

## **STATEMENT BY THE GSLP/LIBERAL OPPOSITION 82/2006**

### **5 July 2006**

The Opposition has now considered the text of the preamble, the dispatch and the statement in answer to a parliamentary question by the Minister for Europe Geoff Hoon.

It will be recalled that the Opposition made clear in March in London to the British Government that it would not support the constitution in a referendum unless HMG was willing to confirm that it considered the right to vote in a referendum to approve the new constitution as the use by the people of Gibraltar of their inalienable right to self-determination, which the constitution already confirms that the UK accepts that we have.

The UK position in London at the close of the negotiations was that Ministers would not be willing to refer to the referendum as an act of self-determination. For this reason, the Opposition proposed an alternative wording in which the word "self-determination" was substituted by language of the same meaning.

In response to this proposal, the United Kingdom then came back with a letter on 28 March informing the Gibraltar Government that they were inclined not to decide on the text of the preamble until after the vote had taken place. This was immediately rejected by the Opposition.

The Opposition condemned this policy on the part of the UK, which was an insult to the Gibraltarian electorate in that they were expected to vote for something and then be told after the event what the UK interpretation of that vote was.

In the submissions by the Leader of the Opposition to the Committee of 24 this year, the Opposition made clear that when Jack Straw had replied to Mr Moratinos, he should have rebutted the Spanish Government view that our referendum had nothing to do with the decolonisation process, was not the exercise of self-determination and was merely a local consultative poll. Jack Straw's reply, which was not welcomed by us, had limited itself to telling Mr Moratinos that the UK had not expressed a view one way or the other on these issues.

The Hoon statement now makes clear that the UK has accepted that by voting in a referendum we would be using the right to self-determination in the context of the UN Charter. The UN Charter makes clear that the right to self-determination is available to peoples in non-self governing territories, ie the colonies, in order to attain a full measure of self-government. The UK has further said in the dispatch that the constitution would give the Gibraltarians that degree of self-government which is compatible with British sovereignty over Gibraltar.

This is another way of saying that it is the maximum level possible of self-government we can have acceptable to the UK, whilst retaining British sovereignty which we all want to retain. This is something that they refused to confirm point blank at the London meeting.

Given the position now adopted by the United Kingdom, the Opposition has no difficulty in supporting the constitutional text and recommending a yes vote at the forthcoming referendum. Had the United Kingdom not resisted making this position clear at the close of the negotiations in London, clearly under pressure from Spain, it would have been possible to settle the matter then and emerge from the table with agreement by all sides.

It was made clear to Mr Hoon during his visit to Gibraltar that if the statement made in answer to the parliamentary question did not say clearly and unambiguously that UK endorsed the referendum as an act of self-determination, then the Opposition would campaign for rejection on the basis that it was not enough that it should be described as self-determination as a matter of opinion by the Government of Gibraltar.

It is regrettable that it has been necessary since March to make clear that if the UK did not come on board there would be a campaign for rejection of the constitutional text on the basis that people were being asked to vote as if they were exercising their right to self-determination when in reality not even the United Kingdom was willing to say so.

ENDS