



Date: 29th March 2017

---

## Chief Minister's Statement on the Prime Minister's Triggering of Art 50 of the Lisbon Treaty

Mr Speaker,

All Honourable Members will be aware of the statement by the Prime Minister, the Right Honourable Theresa May, in another Parliament earlier this afternoon.

At one thirty Central European Time, the Prime Minister has informed the House of Commons that she has formerly written to the President of the European Council activating the operation of Article 50 of the Treaty of Lisbon in respect of the United Kingdom's membership of the European Union.

The United Kingdom's Permanent Representative to the European Union, Sir Tim Barrow, has already delivered the letter to the President of the European Council, Donald Tusk.

I can assure the House, Mr Speaker, that we have considered in the Joint Ministerial Council aspects of that letter and on the tactical and strategic aspects of what it should or should not contain in relation to Gibraltar specifically.

Although the letter does not mention Gibraltar specifically, it does cross refer to the White Paper published in February this year which dealt with Gibraltar issues.

Another White Paper, to be published tomorrow, will also be relevant to Gibraltar.

The Prime Minister has moreover just answered two questions in Parliament about Gibraltar, arising from her statement, confirming specifically that Gibraltar is a specific part of the multilateral negotiation she will lead with the rest of the European Union.

She has also stated explicitly that she and her Government are "absolutely and steadfastly in support of Gibraltar and its people and economy."

She has also confirmed on the floor of the House her Government's commitment to continue to work closely with the Government of Gibraltar as the negotiations develop.

Mr Speaker, Gibraltar has been a part of the European Union and the application of the treaties establishing the European Economic Community and the EU since this House, in December 1972, voted to give effect to the provisions of the Treaty of Rome through the passing of our European Communities Act.



Art 355(3) of the Treaty Establishing the European Union made specific provision for the application of the treaties to a territory for whose external relations a Member State is responsible.

Gibraltar is Constitutionally such a territory.

Since 1973, our Constitutional position has nonetheless developed and now, although a matter may be related to the relationship with the European Union, such a matter will not be outside the Constitutional competence of Gibraltar if it is otherwise a matter for which Gibraltar holds competence.

This withdrawal, Mr Speaker, is therefore a matter of Constitutional significance for Gibraltar.

The 2006 Constitution provides in Section 47(3), as follows:

***“(3) Without prejudice to the United Kingdom’s responsibility for Gibraltar’s compliance with European Union law, matters which under this Constitution are the responsibility of Ministers shall not cease to be so even though they arise in the context of the European Union.”***

Our membership of the EU is also based on a number of derogations from the full application of the European “*acquis communautaire*”.

Those who negotiated our membership for Gibraltar 1972 managed to secure for us terms which have stood the test of time and led to a remarkable level of prosperity in Gibraltar in the 30 years since the opening of the frontier with Spain really allowed us to trade with the rest of the EU.

Mr Speaker, I reflect, at this moment of commencement of our withdrawal from the EU, the gratitude of the generations of Gibraltarians that have followed to those of the AACR and IWBP who were responsible for those negotiations and those decisions.

Former Chief Ministers Sir Joshua Hassan, Bob Peliza, Joe Bossano and yourself, Mr Speaker, were members of the Parliament that took us into the European Economic Community.

With you were also former Leaders of the Opposition Peter Isola and Maurice Xiberras.

The decisions made then now fall to be analysed as we make decisions about the future direction of trade in and from Gibraltar.

Our Brexit Select Committee will now soon start its work as the negotiations commence, to analyse the choices we should make for today and for the future.

The world today as we leave the European Union is a different place Mr Speaker to the world that saw us enter the EEC.

Today Gibraltar has access to the United Kingdom market in financial and other services, where we do 90% of our business.



That access has been guaranteed going forward as a result of our negotiations with the UK in the aftermath of the result of the referendum.

Today, the globalised economy and the virtual economy provide opportunities for Gibraltar beyond its immediate geography.

In that respect, Mr Speaker, we will be working to ensure that we open up access for Gibraltar to markets around the world.

Today the UK is already considering trade deals with the world beyond the EU.

Those deals will also likely include access for Gibraltar to such markets, as the United Kingdom does trade deals with in coming years.

