticism of the government for this agreement. Some of the things that we have seen in right-wing articles in respect of this agreement really have accused the Spanish government of the worst possible offences for having entered into this framework alone with Gibraltar; the former Spanish Foreign Minister, Sr Margallo, can only be described as being in a state of worse than apoplexy. But it is important to remind ourselves that it was the Partido Popular that said the Brexit negotiation, at least at the withdrawal stage, was not a time to be putting the sovereignty of Gibraltar on the table, and Sr Margallo has said in the past week that he was disappointed that Sr Rajoy told him that they could not postulate joint sovereignty as a condition for arrangements in respect of Brexit – and there is, if hon. Members remember, that famous video of Sr Rajoy saying that exactly himself, so it is very unfair to suggest that it is the current Spanish government only that was prepared to put sovereignty to one side. Therefore, there is absolutely no claim that we are making to have been master negotiators, because there are no concessions on sovereignty, jurisdiction or control – because they were not sought.

1885 And so, Mr Speaker, I think that there is no question of a Schrödinger's Gibraltar. What there needs to be is a deep understanding of how controls will work; that is the key. There are juxtaposed controls here. The control of the UK frontier at King's Cross is entirely in the control of the United Kingdom and the control of the UK frontier at the Gare du Nord is entirely in the control of the United Kingdom. The control of the Schengen border at King's Cross is entirely in the control of the Schengen authorities in respect of which France has responsibility, and a Schengen border at the Gare du Nord is exited under the control exclusively of the Schengen authorities for which France has responsibility. There is no Schrödinger's cat aspect to that.

1890 There are two separate controls and there is a treaty under which the parties have agreed that that should be the case – a treaty which can be undone because the parties retain control to undo that treaty, a little like the Brexiteer argument on sovereignty: the UK is no longer sovereign,



because we have pooled all our sovereignty with the European Union. What do you mean the UK is no longer sovereign? You have a button called 'sovereignty', Article 50, out you go. The UK has been sovereign all along, on all of those issues, too, and we were all united in the understanding of that definition of sovereignty, jurisdiction and control. Otherwise, if we were not, 96% of us at least should have voted to leave the European Union, because if we believe that forming part of a trade organisation in a treaty where you agree to do things for trade and immigration purposes is to lose sovereignty, jurisdiction and control, then in 1972 we made concessions on sovereignty, jurisdiction and control – and, if not in 1972, then under the Lisbon Treaty or the Maastricht Treaty we gave up sovereignty, jurisdiction and control to the European Union. That is not the position of the political parties in Gibraltar or the people of Gibraltar, except for those in the 4% who voted to leave the European Union.

And so, Mr Speaker, the juxtaposed controls of the Eurotunnel, the idea that sovereignty is somehow given up, jurisdiction is given up and control is given up because you agree to do something for a period with the ability to reverse it, is not one that leads to a Schrödinger's understanding; it is one that actually is a very sophisticated and accepted methodology of public international law and treaty. I think it is important that we always remember that, because we will always be on guard in respect of sovereignty, jurisdiction and control, as properly understood and defined in keeping with the principles that we are defending, not the idea that any deal done is a deal that gives up sovereignty, jurisdiction and control simply because the counterparty is Spain – although here the counterparty is not even Spain, it is the European Union. And so we must do careful analysis, and that is why I say to the hon. Lady we have done that analysis and it is not a Schrödinger's Gibraltar.

So, Mr Speaker, as the pressure mounted, I did not change my position in any way on the explanations that I set out, and the hon. Lady may want to go back and see that I have been saying the same thing consistently and I have been giving different examples for people to understand that. The example of the visa regulation, Article 25 of it, which provides for permission to be granted by a Schengen member in respect of one part of the Schengen territory which exists for the purposes of ensuring compliance with international obligation, the national interest or humanitarian need, is one way in which I answered the question in respect of whether it was possible or not for access to be granted only to Gibraltar, not to grant access through Gibraltar into the Schengen territory by going through the second juxtaposed control. That is what I am dealing with in the context of that question and that example, but I said, 'but that is something that still has to be confirmed'. The application of the visa regulation has to be confirmed once we have done the treaty. That is the reality. Again, it is complex, but it is important that people understand the complexity. This is what the Schengen Borders Code and the visa regulation are about.

Mr Speaker, there is absolutely no conjecture in the way that I am presenting things, but it is true that there is no certainty of outcomes until negotiation of the treaty has begun. That is what my statement on the 31st, at three o'clock, said. If hon. Members go back, even in that moment when she is describing me as pretending that we have taken success from the jaws of defeat, actually what I am saying is exactly the same thing I am saying now, and in no different terms. I will make no secret of the fact that hon. Members will be able to see that I considered it my obligation to come to this House and say the things that I said in my public statement on the 31st. I would have thought the accusation that the hon. Lady wanted to put to me was that what I have said in this House today is almost exactly word for word what I said on the 31st, because one of the bits I took out was 'and I will tell the Parliament this as soon as I can', because it was important and right that, out of the respect that I have for this Parliament and for the people of Gibraltar, I should come here to say the things that I said on the 31st in front of the cameras. If the hon. Lady does the exercise, she will find I have used almost exactly the same script for that reason, so I therefore have a demonstration – on that laptop over there, actually, Mr Speaker – that I have not changed my position. The accusation should be that I have just repeated exactly the same

paragraphs and phrases that I used on the 31st. So, there is no question of bad spin here, although I do recognise that is the game that they try and tarnish us with constantly.

1955 And why has there been no cession of control in respect of these checks and Schengen checks? Forget the argument I gave a moment ago, also, about the fact that agreeing to do something is an obsession because you can always take that back, which is the proper analysis of sovereignty and control, but look at this aspect of what it is that the hon. Lady is saying and why I would put it to her that she needs to understand that she is wrong. How have we ceded in respect of the Schengen check? We can't have. The Schengen check is not something that we do today which  
1960 we have agreed that Spain will do, or indeed that Frontex will do. The Schengen check is outside of our jurisdiction and reach, because we are not members of Schengen and indeed we are not going to become members of Schengen.

Hon. Members need to understand this analysis. If we were becoming members of Schengen, and Spain or Frontex were to carry out the Schengen check, it would be a cession. If we become  
1965 members of the club, but they do the checks, it is a cession. Spain is a member of the club. Germany does the checks in Germany, but Spain does the checks in Spain. We are not becoming members of the Schengen club. We are not joining Schengen. This is a key thing that people need to understand. We are agreeing a common travel area between us and Schengen. I have explained this on a number of occasions. We are entering into an agreement with the Schengen states to  
1970 create an area of mobility that includes Gibraltar and Schengen, but we are not joining Schengen. That is a key factor, and because we are not joining Schengen we are not going to be carrying out the Schengen checks. If we did join Schengen, and Frontex or Spain carried out the Schengen checks, that would be a cession, but that is not what is happening here – and that is fundamental, it has to be agreed.

