



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3 p.m. – 4.00 p.m.

Gibraltar, Wednesday, 4th June 2024

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The Gibraltar Parliament

The Parliament met at 3 p.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: J B Reyes Esq *in attendance*]

Swearing-in Ceremony of the Governor and Commander in Chief of Gibraltar, Lieutenant General Sir Benjamin Bathurst, KVCO, CBE

Royal Commission

The Clerk read the Royal Commission:

Charles the Third, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland, and of his other realms and territories, King, Head of the Commonwealth, Defender of the Faith.

5 To Our Trusty and Well-beloved Lieutenant-General Sir Benjamin Bathurst, Knight Commander of Our Royal Victorian Order, Commander of Our Most Excellent Order of the British Empire. Greeting.

We do by this Our Commission under Our Sign Manual and Signet appoint you, the said Sir Benjamin Bathurst, to be Our Governor and Commander-in-Chief in and over Our Territory of Gibraltar, during Our pleasure, with all the powers, rights, privileges and advantages to the said Office, belonging or appertaining.

10 And We do direct that your appointment shall take effect from the time of your taking and subscribing oaths in accordance with the Constitution of Gibraltar.

And We do hereby command all and singular, Our Officers and loving subjects in Our said Territory and all others whom it may concern, to take due notice hereof and to give their ready obedience accordingly.

15 And We do hereby direct that this Our Commission shall determine upon signification to that effect being given by Us through one of our Principal Secretaries of State.

Given at our Court of Saint James's this Nineteenth day of April 2024, in the Second Year of Our Reign.

By His Majesty's Command

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Oath of Allegiance

25 **Clerk:** Oath of Allegiance.

The Chief Justice administered the Oath of Allegiance to Lieutenant General Bathurst as follows:

30 **Lieutenant General Sir Benjamin Bathurst:** I, Benjamin Bathurst, do swear that I will be faithful and bear true allegiance to His Majesty King Charles the Third, His Heirs and Successors according to law. So help me God.

Oath for the Execution of Office

Clerk: Oath for the Execution of Office of Governor.

35 *The Chief Justice administered the Oath for the Execution of Office to Lieutenant General Bathurst as follows:*

40 **Lieutenant General Sir Benjamin Bathurst:** I, Benjamin Bathurst, do swear that I will well and truly serve His Majesty King Charles the Third, His Heirs and Successors in the Office of Governor and Commander in Chief of the City of Gibraltar. So help me God.

The Port Sergeant presented the Keys of the City of Gibraltar to Lieutenant General Bathurst.

**Address by the Chief Minister,
Hon. F R Picardo**

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

Chief Minister (Hon. F R Picardo): With your leave, Madam Speaker, Chief Justice, fellow Members of Parliament, Your Excellency: on behalf of the people of Gibraltar, on behalf of His Majesty's Government of Gibraltar and as Leader of this House, I have the privilege of being the first leader of the institutions of Government to formally welcome you to your new home in Gibraltar.

55 I am sorry that Lady Bathurst has been unable to travel and very much look forward to her arrival on the Rock. It is, nonetheless, a great privilege to be entrusted to deliver the terms of your official welcome to the new position you now hold as the Constitutional representative of His Majesty the King.

I have now welcomed four new Governors to Gibraltar. Although I must apologise that we are still in full refurbishment mode of the external part of this building, having completed this magnificent refurbishment internally.

60 All things going according to plan, you will be the last Governor that I have the privilege of welcoming on our collective behalf as a People; and you are the first, nonetheless, to arrive in this Parliament to represent a King.

65 Additionally, you are the first representative of a King welcomed to Gibraltar by a democratically elected Chief Minister of Gibraltar: a first for both of us and for The Rock. The fact is that the last King of the United Kingdom predated the birth of representative parliamentary democracy in Gibraltar with Ministers elected by direct universal suffrage.

70 So long and so great was the reign of Her Majesty our late, much-loved Queen Elizabeth II that all of our modern constitutional development occurred during the course of her time on the throne. Under our current constitutional settlement, Your Excellency enjoys a singular honour that is bestowed upon you to represent the monarch, our Sovereign.