Mr Speaker, considerable work is being done by the Government with the relevant departments of the Government of the United Kingdom to ensure such access is secured.

We know, Mr Speaker, that those markets are likely to include nations of the Commonwealth and the United States.

With those nations we share perhaps much greater affinity than we might with some of the nations with whom we are in partnership today in the European Union.

Bonds of language and the common law create synergies which may yet provide a more interesting market for those operating from Gibraltar than some nations of the EU have done to date.

We look forward to having access to those markets in future.

Indeed, Mr Speaker, we are in fact cautiously optimistic that we will be able to grow further and prosper even more in the future than we have in the past in the context of access to those new markets.

Mr Speaker, I can inform the House this afternoon, that after the Prime Minister delivered her message to the Commons, I have spoken to the Parliamentary Under Secretary of State for Exiting the European Union, Robin Walker MP.

I have once again been directly assured by Mr Walker that the Government of the United Kingdom will continue to ensure that we are fully involved and Gibraltar's priorities are fully understood and fully taken into account as we enter the process of negotiations with the European Union on the UK's departure.

He has further reassured us of the understanding there is on the part of the Government of the United Kingdom of Gibraltar's key interests in maintaining market access to the UK in key sectors and in the UK's double lock on sovereignty.



Indeed, all Honourable Members will be aware of the tenor and content of the Minister's statements when he was in Gibraltar.

The double lock commitment, Mr Speaker, has been restated by the Prime Minister in her statements to Parliament this afternoon.

Honourable Members will also have noted the statements made by other Member States about the United Kingdom's withdrawal from the European Union.

The recent statements from the Kingdom of Spain, in particular, suggest areas of common interest and concern.

Speaking last week on Radio Nacional de Espana, the current Spanish Foreign Minister Snr Dastis Quecedo said that he believed Spain was going to have a constructive attitude to Gibraltar because they had an interest in the prosperity not so much of Gibraltar but of the Campo. He added that the region would be one of Spain's priorities<sup>1</sup>.

In a parliamentary response to a written question filed by Salvador de la Encina, who is a friend of the Campo region and a representative of it in Madrid, in the Spain Cortes, the Foreign Ministry has said the following:

*"The possible consequences of the departure from the European Union of the UK on the Campo and Spanish workers in Gibraltar will depend on the terms on which the UK leaves the EU.*

*Amongst the priorities of the Government in this respect in particular is the defence of the interests of Spanish citizens and companies that operate in Gibraltar, with the objective of avoiding that they should be prejudiced by this process.*

*...Spain will direct its efforts to obtaining favourable conditions for our workers, in terms of free movement and in preserving their social security acquired rights and rights in the process of being acquired, in the context of opportune negotiations with the other side and in agreement with the rest of our Community partners."*<sup>2</sup>

---

<sup>1</sup> **23.3.17 : Radio Nacional de Espana** "...yo creo que nosotros desde luego vamos a tener una actitud constructiva con Gibraltar porque además tenemos interés en la prosperidad, no tanto de Gibraltar, como del Campo de Gibraltar, la zona que va a ser una de nuestras prioridades."

<sup>2</sup> **23.3.17 Parliamentary response to Diputado Salvador de la Encina, PSOE (Question 184/2829)**

*Las posibles consecuencias de la salida efectiva de la Unión Europea en el campo de Gibraltar y en los trabajadores españoles en Gibraltar dependerán de los términos en los que Reino Unido abandone la Unión Europea.*

*Entre las prioridades del Gobierno en este ámbito destaca la defensa de los intereses de los ciudadanos y las empresas españolas que operan en Gibraltar, con el objetivo de evitar que puedan verse perjudicados por este proceso.*

*A partir del próximo 29 de marzo, fecha en la que el Reino Unido ha anunciado que hará efectivo el Brexit, se abre un periodo de negociaciones de 2 años, durante los que España dirigirá sus esfuerzos a la obtención de condiciones favorables para nuestros trabajadores, tanto en materia de libre circulación, como de conservación de sus derechos de seguridad social adquiridos o en curso de adquisición, mediante las negociaciones oportunas con*



Speaking to Frankfurter Allgemeine Zeitung, Senor Dastis also specifically confirmed on Monday, that Spain is NOT looking to impose punitive measures on Gibraltar and neither is it going to close the frontier with Gibraltar. He confirmed the frontier will remain open, that the controls will remain as they are now and subject to such control as there may be on the EU's external borders.<sup>3</sup>

It bears saying these things, which should be obvious Mr Speaker, because we have heard some other things in the past from others.