1975 And anyway, we are not currently members of Schengen. Forget that we are not going to join – we are not currently members of Schengen. We do not do the Schengen check, so we cannot concede the Schengen check to somebody else, because it is not ours to concede the Schengen check. I think it is fundamental that people should understand that, because it puts the concept of control in understanding. That is why, when I have answered questions from the press, I have  
1980 not given more certainty than I can in everything I have said to the press. Maybe the hon. Lady has not analysed it with the rigour necessary. I have always said that 'subject to the treaty'. That is what the framework sets us up for, the treaty. The framework itself is not in any way a public international legal instrument.

Assessing the impact on the economy is not something that can be done in a way that is the  
1985 press of a button. You need to have all the different permutations, which is the analysis that we are doing, in order to be able to understand what the benefits are. What I have said in my prepared Statement and what I have said repeatedly is that we will not do a deal on goods in order to impoverish our businesses, because that impoverishes our economy and it impoverishes our ability to create an area of shared prosperity. We do not want to create an area of shared poverty.  
1990 It is in nobody's interest for us to do that. What we are saying is we are going to analyse those things so that, if we can, we do a deal that produces more prosperity for our businesses, for our wealth creators and for the jobs that we create here. Those who enter into the treaty with us, if they want the treaty to be about shared prosperity, will want to see that there is leverage, that there is arbitrage for us to be able to have greater prosperity in Gibraltar, because that is how the  
1995 overspill will happen.

There is another school of thought. The other school of thought, which is not the school of  
2000 thought that has been pursued in the negotiations by our interlocutors in Spain, is that Gibraltar is not a source of prosperity, it is a leach that impoverishes the area around us. That is not the attitude that we are pursuing. The hon. Lady will recognise that that is what the former Spanish government used to say, on occasion. We are not negotiating that. We are negotiating for economic arrangements – potentially in respect of goods, but the Cabinet will have to be persuaded that we should go down that route, and TLAC will give us the advice in that respect, which will ensure not a downturn in tax revenue but an increase in tax revenue, and that is

eminently possible. That is where the area of shared prosperity lies, and that is where the opportunity lies, because the idea that simply by going into the Customs Union you sell less of particular types of commodity is for the birds.

Let me give the House the example I have given before, in case Members have not heard it. If you look at the position between the United Kingdom and France, the United Kingdom and France were both, until the end of this year, in the Common Customs Union of the European Union, and yet there was a roaring trade in people going from Dover to Calais, able to advertise the cost of that return ticket, buy all their booze and all their fags for personal use and go back to the United Kingdom. Calais was full of cash and carries, where people would buy huge amounts of cigarettes and alcohol to take, despite the fact that France was in the Common Customs Union.

The idea that simply because you go into the Common Customs Union you sell less tobacco – that is what the hon. Lady is referring to – and therefore we have less duty is just not correct, or you sell less of any particular type of commodity and you have less duty is just not correct. Indeed, I think I said, again in the interview yesterday, in the *Chronicle*, Gibraltar's tobacco price today, if we went straight into the Customs Union – which we are not going to do, because the Customs Union is not something that makes sense for Gibraltar, and that is agreed by our interlocutors and the Commission; the Customs Union, which is huge, is about production etc., and this is about a bespoke solution to suppress customs controls. But even if we did go into the Common Customs Union and we took all of the obligations on excise duties etc., Gibraltar's tobacco can go in like this without needing to increase the price. Already, Gibraltar's tobacco is a third up and more in the price-of-tobacco ranking table in the Common Customs Union of the European Union.

It is important for people to understand that. Going into the Customs Union does not mean having to increase the price of tobacco in a way that would make it uncompetitive, so the analysis that has been done by some – that is why I am addressing it so openly, Mr Speaker – that if we even countenance this it means a complete breakdown of the revenue from tobacco, is nonsense. It would mean doing the analysis in a way that is incorrect and shorthand, but let us do it: all of our tobacco at our current price being able to be sold to whoever wanders into Gibraltar without a *guardia civil* being able to tell them that they could not take 800, 1,600 or 2,000 cigarettes to start the process of committing suicide with – because it is nonsense that people should smoke, it is bad for them and they should not. But that is the reality. You could booze cruise your way – which is what the Dover-Calais ferries referred to – across the frontier fence and buy not the 200 that we permit people to buy today, but buy 2,000, anything that you can show is for your personal consumption.

This shorthand, back-of-the-envelope suggestion that somehow even considering this would lead to a downturn in tax revenue is just plain wrong, it is the opposite of the analysis, but that is not where we are going anyway, and therefore our conversation with the business community – which in some sectors is quite advanced but I do not want to disclose, but will be dealt with in the context of the TLAC with the representative organisations; we have already had very detailed conversations throughout this process with different entities in each of the sectors to fully understand what it is that we want to consider, but we want to consider this now with the representative organisations also, in detail with them as representative groups – is not one that leads to a downturn in tax revenue. It is an analysis that leads to more sales by our wholesalers, more sales by our retailers and more tax revenue for Gibraltar and its public finances. Therefore, although the TLAC group may be formed now only after we have the framework – in other words, now that we have more to discuss with them – our conversations and discussions with the industry and, of course, with our own experts in the field, are very advanced.

I do not think we do need better communications with businesses because people are going to see her and telling her that they do not know what this is going to provide for. In fact, a lot of people are seeing us. The majority of people and the principal entities in this business are seeing us, no doubt, and we have a very good view of what is to be provided. If she has anyone who has any doubts about these issues, as she knows, she can feel free to refer them to me, so I can give them comfort that they are not going to suffer any aspect of any potential new arrangements

without consideration of what may be their area of business and how it might be improved going forward, not affected. But of course, if you do a treaty and you change your model, we would expect that new revenues will take time to come, as people understand what is available from Gibraltar and as new markets are opened etc. We are dealing with the effects of a pandemic now, not just the effects of Brexit, and that is a cumulative effect.

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Then the hon. Lady said that she wondered what the Father of the House would do if these arrangements had been done by another government. I thought that she did the Father of the House a disservice, because one thing that everyone knows about the Father of the House is that he is remarkably honest and he is always very clear in his view, not on a partisan basis but on the basis of what really is good for Gibraltar.

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I will always remember that the accusation that the Father of the House faced at the time of Cordoba was that he did not come out fast enough condemning Cordoba. I think it took us almost 10 days of really detailed analysis; legal advice was taken and it was looked at really carefully. Others, not then leading the party opposite, came out immediately against the Cordoba arrangements. If the hon. Lady wants to talk about hypocrisy, I am not going to take her there, but some people said some things about Cordoba fourteen years ago which sound remarkably dissimilar or the opposite to the things that they have said today about Cordoba. The Father of the House said about Cordoba the things he said then, and he says them now – and if anybody knows the Father of the House, that is always going to be his style and his position. And so, because the Father of the House has said that these arrangements are arrangements that we should take forward into a treaty – of course with the position of the Cabinet being that we are looking very carefully to see if we do anything in respect of goods, and what we do in respect of goods – that we will look at the treaty in all its respects before determining what to do is a further demonstration of the honesty, clarity and commitment of the Father of the House, and nothing else.

