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The Modern Political and Constitutional Development
of Gibraltar, 1940 – 1988

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PREFACE

DISCUSSION OF SOURCE MATERIAL

Serious research into any aspect of the history of Gibraltar is sadly lacking. The vacuum in historical research in Gibraltar's modern political history is even more glaring. The historian of any aspect of the Rock therefore has to rely on primary sources more than historians of other fields. There are no debates between academics on this subject, no learned controversy over any aspect of this British Mediterranean territory. The fundamental aim of this thesis, therefore, is to fill in some measure the serious vacuum in knowledge, and hopefully to stimulate other historians of the Commonwealth to take an interest in Gibraltar.

The primary sources used for this thesis outnumber the secondary works enormously, for the reasons outlined above. Dr. Howes's work 'The Gibraltarian' was first published in 1951 as a population study showing the origins and development of the people of Gibraltar since 1704. This book was the first serious academic work on an aspect of Gibraltar's political life. Howes was Director of Education for the Gibraltar government after the War, and therefore had easy access to source material. Despite the publication of a number of books and articles in the years after Howes's work, these tended to concentrate on Gibraltar's role as a fortress, or on the problems with Spain, and the political development of the Gibraltarians was almost totally ignored. Even George Hill's 'The Rock of Contention', published in 1974, which could be termed the general text book history of the Rock, was more concerned with the diplomatic wrangle between Britain and Spain than the development of the Gibraltarians themselves. In 1987 General Sir William Jackson, a former Governor of Gibraltar, published the most comprehensive general history since Hills, and stimulated Gibraltarians to involve themselves in research also.

It is only comparatively recently that Gibraltarian historians have started to take an interest in their homeland. This can be seen in the publication of Charles Caruana's 'The Rock Under a Cloud' in 1989, which traces the history of the Roman Catholic Church in Gibraltar, followed by Tommy Finlayson's 'The Fortress Came First', which deals with the evacuation of the civilian population during the Second World War. Despite this renewed interest, there can be no doubt that the secondary material available on the history of Gibraltar is both scarce and too general, and that the researcher has to rely mainly on primary sources.

The primary sources which were consulted in this thesis fall broadly into two groups. In the first place are the records housed at the Public Records Office in Kew, and secondly those available in Gibraltar itself. The former comprise mainly Colonial Office and Cabinet papers, and are subject to a thirty year rule. Gibraltar being a sensitive diplomatic problem, there are files which have been closed for longer. The constitutional development of Gibraltar was handled only by the Colonial Office, therefore Colonial papers are particularly relevant. The Foreign Office did not come into the scene effectively until after 1963. This material was subject to the thirty year rule and therefore could not be used in the thesis. It was also possible, from Colonial and Cabinet papers, to assess the attitude of Foreign Office officials through reports from ambassadors and inter-departmental minutes. The Colonial Office papers provided a wealth of information on the subject. Reports from the Governor of Gibraltar and from other colonial administrators to Whitehall revealed a distinct paternalistic attitude towards the colony. The Cabinet papers were also particularly relevant, especially in mid-1948 when the whole issue of the Rock's future constitutional direction was brought before Attlee's Cabinet.

Material at the archives of the Gibraltar government was even more extensive. There were a huge number of files available on the evacuation and repatriation of Gibraltarians during the Second World War. This event was instrumental in triggering the political demands which followed. There were files available on the various elections held in Gibraltar and on the controversial decision to introduce proportional representation for elections to the legislature in 1950. Gibraltar newspapers were also available at the archives and these have been used extensively throughout. The Gibraltar Chronicle, the only daily newspaper in Gibraltar, has proved particularly useful. It was founded in 1801 as a forces newspaper to cater for the needs of the military, and it then served the purposes of both newspaper and gazette. This changed when a board of trustees was set up and the Gibraltar Gazette became the official organ. Although owned by the military in the earlier part of the thesis, and being carefully controlled during and immediately after the War, by the 1970s and 1980s there can be no doubting neither the impartiality of the newspaper nor the integrity of its journalists. The Chronicle reproduced reports from Hansard verbatim when Gibraltar was discussed and also reproduced reports from the British press whenever there were important articles on Gibraltar. It has therefore proved an extremely useful source, and every single Chronicle in the period in question has been scoured over. Other important archival material were minutes from the City, Legislative and Executive Councils which were available for inspection whenever necessary. Material on Gibraltar before the United Nations, and various other government reports and statistics were also found in the archives.

Given that the thesis is primarily concerned with the internal constitutional development of Gibraltar, and not with external events, the Spanish source material used has been subject to this consideration. The thesis is not about Gibraltar's relations with Spain, but rather about the colony's changing relationship with Britain. An interview with a Spanish Foreign Ministry official proved extremely discouraging in terms of the archival material available in Madrid. However, it proved extremely useful to see that when Spain begins to emerge onto the scene, there were plenty of documented original correspondence, diplomatic notes, speeches and other material collected in two Spanish Red Books, published in 1965 and 1967. These contained more than enough primary material on the Spanish point of view throughout the 1950s and 1960s. Given that the books were issued by the Spanish Foreign Ministry, the historian took great care to establish that the sources quoted were correct. For instance, the record in the first Red Book of the speeches delivered before the United Nations by Gibraltar's political leaders in 1963 and 1964, was carefully compared with the transcript supplied by the United Nations Secretariat. In this way the primary sources in the Red Books were found to be reliable.

The main advantage found when researching at the archives was that there is no thirty year rule in Gibraltar. Given this situation, access was requested to material on the 1968 Constitutional Conference. The government archivist doubted that this would be forthcoming, but placed the request before his superior, the Administrative Secretary of the Gibraltar government, effective head of the civil service. When the reply came back in the negative, I decided to argue the case before the Chief Minister of Gibraltar himself, and on doing this obtained access to material after 1960, which provided a valuable insight into relations between Gibraltar and London at a time of intensifying Spanish pressure.

Other avenues were explored which were not so fruitful. The archives of the AACR were non-existent after a fire damaged much of their original material, and this was complicated further by a riot during which the party's premises were ransacked. The personal material belonging to former Chief Minister Sir Joshua Hassan was also assessed. This was found to be a collection of personal letters and photographs in total disorder which contained nothing of real value except the material listed in the bibliography.

The interviews conducted with relevant personalities proved extremely useful. The four men who have been Chief Minister of Gibraltar, Sir Joshua Hassan, Major Robert Peliza, Mr Adolfo Canepa and Mr Joe Bossano were all interviewed. It was particularly interesting talking to Hassan, who has lived throughout all the period in question, and whose memory of anecdotes and other details proved fundamental in providing a feeling of events as they unfolded. Obviously there was an awareness that each person interviewed would try and slant their contribution to Gibraltar's political life to their own advantage, but taking even possible bias into account the conversations were nevertheless useful. The two-hour long talk with Mr Tristan Garel-Jones MP, Minister of state at the Foreign Office with responsibility for Gibraltar provided an insight into Britain's view of the future in constitutional terms for Gibraltar. This was balanced by various meetings with Mr Esteban Bravo, a Spanish Foreign Ministry official.

The source material used has therefore been extensive and based largely on primary sources. Efforts to obtain access to closed, secret files after 1960 have been successful thanks to the personal intervention of the Chief Minister of Gibraltar. The modern political history of Gibraltar has never been researched before and it is hoped that this will provide a much needed contribution to a neglected area of historical research.

INTRODUCTION

The Rock of Gibraltar has always been a fortress and historians have tended to focus on its military role. By comparison, the history of the civilian population, particularly in its most recent aspects, has not been nearly so well documented.

Dr H.W.Howes's¹ study of the origins and development of the population of Gibraltar from 1704, was first published in 1951, and since then no detailed academic study has emerged to supplement his researches and bring them up to date. The aim of this thesis is to do precisely that. That is to say, to chart the political and constitutional development of the people of Gibraltar from the problems created by the evacuation of the civilian population during the Second World War, up to the present day.

It is essential, however, to establish from the outset exactly who the people of Gibraltar are. When the Rock fell to an Anglo-Dutch force in 1704 during the War of the Spanish Succession, almost all its approximately 4000 Spanish inhabitants left for the neighbouring parts of Spain. Immigration from other Mediterranean regions then took place, with incomers from Malta, Genoa, and Portugal, among others, settling on the Rock. It was formally ceded by Spain to Britain under Article X of the Treaty of Utrecht in 1713. Eight years later a count of civilians able to bear arms was taken, and this revealed that 45 were English, 96 were Spaniards and above all 169 were Genoese.² This Genoese element supplied a vital contribution towards what was to make a Gibraltarian. By 1753 the civilian population had grown to 1816 persons, the main elements in which were 597 Genoese, 575 Jews and 351 British inhabitants.³ This British component were mainly merchants, who arrived on the Rock to service the needs of the military, and who soon recognised the importance of the place as a trading post from which to advance northwards into the Iberian peninsular, southwards towards Africa and east into the Mediterranean.

The first real census of inhabitants was taken in February 1777.⁴ It stands as testimony to the agglomeration of nationalities that have made the modern day Gibraltarian. The total

number of civilians was 3201, of these 1832 were Roman Catholics, the rest were British Protestants. The majority of the Roman Catholics were classed either as natives, (845), as Genoese and Savoyards, (672), and as Spaniards, (134). Other minor Catholic groups included English, Irish, Minorcans, Portuguese and French. It is significant to note the appearance of this 'native' element in the registers of 1777, containing the implicit recognition of the birth of the Gibraltarian. Dr Howes concluded from his researches that 'the basic element in what has become the Gibraltarian is the Genoese'⁵, conceding at the same time the importance of other groupings, namely the Spaniards, Jews and British.

Regarded for many decades purely as an appendix to the military base, the constitutional development of this heterogeneous community was understandably slow. Under letters patent a civil judiciary was authorised in 1720, and in 1739 criminal and civil jurisdiction was granted to Gibraltar, but no courts were created and this jurisdiction was exercised by the military, headed by the Governor himself. Justices of the Peace were appointed in 1753, and forty years later a Vice-Admiralty Court was established to tap the first real basis of Gibraltar's wealth, the public auctioning of enemy ships captured by the Royal Navy.

The Governorship of General George Don, which started in 1814 and lasted for 17 years led to the first real advances in the political development of Gibraltar. In 1817 the Exchange and Commercial Library was founded, largely to rival the Garrison Library from which civilians, however eminent, were excluded. The Exchange Committee concerned itself with forwarding the interests of the prosperous merchant group which had grown up in the city. Initially, they had no political objectives, and concentrated on matters of a social and economic nature in so far as they affected the merchants. Thus the Exchange Committee had little to do with the first moves which led to Gibraltar being given the status of a Colony in 1830. A Charter of Justice was granted in that year, a civilian magistracy established, and civil rights bestowed on its inhabitants. A Supreme Court was also created by letters patent, with a resident chief justice and jury system. Only a year after Sir Robert Peel's Metropolitan Police Force was created in London in 1829, Gibraltar followed suit, setting up what has become the second oldest British

police force after Peel's. "The City and garrison of Gibraltar in the Kingdom of Spain", had become the "Crown Colony of Gibraltar." The changes of 1830 were vitally important in that they recognised the inherent duality in a fortress-colony, and sought to cater in some measure for the administration of the civilian inhabitants.

These political advances were cut short by the appointment of Sir Robert Gardiner as Governor in 1848. The new Governor had strong views on how a fortress should be administered, and this drew him into a series of undignified wrangles with the Exchange Committee, a body which by then claimed to be representative of all the civilian inhabitants of Gibraltar. Gardiner contended that the population of Gibraltar could not aspire to the political freedoms granted to other British Colonies because Gibraltar was primarily a fortress. In strongly worded correspondence he accused the Exchange Committee of encouraging 'notions of political rights which it has never been the intention of any British Government...to concede to the commercial settlers on the Rock.'⁶ With reference to the Gibraltarians, Gardiner was adamant that there 'are no grounds on which they can, with any shadow of right or claim, demand elective franchise.'⁷

In 1852 the Governor banned a meeting of merchants, landowners and other local inhabitants which had been arranged for the purpose of petitioning the Secretary of State for the Colonies to set up an enquiry into the civil administration of the Rock. The merchants were deeply critical of Gardiner's government of Gibraltar, arguing for the necessity of creating some form of municipal administration, and a consultative council of civilian inhabitants. Relations were strained to the extent of the Governor banning members of the Exchange Committee from functions at Government House. In order to silence the increasingly virulent attacks on his administration, Gardiner issued a press ordinance in 1855, bestowing upon himself as Governor the power to control publications in Gibraltar. When Gardiner started to threaten the economic interests of the merchants, they used their links with Chambers of Commerce in Manchester and London to lobby Members of Parliament against him, and their enemy was finally recalled in 1855.

Since 1749 the Governor had been assisted in the administration of civilian affairs by a 'civil secretary', and in 1859, perhaps as recognition that Gibraltar had become a fully-fledged Colony, the post was replaced by that of a 'colonial secretary.' The colonial secretary became the corner-stone of the civilian government and all correspondence addressed to the Governor passed through his hands. Throughout this thesis, the term 'colonial secretary' will be used when referring to this Gibraltar official, as opposed to the term 'Secretary of State for the Colonies', which is self-explanatory.

A severe cholera epidemic in 1865 led to the 'Sanitary Order for Gibraltar', which created a Sanitary Commission consisting of twelve members, all of whom were civilian and nominated by the Governor. The Sanitary Commissioners took responsibility for problems of health and water-supply. In 1880 it was decreed that four of the twelve commissioners were to be non-civilian, and in 1891 that only four were to be Gibraltarians. The Exchange Committee appealed at regular intervals for a larger representation of Gibraltar ratepayers on the Sanitary Commission, but the Secretary of State insisted that as Gibraltar was a fortress, he could not accede to the Committee's demands.

In 1889 an ordinance issued by the Governor decreed that only native born inhabitants had a right of residence in the Colony. Everyone else, including British subjects, but excluding officials of the Crown had to obtain permission to live on the Rock. Inadvertently perhaps, the definition of a Gibraltarian had been created, as natives of a territory possessing exclusive rights of residence, entrenched in their birth on the Rock, which not even British subjects could claim. The ordinance of 1889 was thus a landmark in the political history of Gibraltar and in the development of its inhabitants. It was in part the response to local resentment at the number of aliens on the Rock, but it was also a tacit recognition by the London government that the local people of Gibraltar could boast certain rights in the colony which others could not.

The First World War saw the Rock play a crucial role in the control of the Straits as an assembly point for convoys, and for its services Gibraltar was rewarded by the creation of a City Council in 1921, replacing the Sanitary Commissioners. The Council, albeit with a majority

of 5 nominated officials to 4 members elected by ratepayers, was an important advance for a civilian population which by then had passed the 18000 mark. The concerns of the Council were essentially matters of a municipal nature, streets, sanitation, sewage disposal and water supply. Gibraltar was not incorporated as a borough in the English sense, no Charter of Privileges was granted to the municipality, no aldermen were created, and the City Council was presided over by a Chairman, not a Mayor. The presence of representatives of the three fighting services on the Council served as a further reminder that any future political advances would always be subordinate to the requirements of the military base.

On 1 December 1921 the first elections were held. For perhaps the first time since 1704, it was recognised that the civilian inhabitants of Gibraltar had a right to elect their own representatives, however limited the nature of the suffrage (only male ratepayers could vote), and the powers of the representatives. It is interesting to compare the very limited suffrage in Gibraltar with that in force at the time in the United Kingdom, where three years earlier the vote had been granted to all adults, male and female. On 14 October 1922 a consultative Executive Council was established to advise the Governor. It consisted entirely of appointees, four official and three unofficial members all nominated by the Crown. The Governor remained a military man, with all legislative and executive authority vested in him, and was at the same time Commander-in-Chief of the garrison.

Demands for greater local representation continued throughout the twenties and thirties. In February 1926 the call for a majority of elected members on the City Council was rejected by the Governor, Sir Charles Monro, as was a further request by the Exchange and Commercial Library three years later. In 1934 the Exchange Committee, the Chamber of Commerce and the Transport and General Workers' Union all independently agitated for greater representation of the people of Gibraltar in the government of the colony. A mass meeting was held in August 1934 and a petition to the King-in-Council signed by 3152 out of an electoral register of 3890. It was supported by the Transport and General Workers' Union, but the

Chamber of Commerce held aloof. The petition was rejected and no more significant advances were made on the road to self-government for the time being.

What happened, in the event, was a retrogression, with the concessions that had been so gradually won destroyed by a single blow. That blow was the Second World War, which made military considerations paramount over civilian rights. During the First World War, Spain remained neutral and was not a danger to the security of the fortress. By 1939 all that had changed. The three years of bloody civil war that swept Francisco Franco to power had been marked by the aid he received from the Axis countries. In the autumn of 1939 Britain was at war with Germany. Mussolini soon joined Hitler, and in doing so he opened a new theatre of war in the Mediterranean. There was a very real danger that Franco would join the men who had helped him win Spain. Gibraltar was thus judged to have been in acute danger. At the beginning of 1941, the Governor assumed all the powers of the City Council, and the Executive Council was suspended, but more important than this was the earlier action taken to evacuate approximately 16700 civilians, women, children and other non-combatants, who were judged to be a hindrance to a fortress at war. It seemed that all the political gains made in over 230 years of British rule had been lost.

CHAPTER ONE

THE STRUGGLE FOR CIVIL RIGHTS

1940 – 1945

The evacuation background, 1940

The experience of being uprooted from Gibraltar at short notice, and the traumas which the evacuees underwent, bonded the inhabitants of Gibraltar together as a people in a way in which they had never been united before. The whole situation revealed to the Gibraltarians what little control they had over their own affairs, and this led in turn to demands for greater self-government after the war. It is essential to realise from the outset that the whole evacuation crisis was inseparably linked to the political and constitutional demands which followed.

In August 1939 the possibility of an evacuation had been raised, and at a meeting of the Local Defence Committee it was agreed that the City Council should prepare an evacuation scheme. On the 29th of the same month, Alexander Beattie, the Colonial Secretary wrote to Peter Russo, Chairman of the City Council, on the subject of an evacuation scheme for Gibraltar. 'As you are aware,' the Chairman was informed, 'the most serious eventuality likely to necessitate such evacuation is a hostile Spain; otherwise it is considered unlikely that such a measure should be enforced.'¹ The declaration of Spanish neutrality at the outbreak of the Second World War however, meant that there was no need to put the evacuation plan into operation. For six months this policy remained in force, until changes in the general war situation brought on a reappraisal.

The course of the Spanish Civil War had seen the number of electors in Gibraltar grow from 4190 in 1936 to 4833 in 1939,² as many Gibraltarians living across the border in Spain had

moved back into the Rock after the outbreak of hostilities in July 1936. The increase in electors was not accompanied by an increase in political awareness and the City Council elections of 20 December 1939 were uncontested.

The council remained the main forum for local opinion. Its pre-war political activities had generally been of relative insignificance as its functions had always been strictly limited. This is not to say that the elected councillors were subservient tools of the Governor's administration. Relations between some of the elected members of the City Council and the Government of Gibraltar were often stormy. On 18 January 1940, for instance, almost a month after the City Council elections, Peter Russo announced his resignation, due to his being appointed to the Governor's Executive Council. It 'was the wish of His Excellency the Governor,' explained Russo, 'that on taking up his new appointment he should resign from the Council inasmuch as it was considered incompatible for an Executive Councillor to be also a member of the City Council.'³

The storm clouds gathered at once. Agustin Huart, one of Russo's fellow councillors, declared he was disappointed at the resignation of the Chairman, and that he did not consider both roles incompatible. Russo had distinguished himself in his post and 'a great public disservice'⁴ was being done in asking Russo to leave. A local newspaper, El Anunciador, echoed the same feelings in a blunter tone. The Governor and his administration, it declared, 'have scored a victory which it is easy to explain. Mr Russo was doing too well and hardly carrying out their wishes.'⁵ It recalled the fact that the previous year the Government party in the City Council had been strengthened through the replacement of the Crown Surveyor and Engineer by the Assistant Colonial Secretary. 'Such a step,' added the newspaper, 'hardly affected the position. The next step was an attempt to appoint Mr Russo as a member of the Executive Council.' El Anunciador revealed that Russo had initially accepted the seat on the Governor's Council on condition that he be allowed to remain in the municipality as well. 'We neither ask,' it added, 'nor consider ourselves entitled to ask the reasons for such a change.'

On 1 February, another City Councillor, added his voice to the dissenters. At a Council meeting Councillor Pou described Russo's resignation as 'very regrettable' and his 'taking away' as 'a master stroke' by the authorities.⁶ The Government of Gibraltar stood accused of acting in bad faith. Russo had become too popular for their liking, it was alleged, and he was removed from the public arena through the clever guise of a promotion.

The discontent engendered by the Russo affair brought home to the Governor and his administration the danger of provoking antagonism in such a small territory in wartime. There was also a marked readiness on the part of certain sectors of opinion, to voice their discontent against the Government of Gibraltar, and to see sinister motives behind the appointment of Russo to the Executive Council.

By late May 1940, the war situation looked bleak. Hitler's armies were sweeping through Europe, while France was on the verge of collapse. What determined a change in policy with respect to a possible evacuation was the increasingly threatening possibility that Italy would enter the war, and that Franco in Spain would join the Axis. In mid-May a Gibraltar Government notice advised those who could afford it to make their own arrangements to leave Gibraltar.⁷ This was followed by a further announcement that a Government evacuation scheme to French Morocco would be implemented, for women, children and others who were of no use to the military base. The first contingent would leave on 22 May.

The impact of such news on the close-knit Gibraltarian community was shattering, particularly when most of them had not travelled further than a few miles along the coast of Southern Spain. Yet, the scheme got under way, and from 22 May to 24 June, 13495 evacuees left Gibraltar and sailed across the Straits, to be housed in camps and other accommodation scattered over nine towns in French Morocco.

Even then, their future was not guaranteed, and the course of the war again had a bearing on their fate. Italy had declared war on the Allies on 10 June, and France signed an armistice on the 24th. This made the position of the evacuees in French Morocco untenable. Matters were

further complicated by the British bombardment of the French fleet at the Algerian base of Mess-el-Kebir. On the same day, as the bombardment, 3 July, the Governor, Lieutenant-General Sir Clive Liddel, pressed London to make arrangements to re-evacuate the Gibraltarians from French Morocco, although he was adamant that they could not return to Gibraltar. 'I cannot accept them here even in transit,' he told London, 'as I am doing utmost to prepare this place against the scale of attack to which it is now liable and arrival of evacuees would seriously retard this work.'⁸

In the interim, 17 freighters had arrived in Casablanca, loaded with French troops who were being shipped to North Africa after the fall of France. Without allowing any time for the ships to be cleaned and victualled, and as soon as the troops disembarked at Casablanca, the evacuees were forced to embark. Given the appalling conditions on board, the ships set sail for Gibraltar on 10 July, as a longer journey was impossible. On the same day the Governor issued a press communique announcing the re-evacuation of the Gibraltar families from Morocco, but insisting that the evacuees would not be allowed to land.⁹

Crowds gathered in John Mackintosh Square, in the centre of Gibraltar as the news broke, speeches were made and two City Councillors accompanied by the Acting President of the Exchange and Commercial Library went to see Liddel to ask that the evacuees be allowed to land. After receiving instructions from London, a landing was allowed, and by 13 July the re-evacuation back to Gibraltar had been completed.

Much discontent had been aroused by the condition of the ships in which the evacuees had returned across the Straits. The Evacuation Committee received several letters of complaint. 'If you want like all good Gibraltarians to prevent a day of mourning for Gibraltar,' warned one letter, 'you must oppose the re-evacuation of the people in the ships that brought us from Casablanca.'¹⁰ Liddel confirmed the tense situation in a secret communication to London on 16 July. He reported that the cargo ships had been improved and that re-evacuation to Britain would commence on the 21 of that same month. However, he conceded, 'conditions will

remain hard for the hundreds of women and children on each vessel. This has given rise to discontent but hope that the situation will be accepted in proper spirit.¹¹

General instructions were issued by the Evacuation Committee on 18 July, advising that although some of the freighters which transported the evacuees from Casablanca were to be used, conditions on the vessels had been improved greatly.¹² Oliver Stanley agreed to accept the evacuees in the United Kingdom, but he argued with Gibraltar over the number of people involved. The Governor, he declared, had given the number of evacuees first as 13000, then as 14000, and finally as 16000. He asked for the situation to be clarified, stressing the shortage of accommodation in Britain and insisting that only 13000 could be accepted, 2000 of whom were to be sent to the Portuguese Atlantic Island of Madeira. The situation, thundered General Liddel on 19 July, 'is that this is a fortress liable to heavy and immediate attack and there should be no civilians here whereas there are 22000. The 13000 was the number sent to Morocco, and more would have been sent had the situation there not altered.'¹³

On 19 July 1940 the evacuation of 2000 people to Madeira begun, and on the 21 the larger movement to the United Kingdom followed. By the end of the month 9200 had been re-evacuated to London and 731 to Madeira. More were to follow. Liddel, meanwhile, told Stanley that once the evacuation to Madeira was complete, he estimated that Gibraltar would 'still be left with approximately 3600 useless mouths.'¹⁴ The remark was insensitive to say the least, betraying a cruel disregard for the feelings and sufferings of the uprooted population.

In London the evacuees were placed in the hands of the Ministry of Health, and many were housed in the Kensington area. Concern for them in Gibraltar mounted as the air raids against London intensified, coupled with the arrival of harrowing letters, describing the circumstances in which the evacuees were living.¹⁵ It is important to note that the issue at stake here was not whether the evacuees were actually living under intolerable conditions, but the fact that the letters which they sent back home to Gibraltar caused great disquiet.

One Manuel J. Moss, for example, wrote to the President of the Gibraltar Evacuation Committee and to the Colonial Secretary on 24 September, relaying the contents of a letter he had received from his wife who was staying at the Empress Hall centre in Fulham.¹⁶ She told him of the constant bombing going on around her, stating that three hospitals in which Gibraltar evacuees were staying, had been hit, but that nobody was seriously hurt. 'You cannot imagine the horror-filled hours that we are experiencing here,' she wrote, 'the terror that grips us all the time.' She went on to complain at the conditions and the food in the evacuation centre. 'We are all-right,' she added, 'but I curse a thousand times whoever it was that made us leave Gibraltar, and just as I curse him, so do all of us here.'¹⁷

Another relative on the Rock, E. Llufrio, reported he had received letters from his mother and sister evacuated to the Empire Pool centre in Wembley. 'My mother and sister,' he pointed out, 'are evacuees (distinct from Refugees) and, as they were forced by the Government to leave their homes, they have the right to demand that they be properly fed and treated as human beings.'¹⁸ Whether the allegations which the letters contained were true or not is besides the point. What it is essential to highlight is the boiling cauldron of discontent that they, and others like them, created in Gibraltar.

In September rumours were already circulating among the evacuees, and in Gibraltar, that the possibility of re-evacuating the Gibraltarians once more was being mooted, this time the destination being Jamaica, in the West Indies. Archbishop Peter Amigo, the Gibraltarian Roman Catholic Bishop of Southwark and Cardinal Hinsley, head of the Roman Catholic Church in England, both strongly opposed the move, proposing instead that the evacuees be sent to another part of the British Isles. On 6 September a deputation of leading citizens met General Liddel to discuss the situation. They saw no reason to doubt that the majority of evacuees could stand an English winter, and they argued that most of the evacuees had already undergone three sea voyages within a few months under the most adverse conditions. The Governor put the views of the deputation to Oliver Stanley in a telegram sent on the same

day, added that he agreed with them, and asked that the move to the West Indies be deferred.¹⁹ Six days later the Secretary of State insisted that the Gibraltarians must go to Jamaica, and he declared that 'it has never been intended that the evacuees should remain in this country.'²⁰ It was decided to send a party directly from Gibraltar to the island, and on 9 October 1940 evacuees left for Jamaica direct, with more following later on.

The public mood on the Rock was strongly against the move to Jamaica. On 14 October a petition signed by 1209 citizens of Gibraltar headed by one Emilio Alvarez, was presented to the Governor. It asked that the evacuees in London be moved to a safer area within the British Isles, and it warned of the perils of transferring them to Jamaica. The demands of the petitioners were met, but partly for strategic reasons and the lack of available shipping. Thus on 25 November 1940 London informed Liddel that the re-evacuation of Gibraltarians in the United Kingdom to the West Indies could not take place in the immediate future. The situation at the end of 1940, therefore, was that approximately 2000 evacuees were in Jamaica and a lesser number in Madeira, with the bulk of around 11000 housed in the London area.

Political activity in Gibraltar had meanwhile come to a virtual standstill. The City Council had been suspended since 1 January 1941, and the powers and duties of the Council were exercised by the Governor. No elections could take place while the suspension remained in force. Thus at a vital moment in the history of the people of Gibraltar, they were deprived of the political outlet which had at least allowed them to express their opinions in the past. It was only logical given the mounting concern for the welfare of the evacuees, that the pent up political feeling in the Colony should have sought other avenues of expression. It is significant to note that many of the wealthier inhabitants who had monopolised political power before the war, and who could have provided an element of leadership, had left the Rock. No real voice for Gibraltarian opinion existed. The ensuing vacuum that was created thus cried out for new people to come forward, with new ideas and belonging to a different social background. That vacuum was filled by the Association for the Advancement of Civil Rights in Gibraltar (AACR).

The Origins of the AACR, 1941 – 1942

The AACR was born out of the dual concern on the part of the relatives left behind in Gibraltar for the welfare of the evacuees on the one hand, and for their own position in fortress Gibraltar on the other.

The men on the Rock continued to receive worrying letters from their families in London. One Arthur James Gomez, a mains draughtsman at the Electricity Works in Gibraltar, forwarded the complaints of six evacuees to the Secretary of the Gibraltar Evacuation Committee on 2 January 1941. 'You can't imagine how sorry I am of having come to London,' declared Mrs Gomez who was billeted at the National Hotel, 'as we are treated very bad, they tell us we are Spanish and that we look like Gypsies, and it is not right that after having forced us to leave our homes we should be treated in such a way.'²¹ Miss A.Vallejo also evacuated to the National Hotel, complained against the manager and at the fact that the evacuees had been placed in the front line while the people of London had been evacuated.²² Gomez enclosed the grievances of four more evacuees and asked that his letter be forwarded to the proper quarters 'in order that our people in England should be treated with respect and in the way which they deserve. I don't see why, after the Government being responsible for their going to London, that they should not be entitled to the same privileges as English people, we being British subjects by birth.'²³

Complaints from Jamaica were also common. A petition signed by about 500 people was handed in to the Colonial Secretary on 10 June 1942 in response to grievances being received from the island. The petitioners asked for the removal of the Commander of Camp Gibraltar in Jamaica, whose strict discipline they blamed for the troubles. So great did the number of complaints become, that on 19 June 1942 the Colonial Secretary in Gibraltar wrote to his counterpart in Jamaica asking for an explanation to the 'lurid descriptions' of life on the island contained in some of the letters. 'Living as we all are here, away from our wives and families,

we are apt to become worried and upset even by complaints which if they came by word of mouth we would treat as being of little consequence.²⁴ On investigation it was concluded that many letters had been exaggerated, but this does not detract from the discontent that was brewing in Gibraltar at the complaints being received, since it was more natural for people to believe their own families than the official denials of the administration.

Restrictions on those left behind in Gibraltar mounted as the war progressed. Many areas, including the Upper Rock and the southern area known as Europa were out of bounds. On 17 January 1941 an order announced that the four corners gates, near the northern face of the Rock, would be closed from 10.00pm to 6.00am. The frontier with Spain closed at 11.30pm throughout the war, and several other city gates and areas were closed from 11.00pm to 5.00am. On 7 August 1942 a further curfew order forbade anyone being out of doors from 10.00pm to 5.30am without a written permit. A further list of restricted areas was announced in October 1942. It included parts of the northern flank which bordered with Spain, areas of the east side of the Rock, part of the Upper Town area, and most of the south of the Rock. A number of blackout exercises were also held, but no blackout was imposed. The Victoria Gardens, football grounds, cricket pitches and a racecourse, on the isthmus which links the Rock to Spain, were all destroyed to make way for the construction of an airfield.

It seemed to those left behind in Gibraltar that they were nothing more than second class citizens in their own home. This feeling merged with the general dissatisfaction at the plight of the evacuees, particularly on the part of those whose relatives were being subjected to the intense bombing raids against London. There was also a mounting concern that the slight political gains of the inter-war years might be lost as military considerations dwarfed everything else. The Second World War, along with the evacuation, drove home to many Gibraltarians the fact that they had no real control over their own affairs, and a school of thought developed with their minds set on what should happen in the future.

On 13 September 1942 a group got together to discuss their predicament, feeling that there had to be some organisation to represent the Gibraltarians in whatever changes might come after the war. Its founding father was Albert Risso, a garage mechanic, and the original group included people like Antonio Morillo, Emilio Sanchez, Emilio Alvarez, and Emilio Hermida, who was also a City Councillor. A number of meetings were held, but the group was unable to finalise the rules and constitution for their movement, nor could they agree on a name. In this connection, they decided to call on the services of a lawyer. Many of the older lawyers had either been evacuated or were too close to the administration, so they chose a young Jewish lawyer, Joshua Hassan, to provide them with the necessary advice.

Hassan had arrived in Gibraltar in August 1939, after having been called to the Bar in January in the United Kingdom. He had opened a small practice on the Rock, dealing mainly with Court Martial cases, and also served as a part time gunner in the Gibraltar Defence Force. Even before he left to read for the Bar in 1935, Hassan had already shown an interest in public affairs, through his post as Assistant Librarian at the Exchange and Commercial Library. Risso wanted to call the group the Gibraltarians' Association, intending that it would deal mainly with the improvement of living and working conditions, but on the advice of Hassan the name was changed to the Association for the Advancement of Civil Rights in Gibraltar, or AACR for short.

Hassan also redrafted parts of the constitution, but the incorporation of the words 'Civil Rights' into the title was of supreme importance. It was made abundantly clear at once that the movement was to have wider aims, for to promote 'Civil Rights' in a fortress at war was something quite revolutionary. Having said this, the AACR was not directed against the military, but against colonial rule in general.²⁵ It sought to establish a pressure group to monitor the position of the evacuees, and at the same time to agitate for greater political and constitutional reform.

The Association was formally launched at a packed Prince of Wales Club in December 1942. When the committee was elected, Hassan was chosen as Vice-President. Albert Risso

became the first President of the AACR. The Association was a workers' movement, and most of the wealthy inhabitants, including some of the merchants and lawyers who had manned the Exchange Committee, held aloof. In line with the original intention to concentrate on social rather than political issues, its constitution declared that 'All subjects of a political and religious character shall be forbidden and will be considered as a direct contravention of the rules of this Association.'²⁶ This non-political clause was revoked in May 1943.

The Association would have made less headway had it not been for the support it received from an extraordinary Governor, Lieutenant-General Sir Noel Mason MacFarlane, who had replaced Liddel earlier that year, and who became a Labour MP after the war. He actively encouraged the AACR, particularly in its role as a grievance committee. In so doing, the Governor gave the Association an air of respectability which it would have been more difficult to obtain without his support. Mason MacFarlane called the AACR leaders to his residence soon after the movement's launch, and he later proposed a leave scheme whereby workers in Gibraltar would be granted leave to visit their evacuated families in the United Kingdom. Full authority to direct the scheme was delegated to the AACR, and in July 1943 the first batch of 88 men left the Rock to spend six weeks with their families. Given the powers which were placed in its hands, and the concern in Gibraltar for the evacuees, the growth of the Association was spectacular. It became the first mass movement in the history of Gibraltar, the product of circumstances created entirely by the war. The discarding of its non-political clause in mid-1943 gave the AACR a whole new field of activity, particularly in the struggle for a greater voice for the Gibraltarians in the running of the colony.