I have no doubt that in no time you will settle into this new role. The excellent staff of the Convent and of Convent Place will help greatly in that respect, not least because His Majesty, King Charles III, King of Gibraltar, enjoys the loyalty of course of all his British subjects in Gibraltar.

75 He also in particular enjoys the love, support and affection of us all as the embodiment of British Sovereignty of our treasured and beloved land. Of that, neither His Majesty nor you as his representative in Gibraltar will ever be in any doubt. Indeed, it is demonstrable that the staunchest defenders of the exclusively British sovereignty of Gibraltar are the British Gibraltarians; much more so than any other class of British subject, perhaps understandably so, because this is our land.

80 But, Your Excellency, also because we understand more intimately than anyone else the *realpolitik* of what the alternative is. And that means that you are genuinely welcomed here as the continuing representation of our enduring success in ensuring that Gibraltar has remained exclusively British. That is not to say that the nature of the manner in which our umbilical link with Britain is exercised has not developed over the years, and that the role you play has not gently
85 matured over time.

Of course it has, and it will continue to develop and mature. Indeed, one of the things that unites parties in this House is the view that there is work to be done to continue the modernisation of our Constitution. And that should not be seen as a criticism of the current text or any of the actors created by it, but as a salutary reality check that our roles require us always to ensure that
90 we keep our *Magna Carta* up to date.

In fact, the very references to EU matters in the 2006 Constitution, under which you are today appointed, shows that there is a need to consider how we deal with matters now that we have left the European Union. And it is no secret, Your Excellency, that we have as yet not been able to bring back to our people and to this place for consideration here a Treaty between the United
95 Kingdom and the European Union on our future relationship with Europe, post-Brexit.

In fact, I suppose that is one of the few aspects of this process that is not confidential!

But we have been very clear in the process of seeking our fourth successive successful re-election, that we guaranteed that we would only bring back a treaty if it was safe and secure.

100 Finally, having been accused of a failure to timelessly negotiate a treaty, and allegedly achieving nothing in the years since the Referendum, we have recently heard from those self-same critical quarters that 'It is important not to compromise safety for speed'.

We have been clear and consistent in taking that view since we started the negotiation, despite others urging us to hurry. We have consistently said that we can agree in haste and repent at
leisure.

105 For that reason, we have preferred to take as long as is necessary to get the right deal, even if that means taking longer than anyone would like. A deal that is safe on all fundamentals, not least sovereignty, jurisdiction and control, and which delivers lasting social and economic benefits to our People and the people of the region around us. Because a quick, unsafe or not beneficial deal would be in no one's interest. Neither would a deal that could not be implemented because it
110 would not enjoy popular support.

The conundrum, however, is to find that deal which is safe and secure by our measure and by the measure of our negotiating partners, also. A deal that is beneficial for all relevant economic actors. A deal that enjoys popular support here but is not so unpopular elsewhere as to be rendered stillborn for that reason.

115 That is the difficult, but I hope not impossible balance that we are trying to strike. Election periods obviously breed a different atmospheric for negotiations; and we are going through such a period now in both the European Union and the United Kingdom.

120 Ironically, we will not be able to vote in this EU election as we might have in the past, but many of us are now able to vote in the United Kingdom election for the first time if we have previously resided in the UK. I registered to do so and fully intend to exercise that right.

125 In this dual election period, although technical talks continue in earnest, I do not believe an agreement is likely to be declared before the installation of a new Government in London. Whichever political party may form Government, we are clear that under either a continuity Conservative administration or an incoming Labour administration, the key fundamentals in this negotiation will not change.

Labour have made that clear now for some time to all our relevant negotiating counterparties. In fact, we may be on the eve of another historic first: socialist governments in London, Madrid and Gibraltar. That must, of course, assist that we should reach a positive conclusion that puts people above medieval claims.

130 But whatever the result of the election in London, we have worked well in our all-party parliamentary group and across the benches of the Commons in ensuring that those across the table from us are aware that we are all singing from the same hymn sheet on what will, and will not, be acceptable.