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I think it is very unfair to suggest that there are some of us who the hon. Lady said were patriotically waving nationalistic flags in order to ride into No. 6 Convent Place. Not only is that unfair, it is not true. It is not what happened. We lost the 2007 General Election. We did not ride or surf into No. 6 Convent Place on the basis of going against the Cordoba Agreement. Indeed, there were two parties in the 2007 General Election that went against the Cordoba Agreement. At least one of us managed to secure the seven Opposition seats; the other one did not secure any Opposition seats in 2007 or 2011, despite allegedly saying now the things that they were saying then about the Cordoba arrangements. What they ended up doing was folding themselves into the party that did the Cordoba arrangements, in order to get themselves elected, and even then not into Government or indeed not even taking seven Opposition seats, taking only six.

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I do not think that the hon. Lady's characterisation of an attempt to surf a wave into No. 6 Convent Place is a fair one, because of course what that does is it takes away from those people who support the GSLP and the Liberal Party any understanding, as if we could simply wave a flag and people would follow us. I have the deepest respect for those who support and vote for the GSLP. I know that they make up their minds for themselves. They look at the analysis that we make, and they share it or they do not. If there is one questioning set of individuals it is those who support the GSLP. They constantly question, test and wish to understand – and, indeed, the electorate in Gibraltar. In the way that the hon. Lady has presented the argument, it is as if the electorate in Gibraltar did not have a mind of its own and was simply able to be led, and I do not think that is fair. I think we have one of the most sophisticated electorates in the world, which looks in detail at things. We might say what we like, we might all agree about something, and yet the electorate might have a better view than us.

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Mr Speaker, I really do appreciate the things that she said about our devotion, commitment and energy, which I will graciously accept as support for the whole of the Gibraltar negotiating team, and I accept her conditional support for the work that we have done to date with the work that we have left to do, and I would ask her for no more because it is what I have asked of my

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Cabinet colleagues and what I ask of Gibraltar as a whole, that we now have the opportunity to find that treaty which is safe and beneficial for Gibraltar.

2110 **Mr Speaker:** The Hon. Roy Clinton.

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

I thank the Chief Minister for his Statement on the framework agreement. I have a number of brief questions of clarification – I am sure he will be glad to hear – the first of which is really more  
2115 of an administrative nature, and then specifically on the framework agreement in respect of frontier fluidity and the, what would appear to be optional, notion of a sort of customs union.

Purely on the administrative point, can the Chief Minister give an undertaking to this House that an official copy of the framework agreement will be tabled in Parliament as and when he is released to do so by the relevant parties – whether that is the UK or the EU, or even Spain, I  
2120 I guess – so that we can have a permanent historical record in Parliament and also so that people do not have to rely, in future, on a copy leaked by a Spanish newspaper? This is especially important because, as he himself has said, the framework agreement can be relied upon in future, in terms of interpreting any future treaty that is actually signed. So, in that respect, I would ask the Chief Minister to give an undertaking to the House to actually table the framework agreement  
2125 as and when he can.

I have listened with great interest to the Chief Minister in respect of the Schengen controls and the frontier fluidity, but he came up with a phrase which I have not heard him use before – he talked of a common travel area within Schengen. This reminded me that back in March 2017,  
2130 when he gave evidence in front of the House of Lords, he talked about a concept of a local border traffic regime, but we have heard nothing further about it since it was published in that report of March 2017. In fact, the House of Lords, in its Report, seemed to indicate that it would be a workable solution, and so I would just ask him why it was abandoned in favour of what would appear to be a more complex and intrusive Schengen arrangement – was this proposal ever put to Spain, and did they reject it? – because this would be an alternative to what we are being  
2135 presented, which is the Schengen travel arrangements to maintain frontage liquidity. Back in March 2017 it was thought, by certainly those who gave evidence in front of the House of Lords, that it would have been a workable alternative. I am interested to hear the Chief Minister's comments as to why that idea was abandoned or why it was even deemed to be unworkable.

Mr Speaker, in respect of the option of joining a form of customs union ... I use the words  
2140 loosely, in some respect, because I appreciate the Chief Minister has said on several occasions, not just on GBC last night but in this Chamber, that this is a 'may' and not a 'shall' concept within the framework agreement, but I must say that I agree with the Father of the House in an interview he gave recently, in that I personally do not see the need to join any form of customs union, especially since we never have been part of it.

I note the Chief Minister has created a Treaty Liaison and Advisory Committee that will look at this question of a sort of customs union, or some bespoke arrangement, but I am concerned to hear, if I heard him correctly today, that he has already discussed this with other parties before  
2145 formation of this Treaty Liaison Advisory Committee, and I would ask what sort of advice the Government has sought from third parties. Has he already obtained specialists tax advice on the concept of a customs union?  
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It is important to understand that, yes, there can be benefits to a customs union, but also there can be some very real costs and obligations. I would ask the Chief Minister: has any cost-benefit analysis been carried out prior to the inclusion of this idea of an optional customs union suggestion in the framework, which includes VAT implications? Those VAT implications could have all sorts of  
2155 side effects, such as increasing the cost of living in Gibraltar. If it got so far as to be in the framework agreement, I would like to know what thinking was done in terms of costing – even the idea of it, for it to be in the framework – because if it is completely unworkable then there really is no point in it being in the framework agreement.

2160 Furthermore, I would ask the Chief Minister: is he content with clause 12 in the framework  
agreement? Among many things, it requires Gibraltar to apply the Common External Tariff and  
apply substantially the same duties and trade policies as the EU, and therefore cannot be  
described in this particular element of the framework agreement as a bespoke customs union;  
rather, this is language that pertains to the full Customs Union. The devil will be in the detail, for  
sure, and it is important because this sort of language, if it creeps into any treaty, might even  
2165 prevent us from participating in a free trade agreement the UK may enter into, or indeed any that  
Gibraltar may wish to enter itself. For the sake of argument, we might want to import products  
from Australia, but the EU might decide that these will attract a high external tariff. The EU might  
declare a trade war on the British sausage and ban it from importation into Europe, but we would  
have to apply EU trade policy. We might not be able to import electric buses from China if the EU  
2170 decides it goes against their trade policy. And of course it is not just trade policy, but also their  
standards, and we have no actual say or discretion in them because we have no representation in  
the EU and we are obviously not members of the club.

So, given we have no manufacturing industry to speak of – and I do not know what other advice  
the Chief Minister has had; I really do not see the benefits at the moment, but I am happy to be  
2175 proven otherwise – we have to be very careful when we talk about joining the Customs Union or  
a bespoke customs union, because it will have real implications that are far more reaching and  
intrusive than Schengen. We have all been talking about Schengen but, for me, the bigger issue in  
this framework is that if we ever do agree to go into a customs union it will have a much more  
intrusive effect into how trade is actually conducted within our land. The EU will set down certain  
2180 parameters as to what should be a VAT system, what tariffs should be applied to the external  
border, how we should manage the whole VAT system. Again, we do not know whose VAT system  
we are talking about. Is it going to be our own VAT system, or are we going to tag on to the Spanish  
VAT system? We have to be very careful.

So, in that respect, and I appreciate the Chief Minister ... and it is very difficult to do, but what  
2185 is the economic benefit of Gibraltar joining the Customs Union, or some sort of bespoke version  
of the Customs Union? And what would happen to our trade ambitions with the Commonwealth  
and all the rest of the world if we have to be bound by what the EU's policy is on trade? The UK  
has made a big thing about all the free trade agreements it is entering into, and in fact, if I am not  
mistaken, the Order that was tabled earlier refers to lots of them. But if we go into a customs  
2190 union with the European Union, we may have to – well, we have to be careful, or we can exclude  
it, but we may have to abide by their rules on tariffs and trade policy. We have to be very careful  
of that.

