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§The Minister of State for Commonwealth Affairs (Mrs. Judith Hart)

With permission, Mr. Speaker, I wish to make a statement on Gibraltar.

The House will recall that on 20th December, 1966, the General Assembly of the United Nations adopted a Resolution, No. 2231 (XXI), calling upon Britain and Spain to continue their negotiations about Gibraltar, taking into account the interests of the people of Gibraltar and asking Britain, in consultation with Spain, to expedite the decolonisation of Gibraltar. Spain voted for this Resolution. So also did Britain, with the statement, by our Permanent Representative at the United Nations, that Britain could never agree that decolonisation would mean the incorporation of Gibraltar into Spain against the wishes of its people, and also that nothing could prejudge the question of the type of decolonisation which would best fit the circumstances of Gibraltar.

We have been considering our policy towards Gibraltar in the light of this Resolution. In doing so we must have regard to the relevant provisions of the Charter of the United Nations, in particular Article 73 which expresses the principle that the interests of the inhabitants of a non-self-governing territory are paramount. We must also have regard to our obligations under the Treaty of Utrecht.

As the House knows, we duly arranged to hold talks with the Spanish Government in pursuance of the U.N. Resolution. The first meeting between delegations of the two countries was to have taken place in London in April. We greatly deplored the action of the Spanish Government in announcing, on the eve of the talks, new restrictions plainly aimed against the economy of Gibraltar. Such action was in clear conflict with the terms of the General Assembly's Resolution, which regretted the occurrence of acts which had prejudiced the progress of the previous Anglo-Spanish negotiations. The talks were postponed, as the House knows, in order to enable us to consider the new situation. As

hon. Members know, we raised the matter in the International Civil Aviation Organisation and have also attempted to resolve the problem in bilateral talks with the Spanish Government.

We are taking steps to bring the matter before the Council of I.C.A.O. once more, this time as a dispute under Article 84 of the Chicago Convention. I should prefer not to go further at this stage into the international aspect of the problem, which is primarily a matter for my right hon. Friend the Foreign Secretary.

But we should not be deterred by this dispute or by the difficulties which Spain has made over the holding of talks from pursuing the objectives of the United Nation's Resolution.

I must repeat Her Majesty's Government's firm belief that decolonisation cannot consist in the transfer of one population, however small, to the rule of another country, without regard to their own opinions and interests. We therefore think that the next step in pursuance of the United Nations Resolution should be to give the people of Gibraltar an opportunity to express their views, by a formal and deliberate act, on what would best serve their interests.

We have accordingly decided that a Referendum should be held in Gibraltar in which the people of Gibraltar should be invited to say which of the following [565](#) alternative courses would best serve their interests: A. To pass under Spanish sovereignty in accordance with the terms proposed by the Spanish Government to Her Majesty's Government on 18th May, 1966; or B. Voluntarily to retain their link with Britain, with democratic local institutions and with Britain retaining its present responsibilities. If the majority of the people of Gibraltar vote in favour of the first alternative, we will be ready to enter into negotiations with the Spanish Government accordingly.

If the majority of the people of Gibraltar vote in favour of the second alternative, we will regard this choice as constituting, in the circumstances of Gibraltar, a free and voluntary relationship of the people of Gibraltar with Britain. We will thereafter discuss with representatives of the people of Gibraltar appropriate constitutional changes which may be desired.

If the majority vote for the second alternative, provision will also be made for the people of Gibraltar to retain the right at any future time to express by a free and democratic choice the desire to modify their status by joining with Spain, in which event we would be ready to approach the Spanish Government accordingly.

We attach great importance to the Referendum being held in conditions of complete impartiality. We want the people of Gibraltar to be able to think calmly where their interests lie and to express their choice free from pressures of any kind. We are bringing our intention to the notice of the Secretary-General of the United Nations and we should very much welcome the presence of any observer he might wish to send to Gibraltar during the Referendum proceedings.

We are ready to welcome an observer from Spain, too, and to give the Spanish Government facilities to explain their own proposals to the people of Gibraltar if they so wish. We also have in mind to invite observers from one or two other Commonwealth countries.

