

STATEMENT BY THE GSLP/LIBERAL OPPOSITION 146/2006
21 November 2006

Earlier this month, the Opposition issued a statement where we accused the Spanish Foreign Minister Miguel Angel Moratinos of lying to the Spanish people when he said that Gibraltar's new Constitution recognises that the Treaty of Utrecht is a constraint on the exercise of Gibraltar's right to self-determination.

The Opposition made it clear that this was something that we would never have agreed to in the negotiations. Indeed, we would have no hesitation in recommending a "NO" vote if what Mr Moratinos has said were to be true.

We also explained in some detail that the section of the Constitution to which Mr Moratinos referred was taken from the International Covenant on Civil and Political Rights. The second paragraph of the Covenant acknowledges the obligation of UN Member States signatories to the Covenant to promote and respect the realization of the right to self-determination.

In other words, the constraint is not on the exercise of self-determination as Mr Moratinos declares, it is a constraint on the UK and Spain in the degree to which they promote and respect our unfettered right. Gibraltar's right to self-determination is therefore not constrained in any shape or form.

When the motion calling the referendum was debated in the House of Assembly, one of the amendments tabled by the Opposition aimed to clarify this specific point. When the Leader of the Opposition moved the relevant amendments to Points 5 and 6 of the Government motion, the Chief Minister replied that he did not disagree with a single word said in moving the amendments.

The Government, however, did not accept the amendments and instead proposed reproducing word for word from the Constitution the self-determination section from Chapter One and noting what the International Covenant says. Given the Government's position, this was the amended text agreed by the House in the final draft.

In the circumstances, it is incomprehensible that the Government should object to Mr Moratinos being called a liar when he is choosing to give an interpretation to the reference on self-

determination in the proposed constitution which is in conflict with our own, when we have been involved in negotiating it with UK and he is supposed to have had no involvement.

Mr Caruana, in defending Mr Moratinos does it by claiming that the statements he has made, and which we reject, say nothing different to what Mr Hoon and many British Ministers before him have said publicly and in the House of Commons about the Treaty of Utrecht.

None of the statements made by British Ministers about the Treaty of Utrecht made a reference to what is contained in the draft Constitution on which people will be voting on the 30 November.

British Ministers have not said this constraint is recognised in the proposed new Constitution or that this constraint has been accepted by us. This is what Mr Moratinos has said.

Indeed, the Opposition consider that there is no such recognition in the Constitution. We have explained in our previous statement of 1 November and repeat it here today that the Treaty of Utrecht may constrain the UK and Spain, but it cannot and does not constrain us in Gibraltar.

The Opposition has understood this to be the position throughout. The comments made by the Spanish Foreign Minister and the decision of the Gibraltar Government to defend those comments has cast some doubt on this issue which was not there before.

The Opposition would have no hesitation in supporting the "NO" campaign if the view expressed by Mr Moratinos were to be true.

ENDS