135 And although I may have to strike a more diplomatic tone these days, I know that the substance of the views that I am expressing during these negotiations does not differ from the views of the boy whose first political act was to demonstrate against the 1987 Airport Agreement; or those of the young man who was first elected to this place over 20 years ago, with blacker hair, under the leadership of Sir Joe Bossano – who, incidentally, is stricken with COVID and unable to attend today but remains, to the chagrin of many, perhaps, the sprightliest 84- indeed almost 85-year-old in politics in the world. And we see another man in his 80s in politics in the world on screen often.

140 In fact, the things that the Deputy Chief Minister and I represent in the current negotiations are entirely in keeping with the views of the vast majority of the people of Gibraltar and all Members of the Cabinet that I represent. Of that, Your Excellency, there should be no doubt in anyone's mind.

145 In fact, what is more important than anything in this and in every negotiation, in politics and in life generally, is honesty and consistency. And that is why we are negotiating hand-in-glove with the United Kingdom Government to achieve the mandate agreed between us in 2021. This is designed in good faith to enable us to give effect to the New Year's Eve agreement we agreed on 150 31st December 2020.

And we have been consistent in the views we have presented in that respect, talking about the possibilities of concluding fluidity agreements with the EU in respect of the Schengen Immigration Zone and the single market in goods since then. Indeed, you will know that we were of that view, and we started that consultation exactly 10 years ago, in May 2014, even before the Brexit Referendum was on the cards.

155 I announced that approach during the visit to Gibraltar of the then Liberal UK Minister, the Rt Hon. Danny Alexander. Never in that period, never, have we thought it sensible, however, to suggest that the external relations of Gibraltar should be in the hands of the President of the European Commission, as others have done.

160 We are not uncomfortable with the Constitutional settlement in that respect, which makes external relations a responsibility of Your Excellency in Gibraltar, acting as far as practicable, in consultation with me as Chief Minister. The clear reasons for that relate to the UK's responsibility in international law as the signatory of our international legal obligations.

165 And that is, of course, why the Treaty we are negotiating would be between the UK and the EU and cannot be between Gibraltar and the EU. But the reality is that the Chief Minister of Gibraltar spends the lion's share of his time exclusively on matters of external relations.

These days that work is done very directly with London and very closely with the now eponymously named King Charles Street headquarters of the Foreign, Commonwealth and

170 Development Office. Our relationship could not be closer or more transparent with FCDO
colleagues on what I might call 'Team Gibraltar'.

It was therefore a misstep without precedent in our history by others to foolishly suggest that
we could ever entrust the President of an organisation with Spain as a Member to discharge
responsibility for our external relations on our behalf – as it would be entirely wrong for anyone,
however many doctrinal theses they may have devoted to constitutional law, to believe that there
175 is any stage between the conclusion of the legislative process in this House and the grant of Royal
Assent to any Bill that has been through all of its stages in our Parliament.

Even pretending just to 'share views' with a governor before you grant or refuse Royal Assent
to any Bill properly passed by this place would be to try to shoehorn into the legislative process a
new, what I might call 'appellant' stage, which would in effect overturn the result of a general
180 election and in that way undo democracy as we know it.

There can be no more unacceptable extra-parliamentary device. So be alive to the instances
when these things have been attempted in the recent past, and by who, as you judge how to
exercise the careful balance, you must strike in the representation of our monarch and the
exercise of your defined responsibilities under the Constitution. I know you will.

185 And bear in mind also that this British place is one that you will find is very different to other
British places, but no less British as a result. As I said on the arrival of your predecessor, you will
find that we are not English, and this is not England. We are not Scottish, not Northern Irish, not
Welsh, because this is not Scotland, Northern Ireland nor Wales.

We are the Gibraltarians. The people of the Rock. And this is Gibraltar. The home of our People.

190 We are not better than any other British subject because we are Gibraltarian, but we are
certainly also not worse or any less. We are just different. Just as British. But just as different as
each of the British people of the great British family of nations, but no less British as a result.

We are bound by history, custom and constitutional settlement into a British way of being, but
in our unique Gibraltarian British way.