It is our intention to hold this Referendum as soon as suitable arrangements have been made for the registration of persons entitled to vote. These arrangements will necessarily take some time. [566](#)Our present expectation is that the Referendum will be held early in September.

§Mr. Maudling

It is a little difficult to be sure of how far this statement carries us. Surely the Government have been proceeding on the assumption that the people of Gibraltar do not wish to become Spaniards? Surely this has never been seriously challenged? May I ask the hon. Lady two questions? First, are the Government now at last prepared to give the assurance that they have been so coy about, namely, that they will in no circumstances transfer sovereignty over Gibraltar to Spain against the wishes of the people?

Secondly, and equally important, what practical steps do the Government intend to take to deal with the severe economic pressure that has been put upon Gibraltar, particularly in the matter of flying rights?

§Mrs. Hart

To take the first question, this is really already answered by the terms of the Referendum and the terms of my statement. What I have made clear is that, in that the United Nations Resolution places stress, and our Permanent Representative at the United Nations, in voting for the Resolution, placed even greater stress, upon the interests of the people of Gibraltar, it will be clear that we are determined that the interests of the people of Gibraltar should be paramount and that, therefore, it is right that they should decide what they believe their interests to be and where they believe their interests to lie.

On the right hon. Gentleman's second point, we are doing, as I think he knows, a great deal to assist the economy of Gibraltar at the moment. On the question of air restrictions, in practice there has been little or no interference with the travelling of passengers and tourists to Gibraltar, in spite of the air restrictions, and we very much hope that this situation will continue.

§Mr. Maudling

I am sorry to press the hon. Lady, but this is a very important point. In answering the first question, she moved a little towards some of the ambiguous phrases used in the past by Ministers, namely, about the Gibraltar people expressing their own views, in their own interest. What we want is a categorical assurance that if it is clear that they do not wish to be transferred [567](#)to Spain they will not be transferred to Spain.

§Mrs. Hart

If the right hon. Gentleman will read my statement carefully, what I said there, and I will repeat the relevant sentences, was: "If the majority of the people of Gibraltar vote in favour of the second alternative"— namely, voluntarily to retain their link with Britain, with democratic local institutions and with Britain retaining its present responsibilities— ... we will regard this choice as constituting, in the circumstances of Gibraltar, a free and voluntary relationship of the people of Gibraltar with Britain. That makes it clear what our intentions are.

§Mr. John Lee

My hon. Friend has made a very satisfactory statement. May I ask two questions? First, if the Referendum is in favour of association with the United Kingdom, while I fully concede that the people of Gibraltar may wish to reconsider their decision in future, may we be assured that there will be no further going over this ground for at any rate a certain period—say, ten years as a minimum? Secondly—

§Mr. Speaker

Order. Questions must be reasonably brief.

§Mr. Lee

If the Spanish Government send observers, may we have an assurance that they will not be allowed to interfere with the running of the Referendum?

§Mrs. Hart

Certainly they will not. As I have said, the whole intention is that this should be a completely impartial Referendum. If the Secretary-General is able to provide an observer from the United Nations, if the Commonwealth is able to provide one or two observers, and if Spain wishes to provide an observer, they will be strictly observers. There is no need for my hon. Friend or for right hon. and hon. Gentlemen opposite to tell me what the people of Gibraltar feel in their hearts. I am sure that what lies behind the feelings of the people of Gibraltar is not only the question of where their interests lie—whether in relation to Britain or in relation to Spain—but a number of considerations which bear on the systems of Government in Britain and in Spain.

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§Mr. Wall

If the people of Gibraltar decide on a British connection, there will then be constitutional discussions with the Gibraltar Government. Why cannot the hon. Lady go the whole hog in the Referendum and decide whether Gibraltar is to be integrated with Britain or have a close association with Britain and so end the present political turmoil in Gibraltar'?