Mr Speaker, I have been captivated by Schrödinger's cat all afternoon – I am sure the Father  
of the House will be missing the conversation, as I know how great a fan he is of physics – but I  
2195 would ask the Chief Minister finally, on clause 10 ... The Chief Minister is adamant about this. He  
says if we do not like Frontex we can terminate the agreement, or if Spain will not accept Frontex  
we can terminate the agreement at the end of four years, but I would ask the Chief Minister: does  
that mean the entire treaty would be terminated, or just the elements that relate to Schengen?  
That would be one hell of a termination clause, if it was all hinging on whether to have Frontex or  
2200 not, because in this eight-page framework agreement there is a hell of a lot more than just  
Schengen. I have not even gone on to talk about the level playing field provisions that could impact  
on us, or even the social security aspects, where – I must confess maybe it was due to the speed  
of a need to get this agreement together – the last two annexes are actually in Spanish and they  
obviously have not had time to translate them. This agreement goes way beyond just Schengen.

2205 There are all sorts of other things in here, where, really, when it comes to negotiating the final  
treaty, a very keen and careful eye has to be applied. I accept what the Chief Minister says, that  
he will employ a healthy degree of cynicism, but I think, when it comes to this kind of complex  
negotiation, and especially complex concepts in customs union, we really have to be careful with  
the detail.

2210 Mr Speaker, I would be grateful to the Chief Minister if he could address the points I have raised in some way of clarification.

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

2215 **Hon. Chief Minister:** Mr Speaker, thank you very much for the opportunity to deal with those points that the Hon. Mr Clinton has raised.

The first question that the hon. Gentleman raised was whether I would undertake to bring the framework here and table it. I do not need to undertake to do that. I loathe to give undertakings, because undertakings have a legal meaning. It was my intention to table the framework document today, actually, as a precursor to this framework document discussion. The reason I did not do so is because the official position between the parties remains that we should not publish it until the European Commission has taken a view, and I read what Mrs Alberola had said, but the Commission has not yet expressed a view on a mandate. Given that that was the position that we had taken, I thought it not appropriate to, in effect, table something because a newspaper had leaked it, although we are all debating it. To an extent, we are in a more comfortable place because we wanted it published, but I think it would be inappropriate for me to table it officially. That is my instinct, Mr Speaker. I even wondered whether I should read into the *Hansard* the terms of the framework, so that we had not published it or tabled it but I had read it based on what had come out from the newspapers. So, that is my instinct too.

2230 The hon. Gentleman says he has not heard me talk about a common travel area before. I have. I have said that, on a number of occasions. He must not pick and choose which references he makes to what I have said publicly. I have said on a number of occasions that what we are doing is entering into a common travel area between Gibraltar and Schengen. I said that for months. I have said it, in fact, for a number of years, and I have expressed it in this particular way because we are not talking about membership of Schengen, we are talking about an agreement with Schengen which creates a free movement area, therefore a common travel area. The reason 'common travel area' rolls off the tongue is because that is the reference to the arrangement between the Republic of Ireland and the United Kingdom. They have a Schengen, which they call 'the Common Travel Area'. Here, what we are doing is talking about entering into a common travel area with the Schengen Area, which is its own common travel area.

2240 The local border traffic regulations, which I referred to in the House of Lords, I said would not necessarily be appropriate. I already explained in the evidence I gave to the House of Lords – I think on the second occasion I appeared before them, or a later occasion when I appeared before them – that local border traffic regulations presented a number of challenges. I also said that Spain had not chosen the local border traffic regulation arrangements in Ceuta.

2245 In fact, the local border traffic regulation has a very serious limitation indeed, which is that it has a territorial ambit. In other words, if you enter into a local border traffic regulation arrangement with the European Union, you can go up to a maximum of 50 km; further than that, you cannot go. I explained in this House – the hon. Gentleman is forgetting – that if we were to pursue that, what we would find is that we had done a deal which created great fluidity for Spanish cross-frontier workers, because there are not 50 km from the Frontier south in Gibraltar, but actually very limited mobility for Gibraltarians who wanted to go beyond Sotogrande and beyond Algeciras, because then you would have to show your passport when you got to Tarifa, or you would have to show your passport before you managed to get yourself beyond Sotogrande. It would be a very inoperable system. And then a Gibraltar car could be stopped anywhere by a *guardia civil*, who would say, 'Hang on a minute, have you entered Schengen with a stamp in your passport, in which case you can go all the way up to the ends of Denmark? Or haven't you got a stamp for your passport today, in which case you have to turn around when you get to Sotogrande and then go back to Gibraltar?' I have already explained that on a number of occasions. If the hon. Gentleman has forgotten, fair enough, a lot of time has passed and this has been a very intense period, but I have already explained that.

That is why the local border traffic is not a useful alternative. Although he says it is less intrusive, I do not agree with him. I do not agree that a local border traffic regulation is less intrusive. I do not think that Gibraltarians would want that the simple registration mark of their vehicle should expose them to being stopped anywhere in the European Union, in particular in Spain, to show their passports, at any time, to show that they had entered the European Union through the land frontier with Spain, with a stamp or not with a stamp – much more intrusive, potentially on every trip that you would take out of Gibraltar. So, I think the local border traffic regulation has serious limitations. It is potentially much more individually intrusive into every family or every individual who drives out of Gibraltar or is found out of Gibraltar, because at every stage you would have to justify, beyond the territorial ambit of the 50 km, your presence within the territory of the European Union.

Mr Speaker, in terms of the customs union, what I have said the hon. Gentleman has picked up is that that part of these arrangements in the framework after paragraph 11 are headed ‘could’. If the hon. Gentleman looks at paragraph 5, on the mobility of persons, it is ‘will’, and everything after paragraph 11 is ‘could’. The parties have agreed that if we have a treaty, we want it to include issues relating to mobility of persons. The parties have said to each other, ‘In order, in effect, to make the mobility of persons as fluid as we want it to be, unrestricted, we probably do have to consider something to do with customs, because otherwise you have a customs check. You have immigration fluidity, but you do not have customs fluidity, and therefore we should have regard to whether we can also clear this.’

And so there are many different permutations of options here. Something which suppresses customs controls at a retail level in most instances, or something that entirely suppresses customs control – all of those are completely different. Even the one that entirely suppresses customs control is not having to be in the European Union Customs Union as a whole, because, as I have explained before, going into the Customs Union means accepting all of the rules about the production of vehicles, for example. It is clear to all of us negotiating that this Parliament would not have time in the next century to legislate as we would have to do to catch up on all that we would need, to be in the Customs Union.

It is a nonsense, bureaucratically impossible for Gibraltar and unnecessary. We do not produce cars, or anything else. We have no manufacturing industry, so it is a nonsense to say we are going into *the* Customs Union. A customs union ... let’s think of it this way: a common travel area for goods between Gibraltar and the Common Customs Union, if I can explain it in that way to the hon. Gentleman, can be done with varying degrees of potential agreement, depending on how much of the customs control you want to try to suppress. You might suppress retail controls but not wholesale controls, so you might have continued wholesale controls between you and the European Union but no retail controls. There are many permutations, and so that is what we are exploring.