Repatriation – 'a matter so fraught with hysteria and heart burning'²⁷

The surrender of Italy in September 1943 lifted any possible objections to the return of the evacuees to the Rock. As a result a Resettlement Board was established in November, and at

a meeting of the Board on 8 February 1944 repatriation priorities were finally agreed. The main consideration towering above everything else was to determine the criteria for bringing families back together. It was the unanimous view of the Resettlement Board 'that priority of return must be given to the dependents of those who have borne the heat and burden of the war in Gibraltar, irrespective of any other interests whatsoever.'²⁸ Transport and accommodation difficulties did not permit all 9000 dependents in the first priority class to return at the same time.

On 23 November 1943 the AACR transmitted a Memorial to the Colonial Secretary for forwarding to the Governor. It included a copy of a resolution on the subject of repatriation passed at the bi-annual general meeting of the Association held at the Prince of Wales Club on 15 November. The resolution asked for the rapid return of all the evacuees, and proposed the requisitioning of as many houses as necessary in order to alleviate the accommodation shortage. The Memorial already reflected the growing impatience that was gripping those in Gibraltar at the delay in the return of the evacuees.

On 6 April 1944 the first group of 1367 repatriates arrived on the Rock directly from the United Kingdom, but the joyful scenes that greeted them were to be short-lived. Preparations were well under way for the invasion of Normandy, and a strict control was exercised on people leaving Britain. On 28 April the new Governor, Lieutenant-General Sir Ralph Eastwood, who had replaced Mason MacFarlane, told Whitehall that news of an embargo on travellers leaving the United Kingdom had been published in the Gibraltar press, and broadcast by the BBC. He suggested that since it was obvious that no more London evacuees could return for the time being, it would be politically wise to arrange instead a token repatriation from Madeira. Thus on 28 May, the first repatriation party left Madeira, and by the end of 1944 only 520 non-priority evacuees remained on the island.

The AACR fired the real opening shots in the battle over repatriation on 28 May 1944. Reacting to a meeting he held with the Association that same day, General Eastwood

telegraphed London. He stated he had just received representations from the AACR urging the removal of the evacuees from London to a safer part of the country, and demanding the early repatriation of the Jamaica contingent. Eastwood had replied that the former was unlikely, and grimly added that 'we must face the consequences of air raid casualties.'²⁹

The consequences were faced almost immediately. On 6 June, coinciding with D-Day, the flying bombs made their appearance in the skies over London. A number of evacuee centres were hit, and six deaths resulted. The AACR was furious. They reminded Eastwood that he had been asked to move the evacuees out of London, but the British Government had ignored the request. 'If the worst comes to the worst', the Association lashed out, 'English women and children are sure to be made to leave London, as in 1940. Not even this course is open to our women and children, and under the circumstances, the responsibility for these totally unnecessary casualties, and for those which will inevitably occur, can only fall on the British Government.'³⁰ The Association served notice of a public demonstration.

Everyone accepted the leadership of the AACR from the very outset. Thousands of people took part in the demonstration, headed by the President and committee of the AACR, on 4 July, and a week later the Association pressed the Colonial Secretary once more on the question of moving the evacuees out of London. In its first real frontal clash with the authorities, the AACR emerged with flying colours. On 17 July it was announced by the Colonial Secretariat in Gibraltar that all evacuees remaining in the London evacuation centres would be moved to Northern Ireland. Within 10 days, approximately 6800 evacuees had been transferred to 17 hutted camps in County Down, County Antrim and County Londonderry, which had been originally constructed to house any of the Northern Ireland population who might have been rendered homeless as a result of enemy action. On 2 August, over 3000 evacuees arrived back in Gibraltar, the second contingent to return from the United Kingdom since April.

The mood of the returning evacuees added fuel to the fire ignited by the AACR. Many of them had felt isolated and betrayed by an imperial government which had exposed them to the horrors of wartime London. There they had formed themselves into committees and were involved in a series of wrangles with the Ministry of Health over the organisation and running of the evacuation centres. These people returned to Gibraltar with their common feeling of identity, almost of nationhood, strengthened by what they had been through. They saw themselves as the victims of the episode, perhaps ignoring the wider issues involved and the fact that there was a war to be won. Be that as it may, the point remains that with each returning contingent the ranks of the AACR were swelled by more discontented Gibraltarians.

Spurred on by the returning exiles, the sights of the Association then turned to the plight of their compatriots in Jamaica. The delay in extending the repatriation programme to Jamaica led to a Memorial from the AACR to the Secretary of State for the Colonies on 18 September 1944. This was supported by another demonstration outside the Governor's residence. Events leading up to the return of the evacuees from the West Indies cast an interesting light over the relations between the Colonial Government in Gibraltar and the Association. When it became known that 1500 Jamaica evacuees would return on 26 October, Emilio Salvado, Secretary of the AACR wrote to Miles Clifford, the Colonial Secretary, requesting that three AACR members be allowed to form part of the reception committee, 'in view of the fact that this Association has taken a very active part to hasten the Repatriation of these families.'³¹

In his marginal comments on Salvado's letter, intended for Eastwood, Clifford was adamant that the AACR should not be allowed to form part of the reception committee. Agreeing to the AACR request, insisted the Colonial Secretary, would be 'to admit that the return of the evacuees from Jamaica has been brought about by the demonstration march and presentation of a memorial organised by the AACR. As you are aware, neither of these manifestations had anything whatsoever to do with it.'³² Clifford replied the following day, and stated that he could not agree to the request, adding that while the Government was pleased at the assistance

rendered by the Association generally, 'it cannot endorse the implication in your letter that the return of the Jamaica evacuees, which had been earnestly sought by all in Gibraltar, has been due only to the efforts of a particular section of the community.'³³ Eastwood added his own comments after the arrival of the Jamaica contingent, agreeing that it would have been 'quite inappropriate' to have allowed the representatives of the Association to have been present.

On the surface the exchange of correspondence seemed to reveal a certain measure of jealousy between the AACR and the Government of Gibraltar. However, the whole issue went much deeper than that. What had occurred since the departure of Mason MacFarlane was a gradual cooling down of relations between the Governor and the movement, until they reached the icy atmosphere of the autumn of 1944. Two factors were primarily responsible for this. MacFarlane was an extraordinary socialist Governor and he welcomed the advent of the Association. He was also fortunate enough not to have to handle the thorny question of repatriation. Eastwood was not so lucky. By this time, the repatriation scheme stood at the half-way stage, with the return of those in the first priority class completed.

Meanwhile, a flood of complaints had reached Gibraltar from the camps in Northern Ireland. As early as 6 August 1944, less than ten days after their arrival, General Eastwood received a telegram signed by 88 heads of families at Camp 15 in Londonderry, with a copy sent to the AACR. 'Gibraltar evacuees have survived 1940/1 Blitz and flying bombs and have gone through the hardships of four years communal living,' he was told, 'if all this was not enough we have now been brought to camps where general and particularly sanitary conditions are appalling.'³⁴ This was followed by a deluge of individual telegrams as well as complaints made by camp committees and matters were further complicated in November when the Northern Ireland evacuees refused to continue to take part in radio broadcasts to Gibraltar. The reasons for this, observed Oliver Stanley on 1 November, was that according to the evacuees the broadcasts 'convey a false impression to the people in Gibraltar that they are happy and contented when in fact they are not.'³⁵

On 17 November, Salvado again wrote to Clifford, voicing AACR concern at the complaints from Northern Ireland. 'Without going into details of the present muddle in the housing situation and its causes, of which you are well aware,' the AACR Secretary pointed out, 'it may be possible that the sudden influx of evacuees from Northern Ireland into Gibraltar would settle the problem by forcing all concerned to co-operate in a supreme effort imposed by the circumstances.'³⁶ Miles Clifford was not amused. He reminded the AACR that the evacuees had been removed from London because of the danger from flying bomb attacks. Moreover, he retorted, 'Your reference to the present muddle in the housing situation is neither understood nor appreciated.'³⁷ He drew attention to the fact that in seven months 9000 people had been repatriated, including the whole of the Jamaica contingent, whereas when repatriation was first considered only about 4000 were expected back in that time. 'In short,' added the Colonial Secretary, 'with the best will in the world we cannot do the impossible.'

The AACR responded by holding a public meeting on 6 December which called on General Eastwood to repatriate all evacuees and it suggested measures for overcoming the accommodation difficulties. Small parties of evacuees continued to return from Northern Ireland and Madeira, and with the surrender of the German armed forces in Europe on 8 May 1945, the pressure for the return of the remaining evacuees intensified. The problem of the repatriation of the evacuees accounts in large measure for the staunch support which the AACR received during those years. The discontent was channelled under the tutelage of the AACR, whose leaders had become expert in the handling of public opinion. At the end of 1945, of the 16700 people who had been evacuated, 2989 were still awaiting their return in Northern Ireland, and 70 in Madeira.

It was against this tense background that demands for greater political reform also began to take shape, likewise spearheaded by the AACR and backed by a populace who bore many grievances against London, and who were likely to take any negative stance by the Westminster government almost as a personal affront. This solid unity explains the success of

the Association in obtaining political and constitutional concessions from a government a thousand miles away that remained reluctant to grant a fortress-colony the rights which it was prepared to bestow on other parts of the Empire. Having said this, at no stage would the Association have dreamt of taking the lead as a movement for independence – this was something that nobody wanted. The Gibraltarians, for the time being at least, were happy colonials. Like the Association, they understood perfectly that any constitutional advances in Gibraltar would have to be limited by the Rock's position as a military base.

Reconstitution of the City Council, 1944–1945

The City Council had been suspended since January 1941, and all its powers had been vested in the Governor. For four years Gibraltar was administered exclusively by the military. On the surface it would seem that this was nothing new. The Rock, after all, had been a fortress since time immemorial, and the requirements of the armed forces had always come first. However, any appearance of continuity was a facade, behind which lay the fact that the civilian inhabitants of Gibraltar had recently become more politically conscious than they had ever been before.

The colonial government seemed unaware of the new situation. In April 1943 Mason Macfarlane had submitted proposals to London for the establishment of an Advisory Council on the colony. He followed them up on 16 December with discussions on the subject at the Colonial Office. It was intended that the new body would consist of the members of the City Council sitting with the Attorney-General and the Colonial Secretary as Chairman. In addition to these two officials, the council would also contain two members representing the armed forces (this was later increased to three), the Director of Education and the Senior Medical Officer, two nominated non-official members (this was later reduced to one), and six popularly elected members. The Advisory Council itself would consider draft laws placed before it, but it would not possess legislative authority. This was meant as a safeguard, since it was

considered that the responsibilities of government could best be conferred on colonial territories one step at a time.

On 17 March 1944, the Colonial Office briefed the Admiralty, the War Office and the Air Ministry on the planned constitutional changes. Oliver Stanley, the Secretary of State for the Colonies, was said to have welcomed Mason Macfarlane's proposals, 'more especially as the civil population have under the existing constitution no voice whatever in the government of the colony.'⁴⁵ The three Services would be given the opportunity to comment before the final draft was submitted to the Secretary of State for approval. It is significant to point out that every constitutional step which Gibraltar took required not only consultation with the military but their positive approval. This clearly reflected Gibraltar's strategic position at the entrance to the Mediterranean and its importance as a fortress. It should also be remembered that the discussions were taking place in wartime, although by then the balance had swung decisively in favour of the Allies.

Despite the good intentions of Mason Macfarlane and the Colonial Office, it was evident that the fighting Services had the final say. The Army Council reply on 19 April was not very encouraging. 'Until the future of Gibraltar as a strategic base has been finally determined,' it declared, 'it is impossible to resolve certain conflicts which exist between civil and military requirements.'⁴⁶ Moreover, it added, although the strategic future of Gibraltar was under consideration, it was not likely that any firm decision could be reached until the post-war alignment of Western and Southern European states emerged. 'The Council are, therefore considerably interested in any measures which are liable to add emphasis to the civil requirements.'⁴⁷

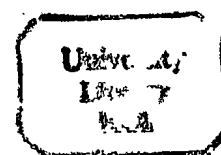
It was also noted that the new Governor, Lieutenant-General Ralph Eastwood, was going to consult local military commanders in Gibraltar, and the Army Council pointedly remarked that they hoped he would do this in his dual capacity as Commander-in-Chief as well as Governor. They further insisted 'in order that military interests may be adequately safeguarded',⁴⁸ that the Army Council be given the opportunity of commenting on the legal

instruments being drafted in Gibraltar. It was also assumed that the Advisory Council would be created only after the war had ended, or when civil life in Gibraltar returned to normal.

In July the Governor discussed the reforms with the Service commanders in Gibraltar, and all were in favour of the proposed changes. General Eastwood also gave his own opinion on the Advisory Council. The planned political advances, Eastwood told London on 26 July 'cannot in my considered opinion derogate from the position or powers of the Governor as de facto Commander-in-Chief in any way whatsoever.'⁴⁹ Moreover, he added, 'I hold it to be of the first importance that the citizens of Gibraltar should be encouraged to take a proper interest in the administration of their Colony and that the Governor should be provided with some more effective means of gauging public opinion than has hitherto been available to him.' The only contact which the Governor of Gibraltar had with local people in order to determine Gibraltarian opinion was through the unofficial nominees on Executive Council. These men, usually wealthy lawyers or merchants, were totally out of touch with the mood of the populace and they thus tended to relay a blinkered view of events to the authorities. It is significant that Eastwood was aware of the shortcomings of the existing system of consultation.

The Governor also advised the Colonial Office that whatever changes were put through should be brought into effect with the least possible delay, and that they should not be shelved until hostilities in Europe had ended. He pointed out that by the time the next party of evacuees returned there would be about ten thousand Gibraltarians in the Colony, more than enough to constitute a substantial electorate based on adult male suffrage. Eastwood pressed the Colonial Office to give early attention to the proposals, adding that 'they represent a measure of reform which is, clearly, long overdue.'⁵⁰

By the beginning of August it had been decided that the Royal Air Force should also be represented on the Advisory Council, at the expense of one of the non-official nominees. There were to be eight nominated councillors, including the Colonial Secretary as Chairman, and six elected members. It should be stressed that throughout the negotiations no attempt was made to consult local opinion in Gibraltar. The Governor and the Colonial Office



confidently assumed that Gibraltar would welcome the advent of an Advisory Council with open arms. In so doing, they made a grave miscalculation. Four years of enduring the hardships of war and enforced evacuation had radically changed the political outlook of the Gibraltarians. Whereas in the pre-1940 days an Advisory Council might have flattered the locals, by the end of 1944 the climate had changed profoundly. Some sectors of the AACR had already set their minds on a Legislative Council, and they, along with other individuals, would no doubt regard an Advisory Council as a poor second-best alternative. The Gibraltar Government, however, was oblivious of all this. Pre-war methods of consultation continued to be employed despite the fact that the situation had altered radically since 1939. Eastwood and Miles Clifford, the Colonial Secretary, ploughed on enthusiastically blind to the possibility that their generous gift might be rejected. Indeed, Clifford himself wrote in jubilant terms to the Colonial Office on 4 August after the final draft had been submitted to the Secretary of State for approval.⁵¹

Eastwood and Oliver Stanley spent September arguing over proposed changes in the composition of the Governor's Executive Council. The Secretary of State insisted that both the Flag Officer of the naval shore establishment and the Senior Combatant Military Officer should be included in the Governor's council, while Eastwood wanted to have only the former present. On 13 September Oliver Stanley demanded that both service representatives should be included. Eastwood was not convinced. To 'increase official representation on Executive Council,' he warned two days later, 'whatever may be the ratio elsewhere, will evoke adverse criticism particularly if this is done in advance of the other measures which I have advocated.'⁵² In the end the Governor gave way, asking only that the changes in membership be delayed until after the Advisory Council had been established.

On 15 November the final drafts of the legal instruments detailing the planned changes in Gibraltar's constitution were sent to the Service Departments. It had always been clear that they would have the final say and this was confirmed by Sir George Gater, Permanent Secretary at the Colonial Office, in a message to Eastwood. 'I am afraid,' declared Sir George,

'that it is not possible to give you formal approval in principle before we receive and consider the views of the Service Departments.'⁵³ The Air Council reply on 22 November, accepted the reforms but asked that the senior RAF officer in Gibraltar should be added to Executive Council, along with the two other Service representatives. On 10 December the Admiralty raised no objections to the planned changes and the War Office also pronounced itself in favour the following day. By 19 December the constitution had been approved, and it was decided to 'get off a telegram immediately to the Governor to let him know that he can make his announcement at once, if he wishes to give this little "constitution" to the people of Gibraltar as a Christmas present.'⁵⁴

The Colonial Office, however, remained in the dark in respect to local opinion. Only the views of the non-official nominees on the Governor's council had been sought, and these were not very representative. On 30 December 1944 the public announcement was made in Gibraltar. Having acted with the best of intentions, Eastwood struck a match – as he saw it – to light the candle of reform, only to find to his horror, that he was surrounded by gunpowder. The whole issue of constitutional development blew up in his face. A pamphlet published by the Gibraltar Government and circulated around the Rock was the means chosen to announce the measures. It asserted that much time and thought had 'been given to devising means by which the people of Gibraltar will be able to take a more active part in the furtherance of their own social and economic welfare.'⁵⁵

It was announced that the City Council would be reconstituted with extended functions and a larger elected membership, chosen by adult male suffrage. Six elected members would sit in conjunction with three representatives of the Service Departments, one nominated non-official member, and two officials representing the social services – an equal ratio of six elected to six nominated members. The Chairman of the City Council would always be an elected member.

All the members of the City Council, along with the Attorney-General and the Colonial Secretary (as Chairman) would sit as the Advisory Council to the Governor. It should be stressed that the new body would advise Eastwood only on such matters as he chose to refer

to it. This would include all legislative measures involving any question of policy except defence matters, or any other question of overriding imperial importance. 'It will in short,' proclaimed the pamphlet, 'be consulted as far as possible in regard to all important matters of internal policy or administration – including of course the Colony's budget.'⁵⁶ The plan was to introduce the two councils without delay through Ordinances issued by the Governor. A register of electors would be prepared, but at the election no elector would be able to vote for more than three candidates. The Advisory Council would be established once the composition of the City Council was known.

Although the proposals were a step forward, they did not of themselves amount to much. Numerically, the elected members had been granted equality on the City Council with the officials, but the fact that one of their number had to be Chairman meant that they were deprived of his vote. The method of election was hardly democratic. In order to prevent any organised party from obtaining all elective seats, electors could vote for only three out of six candidates. Women had not been enfranchised, nor were they allowed to stand for election. The Advisory Council was moreover by definition only a consultative body, which could neither initiate nor veto legislation. It could only advise and then leave it up to the Governor to accept its recommendations or reject them. The manner in which the reforms were made public also left much to be desired. They were presented as a *fait accompli*, with no room for discussion and they were to be enacted immediately by Governor's decree. The Gibraltar Chronicle, which carried the government pamphlet was the medium through which the administration, attempted to sell the measure to the Gibraltarians. It stressed the fact that the reforms were being made in wartime 'when so many normal freedoms have been restricted on the grounds of security, and in a part of the Empire which must at all times maintain its "priority" role as a military fortress and base.'⁵⁷

The fuse burnt for nine days, then local opinion in Gibraltar in the shape of four representative bodies exploded. On Tuesday 9 January 1945 the managing boards of the AACR, the Exchange Committee, the Transport and General Workers' Union and the Chamber

of Commerce met to discuss the reform proposals. Two days later they urged the Governor to take no action on the planned changes until the Gibraltar public and representative bodies were given 'an opportunity of carefully considering the whole matter and offering their views and suggestions for a practical, effective and truly democratic reform.'⁵⁸ A joint resolution was presented to the Governor. It expressed 'painful disappointment and surprise' at the fact that the Governor had submitted proposals to the Secretary of State without consulting local opinion. The reforms themselves, continued the statement, 'do not represent any appreciable advance in constitutional development.'⁵⁹ They urged that no action be taken on the Advisory Council but called for the reinstating of the City Council as quickly as possible. The 'little constitution', the Christmas present of 30 December had been rejected in its most fundamental aspect.

On 15 January Eastwood replied to the resolution in a letter addressed to Lionel Imossi, President of the Chamber of Commerce. The Governor said he was prepared to consider any further suggestions for constitutional reform that the representative bodies might care to make, provided that these were received in a reasonable period of time. There can be no doubt of the annoyance of the Colonial Government at the rejection of the Advisory Council. This was reflected in a farewell message to the colony by Miles Clifford on 19 January. He had served as Colonial Secretary in Gibraltar for twenty-seven months, and in a pointed declaration on the eve of his departure he warned the Gibraltarians that 'in their natural and proper aspirations for the future of Gibraltar as a Colony, they should not forget the historical facts which brought it under the Crown and which made and maintained it as a great fortress and naval base – the key stronghold of the Empire; for on that consideration depends not only its prosperity, but its daily bread.'⁶⁰ Once again the former Colonial Secretary was emphasising the point that Gibraltar's constitutional future would inevitably rank second behind the needs of the military base.

The new Colonial Secretary was one Robert Stanley, who had taken over from Clifford on 1 January. His appointment was marked from the start by the fact that he took it upon himself to

write a series of informal reports to the Colonial Office at regular intervals. These provide a revealing insight into political activity in Gibraltar at the time. Stanley's first report of 6 January made it clear that the discontent engendered by the limited reforms had even infected the normally immune unofficial nominees in Executive Council. The three such appointees, led by Major Joseph Patron, threatened to resign their seats in protest but only after a two-hour meeting with the Governor were they persuaded to hold back until the efficacy of an Advisory Council had been tested. The Governor was in no way dependent on their support, but it would hardly have presented the reforms in a favourable light had all three resigned. The unofficial members, reported Stanley, were 'a poor crew', and 'the fact is that none of them seems to have any conception of the *raison d'être* or proper functions of an Executive Council. They frequently behave as an unofficial "opposition", and appear to have some idea that they have a responsibility to the "people," though it may be confidently stated that they are the last persons the "people" would be likely to elect under any system of representative government.'⁶¹ The masses at large, added Stanley, are 'more interested in domestic concerns than in constitutions.'⁶²

If Stanley's 'masses at large' were not prepared at this stage to stand up and oppose the reforms, the representative bodies were more than ready to speak for the entire local community. The resolution of 11 January had been unanimously agreed by a wide cross-section of local opinion. This ranged from the Transport and General Workers Union and the AACR on the left, to the middle-class Exchange Committee and the Chamber of Commerce on the right. Despite the opposition, the Ordinance setting up the City Council was proclaimed on 31 January. It reversed the suspension ordinance of 1941 and introduced three year periods of office for all councillors, whether appointed or elected. It was proposed to end the term of the first council in December 1947, in order to allow those evacuees who returned in the interim an earlier opportunity to vote. The vote was to go to males over 21 who had lived in Gibraltar for twelve months. This replaced the old tenancy or property-ownership qualification plus six months' residence, which had been the rule in the inter-war years.

In a broadcast to the colony at the end of February, Eastwood declared that the views of the local people would receive careful consideration. No government, he stated, could fulfil its obligations efficiently unless there was goodwill between it and the people. 'I am sure that in Gibraltar the foundations of confidence and goodwill are present,' added the Governor, 'and that by patient experiment we can arrive at the form of constitution best suited to the political needs of the people in their special environment of a great fortress where considerations of defence and security must be paramount.'⁶³ The Gibraltarians were reminded yet again, as Clifford had reminded them over a month before, of the overriding importance of the military base.

On 2 March the proposals for an elective majority on the City Council were submitted to the Secretary of State. Two other amendments to the government's scheme were sought, one which would exclude all members of the armed forces from voting (except those in the Gibraltar Defence Force, which was composed of local men), and another which would enfranchise all members of the Civil Service, which included many British expatriates. Eastwood made it clear to Whitehall that he and his advisers strongly supported the 'unobjectionable' suggestions by the Gibraltarian associations in relation to the City Council being granted an elected majority, 'and that as they are strongly desired by local bodies it would be desirable to agree to them.'⁶⁴ The local service commanders had raised no objection to the changes, subject to the agreement of their superiors in London.

Once again, then, the future of political changes in Gibraltar was at the mercy of the armed forces. On 14 March the amendments were placed before the War Office, the Admiralty and the Air Council. Within twenty days the RAF replied positively, as did the Army and Navy. The path was thus clear for the City Council reforms to go ahead, and on 14 April they were finally endorsed by the Colonial Office.

As Whitehall gave its clearance, the representative bodies submitted proposals for constitutional development to Stanley. The joint committee of the four organisations had unanimously decided 'that any reform that is to meet with the general approval of the

community can only be based on the formation of a Legislative Council.⁶⁵ They proposed that the new body should be composed of the Executive Council sitting with five elected members under the Chairmanship of the Colonial Secretary. This meant that a combination of elected councillors and non-official nominees would have a majority. The legislature would be elected by adult male suffrage and the Governor would be obliged to enact legislation with the consent of the council, except in matters of defence. He would also have a right of veto over legislation agreed by the council provided that this was reported to and confirmed by the Secretary of State.

The counter-proposals of 7 March were very far reaching. It was planned to restrict the law-making powers of the Governor, so that in future they could only be exercised by the Governor-in-Legislative-Council. In suggesting this, the four representative bodies struck at one of the root elements of British tradition in Gibraltar. For almost two and a half centuries successive Governors had boasted absolute legislative authority. The proposal that a Governor should share this with a council containing a majority of non-official members was nothing short of revolutionary. It was further suggested that any member could initiate legislation or any question for debate if seconded by another. In effect, the local associations were asking for full control over all matters excepting defence. Estimates of revenue and expenditure as well as all taxation would also have to be authorised by the new assembly before the Governor assented to it.

It had taken the Colonial Office and the Service Departments twenty months to produce their reform package of 30 December, with painstaking analysis of every detail. In just over two months the Gibraltar representative bodies found this carefully constructed offer sadly wanting. The Christmas present of the 'little constitution' of 1944 had been returned without thanks. Eastwood instead found himself faced with demands that the City Council should be reconstituted with a majority of elected members, and that the Advisory Council should be replaced by a legislature. Whereas by the beginning of April 1945 however the former was

almost a reality, the possibility of the establishment of a Legislative Council remained much more distant.

On 26 March Eastwood relayed the gist of the new situation to London. The counter-proposals had been discussed in Executive Council on the 15th, where the Attorney-General had stressed that they entailed creating a legislature which could actually overrule the authorities. The only solution to that contingency, he thought, would be to entrust the Governor with reserve powers on a larger scale than the representative bodies had contemplated. The Council suggested that the Governor, and not the Colonial Secretary, should be Chairman of the legislature if established, while even Stanley felt compelled to admit that there was little to be gained by endeavouring to compel the acceptance of a measure of constitutional reform if the public were in fact generally opposed to it.⁶⁶

The representative bodies in Gibraltar were the subject of Stanley's report to the Colonial Office on 9 April. Politics on the Rock, insisted the Colonial Secretary, were a matter of small groups adhering to strong personalities. One such group revolved around Lionel Imossi, President of the Chamber of Commerce, whom Stanley blamed for marshalling the representative bodies against the constitutional reforms. Another was the AACR. 'Its president,' he informed, 'is one Risso, a pleasant little plebian who is a dummy for Hassan, another lawyer and the brains of the organisation.'⁶⁷ The Colonial Secretary doubted that constitutional reform seriously interested anyone else but those at the head of the various representative bodies. The main public concern remained repatriation and resettlement.

By the end of May it had been announced that the City Council elections would be held on 24 July – the proposed Advisory Council being held in abeyance. Over 5300 voters could elect up to four candidates each to fill seven vacancies and the council would be reconstituted on August 1st. The AACR put forward seven candidates to contest the poll. These included Joshua Hassan, AACR Vice President, Emilio Alvarez, who had played a key role in the foundation of the movement, and Lieutenant Robert Peliza, a member of the Gibraltar Defence Force. There are no clear indications so far as to the possible alignment of the unofficial

members of the City Council,' Stanley told London on 11 June, 'but it is unlikely that the Association for the Advancement of Civil Rights will secure more than four of the seven seats, in which case nothing very revolutionary is likely to happen.'⁶⁸ This verdict misjudged both the mood of the electorate and the organisational ability of the AACR.

In total, eleven candidates contested the election on 24 July, including the seven AACR candidates, one sponsored by the Transport and General Workers' Union, and three independents. The most prominent of the latter was Peter Russo, Chairman of the last pre-war City Council, and thus doyer of the 'old guard'. On 21 July Hassan explained the AACR programme in a newspaper interview. 'Our policy,' he declared, 'is Gibraltar. We are not a party but an association representing the majority of all classes in the community.'⁶⁹ The aims of the organisation were largely social, reflecting its origins as a worker's movement, although there were also political objectives in the platform. The AACR sought curbs on the Governor's power of veto and to ensure that meetings of the council should be open to the public. Hassan revealed that the Association had about 3000 subscribing members. Since individual electors could vote for only four of the seven seats, the AACR would seek to split the votes of their supporters in order to secure the election of the maximum number of candidates. Electors were to be told which four AACR members to vote for in different areas. This led to accusations that they were behaving in a dictatorial manner, a charge which Hassan denied, stating that there would have been no need to direct the vote had each elector been allowed seven votes instead of four.

There were seven elective seats at stake in the elections of 1945, and AACR candidates won them all. The poll was a good one, with a turnout of 75%. Hassan was the strongest candidate, with 2131 votes, followed by Peliza with 2008. Even Stanley conceded that during the election campaign, 'the organisation of the Association was good.'⁷⁰ All the AACR candidates obtained well over 1500 votes each, while the independents made a dismal showing, with Russo, the most successful, polling only 450 votes. His poor performance was believed to stem from the unpopularity created by his resignation as City Council Chairman in favour of a nominated post

on Executive Council in January 1940. The clean sweep of seats by the AACR came as a great shock to many, not least of all to Stanley, the Colonial Secretary, who as we have seen had confidently predicted that the Association would not win more than four of the seven seats. On 1 August, the day of the first meeting of the reconstituted City Council, Stanley reassured London that there was no cause for alarm. We 'must remember,' he claimed, 'that the official members of the Council, although in a minority, are a very strong team.'⁷¹ Moreover, he added, the three Service councillors were also present, and 'I cannot help thinking that brass hats and red tabs will introduce such an atmosphere of decorum and restraint into the Council chamber as to preclude the possibility of any extravagance.'⁷²

The elections of July 1945 marked the arrival of the AACR as a decisive force on the Gibraltar scene and its metamorphosis from a pressure group into a political party. Within three years of its foundation the movement found itself in control of a City Council which for the first time contained a majority of elected members over nominees, with Hassan as its first post-war Chairman. The AACR, along with the other representative bodies, had succeeded in altering the declared policy of the Colonial Government. Offered a City Council with an equal ratio of officials to nominated members, and an Advisory Council instead of a legislature, they simply turned the offer down and raised the stakes. The first part of the gamble paid off almost immediately, and by April 1945 the path was clear for the establishment of the City Council with an elected majority. Demands for a legislative assembly, however, could not be fulfilled so easily. The Colonial Office would take a great deal of convincing that this was the best way forward, and the barrier constituted by the Service Departments was an even more formidable obstacle. Having said this, the representative bodies could take heart from the success the war had brought them, confident in the belief that if they themselves refused to give way, then somebody else would have to do the compromising.

CHAPTER TWO

THE ESTABLISHMENT OF A LEGISLATIVE COUNCIL 1945 – 1950

British commitment to set up a legislature, 1945

At the same time as a worker's movement gained control of the Gibraltar City Council, the Labour Party in Britain also won general elections in July. They came to power as the champions of decolonisation, but it was extremely unlikely that their programme would apply to the Rock, which was a fortress as well as a colony. Moreover, when Attlee's Cabinet came to consider constitutional reform for Gibraltar in mid-1948, they were almost unanimously opposed to the idea of a legislature being established. The permanent officials at the Colonial Office who continued to handle Gibraltar's affairs remained in their posts, and behaved as they had always done. No radical departure at all is revealed by the documentary evidence, the arrival of a new government not being even mentioned. Labour had little immediate impact on the situation at the time. Direct political intervention by the Cabinet came in the future. In the late summer of 1945 it was business as usual.

Already by June the feeling in London was that if it became necessary to concede a legislature, then special safeguards would be needed. Sir George Gater argued to that effect in a letter to Eastwood, pointing out that it would be essential to provide for an official majority on the Council. Such an arrangement could entail risks, added Sir George, since 'unofficial members are liable to adopt an attitude of irresponsible opposition in the face of their own impotence to affect the decisions of the Council; membership of the official bloc in such circumstances may be felt to be a tedious and unprofitable drain on an officer's time.'¹ If Whitehall were forced to concede an elected majority, the safeguard would take the form of the retention by the Governor of reserved powers over certain fields. There was also the

difficulty of the Service Departments, who would have to be agreeable to the changes and who had not yet been formally notified that the Advisory Council had been rejected.

In the meantime, involved in a series of wrangles with the AACR over repatriation and constitutional reform, Ralph Eastwood had become a very unpopular Governor. Behind the scenes, however, from his correspondence with the Colonial Office, it was evident that the General saw his post as Governor as one which bound him to defend the interests of the residents of the Colony. On 28 June, for instance, he told Gater that he was 'very glad' that there were 'prospects of a sympathetic attitude towards the legitimate aspirations of the people of Gibraltar to participate more responsibly in the management of their affairs.'² It was regrettable that the Governor's public utterances did not match those made in private, and Eastwood found himself the target on which the guns of the representative bodies turned.

On 14 August the views of the Service Departments were sought regarding the measures of further constitutional reform for Gibraltar. Although the RAF and the Army replied within a month, the Admiralty was not particularly thrilled by the idea and dragged its heels until 9 October. The Navy had no objection to the Governor opening negotiations with the representative bodies, but they nevertheless stressed the importance of 'drawing up the reserve powers of the Governor on matters affecting both the defence of the Fortress and its use strategically as a base for the fleet in very wide terms so as to cover all the implications of total war.'³

At the same time as the possibility of granting the Rock a legislature was being mooted in London, the AACR held a general meeting on 9 September. A packed Prince of Wales Club heard Albert Risso announce that the Association had decided to send a deputation to George Hall, Secretary of State for the Colonies. The AACR President made public his displeasure at the fact that representations made locally did not get anywhere, thus the decision to protest to Whitehall in person. Risso lashed out at the activities of the Governor since his appointment, and declared that there had been a marked change of policy since first Macfarlane in 1944 and then Clifford in January 1945 had been replaced by Eastwood and Stanley. The AACR

President deplored the fact that the Governor had not found time to visit the evacuees in Northern Ireland to see the disgusting living conditions they had to endure. The composition of the Executive Council also came in for some scathing criticism. It was evident that relations between the Government and the movement had reached a new low.