195 Because we are British in our own way, in our own style, with our own British laws and indeed
our own British Government, of which you will come to form a part in proud representation of His
Majesty. And our key law, our Constitution, enshrines our commitment to the fundamental
human rights contained in it, and to the rule of law as a key part of how we see our Britishness.

200 This will have been clearest in the reality of the conduct of the Public Inquiry currently afoot,
despite the many naysayers who – funded by the very taxpayers whose reputation they were
trashing – initially suggested the opposite. In fact, our touchstone is that key factor: the rule of
law.

For I will not tire of repeating that nations not committed, governed and bound by the rule of
law, provide none of the communal and personal legal certainty and security to their citizens that
205 we collectively do in Gibraltar. It is the *sine qua non* of our system. And indeed, the key basis for
our political commitment to equality, not least the equality of all Gibraltarians and residents of
Gibraltar. Everyone different. Everyone equal.

210 Would that this was something that was not an issue in this day and age and indeed in this
House. But it is still for some. I am very proud that the progressive Government I lead has delivered
laws on equality in the time that we have been in office. Laws on civil partnerships for all sexual
orientations even before the UK. Laws on equal marriage. And Laws on women's reproductive
rights and progressive policies on IVF.

And all of those, Your Excellency, in the teeth of opposition from our political opponents.
In fact, I am proudest that we have delivered these changes in the teeth of opposition; and in
215 doing so we have shown our progressive metal and the regressive thinking of others.

On those issues of equality, although we are united on this side of the House, this is a House
divided down the middle of the mace. We are united, however, on the key issue of the right to
self-determination of our people and the need to pursue self-sufficiency as the guarantee of our
political rights.

220 The Deputy Chief Minister, the Hon. Dr Garcia, will be in New York at the United Nations to pursue this agenda, which we will *never* resile from, at the Special Committee on Decolonisation on Monday. I expect to hold further meetings in this respect in the coming weeks.

And as we start this journey together, Your Excellency, it is essential to keep in view that section 49 of our current Constitution stipulates that the Governor must keep the Chief Minister fully informed about the general conduct of those matters under his responsibility.

225 Furthermore, to ensure equality, section 52 mandates that the Governor and the Chief Minister – that is you and me, at least for now – shall confer regularly with the Chief Minister, keeping the Governor updated on the Government’s policies and Gibraltar’s public affairs.

It is clear that Ben Bathurst and Fabian Picardo are about to become much better acquainted. I, for one, eagerly anticipate the establishment of this new friendship and the collaborative work that we will undertake in Gibraltar’s public interest. In the local political lexicon, I will be breaking-in my fourth Governor. I promise to be gentle, not least because in the next four years you will have the role of breaking-in a new Chief Minister.

Please promise to be gentle then, too, whoever they may be.

235 Having been taken under the wing of Sir Adrian Johns when the time came in 2011, I can tell you that assuming the reins of this small, magnificent, but demanding nation of ours is no easy task. It will be made easier for my successor by your – by then – guiding hand and characteristically kind demeanour.

In every respect, you and me in coming months – and future Governors and Chief Ministers in decades to come – will always achieve more for Gibraltar by working together than we ever could alone or pulling in different directions. Indeed, the interests of Gibraltar are arguably even more aligned with a global Britain outside the EU than they were with the UK *in* the EU.

240 Now, in a perhaps harsher and more dangerous world, our role as a British military base, an asset 1,500 miles south of Britain, is the modern embodiment of the projection of British power and influence. And so, reflecting on the relationships I have had with your predecessors during my time in office, it is clear that the stronger the relationship between a Chief Minister and a Governor, the more successful, ultimately, the partnership between Great Britain and Gibraltar.

Our strong working connection is what will best serve the People of Gibraltar. We must not fail them. And having started to get to know you, I know we will not. For your track record speaks for itself in demonstrating you are a person, not just of deep integrity, but also of careful thought and considered action.

250 Our nation came quickly to love and cherish Vice Admiral Sir David Steel. Indeed, although most of our Governors are respected and admired, not all enjoy the love of our people, as Sir David has done and does. I have no doubt that you and Lady Bathurst will be able to win the hearts of the Gibraltarians too.