He said he is concerned to know that I have discussed this with other parties before I have established TLAC. If I had not said that I had discussed it with other parties before I had established TLAC, he would have said he was very concerned that I had not even had a conversation with anyone before even establishing TLAC or having the framework. I have discussed it with businessmen in Gibraltar who know their businesses inside out, who know their arbitrages inside out and who have given us indications of all the potential opportunities there might be and all the potential dangers there are too, and that is what we want to take to the representative organisations for further discussion as we engage with the Commission.

The Commission will have a completely different view to the one that Spain, Gibraltar and the United Kingdom have about what might be possible. Although the temperature of the Commission has been taken, it is not until you start negotiating that you understand what is possible, and so it is not possible to do a cost-benefit analysis. I do not agree that the only implication is that VAT will push up the cost of living in Gibraltar, because, of course, if you have VAT, you do not have import duty. And you have varying degrees of VAT; you do not have VAT at one rate. You have the option to put it at different rates, and so you still have those particular opportunities. You have



2315 basic excise duties that have to be applied, but in different products you can choose to go to zero in VAT – in many of them, not in all of them.

That is the analysis that is being done, but before we do that in detail we need to know what it is that is going to be proposed. We have done an exercise, but you cannot do that exercise in detail until you know what it is that is being proposed as the bottom line by the Commission. If the Commission say, 'You have to accept this is the bottom line,' then we have to be able to know to say that is not economically viable for Gibraltar – we do an immigration deal, but we do not do a goods deal.

2325 And then, the analysis – he said the Father of the House has already indicated that this is concerning to him. He has, in the same way as I have expressed it, in exactly the same way the Cabinet takes the view that this is not something we can commit to and we have to look at it in great detail. Exactly the same position. But the former leader of the GSD has said in an interview also, 'If you are going to have the maximum fluidity and mobility, you have to consider doing a customs deal, because otherwise, if they do not stop you at the *Policia Nacional* passport booth, they will stop you at the *Guardia Civil* booth, which is where they frequently stop you and cause the queues.' So, that is the balance and that is the exercise.

2330 The hon. Gentleman mischaracterises the potential for accepting the common external tariff and the common commercial policy, because although paragraph 11 is 'could', the others under it are 'will' – if you do, then you shall, yes? – but that paragraph does not say we will accept the common commercial policy and the common external tariff. (*Interjection*) It does not. It says 'substantially'. (**A Member:** Yes.) If something is 'substantially', it is not *exactly*. There is a caveat in principle in there, which is 'substantially', so there is an opportunity there to understand what the limits of what would or would not be acceptable to the Commission might be before we decide whether we think that this is something which would be positive for Gibraltar or negative for Gibraltar.

2340 The hon. Gentleman needs to remind himself of the reality of our goods market. If we look at goods on the market in Gibraltar today, everything, even what comes from China, is coming to us through the European Union. If the hon. Gentleman wanders into a shop in Main Street, I put it to him that he will find that the lion's share, if not all of the importations, are directly through the European Union, because somebody in the European Union somewhere has bought not the 50,000 that somebody was going to buy here from China – somebody has bought five million from China into Germany or France, or somewhere else, and we have taken 50,000 from there.

2345 We need to understand what it is that we are trying to protect, and that is the exercise that we have to do, because we have to understand what the limits of our Port are. Are we saying that the opportunity of trade upwards into the Common Customs Union is not as interesting as continuing to trade in our small pond, given what we can import directly not through or from the European Union from markets beyond the European Union through our Port? I will give the hon. Members the example of tobacco again: all of the tobacco sold in Gibraltar is imported from the European Union.

2355 So, we have to understand the relative realities that we are dealing with here, and that is the exercise before we pretend to be pejorative about something which might end up with the banning of the great British sausage. There is nothing that stirs the British heart like the great British sausage. Their suggestion that a European might interfere between a British man and his sausage is absolutely unacceptable. I could not agree more! The great British banger is never going to find itself curtailed in its ability to enter Gibraltar, of course. But is there that concern? Is that genuine? Of course we might be fearful of that, but if we were to decide to do these things and it were to have the consequences the hon. Gentleman says, and the Europeans were then brazenly seeking to ban the great British sausage, we would have the opportunity of getting out of it. We have to be careful that we do not fall into the trap of believing that the European Commission will only permit the sale of straight bananas, because that article which appeared in the *Telegraph* was shown to be untrue, whoever its author might have been and whatever he may have gone on to become. I have heard Nigel Farage talk about the great British sausage. I never associated the

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2370 hon. Gentleman with UKIP or the Brexit Party, because I thought he defended remaining in the European Union, which is to say that, before, the British sausage was not at risk, and I doubt that the British sausage will be at risk in the future. *Nothing* will come between me and my British sausage, and the hon. Gentleman can be assured of that, but we have to do a bit less flag-waving nationalism and do a little bit more careful economic understanding, because these are issues and we have to be careful.

2375 The hon. Gentleman said be careful about entering *the* Customs Union. There is no question of us entering *the* Customs Union, and I have explained that until I am blue in the face; perhaps the hon. Gentleman just likes to see me blue in the face. We are talking about a bespoke arrangement with the Customs Union, so a common travel area for goods with fewer restrictions between Gibraltar and the EU. In other words, you do for goods that which you have done for people so that you create that fluidity and that unrestricted movement, if you can. That is why the framework talks about ‘bespoke’.

2380 I do not think that there is any potential loss in the trade deals being done with the rest of the world. The hon. Gentleman needs to understand that the aspect of the trade deals that we are in for is services. We want to trade with the world through the United Kingdom with its trade deals which we are part of in respect of services. We have nothing to sell in goods. There is no meaningful market in the production of goods in Gibraltar which we can find a market for, and so we have always said that our interest there is in services, and what we are looking at is services

2385 with the UK and through the UK to the world, and goods ... Remember, we are not even members of the WTO. Do we remain a goods island, or do we enter into an arrangement, which might be much more attractive, with the European Union, a market of 500 million people? That is the analysis that is worth doing.

2390 Mr Speaker, his final question is: is this termination clause in four years a termination clause in respect of the whole agreement? It is, and it is a hell of a termination clause, because that is what the choice will be about. The ‘whole agreement’ that we refer to may just be a Schengen agreement, and there may be none of the rest of it. The hon. Gentleman talks about a level playing field, as if that were a very difficult issue. We are, and we have been until two weeks ... subject to the European level playing field, so it is not as if it is something to be so frightened about. And

2395 there are only aspects of the level playing field that will be relevant to Gibraltar. Most of the aspects, the ones that the UK was concerned about, are not relevant, because they relate to production and the human cost of production and the subsidising of production, which is not relevant here.