This deterioration was reflected in Stanley's report to the Colonial Office on 15 September. He wrote of the 'irritating and rather childish activities'⁴ of the AACR, who despite winning all the elective seats on the City Council had not abandoned their 'crude procedure' of public meetings and demonstrations. Referring to the 'unkind and malicious' references to the Governor and his family made by Risso in his speech the previous week, he accused the Association of simply complaining about everything without producing evidence in terms of facts and figures. Stanley had been taken aback at the fact that the seven AACR members on the City Council met in private to coordinate strategy and policy before meetings. Thus the Council, controlled by the Association, voted not to appoint a representative on the Governor's Standing Wages Committee until a representative of the employees had also been appointed. 'The truth,' fulminated Stanley, 'is that they are a completely irresponsible body although they have had the benefit of the brains of people like Triay and Hassan, now Chairman of the City Council, whose silence on controversial matters at the last extraordinary general meeting of the Association on the 9th September may be taken as an indication that he is beginning to realise some of the responsibilities as well as the democratic privileges of the subject.'⁵

The next day over a thousand people attended a meeting called by the AACR at the Theatre Royal. Its object was to protest against the appointment by the Governor of Major Joseph Patron, the ex-Evacuation Commissioner, and of Peter Russo, Chairman of the pre-war City Council, to the Wages Committee to review and adjust salaries and conditions of employment for all government employees. 'It is publicly known,' he thundered, 'how unpopular these men are in the town, and the number of votes recorded by Mr Russo in the recent City Council elections clearly testifies to the feelings of the townspeople regarding him.'⁶ It was resolved to

send a letter of protest to the Colonial Secretary. Risso told the meeting that the deputation to Secretary of State Hall would first visit the Northern Ireland evacuees.

By the middle of September 1945, the AACR and the Gibraltar government were at daggers drawn on almost every issue. The composition of Executive Council, the controversial appointments to the Wages Committee and constitutional reform had created a deep chasm between them. Added to all this was the always emotive plight of the evacuees which exacerbated relations enormously by adding a human dimension to the conflict. The letter of protest to Stanley over the Wages Committee was duly delivered the day after the meeting. It was signed by Emilio Salvado, the Association's Secretary, and it asserted that the appointments of Patron and Russo confirmed 'the blatant disregard for public opinion held by the Government in recent times.'⁷ The nomination of Russo, who had obtained 450 votes out of 3775 at the recent City Council elections was a further gratuitous slight. Salvado launched 'a most energetic protest' on their appointment 'as it is an insult to the people of Gibraltar.'

On 8 October, Eastwood discussed the situation in talks at the Colonial Office. He was adamant that a Legislative Council should not be set up until all the evacuees had returned and argued that there was clearly no purpose in setting up an Advisory Council. The decision was taken to consult the representative bodies on the technical details of a Legislative Council.

Meanwhile, the tension between the AACR and the Colonial government mounted. At a public meeting called by the Association on 21 October, the authorities were again strongly attacked. The main thrust of the offensive was developed by Sergio Pelayo Triay, a local barrister who had recently been repatriated to the Colony. He outlined the aims of the deputation to the Secretary of State, and pin-pointed the 'dictatorial powers' of the Governor and the Colonial Secretary, insisting that their prerogatives should be exercised in conjunction with the people of Gibraltar. 'No one will deny,' continued Triay, 'that we have reached a stage when cooperation between the Governor and the Colonial Secretary, on the one hand, and the majority of the people of Gibraltar is non-existent. It is idle to discuss who is to blame – maybe

the people are to blame – but we can't change the people, and as cooperation is an urgent necessity we must ask for the change of the Governor and the Colonial Secretary.'⁸

Exasperated by the delay in the return of all the evacuees and by the lack of constitutional progress, the AACR soared to new heights of militancy. Triay's speech was extremely outspoken and it struck out personally both at Eastwood and Stanley. His remarks were revolutionary in tone, for in asking that the Governor should be removed because he had failed the civilians, Triay was requesting that the Commander-in-Chief of the fortress should go as well. Such demands would have been unthinkable before the war. It is true that the Exchange Committee had requested the removal of General Gardiner in their time, but the nature and emphasis of the AACR pronouncements were without precedent on the Rock. Stanley attributed the worsening relations to what he termed the 'Tri(ay)umvirate', of Risso, Salvado and Triay himself. In his view, the three had gained total control of the movement, and Risso and Salvado, whom he suspected of being communists, were dictating policy to the more moderate elements.

On 25 October Eastwood put the plans for the creation of a legislature with a majority of nominated members before Executive Council. The Councillors recommended that the announcement be made as soon as possible to reassure public opinion which had become hostile to the Government as a result of 'provocative' speeches by members of the AACR. They further advised Eastwood that an early announcement would be politically expedient, as it would anticipate any representations which the AACR deputation might make. There was also the danger that the Association might take the credit for the measure if it were made public after the deputation had seen George Hall. Later in the day, Eastwood sent a telegram relaying the views of the Council to Hall, stressing the advantage of upstaging the deputation before they left Gibraltar.

When the AACR questioned the composition of the Governor's Executive Council, they had a valid point. The role of the nominated unofficial members was to advise the Governor on the state of public opinion, whereas the incumbents of those posts were hardly the best men for

the role. Albert Isola was a right-wing lawyer, who resigned from the Council soon afterwards asking that someone more in line with the popular mood be nominated, and Major Joseph Patron had always been out of touch with opinion at a popular level. His appointment as Evacuation Commissioner in the United Kingdom had been marred by charges that he tended to favour the authorities against the evacuees, and he arrived in Gibraltar already a discredited figure. The nomination of at least one AACR member to Executive Council might have healed the rift between the government and the movement. As it was, no AACR member was appointed and the rift widened even further. On 27 October, Albert Risso, the AACR delegate on the Resettlement Board resigned in protest at the slow rate of repatriation. The City Council representative, Jack Ellicott, followed suit shortly afterwards. On a symbolic level, the resignations marked the end of the Association's cooperation with the Government, for the time being at least, and its effective transformation into a movement of opposition. The last trappings of partnership had been done away with and it seemed that the series of minor skirmishes had escalated into total war.

On the same day as the resignations, Eastwood reported 'further symptoms of a deterioration of public morale'⁹ to George Hall. The cause was the fact that repatriation had been delayed still further owing to a lack of medical staff and equipment, shortage of building supplies and the whole problem had been exacerbated by 'recent provocative utterances by members of the Association for the Advancement of Civil Rights.'¹⁰ The City Council, informed the Governor, had passed a resolution expressing 'grave concern' at the postponement of the return of the local evacuees, at the same time as arrangements were in hand to bring to the Rock families of service personnel and of other non-Gibraltarians. Matters were further complicated by the two resignations from the Resettlement Board and by that of Albert Isola from Executive Council. His departure, in Eastwood's view, confirmed the tense situation in the Colony, and it would now be 'difficult to find a suitable person who is prepared to incur the odium which now attaches to membership of the Executive Council.'¹¹

Part of the trouble, the Governor reported, was that the temporary housing programme had been delayed owing to a lack of air compressors. People in Gibraltar could not understand how the Government could fail in such a simple task as providing additional nursing staff, and this failure could not be reconciled with the concern of the Secretary of State and the Gibraltar government for early repatriation. When faced with their anger, added Eastwood, he had 'no satisfactory explanation to give.'¹² He asked that the four nurses required be recruited and the air compressors despatched as quickly as possible. He also requested authority to make an announcement on constitutional development and recommended that the Northern Ireland evacuees be moved back to England. In a sombre final paragraph, the Governor declared it was his duty 'to point out the very serious declension of public confidence and goodwill'¹³ of the Gibraltarians towards the Gibraltar and British governments. The people, he made clear, 'are of law abiding disposition but their patience has been sorely tried by a long delay in announcement regarding the future of those Gibraltarians who cannot return until permanent buildings are completed, and additional restriction now imposed for medical reasons has raised the temperature of public feeling, heated as it has been by irresponsible and provocative statements, unpleasantly close to flashpoint.'¹⁴

London's response was to send out S.E.V.Luke, head of the Mediterranean Department at the Colonial Office who flew into Gibraltar on 1 November. The situation had become serious enough to merit the hurried despatch of a top Colonial Office man. The day before his arrival, the AACR presented a copy of the memorandum they were going to deliver to George Hall to Colonial Secretary Stanley in Gibraltar. It complained that the Rock was still governed like a conquered territory, in a manner not too different from the British zone in Germany. The memorial pointed to the dominance of military power over civilian and alleged it was a negation of the Rule of Law. It was further asserted that the old argument that Gibraltar was a fortress was being abused, in the sense of denying rights to civilians. A number of pressing civil problems were listed, including repatriation, housing and wages. Macfarlane and Clifford, declared the memorandum, had tried to solve Gibraltar's troubles in accordance with public

opinion. Eastwood and Stanley, however, had reversed that trend, and the removal of both was demanded, but with it even more far-reaching changes. Executive Council should be made more representative and the powers of the City Council should be enlarged to enable it to deal with repatriation.

Two days after the memorial was presented to Stanley, it was publicly announced that a Legislative Council would be established in Gibraltar once all the evacuees had returned. The only limitation prescribed by the Secretary of State for the Colonies was that in view 'of the special position of Gibraltar as a fortress,'¹⁵ the Council would have a majority of official members over non-officials, nominated or elected. The exact composition of the Council was a matter for consideration and the representative bodies would be consulted in due course. The explanation given for the release of the declaration, only two days before the departure of the AACR deputation, was that the authorities wanted to ensure that the delegates had time to consult their committee. The documentary evidence paints a different picture, revealing that the real reason behind the timing of the announcement was to upstage the AACR. In reaching his decision, concluded the statement, the Secretary of State had been 'influenced by the growing interest of Gibraltarians in the complex problems of civil government and by the desire of H.M. Government in the United Kingdom to recognise appropriately the wartime hardships of the people of Gibraltar by giving them in the form of wider constitutional privileges an opportunity to assume greater responsibility in the conduct of public affairs.'¹⁶

The announcement of 3 November 1945 was an important landmark in the constitutional development of Gibraltar. Although the details were open to discussion, the British Government had publicly and unequivocally committed itself to establish a legislature on the Rock. The two conditioning factors were that this would take place after repatriation was completed, and that the Council would have an official majority. The representative bodies, for their part, could take pride in the fact that they had agitated for a legislature and they had obtained one. Although the details remained to be settled, the Colonial Office had been forced into an embarrassing volte-face. Leaving Gibraltar soon after the statement, the AACR

deputation sailed for Northern Ireland and then moved on to London. They still bristled with a long tally of grievances for redress and questions yet to be answered, but there can be no denying that the timely announcement removed the sting from their tail.

The nature of the Legislative Council, 1945–1946

By 6 November, three days after the announcement, the Colonial Office was already considering plans for the composition of the Legislative Council. The new assembly was to consist of eight official members and eight unofficial ones, six the latter were to be elected and two nominated, thus providing for a majority of nominees. It was envisaged that the Council would be presided over by the Governor and would include the Colonial Secretary, Attorney General and Financial Secretary, as well as the three Service commanders.

Nine days later, Stanley went on the radio to tell Gibraltar the type of Council which the authorities had in mind. A Legislative Council, the Colonial Secretary told the Gibraltarians, 'does not draft the laws: that is done on the instructions of the Governor by the Attorney General with such aid as he may need from technical officers of the Government. Neither does it assent to the laws: that is done by the Governor in the name of the King. But it does consider and debate proposed legislation.'¹⁷

It was evident from Stanley's broadcast that the Council which the authorities envisaged was one with very limited powers. Essentially, the assembly was to be allowed only to discuss legislation. In theory it could reject bills if it wanted to, but with a nominated majority this was not a very likely prospect. The Governor would also arrange the general programme of legislation and it would be 'customary' for him to give a clear picture of his policy to the Council in periodic addresses. Stanley stressed that although the Council was to have an official majority, the Government was anxious that its whole constitution be as liberal as possible and that any measure introduced should have the fullest possible support from the unofficial side.

The Colonial Secretary also insisted that the bulk of the evacuees would have to be repatriated before the Council was set up.

A sharp reaction to the talk came in the form of a letter which appeared in a local newspaper, El Calpense, on 20 November. It was published under the pseudonym of 'Fiat Lux' and it denounced Stanley's broadcast wholesale. 'A Legislative Council,' declared the letter, 'as its name implies, should be empowered to make laws, previously prepared by experts. Ours is just going to be another farce. It will bear the name but not the power to legislate.'¹⁸ The authorities suspected the AACR of being behind the letter, which called the whole structure of government in the Colony into question. It accused the Gibraltar government of being an imposition on the people, and it stressed the fact that in Britain officials did not govern, they were simply functionaries. In Gibraltar, however, the 'officials, though paid servants, are our absolute rulers. They draft, present and approve laws. The people's representatives will have no power to defeat them. They will just be simple spectators in a big panto. They may talk and present their point of view, but will go no further.'¹⁹

Whether the AACR was the force behind the letter or not, there can be no doubt that it constituted an exact manifestation of their views. It had been disappointing enough for the Association to learn that the legislature was going to have an official majority, without having to endure the even more narrow limitations expounded by Stanley. The Gibraltar representative bodies were faced with a Legislative Council that could not legislate, a sort of Advisory Council in disguise. In a sense all that the Colonial Office had done was to repackage their offer of 30 December 1944, and to present it again in a different wrapping.

While Gibraltar pondered on Stanley's broadcast, the AACR deputation had arrived in Northern Ireland, where they reported that they had received a 'great reception.'²⁰ From there they moved to London to meet the Secretary of State for the Colonies. In an internal Colonial Office minute of 11 May 1945, George Hall painted a long term picture of the Rock. Hall's personal view on the question of Gibraltar was that the British Government 'should endeavour to obtain outlets for emigration and to produce quality suitable for emigration. The ultimate

ideal would be to break up Gibraltar as a community and leave it as it was originally formed, that is as a small parasitic population hanging around the port and fortress. We shall never achieve a community with a full life in the limits of the Rock, with no possibility of agriculture or industry.²¹

This, then, was the man that the AACR deputation looked to for a solution to the problems of Gibraltar. They met Hall on 23 November and asked him that the evacuees remaining in Northern Ireland should be repatriated immediately, not knowing that the Secretary of State believed in a mass emigration of Gibraltarians! They put their views to him on constitutional development, unaware that Hall himself held that full self-government for the Colony was impossible! How blissfully ignorant they were is revealed in their telegram to Gibraltar after the meeting, which gave out the news that George Hall had received the deputation most attentively and that an early reply to the memorandum was promised.

The delegates returned to the Rock on 1 December, and eight days later called an open-air mass meeting in John Mackintosh Square. A two thousand-strong crowd heard Risso and Triay give details of their interview with the Secretary of State. The AACR President thanked Mason Macfarlane for his assistance and support. The former Governor was one of a number of MPs whom the deputation had met in London. Risso declared that the policy of the Association was to do away with tyranny in Gibraltar and the system of the privileged few. Triay then took the stand and he too praised Mason Macfarlane. He declared that the main problem which faced Gibraltar was the overwhelming influence of the fortress, the importance of which had been stressed by the Secretary of State. Triay revealed that Mason Macfarlane had authorised him to tell George Hall that in 1941 that fortress could have been taken by two Boy Scouts. He went on to denounce the fact that the 6000 garrison enjoyed the use of 80% of the Rock's land area, while the 16000 civilians had only 20%. Triay urged that the City Council should be given the power to deal with repatriation and other problems affecting the Rock, since 'any solution that is agreeable to the majority of the people of Gibraltar would be better

than the solution imposed upon them by persons whose sympathy and love for the people, whom they autocratically govern, are very much in doubt.²²

Stanley had listened to the speeches from the central police station nearby. 'The most striking impression left by the report of the AACR's doings in London,' he told Eastwood, 'is of the extreme (if accurately reported) indiscretion of General Mason Macfarlane.'²³ The actions of the former Governor, as well as his outspoken character had horrified the Colonial government in Gibraltar. At the very time when the AACR was being critical of Eastwood and hankering after the days of Macfarlane, it obviously did not help the authorities much if the latter was seen to publicly support the Association so openly.

In his report to the Colonial Office of 21 December, Stanley stated that there was some discontent on the Rock at the fact that the legislature was going to have an official majority, and that nominated unofficial members were going to be installed. The trouble stemmed mainly from the AACR and other left-wing elements. Many right-wingers, the Colonial Secretary believed, were pleased that there was not going to be an elected majority on the Council. Albert Isola had told Stanley that this would be a good thing. There was evidently a deep-rooted fear among conservative opinion in Gibraltar that the AACR might repeat their success in the City Council elections in the poll to the legislature.

Even so, 1945 had registered a very significant number of constitutional advances. In the first place, and towering above everything else, stood the announcement that a Legislative Council would be established on the Rock, eleven months after the declaration on the ill-fated Advisory Council. The reconstitution of the City Council with an elected majority was also a major achievement for the four representative bodies.

However, there were negative factors which also came into the picture. Relations between the Colonial Government and the AACR had sunk to such a low ebb that they almost ceased to exist, and 2000 evacuees still awaited their return home.

Moreover, the AACR itself had problems of its own, in a controversy that threatened to split it in two. At the heart of the trouble lay the decision to make Anthony Baldorino, a member of the

Association and Vice-Chairman of the City Council, a Justice of the Peace. When the news became publicly known on 18 January, Hassan protested to Stanley that the appointment of Baldorino constituted a personal insult to himself and to his post as Chairman, since previous holders of the office had also been Justices of the Peace. The Governor wrote to Hassan the following day, stating that there was no intention to offend him and that Baldorino's appointment was made purely on personal considerations, not because of the office he held on the City Council. Since Baldorino had acted contrary to the AACR constitution in accepting the magistracy without consulting or seeking the approval of the Association's Committee, he was expelled from the AACR and support for him as a City Councillor was withdrawn. The incident was merited to be serious enough for Eastwood to report it to Hall in a secret communication on 23 January. The Governor declared that he deplored the action taken by the Association, asserting that he suspected Hassan of being behind it. He claimed he had 'reason to believe that this step will prove embarrassing to many members of the Association particularly as Mr Baldorino, who is a respected figure in His Majesty's Dockyard is likely to have many sympathisers. This further example of uncooperative action by the Association is scarcely likely to enhance their prestige or to further their political aspirations.'²⁴

Shortly afterwards, on 28 January the Secretary of State for the Colonies, George Hall, arrived in Gibraltar on his way back to London from the Gambia. In talks at the Convent, the Governor's residence, repatriation, the introduction of welfare measures such as a workmen's compensation scheme, and other problems were discussed with Eastwood and Stanley. The three also went through the text of a letter addressed to Sergio Triay, in response to the points raised by the AACR deputation when they visited Whitehall.

The Colonial Office had been considering their response ever since the deputation left on 23 November. In an internal memorandum written three weeks later, Sir Arthur Dawe, a senior official, gave his views on the political situation in Gibraltar. He considered that the movement of opinion which brought the deputation to London was a very healthy one, and he recommended that a substantial amount of weight should be attached to the AACR's point of

view regarding affairs on the Rock. 'The plain truth,' insisted Sir Arthur, 'is that Gibraltar is a Victorian museum-piece and it is high time a fresh wind blew through it.'²⁵ Moreover, he added, the 'central government is a complete autocracy vested in a Military Governor. The only unofficial element in the constitution is a small group of unofficial members of the Executive Council. These councillors constitute a small commercial oligarchy. They are not in personal characteristics of a very high type, and they naturally, on almost every question, find little difficulty in identifying the public interest with their private and commercial inclinations.'²⁶

Dawe's distaste for them led him to the conclusion that the legislature should have an official majority, in order to keep it out of the oligarchs' hands. In the past, he pointed out, there had been vigorous resistance to the introduction of income tax on the part of this commercial elite, and former Governors, being military men at the end of their careers, tended to follow the line of least resistance in relation to the business lobby. One good reason for the introduction of a legislature with an official majority, therefore, was that if an elected majority had been created then the local oligarchs would have made 'a strenuous bid to get control of it and it may be that we shall achieve more progress by putting affairs into the hands of a Governor under instructions from the Secretary of State, assisted by a legislature which, while providing an outlet for unofficial opinion, will have no control over the executive.'²⁷

Once the reply to Triay had been drafted, supporting Eastwood and urging the AACR to cooperate with him, Dawe urged that this should not be taken by the Governor as *carte blanche* to continue as before. Although in public the Secretary of State should support Eastwood, added Sir Arthur, 'I think that on his side the Governor should be asked to give a more popular turn to his general policy and see that cooperation is not too much a one-sided affair.'²⁸ Eastwood had responded well to the idea of setting up a legislature, remarked Dawe, but he had 'a strong feeling that this is not enough and what is wanted is a much more forthcoming and sympathetic attitude on the part of the Governor towards the new movements of opinion.'²⁹ Here lay an effective recognition that General Eastwood's negative attitude towards the AACR had done much to increase the tension in Gibraltar.

The reply to the AACR deputation was released to coincide with Hall's presence on the Rock. It was signed by Luke and it pointed out that the policy of the Gibraltar government, in all important aspects, was adopted with the agreement of the Secretary of State. In an obvious reference to the AACR, the letter stressed the importance of those holding a responsible post in the community playing their part in bringing a better understanding between the government and the people. It asked for vigorous collaboration with the government as the most effective way to solve the problems of the colony. Hall denied the charge that there had been a change of policy since Eastwood and Stanley had been appointed, and he emphasised that the only solution that would allow the return of all the evacuees was the construction of permanent housing.

The response from the Secretary of State on which the AACR had pinned their hopes proved a considerable disappointment. In a sense it would have been absurd to expect anything else. For the Secretary of State to have bowed to the wishes of the Association and order the removal of Eastwood and Stanley would have set a dangerous precedent. Such an action would have effectively acknowledged that the AACR in particular and the Gibraltarians in general could have a decisive say in the selection of their ultimate rulers. Faced with such revolutionary implications, Hall chose the only real course that was open to him. He held back from displaying in public any lack of confidence in the Governor or the Colonial Secretary but remonstrated with them in private instead.

Unaware of the happenings behind the scenes, the AACR was furious. On 29 January 5000 people, one of the largest crowds to assemble at a public meeting in Gibraltar, gathered in John Mackintosh Square. Two resolutions were adopted, the first of which considered the Secretary of State's reply 'unsatisfactory and unacceptable'³⁰ and the second asked George Hall to reconsider on those points which he had not conceded. The demonstration headed by the AACR Committee, proceeded to the Convent to hand in the resolution to Hall. Shops closed in sympathy and cheering crowds lined the streets.

On 13 March Stanley reported to London on the effects of Hall's visit. He asserted that the reply to the deputation, together with the Secretary of State's statements to the press, could have left little doubt on the policy of the Colonial Office regarding Gibraltar. This point was driven home by a private conversation between Joshua Hassan and George Hall the day after the massive demonstration. Stanley declared that he had 'seldom heard anyone receive a straighter dressing down'³¹ than Hassan received from the Secretary of State. He noted that the AACR Vice-President had been finding himself in an increasingly difficult position. Hassan led the protest to the Convent as a member of the Association's committee. Only half an hour earlier, in his capacity as City Council Chairman he had received the Secretary of State at a temporary building site. The following day Hassan was summoned to the interview with Hall, 'and although what occurred has not been officially recorded,' added Stanley, 'I can say that Hassan has since been a somewhat chastened man.'³²

The position of Joshua Hassan was indeed a delicate one. As far back as April 1945 Stanley had observed that the Jewish lawyer was the brains behind the AACR, but in the deterioration of relations between the movement and the authorities which followed the City Council elections, Hassan appears to have played a minor role. The guns were kept firing in public by Risso, Salvado, Triay and Louis Bruzon, with the City Council Chairman appearing to keep his distance. There can be no denying Hassan's involvement in the Baldorino affair, however, and this may have been a contributory factor which led to the secret encounter with Hall. 'I should not like to prophesy that we are at the end of our trouble with these people,' concluded Stanley, 'but the fact remains that the grand démarche of the Association – their deputation to England, which was so aggressively advertised and for which the public's money was so confidently collected – has from the point of view of their supporters been a complete failure. This has had a serious effect upon their prestige and there are signs of a severe crack in their armour.'³³

The Colonial Secretary reported that the AACR had held no more public meetings since Hall's visit. They had, however, distributed a leaflet opposing the introduction of income tax

without representation. The cry of the American colonists in the 1760s echoed round the Rock in response to the appointment of an income tax officer in February 1946. The attempts by the authorities to introduce direct taxation in the past had traditionally been resisted by the commercial elite on the grounds of 'no taxation without representation.' Now not only the Chamber of Commerce but the Transport and General Workers' Union came out vehemently against the measure. Moreover, the call was also taken up by the AACR, and Stanley was certain that by representation the Association meant a legislature with an elected majority. The detonator on a future potential time-bomb had been set to explode.

Composition of the Council and Proportional Representation, 1946–1948

In a letter to the four representative bodies on 18 July, the Gibraltar Government insisted that it was necessary for the Legislative Council to have an official majority. The plan was that not more than six officials would sit on the Council, including the Senior Combatant Military Officer, the Colonial Secretary, the Attorney-General and the Financial Secretary. This was subject to the agreement of the Service Departments. The Council would be chaired by the Governor, who would exercise only a casting vote. Reserve powers written into any Bill would also be wielded by the Governor. The letter asked the four associations to submit their views on the unofficial part of the legislature, on the electoral procedure to be adopted, and on the qualification of candidates and voters.

The fact that the views of the Gibraltarian organisations were being sought in advance of a measure being introduced was proof enough that the Colonial Office had learnt its lesson. No longer were councils and constitutions promulgated without warning; instead, active consultation with local opinion was entered into. Yet the proposals of 18 July 1946 were a far cry from those put forward by the representative bodies on 7 March of the previous year. For a start there was an absolute insistence on an official majority and on endowing the Governor

with very wide reserve powers. Although the four representative bodies had recognised the need for the latter, they had requested that the Council should have an unofficial majority. Given the importance of Gibraltar as a fortress, no British government would ever have willingly consented to the establishment of a legislature with an unofficial majority. Nor would they admit the possibility that the Council could fall into the hands of the AACR.

While disagreement continued over the Legislative Council, on 1 August Cyril McGrail, an AACR member resigned from the City Council, thus creating the need for a by-election. The Association had previously written to the Colonial Secretary complaining that those who had returned to Gibraltar after the existing register was drawn up in March 1945 were unable to vote. The poll went ahead regardless.

Such was the strength of the AACR that their candidate was returned unopposed on 9 September. There were many who had not recovered from the shock of the AACR clean sweep of City Council seats in August 1945, and they did not dare to stand against them again. The movement retained control of the municipality.

As the AACR celebrated its success, Arthur Creech-Jones, who had succeeded George Hall at the Colonial Office, announced in the Commons that it would take a further two years before repatriation was completed. At the AACR annual general meeting on 12 November, Creech-Jones' declaration came in for strong criticism. If the evacuees were not repatriated immediately, warned a resolution, 'the only course open to Gibraltarians both here and in Northern Ireland is to act in a manner as to bring home to the Government once and for all the dreadful plight to which our evacuees have been put purely for war reasons, but for which there is no justification in lasting one more day.'³⁴

In a report to the Colonial Office on the same day, Stanley was deeply offended by the AACR. He accused the Association of trying to take the credit for everything that the City Council was *doing*, ignoring the help of the official members and the initiatives of the government. It was clear to Stanley that the resolution was couched in threatening terms and

as such was a challenge to the government. The Gibraltar authorities, added the Colonial Secretary, 'do not feel that we can allow threats to go disregarded. Courtesy and politeness are interpreted as weaknesses and I think that the time has come when we have got to take a firm and resolute tone.'³⁵

The Governor replied to the resolution by pointing to the problem of accommodation and insisting that this made immediate repatriation impossible. It would be regrettable, insisted Eastwood, if the action which the AACR adopted hindered the government's arrangements for the return of the evacuees. Louis Bruzon, by then General Secretary of the AACR, insisted once more that the movement would be compelled to take action unless all the evacuees came back. He stressed that the Association was not satisfied that the authorities were doing their utmost to ensure rapid repatriation. Moreover, retorted Bruzon, the action deemed necessary 'will be regretted by my Committee no less than by his Excellency.'³⁶

On 27 January 1947 the four representative bodies submitted their views on the composition of the Legislative Council. They had been asked to do so six months earlier, and the long delay in replying indicated a measure of disagreement between them. The joint committee of the AACR, the Transport and General Workers' Union, the Exchange Committee (which by then had voted to merge with the AACR in principle) and the Chamber of Commerce regretted that their recommendations of 7 March 1945 had not been accepted as the basis for the new assembly, and they asked that their disappointment be conveyed to the Secretary of State at the fact that the Council would contain a majority of nominees.

The joint committee, however, failed to reach agreement on the composition of the unofficial part of the Council. The Chamber of Commerce, the Transport Union and the Exchange Committee advocated that for the first term or two of the legislature's existence each of the representative bodies should nominate a member to the Council, the remaining member to be elected by the people. It was the view of the three bodies that this method was the best way of ensuring that all classes and interests were represented. The AACR, on the other hand,

proposed that all five unofficial members should be publicly elected, with each elector having five votes.

The recommendations of 27 January provide a revealing insight into the thinking of the various representative bodies. While denouncing the principle of nomination if this was being done by the Governor, three organisations were prepared to swallow their ideals as long as they did the nominating themselves. Behind their view lay the knowledge that if the five seats were open to election then it was more than likely that the AACR would win them all. The AACR, on the other hand, conscious of its strength and with a history of a City Council election win and a by-election victory behind them, were fervent supporters of the electoral process. In this instance the cause of democracy and the line most favourable to the Association were one.

At the end of January 1947 the news broke that Eastwood would be replaced. His successor, Lieutenant-General Sir Kenneth Anderson was due to take office in March. There was of course no indication as to whether Eastwood's departure was linked to the campaign organised by the AACR against him, but there can be little doubt that Ralph Eastwood had become an extremely unpopular Governor, and that there were many on the Rock who were more than happy to wave him farewell.

In his defence it can be said that it fell to Eastwood to be head of the Gibraltar government at a time when the Rock was making the transition from war to peace. The 2000 evacuees in Northern Ireland could not return simply because the Governor claimed he had nowhere to put them. Accommodation had to be built and the sanitary situation had to be carefully monitored. On the other hand, Eastwood's attitude to the AACR left much to be desired. As we have seen, this was recognised by Dawe, who blamed the Governor for the hostile relations between the authorities and the Gibraltarians. Eastwood gave the impression of being imbued with the arrogance of many colonial administrators, whose word was final and whose decisions could not be questioned. In private, however, he pressured the Colonial Office on certain

questions, like the Legislative Council, when he believed that it was in the interests of Gibraltar to do so. A soldier and not a diplomat, the Governor often made matters worse by refusing to mince words rather than being tactful and emollient. Despite the qualities he displayed in private, Ralph Eastwood left Gibraltar an extremely unpopular man.

The feelings of the Gibraltarians towards their proconsul even made the headlines in the British press. On 16 March the Sunday Pictorial published a scathing attack on the colonial government of Gibraltar, in which the lack of proper welfare measures such as unemployment pay, disability and old age pensions were heavily criticised. The slow pace of constitutional reform was deplored, and Eastwood, who had just been replaced, came in for special treatment. Mason Macfarlane, declared the article, had been a popular Governor and a good soldier. His successor, 'was probably a good soldier but certainly a bad Governor. Mason Macfarlane got rousing cheers from the local population when he left; the only people who saw General Eastwood off were the Services, who had to.'³⁷

The Governor's personal behaviour was likewise strongly denounced. While Gibraltarians lived seven to a room or in Nissen huts, with over 2000 waiting to return from Northern Ireland, continued the article, Eastwood had converted a large cottage on the east side of the Rock into a miniature palace, because his normal residence was too hot in summer. When repatriation began, the Pictorial went on, Mason Macfarlane had declared that his wife would be the last to return. Just before repatriation came to a temporary halt preceding the invasion of Normandy, Lady Eastwood arrived on the Rock. Then his son, a captain in the Rifle Brigade, was appointed to his father as aide-de-camp. His son's fiancée, the paper alleged, was later sent out with the Wrens. Given the charges levelled against him, it was evident that the Gibraltarians had more than one good reason to detest Ralph Eastwood.

Kenneth Anderson was sworn in as Governor on 20 March. In a broadcast to the Colony soon after his appointment he outlined the principal problems facing the Rock. These included repatriation and rehousing, and Anderson announced the introduction of a Government lottery,

the proceeds of which would finance the building programme. The new Governor became the fresh wind that blew through Dawe's 'Victorian museum-piece', causing a whole reappraisal of Colonial Office thinking. He soon came to advocate a majority of unofficial members in the legislature, arguing that this was the only way in which the assembly would run smoothly. The new incumbent of the Convent displayed distinct signs of being another Mason Macfarlane.

Although Eastwood had left, Stanley remained in his post, and in a report to London on 8 May he explained that while working on the new constitution the Gibraltar government had been considering the idea of introducing proportional representation for the election of the unofficial members. He thought the single-transferable-vote system best suited to the conditions of Gibraltar, but stated that the main disadvantage would lie in explaining the working of the system on the Rock. In this connection the Colonial Secretary requested that the Proportional Representation Society be approached with a view to obtaining explanatory literature on the subject. The new system, if adopted, would ensure the election of minority groups and thus break up the strength of any dominant party such as the AACR. The single-transferable-vote method meant that electors would choose their candidates in order of preference, thus giving independents a much greater chance of winning seats.

While Stanley toyed with proportional representation, Hassan informed the City Council of certain immediate changes in the electoral law which the government had agreed to. The Council was told on 22 May that a supplement to the Register of Electors would be prepared for the elections due in December, which would include all eligible evacuees who had returned to the Rock. Women were to be enfranchised and granted the right to stand for election for the first time.

In July 1947 the AACR Workers' Sub-Committee formed itself into a trade-union, entitled the Gibraltar Confederation of Labour, with Albert Risso as its President. Workers' rights were a subject close to Risso's heart. He was a garage mechanic and as such he had experienced at first hand the problems of the working-class Gibraltarian. In a broader sense, the formation of

the GCL was a logical sequel to the foundation of the AACR itself as a workers' movement. It was created to pressure the Gibraltar government into granting certain welfare measures which employees in the United Kingdom could boast of but which their Gibraltar counterparts could not. The union was affiliated to the AACR, but whereas in Britain the trade unions were responsible for the formation of the Labour Party, in Gibraltar the situation was quite the reverse. The AACR, as a political party, was responsible for the creation of the trade union. The separation of the GCL from the Association to deal with economic and social matters thus left the AACR more clearly defined as a political force. In creating a separate organisation, however, the Association moved away from its workers' roots and opened the door to future conflicts between the two bodies.

While the GCL marked the first month of its existence, on 25 August it was announced that Stanley's term of office would end in October. His replacement was Justin O'Brien, Under-Secretary at Trinidad at the time and a man who had also served in Cyprus. It was evident that Stanley would not see the plans for proportional representation take effect. The question had been considered by Executive Council and the Colonial Office was informed on 26 September that it was an excellent system, particularly suited to local conditions in Gibraltar, but the idea had not yet been put to the four representative bodies.

