

STATEMENT BY THE GSLP/LIBERAL OPPOSITION 136/2006
6 November 2006

Following last week's debate in the House of Assembly on the holding of the Referendum on the Constitution, the Government has announced that the draft list for the register has been completed.

The Government announcement further states that the list has been based on the 2003 Register of Electors with further details taken from the European Elections Register of 2004. The entitlement to register in 2003 and 2004 was different to the criteria that will be used for the 2006 Referendum.

On the basis of the motion approved by the House of Assembly, the qualification to vote this month is in fact the criteria which was used in the 2002 Referendum Register.

The invitation to the public to Register was on the basis of a form which was given to people at the John Mackintosh Hall during the period that the Register has been open. The form is headed "Referendum on the New Constitution – Claim for Inclusion in the Register of Voters."

The questions in the form include whether the person filling in the application has lived in Gibraltar for a continuous period of six months ending on 31 July 2006 and a subsequent question asks whether they intend to live here permanently or indefinitely.

When the Opposition raised this in the debate in the House, the Government was not willing to accept that the qualification should be that those entitled to vote because they have the right to self-determination should be persons who intend to live in Gibraltar permanently or indefinitely. The Government's objection to including these words in the qualifying condition was that it would be impossible to monitor this to establish whether people who have registered will be living here permanently or indefinitely.

Moreover, they claimed that this question as to future intentions was not being asked in the form that had to be completed. When the Opposition insisted that they had a copy of the form, then the Government said that if that question was included in the form they did not know why and they did not know it was there.

It must be obvious that if the Government intend to use the same register for the general elections, then this question must be there as it is a requirement in the law for elections to the House of Assembly.

The inclusion of this question in the claim form for inclusion in the Register of Voters for the Referendum can only be interpreted as being an indication that persons saying that they did not intend to live permanently or indefinitely would be excluded from the Register.

This is also the case with the three other questions which dealt with the citizenship, the fact of having lived in Gibraltar since February and the question as to being aged 18 or over. The claim form clearly gives the impression that in order to qualify the applicant had to be in a position to say yes to all four.

As is now known, the Government brought a motion to the House requiring British Nationals to have been ordinarily resident in Gibraltar for at least the 10 years immediately preceding Referendum Day which is 30 November in order to be able to register and vote.

The Opposition regrets that in the run-up to the setting up of the Register, the Government decided to go it alone instead of bringing the matter to the House in the first instance. We consider that a Referendum in which people are being invited to exercise their right of self-determination in order to decolonise Gibraltar by approving the draft Constitution and thereby bring to an end its status as a Non-Self-Governing Territory or colony, is too important a matter for loose language to be allowed to creep into the technical preparations for the Referendum.

When the notice of the new register came out the Opposition first made clear that it was completely unacceptable that any British National arriving in Gibraltar could be considered to have acquired the right to self-determination after only six months in

Gibraltar. The Government said that there was no problem with the situation because the final decision had not been taken and would probably not be taken until the motion came before the House. This is what has now happened. What the Government have proposed and the Opposition has accepted is a 10 year residence requirement.

However, it remains to be seen how a Register made up of a combination of the 2003 Election Register and the 2004 European Election Register, and application forms from people who have been living here since February, is going to be filtered so as to exclude those who are not eligible according to the criteria approved by the House of Assembly in last week's motion.

The draft list for the Referendum will be available for inspection from today Monday 6 November, and the Opposition will therefore, as was made clear in the House, be seeking to ensure that persons who were denied the vote in the 2003 elections, having voted in the 2002 Referendum, do not get left out again.

ENDS