You will find us a hospitable and welcoming bunch, prickly on some issues – notably *anything* to do with our sovereignty – but friendly and endearing in equal measure. Having had the privilege to represent us all for the past 12 and a half years, I can tell you that the people of Gibraltar value those who represent them, and you will be no less valued as you embark on this journey with us.

260 And so, Sir Ben, welcome to Gibraltar, your new home, the home of the Gibraltarians. Your 32,000 new friendly neighbours. A place that will enchant you like no other. And a People whose love will henceforth colonise your hearts forever.

Welcome to Calpe. Welcome to Jebel Tarik. Welcome to the Rock of the Gibraltarians.

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**Address by the Leader of the Opposition,
Hon. K Azopardi**

Clerk: The Hon. the Leader of the Opposition.

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Hon. Dr K Azopardi: Your Excellency, Madam Speaker, on behalf of His Majesty's Opposition for Gibraltar, I too wish to welcome Lady Bathurst – even though she is not here, and we wish her well, of course – and yourself to Gibraltar. We hope you will have a happy time among us over the next few years.

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And before I launch into my speech, may I just make a confession? Because it was only Your Excellency's relative youthful look, when a photograph was released that secured that I gave the right speech today because in anticipation of today, when I Googled 'Sir Benjamin Bathurst', I saw Admiral of the Fleet Sir Benjamin Bathurst. I thought to myself, I am sure they said he was not in the Navy. And then he looks pretty good for 85. And then I realised that, of course it was your illustrious father, and perhaps privately you will share with me why, after that background you joined the army and not the Navy.

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But clearly the distinguished military pedigree of your family will have already given you a real sense of the importance of strategic Gibraltar, not just now, but over the course of history. We hope that over the next few years, you will quickly acquire a sense of the other facets that make up our small nation, not least our people, our aspirations, our rights and that these are the foremost considerations in the future of this territory that we call our land. Your task here, while you are here, will not be easy. It will require the skill of a trapeze artist to delicately balance the various roles and interests.

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But given your former roles in military strategy, public relations, and in the highest ranks of NATO and the EU, you will be keenly attuned to the various issues that arise. You will find that we value our links with the British Crown as much as we will in the best traditions of British freedom of speech rile against a British Government that is too slow or reluctant to protect our interests when that happens.

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During your time here, you will find the people of Gibraltar welcoming of you and Lady Bathurst and keen to share talk of our aspirations, history and culture. Equally keen that you should participate in the diverse and colourful quilt of cultures that make up modern, cosmopolitan Gibraltar. We will hope that through those conversations, you will understand our aspirations and become one of our advocates.

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Under our Constitution, you are His Majesty's Representative in Gibraltar and part of the constitutional architecture of our country. Inevitably, with that constitutional role, in full public glare, comes a perception of how that is exercised. The British monarchy is a model of how it has exercised similar functions in the United Kingdom, in a politically neutral way. Historically, there have been mixed roles for Governors and perhaps that has not helped in the understanding of these. For many years a Governor has sometimes looked as if he had functions for the British Government, as well as for Gibraltar institutions.

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That is historically understandable, because when a territory is in the infancy of its first steps along the road of self-government, gradual powers of self-government are stripped away from a governor who, wherever it has been throughout the Commonwealth, has effectively governed in the fullest sense of the word for the United Kingdom.

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But as has been the norm throughout the Commonwealth, the Governor in Gibraltar has, over a long process of self-government, gone from effectively running this place to having a very different and limited role. It has been more than 40 years, some say more than 100 years, since the English and Commonwealth courts recognised that the Crown in a self-governing territory comprises a separate and distinct Crown in right of that territory. As Gibraltar has undoubtedly acquired that measure of self-government, the Crown that you represent under the Constitution

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is that of the Crown in right of Gibraltar, and not of the United Kingdom. And so, when intergovernmental constitutional tensions arise, it is important to bear that in mind.