An internal Colonial Office memorandum of 3 October signed by John Bennett discussed the virtues of PR for Gibraltar. 'There is of course', declared Bennett, 'the general difficulty that any "House of Representatives" elected on a basis of Proportional Representation is liable to accentuate splinter groups rather than the consolidation of effective political parties.'³⁸ Such a situation, he added, would be unsuitable for a large territory or for a chamber where the elected members would exercise responsible power. Since Gibraltar's legislature was going to have a non-elected majority, Bennett pointed out, what was required for the five elective seats 'was the best representation of the whole Gibraltarian population rather than the election of clear-cut majority and minority parties.'³⁹

In mid-October it was announced by the authorities that two large buildings had been secured in London which would enable the transfer there of 1000 evacuees from Northern Ireland. The Colonial Office also made it clear that every effort would be made to close the Ulster camps before winter. The news that the Northern Ireland trauma was almost over was well received on the Rock, and matters improved further later that month when Justin O'Brien took over from Stanley as Colonial Secretary. This marked the definite end of the Eastwood-Stanley era and fostered the hope that it would lead to a warmer relationship between the authorities and the Gibraltarians.

At an extraordinary general meeting of the AACR on 24 November, Joshua Hassan announced that the Association would put up a woman candidate for the City Council elections on 17 December, the first elections in which women could stand and vote. The seven AACR candidates selected included Hassan himself, Emilio Alvarez, and Dorothy Ellicott, the first woman to seek election to the Council. Three days after the AACR meeting the Gibraltar government announced that the AACR candidates were the only ones who had been nominated for the seven vacant seats, and they were thus returned unopposed. Dorothy Ellicott became the first woman City Councillor, although given the walkover Gibraltarian women would have to wait before they could exercise their new right.

The fact that nobody dared stand against them was a tribute to the strength and the popularity of the AACR. Gaining control of the City Council in July 1945, and winning a by-election and a general election unopposed since then were extremely important achievements. Fearing another humiliating defeat, the 'old guard' candidates who attempted to reassert their pre-war dominance over the City Council in 1945, held their hand in December 1947. They seem to have realised that to oppose the Association in the immediate post-war years was to oppose the personification of the will and the mood of the Gibraltarians.

The plight of the evacuees remained one of the main factors which kept the Gibraltarians united behind the AACR. On 12 December, two months after the transfer to London had been

announced, the Colonial Office went back on its word. Rees Williams, Colonial Under-Secretary, informed a deputation from the Ulster camps that the planned move to London would not take place after all. Reaction to the news on the Rock was swift and furious. At a meeting with General Anderson on 15 December, Risso, Hassan and Ellicott revealed that the AACR would 'be taking steps locally to impress upon the Imperial Government the deep resentment felt by all classes in Gibraltar at this latest breach of faith towards the evacuees in Northern Ireland.'⁴⁰

Breaking all precedent, the Governor informed the Association of his concern at what had occurred, and he stressed that the Gibraltar government had already protested to Whitehall. Anderson's strong messages to the Colonial Office were fully endorsed by the AACR. Here was a Governor who was prepared to publicly identify himself with the local view against London. Things had come a long way since Eastwood's departure. Faced with the same situation, he too would probably have complained to London but he would have kept his personal feelings to himself. The tension that had been the hallmark of his years on the Rock seemed to have evolved into a measure of cordiality with his successor. In line with the new relationship between the new Governor and the AACR, Anderson was informed in advance that a public protest to be held three days later was not aimed against him or the government of Gibraltar. It was directed solely against London.

On 18 December a large public meeting and demonstration ended with Anderson's appearance on the balcony of his residence, The Convent, cheered by the crowd. Earlier, two resolutions had been passed. The first recorded the meeting's 'most energetic protest and deep resentment'⁴¹ at the fact that the British government had broken its promise. It supported Anderson's intercession on behalf of the evacuees and requested that their feelings be conveyed to Creech-Jones. The second resolution thanked the Governor for his support. Risso attacked the Colonial Office but praised Anderson, informing the meeting that the Governor had sent such energetic telegrams to Whitehall that the AACR had nothing to add.

The public mood had again risen to fever pitch, with the Colonial Office as the target of the agitation. On 27 December, in response to the outcry on the Rock, Whitehall announced another about-turn in policy. The evacuees would be moved to the reception centre in Fulham Road after all. Despite the news, Anderson was in no doubt that the damage had been done. 'This Fulham episode,' he told Creech-Jones, 'has revived here hostility and resentment against His Majesty's Government in a greater degree than ever before I arrived. The universal local feeling with which I agree,' he added, 'was that the honour of His Majesty's Government was at stake over this matter.'⁴² Moreover, Anderson went on, 'the people feel really hurt and will not easily forget the treatment their compatriots have received.'

The new year saw the gradual movement of evacuees from Ulster to London, and on 21 July 1948 the final party left Belfast. All the Northern Ireland camps were closed, yet nearly a thousand Gibraltarians remaining still had to be shipped back to the Rock, and the time this would take depended directly on the accommodation available there.

Meanwhile, deliberations between Gibraltar and Whitehall over the composition of the promised legislature continued. On 13 January 1948 Anderson pressed Creech-Jones to 'get a move on.'⁴³ The antagonism he found in Gibraltar when he arrived, the Governor explained, stemmed from the resentment of people of all classes at having no say in their affairs. 'They are Europeans and the leaders are no fools,' he added, 'and, since I intend to be quite frank, I agree with their point of view. I have tried to let the representative bodies know what is going on and to give them a feeling that they are not just ciphers, and my action has met with quite a lot of success in sweetening the atmosphere. But, it is most important to get the Legislative Council into being as a matter of urgency.'⁴⁴

In a further report to the Colonial Office on 4 March, Anderson argued strongly against a defence establishment presence in the legislature. The Governor also stressed the absolute necessity of adopting proportional representation as the form of election to the new body. 'The position here is that at the moment on any other system than proportional representation the

Association for the Advancement of Civil Rights would without any reasonable doubt capture all the seats at an election to the legislature. Its adherents undoubtedly constitute a majority of the electorate; the other parties combined not only constitute a minority of the electorate, but for all practical purposes they are not even combined.⁴⁵

It is important to note also General Anderson's tactical sense. While the AACR were given the impression that the Governor was with them all the way, Anderson's reports to London on the method of election to the legislature reveal that he was not as entirely as pro-AACR as they may have thought. The colonial government, moreover, urged PR on the electors of Gibraltar not because they thought it was fairer, nor because they believed that it would secure a more representative legislature. Proportional representation was quite simply the system that was tailor-made to hinder the electoral chances of the AACR.

This was confirmed by Sir Thomas Lloyd, a senior civil servant at the Colonial Office, in an internal minute of 19 March. 'In general the objection to proportional representation is obviously that it tends to splinter parties and sectionalism,' wrote Lloyd, 'but in Gibraltar a splinter is in fact what we are aiming at; as I see it, any other system would lead to one party sweeping the polls and the same members representing the unofficials on the City Council and Legislative Council.'⁴⁶

The Service Departments were informed on 22 April of the latest thinking, notably the important fact that Anderson had convinced the Colonial Office to grant the legislature an unofficial (but not an elected) majority. The new assembly would thus consist of the Governor, presiding with a casting vote, who, together with the Colonial Secretary, Attorney General and Financial Secretary would form the official block. There would be five elected members and two nominees, one of these had to be unofficial but both could be if the Governor so wished. Reserve powers would be held by the Governor, enabling him to pass any law, even if it had been rejected by the legislature. Whitehall could reject any law, even if assented to by the

Governor. The safeguards were such that the Colonial Office expected no objection by the military to the proposal for an unofficial majority.

The Executive Council would remain unchanged, except that the three unofficial members would be chosen from the five elected members of the legislature. This was an extremely significant advance. No longer would Governors be able to pick whom they wanted to advise them on the state of local opinion. They would be constrained to select their advisers from among the elected representatives of the Gibraltarians. The news was a blow to the 'old guard' of right wing businessmen and lawyers who had monopolised the Executive Council by virtue of their position in their community rather than any claim to voice the views of the people.

A month after the Services had been informed of the new situation, the War Office and the Air Ministry replied that they had no objection, given the reserve powers held by the Governor. The Admiralty, the Service with the most at stake on the Rock, delayed replying until 10 June, but they also gave a positive answer.

Gibraltar before a Cabinet Committee, July – October 1948

Having thus consulted the relevant departments, on 26 July 1948 Creech-Jones placed the matter before the Commonwealth Affairs Committee of the Cabinet. The meeting was chaired by Clement Attlee, the Prime Minister, and it included the Foreign Secretary, the Commonwealth Secretary, and the Lord Chancellor. Lord Listowel, Minister of State at the Colonial Office was also there, as was General Anderson, representing the official Gibraltar view. Creech-Jones went through the history of constitutional reform in Gibraltar, from its genesis by Mason Macfarlane and Oliver Stanley in 1943. The Legislative Council had been promised in November 1945, but the decision to have an official majority had been criticised on the Rock. For this reason, Creech-Jones went on, the Colonial Office proposed that a

legislature be established with an unofficial majority. He concluded by expounding the division of power between the legislature, the City Council, and Central Government.

Clement Attlee was not impressed. He immediately enquired whether there was any public demand for a legislature on the Rock, and he made it clear that in his view there was no room for both a City Council and a Legislative Council in such a small territory. The Prime Minister argued that the situation would be one of over-government. He further claimed that Gibraltar did not conform to the normal colonial pattern, in terms of its small size and its functions as a fortress, and that a special constitution should be devised for what was essentially a city-state.

Three Secretaries of State for the Colonies and numerous officials had taken five years to produce the proposals before the Cabinet, and in a few minutes the Prime Minister had torn them apart. Determined to fight for what had been agreed, General Anderson spoke up at once. He told the Cabinet Committee that popular demand for a legislature did exist on the Rock. It was not a case of the call arising from a few self-seeking individuals. The 'people of the Colony,' insisted the Governor, 'felt very strongly that they should have a wider opportunity for sharing in the administration of their own territory, and this had not been satisfied by the establishment of a City Council with an elected majority.'⁴⁷

Taken aback by Attlee's unexpected opposition, the Colonial Office fought an impressive rearguard action, spearheaded by General Anderson himself. Creech-Jones added his weight to the Governor's counter-offensive, insisting that a legislature had been promised to the people of Gibraltar in November 1945, and pointing out that the proposals before the Committee were simply the final stage of the work of several years. Singapore and Hong Kong, moreover, were examples of Colonies which possessed both a legislature and a municipality.

The battle swung away from the Colonial Office when other ministers, including the Lord Chancellor and the Foreign Secretary, rallied around Attlee. In the end the Committee proposed that a single representative organ, a Council of State, should be established on the

Rock. This would mean that the legislature would be combined with the City Council into a single assembly, possessing both legislative and municipal functions. They also recommended that an independent investigator be sent out to the Rock to look into the matter further. The Colonial Office appeared to have been soundly defeated.

On the last day of July, the news broke on the Rock. A government announcement informed the Gibraltarians that the Cabinet had decided that a Legislative Council might lead to 'over-government', and that the Lord Listowel would be sent to Gibraltar to take more soundings. The British Government, declared the statement, had formed the judgement that 'the existence of two independent bodies separately elected might perhaps prove both clumsy and wasteful in operation.'⁴⁸

The representative bodies on the Rock were outraged. Driven by a sense of indignation, that what had been promised now seemed on the point of being taken away, they made their feelings plain in a letter to Anderson on 4 August. The AACR, Exchange Committee, Transport Union and Chamber of Commerce all expressed 'surprise and disappointment at the fact that His Majesty's Government should, at this late stage, fail to implement its definite commitment to grant a Legislative Council.'⁴⁹ The letter recalled the promise made on 2 November 1945 and reminded Anderson that when their quadruple alliance rejected the Advisory Council they had made it abundantly clear that nothing short of a legislature would satisfy the people of Gibraltar. 'Having regard to the above,' the four concluded, 'we leave it entirely in Your Excellency's hands to decide whether the anticipated visit of Earl Listowel is necessary or not.'⁵⁰

The Cabinet Committee's thunderbolt was a severe blow to local opinion. Thirty-two months had elapsed since the promise of a legislature had been made. In that time Gibraltarians had even been consulted as to the composition of the unofficial element in the new assembly. To be told all of a sudden that a Legislative Council was not feasible after all that time therefore came as an electric shock to them, but in all fairness, the Colonial Office was not to blame for

the reversal of July 1948. Creech-Jones and Anderson had vigorously defended the memorandum laid before the Commonwealth Affairs Committee, and they had been defeated by sheer weight of numbers, headed by a Prime Minister who preferred to see a single representative council combining municipal and legislative functions.

In line with Attlee's thinking, the civil servants at the Colonial Office soon started scrutinising the constitutions of pre-war Danzig, the Channel Islands and the Ancient Greek city-states. While this was being done, Anderson warned London of the political situation on the Rock. The local organisations, the Governor told Whitehall on 9 August, would be prepared to consider new suggestions, but whether these would be accepted was a different matter. Moreover, he added, there was 'no doubt that the announcement that His Majesty's Government envisaged a fresh approach to the constitutional problem of Gibraltar occasioned genuine dismay amongst the Representative Bodies. There were also suggestions of "bad faith", which I hope and believe have been satisfactorily disposed of.'⁵¹

Three days later, the pre-1939 constitutions of Danzig, Trieste and Luxemburg were sent to Anderson, with the sour comment from the Colonial Office that it would be unlikely that anything useful would be obtained from them. By the end of the month, three clear alternatives had emerged. The first of these was the establishment of a legislature from which derived a City Council or Commission. The second was that the legislature should itself stem out from the City Council as it presently existed. The third option was the creation of separate Legislative and City Councils, with the same electorate voting for both simultaneously. John Martin of the Colonial Office did not sound convinced when he put the three choices to Anderson on 31 August. Whitehall, he told the Governor, 'should not be surprised to hear that you have come to the conclusion that there are no good grounds for departing from the original proposal.'⁵²

Listowel flew in on 16 September on an eight day investigatory mission, accompanied by an expert on constitutions and by Mary Fisher, Assistant-Principal at the Colonial Office and the

person most directly concerned with the affairs of Gibraltar. The day after their arrival, a meeting was held with the representative bodies. Anderson placed the three alternatives before them and in so doing ruined the Colonial Office strategy for the meeting. The Whitehall visitors had planned to offer each alternative in turn and then, if one caused objections, move on to the next as a second line of defence. In presenting all three at once, the Governor revealed his cards before the game actually started.

Lionel Imossi of the Chamber of Commerce was the first to reject all three proposals, insisting that a separate Legislative Council should be established as promised in 1945. For the AACR, Hassan argued that the point to establish was whether excessive government existed on the Rock as things currently stood. If it did not, then it could not be brought about by a Council which would only transfer the law-making powers from the Governor alone to the Governor-in-Legislative Council. Hassan further claimed that economy – which Listowel had stressed was a priority – could be effected by having one register of voters for elections to the two bodies, but he insisted that the elections themselves should be separate. The Transport Union delegate, Agustin Huart, likewise expressed his disappointment at the delay in creating a legislature on the Rock. It was evident that the Gibraltarians' view had not changed.

In an informal letter to John Bennett the following day, Mary Fisher described the 'excursion' to Gibraltar as a 'complete waste of time'.⁵³ It was quite clear, she added, 'that no one in the Colony, from the Governor downwards, has ever really tried to see whether there might be some force in the Cabinet Committee's recommendations. Their minds have all been directed to proving it to be nonsense.'⁵⁴ Anderson's view, Fisher went on, was that the Cabinet had given no serious thought to the matter and that its decision was based on a reaction against being bothered with petty constitutional problems for so small a territory as Gibraltar. The Governor thus approached the whole question from the assumption that what was necessary was to make the Cabinet see reason.

Fisher went on to describe the meeting with the representative bodies, which in her view was 'a complete fiasco'⁵⁵. Moreover, she added, 'I don't think it could have been anything else, unless at least one of the 3 London visitors had had a burning conviction of the superiority of one of the alternatives to the original plan. But of course none of us had precisely this.'⁵⁶ Here was a recognition that the Colonial Office had not itself been convinced of the validity of the Cabinet Committee's recommendations. Indeed, the minutes of the meeting in Gibraltar reveal that Listowel was not particularly concerned with refuting the arguments put forward by the representative bodies. There can be no doubt that the Cabinet's volte-face had also been a blow to Creech-Jones and his officials. From the civil servants' point of view, the petty objections of the armed forces had been irritating enough, without their having to endure the sight of the painfully constructed package being rejected by the politicians.

The single meeting, out of eight days which had been scheduled for the visit, was enough to confirm the strength of Gibraltarian feeling on the matter. Fisher recommended that the Colonial Office scheme be placed before the Cabinet Committee again, with the one simplification of a single register of electors for both councils, 'on the grounds that this is the only thing the Gibraltarians will look at.'⁵⁷ Moreover, when the Cabinet considered the constitutional reform proposals, she continued, it would 'be absolutely essential to succeed. The Gibraltarians already have serious doubts of both the goodwill and (I fear) the intelligence of H.M.G. and their present attitude of long-suffering and somewhat contemptuous tolerance might well roughen if we cannot now go straight ahead.'⁵⁸

In accordance with Fisher's recommendations, Creech-Jones went back before the Cabinet on 29 October. He told the Commonwealth Affairs Committee that Listowel's visit to the Rock had not changed the minds of the Gibraltarians. Local opinion was unanimously hostile to any idea of modifying the existing City Council, and it was equally adamant that there would be no overlapping of responsibilities should a legislature be created. In the light of the findings,

Creech-Jones put it to the Cabinet that his July proposals be accepted, subject only to the modification that there should be a single electorate for the City Council and the legislature.

The Prime Minister was still not convinced. He contended that there was no justification for creating two elected bodies in such a small territory, placing an excessive burden on the resources of the Colony. Other ministers supported Attlee's stand. The case for two representative bodies had not been made out, it was claimed, and if a legislature had not been promised in 1945 then the solution to the problem facing them would have been to establish a single council. The whole dilemma revealed quite clearly that when the decision to create a legislature on the Rock was made public in November 1945, it was a concession extracted under duress. The promise had come at a time when relations between Eastwood and the Gibraltarians reached the lowest point of his tour of duty on the Rock. The AACR was about to send a deputation to Whitehall and the promise of the new council was made to upstage them before their departure. The problem confronting the Cabinet Committee in October 1948 stemmed directly from the rash announcement which the authorities had been forced into to defuse the tension in November 1945. They had driven themselves up a one-way street with no possibility of turning back.

With obvious reluctance, the Commonwealth Affairs Committee agreed that 'there was no alternative'⁵⁹ but to accept the proposals put forward by the Colonial Office. People in Gibraltar, they concluded, would have regarded any attempt to set up a single body as a breach of faith. Ministers advised an investigation to eliminate any overlapping between the two councils and the central government machine. So Creech-Jones won the battle in the end, but the result was no foregone conclusion. The Cabinet Committee gave way without being convinced that the Colonial Office's proposals were the best way forward for the Rock. Victory was only secured by reiterating George Hall's pledge to the Gibraltarians three years earlier. On the strength of that pledge political clearance was finally obtained for granting Gibraltar a legislature.

On 6 November Creech-Jones laid down the final details in a telegram to General Anderson.⁶⁰ The Governor would preside over the assembly, along with three officials, two nominated members (both of whom could be, and one of whom had to be unofficial), and five elected members. A minimum unofficial majority of 6 to 5 was thus provided for. The official announcement was made by Creech-Jones in Parliament on 24 November, in reply to a question. He confirmed that the City Council would continue in being, and that the allocation of responsibilities between the City Council and the Gibraltar government would be examined shortly.

Meanwhile, on 6 December, a meeting between the Governor and the local organisations decided that the Exchange Library building would be used as the Legislative Council chamber. Thus the very place where the struggle for civil rights had been born was chosen as the seat of the parliament where those same rights would now be exercised.

AACR split and the Trades Tax agitation, 1949 – 1950

Fixing the seat of the legislature coincided with an important change in the character of local activism. On 14 February 1948 the AACR and the Exchange Committee had fused into one, and the union was loaded with symbolic significance. Those who had borne the banner of the Gibraltarians for over a century handed it over to their modern successors. At the same time, however, the rallying of middle class elements to the Association had the effect of moving it away from its working-class roots. This process was accentuated with every returning contingent of evacuees, as the wealthier, professional men returned to the Rock, and it heightened tension between the AACR and the trade union leadership.

1948 had also seen Albert Risso relinquish the presidency of the AACR in favour of Joshua Hassan, although Risso remained boss of the Gibraltar Confederation of Labour. In the opening months of the new year, the close relationship between both bodies was severely

disturbed. The point at issue, as it had been exactly three years earlier over the Baldorino affair, was the government's decision to make certain AACR members, including Hassan and Risso, Justices of the Peace.

Whether or not the move was a deliberate attempt to split the AACR, the outcome was precisely that. The statutes of the Association forbade any member from accepting any office or decoration without the consent of the committee. At a GCL meeting on 1 February, Risso made it clear he would never accept an honour bestowed by the colonial power, even if his committee instructed him to do so. The GCL thereupon voted against acceptance of the title. At a full AACR Executive meeting, which included four GCL representatives, the trade union members were outvoted 5 to 4, with Hassan and another member abstaining. The GCL response was to withdraw its representatives from the AACR committee, and it was not until 2 August 1949 that the rift between the Association and its affiliated union was finally healed.

The reconciliation was made easier by a serious miscalculation on the part of the government. At a time when relations between the AACR and the GCL were almost non-existent, the Gibraltar authorities exploited the division by announcing on 1 July the introduction of a Trades Tax. Businesses would be placed into six categories and taxed according to their profits. In a letter to Lionel Imossi, President of the Chamber of Commerce, Justin O'Brien, the Colonial Secretary, explained the reasons for the new taxation. He told Imossi that extra revenue was needed to pay for new housing construction, and place the finances of the colony on a sounder footing. The tax would be imposed with effect from 2 August 1949 and it was described as a temporary measure, pending the introduction of income tax.

The Chamber of Commerce were traditionally hostile to any form of direct taxation. It was not surprising that Imossi's reply strongly opposed the measure and attacked the government for creating the situation in which the extra revenue was required. The Chamber blamed the financial crisis on the way in which London had chosen to contract the permanent building programme, and it pointed out that it had complained at the time. He protested strongly at the

new tax and warned O'Brien that not only the Chamber of Commerce, but the public in general, would 'most strongly resist any attempt on the part of Government to introduce legislative measures which may in any way affect the status of Gibraltar as a free port.'⁶¹

The Rock had been made a free port by Queen Anne early in the eighteenth century soon after the British conquest in an effort to attract traders to settle there by giving them favoured commercial status. The President of the Chamber of Commerce accused the Colonial Secretary of introducing a fiscal measure which undermined Gibraltar's privileged position and inflicted severe damage on the trading community. The entire Trades Tax agitation subsequently dwarfed the preparations for the establishment of the Legislative Council yet brought the issue of the Council to the fore at the same time. It became the burning issue of the moment and was to unite all sectors of Gibraltarian opinion against Whitehall and The Convent. The legislature was put forward as the medium through which any new tax should be introduced, after the representatives of the people had discussed its implications.

O'Brien countered the charges made by the Chamber and denied the accusation that the building programme at Governor's Meadow was carried out with no thought of the cost. As had happened so often in the past few years, when unable to change the minds of the authorities on the spot, the Gibraltarians tried to outflank them by appealing to London. At the largest meeting in the Chamber's 67-year history, held on 14 July, it was agreed that Major Joseph Patron and Lionel Imossi would head a Chamber of Commerce deputation to Whitehall. If the London government had insisted that the housing programme be carried out in a particular manner, ran the argument, then London should pay for the consequences of its decision.

Two weeks later the AACR also joined the fray. A general meeting passed a resolution opposing the introduction of new taxes until the legislature was in being, and it asked for a public inquiry into the way three million pounds had been spent on the Governor's Meadow scheme. On 28 July representatives from the Chamber, the AACR and the Transport Union

put their views to General Anderson on the Trades Tax issue, and on 15 August Patron and Imossi made the feelings of the local people plain to Creech-Jones himself.

The Legislative Council and the Trades Tax agitation thus competed for attention as the main political issue of the summer of 1949. On 4 August a detailed account of the provisions of the new constitution was released by the authorities in Gibraltar. It made public the composition of the Council, electoral procedure, and the respective powers retained by the Governor and London. Any member could introduce a bill for discussion, except a Money Bill which would require the Governor's prior consent. The statement also expressed the Secretary of State's hope that a link between the Executive and Legislative Councils would be forged by appointing at least one, and possibly more, members of the legislature to the three unofficial seats on Executive Council. It is significant to note that no mention was made of the proposal that all three unofficials on Executive Council should be elected members. This had been the declared intention of the Colonial Office when it submitted its blueprint to the Service Departments in April 1948, but Whitehall's view had evidently changed in the intervening fifteen months.

The Gibraltarians were given a month to make their views known on the draft constitution. The Colonial Office did not have to wait long. On 6 August a letter in the Gibraltar Chronicle written by John Alcantara, a local lawyer strongly denounced the draft constitution. It made the point that the Governor and his 'yes-men' would have a majority on the Council and it criticised the restriction on the introduction of Money Bills on the grounds that virtually everything was concerned with money. It attacked the comparison which Creech-Jones had made between the Executive Council and the British Cabinet as policy-making centres, arguing that while the latter consisted mainly of elected members, the former did not. The powers reserved to the Governor and to London also came under fire. 'If the philanthropic British Government is going to give us a Legislative Council,' Alcantara went on, 'then let it be an institution worthy of that name, and not a legalised soap-box meeting, resulting in too much talking and too little action.'⁶²

The AACR also made its views known through a letter from Louis Bruzon to Colonial Secretary O'Brien. The movement's General Secretary attacked the restriction on the introduction of Money Bills as well as the Governor's powers to legislate without the Council. The AACR further reserved their right to press for a fully elected legislature and maintained that nothing short of this ultimate aim would satisfy the Gibraltarians. Although they had not voiced their opposition to Proportional Representation before, the AACR made it clear that they objected to that system of election. Bruzon told O'Brien that its successful working was doubtful and that his Association wanted each elector to be allocated five votes, one for each of the vacant elective seats.

At a general meeting held on 5 October, the Chamber of Commerce voiced its objections to the draft constitution. A four-point resolution asked for a series of safeguards rather than for a wholesale alternative to the government scheme. The Chamber recommended that both unofficial appointees on the legislature should be Gibraltarians and that two of the three nominees on Executive Council should be chosen from the five elected members of the Legislative Council. It also requested the addition of an extra unofficial member to the Governor's council and asked that the opposition of four of the five elected members on the legislature to a Money Bill should be considered as a veto.

The positions taken by the representative bodies reflected their social composition. While the Chamber of Commerce expressed its concern over financial issues, and sought to give the elected members total control over revenue and expenditure, the demands of the AACR were markedly more political. The Association strongly objected to the composition of the Council and the system of election to it. They seem to have realised full well that the PR experiment was not in their interest and vastly preferred instead the system that had given them control of the City Council since 1945.

The differences were of emphasis rather than substance. The same could be said of the Trades Tax agitation. Both bodies were against the measure, the Chamber of Commerce

because it struck directly at the purses of its members and the Association because of the deeper principles involved. In mid-December, Anderson returned from London ruling out any contribution from Whitehall, and insisting that the new tax would be introduced on 1 January 1950 unless acceptable alternatives were submitted on time.

Offsetting the rancour of both controversies was the good news that the evacuation scheme would end officially on 31 December 1949, although it was not until August 1951 that the last evacuees returned to the Rock. As the evacuation trauma came to a close, the people of Gibraltar looked forward to the legacy that it had brought them. The plight of the evacuees had given the Gibraltarians the strength to agitate for a greater share in the administration of the colony. The establishment of a legislature seemed imminent at last, and it was regarded by many as a glittering prize to compensate for nine years of suffering.

While the evacuation drama which had dragged on for nearly a decade officially came to an end, at the General Election in the United Kingdom on 24 February, Labour won a narrow overall majority of six seats. The fact that the same party was returned to power, albeit with a wafer thin majority, did not do much to encourage the Gibraltarians in respect of the Trades Tax. Four days after the result was declared, it was announced that James Griffiths would replace Creech-Jones at the Colonial Office, the latter having lost his seat. Ernest Bevin remained Foreign Secretary while Attlee stayed as Prime Minister.

Having failed to obtain satisfaction from Whitehall, the Chamber of Commerce turned to Westminster instead. At another extraordinary general meeting on 4 April it was decided to send Major Joseph Patron at the head of a delegation to Parliament to seek redress. It was also agreed that a memorial would be sent to the King setting out in detail the reasons for opposing the Trades Tax and asking for its suspension until the legislature came into being. A resolution expressed the Chamber's deep resentment at the 'Government's continuous imposition of its will on the people and disregard of proposals made by responsible bodies and opinion.'⁶³

The following day, the AACR added its weight to the memorial and it publicly committed itself to discuss with the other representative bodies a policy of non-cooperation with the government. Joshua Hassan, the Association's President, informed a meeting that the Gibraltarians did not resent taxation; they simply claimed the right to say how they should be taxed and how the money should be spent. The memorial was presented to Anderson on 15 April, and it was backed up by a petition containing nearly seven thousand signatures which was forwarded to the Governor on 6 May. Public meetings and demonstrations were held demanding that the offending tax be revoked. Relations between the government and the Gibraltarians had deteriorated once more, with the tension reminiscent of 1944–45 when the bone of contention had been the plight of the evacuees.

The King's reply to the memorial was made public through James Griffiths on 23 May. No concessions were given and the Trades Tax remained on the statute books. Griffiths stressed the need to raise revenue and stated that he was supported by General Anderson in his stand. He reminded the representative bodies that the Trades Tax was an interim measure and that the legislature might well wish to replace it after it came into existence. Three days later a joint meeting of the Chamber and AACR voted on a policy of non-co-operation with the government. James Griffiths had thrown down the gauntlet and the Gibraltarians had accepted the challenge.

A boycott of official social functions was instituted and Gibraltarians withdrew from voluntary bodies. The Wages Committee, and the boards on price control and social welfare all suffered from the withdrawal of locals from their ranks, and the situation became serious enough for Anderson to make three radio broadcasts to the Colony in nine days. The limit of non-cooperation was reached in the boycott of the King's birthday parade, when some of the Gibraltarians broke ranks and attended. On 22 June 1950 Hassan was faced with a motion of censure in the City Council for not having attended in his capacity as Chairman. The motion was defeated by seven votes to six, with Hassan using his casting vote against. He explained

that his non-attendance was purely for local political reasons and had nothing to do with his loyalty to the Crown, which the official members of the Council had called into question.

The rift over attendance at the birthday parade heralded the crumbling of non-cooperation. On 29 June the Chamber of Commerce voted by a majority of five to end non-cooperation but to maintain their opposition to the Trades Tax, on 14 July the Association followed suit. In the end, the AACR which had been drawn into the conflict by the Chamber of Commerce, ended up without the Chamber's support. The unity of purpose which had enabled the Gibraltarians to achieve so much in the previous decade had been shattered.

The first elections to the Legislative Council, November 1950

On 26 July the Colonial Office announced that Anderson's term of office would be extended by a year, to five years, until 20 March 1952. In a press statement to mark the occasion the Governor made it clear that he regretted the delay in setting up the legislature and that he had 'never concealed his sympathy with the aspirations of the people to have a say in their own affairs.'⁶⁴ The tense twelve months of Trades Tax agitation out of the way, the preparations for the establishment of the Legislative Council came to dominate the political agenda once more. On 22 September, John Fitzgerald, the Secretary of the Proportional Representation Society explained the workings of the single transferable vote system to the Gibraltarians, and informed them that the elections would be held on 8 November.

The AACR put up four candidates for the five seats, after their fifth candidate was forced to withdraw from the elections by his employers. The Association brought out a combination of heavy artillery and light infantry. The former were Joshua Hassan, who had been City Council Chairman since 1945 and President of the Association since 1948, and Albert Risso, President of the Gibraltar Confederation of Labour, the Rock's largest trade union. Ever since the AACR had been founded in 1942, Risso had never stood for election to any public office, and the

importance of the legislature was reflected in his decision to stand. The two makeweights were Abraham Serfaty, a local architect who had been a City Councillor since March 1950, and Francis Panayotti, a chartered secretary and a total unknown politically.

The AACR platform on social matters was based on the need for the introduction of welfare measures which they had been campaigning for since 1942. These included workmen's compensation, old age pensions, unemployment pay and family allowance. It also asked for a revision of the Trades Tax to distribute the burden of taxation more fairly. The Association stressed its opposition to PR and reminded the electors of Gibraltar that they were not going to the polls to vote for a government. All that the Gibraltarians would do, 'by a complicated method which tends to divide them,' the AACR manifesto declared, was 'to elect a minority in the Legislative Council whose powers are already greatly limited.'⁶⁵

A total of nine candidates, including the four AACR members, put their names forward to contest the November elections. Two, Agustin Huart and R.Bianchi, were sponsored by the Transport Union and Louis Bruzon stood as an ex-AACR. Bruzon had resigned from the Association and from the City Council in January 1950, but along with the TGWU and AACR candidates, he still ranked as part of the Gibraltarian left wing. Major Joseph Patron and Albert Isola completed the tally of nine candidates, both being right-wing conservatives with a record of membership of the Executive Council behind them.

On 2 November, Mary Fisher, the Colonial Office expert on Gibraltar gave her forecast for the general elections to be held six days later. 'I should expect Messers Hassan, Risso or Patron to get in at the top of the list,' she noted, 'and the other two places to be filled either by the two other AACR candidates or by one of them and Mr Bruzon.'⁶⁶ However, she added, no doubt recalling the last elections to be held on the Rock in 1945, when the AACR surprised everyone by sweeping the board, 'it is rash to forecast.'⁶⁷

Fisher was right to be cautious, as the election results took everyone by surprise, no doubt aided by the confusion surrounding PR. Albert Isola topped the poll, followed by Francis

Panayotti (AACR), Albert Risso (AACR), Joshua Hassan (AACR) and Major Joseph Patron. It was evident that Proportional Representation had successfully played the part Whitehall wanted it to, the end result being the election of three left-wingers and two right-wingers. More important than that was the fact that Albert Isola had beaten off the challenge from the AACR heavyweights, who saw themselves relegated to third and fourth places with a nonentity in their same party elected above them.

In Fisher's mind it was clear that the poor showing of the AACR front-runners coupled with a low 53% poll suggested 'that the row over the Trades Tax last summer has bored the Gibraltarians both with the leaders of the agitation and with local politics for the time being.'⁶⁸ On 16 November Anderson announced that he would be appointing two Gibraltarians as nominated members. One was Henry Coelho, sub-manager of Barclays Bank in Gibraltar, and the other John Hayward the Colonial Postmaster and thus an official. Commenting on the choice, John Bennett, Head of the Mediterranean Department at the Colonial Office, regretted that the Governor had not named the head of a more senior department, although he accepted that the appointment of a Gibraltarian was more acceptable politically. 'None of us know anything about Mr Coelho,' he added, 'but I suppose that he is in a position to know everybody's bank account and this may not have been absent from the Governor's thoughts when he appointed him.'⁶⁹

On 23 November 1950 the Legislative Council was officially inaugurated by the Duke of Edinburgh. Although the reform may not have gone as far as some in the AACR would have liked, there can be no doubt that it was a remarkable achievement for a fortress-colony. Through its harnessing of the Gibraltarian working class, the Association had become the main political force in Gibraltar, and this strength had enabled it to extract important concessions from the British government. Nothing had been granted voluntarily, and everything from the elected majority on the City Council to the establishment of the legislature had to be fought for every inch of the way. All these drives were spearheaded by the AACR, which was aided by

the other representative bodies and backed by the Gibraltarians themselves. On 12 December it was announced that Isola, Coelho and Rizzo were appointed to the Executive Council.