§Mrs. Hart

My impression is that one of the things which has understandably been very much concerning the people of Gibraltar, including many members of the Integration Party, whom I met on my recent visit to Gibraltar, has been the fear that there might be a loosening of the ties with Britain. I think that they will be content with the Referendum and with the assurance which I have given them that in any future discussions about constitutional changes in Gibraltar every shade of political opinion in Gibraltar will be fully consulted and involved. I think that they will be reasonably content with that.

§Mr. Crawshaw

Is my hon. Friend aware that this decision will not be welcomed by the Spanish Government and that the possibilities are that there will be further threats and action taken against Gibraltar? Can she assure us that this new-found backbone will continue to be shown rather than a clean pair of heels as has been shown in the past?

§Mrs. Hart

I do not know whether my hon. Friend is suggesting that I have been showing a clean pair of heels. I assure him that the undertakings which I have given to the people of Gibraltar, and the undertakings given in the House by my right hon. Friends the Foreign Secretary and the Chancellor of the Duchy of Lancaster, are that we will continue to stand by the people of Gibraltar. I see no reason to assume what the Spanish reaction to my statement today will be. What is clear is that we are acting in pursuance, as we are bound to do, of the United Nations Resolution, which calls upon us to continue our negotiations, but to take into account the interests of the people of the territory. What we are now proposing is fully in pursuance of that Resolution for which both we and Spain voted.

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§Sir A. V. Harvey

Since it is highly likely that Spain will disregard any decision of the United Nations, why does the hon. Lady place so much

reliance on the United Nations when it seems quite incapable of dealing with the most elementary matters elsewhere in the world?

§Mrs. Hart

I think that we must recognise that the United Nations Charter is bound to govern the actions of any member of the United Nations Organisation. Article 73 states various things. We have the peculiar difficulty in this situation—and let us understand this clearly—of being bound to recognise Article 73, on the one hand, and of being bound to recognise the Treaty of Utrecht, however long ago it may have been drawn up, on the other hand. Thirdly, we must recognise the interests of the people of Gibraltar with whom we have such close associations. It was in recognition of all three factors that we came to our conclusion.

§Mr. Palmer

Would my hon. Friend agree that this excellent proposal for a Referendum will be a very useful object lesson to the Franco dictatorship on the workings of a free democracy?

§Mrs. Hart

It is not for me to prejudge what conclusions may be drawn by the Government of Spain from the Referendum.

§Sir Harmar Nicholls

Is the hon. Lady aware that in some quarters her statement will be looked upon as a weakness? It will give the appearance that we are covering up our responsibilities by pushing the Referendum forward. Therefore, will she use all the diplomatic power and contact which she has to let it be seen that, as her hon. Friend the Member for Liverpool, Toxteth (Mr. Crawshaw) said, we are at last showing some backbone?

§Mrs. Hart

It is probably relevant to say that I have in the last few months, both here in London and in Gibraltar, been in very close touch with Joshua Hassan and Mr. Peter Isola and have every reason to believe that they will regard this as a reasonable next step to

take. I have no fears that there will be in Gibraltar any inclination to regard this as a sign of weakness on the part of the British Government.

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Mr. Colin Jackson

May I endorse my hon. Friend's statement that the people of Gibraltar will widely support the plea for a Referendum? Bearing in mind that there may be a United Nations observer and an observer from the Spanish Government, and since in the Malta Referendum a delegation was sent from the British Parliament, and as this matter affects the British Crown and British Parliament, might not a delegation of friends of Gibraltar be sent from this country for the Referendum?

§Mrs. Hart

That is not a matter which has been considered. It is, no doubt, for the Commonwealth Parliamentary Association to consider that aspect. I am reasonably content that if we can get an observer from the Commonwealth and an observer from the United Nations, if the Secretary-General agrees, we shall ensure a completely impartial conduct of the Referendum.

§Mr. David Steel

We particularly welcome the statement, since our suggestion was turned down by the Government. Who will organise the Referendum? Will it apply to all over 21 years of age? Exactly what does the hon. Lady mean when she talks about giving the Spanish Government facilities to outline their own proposals? Would she consider extending this constitutional innovation to the people of Scotland?

