

STATEMENT BY THE GSLP/LIBERAL OPPOSITION 93/2006
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The Opposition condemn the Spanish Government for continuing the court case against the enfranchisement of Gibraltar for European elections through to its conclusion. This follows the news that the European Court of Justice is expected to deliver its verdict on 12 September, two days after National Day.

The decision of the PSOE Government to continue with the case, which was started under the previous Partido Popular administration, shows that when it comes to Gibraltar little has changed in Spain.

This hostile legal action is in flat contradiction to the constant pronouncements coming from the other side of the frontier which suggest that Madrid has adopted a new, more conciliatory approach to Gibraltar issues. The history of this case provides no evidence of this.

The substance of the Spanish case is based on five points. The first objection is to the creation of the combined region between the South West of England and Gibraltar on the basis that the European Parliamentary Elections Act has annexed the territory of Gibraltar into the United Kingdom.

The second point is that voting in Gibraltar has been allowed. The third is that voting in Gibraltar has been extended to electors who do not have the nationality of the United Kingdom or of other Member States of the EU. The fourth objection is to the establishment in Gibraltar of an electoral register kept by a local official. The fifth and final complaint relates to the fact that jurisdiction has been granted to the courts of Gibraltar over a series of issues.

The arguments of the Spanish Government shows that their political hypocrisy knows no bounds. The reason why Gibraltar was enfranchised in this manner, by changing UK law alone, and leaving the EC Act of 1976 unchanged is precisely because Spain objected to any amendments to that very Act.

It is also relevant to note that qualifying Commonwealth citizens have always voted in European elections in the United Kingdom. Spain has not objected to this in the past. There were European elections in 1989, 1994 and 1999 after Spain had joined the EU. Commonwealth citizens voted in all these elections in the UK and Madrid did not bat an eyelid. They only raised an objection when that same UK franchise was extended to Gibraltar for the 2004 Euro-elections.

The Opposition considers that it is perfectly normal that a separate register should be kept in Gibraltar, a local official should be in charge, and that the Courts of Gibraltar should have jurisdiction. This is a reflection of the fact that Gibraltar remains a separate legal and political jurisdiction from the United Kingdom with a high degree of self-government and our own competent authorities in these matters.

However, if Spain is worried that we have been annexed to form part of a UK constituency, we have no problem with Gibraltar being a separate constituency and having our own MEP as an EU Member State.

It will be recalled that the opinion of the Advocate General in April, was that the case should be dismissed except in relation to the Commonwealth citizens being able to vote. The opinion of the Advocate General is not binding on the Court and on 12 September it will deliver its verdict.

Commenting on the matter, Opposition spokesman Dr Joseph Garcia said:

“It is clear to everyone in Gibraltar that the decision by successive Spanish Governments to start and to continue legal proceedings on this issue is purely and simply yet another item on a long list of anti-Gibraltar measures adopted by Madrid since they joined the EU in 1986.”

“It is quite incredible that this time they should target our right to vote in elections to the European Parliament. This is a fundamental, democratic right and the challenge which it is facing in Court shows

that when it comes to Gibraltar Madrid only pays lip service to democracy,” said Dr Garcia.

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