The City Council elections which took place on 6 December went by almost unnoticed in comparison, with only 35% of the electorate turning up to vote in the first contested elections to that body since 1945. Four AACR candidates and seven independents sought election to the seven vacant seats, with the former headed by Hassan obtaining four seats and the independents three. The City Council elections were dwarfed by the poll for the legislature, a fact reflected in the AACR decision to contest only four of the seven seats they had held for five years.

On 15 December the first meeting of the Legislative Council took place. In a sense this was a revolutionary event. It symbolised the main change that had been brought about by the 1950 constitution. General Anderson was exercising his powers of legislation as Governor through a body which contained five elected representatives of the people and a majority of unofficial members. Such a situation would have been unthinkable before the Second World War, and it was this global conflict which produced it. The war triggered a chain of events starting with the evacuation and the formation of the AACR which were the spur to the formation of the legislature in November 1950. Ironically, in this respect, the Gibraltarians owe a great debt to World War Two.

CHAPTER THREE

CONSTITUTIONAL CRISIS AND POLITICAL GAINS 1951 – 1956

This period was one of slow constitutional development, marked chiefly by a constitutional crisis in 1955, which, however, did not lead to the wholesale replacement of the 1950 constitution. The changes that took place, although significant, did little to alter the political landscape of Gibraltar. At the same time the early 1950s signalled the first rumblings of the strong confrontations with Spain which broke a decade later. Though not a decisive influence at this stage, it needs to be touched on before we consider the impact on the Rock of the Conservative governments of Churchill and Eden.

The Spanish Question

It is important to make clear at this point in the thesis that this is not a study of Gibraltar's relations with Spain. The latter's claim to Gibraltar which she ceded to Britain by the Treaty of Utrecht in 1713 would provide enough material for a totally separate work. Having said that, however, the Spanish dimension cannot be ignored. Spain had nothing to do with Gibraltar's internal constitutional development up to this stage in the analysis. In the strictest legal sense, of course, she had no part at all to play in it. Negotiations on Gibraltar's constitutional future were always between Gibraltar, the colony, and Britain, the colonising power. It would nevertheless be wrong to ignore the considerable indirect Spanish influence on the Rock's constitutions of 1964 and more so of 1969 and on Gibraltar's inability to progress beyond that

point since then. For this reason, it is relevant to comment briefly on the reaction in Franco's Spain to the earlier political changes in Gibraltar, which helped set the scene for the major confrontations of the 1960s.

The opening of the new Legislative Council by the Duke of Edinburgh in November 1950 marked the start of the post-war troubles with Spain. The possibility that the constitution might be badly received in Madrid had been totally overlooked by Whitehall. The Spanish claim for the return of the Rock had never been abandoned, but it had lain dormant. Now Franco, through skilful use of press propaganda pushed what was a forgotten issue into the national limelight. On 6 December 1950, students marched up to the British embassy in Madrid in protest at the British occupation of Gibraltar. It is significant to note that Spain had not protested when the Rock's City Council was reconstituted in 1945 with an elected majority. It had always been recognised that Gibraltar was a municipality, as it had been in Spanish times up to 1704, and that within those confines the Gibraltarians could run their own show.

The following week, General Franco added his own personal contribution to the anti-Gibraltar press campaigns through an interview with the Falangist newspaper Arriba.¹ In it, he accused Britain of provocation by granting Gibraltar a 'pseudo-constitution', a challenge it was impossible for his government to ignore. While the Colonial Office wanted to use the BBC Spanish Service to reply to Franco's comments, the Foreign Office was anxious not to worsen Anglo-Spanish relations at the very time when an ambassador was being chosen to renew full links between the two countries following the ending of the United Nations' diplomatic boycott of Spain.² The ban had been imposed in 1946 and had been lifted by the UN General Assembly on 4 November 1950. Britain maintained diplomatic representation in Madrid but of lower rank.

Nevertheless, while it was recognised that Spain was free to comment on Gibraltar's institutions, Spanish protests over the presence of the Duke of Edinburgh on the Rock could not be allowed to go unchallenged. A short bulletin issued by Buckingham Palace on 9

January 1951 left the world in no doubt of Britain's view as to the position of Gibraltar. It was announced that King George VI and Queen Elizabeth would visit the Rock the following year on their way to Australia. Although in the event the visit never materialised due to the King's illness, the timing of the announcement remained highly significant.

It is not uncommon for dictators who have problems at home to find distractions outside their borders, and for Franco, Gibraltar was a perennial godsend. Spanish protests were to peak once more when George VI's successor, Elizabeth II, visited the Rock in May 1954. However, while it is not the aim of this study to make a detailed examination of the bearing of Spain on Gibraltar's recent history, neither can it be totally discounted. Relations with Spain had an important effect on the political and constitutional development of the colony, and they will be given due weight as the analysis unfolds.

The Introduction of Income Tax, 1951–1952

Although concerned at the external threat from Spain, the Gibraltarians soon found that they had more immediate problems to worry about when a plan to establish direct taxation on the colony was announced. Every attempt to introduce income tax in Gibraltar had so far failed, broken by the traditional resistance of the commercial elite of merchants and lawyers who grouped together in the Exchange Committee. Thus when the Governor, General Kenneth Anderson made public in October 1951 that the Trades Tax would be replaced with income tax, his statement provoked an instant furore. This was heightened by the fact that in order to win popular acceptance, the measure would have to be approved by the legislature in which sat a majority of unofficial members who were all Gibraltarians.

Later that same month, Churchill was returned to power in the general election of 27 October. Oliver Lyttelton took charge of the Colonial Office and Anthony Eden returned to the Foreign

Office. Although the plan to tax Gibraltar had been framed under a Labour Government, it was the Conservatives that saw it come into force.

The attitude of the Rock's main representative bodies towards income tax revealed a basic cleavage between them. Taxation of any kind was anathema to the wealthy commercial elite represented in the Chamber of Commerce. The AACR, on the other hand, was ready to accept a measure which, after all, was more equitable than the Trades Tax, which it was destined to replace. The price they sought for their support of the government scheme was the introduction of certain pieces of social legislation, in particular old age pensions.

Anderson's secret report to London the following month left no doubt of the storm his proposal had triggered.³ The most vehement opponents of the bill were the Chamber of Commerce, voice of the trading community. The Governor reported that the Chamber had written to all the unofficial members of the legislature declaring their opposition to income tax and arguing that it was against the best interests of Gibraltar. Right-wingers like Isola and Patron were also vociferous against the tax, while Sergio Triay, a local barrister, argued that income tax was unconstitutional and illegal.

The Governor's monthly reports to the Colonial Office cast an interesting light on the relationship between the expatriate administrators of Gibraltar and its native inhabitants. Anderson, for instance, described a debate in the legislature on 7 December during which Major Patron had put up a motion requesting that certain responsibilities handled by the government should be transferred to the City Council. 'The significant aspect of the debate,' the Governor concluded, 'was that various speakers made it clear that they would welcome the handing over of as many departments of the Government as possible to the City Council for no other reason than that the City Council has an overall elected majority, whereas the Legislative Council itself has an overall majority of unofficial but not of elected members.'⁴

The elected members, Anderson thought, clearly resented the presence of a nominated unofficial among their ranks, but the whole issue went much deeper than that. They were

demanding also that vacancies in the civil service should be filled by local people. 'The elected members' attitude,' explained the Governor, 'appears to be dictated partly by the desire to make a show of virile independence, partly by the desire to see themselves eventually overruled by the Government in order that they may have the satisfaction of saying: "of course we are just rubber stamps," and partly by the hope that their attitude might in some way forward their ambition of gaining control of the public service.'⁵

On the income tax front, the Governor restated his opinion that the three AACR members were likely to vote in favour, and the likelihood that the AACR intended supporting the Bill was strengthened by a private meeting held at Albert Isola's house, during which he had attempted to convince the AACR trio to vote against it. Anderson had heard that Isola had not been successful, but the right-wing campaign against income tax continued, notably in the Gibraltar Post under Patron's guidance.

On 9 November 1951 the Income Tax Bill was made public. The intention of the Gibraltar authorities was that it would replace the Trades Tax with effect from the end of December, and that it would come into full operation on 1 April 1952. The standard rate of taxation would be 10%.

While the controversy raged on the Rock, the new year opened with the Colonial Office announcement that Anderson's term of office would end in May. He had been in Gibraltar since March 1947 and in that time had done much to improve relations between the authorities and the Gibraltarians. The fact that his normal three year tenure was extended by a further two years served as further evidence of Anderson's success in his post. All Governors of Gibraltar had to walk a tightrope. On one side lay their civilian commitments and the need to associate themselves to some degree with the views and the feelings of the people they ruled. On the other lay their function as Commander-in-Chief of the fortress, as well as the duty to represent London and implement its policies in Gibraltar. Anderson had taken issue with the Colonial Office when he thought it necessary to do so, leaving the Gibraltarians in no doubt as

to where his sympathies lay. Kenneth Anderson had performed the balancing act singularly well.

It would have been unfair to drop the new Governor, Lieutenant-General Sir Gordon MacMillan, into the boiling cauldron of income tax agitation. For this reason Anderson was entrusted with the responsibility of seeing the measure through before his departure. This was no easy task. On 23 January an Extraordinary General meeting of the Chamber of Commerce called the introduction of income tax unjustified, and voiced its strong objections to it as unnecessary and unsuitable to the needs of Gibraltar.

Despite the opposition, the Bill passed its second reading in the Legislative Council two days later. It was carried seven votes to three, on the strength of the official bloc and the three AACR members. Patron and Isola both voted against, with the support of Henry Coelho, the nominated unofficial member. The bill went into committee stage having surmounted the most difficult hurdle. While George VI breathed his last, in that fortress-rock he bequeathed to his daughter Elizabeth, what was seen as the quid pro quo – the Employment Injuries Insurance Ordinance – went through in February. In the eyes of Gibraltar's right-wingers the AACR was rewarded with its thirty pieces of silver.

On 7 March 1952 the Income Tax Ordinance was enacted. The AACR delayed its implementation by one year in committee, arguing that many traders did not yet keep proper accounts and would have to be given time to adjust to the rigours of the measure. The amendment was carried regardless of Anderson's plea that the tax was 'urgent and essential', and his declaration that Oliver Lyttelton, the Secretary of State for the Colonies, was not at all happy at the development.⁶ 'Now that the Bill has been passed,' the Governor told Lyttelton, 'the fait accompli appears to be accepted in a very philosophical spirit. The fact that operation has been postponed until 1953 has no doubt contributed to that frame of mind, partly because there is a tendency to regard the postponement as a victory for the local champions (the elected members) over the Government.'⁷

The Second Legislative Council Elections, 1953

His mission accomplished, Anderson left the Rock on 19 March and MacMillan took office in May. At the swearing-in ceremony, Albert Isola, the senior elected member made a barbed speech of welcome in which he declared that it was difficult for a soldier, however eminent, to understand the problems of the Gibraltarian civilian community. The Governor of Gibraltar, declared Isola, required a split personality owing to a clear conflict of loyalties in his dual role as Governor and Commander-in-Chief.

A week before Isola lectured MacMillan, the Gibraltar Confederation of Labour had published a scathing May Day manifesto. It called for further social reform, namely, old age pensions, unemployment insurance and a workmen's compensation scheme. Between 1945 and 1951 fifteen ordinances had been enacted relating to social matters. They included a public welfare programme, an employment exchange and a system of legal aid, but despite this, a number of key AACR demands were still unanswered.

In saying this, the issue of constitutional reform was not overlooked. 'It is high time,' the manifesto proclaimed, 'that the matter was raised of a change in the Constitution which the people require. We repeat our point of view, we want a Legislative Council in which the majority of members are elected freely and directly by the people.'⁸ The reference was obviously a swipe at proportional representation, the campaign against which the AACR had by no means abandoned.

This resentment against PR was repeated in the May 1953 GCL manifesto. The present voting system, it argued, was 'unworthy of any democratic country, and its only object appears to be to cause disunity and confusion among the people, which is not an unusual aspect of the policy which the exclusive people in Whitehall reserve "for export only" to the Colonies.'⁹ Once again an elected majority for the legislature was demanded as well as the welfare measures which the GCL had been urging since its formation six years earlier.

The condemnation of the electoral system prompted the Secretary of State for the Colonies to request further information on the nature of the complaints on 3 July, and on whether they commanded wide support. Lyttelton may possibly not have been aware that PR had been initiated in Gibraltar for very tactical reasons, but by that time it was too late to do anything about it, since it had already been announced that the elections to the legislature were to be held on 16 September.

The AACR put three candidates forward; its President Joshua Hassan, the GCL President Albert Risso and Abraham Serfaty. The former two were seeking re-election to the council, with Serfaty trying to get into the legislature the second time round having failed to do so in 1950. It is significant that the Association were only putting forward three candidates for the five vacant seats. Their mistrust of PR was an important factor in their decision. They preferred to concentrate the votes of their supporters on three candidates rather than dilute their strength over four or five. Indeed, this dilution had been a contributory factor explaining Serfaty's fate at the 1950 elections. Four independents, including Sergio Triay and Albert Isola completed the line-up.

The three AACR members were elected along with Isola and Triay. Joshua Hassan's first place meant that he was the Senior Elected Member in the new chamber.

'During the elections,' MacMillan told Whitehall on 13 October, 'the AACR showed quite clearly that it is the only organised political party in Gibraltar and that its main strength lies in its command of the votes of the 1200 odd members of the GCL.'¹⁰ Moreover, its candidates were the only ones who went into the elections with a coherent programme. This included 'gradual constitutional change.' In this field, their eventual aim 'was of course a wholly elected legislature,' the Governor explained, but the only changes the AACR wanted to achieve 'in the next three years were to be the abolition of nominated unofficial members and of Proportional Representation.'¹¹

Triay and Hassan were subsequently appointed to Executive Council. The former got in when Isola turned down the post, probably, MacMillan thought, because he did not want to be junior to Hassan.

The poll to the City Council followed under two months later, with the AACR putting forward five candidates, headed by Hassan, and the independents four. Electors were allotted four votes each to elect seven city councillors. Eager to split the strength of the AACR vote, the authorities refused the Association's request that each elector be allotted seven votes, one for each of the vacant seats.

As it was, the five AACR members were elected on 2 December with Hassan topping a poll for the second time in two months. Peter Russo, Chairman of the last pre-War Council and one of the independents, scraped in by seven votes. Once again MacMillan was in no doubt of the secret behind the Association's electoral triumph. The high 50% turnout (compared with 35% in 1950) 'as well as the result,' he informed Whitehall, 'was largely due to the excellent organisation of the AACR supported as usual by the GCL.'¹²

By the end of 1953 it was clear that much had changed in Gibraltar. The previous decade, marked by public upheaval, had been one continuous struggle against London, seeking political advance in the form of a legislature and a City Council with an elected majority. The granting of the Legislative Council in 1950 meant that there was nothing else to fight for, at least in the sense of a political institution. All the changes that were to take place after that year were simply a process of evolution from the base set in 1950. Reflecting this new situation, the character of the AACR changed accordingly. No longer were they the red revolutionaries, the worker's movement of a decade earlier. Issues were debated in private with the authorities rather than through the old procedure of public meetings and demonstrations. Nowhere was this seen more clearly than over the question of income tax, where behind-the-scenes negotiations with the authorities led to the Association's three members of the legislature supporting the measure in return for social reforms. Had the AACR

wanted to they could have forced a showdown with the government. The Association could easily have defeated the bill six votes to four and placed Whitehall in a quandary. The constitutional crisis of 1955 could easily have come three years earlier.

Simultaneously, the AACR moved away from its roots. This was a process that had begun in 1945 with the movement gaining control of the City Council, and it continued when the GCL splintered from the AACR to become the Rock's largest trade union. With every election, the movement remained powerfully represented in three forums, the City, Legislative and Executive Councils. The Association lost their radicalism by being gradually co-opted into the ruling establishment. This transformation did not occur overnight, it was a process that took time. There can be little doubt, however, that by the end of 1953 the AACR had become a respectable political party, with five city councillors and three members of the legislature. They had been tamed by the changing circumstances.

The Royal Visit of 1954

Before Gibraltar's election year came to an end, it had been announced that the new Queen, Elizabeth II, would visit the Rock in May 1954 at the end of a tour of the Commonwealth. Spanish press and radio lost no time in attacking the Queen's visit, which it was claimed was an insult and a provocation. 'It is profoundly to be hoped that no one will take the slightest notice of these ridiculous and illogical outbursts,' MacMillan advised the Colonial Office on 15 December, 'except of course to reinforce our determination to take every possible step to ensure that nothing is done in any way to mar or disturb Her Majesty's visit.'¹³

The Spanish Ambassador in London, the Duke Primo de Rivera, added his weight to the protests on 12 January. At a meeting in the Foreign Office, he warned Anthony Eden of the negative effects the royal visit would have on Anglo-Spanish relations and he asked that the

Queen's stop-over be cancelled. The Spanish Government had requested this as early as September 1953, but both that approach, and the Duke's demand were firmly rejected. 'The British Government,' the Foreign Office announced five days after Eden received Primo de Rivera, 'cannot entertain representations from any foreign power in regard to a visit which Her Majesty may make to any of her territories.'¹⁴

Whether Britain was prepared to discuss the matter or not made little difference in Spain, and through a concerted press campaign the return of Gibraltar and the 'insult' of the Queen's visit became a burning political issue. The extreme right-wing daily El Alcázar published an editorial on 19 January declaring that Spain would continue to protest about Gibraltar until Britain handed it back. The theme was repeated in reports in the Falange daily Arriba and the Catholic Ya. In an official note the Information Ministry of the Spanish Foreign Office warned that the Spanish people would 'react energetically' to the Queen's visit and called once more for the 'abandoning of the proposed visit to Gibraltar which is Spanish territory and on which the Spanish people do not renounce their claim.'¹⁵

The first 'energetic reactions' ensued at once. On 22 January anti-British demonstrations were held in five Spanish cities. Amidst chants of 'Give us back Gibraltar' students marched on the British embassy in Madrid hurling stones and breaking three windows. In Granada twenty windows were shattered at the home of the British Vice-Consul and the Spanish flag was hoisted over the building. Attacks also took place that same day in Seville, Córdoba and Málaga. Sir John Balfour, the British Ambassador in Madrid, protested later that evening at the damage to British property, and at the failure of the Spanish authorities to provide adequate protection.

In his confidential report to Eden on the troubles four days later, Balfour was in no doubt that the whole episode had been staged by the Falange with the connivance of the Spanish authorities.¹⁶ Students in Madrid were given a special holiday and summoned to participate in a second ten-thousand-strong protest on 25 January. The police intervened effectively to

prevent any trouble the second time round, although the windows of the Bank of London and South America suffered extensive damage before their arrival on the scene. Balfour reported on other minor demonstrations throughout Spain and on several written requests he had received to cancel the Queen's visit, including an anonymous letter which enclosed a live cartridge and threatened his life if the visit went ahead. 'It should be obvious to the directors of Spanish policy,' Sir John concluded, 'that the mere staging of attacks upon British buildings and individuals in this country is not enough to create a situation in which Her Majesty's Government would feel constrained to advise Her Majesty to cancel her visit to Gibraltar.'¹⁷

Relations between Britain and Spain had thus sunk to a low ebb, little more than two years after full diplomatic links had been renewed in 1951 by Churchill's Conservative government. Meanwhile, the people that Franco should have tried to win over, given that the recovery of the Rock was his objective, became increasingly more antagonistic towards him and his country. Every insult hurled at the Queen became a personal insult, every attack on British property a personal attack. The Gibraltarians were furious.

Further anti-British demonstrations in Madrid, Barcelona and Huelva marked the end of January, and a visit by the Royal Navy to Spanish ports due the following month was cancelled. On 9 February Selwyn Lloyd, Minister of State at the Foreign Office, confirmed to the Commons that the Queen's visit to the Rock would go ahead as planned.

The tension between Britain and Spain on the international front was matched by unpleasantness at a local level in Gibraltar and the surrounding Spanish hinterland, the Campo de Gibraltar. On 17 February General MacMillan sent a letter of complaint to General José Cuesta Moreno, Governor of the Campo, in which he described an incident three days earlier on the road to Málaga. The Governor was travelling in his car through San Pedro de Alcántara when a gang of youths 'in some kind of uniform' behaved in an 'offensive manner' towards the car 'and among other things spat on it.'¹⁸ MacMillan told Cuesta that he knew similar attacks had been made on other Gibraltar vehicles, although he stressed the complaint

was being put forward in a private and personal capacity. In his reply, Cuesta stated he had contacted the Civil Governor of Málaga, who was aware that Gibraltarians were being attacked but who did not know that one such victim had been MacMillan himself! He assured the Gibraltar Governor that the youths involved had been reprimanded.

On 10 April news reached Gibraltar from Madrid that the Spanish consulate on the Rock would close on 1 May, nine days before the Queen's visit. The Consul, Don Angel de la Mora y Arenas and Leopoldo Yome the Vice-Consul were recalled to Madrid 'for consultations.' Although no indication was given of the length of time that the consulate would remain closed, in the event the closure proved to be permanent; de la Mora was to be the last Spanish Consul in Gibraltar.

Nine days later, on 19 April, Spain announced a series of restrictions on Gibraltar. These included the denial of new work permits to Spaniards seeking employment on the Rock, access to Gibraltar only to Spaniards with work permits, and a refusal to allow British passport holders to cross into Spain more than once a day.

The worrying security aspect was discussed in detail by Churchill and his Cabinet on 7 May.¹⁹ The meeting included Selwyn Lloyd the Minister of State at the Foreign Office and Henry Hopkinson, Lloyd's counterpart at the Colonial Office. Churchill told the meeting that news had arrived from Gibraltar informing of a plot to cause explosions in a tunnel which was being built on behalf of the Admiralty and in a neighbouring oil tank. Although there was no intention to injure the Queen, the incident being planned merely as a demonstration, the people involved had been identified and deported from Gibraltar. Security had been tightened, but the news came as a shock only three days before the Queen was due on the Rock. It was decided to keep the position under review for the next two days, so that if any fresh conspiracies were uncovered, changes could still be made to the royal programme. Special look-outs and patrols on land and sea were set up, and two officers of the CID visited the Rock accompanied by the Inspector General of Colonial Police. Crush barriers were erected to

control crowds and 600 soldiers were selected to supplement 418 police and special constables on duty during the visit.

The Queen, the Duke of Edinburgh and the royal children Charles and Anne arrived on 10 May to a rapturous welcome. Cheering crowds waving flags lined the streets as the Gibraltarians gave an impressive demonstration of loyalty to their monarch. Later that day, Joshua Hassan, who had been part of the reception committee as Chairman of the City Council and Senior Elected Member of the legislature, addressed the Queen at a banquet in her honour. For the first time, an elected representative of the Gibraltarians addressed a reigning sovereign. The growing importance of the civilian element in fortress-Gibraltar was also reflected in the seating plans for the occasion. The Queen sat between Hassan and MacMillan, on one side of her the representative of the civilian inhabitants of the colony, on the other, the Commander-in-Chief of the fortress. The placement symbolised the transformation which Gibraltar had undergone in the space of ten years and it also posed the question of which of the two elements in the colony would gain the upper hand in the future.

Although the Spanish press campaign continued after the Queen left the Rock, and the restrictions of 19 April remained in force, tension eased slightly as Gibraltar approached the summer of 1954. However, spearheaded by the Gibraltar Post, a campaign was mounted urging all who lived in Gibraltar to stay away from Spain for as long as Spanish restrictions were in force at the frontier. The initiative met with a fair measure of success. On Sundays it was normal for over one thousand cars to drive into Spain; at the height of the campaign less than eighty were crossing the border.²⁰

The Commonwealth Party

While the Gibraltarian boycott of Spain continued, orchestrated by the Gibraltar Post and backed by the AACR, fundamental changes were about to occur in the structure of local

politics. For over a decade the Association alone claimed to speak for the bulk of the Gibraltarians. This situation was soon to alter with the emergence on the scene of a new political force.

On 28 July Oliver Lyttelton resigned as Secretary of State for the Colonies, having held that post since 1951. He was replaced by Alan Lennox-Boyd. Two days later Gibraltar political life was rocked by the death of Sergio Triay, who suffered a heart attack at a meeting of the legislature and died shortly afterwards. Triay had been elected to the Legislative Council at the 1953 elections and appointed to Executive Council, a body he resigned from in May 1954 declaring that it was incompatible with his role as a member of the legislature. There was talk that he intended to found a party to act as an opposition to the AACR, a task which he left to his son Juan José Triay.

A bye-election for Triay's vacant seat was called for 5 October. Three candidates put their names forward. Juan José Triay stood for his father's place, John Alcantara represented the AACR and Solomon Seruya stood as an independent, having been thrown out of the AACR Central Committee on 30 June for floating the idea of an agreement with Spain. The election was carried out using PR, and with a turnout of 44%, Seruya was defeated after the count of first preference votes, obtaining only 314, far behind Triay's 2538 and Alcantara's 2642. When Seruya's second preferences were transferred to the other two candidates Alcantara maintained his lead, though winning the seat for the AACR by only 57 votes. The Association now held four of the five elective seats on the legislature.

Nevertheless, Triay's narrow defeat served as testimony to the regard which the electorate had for his outspoken father, and it encouraged him to set about forming an alternative party to the AACR. Accustomed to fighting elections against nothing more formidable than an assortment of left- and right-wing independents, the Association would in future confront an organised party with a coherent electoral programme.

Triay started the war of words in the Gibraltar Post on 30 October. The newspaper allowed local politicians to express their views through its columns, and Triay was quick to take advantage of that. He attacked the AACR monopoly of power and called for an alternative voice to come forward. In the past, Triay went on, the issue of repatriation had kept the Gibraltarians united behind the AACR, but that matter had long been settled. 'The AACR of 1954,' he argued, 'is not the AACR of 1945. Since 1945 there has grown a powerful section of the community whose views were not being heard.'²¹ Turning down earlier plans to call his new force the Ten Commandments Party, Triay opted instead for the title Gibraltar Commonwealth Party (GCP), and the newspaper Vox was founded to propagate the views of the new grouping. Many of the independents who had previously faced the Association alone rallied round the banner of the Commonwealth Party. Alfred Vasquez, a lawyer who had earlier failed to get on to the City Council, became the movement's deputy leader, and Louis Bruzon, an AACR firebrand of the 1940s who had left the Association many years before, also joined Triay, as did Guy Stagnetto, another young lawyer. The objectives of the Commonwealth Party included the protection of Gibraltar 'against all forms of totalitarian or dictatorial or other extremist, arbitrary or materialistic political tendencies.'²² It disagreed fundamentally with the AACR on the question of social reform. While the Association believed in the concept of the welfare state, the GCP held that it was up to society itself (the Commonwealth) to look after its inhabitants. In line with this thinking the party established its own health insurance scheme, and even purchased an ambulance to be used by the local community.

The new movement was seen by the AACR as a right-wing reaction to the leftist policies that the Association stood for, although its adherents denied the charge.²³ Triay, Vasquez and Stagnetto claimed to be as opposed to Isola, Russo and the 'old guard' independents as the AACR itself. The party was formed to challenge the large number of elected members which the Association sponsored, and it was bolstered by the belief that the interests and views which the AACR claimed to be representing were not universal. This was the immediate effect

which the emergence of a second political party had on the scene. Whereas for twelve years the Association could justifiably claim to be the sole voice of the Gibraltarians, after the emergence of the Commonwealth Party it became more difficult to uphold such a contention. The AACR was gradually transformed from a synonym for the whole of Gibraltar, into a clear cut political party representing only a section of the inhabitants of the colony. Although events were to prove that the emergence of the GCP was no real threat to the AACR, it nevertheless introduced the Gibraltarians to the two-party system. Here lay the importance of the Commonwealth Party.

At the same time as the new party gathered momentum, in February 1955 the City Council adopted a unanimous resolution that the title of its Chairman, Vice-Chairman and Secretary should be changed to Mayor, Deputy Mayor and Town Clerk. Since its creation in 1921, the leader of the council had been a chairman, and it was argued that the dignity and status of the municipal body would be enhanced by having a Mayor at its head. The peculiar circumstances of Gibraltar makes parallels with any contemporary English local authority impossible to draw. The titles of the office holders in English municipal corporations were different to those held by their counterparts on the Rock, and the military remained represented in the Gibraltar City Council from its inception in 1921 until it was fused with the legislature 48 years later. The proposals which the City Councillors put to the Gibraltar government in February 1955 effectively requested that the municipality should adopt a system closer to that operating in England.

Later that month the appointment of a new Governor was announced, and Gordon MacMillan left the Rock in April. The new holder of the post, General Harold Redman, took office in May. Redman had been Vice-Chief of the Imperial General Staff since 1952, and had been posted to the Rock with his regiment in 1936-7. Thus an eminent soldier was sent out to deal with the problems of the Gibraltarian civilian community. The changes at the summit of Gibraltar's internal administration were matched by Winston Churchill's resignation as Prime Minister in

favour of Anthony Eden. Harold MacMillan came to the Foreign Office while Alan Lennox-Boyd remained at the Colonial Office. Eden called a general election for 26 May, at which his party were returned with the largest conservative majority for twenty years.

While the general election campaign had been underway in the United Kingdom, Redman was sworn in as Governor. In his speech of welcome, Joshua Hassan as Senior Elected Member, expressed the hope that the Rock would see further constitutional development during the new Governor's tenure of office. On 3 June, two ordinances, one regulating the conditions of factories and another on social insurance were discussed by the Legislative Council. It was made clear by the Governor that the AACR had agreed to support Income Tax in 1952 on condition that social security followed, and that the Bill before the chamber was the direct outcome of that agreement.

Although major constitutional change was not visible on the horizon, on 30 May the City Council announced that the government had agreed that their Chairman should in future be known as Mayor, a change which would be delayed until the necessary legislation was passed in November. The City Council had first requested the new title in 1951, and it was a considerable achievement to have been successful in such a short period of time. The whole matter had great impact with the ordinary Gibraltarian and through public subscription the Mayor's robe and regalia were purchased. Joshua Hassan became the first Mayor of a British Gibraltar.

The Constitutional Crisis of 1955

Having persuaded the government to change the title of City Council Chairman to Mayor, Gibraltar seemed a perfectly contented colony when compared to other territories scattered around the empire. Political ends were sought through peaceful means and, unlike other

British dependencies, violent methods were totally discounted. At the heart of this attitude was the Gibraltarians' desire to retain their links with the colonial power and their pride in being British. Although they had discovered their separate identity as Gibraltarians in the years after the wartime evacuation, this embryonic national feeling was not strong enough to threaten their Britishness. Other colonies were more difficult to handle. At the same time the Colonial Office was involved in wrangles in Malta and Singapore, as well as an outright insurgency in Cyprus. These were three territories which resented and disliked their colonial status.

Britain had offered Cyprus a new constitution which involved self-government for the island, but that had been rejected by the Greek Cypriots who did not want autonomy but union with Greece. Such a proposition was unacceptable to the Turkish population of the island. Serious anti-British riots were commonplace as well as terrorist campaigns against British targets, culminating in the imposition of a state of emergency on the island in November 1955. Malta, meanwhile, was also restless. Dom Mintoff its premier, the son of a naval cook and leader of the Maltese Labour Party had started discussions with Britain seeking a new status which would lead to the presence of Maltese MPs at Westminster. The Maltese were also pressing to have their affairs transferred from the Colonial Office to the Home Office. Far from the Mediterranean colonies, in Singapore, Britain had granted considerable self-government. The resulting administration had fallen into the hands of left-wing radicals who were taking advantage of the situation to stir up trouble in the form of strikes and demonstrations. Compared to all this Gibraltar was a model to the Colonial Office. After nearly five years it had shown that the elected representatives of the Gibraltarians could work happily with London through the Legislative Council. In reply to a Commons question on 21 July, Lennox-Boyd announced it was his intention to visit that peaceful Rock in October.

Meanwhile, General Redman had showed promising signs of adjusting from the heights of the Imperial General Staff to the relatively peripheral status of a colonial governorship. He had been praised by the Gibraltar Post as early as 4 June for his good humour in the legislature

when circumstances warranted it. 'Everyone here has been most kind and helpful,' the Governor himself reported to the Colonial Office soon after his arrival, 'and I am confident that the machine is working smoothly and efficiently and that we shall all get along very well indeed together.'²⁴ Exactly two months after writing those remarks, however, the new Governor had plunged Gibraltar head first into the first major constitutional crisis in the Rock's history.

It is not surprising that the issue at stake once again was taxation. The Trades Tax and the introduction of Income Tax had both caused problems in their time, but in July 1955 the explosive situation which led to the crisis was created by new import duties. John Hayward, a Gibraltarian Financial Secretary, explained to Executive Council on 26 July the object of the Revenue Bill which he intended to push through the legislature the following morning by suspending Standing Orders. The Bill provided for the imposition of a 10% import duty on certain goods such as watches, cameras, razor blades and motor vehicles, and the measure was designed to offset the deficit in revenue in the first half of the year. The two AACR members in Executive Council objected to it strenuously. Abraham Serfaty warned that it could lead to a loss of trade to the benefit of Tangier, while Joshua Hassan considered it unnecessary to impose additional taxation half way through the year and gave notice that he would expand on his argument in the legislature the following morning.

On 27 July John Hayward repeated in the Legislative Council what he had told the members of Executive Council the previous day.²⁵ He had obtained three dispensations from the Governor allowing him to introduce the Bill without notice, without making it available first to the members of the legislature, and allowing the Bill to be taken through all its stages in one sitting. Its aim, he explained, was to raise additional revenue without which social services would have to be curtailed. This latter remark was obviously intended for the ears of the AACR, which advocated the extension of social services and more importantly held four of the five elective seats on the legislature. With the council evenly divided between five appointees

(three of whom were officials) and five elected members, AACR support was vital in order to prevent the Governor from using his casting vote.

The Association did not take long to make clear where they stood. Hassan told the Financial Secretary that his 10% tax was purely a stop-gap solution which did not address itself to the root of the problem, and advocated instead that the shortfall in revenue should be met from the government's reserves. He further stressed that the long-term answer could only be found in conjunction with the British government. This because the colony's financial position had worsened owing to the effects of the Spanish campaign at the frontier which continued in force after the Queen's visit. The amount of goods exported to and imported from Spain had fallen and seriously weakened the government's financial projections. It was in this context that Hassan asked for a solution to be worked out with Britain, since only Whitehall could bring pressure to bear on Spain.

Other elected councillors took the same line. Albert Isola declared his surprise at the measure of which he had no previous knowledge, and he complained bitterly that the Standing Finance Committee of which he was a member had not been informed in advance. It should be noted that it was the practice to consult the committee only on expenditure, not revenue, but Isola was arguing that the matter should have been mentioned to it as a matter of courtesy. John Alcantara declared that the proposal would adversely affect the tourist trade. 'We are faced,' he told Redman, referring to the difficulties at the Spanish border, 'with a very serious situation through no fault of our own. It has all come about as a result of a blunder in the Foreign Office and we have been paying for it, and I think that until we are assured of what the Foreign Secretary and the Colonial Secretary are going to do for Gibraltar I myself, with or without any party, will vote against taxation.'²⁶

The scene was set for a clash in the legislature, with the five elected members against the measure and the five appointees presumably in favour. The Governor could have then used his casting vote to approve the measure. The use of a casting vote was nothing new.

