



PRESS RELEASE

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AZOPARDI'S GSD SEND WRONG SIGNALS ON SOVEREIGNTY

The Government notes the statement issued by the GSD Opposition yesterday on the GSLP/Liberal's position not to join any treaty negotiating team led by the GSD.

Reacting to their statement, the Chief Minister, the Hon Fabian Picardo KC MP, said:

"As I set out in my budget reply, we will NOT form part of any treaty negotiating team led by Mr Azopardi because the GSD send out the wrong signals on sovereignty.

"Mr Azopardi, in his book 'Sovereignty and the Stateless Nation' argued that a modern Andorra was NOT joint sovereignty. This is a position the party I lead fundamentally rejects. The GSLP/Liberals do consider Andorra to be joint sovereignty. I could never, ever join a negotiating team led by someone who thinks Andorra is not joint sovereignty. We do not want anything other than EXCLUSIVE British sovereignty. We cannot agree to form part of the GSD's negotiating team on Brexit because of the deep policy differences between us. Mr Azopardi needs to accept that.

"Mr Azopardi has also previously suggested, albeit whilst he was NOT the leader of the GSD, that the solution for Gibraltar would be to give responsibility for our external relations to the President of the European Commission! This is similar to a position also taken by the former Spanish Foreign Minister Snr Margallo and a position the GSLP/Liberal's also fundamentally reject.

"Additionally, the GSD have flip flopped and u-turned repeatedly on their positions on the UK/EU Treaty and it would therefore be impossible to form part of a team with such a fluid position on the Treaty as they will not be able to negotiate effectively for Gibraltar. In 2015, Mr Azopardi was publicly arguing that the Government should consider retaining free movement for EU citizens in exchange of nothing as this would 'make reciprocal treatment easier going forward'. At the time, he argued for a bespoke deal for Gibraltar. Now, the GSD led by Mr Azopardi attack us for having allegedly agreed to the free movement of frontier workers and for not being part of the UK- EU TCA and says it was a lost opportunity. Being part of the UK-EU TCA would, in effect, have meant no fluidity of movement for people or goods. This is precisely why the Government has been embarked on negotiating a bespoke arrangement with the European Union for the past 21 months. We have been working on securing a safe and secure treaty that delivers free movement and does not restrict mobility.

"The GSD led by Mr Azopardi has also been highly critical of every step we have taken on Brexit.



The GSD criticised the MOU's, they criticised the Tax Treaty we negotiated with Spain and they criticised the Withdrawal Agreement. These were the foundation of our New Year's Eve agreement which forms the basis for our negotiation for a treaty between the UK and EU. So how can Mr Azopardi now pretend that he is the person to negotiate turning the New Year's Eve Agreement into a Treaty? How does Mr Azopardi ever expect us to agree with him?

"The GSD have undermined our position on Brexit at every possible occasion in a cheap and transparent attempt at trying to garner votes. We will never form part of a negotiating team led by the man who believes modern Andorra is NOT joint sovereignty because of the signal that sends Spain. We will never form part of a negotiating team led by a man who argued our external relations should be in the hands of the European Commission instead of the United Kingdom. A GSD Chief Minister who has said these things publicly sends strong signals of HOPE to Spain. Spain knows my position on Sovereignty, they do NOT even raise it at the negotiations. If they did, I would be the first to walk out.

"The only way to keep Gibraltar safe is with a GSLP/Liberal Government. The people of Gibraltar will decide whether to put those who believe Andorra is NOT joint sovereignty in charge of our negotiations or whether to keep the GSLP/Liberal team who have been negotiating every single detail of the treaty for the past 21 months in charge. The hysterical overreaction of the GSD Opposition on the question of the treaty talks with the EU and Spain shows that they are not prepared, competent or experienced enough to represent Gibraltar.

"Perhaps I should be flattered that their proposition to the electorate is that they should vote for Mr Azopardi as the lead negotiator for Gibraltar in order to get me instead!"

ENDS

NOTE TO EDITORS

Sovereignty and the Stateless Nation by Keith Azopardi (p369 to 373)

"More controversially some commentators have referred to an Andorra-style model for Gibraltar. This has proved controversial, only because the current constitutional status of Andorra is often misrepresented in the Gibraltar media as a form of joint sovereignty. A solution based on the Andorra model would be a hybrid formula that would not fall under this heading". ...

Andorra was not a suitable precedent for the joint sovereignty model put forward in 2002 because, as a result of its 1993 Constitution, Andorra had become an independent State and not a territory whose sovereignty was held jointly by two other States. However, the Andorran model does provide an interesting example of an imaginative way of addressing the sovereignty issue ...

The Andorran Constitution recognises 'in accordance with the institutional tradition of Andorra' that the Co-Princes are 'jointly and indivisibly' the Head of State of Andorra. The Co-Princes are a historical institution and 'are in their personal and exclusive right, the Bishop of Urgell and the President of the French Republic' (emphasis added). The Co-Princes perform normal constitutional functions as Head of State within the Andorran system. They also have functions in relation to certain categories of Treaties' or may initiate a process of constitutional revision and appoint some members of the judiciary. It seems



clear that the Andorran model is not one of joint sovereignty, but rather a model based on sovereign independence of Andorra where the people of Andorra, who are sovereign, have consented to the Co-Princes performing governmental indivisible Head of State. The Co-Princes are not sovereign in Andorra those who are sovereign-namely the people of but representative of Andorra. To that extent, and while it is possible to speak of the Co-Princes having the titular sovereignty in Andorra, even that is a slight misnomer which does not accurately reflect the constitutional position, in that it insufficiently describes the sovereign legitimacy of the people of Andorra.' It is a moot point whether Spain would accept an Andorra-style solution, ...

This could be the quid pro quo for Spain accepting that it cannot acquire sovereignty and that the people of Gibraltar are the key repository of sovereignty...

Indeed the parties may wish to enter into a tripartite Agreement or Treaty to replace the Treaty of Utrecht, to which the EU may become a fourth party if it is to have some involvement in the resolution of the conflict." Such a Treaty could provide for the vesting of sovereignty in or for the people of Gibraltar on trust."