While a Governor is the King's representative, the Constitution requires that the functions of governor are exercised in accordance with our laws and Constitution. His Majesty, together with
325 the Parliament, constitutes the legislature for Gibraltar. And in your capacity as the King's representative, you are present at the ceremonial opening of our Parliament after an election, and on arrival are sworn-in here, where the elected representatives of the people can greet you.

This is not just about mere symbolism, but about democratic legitimacy and the consent of the people signified through their most senior representatives to your constitutional role.

330 Nowadays, a Governor has certain very limited legislative and executive functions because as the Constitution requires, the Ministers, together with the King, constitute the Government of Gibraltar. That role prescribed in our written Constitution, has also evolved by constitutional conventions to soften the executive and heighten the ceremonial aspects of being governor.

For example, in practice, while the Constitution says that external affairs are a matter for the
335 Governor, no one who firmly believes in our right to govern ourselves or the right to our land would seriously contend for such an outcome. By convention, despite that provision, it has been the case for many years that successive Governments of Gibraltar have effectively determined what should be the international policy of Gibraltar in our interests.

And so it would be right, within any future process of constitutional reflection, to consider
340 further clarifying the modern role of the office of the Governor to avoid confusions and fine tune those remaining elements of duality present in our current Constitution.

Your Excellency, you join us a few months after the closest general election ever, where the margin of victory was as thin as a wafer. You will hear while you are among us that the Government and Opposition have very different visions on a number of matters that touch upon
345 financial and democratic governance, other domestic matters and indeed sometimes on external affairs. That is a manifestation of the vibrant democracy in which we live. Although some of what has been said today borders the edges of fantasy in respect of some matters.

We have, for example, just seen the evidential hearings, but not the conclusion on a public inquiry on the retirement of the former Commissioner of Police. That has been a long-drawn-out
350 affair because his retirement occurred just two days before your predecessor's arrival. It was so close to his arrival that I had occasion to remark on the matter at his own swearing in on 11th June 2020. Four years later, we await the conclusion of that Inquiry that was promised in July 2020. So far, during the evidential hearings, much has been revealed which is worthy of public comment because of the implications and effect on the governance of Gibraltar. We will comment
355 on those evidential aspects in due course but have not done so yet to respect the Inquiry process and allow the chairman of the inquiry to conclude his work.

There are others in the political world that seem far less restrained. The continuing loaded partial serialisation by a party-political newspaper owned by the majority party in Government speaks to a nervousness of the process. But we will await more calmly for things to get closer to
360 a conclusion as this will happen during your time here it is right that I should flag this. And indeed, this nervousness was even present in the speech today that seeks, I thought, at points to deny any possible interface between His Majesty's opposition in Gibraltar and the Governor, in the same way as the King's representative has a relationship with the Chief Minister, the King's representative has a relationship with His Majesty's representative for the Opposition. And to
365 deny such an interface denies the constitutional reality and indeed was a fantasy of what had happened some weeks ago.

You also join us, Your Excellency, at a time of regrettable continuing uncertainty, because we still await the conclusion of the negotiations aimed at securing a new relationship for Gibraltar with the European Union. The British press sometimes refer to the Northern Irish border as the
370 only British border with the European Union, and that perhaps is part of the problem.

As the often-forgotten only British territory actually with a border in mainland Europe, we have gone from participating in a referendum we did not want, because we did not see the sense of

even asking ourselves whether we wanted to conduct the mental gymnastics of pretending we were not in Europe, to voting overwhelmingly to remain for principally the same reason.

375 While the British imperative for a post-Brexit world was to end freedom of movement and place primacy on achieving a trade deal, our imperative was quite the opposite: that mobility at the border should continue unhindered, because the geographic reality is what it is and means that we are Europeans, too. Eight years after the Brexit Referendum, we are still without an EU agreement, although Britain entered into its own deal some time ago.

380 We may be forgiven for being dismayed at the fact that as soon as those very different deals were not clinched together, the prospect of our own agreement lost momentum. Be that as it may, we eagerly await the lifting of the cloud of uncertainty, because this is now affecting thousands of citizens on the ground as well as the business environment. Today is not the time to focus on lost opportunities in the past, although we think there have been many.