MacMillan had done so as recently as that same February, defeating an AACR motion calling for the exemption of certain classes of people from hospital fees. However, on this occasion when the vote was taken the government found itself defeated by six votes to four, so that even with the Governor's casting vote the measure could not be approved. Everything had hinged on Peter Russo, a nominated unofficial member who had been appointed to the council in March and who chose to vote with the elected members against the authorities.

It is important to highlight the fact that Darrell Bates the Colonial Secretary, normally the cornerstone of civilian government in Gibraltar, was away on leave with another official acting in his place. An experienced functionary like Bates could have tried to smooth over the troubles by compromise and negotiation behind the scenes. General Redman, however, presiding over the meeting, had had no practice in the art of handling the local elite. He had been in Gibraltar for barely three months, enough time only to get a superficial knowledge of the place. In his new role, as Queen's representative, Governor and Commander-in-Chief of the fortress, the former Vice-Chief of the Imperial General Staff reacted at once as only a soldier would react. Having seen the new taxes being thrown out by six Gibraltarians, having endured the bombardments from Hassan and Isola as well as the barrage of accusations hurled across the floor by John Alcantara, having been ambushed from behind by Peter Russo, General Redman drew from his armoury the only weapon with which he could mount an effective counter-attack. Imbued by the spirit of the famous cavalry charge during the Crimean War, the Governor rode on unswervingly towards his objective like the Light Brigade before him. More used to the simplicities of the battlefield than the niceties of diplomacy, he told the Legislative Council that in the interests of good government it was vital that the Bill should go through, 'and as the Council has failed to pass it, I hereby declare, in exercise of my reserve powers, that it shall have effect as if it had been passed by the Council in the form in which it was introduced.'²⁷

The Governor's action was a bombshell for the local politicians. Redman adjourned the meeting and all the members who had voted against the measure absented themselves from the session of the legislature which resumed that same afternoon. The unpredictable vote of Peter Russo had thrown the administration of Gibraltar into a quandary. At half past six that same evening Redman told Lennox-Boyd what he had done. He explained why the measure had to come into force immediately as any delay would have allowed traders to accelerate imports into the colony and evade the new rate of duty, once they knew what the government's intentions were. 'The Bill having been defeated 6-4,' the Governor reported to Whitehall, 'I exercised my reserve powers by making an announcement in the Legislative Council. I did so because, clearly, Gibraltar must help itself before it can expect help from outside and the sooner this is understood locally the better.'²⁸

The Chamber of Commerce were swift to react to the news. In a letter to Darrell Bates, its President A.C. Savignon made clear his members' opposition to the measure. 'Quite apart from the circumstances in which this Ordinance was passed, which showed a complete disregard of the wishes of the elected representatives of the people,' Savignon told Bates two days after the Bill had been forcibly enacted, 'we cannot think of provisions more calculated to injure and cripple the true trading interests of Gibraltar.'²⁹ The tax, Savignon added, was 'a short-sighted measure' which would bolster the government's revenue temporarily but which would have an adverse effect on the trade of Gibraltar in the longer term. He further complained that the Rock would be placed in a weaker position vis-a-vis nearby competing tourist centres like Tangier and Ceuta. Not since the days of the Trades Tax agitation in 1949-50 had there been such a furore on the Rock, fuelled both by the contents of the fiscal measure itself and by the serious constitutional issue arising out of the manner of its passing. To add insult to injury, General Redman packed his bags and went off to York, to take part in the bi-centenary celebrations of his regiment!

Under the heading 'A triumph for authoritarianism' the Gibraltar Post made its feelings plain in a front-page editorial on 30 July which condemned the Governor's decree. 'Better almost to have no Legislative Council,' the Post proclaimed, 'than to have to face the humiliation of being over-ruled and subjected to pre-determined legislation.'³⁰ The newspaper further made clear that the reason for the shortfall in revenue was the Spanish restrictions at the frontier, something that had not been mentioned at all by the authorities. The Commonwealth Party organ, Vox, expressed the same feelings. It called the Legislative Council 'a farce', and General Redman himself also came in for special treatment. 'Apparently the Governor,' declared Vox, 'whose capabilities as an excellent soldier we do not doubt, has already, with the short time he has been with us, considered himself a better judge of what is good for us than our elected and nominated members (with one exception) who have had more experience of how to govern Gibraltar.'³¹

A public demonstration was held on 2 August to protest against Redman's action. A crowd estimated at over 3500 gathered in John Mackintosh Square and marched to the Governor's residence. Hassan told the meeting that he was not there to deny the need for taxation but to condemn the manner in which the Bill was passed and the way they were governed. The AACR President declared that the Governor's reserve powers were for use in extreme cases only, and they should not have been used on this occasion. He blamed Redman and his advisers, for precipitating the situation, an obvious reference to John Hayward, whose idea the 10% tax had been. The Commonwealth Party had also distributed leaflets supporting the actions of the Association.

Indeed, the whole aim of the protest was to hand in a letter to the Secretary of State for the Colonies asking him to rescind the measure that Redman had forced through. The Gibraltar Constitution provided for the delivery of such a protest within seven days of the Governor using his powers, and the AACR members were anxious to use all constitutional methods at their disposal. Whereas the old AACR of the 1940s would more than likely have resigned in

fury in the same situation, that of 1955 was far more moderate in its reaction. An orderly demonstration, headed by the four AACR elected members, Hassan, Alcantara, Risso and Serfaty, delivered a letter of protest to Brigadier Geoffrey Lucas, the Deputy Governor. It accused General Redman of abusing his authority contrary to the spirit of the Constitution, and it further maintained that legislation had been imposed 'against the clear will of the people in a matter which is of purely internal administration.'³² The AACR asked Lennox-Boyd to use his powers of revocation, or to advise the Queen to use her powers of disallowance. They requested that the matter be dealt with as one of extreme urgency, 'in view of the constitutional importance of this question and the very strong feeling prevailing in Gibraltar against the said exercise of the reserve powers.'³³

This strong feeling was echoed by the Gibraltar Post in its issue of 6 August. It argued that it was best for the six members who voted against the Bill not to resign, but to remain in the legislature and defeat every future Bill, making the Governor use his reserve powers every time they did so. 'So long as public opinion is flouted in this way,' the Post continued, 'there is no real democracy in Gibraltar. Gibraltar is governed in this way under conditions that flavour of an authoritarian system, benign perhaps, but still savouring at times of the jack-boot and the iron heel.'³⁴

Three days earlier, Dairmold Conroy Gibraltar's Attorney General, and Acting Colonial Secretary had written to Darrell Bates in Cornwall to put him in the picture. 'The man who we shall have to watch in the future,' warned Conroy, 'is Alcantara as I think he is turning anti-English as a result of his failure to get into the Colonial Service.'³⁵ The young AACR lawyer had been the most vociferous opponent of the measure, arguing that the shortfall in revenue was caused by the mistakes of the Foreign Office and that they should pay for it. Conroy blamed him and Abraham Serfaty for leading Hassan 'from the path of responsibility which he normally follows.'³⁶

On 11 August Redman visited the Colonial Office. The Governor explained the circumstances under which he had used his reserve powers, and he was assured that there was no question of the Secretary of State being advised to revoke his actions.³⁷ In an internal minute written the next day, the Colonial Office mandarins discussed the situation in Gibraltar.³⁸ They had no doubt that the elected members had 'displayed irresponsibility' in forcing the issue. 'The principal factors in this to my mind,' argued Douglas Smith of the Mediterranean Department, 'are that the elected members decided to make this a trial of strength between themselves and the official side of the Gibraltar Government, and they chose to do this in a public meeting of the Legislative Council, where it was, I consider, essential that the Governor should display that ultimate power remained in his hands.' In line with this thinking, Smith concluded, there was therefore 'strong reason for our backing him in the quite difficult decision with which he was faced, and which he took, to use his reserved powers, in this particular case.'³⁹

It was clear from these discussions that Whitehall had no intention of deserting Redman, and the Governor was back on the Rock to preside over the meeting of Executive Council which took place on 16 August. It opened with Hassan stating that he and Serfaty had made their opposition to the Bill clear, and that no attempt had been made to avert the crisis by reconciling both points of view, as had happened over the Income Tax Ordinance.⁴⁰ The AACR President was right in saying this. An inexperienced Governor without his Colonial Secretary to assist him was like a ship's captain without a pilot. It would have been extremely likely when faced by this situation in Executive Council on 26 July that Darrell Bates would have persuaded Redman to let him take the wheel and attempt to steer a middle course between the Financial Secretary and the elected members. General Redman, however, sailed on regardless.

Having said that, however, what not even Bates could have foreseen was that Peter Russo would be the hidden iceberg that would sink his ship. Russo's opposition to the measure was not known, and it was the fact that he voted against the government that precipitated the crisis

in the first place. It is possible that Redman was convinced he could carry the measure on the strength of the five appointees and his own casting vote, thereby not needing the support of the elected members. Russo did not speak at all during the debate, and his position only became known when he voted against. In the meeting of Executive Council on 16 August Redman dryly stated that there was not much to be said and that he did not consider it useful to reopen the matter. Hassan's views would be conveyed to Lennox-Boyd.

On 27 August William Morris, the official most directly concerned with the affairs of Gibraltar in Whitehall gave his expert advice to Sir John Martin, Assistant Under Secretary of State at the Colonial Office. 'My own opinion,' declared Morris, 'is that the Governor took probably the only course open to him in the circumstances, and that there should be no question of overruling him, unless he manifestly acted against the spirit of the Constitution.'⁴¹ Other officials were not so wholehearted in their defence of General Redman. A minute of 2 September gave the view that a more experienced Governor would at least have questioned his Financial Secretary's advice on the need for immediate taxation, and he would also have referred the possibility of using his reserve powers to the Secretary of State before acting.⁴²

In a confidential letter of 15 September, Sir John Martin told Redman that 'it was an unfortunate incident to have occurred at such an early stage in your term.'⁴³ The general tone of the communication was one of coded reprimand, and it was certainly no vote of confidence. There can be no doubt of the annoyance of Whitehall at being thrust into a constitutional crisis by the hasty action of a soldier who was an inexperienced administrator. Martin informed the Governor that he was aware that there was no way that the situation could have been foreseen. However, he added, the Colonial Office was 'sure that you will appreciate the desirability, should it ever be thought likely that reserve powers will have to be exercised, that the Secretary of State should be informed in advance if at all possible.'⁴⁴

While the matter was being discussed behind the scenes in London, the AACR awaited a reply to their protest of 2 August. Hassan wrote to the Gibraltar authorities on 19 September

reminding the Acting Colonial Secretary of the petition they had delivered over a month before. 'Despite the fact that we requested that our protest be dealt with urgently,' the AACR President complained, 'we have been waiting patiently since then for the Secretary of State's reply which we consider to be well overdue.'⁴⁵ He further charged that news that Lennox-Boyd's reply would be in the negative had been leaked to the press, before the signatories of the letter had been informed themselves. The official reply to their petition was delivered to the AACR shortly afterwards that same day. The Secretary of State made it clear that he would not use his powers of revocation and that the fiscal measure was the right response to the drop in revenue. He informed the Association that the whole financial position of Gibraltar would be reviewed at the end of the year, and that the new taxes could then be examined in the light of their effectiveness.⁴⁶ No mention was made of Redman's use of the reserve powers, and Lennox-Boyd preferred instead to concentrate his reply on the import duties themselves.

The Gibraltarian representatives did not think much of the response from London and on 30 September 1955 all five elected members of the Legislative Council resigned their seats, while Hassan and Serfaty resigned from Executive Council also. They made clear that the resignations were due to the Governor forcing through a measure which had been rejected by the legislature. General Redman's actions, argued the five, 'constituted an abuse', which moreover 'imposed taxation against the wishes of the people.'⁴⁷ The contents of the Secretary of State's letter, insisted the elected members, rendered 'the existence of the Legislative Council nothing short of a farce to which the representatives of the people cannot possibly acquiesce and is an added reason why we must register our protest by resigning our seats.'⁴⁸

Although Lennox-Boyd had tried to steer the argument away from the reserve powers and on to the merits of the tax itself, it was evident that for the elected members the issue had become one of principle. They would not accept that a Governor could exercise his powers whenever he liked, and without even consulting London before he did so. By withholding their

resignations until they had exhausted all constitutional possibilities, the elected members could not be charged with behaving rashly and irresponsibly.

The immediate result of the resignations was a flurry of telegrams between Redman and Whitehall seeking firm dates for Lennox-Boyd's visit to the Rock. At the same time, the situation was judged to have become serious enough for Lennox-Boyd to send a memorandum to Prime Minister Eden on the matter,⁴⁹ and in a long internal minute of 3 October, Douglas Smith laid out the problem facing the Colonial Office. The Governor had suggested that there were three concessions Whitehall could make which might resolve the crisis. The first of these would be to announce that reserve powers would not in future be used without the approval of the Secretary of State. Secondly, that whenever possible nominated members should be informed in advance of any important measure which required their support, and finally that elected members in the Legislative and Executive Councils should inform the government in advance of their opposition to any important measure in order to enable a compromise to be reached. Smith recommended that the Colonial Office agree to the Governor's three proposals, and that these should be put to the elected members by Lennox-Boyd himself when he visited the Rock.⁵⁰

On 6 October The Times published an editorial on the crisis in Gibraltar. Reserve powers in the colonial empire, the Times stated had been brought into play sparingly after the war, although they were now being used with increased frequency. It declared that the issue at stake in Gibraltar was not a matter of great urgency and that Redman appeared 'to have taken a sledge-hammer to crack a nut.'⁵¹ On the same day, the Colonial Office announced that Lennox-Boyd would be visiting Gibraltar later on that week. The News of the World called on him to 'stop all this nonsense and ensure that Gibraltar really has a say in its own affairs.'⁵²

Lennox-Boyd arrived on the Rock on 8 October, accompanied by a high powered delegation which included Sir John Martin, Assistant Under Secretary of State, and A.R. Rushford, a senior legal adviser in the Colonial Office. That same evening they held a meeting with the five

elected members who had resigned and with Peter Russo, who, although he voted against the government had not resigned. 'This was primarily an opportunity for these unofficial members to blow off steam,' explained John Moreton, Lennox-Boyd's private secretary in a report of the meeting, 'which they certainly succeeded in doing. Mr Hassan played the leading part in putting forward the unofficial members' point of view, which he did with heat and passion in a manner more suited to a public meeting.'⁵³

Hassan made it clear that neither he nor the other unofficial members present were prepared to stand for re-election or to participate in government until the existing method of working the constitution was modified. The AACR President objected to being informed only the evening beforehand of the new taxation measure and accused the Governor of presenting Executive Council with a *fait accompli*. Peter Russo supported the other five on this point. The Secretary of State made it clear that he endorsed the Governor's actions, that what had been done could not simply be undone, and that the main motive behind his visit was to find an acceptable arrangement for the future.

With both sides having made their position clear in the first meeting, a second was arranged the following evening to bridge the gap between them. Lennox-Boyd informed the Gibraltarian representatives that the Governor would be obliged in future to consult London before using his reserve powers, but to do so he would need to have an indication of the voting intentions of members. He also put forward proposals for associating the Standing Finance Committee of the legislature more closely with the formulation of financial policy, and he declared that he saw no reason why the new taxation measures should not be reviewed at the end of the year.⁵⁴ It is important to emphasise that the Standing Finance Committee had up to that time been consulted only over expenditure, and the decision to expand the scope of its activities into revenue also was a very significant advance. This was all the more so given the fact that the committee consisted of all the unofficial members of the legislature sitting together with the Financial Secretary. There had been no mention of the committee in any of the

correspondence prior to the meetings in Gibraltar, and it can only be concluded that the decision came about as a result of the strength of feeling which the Colonial Office delegation found among the five former elected members and Peter Russo.

In his final press communiqué before leaving the Rock, issued on 10 October, Lennox-Boyd publicly endorsed the actions of General Redman but added that 'for the smooth working of the constitution'⁵⁵ it was necessary to widen the responsibility of the Finance Committee of the legislature. The ex-elected members gave their views in a statement issued on 11 October, telling the Gibraltarians that in future prior consultation with the Finance Committee of any measure of taxation would allow time for possible differences of opinion to emerge and be relayed to the Secretary of State. This would ensure that the wishes of the people were known. The short public statement which was released by the five Gibraltarians concealed the informal understanding on future political reform which had been reached with Lennox-Boyd and which was to bear fruit in the years immediately afterwards.

In an internal secret report on the visit written by John Moreton on 13 October, he described the outcome of the talks as 'satisfactory', in that mutual confidence had been restored between the six Gibraltarians and the Governor. The elected members even maintained that Redman had been wrongly advised, and was carrying the can for his officials. 'The Governor for his part,' continued Moreton, 'was very ready to adapt himself to a greater sharing of responsibilities with the Elected Members, in accordance with the constitution, once this was explained to him.'⁵⁶ However, he added, 'I do not think that as a soldier with no experience of the working of colonial constitutions, he had any concept of the full implications of his actions in using his reserved powers.'

Given the controversy that had been raging for over two months, the elected members' final reaction seemed very mild. They had brought the issue to a head in July by defeating the government, and their resignations at the end of September deepened the crisis even further. It is surprising that after having gone so far in public, the five should have held back from

pressing Lennox-Boyd for the repeal of the tax. It was a mark of their 'responsibility' that the elected members were just as eager for a solution to the crisis as the official side, and that they did not seek to exacerbate the situation by demanding the removal of General Redman.

It was a compromise that saved everyone's face as both sides had to make concessions. The elected members abandoned the demand that the Governor should be overruled by London, and the authorities increased the powers of the Finance Committee as a counterweight. The importance of the crisis in the constitutional development of Gibraltar was thus twofold. On the surface, its immediate effects were to increase the voice of the elected representatives of the Gibraltarians over revenue matters and to ensure that any planned use of reserved powers was referred to the Secretary of State. The longer term effect of the events of July to October 1955 were not so obvious and were perhaps more significant. The furore created over the question of reserved powers has meant that no Governor of Gibraltar has exercised them since. It also gave the Gibraltarians the stimulus to agitate for further measures of constitutional reform which the London delegation had hinted would be forthcoming.

The AACR took advantage of the psychological moment. Before his departure they had presented Lennox-Boyd with a memorandum on constitutional reform for the colony, and a week later they made the details public. The document traced the development of the Rock up to that date and it asked for reform of the Executive, the City and the Legislative Councils.⁵⁷ The Association asked that there should be twice as many elected members as nominated in the municipality, but the more important changes related to the other two bodies. In the first place, it requested that the two seats held by nominated members who were not officials should be relinquished to elected members, thus providing for an elected majority on the legislature. It asked that Executive Council should be replaced by a Council of Ministers, which should consist of the Governor as President, three officials and four ministers, chosen from the elected members of the legislature. One of these ministers would be styled 'Chief Minister', and the other ministers would be charged with responsibility for departments. The AACR

reminded Lennox-Boyd of the constitutional crisis which had just occurred and it requested that the modalities of bringing the Governor's reserved powers into play should be redefined so that they could not be exercised without the approval of Executive Council. It also called for the Governor to be replaced as President of the legislature by an independent Speaker, who would be a non-party man.

The demands which the AACR put forward were very far reaching. They were seeking the adoption of a fully-fledged parliamentary system in a territory which had boasted a legislature for barely five years. Whereas the proposals would almost certainly have been shelved if they had been made earlier, there could be little doubt that the Association had chosen its moment well. London was fully aware that a negative response might cause the political situation on the Rock to explode, and Lennox-Boyd had already told Hassan before his departure that the idea of an independent Speaker was a good one.⁵⁸ The constitutional changes which followed the crisis of 1955 were largely the adoption by the Colonial Office of the AACR blueprint. The crisis was thus a sharp spur to constitutional change.

A by-election was called for 6 December to fill the five vacant seats, but no poll was necessary and the five who had resigned were returned unopposed. On 20 December John Hayward, the Financial Secretary, put forward details of the 1956 budget before legislature, and the 10% tax that had been introduced in July was reduced to 8¾%. Although this was hailed as a victory by the five elected members, to an impartial observer it was nothing of the kind. The controversy arose out of opposition to the new import duty, and it was then aggravated further by Redman's decree. In this respect, the Colonial Office found only a solution to one of two different problems. Lennox-Boyd and his advisers sought to prevent a repetition of the situation under which a Governor of Gibraltar had to resort to his reserve powers. The question of the virtues of the tax itself was left in abeyance, and the second problem was thus left unresolved.

It therefore cannot be argued that the furore was simply a case of the Gibraltarian bourgeoisie defending their commercial interests, quite simply because at the end of the affair the new tax remained in place. Stemming from what was originally a financial issue, the discontent became increasingly coloured by political motives after the fiscal measure was forced through the legislature. However, when the crisis was over there could be little doubt as to who had won the battle in the short term. The import duty remained in force, Redman remained in his post and his actions were publicly supported by Lennox-Boyd.

Further Constitutional Progress, 1956

The aftermath of the events of 1955 saw gradual political advance, through a series of extremely significant amendments which altered the status quo step by step. These changes in Gibraltar's political structure were the product of the constitutional crisis.

As early as 6 April, the events of the autumn of 1955 appeared to pay its rewards. In a despatch to General Redman the Secretary of State for the Colonies declared that although 'it would be premature to comment now on any particular proposal,' he nevertheless considered 'that the proposals as a whole offer a reasonable basis for the commencement of discussions of further constitutional reform for Gibraltar.'⁵⁹

In accordance with the instructions from London, the authorities in Gibraltar sought the views of a wide cross-section of the local community on the AACR proposals. These included the three service commanders, the elected members, the Commonwealth Party, the Chamber of Commerce, and the Transport Union, and the political intelligence report to Whitehall for April 1956 reported on the soundings. 'Generally speaking,' London was told, 'there is little desire for any major move in this direction except among politicians with personal ambitions.'⁶⁰ However, it went on, a widespread feeling existed 'that it would be right and politic to grant a small overall majority of elected members in the Legislature and that if this was done, the City

Council should be merged with the Central Government [the colonial civil service] in the interests of economy.⁶¹

The AACR had also requested that the use by the Governor of his reserved powers should be subject to the agreement of Executive Council or to the new Council of Ministers which they preferred to see in its place. From the findings, the report made clear, there seemed to be 'no wish for any limitation of the Governor's Reserved Powers, and one's feeling is that the good people of Gibraltar look to these to preserve them against one another and against the vagaries of their Latin temperament as much as to secure Gibraltar as a base for the Services and for NATO which they realise is the basis of their security and their prosperity.'⁶²

The following month, General Redman sent a summary of all the views that had been submitted to him, together with his own, to Lennox-Boyd. He argued that the time had come to grant an elected majority on the Legislative Council and that it was safe to do this given the reserve powers which he held. He also advised that the unofficial membership of Executive Council should be increased by one. This would mean that three officials and the Deputy Fortress Commander on the one hand, would be balanced by four unofficials on the other, with the Governor presiding. Redman was, moreover, a strong supporter of appointing an independent Speaker for the legislature. He had always believed, he told Lennox-Boyd, 'that it is wrong that the Governor should take any part in the proceedings of Legislative Council and that it is in some ways incompatible with his position as representative of the Sovereign that he should do so.'⁶³ He recommended that the Governor should continue to be President of the Council for the time being, but that he should be replaced in the chamber by a Speaker when a suitable candidate was found.

It is important to note that Redman's wholehearted support for the creation of the office of Speaker probably stemmed from the distasteful experience he had undergone in July 1955. If an independent Speaker had been monitoring the session of 27 July, the Governor's reserve powers would not have been used immediately, quite simply because the Speaker would not

have been entitled to wield them. This would have allowed some time to elapse for a solution to be patched up in private. It was the fact that Redman was presiding over the council that led him to take an immediate decision once the 10% tax had been thrown out. The appointment of an independent Speaker would, in the Governor's eyes, provide the necessary safety valve. There can be no doubt also that sitting in an open chamber listening to the criticisms of the representatives of the Gibraltarians was hardly something a military man looked forward to. From the high altitude of their senior army posts, Governors of Gibraltar after 1950 found themselves thrust uncomfortably into the public arena. The appointment of an independent Speaker would remove them from that exposed front line.

The suggestion for appointing Ministers and a Chief Minister found no support among the bodies that had been consulted, the argument against the idea being that Gibraltar was too small for anything of the kind and that politicians would be expected to give up their private concerns to become Ministers. Even Joshua Hassan had told Redman that he was aware of the difficulties involved in implementing that part of the AACR memorandum. The Governor proposed instead the development of a scheme whereby unofficial members of the legislature had begun to be associated with the work of particular government departments. This experiment had been launched in 1954 with the Lands and Works Department, after which it had been extended to the Education and Medical Departments. Redman now suggested that it be formally institutionalised.

With regard to the City Council, the Governor argued that it should not be merged with the legislature until the situation had been examined in detail, but he recommended that the number of nominated members be reduced from six to four, sitting with seven elected members. The question of reserved powers was also examined, and Redman made clear that he did not believe any change should be made in that field. 'The Service representatives,' the Governor insisted, 'naturally attach great importance to the maintenance of Reserved Powers as they are now, and my impression is that most responsible people in Gibraltar share this

view if only as a protection against the political inexperience and the temperamental vagaries of their compatriots.⁶⁴

At the same time as the constitutional issue was being thrashed out, London continued to be faced with the problem of Spain. On 13 February the question of Gibraltar–Spanish relations was debated in the Commons. Lord John Hope MP told the Members that he deplored Spanish policy towards Gibraltar. Other MPs complained that Spanish labour organisations were stirring up unrest in the Gibraltar dockyard, and that restrictions had been imposed on British servicemen crossing the frontier. Very few passes were being issued to Spaniards wishing to seek employment on the Rock, and Gibraltar was in this way being starved of workers. Hope denounced the Spanish economic blockade, declaring that it would do no good to anybody, least of all Spain herself. Moreover, he added, 'we shall never desert our friends in Gibraltar.'⁶⁵

On 18 May Redman submitted a report on the effects of Spanish policy on Gibraltar to Sir Thomas Lloyd, Permanent Under–Secretary of State for the Colonies. Tracing the revival of the Spanish claim to the Rock to the period immediately preceding the Queen's visit, the Governor stressed that the restrictions at the border were meant to persuade London that Gibraltar was useless as a base without Spanish goodwill, and to make the Gibraltarians see that that they too were dependent on Spain. The main effect of the campaign, reported Redman, was to harden Gibraltarian opinion against Spain, and he stressed the loyalty of the people of Gibraltar towards Britain. It should be recorded, Redman added, 'that although Gibraltar is not, of course, unaffected by the general desire of Colonial peoples to have a say in the management of their own affairs, the claims put forward in this respect here are in general moderate and realistic and are based on a solid appreciation of the importance which attaches to Gibraltar as a Fortress.'⁶⁶

The General's secret report paid tribute to the attitude of the Rock's representative bodies. It should be remembered that at this very time the troubles in Cyprus were at their peak, and in

that Mediterranean colony the local politicians in the Greek community were being backed by a violent terrorist campaign. The situation in Gibraltar was totally different. The AACR as the leading political force in the Colony was always well aware of the constraints under which it operated. Their most radical demands were quite simply that the Governor's reserve powers should be controlled, and a ministerial system established. Both of these were shelved in the constitutional discussions of the late spring of 1956, yet despite this there was no uproar in the Colony. This confirmed the Governor's view that Gibraltarian political aspirations were far from extreme, and that their reaction when their demands were not met were never violent. Once again, clearance was obtained from the three Services before an announcement was made.

On 27 July 1956, one year to the day since he had used his reserve powers, General Redman passed the news to the Legislative Council, at the same time as Lennox-Boyd made the announcement in Parliament. The legislature was to be granted an elected majority through an increase in elective seats from five to seven, and a Speaker was to be appointed when a suitable person was found. A fourth unofficial member was to be added to Executive Council, which meant that the Governor now held the balance, and the number of nominated members on the City Council reduced from five to four. This meant that the new ratio of elected to nominated members in the municipality would be seven to four. The changes were to take effect before the coming elections to the legislature, and Lennox-Boyd also stated that further consideration would be given to relations between the City and Legislative Councils at a later date.

The announcement of 27 July was a watershed in the constitutional development of Gibraltar. It marked the acceptance by the colonial power that the inhabitants of Gibraltar had come of age, and were responsible enough to be rewarded with a majority in the legislature, which they had been denied in 1950. The council had been in existence for barely six years, initially with an unofficial majority but after 1956 it was to have a majority of members elected by the Gibraltarians. It was a considerable achievement to have gone this far in such a short period of

time, and there can be little doubt that the Gibraltar representative bodies were assisted in their evolution by the constitutional crisis which had erupted exactly a year before. Having said that, however, it is important to note that the elected members would not be the government. They would sit in the Legislative Council to assist in the drafting of legislation but they were not to be responsible to the electorate or answerable to the council for the functions of government departments. This was something that the AACR had requested in their memorandum to the Secretary of State but they had not been successful.

The elections for the seven elective seats in the legislature was called for 19 September, and ten candidates put their names forward. Four stood under the AACR banner, three represented the Commonwealth Party and three were independents. The system of election remained proportional representation.

The AACR manifesto urged the improvement of social, medical and educational services, and despite the fact that political concessions had been granted only two months before, it called for further progress. 'Constitutional reform,' the Association's manifesto declared, 'is the essence of our very existence as a political organisation. Ever since our foundation in 1942 our motto has been: 'Gibraltar should be governed by the Gibraltarians,' and this can only be achieved if in the political field we have a democratic constitution.'⁶⁷ It referred to the recent changes which had been made in the composition of the Executive, Legislative and City councils and it stated that the AACR reserved their right to press for further constitutional change. Step by step, the manifesto continued, 'we will achieve a more democratic constitution until we arrive at our ideal of complete autonomy for Gibraltar in all civil and internal matters.'⁶⁸

The Commonwealth Party, fighting a general election for the first time, described themselves as being representative of a significant element of the community, and ascribed the success of the AACR to its encouragement of class hatred. They also called for an improvement in social services.

On 19 September Gibraltar went to the polls. The four AACR members led by Hassan were elected, with Triay being the only Commonwealth Party candidate to get in. Once again the AACR had been successful, even though it was the first time they had contested an election against another organised political party. Joshua Hassan topped the poll again, and Albert Isola, the victor of 1950, failed to win a seat, unlike his son Peter who was elected for the first time.

In October, Howard Davis, Chief Assistant Secretary of the Gibraltar government and returning officer in 1956, reported to Darrell Bates on the outcome. 299 ballot papers had been rejected, he told the Colonial Secretary, and this 'for the most part consisted of papers which were marked with four crosses for the AACR candidates, confusion with the City Council system of voting being apparent.'⁶⁹ The question was raised, argued Davis, of the desirability of having one system of voting for both elections. 'It is, of course, easier,' insisted Davis, 'to instruct a voter to place four crosses against the candidates he wishes to see elected. But it has been proved that with a good organisation, a strong party can secure all the seats by that system. It is not so easy to do under Proportional Representation and whilst I do not pretend to be a defender of the latter, I am nevertheless convinced that in a place like Gibraltar it is the fairest means of securing the representation of every shade of opinion.'⁷⁰ It was evident from the report that far from abandoning proportional representation, the Gibraltar authorities hoped to extend it to City Council elections as well. PR for them remained the surest guarantee of a policy of divide and rule.

At the same time as Davis reported to Bates, four members of the legislature had to be appointed to Executive Council and Lennox-Boyd discussed the possibilities with Redman. The Governor had suggested nominating only one AACR member in order to obtain a more balanced council, but the Secretary of State was not persuaded. Was there not 'some risk,' inquired Lennox-Boyd, 'that by dropping Serfaty and reducing AACR representation you may precipitate AACR manifesto claim for elected majority in Executive? You have doubtless

considered this already,' he added, 'but before sending a formal reply to your despatch I should like to have your estimate of risk of such adverse AACR reaction.'⁷¹ The Secretary of State added his own marginal comments to a copy of the telegram. 'I hope,' he wrote of Redman, 'that he is not preparing another situation like this time (exactly) last year!'⁷²

Lennox-Boyd need not have worried. General Redman assured him that Serfaty had only been appointed because Sergio Triay had died and Albert Isola was not well. Although 'the AACR had hopes of obtaining two seats,' he told London, 'I doubt if they will be much surprised if they are offered only one and I doubt if this would precipitate action on claim for Unofficial majority on Executive Council. In any case,' he concluded, 'this will come sooner or later.'⁷³ In mid-October Redman's advice was accepted and Hassan, Seruya, Triay and Russo were appointed to Executive Council.

With the appointments settled, on 19 November Darrell Bates wrote to William Morris of the Colonial Office explaining the claims for further constitutional change which were likely to be entered.⁷⁴ The first of these was over the vexed question of the Governor's reserved powers. Bates believed that the elected members would not bring the issue to a head until Redman's term of office was over. They would then seek to write into the constitution a clause that the Governor could only exercise his reserved powers with the approval of the Secretary of State. In matters of taxation, reported Bates, it was very likely that there would be a demand to abolish the reserved powers altogether and to try and limit them only to imperial or defence requirements. The Colonial Secretary expressed the view that the first two points 'could and should be conceded,'⁷⁵ but that difficulties would arise if there were attempts to define the circumstances under which reserved powers could be used.

Bates argued that the demand for appointing Ministers would take a long time to bear fruit as full time Ministers would be expected to give up their normal occupations. He advocated instead the further association of elected members with the work of government departments. 'I believe that if we do this carefully and liberally it will go a long way towards satisfying the

matter,' he told Morris. 'It might well satisfy them completely,' he added, 'if we gave the Elected Members not only responsibilities but also the titles and status of Member for Education etc. These things count for a lot here.'⁷⁶

A Colonial Office report written after Bates had submitted his views touched on the possibility of integrating the City and Legislative councils, and pointed to pressure in that direction from the Commonwealth Party and the 'old guard' like Peter Russo.⁷⁷ The AACR, the main representative body was hostile to the idea of merging the two. It is important to note that the Association regarded the municipality as their own creation. The movement had successfully campaigned for its elected majority in 1945, and they had controlled it completely until the legislature was set up five years later. In the eyes of Hassan and Risso, the City Council was their City Council, and its rebirth after the War was inextricably linked to the success of the AACR. Nobody, not even the London government, could touch their showpiece. Given this situation, the Colonial Office report concluded, the continued existence of the municipality 'is in the interests of HMG, although it would not be desirable to keep it going if there were a strong popular movement in Gibraltar for its integration with the Legislative Council.'⁷⁸

While its future was being discussed in Whitehall, the elections to the City Council were called for 5 December. The AACR put forward five candidates, headed by Joshua Hassan, Mayor of Gibraltar and Senior Elected Member of the legislature. The Commonwealth Party put forward Guy Stagnetto and Louis Bruzon, with three other candidates standing as independents. Each elector was allocated four votes to fill seven vacant seats. The electoral system had been implemented in 1945 in order to prevent the AACR from capturing all vacant seats, but the authorities had been foiled in their aim by the organisational ability of the Association. Given the failure of the system in the 1945 elections, the Gibraltar government turned to proportional representation for elections to the legislature, and although this successfully diluted the strength of the AACR vote, the authorities were conscious that to extend the system to the municipality would provoke an instant uproar.