Indeed, Mr Speaker, we have heard many other discordant voices from the past say more outrageous things.

But the position of the Spanish Government now is increasingly clear.

And we have some common concerns and interests.

This is a serious time and serious matters affecting the lives of people who live in Spain and work in Gibraltar are at stake.

This is not a time to inflame or shout at each other in the headlines

It's time to work to deliver solutions that work for cross frontier workers, the tourists who create a large number of their jobs and the children who cross the frontier every day.

No doubt every member of this House will welcome the statements that suggest that the Government of Spain is also seriously concerned to ensure continued frontier fluidity in the future.

On this, however, all will consider that the jury is out, given their track record in the past.

Gibraltar for its part certainly will be working to ensure continued frontier fluidity and with full Constitutional power to determine matters related to immigration, we will be able to guarantee access to Gibraltar in future on an unimpeded basis.

Because, Mr Speaker, Her Majesty's Government of Gibraltar continues to believe that Gibraltar is an important economic engine for the whole of the Campo region which delivers benefits to citizens on both sides of the frontier.

---

*la otra parte y siempre dentro del marco que al respecto pueda establecerse de común acuerdo con el resto de nuestros socios comunitarios.*

<sup>3</sup> **Frankfurter Allgemeine Zeitung** "Se encuentra fuera de la Unión Aduanera y el espacio Schengen. Los controles existentes continuarán. Dado que el conjunto del Reino Unido sale de la UE, Gibraltar también lo hace. Si Gibraltar quiere tener relaciones con la UE en el futuro, Gran Bretaña y España tendrían que llegar a un acuerdo. Pero no nos interesa imponer medidas punitivas. No vamos a cerrar la frontera. Permanecerá abierta y habrá controles como en cada una de las fronteras exteriores. Nos preocupan mucho los intereses de los españoles que trabajan en Gibraltar".



We can continue to do so even after the UK leaves the European Union.

We also recognize a moral responsibility to those European Citizens who are established in Gibraltar.

We will be willing partners in ensuring their continuing ability to live amongst us even though the position may be different for those settling after we leave the EU.

We will approach all aspects of the discussion about the future relationship with the EU in the spirit of sincere cooperation which the treaties require of existing members of the EU.

We want to see people's lives as unaffected as possible by this process.

We will work to avoid disruption to all citizens, in particular those who have to cross the frontier for work or for any other reason.

In this respect, we welcome the Prime Minister's statement seeking that the United Kingdom's withdrawal from the European Union should be fair and orderly.

Mr Speaker, today is undoubtedly a sad day for Gibraltar.

It is not the result we wanted from the referendum.

Today is a day when we must be ready to work to turn sadness into optimism and hope.

It is a day when we embark on a process we did not choose but are determined to make a success of.

As the United Kingdom looks to establish itself as a truly Global Britain that reaches beyond Europe so do we, the British people of Gibraltar, look to establish ourselves also as a nation with commercial relationships well beyond Europe and in partnership with Britain.

We are a resilient and entrepreneurial people.

We will rise to the challenge.

We will deliver a prosperous, outward looking, Global British Gibraltar living in peace with its neighbours.

And we will thrive as a people as we adapt to the new realities of post-Brexit trade and adopt its myriad opportunities.

Because one thing must be clear to everyone beyond our shores, Mr Speaker.

Our affections as a people are not for sale.



Our Sovereignty is not in play.

Our future is British now, during and after this process.

Let no one think we are a bargaining chip.

Gibraltar will be no-one's bargaining chip.

We will be no pawn in Brexit.

And we will be no victim of Brexit.

As far as we are concerned, this day brings us nothing to celebrate.

But it also brings us nothing to fear and everything to fight for.

Because the stark reality Mr Speaker is that in 720 days, the United Kingdom will likely no longer be a member of the European Union.

And Gibraltar – out of Europe – will be closer than ever to a truly Global Britain.