385 If an agreement emerges, we will need to assess whether what is put on the table is safe and beneficial. Safe in terms of protecting our sovereignty, jurisdiction and control; beneficial, socially and economically. That judgement will be for the people of Gibraltar alone. The people who have made Gibraltar their long-term home. It will not be a judgement for the people in the United Kingdom, Spain or the EU, however well-meaning their interests.

390 In considering that question, we will need to have a realistic debate in Gibraltar on the subject, balancing the price of a no deal with a price of a deal. Because undoubtedly there will be a price one way or the other. It will be a moment for imagination and realism. It is no exaggeration to reflect that this will be a seminal moment for our community, and a crossroads for our future. We look forward to having that debate and for the conclusion of those negotiations so we can, at that stage, pierce through the hyperbole that we are often treated to and actually evaluate the consequences of what has been negotiated.

395 The Brexit and post-Brexit aftermath has not been the first time that our interests have been very different to British interests. There have been other examples of high tension in the recent past, where decisions were taken in London that impacted on our sovereignty or had the potential to do so, not least when there was last a socialist administration there. You can be assured, however, during your time here, that when instances like that arise the Government and Opposition will, despite our differences, speak with one voice and the people of Gibraltar will unite around the fundamentals that have made us what we are over the last 300 years. A separate people with a separate identity, with the right to self-determination; and forced by history to live under the shadow of a claim that is now entirely anachronistic.

400 Simultaneously, we undoubtedly value our links with the Commonwealth and the British Crown. During your time here, you may ponder on all that, on what might look like contradictions, but on closer examination I hope you will see that this is all a product of our evolution as a people, and not unlike other populations that have developed in a sphere of British influence and become self-governing. We are an English speaking, Latin, Mediterranean people living in this corner of southern Europe, gazing towards North Africa and shaped by our history, over many centuries.

405 We have developed a keen sense of our identity and that this is our land. We will protect it and our right to govern Gibraltar.

415 Two hundred and seven years ago this building, the then Exchange and Commercial Library, was organised by public subscription and proved over time to be a counterpoint to the Garrison Library, from which civilians were excluded. It opened in 1818 and eventually became a focal point for debate and the development of embryonic aspirations of self-government. Two hundred years later, after several legislatures and three constitutions, we have achieved a very significant measure of self-government. But constitutions do not sit still. They are dynamic entities, responsive to the aspirations and needs of the community around them.

420 And so, 26 years after the negotiations towards our last Constitution commenced, it is time to consider the next phase of constitutional reform that could be followed to continue along the path of self-government, modernise this further, improve the governance of this community and enshrine checks and balances on executive power. Those are, of course, generic observations as

425 to our present and as to our future, which I make because some of these issues of public interest
will arise during your time here.

For now, and insofar as this more precisely touches upon the exercise of your role in Gibraltar,
you can rest assured that you will have our support and our counsel on any issue, and that we
wish you success during your time in Gibraltar.

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**Address by His Excellency the Governor,
Lieutenant General Sir Benjamin Bathurst**

Clerk: His Excellency, the Governor.

Lt.-Gen Sir Benjamin Bathurst, KVCO, CBE: Madam Speaker, Chief Justice, Chief Minister,
435 Leader of the Loyal Opposition. Thank you for your very generous welcome. And it is truly a
privilege now to be sworn in as the Governor and Commander-in-Chief of Gibraltar.

I appreciate, as a soldier, my appointment might have come as a bit of a surprise for those
expecting an eminent Royal Navy Officer or a distinguished diplomat. The last Army Governor was
General Sir John Chapple back in 1995, and he is a man I greatly respected so very difficult boots
440 to fill.

As has been pointed out, my father is a Royal Navy Fleet Air Officer. His father actually was a
Royal Air Force Officer, both of whom came here periodically. And as an aside, my great
grandfather was a Member of Parliament. So, I have in a way been bred to understand all angles.