§Mrs. Hart

I am reasonably satisfied that the arrangements as between Her Majesty's Government and the people of Scotland do not offend Article 73 of the United Nations Charter. Secondly, in terms of the Spanish explaining what their position is, at the moment we are basing alternative A on the offer which was made by Spain in May last year. We have made our statement of what alternative A will

be, but if the Government of Spain wish to make any comment or observations on it we will be ready to listen to them. On the hon. Gentleman's first point, the Referendum will require an Order in Council defining its terms and the qualifications of voters and making provision for its administration. The Governor of Gibraltar will be responsible for its administration. He will act at his discretion and under the directions of Her Majesty's Government. This is essentially a British act of state.

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§Mr. Alfred Morris

May I assure my hon. Friend that there will be widespread approval of her statement throughout the country? What contingency planning has there been to deal with any intensification by Spain arising from this statement of its present interference with our flying rights?

§Mrs. Hart

I can assure my hon. Friend that "contingency planning" is a phrase which has not been unknown to us in the last few weeks, but he will appreciate that it would not be wise for me to enter into detail as to what it might mean.

§Sir T. Brinton

Can the hon. Lady explain to us why, when in this country we have always rejected the idea of referenda as a method of government, in the case of Gibraltar we can contemplate going over the heads of the clearly expressed opinion of both the Government and the Opposition of that territory apparently to prove to the Spanish dictatorship that the Gibraltarians do not wish to be Spanish?

§Mrs. Hart

As the hon. Gentleman will know, throughout the whole debate with Spain and in all these difficulties, which arise essentially from the old Treaty of Utrecht, which creates the special condition in this matter, we have tried to adhere to what is legal and right in terms of international law. We are now in a situation where the last binding legal obligation upon us is a United Nations

Resolution, for which we voted. But the terms of that Resolution enable us to take full account of and to give great stress to the interests of the people of Gibraltar. One can establish what those interests are by a reference to the leaders of the parties in Gibraltar. That is one possibility. But what is clear is that it is infinitely more meaningful if the people themselves are able to express their views on where their interests lie by means of a Referendum. It is not quite the first occasion. It is the first occasion in a British dependent territory, but there were two occasions in the past, in Togoland and the British Cameroons, which were United Nations trust territories under British administration, when similar referenda were held.

§Mr. Arthur Lewis

In view of the fact that my hon. Friend's statement has [572](#) been welcomed by the overwhelming majority of hon. Members on both sides, with suitable amendments, could she organise a similar sort of referendum in Rhodesia?

§Mrs. Hart

rose—

§Mr. Speaker

Order. These questions are about Gibraltar.

§Sir W. Bromley-Davenport

The hon. Lady referred earlier to Resolutions being passed by the United Nations. But what earthly good do Resolutions passed by that body do? What good did a Resolution do to the people of Hungary when they were being massacred—

§Mr. Speaker

Order. Even the hon. and gallant Gentleman must put his question about Gibraltar.

§Mr. Hector Hughes

Will my hon. Friend specify what assistance Britain will give to Her Majesty's subjects in Gibraltar against outside Spanish

influence to ensure that the Referendum will be a real expression of opinion by the people of Gibraltar?

§Mrs. Hart

On the basis of my knowledge of the people of Gibraltar, I have no fears that they will not express their views in the proposed Referendum freely and without concern for any influences which may come over the border from Spain.

§Sir J. Langford-Holt

The hon. Lady has mentioned two alternatives—closer association with Spain, and closer association with the United Kingdom. The third alternative, which would appear to be obvious, is that of complete independence. Is this to be included in the Referendum? If not, what are the reasons for excluding it?

§Mrs. Hart

This is very much linked with the Treaty of Utrecht. If the hon. Gentleman studies its terms, he will see why that is so. It is for that reason that the alternatives will be to pass to Spanish sovereignty or to retain links with Britain.

Several Hon. Members

rose—

§Mr. Speaker

Order. We must move on.