

STATEMENT BY THE GSLP/LIBERAL OPPOSITION 112/2005
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The Spanish Director General for Europe and North America Jose Pons has chosen to try and justify Spain's opposition to the enfranchisement of Gibraltar for European elections as part of the current exercise of persuading Gibraltarians that we have always had a friendly neighbour on our doorstep.

Mr Pons has said that it was the United Kingdom not Spain who prevented the Gibraltarians from participating in elections to the European Parliament from 1979 to 2003 and by excluding Gibraltar from the 1976 EC Act on Direct Elections. This is of course the case simply because in 1976 Spain was not yet in the EU and in no position to object. However, it is not inconceivable that the UK decision in 1976, which has never been properly explained, was influenced by the informal contacts with Spain that were taking place at the time.

The real test of Spain's attitude became manifest after Spain joined in 1986. After that date the United Kingdom argued that it was not in a position to amend the EC Act because it required unanimity and Spain would veto it. It furthermore argued that it could not change UK law unilaterally to include Gibraltar because this was incompatible with the EC Act. In other words, you could not have British law including Gibraltar when European law excluded it.

The European Court of Human Rights ruled in February 1999 that the United Kingdom was in breach of its obligations to Gibraltar because the UK is the Member State responsible for Gibraltar in the European Union. One month later, in March 1999, the United Kingdom tabled the necessary amendments to the 1976 EC Act on Direct Elections in the General Affairs Council of the EU but this did not proceed because of the threat of a Spanish veto.

The UK then proceeded to change their own domestic legislation doing a complete u-turn on their previous position when they had argued it was illegal to do so.

Mr Pons admits that when the law was extended to include Gibraltar Spain objected on two counts. The first count was that according to him the "electoral circumscription" created to allow Gibraltar to vote is unlawful. This can only mean that since the EC Act of 1976 applied only in respect of the United Kingdom, then the creation of a constituency which includes Gibraltar was in conflict with the EC Act.

The second Spanish argument was the fact that Commonwealth citizens can vote in Euro-elections in Gibraltar. This proves that the Spanish objections were directed at Gibraltar alone, since Commonwealth citizens have always voted in European elections in the UK and continued to do so after Spain joined Europe in 1986. This was not questioned by Madrid at any time.

The people of Gibraltar, who had to fight a lengthy legal and political battle to obtain the right to vote, will not be fooled by Mr Pons' attempt to cast Spain in

the role of an innocent bystander in this episode. The fact that Mr Pons is reacting at this point to try and rewrite history is a transparent, self-serving attempt to convince Gibraltarians, not just that the Spanish Government has changed its attitude, but that in fact its attitude has always been different going all the way back to 1976.

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