But I am not going to bore you with a long description of my career other than highlighting my
445 time in NATO, dealing at the strategic, political, military level, negotiating with 31 allies; and my
time in terms of doing resilience in London and also community engagement when I commanded
the army in London. But I am also the Army commissioner of the Commonwealth War Graves
Commission, a non-executive role and part of the operation to commemorate in perpetuity the
1.7 million Commonwealth servicemen and women who are buried in 23,000 cemeteries across
450 150 countries, including over 770 here in Gibraltar.

But having served 40 years in the Army, my life has been dedicated to the service of my country
and that now extends to serving the people of Gibraltar. My wife, Kate, and I really look forward
to calling Gibraltar our home and engaging at every level with the diverse and inclusive
communities in Gibraltar. But we have got a great deal to learn, and we would wish to listen to *all*
455 points of view and then advocate for the interests of all Gibraltarians wherever I can. Our children,
Amelia, aged 24, and our son Alexander, 22, they will remain in London where they work, but they
have already booked their visits in for Gibraltar this year. And in preparing to come here and
listening to the Chief Minister and the Leader of the Opposition just now, it is clear how much
history matters.

460 Sir Winston Churchill once said: 'The longer you can look back, the farther you can look
forward'. And I think that is very true of Gibraltar, with values that have been forged through
challenge and resilience and a shared commitment to a prosperous future.

Madam Speaker, I have listened online to all the previous five swearings-in that are on there,
and everyone, every Governor was told he was arriving at a critical time. And undoubtedly that is
465 true! So, I am fully aware of the importance of the decisions that we make now and the
responsibility within constitutional boundaries that I have as the Governor of Gibraltar.

The Governments of the UK and Gibraltar are working tirelessly with the EU and Spanish
colleagues to bring confidence, certainty and stability to the lives and livelihoods of the people of
Gibraltar and neighbouring communities. The UK is committed to concluding an agreement, but
470 we also need to be prepared with what happens if we cannot secure an agreement. And I know
there has been much work being done, led by the Deputy Chief Minister, to ensure Gibraltar is
ready for all eventualities.

But whatever the outcome, the UK will stand shoulder-to-shoulder with Gibraltar. And to
restate for the record, the UK will not enter into arrangements under which the people of Gibraltar

475 would pass under the sovereignty of another state against their freely and democratically
expressed wishes. Nor will the UK enter into a process of sovereignty negotiations with which
Gibraltar is not content.

I have been briefed on the balancing act that being Governor requires. It has been very useful
to hear that, restated by the Chief Minister and the Leader of the Opposition, just to ensure there
480 is no doubt about it, I will fulfil my constitutional responsibilities with the utmost diligence. First
and foremost, as has been said, I represent His Majesty the King and play my constitutional role
in the part of the Government of Gibraltar. But I am, of course, employed by the Foreign
Commonwealth Development Office as well to represent, where appropriate, the views of the UK
Government.

485 But if there is any tension I will seek to resolve through consultation, acting in Gibraltar's best
interests. I am also very mindful of my role as Commander-in-Chief, responsible for defence and
security. As a Welsh Guard, I know that the First Battalion, Welsh Guards was here at the outbreak
of the Second World War and when I commanded the battalion from 2004 to 2006, shortly after
we came back from Iraq, I sent a company here to replace the Royal Gibraltar Regiment whilst
490 they were deployed to Morocco.

The Royal Gibraltar Regiment plays a key role, along with the roles of the Royal Navy and the
Royal Air Force here in Gibraltar, maintaining UK and Gibraltar's strategic interests in the region,
and I am honoured to be their Commander-in-Chief.

Madam Speaker, Chief Justice. Chief Minister, Leader of the loyal Opposition. Thank you very
495 much for your welcome. And I will conclude by reiterating my commitment to serving Gibraltar in
every way I can and is constitutionally appropriate. Prior to leaving UK, Kate and I had the honour
of an audience with His Majesty the King at Buckingham Palace, and His Majesty asked me
personally to convey his very best wishes to the people of Gibraltar and his gratitude for their
continuing loyalty.

500 Thank you, Madam Speaker. *(Banging on desks)*

ADJOURNMENT

The House adjourned at 4 p.m.