

NO. 706 OF 2002

THE HON J J BOSSANO

REFERENDUM ON GIBRALTAR'S FUTURE

Have Government accepted the UK's decision that they will oversee the organisation and timing of any referendum on Gibraltar's future?

ANSWER

THE HON THE CHIEF MINISTER

No and I was amused to read in this morning's ABC that if I should have the temerity of organising a referendum in Gibraltar I am in serious jeopardy of instant dismissal from my post by the British Government.

SUPPLEMENTARY TO QUESTION NO 706 OF 2002

HON J J BOSSANO:

Well there is a silver lining in every cloud.

HON CHIEF MINISTER:

I believe that the Leader of the Opposition has learnt the Spanish version of that saying which is closer to what was used in the Spanish press.

HON J J BOSSANO:

That is correct I do not quote it in the House but I do quote it in the Spanish press. I do not know whether the preservation of the House of Assembly which is the last thing we were promised means the preservation of the English language as well, I imagine that it is.

HON CHIEF MINISTER:

The Spanish press is speculating that Spanish will become one of the official languages in Gibraltar and this is one of the things that particularly pleases them that Spanish will become an official language in Gibraltar. I do not know whether that means that I have got to agree to answer half these questions in English and the other half in Spanish to sort of deliver compliance with joint sovereignty but certainly this is what they are expecting.

HON J J BOSSANO:

That is creating a problem for "llanito" speakers because it is obvious it is our language which is the one that is going to be excluded. Can I ask in terms of the technical position to organise a referendum, the United Kingdom has said in Parliament that it is a matter for them both to decide the question I think and the timing that is put, on what basis do they think they have the right say under the Constitution to do this without the support of this House?

HON CHIEF MINISTER:

I do not know and they appear to think that this raises some legalistic issue were of course a referendum is simply a properly administered opportunity for people to express a free and democratic view. It does not raise any issue of law and of course there is nothing in the laws of Gibraltar that entitle the UJK Government but not the Gibraltar Government to conduct a referendum and there is nothing in United Kingdom law in that respect either. I think the point they are making which in my opinion is a complete non sequitur is that if the result of the referendum would require a change in English law, for example, if we all voted to be Spanish in this referendum and this required some acts of Parliament to be passed that they do not think that they should have to change the UK law except in response to a referendum that they have organised, I think that is the somewhat skewed thinking, the formal positions are as follows, they say that they would like to organise in consultation with the Gibraltar Government and I say that the Gibraltar Government will organise it in consultation with the British Government. In either event the Gibraltar Government reserve the right to organise a referendum in Gibraltar on any issue at any time that it pleases there is nothing in the law preventing the Gibraltar Government from doing so, indeed there is nothing in the law providing anybody in Gibraltar organising a referendum. The idea to be a valid expression of democratic will it has got to somehow comply with some law which is non-existent in the event but that it has to comply with some law is a view for which I can see no rational consensus.

HON J J BOSSANO:

In a referendum that dealt with Gibraltar's constitutional status consequently in the terms of the new constitution we have agreed in the House would be the exercise of self-determination, would that require the administering power to do it or not if it was a self-determination referendum which is what we put in the new Constitution?

HON CHIEF MINISTER:

Certainly I can see that the arguments become different if one is talking about a referendum on the status between the relationship between UK and Gibraltar which the UK have to give, whether as a matter of proper United Nations jurisprudence it has to be organised by the ministering power I think is far from clear but that is not the issue upon which we have expressed the view. We have said that if the Government of Gibraltar want to organise a referendum 'a la suisse' tomorrow about whether the price of petrol should go up or down or whether we like or do not like the weather on Thursday morning or whether we like or do not like what the UK and Spanish Government might agree we are free to do so and the suggestion that the Government of Gibraltar are prohibited from organising such a referendum is a self-serving, ridiculous argument to articulate. I can see how it can spoil the party that that should happen. I think it is ridiculous to argue that the Government cannot organise a referendum, they may want to argue that they do not recognise the results, that is a matter for them but I think they are going to have great difficulty in saying, "...the British Government only accept the freely expressed wishes of the people of Gibraltar and the democratically expressed wishes of Gibraltar only if we have had the opportunity to choose the question, if we have had the opportunity to supervise the referendum and if we have had the opportunity to choose the timing." I think they would be laughed right off the front news pages of their own newspapers if they try arguments of that sort.

HON J J BOSSANO:

Would the matter be something that we would debate in the House before the step was taken. If this framework agreement comes to fruition, which it may not according to the latest statements of Mr Straw, if in his judgement it is not a good deal this presumably would then come to the House before the step of the referendum took place, would it not?

HON CHIEF MINISTER:

It could do, the Government have not addressed their minds to it but I suppose that it would do and yes we would not call a referendum the day after, so if the Government did not bring it to the House certainly the hon Member could. There is no reason to think that the Government will not bring it to the House.