2400 So, really what we are talking about is that four-year clause, irrespective of what could be a free movement of persons and goods deal, or a free movement of persons deal only. And the question in four years’ time – if there is a treaty, four years after that treaty – is: if the price then is that the arrangements that Spain wants are the only ones that are acceptable to Spain and the European Union, will you be prepared to do them? Well, we decided that we would have to have a way out, because we would not do them. I want to be clear and categorical about that: we would

2405 not do them. They would be as unacceptable to us in four years’ time as they are now. I think it would be in everybody’s interests not to have a cliff edge like that, to agree simply arrangements which are acceptable to everyone from the word go – and the fact that arrangements are acceptable for four years, in my view, should show that they should be acceptable for even longer, especially if they do bring joint prosperity – but otherwise, we would certainly, if we were in office,

2410 press the button and say, ‘Well, that is an end to it, then.’

2415 On the issue of social security, all I will say to the hon. Gentleman is that those terms that he will find there are the same terms as in the TCA but in the Spanish translation of the TCA, and what we have, therefore, is the first *Llanito (Laughter)* framework in-principle agreement, which is a step forward in terms of bi-lingual recognition, if nothing else. I was very happy that when I said to my co-negotiators, ‘This is a document in *Llanito*,’ they all agreed that it made sense to continue, despite the fact that it was not in just one language. But we are, of course, looking in detail at all of those aspects because we understood them already. They are less than the

provisions as they were when we were members of the European Union. It is about taking forward some aspects of that. So, it would mean everything staying the same in terms of workers and social security. This is a distillation of the current systems of social security, to an extent, and giving the same to stock to have in respect of social security – in a nutshell, although there is a lot more detail behind that.

I hope I have dealt with the questions the hon. Gentleman raised.

**Mr Speaker:** The Hon. Albert Isola.

**Hon. K Azopardi:** A point of order, Mr Speaker.

We are in the middle of a Government Statement. Obviously, Members on this side are asking questions for clarification by the Government. I do not understand the basis on which the Minister would intervene in a Government Statement to ask for clarification from the Government. He is a member of the Government: does he ask for clarification from himself? On what basis is this being done?

**Mr Speaker:** I think you have to wait and see, with due respect.

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**Minister for Digital, Financial Services and Public Utilities (Hon. A J Isola):** I am grateful, Mr Speaker. I hope that I am able to assist my good friend the Chief Minister in providing clarification for Members of the Opposition, in terms of some of the points that they have raised which I would also like to comment on in hoping to assist them in their understanding of the framework agreement that the Chief Minister has described today.

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In doing that, I have to start by expressing some disappointment at –

**A Member:** Get to the point.

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**Hon. A J Isola:** – I will come to the point – the manner in which the Opposition have characterised not just this framework of principles and agreement to agree in the future –

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**Hon. K Azopardi:** Mr Speaker, sorry, on a point of order, this is not a debate; it is a ministerial Statement by the Chief Minister, who is asked for clarification by Members opposite. The Chief Minister can reply, or not reply. He has replied extensively to the points made by the hon. Members on this side of the House. *(Interjection)* This is not a debate, Mr Speaker. If they want to have a debate, and other members of the Government want to contribute, they should put a motion. *(Interjection)* When the Hon. Mr Licudi intervened ... He is a backbencher on the Government side, he is not a member of the Government, and therefore it does not infringe the principle that he is asking the Government for clarification being a member of the Government – because he is not a member of the Government. But Mr Isola is a member of the Government. They cannot have two cracks of the whip when they are making one ministerial Statement and the Chief Minister is extensively replying to every single speaker on this side of the House. There is no procedural basis for this. *(Banging on desks)*

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**Hon. Chief Minister:** Mr Speaker, I fear the hon. Gentleman has not followed recently the practice in the United Kingdom, where ministerial statements are accompanied by attempts to assist the House, including by members of the Government. The hon. Gentleman obviously has not seen some of the statements on COVID-19 and indeed on Brexit, where a Minister has made a statement and other Ministers, usually in that department or even in other departments, have assisted the House in clarifying issues that have arisen in the course of debate. That is all that I think the Hon. Minister Isola wants to do. If they are concerned to hear from the Hon. Minister, one does wonder what it is that they do not want to hear about the clarifications he is able to provide *(Interjection)* on behalf of the Government. This is the point. The Hon. the Leader of the

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2470 Opposition has said this is a Chief Minister's Statement: it is not a Chief Minister's Statement, it is a Government Statement, and therefore every member of the Government (*Interjection*) is able to clarify and speak on the Government Statement.

2475 **Mr Speaker:** I understand the position taken by the Leader of the Opposition. I do not say that it is something new; I think it has happened before, at least once during my time, where a Government Minister has got up to express a view on a statement made by the Government, by the Chief Minister. However, if the Leader of the Opposition objects, then I will ask the Hon. Minister to stand down.

2480 **Hon. K Azopardi:** Mr Speaker, I have objected for the reasons given in my objection. I am not aware of any practice and I cannot recall it. If Mr Speaker is correct, well, then, certainly in future ... I will have a private word with him behind the Speaker's Chair, perhaps, but I cannot recall an occasion when this has happened.

2485 If there is a practice I am unaware of in this House, we can look at it, but this calls into question the whole debate that we have been, on occasion, raising, that there is a real, dire need to amend the Rules of this House.

**Mr Speaker:** The Hon. Daniel Feetham.

2490 **Hon. D A Feetham:** Mr Speaker, I will try to be as brief as I can possibly can.

I thought that the Hon. Chief Minister, in his responses to the Leader of the Opposition, started very well. I think he went slightly off-piste halfway through his response and ended up skiing in the Sierra Nevada when he started getting personal with the Hon. the Leader of the Opposition.

2495 Mr Speaker, does he not agree with me that the reality is that no self-respecting Leader of the Opposition, no self-respecting Opposition, would refrain from expressing concerns about a seminal document such as the framework agreement, if it genuinely held those concerns?

2500 And does he not agree with me, as well, that expressing concern does not mean deploying destructive opposition politics, it does not mean that anybody on this side is being unpatriotic, and it does not mean that anybody on this side is being a bad Gibraltarian? On the contrary, it is discharging –

**Mr Speaker:** Would the Member resume his seat? He is not seeking clarification. He is now making a statement. If I want to put my foot down on others who have made statements before they are seeking clarification, then we have an issue.

2505 I will allow the Member, but I want to make the position clear that in future if I go by the letter of Standing Orders, we will not have any statements and we will go straight into clarification. You may resume.

**Hon. D A Feetham:** I am very grateful to Mr Speaker.

2510 Of course, this is the only opportunity that we have in Parliament to vocalise any concerns that we may have on this side of the House, and sometimes, asking for clarification, one also has to delve into making some statement because it provides the context to the clarification that is being sought.

2515 I was going to make this point, and I hope that it is recognised – and I think he has recognised that, in my respectful view, there has not been a more constructive Leader of the Opposition than Keith Azopardi as Leader of the Opposition. (*Interjection*) I am asking him to accept that, in the context of what has been a Government Statement and the subsequent statements that the Hon. Chief Minister has made. There has not been a more constructive Leader of the Opposition than Keith Azopardi, more supportive of the Government.