A 40% turnout (compared to 50% in 1953) saw all five AACR members elected with Hassan once again topping the poll. Guy Stagnetto got in seventh for the Commonwealth Party, keeping out his colleague Louis Bruzon by 22 votes. The independent William Isola, brother of Peter, was elected in fifth place.

The elections of September and December 1956 were vitally important for the AACR. It was the first time that the Association were opposed by another political party, and they had passed the test with flying colours. All ten AACR candidates put forward as challengers for the City and Legislative councils were elected with ease. The same could not be said for the Commonwealth Party. The failure of Alfred Vasquez and Emilio Peire to secure election to the legislature was matched by that of Louis Bruzon in the City Council poll. The Commonwealth Party did not boast the in-depth support or the organisation which had been a hallmark of the AACR since they contested their first election in 1945. It was evident that real power lay with the workers and the trade unions, and it was the support which the AACR received from the GCL headed by Albert Risso which accounted in large measure for its electoral success.

As they had done in the first post-war elections, the Association instructed its supporters to vote for four of its five nominees in a different order in different electoral districts. The strength of their support was in this way maximised to secure the election of the largest possible number of candidates. Thus, even though each elector had only four votes, five AACR members won seats in the City Council, with the Association clearly exploiting a loophole in the system. It was evident also by the end of 1956 that the Commonwealth Party was no threat to the electoral ambitions of the AACR in either the legislature or the municipality. This had been recognised by General Redman as early as May of that same year, even before both elections were held. He then told Whitehall that he did not think 'that the Commonwealth Party yet shows any promise of providing an effective and lasting second party.'⁷⁹ In the event the Governor was proved right; the political future of Gibraltar still belonged to the movement which had dominated the politics of the Rock throughout the post-war era.

CHAPTER FOUR

THE DEVELOPMENT OF A MINISTERIAL SYSTEM 1957 – 1962

The reforms of 1956 which gave Gibraltar a legislature with an elected majority were regarded by many Gibraltarians at the time only as a step on the road towards greater self-government. This was the view held by the leaders of the AACR, whose proposals to endow the elected representatives of the Gibraltarians with ministerial responsibility had been shelved by the Colonial Office. The achievement of such an objective was not easy. The expatriate administrators of Gibraltar jealously guarded their right to govern, and shuddered at the faintest possibility that control of the colonial civil service would fall into the hands of the locals.

Simultaneously, the progress which the Rock was making towards self-government attracted the rancour of the Spanish authorities. The British government, which until then had pursued the constitutional development of Gibraltar pushed by the aspirations of the Gibraltarians and restricted only by the requirements of the military base, was forced to suspend that process and reflect on the consequences. Were Britain's relations with Spain more important than her commitment to the Gibraltarians?

Members and not Ministers – Responsibility without Power, 1957

The Spanish issue was very much in the background in January 1957, and internal considerations dominated the political arena. In a despatch to London, General Redman told

Lennox-Boyd that he was against a ministerial system and instead pressed Whitehall on the setting up of a scheme which would involve the elected members more closely with the work of government departments. The Governor argued that only the four unofficial members in Executive Council should be associated with the major departments. 'At a later stage,' Redman declared, 'I think this informal arrangement could properly be extended to give members distinctive titles and to attempt to define more exactly their duties and responsibilities, which I think could include dealing with some Questions and Motions in the Legislative Council.'¹

It was evident from the Governor's report that this was as far as he considered the British government should go in the devolution of responsibility to the Gibraltarians. Redman's remarks cast an interesting light on his attitude towards the seven local leaders who sat in the legislature. He reported that business was being conducted in an amicable manner and all the unofficial members behaved themselves. 'It is as if they are individually and collectively anxious to demonstrate that they are to be trusted with increased powers and responsibilities, and that they will not abuse them.'²

Unfortunately for the Governor, not all members were the same. 'Of the three new elected members,' Redman made clear, 'one, Mr J.J.Triay, has generally shown himself to be more skilful and zealous in criticism than in facing the facts or accepting responsibility and it may well be that when his term as a member of Executive Council expires in October this year I will recommend that he should be replaced by Mr Isola who has made a much better impression and who seems prepared to learn and gain experience before committing himself on present and future issues.'³ It was evident that behaving responsibly brought its rewards!

Redman's report to London coincided with Anthony Eden's resignation as Prime Minister, ostensibly for health reasons, but in fact because of his mis-handling of the Suez crisis. Eden was succeeded by Harold MacMillan, and the reshuffle which followed the resignation did not affect Lennox-Boyd or Selwyn Lloyd, who remained Colonial and Foreign Secretaries respectively, but a new face, John Profumo, came in as Colonial Under-Secretary. In answer

to a Commons question on 27 February Selwyn Lloyd complained at Franco's petty restrictions against Gibraltar which he declared were harmful to the Rock and to Spain itself. He refused, however, to use coming trade talks with the Spanish Government to press for the lifting of restrictions.⁴

Those same restrictions at the Gibraltar frontier soon intensified and had an important indirect effect in the structure of local politics. A Spanish visa on a British passport was valid for three months and for three entrances and exits into and from Spain. At the beginning of 1957 an Anglo-Spanish reciprocal agreement allowed for visas to become valid for one year and for an unlimited number of entrances and exits. The Spanish authorities soon decided that the new agreement did not apply to the Gibraltar frontier on the grounds that it was not a normal entry into Spain but a special military post. It was still possible, however, for residents of Gibraltar to have an unlimited number of entrances and exits if they used the ferry across the bay to Algeciras.

On 16 March the unofficial members of the Legislative Council met to discuss the situation. As a result of the deliberations, a strongly-worded letter told Darrell Bates that the London government should take up the matter with Spain, and it moreover declared that 'visas should be the same for all British subjects.'⁵ The Gibraltar authorities attempted to find a solution to the problem through Whitehall and on 22 March Sir Ivo Mallet, British ambassador in Madrid discussed the situation in Gibraltar with General Redman, the members of the legislature and the Chamber of Commerce.

The Commonwealth Party leader Juan José Triay objected to the silence adopted by the other elected members concerning the visa restrictions and on the same day as Mallet's visit he resigned in protest from the Executive and Legislative councils. In Triay's view, the policy of silence conflicted with his position as an elected member representing the people, who, in his eyes, should be kept informed of all developments. Given that his party disagreed with his actions, Juan José along with his brother J.E.Triay resigned from the Commonwealth Party

and the newspaper Vox ceased to be its mouthpiece. Another lawyer, Alfred Vasquez, became the party's new President. Indirectly, therefore, the tension at the Spanish frontier accounted for Juan José Triay's withdrawal from the Rock's political life. When he resigned the only seat which his movement held in the legislature, he took his party's electoral future with him.

A patched up solution to the visa question was announced in the Commons on 25 March. The new yearly visas would be valid for three entries and exits per quarter at the Gibraltar frontier with Spain, while they would be valid for an unlimited number of entries and exits at all other Spanish frontiers. It was clear that Spain had won the day, in that they had obtained some form of recognition from the British authorities that the Gibraltar frontier was different to Spain's other borders, and that conditions there could differ accordingly. It was not until 16 April that London delivered a diplomatic protest to Madrid on this discriminatory practice.

Triay's resignation was followed by that of John Alcantara. The AACR lawyer resigned his seat in the legislature in May, owing to his appointment as Registrar of the Supreme Court. It is worth remembering that Alcantara had been singled out by the authorities for his outspoken views during the constitutional crisis, during which it was reported that his allegedly anti-English sentiments were fuelled by his failure to enter the colonial service. In May 1957 the doors of that service swung open to allow him through. This promotion of an outspoken critic out of the public arena was a stratagem which had worked well when Peter Russo was promoted from the municipality into Executive Council back in 1940. Both his appointment and that of John Alcantara seventeen years later removed powerful critics of the authorities from the scene.

There were thus two seats to be filled in the by-election called for 29 May, and three candidates put their names forward. Aurelius Montegriffo contested the seat for the AACR, Alfred Vasquez for the Commonwealth Party and Ernest Russo, a local lawyer, stood as an independent. A turnout of 29% saw Montegriffo's easy election with 1821 first preference votes, 49% of those cast. The AACR nominee's second preference votes were transferred to

the other two candidates after which Russo obtained a total of 1473 and was also elected, while Vasquez failed to get in, polling 992. The Commonwealth Party had been mortally wounded after Triay's resignation, and its new leader's performance at the May 1957 by-election proved its death blow. Vasquez resigned the presidency on 14 June, walking out of the movement's annual general meeting which was attended only by a handful of members. The chair was then taken by Emilio Peire, but the meeting ended without the group having a president, secretary or office-bearers.

The Commonwealth Party had been destroyed. It was evident that the GCP lacked in-depth support and by trying to appeal to everyone, it failed to identify itself with any particular stratum of Gibraltarian society. The workers, on the other hand, were bound by the Gibraltar Confederation of Labour to the AACR. The Commonwealth Party was the first organised attempt to set up an opposition to the Association, and it took a decade with the emergence of the Integration With Britain Party (IWBP) in 1967 for another rival to emerge on the scene.

Gibraltar's institutions were the subject of a detailed report to London by Darrell Bates, the Rock's Colonial Secretary, on 25 June. He discussed the respective functions of the City Council and the Gibraltar government, and insisted that although they covered the same geographical territory, the responsibilities of both were very different. There was, Bates maintained, 'in theory no overlapping and very little in practice,'⁷ even though there existed 'two administrations within a single area and this is expensive and in certain respects illogical and inefficient.'⁸ There were two schools of thought on the matter, added the Colonial Secretary. One believed that the two civil administrations should be fused into a single Gibraltar government, and that the municipality should cease to exist. The other view contended that the functions of the colonial government should be transferred to the City Council, until the Governor was left only with reserve powers over imperial and defence matters.

Any reforms, continued Bates, would also have to be considered in the light of further constitutional development with regard to the legislature. A demand for an elected majority on Executive Council did not worry him unduly, but the elected members of the legislature were likely to clamour for increased control over government departments. 'It may be,' Bates maintained, 'that this can be met by giving individual Unofficial Members certain departmental responsibilities but I cannot see in a place the size of Gibraltar a full system of Ministerial Government becoming a practical possibility.'⁹

There can be little doubt that Whitehall and the Gibraltar authorities were anxious for a permanent solution to be found to the relation between the City Council and the central government machine. The dangers of abolishing the municipality altogether were all too apparent to the officials dealing with the Rock, as such an action would undoubtedly have precipitated calls for greater power to be granted to the elected members of the legislature. The entire question of the relationship between local and central government was inextricably linked to the Executive, Legislative, City Councils and the colonial civil service. The Governor's Council and the civil service were the personification of colonial administration, consisting entirely of appointees who were largely British expatriates. Opposed to this were the forces of local democracy, embodied in a City Council and a legislature which both contained a majority of elected Gibraltarians. It was the task of the Colonial Office to perform a balancing act between the four, bearing in mind the views of Whitehall and the aspirations of the locals. London was well aware that holding back reform in one forum would have to be balanced by a concession to the local elite in another.

The internal development of the Rock alternated with the Spanish problem as the main political issues of the day. John Profumo, the new Under-Secretary of State for the Colonies arrived in Gibraltar on 26 July on a four-day visit. During his stay he discussed the troubles with Spain with the local authorities and he made clear on his departure that the Spanish question was the most important problem which the Rock faced. Profumo countered criticism

of Britain's handling of General Franco's regime by declaring that London was doing everything possible to find a solution and he described Gibraltar as 'a loyal piece of Britain abroad'.¹⁰

On 18 September the announcement was made that General Sir Charles Keightley would succeed Redman as Governor. The 56-year-old Commander of the Anglo-French forces which attacked Egypt the previous year had retired from active service in August, and it was a measure of the importance that attached to Gibraltar as a fortress that he was selected to take over as Governor the following May.

Officials in Whitehall, meanwhile, ploughed on with the sensitive question of the relationship between central and local government on the Rock. On 20 September Darrell Bates went over the issue with the civil servants at the Colonial Office. London's long-term policy was discussed, the most important aim of which was to maintain control over Gibraltar as a fortress. With regard to the colony's internal development, there was agreement on the need to avoid a dyarchy in internal administration, as had happened in Malta and Singapore. Darrell Bates argued in favour of the association of unofficial members of the legislature with the work of government departments, even though in other colonies it was only unofficial members of the Executive Council who were accorded such a privilege.

In an internal Colonial Office minute written shortly after the meeting, Ian Watt was critical of the Gibraltar Colonial Secretary. 'Mr Bates, I must confess,' remarked Watt, 'seems to me to be too optimistic in his general opinions on Gibraltar politics.'¹¹ He was also against the Colonial Secretary's plan to associate unofficial members of the legislature with the work of government departments, on the grounds that such an association was 'almost unprecedented'. Moreover, Watt fulminated, 'I do not think Mr Bates had thought very deeply about such eventual implications as collective responsibility for policy, or official secrecy.'¹² He further advocated the gradual fusing of Gibraltar's legislative and executive organs, on the grounds that the

result would be 'a fairly gentle variety of political activity, which, I suggest, is in HMG's long term interests as well as that of the people of Gibraltar.'¹³

There can be little doubt as to the future which Ian Watt envisaged for the Rock. The fusion of legislative and executive organs would almost inevitably have resulted in a stronger presence of UK officials in the day-to-day administration of Gibraltar, when this presence was precisely what the elected Gibraltarians were attempting to cut down. Watt's scenario would reduce the likelihood that matters would ever get out of hand, in that the continued presence of officials would protect vital British interests in the colony and discourage any irresponsibility on the part of the local politicians.

Given that Darrell Bates was backed by General Redman against Watt, the two persuaded the Colonial Office to accept the advice from its men on the spot. The resulting announcement was made on the Rock on 18 October. In future the unofficial members of the legislature were to be more closely associated with the administration of government departments, but they would not be called Ministers. The new reforms would be introduced at the next meeting of the council on 15 November. Of the nine unofficial members (seven elected and two nominated), six were allocated to government departments. The two new additions to the council in the May by-election, Aurelius Montegriffo and Ernest Russo, were left out of the scheme until January 1958, and Joshua Hassan was excluded on the grounds that he already held enough responsibility as Mayor.

In an informal arrangement of this kind there was bound to be conflict. The expatriate Heads of Departments found themselves associated with six (later eight) locals who had no experience at all in the art of colonial administration, and it was inevitable, that initially at least, the presence of the unofficial members was resented. Accustomed to handling their departments as a law unto themselves, the emergence on the scene of an outside entity, who, in the eyes of the senior civil servants, would be liable to question decisions and to interfere generally was hardly a welcome prospect. Given this situation, by mid-1959 the respective

positions of the Heads vis-à-vis their Members had to be defined. It should be noted that the Members had no power. The civil servants would give them the opportunity to see how the department concerned worked, to meet the staff and hold consultations, so that in this way the respective Members would be in a position to answer questions on their departments in the legislature. This vague set-up lay at the heart of the Member system.

The fact that the eight members undertook responsibility before the Legislative Council for departments over which they had no control, was a glittering achievement for Darrell Bates. In practice it meant that instead of questioning and criticising the government, the unofficial members questioned and criticised each other. This policy of divide and conquer removed the person of the Colonial Secretary, as head of the civil service, from the brunt of the questioning. It was also evident that the AACR and the Gibraltar authorities perceived the system from different angles. Redman and Bates, on the one hand, had gone as far as they reasonably expected, which was even farther than some in Whitehall would have wished; the Association, on the other hand, saw the Member scheme purely as a step in the direction of a Ministerial system.¹⁴ The Association embraced Bates' plan because it promised to yield high rewards in the future.

Speaker appointed and Chief Member created, 1958–1959

The new year opened with the Ministerial system definitely shelved in the constitutional discussions, and Darrell Bates sent a lengthy report to Whitehall describing the success of the alternative plan which he had proposed. He told London on 31 January that the Members were made to feel that their new status was appreciated and valued. They were invited to play a leading part in press conferences called by their departments, and answered relevant questions in the legislature. A number of departments, which included prisons, tourism and

broadcasting had not been allocated a Member in order to give the government elbow room in the future. Others such as the police, customs, and audit were deliberately kept out of the hands of the local politicians. 'Gibraltar,' explained Bates, 'is ... a very small place where many people almost make it a point of honour to know as much as possible about other people's affairs, and nobody therefore would particularly like to have any one Member in a position to know too much about certain aspects of the work of these Departments.'¹⁵

The established but unwritten procedure was that Heads of Departments would be required to consult with their Members before taking any important decision, or submitting any proposal to the Colonial Secretary. When questions came up in the legislature, the answer was discussed with the relevant Member who gave the appropriate reply. If a matter concerning a particular department arose in Executive Council, the Member concerned was invited to attend and express his views. It is significant to point out, that in the way Bates portrayed it, the unofficial members of the legislature were co-opted into the administration of Gibraltar without really being part of it. Bates realised that the Members were being placed in an anomalous position. With regard to their department, he reported, 'we are expecting them in effect to act as Members of the Government whereas in regard to other matters they are expected to act as Members of the Opposition.'¹⁶ They were given the trappings of Ministers and responsibility before the council but they were not answerable to the electorate, nor were they constitutionally accountable, for their departments. The only policy-making body on the Rock remained the Executive Council.

It was 'very pleasant', reported Bates, to hear the Members talking of "our Estimates" and "our Department" but it was only to be expected that the 'experiment' would present certain difficulties.¹⁷ 'The view taken from the start,' he told Whitehall, 'was that the right answer was more likely to be found by a process of trial and error than by attempting to define duties and responsibilities in advance and Heads of Departments have to a large extent been left free to work out a modus vivendi best suited to Departments and personalities involved.'¹⁸

Once again, however, the Colonial Secretary came out against the idea of a fully-fledged Ministerial system. 'If they cannot have the realities,' advised Bates, 'let us at least give them a status and titles which will go some way to satisfy their reasonable political aspirations and their sense of dignity. While, therefore, it would probably be technically inappropriate that they should ever be called Ministers it may well be that there is much to be said in practice for keeping this as our aim even though the first stage might be to call them "Member for Education", "Member for Housing"etc.'¹⁹ Darrell Bates further recommended that the life of each legislature be increased from 3 to 5 years. 'At present,' he insisted, 'the Elected Members tend to spend too much time looking over their shoulders at the promises they made at the last election, and doing what they think will best secure their election in the next. A longer, but not over-long life may make it easier for them to behave more like statesmen and less like politicians (if one may be forgiven the distinction).'²⁰

Bates' report to Whitehall reveals the paternalistic attitude which he had developed towards the Gibraltarians and his genuine excitement at every new constitutional stage which the Rock reached. This attitude does much to account for the fact that he spent fifteen years at the helm in Gibraltar and obtained an unrivalled knowledge of the place. 'This is a fascinating experiment,' he told London on 31 January 1958, 'all the more so because to some extent one is breaking new ground. Because of the Fortress element and because of its size, Gibraltar presents problems of its own and we must work out our own solutions by trial and error.' Results so far, he went on, 'encourage one to think that there is a reasonable prospect that with patience and a willingness to admit mistakes on both sides we shall achieve a fair and efficient solution.'²¹

As the Member system was being launched, yet another innovation took shape. On 9 April it was announced that Major Joseph Patron would be appointed Speaker of the Legislative Council on 26 May, the same day that General Keightley was due to be sworn in as Governor.

Patron had been one of the five members elected to the first legislature in 1950, and prior to that he had also been a member of the Executive Council.

On 26 May 1958 General Sir Charles Keightley took office as the Rock's 49th Governor. In his address of welcome, Joshua Hassan went over the recent constitutional advances which the colony had undergone. 'Here in Gibraltar,' Hassan told Keightley, 'we have made considerable progress in our constitutional set-up in the last few years, and we look forward to the peoples' representatives assuming further responsibilities.'²² The AACR President stressed that the intention was to pursue these objectives in a peaceful and lawful manner.

While Hassan spoke of peace and the rule of law in one British Mediterranean colony, events had taken a turn for the worse in another. The troubles in Cyprus were nothing new, but in May 1958 it was the situation in Malta that worried the Colonial Office. Long negotiations between Mintoff and London had resulted in an agreement for the island's integration with the United Kingdom, with MPs sitting at Westminster. The discussions broke down in the economic field, when the Maltese leaders demanded that British subsidies should be used to raise the standard of living on the island to the level in mainland Britain. When London refused to comply, Mintoff and his Cabinet resigned, declaring that if Malta was not given complete integration, then independence was the only answer. On 6 January 1959 Britain revoked Malta's constitution and replaced it with an interim charter, given that there was no prospect of devising a compromise acceptable to Britain and the three Maltese political parties. Five days later the interim plan was rejected by the Maltese leaders and by 18 January Mintoff was calling for a general strike and passive resistance. At the beginning of February the Governor was empowered to rule with a nominated council and by the end of the month riots by Maltese dock workers exacerbated the situation. With serious problems for Whitehall in Malta and Cyprus, it was fortunate for London that the political situation in Gibraltar remained more tranquil.

On 27 June 1958 Patron was sworn in as the Gibraltar legislature's first Speaker. The removal of the Governor from the Legislative Council was an important landmark in Gibraltar's political development. In practice it did not mean very much, in that the powers of the elected members vis-à-vis the official side were not affected and the Executive Council remained the only policy-making body in the colony. At a symbolic level, however, it was clear that the administration of Gibraltar was increasingly being devolved to its native inhabitants. The replacement of a senior General, who presided over meetings dressed in full uniform, by an independent Speaker undoubtedly seemed to shift the centre of gravity from the military to the civilians.

The day before Patron's swearing-in, the AACR President had signed a memorandum to Darrell Bates calling for further progress in constitutional reform. The AACR referred to the recent changes which had seen the introduction of the Member system. These reforms, Hassan told Bates, were 'considered reasonable for the time being,' but they were 'not accepted as final.'²³ The Association pressed for the Member system to be defined in more detail, and asked that the Members be given executive powers over government departments. 'We do not wish to dwell on the difficulties that have been encountered by some Members, which must be well known to you,' the AACR pointed out, 'but we are satisfied that these difficulties arise because of the uncertain position of Members in respect of their relations with the Heads of particular Departments. Indeed,' warned the Association, 'if something in this connection is not done the present arrangements cannot continue to work satisfactorily for much longer.'²⁴

Complaining at the defects in the existing arrangements, namely the fact that the respective functions of Heads and Members needed to be closely defined in order to prevent friction between them, the AACR pressed Bates once more on the establishment of a ministerial system, and a Council of Ministers. They made further representations that the life of each legislature be extended from 3 to 5 years and asked that the practice of submitting annual

estimates of expenditure to the Secretary of State in London be discontinued. Their fourth request was that Gibraltarians who were employed in senior posts by the military should be allowed to stand for election. 'As you well know,' Hassan told Bates, 'it has always been our practice to ask for the minimum at each stage and we trust that the reasonable proposals we are now making will be acceptable both here and in London as they are made once again in the spirit of co-operation in which both Government Officials and Unofficial Members have worked so happily in the last few years.'²⁵

The conciliatory tone of the memorandum was a far cry from those which had been addressed to General Eastwood and Robert Stanley back in the mid-1940s, and it reflected the cordial relations that existed between the government and the movement. The AACR were coming to form a vital part of the ruling establishment, and exactly a year before Hassan had been awarded a CBE for his services to the colony's political life.

On 3 November, General Keightley gave his views on the AACR memorandum to Alan Lennox-Boyd. He was in favour of conceding the extension of the life of the Legislative Council, of abolishing the practice of submitting annual estimates to London for approval, and allowing Gibraltarians who held senior posts in the Rock's defence establishments to stand for election, but like Redman before him, he was opposed to the idea of a ministerial system. 'I am myself firmly of the opinion,' Keightley reported, 'that it would be impracticable, dangerous and wrong to accord Unofficial Members of the Legislature full powers as Ministers so long as these Members are merely part-time politicians and carry on at the same time with their professions and private businesses.'²⁶ Moreover, he made clear, 'I find it difficult to envisage a time and circumstances when, in a place the size of Gibraltar, there would be a sufficient number of capable politicians who would be able to devote their whole time to politics or who could afford to do so.'²⁷

The Governor advised that the three independent members in Executive Council, Solomon Seruya, Peter Isola and Peter Russo, were opposed to the AACR idea of a ministerial system,

and suggested instead that the existing arrangements should be formalised. In response to the Association's proposals for a Chief Minister, General Keightley proposed that the leader of the party with the largest number of seats be accorded the title of Senior Member. 'In default of Ministers,' the Governor explained, 'I do not think that it would be right or proper to call this person a Chief Minister as Mr Hassan personally would wish, nor indeed do I think it right that Members of other parties or independent Members should be expected to owe him any allegiance or that he should be given any powers over them.'²⁸ Keightley thus made clear that he was against the most important of the AACR's demands, and he warned London of the possibility that the Association might refuse to cooperate further in working the revised constitution until it was conceded.

Douglas Smith discussed the Governor's reply in a long internal Colonial Office minute on 24 November,²⁹ and was generally in favour of proceeding in accordance with the advice received from the Rock. As a general principle, Smith insisted, 'we aim to arrange that requests of this sort from Gibraltar should be dealt with no less expeditiously than similar requests from Cyprus, on the basis that the good should get equal favourable treatment to that accorded to the bad.'³⁰ This was a telling comment as Smith was the person most directly involved with the affairs of Gibraltar, and his remark serves to confirm that compared to the violence in Cyprus and the unruliness of Malta, the pressures exerted by the Rock were in no way a headache for Whitehall. The demands for constitutional change were always moderate, and as recently as May of that same year, Hassan had pronounced that further reform would be sought only in a peaceful and lawful manner. Douglas Smith pronounced himself in favour of extending the life of the legislature on the grounds that since it was the practice to introduce constitutional reforms immediately before a new poll, a five-year legislature after the 1959 elections would delay further changes considerably.

Alan Lennox-Boyd stressed this loyalty of the Gibraltarians in his New Year message to the Colonies, and he also announced he would shortly be paying another visit to the Rock.³¹ The

Secretary of State discussed the AACR memorandum during his four-day visit which began on 6 January, even though the only immediate point that could be conceded was an extension of the duration of each legislature. The proposal for financial devolution had been forwarded by the Colonial Office to the Treasury, and that seeking to allow employees of the Crown in senior posts to stand for election had been referred to the service departments. Those in junior posts had long been allowed to contest elections. The Secretary of State had not been in Gibraltar since October 1955, when he was confronted with the constitutional crisis triggered by Redman, but his visit of January 1959 was surrounded by far less controversial circumstances. This helped considerably to bring agreement. As a result of a meeting between Lennox-Boyd and the members of the Executive and Legislative Councils, the constitutional direction in which Whitehall would move in the future was determined.

The Secretary of State told the Gibraltarian leaders that there would be no problem in extending the term of the Legislative Council to 5 years, that the need for approval from London for the annual estimates of expenditure would be waived, and that he favoured the idea that senior Crown servants be allowed to stand for election. Lennox-Boyd also promised that the relationship of Members with the departments with which they were associated would be examined.

On 30 July the new constitutional changes were made public, in response to the AACR memorandum of the previous year. Lennox-Boyd told the Gibraltarians that the life of the next legislature would be extended to five years, that those in senior posts in the employment of UK departments would be allowed to stand for election, and that the proposal that the colony's annual estimates need no longer be submitted to London for approval was still under consideration. The post of Chief Member was created, to be filled by the 'group leader or other person'³² who appeared to the Governor to command the greatest measure of confidence among the unofficial members. The Chief Member would normally be consulted by the Colonial and Financial secretaries of the Gibraltar government on matters of policy. In order to

clarify a confusing situation, the positions of the eight Gibraltarians who were associated with government departments was closely defined. It was made clear that the Heads of departments were responsible only to the Colonial Secretary, but it was laid down that on matters of policy there had to be 'close and regular consultation and co-operation between Members and Heads of Departments.'³³ Any disagreement would be resolved by the Governor in Executive Council. The Members would be expected to assist in Legislative Council with any matter relating to their departments, and would be invited to Executive Council at meetings where that department was discussed.

From the Gibraltarians' point of view the reforms of 30 July were extremely significant. The attainment of the post of Chief Member was seen by the AACR as a relatively short step towards that of Chief Minister and the fact that Members and Heads of departments were placed on equal footing before the Governor was also an important advance.³⁴ However, the Members had not been granted control over the civil service, and they continued to exercise responsibility without power before the legislature. Having said that, there can be no denying that the eight Gibraltarians who were associated with government departments were granted a greater say in the administration of Gibraltar than ever before.

The truth was that everything hinged on the position of Darrell Bates. The Gibraltar Colonial Secretary had sown the seeds of the Member system, at times against London's advice, and he wanted to see it grow and ripen. Here was a key figure in Gibraltar's constitutional development. Bates, who had been on the Rock since 1953, had his own idea of the political direction which Gibraltar should take. The Colonial Secretary was well aware that the peculiar circumstances surrounding the Rock, its small size and its position as a military base, called for a unique and imaginative form of constitutional development. Bates was resolute when Whitehall wavered and as such he won the day. 'I hope this letter makes our position quite clear,' he told London on 16 July when putting the final touches to the reforms, 'and that you don't feel we are being difficult. You will, however, appreciate that we are the people who have

to put these things across and to live with them and I hope, therefore, that you will do your best to meet us.³⁵ The Colonial Secretary, along with the AACR, became the architects of Gibraltar's new political structure.³⁶

A Council of Members, 1960–1962

While Bates was well pleased with his handiwork, AACR dissatisfaction was quick to surface. The Association complained that the scope of Members' permissible activity was far too narrow, and insisted 'on full responsibility ... over departments on the basis of a Council of Ministers.'³⁷ The AACR stated they would test the new arrangement during the next legislature and reserved their right to raise the matter again. It is interesting, however, to note that the Association's reaction tied in with Bates' own plan to postpone further political changes until 1964.

Thirteen candidates came forward to contest seven seats in the elections to the legislature which were called for 23 September, and this included the seven members who all sought re-election. Joshua Hassan, Albert Risso, Abraham Serfaty and Aurelius Montegriffo contested the poll for the AACR, opposed on the left by four TGWU candidates. The latter were the two Anthony Baldorinos, father and son, Richard Pilcher and Charles Luque. Five independents also came forward, spearheaded by Solomon Seruya, Peter Isola, and Ernest Russo, who were all seeking re-election, with Louis Peralta and Dorothy Ellicott standing for the legislature for the first time (although Ellicott had been the first woman elected to the City Council in 1947).

It is significant to note that a number of candidates had once started their political career under the AACR banner. Anthony Baldorino (Sr) could claim the distinction of being the first person to be thrown out of the AACR back in January 1946 for agreeing to become a Justice

of the Peace without consulting the AACR committee. Solomon Seruya had left after voicing the need to come to an agreement with Spain in 1954 and Dorothy Ellicott also stood as an ex-AACR having left the party in the early 1950s. This situation reflected the transition which the AACR had undergone from those wartime days of 1942. Initially the movement represented all Gibraltarian opinion, bolstered by the troubles with the evacuees. As time went on, internal disagreements led to the departure of a number of members and the Association came to represent sectional rather than universal local interests.

The poll of September 1959 saw the election of three AACR candidates, including Hassan and Risso, and four independents, elected on a turnout of 66%. Hassan once again topped the poll for the third successive election to the legislature with 3420 first preference votes, followed by Seruya with 1815 and Isola with 1137. The fact that the TGWU chose to contest its first election since 1950 accounted in large measure for the increased turnout, but despite this the union had a poor showing, with only one of its four candidates getting into the legislature.

In his report on the elections, Howard Davis, the returning officer, pointed out that many voters were still confused enough to use the City Council 'first past the post' system. A large proportion of rejected ballot papers were marked with four crosses for the AACR or TGWU candidates, rather than with numbers in order of preference. As he had done after the 1956 elections, Davis mentioned once more the desirability of one method of election to both chambers, although he was hopeful that matters might improve given that with the extension of the life of the legislature both elections would not coincide until 1974.³⁸

Barely a fortnight after the Gibraltar elections, on 8 October the United Kingdom also went to the polls, and the Conservatives won a majority of over 100 seats in their third successive victory since 1951. The resulting reshuffle saw Lennox-Boyd abandon the Colonial Office in favour of Iain Macleod. Lennox-Boyd had been Secretary of State for the Colonies since 1954, and in that time had developed a close personal knowledge of Gibraltar at first hand. He had the distinction of sorting out the 1955 constitutional crisis and his disposition to consider

any requests for further reform from the Rock purely on their own merits, does much to account for the rapid changes in Gibraltar's political structure which succeeded each other during his tenure at the Colonial Office. Unlike his colleague, Selwyn Lloyd remained at the Foreign Office.

As the Conservatives celebrated their victory, Keightley opened the Rock's fourth Legislative Council on 16 October. In his address, the Governor touched on the importance which still attached to Gibraltar as a fortress. Hassan replied as Chief Member and encapsulated the essence of the latest reforms in his comments. 'We are I think,' he told General Keightley, 'carrying out yet one more experiment in the varied forms of constitutional structure which develop in different territories of the Commonwealth and it may perhaps, in many respects, be unique because of our unique position. We are part of the Government sometimes,' the AACR President went on, 'outside of the Government other times – and outside the Administration most of the time.'³⁹ Given that the Association of Members had been defined, Hassan warned it was up to the Members and the Heads of Departments to ensure that the scheme merited the support of the elected representatives of the people. The Chief Member stated that he looked forward to further constitutional progress.

In the same way as had happened every three years since 1950, the City Council elections followed the poll to the legislature. All candidates were returned in a walk-over for the elections 2 December, and the new chamber was composed of five AACR and two independents.

With Hassan at its head, the City Council continued to exercise its functions, as its future once again came up for discussion in Whitehall. Iveson Wheatley of the Colonial Office discussed the situation surrounding the municipality in a long minute dated 2 February 1960. He mentioned the fact that certain unofficial members of the legislature had been pressing for the City Council to be swallowed up by the Legislative Council, 'but we have not been able to make any move on this because the Mayor of Gibraltar (who presumably did not want to lose

his job) was at the same time a leading unofficial member of the Legislative Council (Mr Hassan).⁴⁰ However, Wheatley went on, 'now that Mr Hassan has the official title of Chief Member in the Legislative Council, I imagine he may be prepared to see some diminution in his importance as Mayor.'⁴¹

There were three options open to Whitehall, declared Wheatley. The first was to transfer to the City Council all services except those which London wished to be permanently retained, namely defence and foreign affairs. The second choice was to transfer the services performed by the municipality to the colonial government. Such an option would entail the virtual destruction of the City Council or at least the creation of a government department to handle municipal affairs, whose head would be a Mayor. Wheatley's final suggestion, which he contended was the most realistic option, involved the redistribution of the work of the municipality and the civil service on a more rational basis. Another minute dated 19 February gave a contradictory opinion, and stated that what had to be done was to merge the City Council into the machinery of the colonial civil service.⁴² No immediate action was taken, and instead plans were made for an expert in the field to be sent out to the Rock to examine the situation in detail.

The problem of what to do with the Gibraltar City Council had been a continuous headache for the Colonial Office. As far back as 1948 the Cabinet had been against granting a separate legislature and backed instead the creation of a single representative organ with both municipal and legislative functions. Largely as a result of AACR pressure for two elected forums, a separate legislature had been established in 1950, at the same time as the Gibraltar government machine also remained in place. In the eyes of the mandarins at the Colonial Office, with their ideals of tidy constitutional formulas and efficiency in administration, Gibraltar's institutions cried out for serious reform and the issue of the City Council could never remain dormant for long.

