

STATEMENT BY THE GSLP/LIBERAL OPPOSITION 116/2005
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The Opposition rejects the view expressed by PSOE spokesman on the Foreign Affairs Committee of the Spanish Parliament Rafael Estrella that the United Kingdom is committed not to agree to a new constitution that decolonises Gibraltar without obtaining Spain's acquiescence. Mr Estrella is wrong when he says that this is what the UK Government has said in Parliament.

The position of the United Kingdom in Parliament has been for many years now that they accept fully the right of the people of Gibraltar to self-determination. However, they consider that in exercising this right the option of independence is not available to Gibraltar without Spain's agreement because of the reversionary clause in the Treaty of Utrecht.

The view that the Treaty of Utrecht can constrain the right to self-determination has always been rejected by the Gibraltar House of Assembly. However, since the UK considers that this would only come into play if we were seeking independence, which we are not, it is entirely academic.

It will be recalled that prior to the setting up of the Select Committee of the House of Assembly to achieve a consensus on the new constitution, the GSD Government submitted constitutional proposals to Robin Cook which were not proceeded with on the basis that Cook's reaction was that it would make Spain go ballistic.

The negotiating process between Gibraltar and the British Government is to achieve a new constitution that delivers the maximum possible level of self-government beyond which there is nothing but independence. Spain must be fully aware of this yet there has never been any statement made to the effect that the process on which we are currently engaged would make Spain go ballistic.

Indeed, after the last meeting, in an interview with GBC, Mr Caruana pointed out that the Spanish Government had said they had no problem with the constitutional talks that are taking place, and that he had no information public or private that they were resiling from that position.

As far as the Opposition is concerned the current process in which it is participating is programmed to arrive at a point in the future when a new constitution would be put to the people of Gibraltar in a referendum for their acceptance. On implementation of the new constitution the status of Gibraltar would change and the relationship between Gibraltar and the UK would no longer be a colonial one.

In this process the Opposition view has been that it would have been preferable to engage the United Nations in the work programme which constitutes the road map to Gibraltar's decolonisation. However, as was clearly stated by the Opposition Leader Joe Bossano in his recent address

before the 4th Committee of the UN, given that they have shown to date no inclination in taking up the offer to participate in the process, the way ahead must be for Gibraltar to go it alone in negotiating its decolonisation with the United Kingdom. This is indeed what has happened in the vast majority of previous cases of decolonisation.

The Opposition believes that the UN's reluctance to get involved is a reflection of Spain's hostility to Gibraltar's decolonisation and that point was also highlighted by Mr Bossano when he told the 4th Committee that it was a bit rich for Spain to be calling at the UN for Gibraltar to be decolonised when the obstacle to Gibraltar's decolonisation for the last 40 years has been Spain's opposition.

If Mr Estrella's comments are to be taken as an indication that Spain considers it has a right to undermine the progress that is being made in achieving a decolonising constitution, then the Opposition is confident that all those who are involved in taking this matter forward will not put up with any such external interference.

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