2520 But of course there is another side to that particular coin and it is this. The Hon. Chief Minister – in his Statement, I think it was, or his responses – mentioned the fact that he had shared with the

2525 Opposition two versions of the framework agreement, but of course the Hon. the Leader of the Opposition expressed his concerns at some of the language and some of the paragraphs of those earlier versions, and therefore what he has done today is nothing more and nothing less than vocalise some of the concerns he has already expressed privately, rightly so, to the Hon. the Chief Minister. (*Interjection*)

I will come to my question, Mr Speaker. He did, yesterday –

2530 **Hon. Chief Minister:** With the greatest respect to the hon. Gentleman, we have just been told that a Government Minister cannot speak to clarify things that have been raised by Members, and yet a Member of the Opposition has got up to clarify what the Leader of the Opposition has said, not to clarify the Government Statement; to seek to advocate for the Leader of the Opposition, not to seek clarification of what I have said.

2535 I will deal with all the things that he has said in seeking to advocate for the Leader of the Opposition, who he obviously thinks cannot speak for himself, but can he be asked, please, Mr Speaker, to deal with the statements he is making in the way that you have suggested, which is to seek verification of my Statement?

2540 **Hon. D A Feetham:** Mr Speaker, I come to my question. I do welcome some of the statements that he has made, and in fact some of the clarification today and also last night during the course of the question and answer session. One of those was something that is important, which is that his Government would not agree to having Spanish police officers at the Airport, or at any other entry point, after a period of four years because in those four years it would be Frontex, and then, after four years, the Spanish government's position, as reflected in the agreement, is that it will  
2545 be Spanish police officers.

There is a consequence to that. That means that if he cannot persuade the Spanish government to continue, for example, with Frontex indefinitely and the Spanish government says no, it has to be Spanish police officers, and the European Commission essentially says that is what is going to go into the treaty, what happens after the period of four years? If he leads the Government, at  
2550 that stage – bearing in mind that then we are faced with the reality of Spanish police officers – does he then say we are coming out of Schengen, or at that stage do we have a situation whereby there might be a referendum, for example, on our exit from Schengen? That is the first question that I ask.

The second question is this, and it arises out of this question about weaknesses in position. I  
2555 think the Hon. the Chief Minister said that by saying that we have no leverage we are weakening our position, and of course the Hon. the Chief Minister has – I think it was about two months ago – said if we do not do a deal we are sitting ducks. I think that is a statement that he made publicly. But of course the reality is that we may end up ... He has said so himself in his Statement that there is uncertainty about the situation, because essentially what this has bought us is an extra  
2560 six months within which now to agree a treaty that, hopefully, will deal with the concerns that we have raised on our side and any concerns that may have been privately expressed to the Chief Minister by even Ministers on their side. Does he not agree with me that the suggestion that if there is no agreement we are either sitting ducks or Gibraltar is going to be facing ruin, all of that is not the case, because Gibraltar will survive, Gibraltar will endure, and in fact we will find a way  
2565 out of this?

Does he not agree with me that it is very important for that message to go out? Otherwise, we are in the territory of the Margallo argument, because Mr Margallo's argument has been, 'These guys are sitting ducks because they need to come to an agreement; therefore, now is the time for us to be asking for joint sovereignty, and they are bound to accept it because they are so desperate  
2570 for an agreement.' I have never agreed with that, and therefore I do not agree with the argument that is postulated by some people that, because we are somehow in such a position of weakness, we need to be accepting any agreement in order to ensure that Gibraltar moves forward and prospers.

2575 Can he give some positivity in relation to that, too? I think is important, in terms of the message that goes out that Gibraltar is simply not going to be accepting a bad agreement. He has also said, and I give him credit for this, that no agreement is better than a bad agreement, but for that to be the case there has to be a very clear message that this will not be ruination for Gibraltar if, at the end of the day, we have to accept that the terms that are being put in front of Gibraltar are unpalatable.

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

**Hon. Chief Minister:** Mr Speaker, when the hon. Gentleman started, I did wonder whether he was acting for the Leader of the Opposition or Acting Leader of the Opposition, or simply, once again, acting, because I do fear that very often we do not get to see the reality of what it is that the hon. Gentleman thinks.

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First of all, I find it very difficult to understand the concerted effort not to hear from the Hon. Albert Isola. I think that the Hon. Mr Isola will be able to tell us what he thinks – I could give way to him now, Mr Speaker, but I do not want to test your patience in that respect, especially at this time on a Friday, and he will be able to make a statement about what he thinks. But I wonder why it is that the Opposition have not wanted to hear his clarificatory statements about the things that we have been debating today. If it was because the Opposition insist that you can only get up to clarify something that has been said in a Government Statement, I would have understood that – except the Leader of the Opposition seems to have been crushed with an egg on his face by the man sitting to his left, who then gets up not to start to seek clarification on my Statement, but to seek to conject what I said.

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I think that is very important, because I started my response to the Leader of the Opposition by deprecating the fact that he had chosen to characterise me in a way that was not statesmanlike. He referred to me as a second-hand car salesman, which is what *Hansard* will show, and I said, 'I am not going to do that, I am simply going to deal with the issues that you raise; this is too important.' What does Mr Feetham do? He gets up and says, 'It's terrible that you called him names.' Did he get a crossed wire? I was the one called a name – not that there is anything wrong with second-hand car salesmen, Mr Speaker; (*Laughter and interjection*) one of them is one of my best friends. So, I do not get it.

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**Hon. K Azopardi:** Not a name.

**Hon. Chief Minister:** The hon. Gentleman says it is not a name, but when he looks at the characterisation that he made of me when he compared me to a second-hand car salesman, I hope that second-hand car salesmen never vote for him again. He has obviously demonstrated that he does not think them straight, because that is how he was trying to characterise me.

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For the Hon. Mr Feetham to get up and accuse me of having called the Leader of the Opposition names is just remarkable. (*Interjection*) First of all, this has been an excellent debate about ... It is not a debate, as Speaker Canepa would have reminded me. This has been an excellent opportunity for the Government to make a Statement and for hon. Members to clarify aspects that concern them and give the community an indication of the areas of their concern – a robust debate, but we had not called each other anything until the hon. Gentleman got up and told me off for having called the person who called me something, something which I have not called him. It is remarkable.

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As usual, the hon. Gentleman's ability to entertain is legion, but the hon. Gentleman's ability to clarify or contribute positively to anything is miniscule, absolutely miniscule. And if that were not clear enough, in imputing to me name-calling to the Leader of the Opposition, which I did not do, he then says, obviously with his conscience biting so deep into his brain that it hurts him, that it is not fair that we have said that it is unpatriotic, destructive Opposition politics and un-Gibraltarian to seek clarification of these things. It would have been absolutely and wholly unfair,

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and that is why we have not done it. In all the remarks I have made in response to the Leader of the Opposition, to the hon. Lady and to Mr Clinton, I have not for one moment said that they have been unpatriotic, destructive Opposition politicians or un-Gibraltarian. I have thanked them for being constructive and positive in their engagement with us.

2630 I do not know what Mr Feetham was listening to. Perhaps he was hooked in to those of his social media sycophants who seem to be the only people he is capable of leading these days, because he was not listening to this debate in this House and to his leader – he has a leader now, Mr Speaker; he has to remember it is not him – his leader, the lady who got more votes than all of them in the last poll, the person whose job he wants to take, and all the other contributions.

2635 He was not listening, but in his mind he heard something that just has not happened.

So, for the purposes of clarification, I am happy to tell him that I did not call the Leader of the Opposition names, I did not call him unpatriotic and I did not call him un-Gibraltarian or consider that anything he has done is destructive Opposition politics. I have recognised the constructive way in which we have worked together and I have robustly, I think, dealt with the issues that he raised, despite being called something which I take great honour in, because every job has its virtue, including second-hand car salesmen. Mr Speaker, the hon. Gentleman does take me into a surreal world once in a while.

I do not accept that this is the only opportunity that we have to vocalise concerns about this. It is utter nonsense. The hon. Gentleman can bring a motion on any subject and vocalise his concerns. How can he say that this is the only opportunity he has to vocalise concerns? He can call GBC and say, ‘Daniel Feetham, *former* Leader of the Opposition, *former* leader of the Labour Party, *former* member of the executive of the GSLP here: I have a view about these things which I would like to share with the public, if anyone is interested in hearing the former, former, former’s view.’ (Laughter) Perhaps they might not be interested. Perhaps this is his only opportunity to stand up and be heard, because he is no longer the leader of the party that has taken the constructive approach that I have said they have taken.

I thank him for once again giving me the opportunity at least to express our continued disillusion with his approach to these parliamentary proceedings, because when he says that there has not been anybody more constructive than the Leader of the Opposition when it comes to issues such as this, he is echoing me – except I am saying it genuinely; he is saying it to damn him with faint praise. That is the reality of what he is doing. Let’s put it out into the open. What the Hon. Mr Feetham is saying is, ‘I would have been tougher, boys; if it were me, I would be hauling them over the coals, boys.’ That is the clarification required of the statements we have just heard. That is the call to arms to all those at the fringes of social media. At any moment now I expect the confederate flag to be brought into this place. (Laughter) That is what we are dealing with. I am surprised the hon. Gentleman did not put on some orange make-up before coming in here. (Laughter and interjection)

I am genuinely saying – as hon. Members know, because we have known each other for too long – there has been constructive engagement with the Leader of the Opposition and constructive engagement with the lady opposite. We do not agree on everything, but that is all right. It is a conditional ‘let’s try to get this treaty right’. He is saying, ‘Let me give the Leader of the Opposition as much of the kiss of death as I can by saying that he has been constructive in this respect.’ (Interjection by Hon. D A Feetham) Once again, I look forward to the analysis of historians when they read the speeches and write up what they make of them.

2670 Mr Speaker, he does not need to advocate for the Leader of the Opposition; the Leader of the Opposition has done a plenty good job of advocating for himself. I might disagree with him on political issues, we might go at each other robustly hammer and tongs, but we have known each other for many years and I do not think anything that Keith Azopardi does is un-Gibraltarian, unpatriotic or designed in any way to negatively affect the interests of Gibraltar. We might disagree about it – there is a political issue in play, of course – but this is what constructive politics is about. It is not what we used to have before.

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2680 On the question of whether my Government would at any stage accept Spanish law enforcement officials at the Airport and the Port, I have been abundantly clear already, so I am surprised that the hon. Gentleman wants me to be abundantly clear again. (*Interjection*) As usual, it does not sound like constructive politics when something that you have said and is clear is something that they want you to repeat. You wonder why it is that they want you to repeat it, but I do not mind saying that if we do have a treaty, and then, in four years' time, the option is to continue but with Spanish guards, or not continue, I do not mind saying that I would make the choice not to continue. I said yesterday, and I have just said it to Mr Clinton, that while I have  
2685 breath in my lungs I will be arguing against that, because I sincerely believe that it is not in our best interests to have the Spanish police at the Airport and the Port at the end of this four-year period.

2690 Would there be a referendum? Well, there are many circumstances in which a referendum might or might not be possible. I do not think, without even having negotiated the treaty, that we should be looking at those things at this stage, but if there were a referendum, what side would he be on? Would he be arguing that, because there is so much at stake, we should permit the Spanish Civil Guard there? Is that why he is asking? He knows that my answer is that we should not have the Spanish Civil Guard. Why is he asking me whether there would be a referendum? Surely he should say, 'With Joe Bossano in government, with Joseph Garcia in government, with  
2695 the whole of the GSLP Liberals in government, I do not want a referendum on this issue. I know that they will stand firm; they have already said it.' Why is it that he is proposing a referendum? Which side would he be on? Is he is saying he would want a referendum because he would want the possibility of us voting in favour – as a community, despite the Government being against it – of the Spanish being at the Airport? He never ceases to amaze me. But nothing would surprise  
2700 me.

We were very clear. In four years' time, if there is a treaty, we would be in an even stronger position to deal with that question and an even stronger position to be able to say no, as we would have on 31st December, if that had been the choice. If the choice was to do this, but only with Spanish guards from day one, we would have said no. If the choice in future is to do it and continue to do it, but only with Spanish guards, we would say no – no to Spanish police at the Airport and the Port – for reasons unrelated to today but related to the history of the Spanish institutions and the way that they have dealt with Gibraltar. I have expressed that already.  
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Mr Speaker, I just want to be very clear with the hon. Gentleman. I have been potentially misquoted once, but never again. Gibraltar will survive and thrive without a deal. I have said that before. I do not want to make an assessment of the relative weaknesses and strengths of our position, but we employ 15,000 people from outside Gibraltar. Before any one of the 12,000  
2710 Gibraltarians loses their job, there are 15,000 people who would lose theirs before them. That is the position of the Government of Gibraltar that I lead – it always has been. What he wants to do is make me say things like that, which might rile our Spanish counterparts, to make the opportunity of a successful treaty even less likely. It is right that we should not fall into those traps and that we should continue constructive engagement, because, whether we do not have a deal in six months or whether we do not have a deal that continues after four years, we will do very well indeed. No Gibraltarian will want for anything, as long as we ensure that, despite the very difficult situation that we find ourselves in with COVID, we once again re-establish the stability of  
2715 our public finances – like every nation in the world, but sooner in Gibraltar – and take the steps we need to take to ensure that we are the masters of our destiny not just now, not just in four years, but always.

2720 There is a politics which is in the interests of this community, which is positive, engaging, robust and takes us forward. There is a politics which is about needling. It is about pretending that somebody has said something which they have not said. It is about seeking clarification about things that have never been put and mischaracterising the way that this debate has gone. That is the politics that we have heard from the hon. Gentleman, again. As usual, it is the Mr Feetham (*Interjection*) who was rejected by his party, rejected by this community and who will continue to



2730 find that he will not prosper while he continues down that road. Perhaps one day he will change.  
Even Anakin did, in the end.

**Standing Order 7(1) suspended to proceed with Government Bills**

**Clerk:** Suspension of Standing Orders. The Hon. the Chief Minister.

2735 **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 Government Bills.

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

**ADJOURNMENT**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now adjourn to Friday, 5th February at 3 p.m.

2740 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Friday, 5th February at 3 p.m.

I now put the question, which is that this House do now adjourn to Friday, 5th February at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Friday, 5th February at 3 p.m.

*The House adjourned at 8.50 p.m.*