Wheatley's proposals were carried further in a long Colonial Office report presented to John Moreton on 1 June. After the 1959 reforms, Gibraltar was described as being 'at the dividing line between gubernatorial and ministerial government.'⁴³ The report made it clear that the Rock's ultimate status would for the time being have to be worked out 'on the basis of the Gibraltarians' own wishes and the realities of the situation.'⁴⁴ There were three such realities which restricted the Rock's constitutional development, these being Britain's defence interest in the colony, Gibraltar's own economic position and Spain.

The mention of Spain was extremely significant. It was the first time that the evidence reveals that Franco's regime was restricting the Rock's future constitutional development. Indeed when the Colonial Policy Committee of the Cabinet itself studied independence as an option for the territory as recently as May 1957 the Spanish claim was not considered a stumbling block.⁴⁵ Although it was recognised that the withdrawal of the British presence would effectively mean that the sphere of influence would be filled by Spain, this did not necessarily preclude the possibility of an independent Gibraltar. The main factors against such a situation developing, according to the 1957 Cabinet, were the Rock's small size and its weak economic base. Three years later, in 1960, the view in Whitehall was that Spain should not be aggravated unnecessarily, given that the 'more tenuous the connection between the UK and the Colony, the more the Spaniards are likely to assert their claims against the latter.'⁴⁶

Economically, Gibraltar was dependent on defence expenditure and it was not believed that it could survive without this. British sovereignty, the report to Moreton went on, was thus a guarantee of financial survival and it provided a measure of protection against Spain. It is extremely significant to point out, in the light of later events, that no mention was made of the option clause in Article X of the Treaty of Utrecht, which stated that Britain could not 'grant, sell or by any means to alienate therefrom'⁴⁷, sovereignty over Gibraltar without first offering it to Spain. This seems to indicate that in Britain's view at that time it was possible to proceed with

the decolonisation of Gibraltar without reference to Spain. The only factors against this were the requirements of the military base and the fear of economic collapse.

Within the parameters set out by the retention of sovereignty by the United Kingdom, John Moreton was faced with the internal constitutional options for the colony. The Colonial Office believed that it was possible to 'go pretty far along the road towards responsible government without endangering UK interests. Apart from one storm in a teacup,' it was pointed out, 'Gibraltar's advance has been uneventful and the local elected Members have demonstrated responsibility and some political finesse. They have looked well after the Colony's finances and the pressures exerted at different times by the Spaniards have kept them aware of the larger world outside the Colony, which has been helpful in broadening their outlook.'⁴⁸

The genuine goodwill towards the UK which existed on the Rock and the history of dealing with the Services on a friendly basis, meant that Gibraltar was 'an instance of a territory where one could not only restrict the reserved subjects to a minimum, but where one could also go a long way towards limiting the UK Parliament's ultimate authority to legislate on local matters.'⁴⁹ It was evident from the report that Gibraltar's good behaviour compared to territories like Malta and Cyprus (which became independent in August) encouraged the Colonial Office to devolve greater power and responsibility on the elected representatives of the Gibraltarians. The minute recommended that the British Parliament need only retain power to legislate in respect of the matters which were reserved to the Governor, defence, foreign affairs, internal security and finance. John Moreton agreed totally with the analysis laid out before him in an internal minute of 2 June. His instinct, he insisted, was 'to play the hand slowly and await signs of a desire for change in Gibraltar.'⁵⁰

The internal report was a tribute to the local politicians. It was their responsibility and their good behaviour that allowed Whitehall to consider increasing the powers of the elected members. Even though Darrell Bates and General Keightley were both hostile to further reform, it was evident that they were being overtaken by events in the Colonial Office. A senior

civil servant like Moreton had pronounced himself in favour of ministerial responsibility for the Gibraltarians which entailed a very high degree of self-government. In effect the local leaders would control the internal administration of Gibraltar, leaving to the colonial power through the Governor the handling of foreign affairs and defence.

It should be made clear at this point that although Gibraltar behaved well in the eyes of the Colonial Office, the Rock did not move a step closer to independence, while both Malta and Cyprus became independent despite the trouble they caused. The reasons behind this were twofold. In the first place there was quite simply no desire on the Rock for independence; the Gibraltarians themselves were happy colonials. Secondly, the narrow confines of a 2¼ square mile peninsula made it difficult for them to seek independence by force, even if they wanted it, and the colony's lack of natural resources was also seen as a hurdle. Apart from all this there was the question of Spain. There was little doubt that Franco's government would regard a fully independent Gibraltar as a breach of the Treaty of Utrecht, in that Britain was relinquishing her sovereignty in favour of the inhabitants of the territory without giving Spain first refusal.

As Gibraltar's political future was being mapped out in Whitehall, the emphasis shifted once again to the troubles with Spain. On 13 July Selwyn Lloyd discussed Gibraltar with the Spanish Foreign Minister José Maria Castiella, the first time in post-war history that the frontier restrictions were discussed at top ministerial level. Castiella had been proposed by Franco as Spanish ambassador to London in 1951, following the end of Spain's diplomatic isolation by the United Nations, but Britain would not have him. He had served in General Franco's Blue Division which fought for Hitler's army against the Soviet Union. During the war Castiella had also written a book which was hostile towards Britain and France, and on his appointment as Spanish Foreign Minister in February 1957 he had assured both Selwyn Lloyd and his French counterpart that he no longer held those views. A communication from the British embassy in Madrid noted Castiella's 'aggressive sensitivity about Spain's position and

prestige⁵¹, and it proved to be an ominous comment. This man, José Maria Castiella, became the architect of the largest-scale diplomatic offensive ever seen to recover the Rock for Spain.

Although Castiella remained in his post until October 1969, Selwyn Lloyd did not survive their meeting for long. A major Cabinet reshuffle announced by MacMillan on 27 July saw Lord Home move from the Commonwealth Relations Office to the Foreign Office, and Selwyn Lloyd was appointed Chancellor of the Exchequer. It was Home, therefore, who saw Cyprus through to independence on 16 August 1960.

As the Mediterranean department of the Colonial Office cleared their desks of the largest single problem they had been enduring for the past decade, the Whitehall civil servants turned their eyes towards another comparatively minor one. On 26 October the report compiled by R.S.Hudson, the expert who had visited the Rock in July to examine the relationship between the City Council and the colonial government, was published. Its main recommendation was the abolition of the City Council and the increase by two, from 7 to 9, of the elected members of the legislature. Hudson suggested that municipal functions could be run by a committee of the Legislative Council, comprising the Chief Member who would also be the Mayor. The City Council departments would merge with the civil service, for instance the City Engineer would be absorbed into the Lands and Works department.

The main stumbling block was the AACR. The Association was hostile to any idea of abolishing the municipality. When the City Council was reconstituted with an elected majority in 1945 it was the first time that a primarily elected body was granted executive powers over a wide range of functions, and the Association had no desire to lose what had been won after a difficult struggle. Legislative and central executive authority remained vested in the Governor, assisted by the Executive Council. With the legislature winning an elected majority in 1956, the political importance of the powers held by the City Council should have diminished, but in the eyes of Hassan and Risso nothing of the kind happened. They continued to regard the

municipality as their own creation and remained reluctant to see it go. Given this attitude on the part of the Rock's largest representative body, the Hudson report was shelved.

In such a short time, the Member system paid dividends for the authorities. A Legislative Council meeting on 18 November saw a sharp exchange between Abraham Serfaty, Member for Health, on the one hand, with Peter Isola and Anthony Baldorino (Jr), on the other.⁵² The incident arose over a patient who had been refused a certain medicine at the Colonial Hospital, and it was only supplied after long discussions. The sharp exchanges revealed the attraction and the value of the Member system for the authorities. Rather than attack the colonial government, the elected members attacked and heckled each other. While all this was going on, the Colonial Office announced on 23 November that Keightley's term of office would be extended until June 1962. He was only the second post-war Governor to have an extension, after General Anderson, who had stayed for five years when three was the norm.

The day before the announcement, Gibraltar was shocked by the death of J.C.Cavilla, who had been elected to the City Council in December 1959, and a by-election was called for 25 January 1961. Two candidates came forward to contest the vacant seat, Aurelius Montegriffo for the Association, and A.J.Baldorino (senior) for the Transport Union. In a straight fight between the AACR and the TGWU, it was Aurelius Montegriffo who was elected with 1964 votes, while Baldorino polled 1635. It is significant to note that only 27% of an electorate of over 13000 bothered to vote in the first place.

The Association consolidated their position in Gibraltar's municipality, against the background of a renewed threat from Spain. The Foreign Secretary Lord Home visited Madrid for talks with Castiella at the end of May, in an attempt to secure the removal of the restrictions against the Rock, but he did not succeed. Despite this, Parliament was told on 7 June that there had been a slight improvement in Gibraltar's communications with the Spanish hinterland. Franco's authorities had ceased to take the names of the drivers of foreign cars entering Spain through the Gibraltar frontier. Labour MPs George Jeger and Norman Dodds regretted that the

improvement in Anglo-Spanish relations had not yet been extended to the colony and they highlighted the 'frustration and disappointment' felt by the Gibraltarians at Britain's appeasement of Spain.⁵³

In a Cabinet reshuffle announced on 9 October, Iain Macleod was succeeded as Secretary of State for the Colonies by Reginald Maudling, and the change had no effect on Spain's antagonism over the Rock. The Spanish issue exploded in a Legislative Council meeting on 16 December over the question of Gibraltar Television. A transmission frequency on Channel 6 had been allocated to the Rock's TV station by the Stockholm Convention, but at the same time the Spanish authorities had set up a repeater in the neighbouring town of San Roque transmitting on the same frequency and thus causing considerable interference. Peter Russo angrily wondered whether the Colonial Secretary would advise people not to buy television sets, as London would let them down again on this issue. Russo's comments serve to illustrate the growing concern on the Rock at the manner in which Britain was defending their interests vis-à-vis Spain. It is extremely significant that the outburst should have come from none other than Gibraltar's elder statesman. Peter Russo's political life stretched back to before the Second World War, with a history of appointment to the Legislative and Executive Councils, and his remarks served to confirm the statements made before Parliament by the two Labour MPs in June. Darrell Bates replied that London had been informed of the new developments and would take up the issue as a matter of urgency.⁵⁴

An interesting case arose in a Legislative Council meeting on 4 May, when Joshua Hassan, as Chief Member read out a statement giving the position regarding redundancies in the Service departments. He was closely questioned on the matter by Anthony Baldorino, while the Gibraltar government, whose officials were answerable for the issues at stake, hid behind Hassan.⁵⁵

Hassan and Russo travelled to London with Darrell Bates at the beginning of June to discuss the Spanish restrictions. It was all part of Spain's plan to psychologically wear down the

Gibraltarians, but the Spanish authorities failed to realise that their restrictive measures served only to further alienate the people of Gibraltar and to make them increasingly hostile towards their neighbour. This reaction had been recorded by General Redman as early as May 1956 and as time passed opinion hardened even more.⁵⁶

Keightley left the Rock as planned on 27 June 1962, his tour of duty over. He was succeeded at the Convent by General Sir Dudley Ward, who had been Commander-in-Chief Near East based in Cyprus since 1959, and had previously commanded the British Army of the Rhine. Ward was Gibraltar's 50th Governor, and he was sworn in on 31 July, on the same day as his arrival.

As the change in Governors proceeded smoothly, the constitutional issue once again came to the fore. Darrell Bates wrote to the AACR in September informing them that the Secretary of State was prepared to accept in principle the AACR proposal that much of the day-to-day work of the Executive Council should be referred by the Governor to a Council of Members, although it was up to the Governor to decide what matters to refer. The recommendations of the Council of Members would then be referred back to Executive Council. London had also agreed to add another unofficial member to Executive Council when the time came to amend the existing Constitutional Instruments or before the 1964 elections, whichever came earlier.

The reforms had come about as a result of a letter sent by the AACR the previous year, which requested that the advice of the unofficial members should be accepted in the routine administration of Gibraltar. The addition of a fifth unofficial member to the Executive Council meant that, for the first time since that body was set up in 1922, Executive Council would in future boast a majority of unofficial members, all appointed by the Governor.

The AACR saw in the creation of a Council of Members the prelude to the establishment of a Council of Ministers, with local elected Ministers fully responsible for their departments. Although reluctantly, Whitehall seemed to be moving along the path which was sign-posted by

the Association, and at the end of which stood the Council of Ministers, something which the AACR had first requested from Lennox-Boyd in 1955.

The triennial elections for the City Council were called for 5 December, and eight nominees were put forward, five AACR and three independents. A poll of 29.5%, the lowest in City Council history for a general election, saw the success of four AACR candidates in the first four places, with Hassan once again topping the poll. Stagnetto and Isola were also elected with Maurice Featherstone coming in last for the AACR. The outcome of the elections left the composition of the City Council unchanged, as Baldorino once again failed in his attempt to win a seat.

Hassan was re-elected Mayor of Gibraltar by the new council on 3 January 1963, for the sixteenth consecutive year, while 1963 also marked Harold Macmillan's seventh year as Prime Minister, the longest tenure yet for a Conservative in the twentieth century. As both men broke records, the AACR was soon rent by another internal controversy. It was almost as if fate had marked January as the most likely month when the Association would be torn by internal strife. This had been the case in January 1947 when Anthony Baldorino had been thrown out of the movement for accepting nomination as a Justice of the Peace without consulting the committee, and it happened again in January 1949 when Albert Risso and the GCL split from the AACR for an uneasy few months over precisely the same issue. In January 1963 it fell to Oscar Chamberland to be at the centre of a crisis when he resigned from the party but kept his seat on the City Council. Chamberland was one of the original seven AACR members who had swept the board in the first post-war elections to the municipality in 1945, and he stated that the reason for his departure was that he differed with Hassan over the question of land conveyance. Chamberland argued that he failed to see why payment should be made for any land released by the Services to the local authorities and he declared that the AACR were losing touch with the common people.⁵⁷

Chamberland's accusation that the Association was increasingly out of touch with the Gibraltarians reflected the fact that the AACR continued to lose its radicalism as it became part of the ruling establishment. This does not mean to say that the AACR abandoned their campaign for constitutional development, but rather that their methods altered and they became what Darrell Bates might have called more 'responsible'. It was all part of a trend that can first be pinpointed in 1952, when the Association partook in secret negotiations with the authorities over the introduction of income tax and it continued to develop thereafter. As evidence that the party continued to press for change in different forums, on 8 March 1963 the title Chief Secretary replaced that of Colonial Secretary, something that Hassan had requested in 1961. Three months later, in June, the AACR President was rewarded for his services with a knighthood.

Gibraltar continued to press for further internal constitutional reform, while Malta was set for independence. The beginning of July had seen preliminary talks on independence for the island between the Maltese themselves break down when delegations from three minor political parties walked out of a meeting in protest. Despite the internal bickering, Duncan Sandys, who had succeeded Reginald Maudling at the Colonial Office, announced on 1 August that Malta would be independent not later than 31 May 1964. After more than 150 years of British rule the Maltese had been allowed to go it alone, when talks on complete integration with Britain collapsed on the economic front. Gibraltar was still a long way from this position. Loyalty to Britain and to British institutions hindered any move to seek a new relationship with the colonising power, particularly at a time when the largest political force in the colony had lost the sharpness of its initial radicalism. Given this situation, Gibraltar was caught unawares when the whole issue of the relationship between the Rock and London, as well as the question of Spain, was brought before the United Nations Committee on decolonisation in September 1963.

CHAPTER FIVE

THE TROUBLES WITH SPAIN 1963 –1969

Wherever an independence movement took hold in its huge colonial domains, Britain faced trouble, and in the Mediterranean sector of the empire, first Cyprus then Malta presented major difficulties when the urge to decolonise set in. Gibraltar, however, was quite different from the other Mediterranean dependencies in this respect. The Gibraltarians remained completely loyal to Britain. It is ironical, therefore, that it was not the inhabitants of this particular colony who posed the problem that came to a head in the 1960s. The Gibraltarians themselves remained almost embarrassingly pro-British, instead it was factors outside the narrow confines of the territory which threatened to disturb the comparative tranquillity that had reigned on the Rock for so long.

At the same time, and largely in spite of Spain, the Rock's constitutional organism continued to develop. The main AACR demands regarding the establishment of a ministerial system based on the Westminster pattern of government and opposition were accepted by the end of 1964. This change in Gibraltar's constitutional structure was the logical outcome of a process which had been initiated in October 1955 when the Association presented Alan Lennox-Boyd with their memorandum on the subject, and it had little to do with the irredentist pressure then being exerted by Franco's regime. The same cannot be said for the reforms of 1969, which defined in detail the internal matters that the Gibraltarians would control, but which came about as a direct result of the escalating conflict with Spain. For this reason, it becomes necessary at this point to delve into matters outside the strict parameters of the internal development of the colony, in order to determine the bearing of events outside Gibraltar on the Rock's internal political life.

Gibraltar before the United Nations, 1963

The crisis that erupted in the 1960s had its origins back in 1946, when 8 countries, including Britain, undertook to submit information to the United Nations on the 74 non-self governing territories which they controlled, including Gibraltar. In the 15 years after the end of World War Two, 83% of colonial peoples had obtained their freedom, under the watchful eye of the UN Committee on Decolonisation, otherwise known as the Committee of 24. Of 50 remaining colonies in 1960, Britain administered 41, and was therefore still the arch-colonial power, the very embodiment of imperialism.

Despite this international concern, the Gibraltar issue would not have reached crisis-point had it not been for Spain. UN members lifted their diplomatic boycott of Franco's regime in 1951, and five years later Spain was admitted to the organisation. While Madrid refused to supply the Committee of 24 with any information on its African territories, which included the Moroccan enclaves of Ceuta and Melilla, the reports submitted by the other colonial powers were the subject of an annual debate. Ever since Spain's accession in 1956, the Spanish representative made a point of re-stating his country's claim to Gibraltar. The Foreign Office was not unduly perturbed. It was usual for Guatemala to enter a similar claim to British Honduras, Argentina to the Falkland Islands, and the Yemen to the Aden Protectorate. The Spanish complaint was simply added to the list. 'The protests and our standard replies,' Whitehall assured the Governor, General Redman, in February 1957, 'are regarded by all concerned as routine or even faintly comic matters and no particular importance is attached to the whole business.'¹

It was felt in London that a stiff British reply, such as Redman had requested, might give the issue more importance than it merited. The Southern Department of the Foreign Office thought that as long 'as the Spaniards content themselves with their present token raising of the Gibraltar question, we think that the best policy is to confine ourselves to firmly re-stating that

Gibraltar is British.' Moreover, 'if we taunt the Spaniards with Ceuta and Melilla, we risk precipitating the sort of general debate, with possible Moroccan intervention, which we want to avoid.'²

In November 1958, Manuel Aznar, the Spanish representative at the United Nations, made an especially vehement presentation of his country's case. He was the journalist who started the anti-British press campaigns in Spain in the early 1950s, and his attitude towards Britain had evidently not changed. The speech prompted Darrell Bates to ask the Colonial Office in October 1959 to make an unofficial approach to Spain to dissuade them from doing it again.³ If the Spaniards planned to repeat their performance, Bates went on, they should be told that Britain 'will go to town in the United Nations in showing up the fallacies and weaknesses of their claim. There is in our view no reason whatsoever why we should be apologetic or in the defensive about Gibraltar,' added Bates, 'and I personally would very much enjoy the opportunity of tearing the Spanish claim to bits in the UN, preferably of course, with one or two Members of our legislature.'⁴

The Chief Secretary's fighting spirit contrasted sharply with the sense of moderation in other quarters, notably the Foreign Office, which was sharply at odds with the Colonial Office over policy. The conflict between the two government departments was nothing new. It had been in existence throughout the 1950s when the Spanish government imposed their first restrictions on the Rock, and the clash intensified even further as the issue became more serious. The blunt truth was that the mandarins at the Foreign Office looked down on the colonial administrators. Their sphere was the exalted realm of international affairs, where they were dedicated to the improvement of relations between Britain and the rest of the world. In their eyes, if Gibraltar had to be sacrificed for the sake of good relations with Spain, then Gibraltar would be sacrificed. This attitude was perhaps not so evident in the 1960s, as the Colonial Office continued to carry some weight, but it has become very apparent a generation later.

Therefore the contents of the Foreign Office reply to Bates's forthright statements were hardly surprising. Their view was that a rejoinder along the lines which the Gibraltar Chief Secretary suggested would only serve to make the Spaniards restate their claim in stronger terms than ever. While the Foreign Office agreed that Spanish pretensions were 'certainly very irritating', they believed that 'in fact no-one takes much notice of them.'⁵ Moreover, the United Nations was 'not the right place to discuss this issue substantively; such a debate might be thought to amount to an admission that the UN had some sort of standing in the settlement of the dispute, and this is the last thing we want.'⁶

Given this attitude, the Spanish protests continued every year, culminating in 1963, when the United Nations Committee of 24 announced in July that the time had come to decolonise Gibraltar. Spain told the Committee that she had a special interest in the case and was allowed to take part in the proceedings. Until then, the Gibraltarians themselves remained oblivious of all this, and Hassan remarked that he had not even heard of the Committee of 24 until that time.⁷

In the early days of September 1963, despite the excitement at the announcement that the United Nations was going to examine Gibraltar's status, the issue remained relatively controlled, until the whole affair exploded later that month like a time-bomb which would have gone off sooner or later. Unaware of the seriousness of the troubles ahead, however, the AACR continued to press for constitutional reform. That same month the Association submitted proposals to Darrell Bates seeking the establishment of a full ministerial system, which included a Chief Minister, a Leader of the Opposition and a Council of Ministers, with local Ministers fully in control of government departments. The AACR requested that the changes be brought into effect in time for the next elections to the Legislative Council due in 1964.⁸

On 9 September 1963 Hassan sent a message to the Colonial Office for transmission to the British delegates dealing with the Committee of 24 in New York. It declared in the name of all the elected representatives of the Gibraltarians, that the Rock wanted a continuation of its links

with Britain as a safeguard for the democratic reforms which had been obtained from the colonial power and the further reforms which they hoped would be forthcoming. While everyone wanted friendly relations with Spain, the Chief Member went on, 'no-one in Gibraltar desires any form of political association with that country.'⁹ Hassan further made it clear that should the need arise the Gibraltarians would demand the right to self-determination.

The opening exchanges on 11 September clearly revealed the wide gulf separating both sides. Spain complained, not that Gibraltar itself was a colony, but that the Rock was an integral part of Spain subject to British rule. In Spanish eyes the victims of colonisation were not the Gibraltarians, the victim was Spain itself. The Spanish representative, Jaime de Pinies, thus argued that Gibraltar was sited on Spanish territory and added that his country's economy was being damaged by contraband smuggled from the Rock into Spain. To this Cecil King, the British member of the Committee, retorted that the question of Gibraltar's sovereignty was outside the scope of the United Nations and that in Britain's view her sovereignty over Gibraltar was indisputable.¹⁰

The United Nations were bound to investigate Gibraltar in the same way as any other colony, and to determine whether the inhabitants of the territory were ready to be decolonised according to the principles of the UN. That is to say, under resolution 1541(XV) the people of a dependency could decide whether they wanted independence, integration with the metropolitan state or free association with it. The Spanish argument was that Gibraltar could never be independent. In the eyes of Franco's regime this avenue was closed to the Rock by Article X of the Treaty of Utrecht, which ceded the Rock to Britain in perpetuity but which also stated that Gibraltar would have to be given back to Spain if Britain decided to relinquish her rights over it.

The dispute was sharpened even further by conflicting United Nations resolutions which could be applied in the case of Gibraltar. The Spanish Government laid its emphasis on the sixth paragraph of resolution 1514(XV) passed by the General Assembly on 14 December

1960. It stated that any 'attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.'¹¹ Britain countered by citing Article 73, Chapter 11 of the United Nations Charter which stated that the interests of the inhabitants of a colonial territory were of paramount importance. This move was reinforced by resolution 1541(XV) of 15 December 1960 which categorically stated that a non-self-governing territory could be said to have reached a full measure of self-government through independence, integration, or free association with an independent state.¹² The colonial power was moreover bound to pursue one of the three options.

To confuse matters further, the second paragraph of resolution 1514(XV) conflicted with the sixth, the main weapon in the Spanish government's armoury. This point declared that all 'peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic and cultural development.'¹³ This blatantly contradicted the subsequent assertion of every country's right to its territorial integrity.

In response to the Spanish focus on resolution 1514(XV) Britain contended that the aim of that resolution was to protect former colonies which had recently become independent from the claws of neighbouring predatory states, and maintained that it could not be applied to Gibraltar. Given the conflicting assumptions on which which the discussions were based, it is hardly surprising that neither Britain nor Spain could agree on the path to follow. Meanwhile, the Gibraltarians did not aim to go on being mere by-standers while their future was being discussed, as they had been since 1946, and on the evening of 12 September Sir Joshua Hassan and Peter Isola flew to New York to speak as petitioners before the Committee of 24. The AACR President went in his capacity as Chief Member, while Isola went as an opponent of the Association, in order to give the initiative a bi-partisan character.

Against this background of international argument, there was another factor which it is important to highlight at this stage in the analysis. The Committee of 24 at that time happened

to contain a large number of Third World states whose feelings on the issue of colonialism ran high, and the temptation to humiliate the colonial power par excellence was very strong. Uruguay, Iraq, Venezuela and Tunisia affirmed the competence of the Committee to handle the case of Gibraltar and argued in favour of applying paragraph 6 of resolution 1514(XV), while Denmark and Australia doubted the Committee's competence to deal with the subject and appealed for the right of self-determination to be granted to the Gibraltarians. Cambodia too felt the Committee was not qualified to judge the question of sovereignty, and asserted that the issue was a matter for Britain and Spain to resolve.¹⁴

On 19 September 1963 Hassan and Isola appeared before the UN Committee in New York. In a 40-minute speech Hassan went over the constitutional development of Gibraltar and described his own position as Mayor of the City Council and Chief Member of the legislature. Hassan denied that colonialism existed in Gibraltar, in the sense of a foreign power subjugating the native inhabitants of a territory. He accused Spain of basing her argument, not on a desire to liberate a colonial people, but on a centuries-old obsession to recover Gibraltar and he argued that the Gibraltarians had a right to determine their own future. The Chief Member declared that the aim of the local politicians was to achieve full self-government, and he stressed that the control of the locals over their affairs was such that only native Gibraltarians had a right of residence in the colony, while expatriate British nationals required a permit. Gibraltarians and their forefathers had lived on the Rock for over 250 years, Hassan asserted, adding that they asked for nothing except to be able to continue doing so without interference from outside.

The AACR President discounted independence as unworkable given the size of the Rock and integration with Britain as impractical, but he called for free association with the United Kingdom. He claimed that the Gibraltarians boasted their own separate culture and identity, and precisely because of this they had no desire 'to allow Gibraltar to be swallowed up by Spain, Britain or by anybody else. Let me make it quite clear that we do not want to be under

Britain, we want to be with Britain.'¹⁵ He closed his address with a vigorous appeal to the Committee to reaffirm the principle of self-determination in the case of Gibraltar.

Hassan's address was followed by a shorter speech from Peter Isola. Isola declared immediately that he had always been an opponent of Hassan in the local political arena, yet he fully endorsed what the Chief Member had just told the Committee. He called on the United Nations to protect all territories regardless of their size, and to conclude that no other principle except self-determination applied to Gibraltar.

There can be little doubt that the whole United Nations episode served to weld the Gibraltarians together as a people. This solidarity had been apparent during and after the wartime evacuation of civilians, and twenty years later it came to the surface once more. It was not only the fact that both Hassan and Isola spoke of a Gibraltarian Gibraltar that was remarkable. What was even more surprising was that two men who were bitter political opponents should have united in this way to speak with one voice. Threatened by Spanish restrictions at the land frontier, and while their very future seemed to hinge on the Committee of 24, the Gibraltarians bonded together in times of trouble, whereas before 1963 they had been poles apart. They were shaken into an analysis of their situation in the world as they feared for their future in it. Given their uncertainty as to the status of the Rock, many Gibraltarians started to look elsewhere for a solution, and this feeling accounted in large measure for the formation of the integration-with-Britain movement shortly after the main battles in New York. The following day, after the petitioners were questioned by the Committee, the debate on Gibraltar was adjourned until the following year.

The events of September 1963 had a profound effect on the Rock's political life. They brought home to the Gibraltarians the fact that there were influences at work outside their tiny locality which could have an important bearing on their fate. Nine days of debate on Gibraltar in the world's premier international forum sufficed for voices to be heard on the Rock seeking a new relationship with Britain. While Hassan had firmly come down on the side of freely

associating the Rock with the United Kingdom, and in this way decolonising it, others were soon to look towards integration as the solution to the colony's problems. The plain truth was that the Gibraltarians had been happy colonials for so long that the whole United Nations episode was a severe shock to them. With the security of two and a half centuries of imperialism behind them, the UN hearings were deeply disturbing to the people of Gibraltar and they jolted them out of that cocoon. In the same way as the AACR itself had been born out of the evacuation crisis over two decades earlier, the integration-with-Britain movement was also the product of another 'national' crisis. The sense of fragility that ensued after the UN discussions led first to the formation of the integrationist group, and later to the demand that Gibraltar's constitution should contain a written guarantee that the Rock and its people could remain British for as long as they wanted.

While developments in New York had a profound influence on Gibraltar's internal political life, dramatic changes were also under way in London. On 18 October 1963 Macmillan resigned as Prime Minister and the Queen invited Lord Home to form a government. Home's Cabinet, announced two days later, saw R.A. Butler step into his leader's shoes at the Foreign Office and Duncan Sandys become Secretary of State in the new department of Commonwealth Relations and Colonies. Within a month, the new Prime Minister renounced his peerage and was elected to the Commons. As a traumatic year for the Rock came to a close, Joseph Patron resigned as Speaker of the legislature, to be succeeded by Colonel William Thomson. It may be significant that one retired soldier should have replaced another, an indication that the authorities believed that someone with military habits of obedience might be easier to control.

The 1964 Constitution

The change in Speaker was soon overshadowed by the news that further constitutional reform would shortly be forthcoming. On 30 January 1964 an official announcement advised

the Gibraltarians that Duncan Sandys had studied the proposals for constitutional change submitted by the AACR and other independent members of the legislature and in order to pursue the matter further, Lord Lansdowne, Minister of State for Colonial Affairs, would be sent out to the Rock in April.

Gibraltar's internal political changes once again became the target for a Spanish attack. On 5 March 1964 Britain told Spain that London did not recognise that the Spanish government had any rights over the Rock, since under the Treaty of Utrecht all rights were ceded. However, Britain did agree that Spain had an 'interest' in the colony and for this reason she indicated the new changes which were planned. Their sole object, was 'to increase the efficiency of Gibraltar's internal institutions but not their powers, and Spain should not interpret this reorganisation of political life on the Rock as a continuation of that initiated by Great Britain in 1950.'¹⁷ In other words, Britain was attempting to avert another Spanish diplomatic onslaught by informing Franco's government in advance and by playing down the nature of the reforms. However, the fact that the Gibraltarian Ministers were to obtain powers over government departments which they did not wield before, proves that the 1964 constitution was more than just the tidy administrative arrangement which London described to Madrid. The Spanish government's reply on 6 April came before the constitutional conference opened, and Madrid declared its opposition to planned reforms which it maintained did have serious international significance.¹⁸ Spain asked Britain to hold them back given that the United Nations was due to continue its scrutiny of the Gibraltar question later that year.

Britain, however, continued regardless and at the end of a short conference with the members of the legislature, Lansdowne announced unanimous agreement between all sides on ten points. The number of elected members of the legislature sitting in Executive Council would be increased from four to five, and in future it would be known as the Gibraltar Council. Conceding key AACR demands nine years after they had been made, Lansdowne told the Gibraltarians that in future their Chief Member would be called Chief Minister, that their

Council of Members would henceforth be the Council of Ministers, and that Ministers, appointed by the Governor after he had consulted the Chief Minister, would be fully responsible for government departments. All Ministers would be collectively responsible for decisions of the Council of Ministers or of the Gibraltar Council with respect to matters assigned to them. Departments for which Ministers were responsible would come under the Council of Ministers, and as a general rule the recommendations of this body on issues of purely domestic concern, would be endorsed by the Governor-in-Council.

It was made clear that the Chief Minister would be the Leader of the House, charged with the direction of government business, and that consequently the Chief Secretary would cease to be a member of the legislature, and his title would be changed to Permanent Secretary. The number of elected members of the legislature was increased from seven to eleven, no further nominated unofficial members would sit there, and only the Financial Secretary and the Attorney General would remain as *ex-officio* nominees, a ratio of two appointees to eleven elected members. It was also agreed that the future of the City Council would be decided early in the life of the next legislature.

The outcome of the conference was a clear-cut victory for the AACR. Not only had they obtained the bulk of the reforms which they had been pressing for since 1955, but also they had succeeded in delaying those that they were hostile to. While the independents like Peter Isola and Solomon Seruya were adamant immediately before the conference that something had to be done about the City Council, the fact remains that the meeting concluded and nothing was done about it. The Association was primarily responsible for this. The reforms of 1964 gave the Gibraltarians complete internal self-government, with ministers fully in control of government departments. The elected members had finally wrested control over the civil service from the hands of the expatriate Heads of Departments, and from 1964 onwards the policy to be adopted would be laid down by the local leaders. Darrell Bates, who had seen his title change twice in the space of two years, now became the Permanent Secretary, and was

reduced to a far less public role in the future. Although he remained head of the civil service, and therefore retained a vital role in the administration of Gibraltar, the person of the Permanent Secretary was in practice deprived of the pivotal legislative and governing authority he had exercised on the Rock for so long.

The Governor retained reserved powers over a wide range of issues, such as defence and foreign affairs, as well as a veto over bills which the legislature had passed. It could be argued that such a provision effectively cancelled out the previous changes, but to say this would be to ignore the fact that it was common to include this caveat in all colonial constitutions. Moreover, a measure of how far forward Gibraltar had moved in the constitutional arena is provided by a comparison with Hong Kong today, where not only are meetings of the Legislative Council still presided over by the Governor but where the legislature still contains a majority of nominees.

The Rock's new Constitution was promulgated in July and it came into effect on 1 August 1964. The elections to the eleven vacant seats in the new Legislative Council chamber were held on 10 September. With the United Nations due to look into Gibraltar again later that month, the political sensitivity of the electorate was high and reflected in a record turnout of 76%. It was the first time that the Gibraltarians went to the polls to elect a government. Since 1950 all they had done was choose representatives to keep an eye on the British expatriates who governed the Rock, whereas after 1964 that internal policy-making and administrative role would be devolved on the local politicians.

Of the fifteen candidates who came forward to contest eleven seats, five AACR members and six independents were successful. The outcome was a product of proportional representation, and it meant that the Association could not form a government without relying on one of the independents. After days of negotiations it was Peter Russo who joined forces with the AACR, thus allowing Hassan to become the Rock's first Chief Minister. Peter Isola became Leader of the Opposition, and within a few hours of the new government's formation, he and Hassan

were again on their way to New York where the inquisition into Gibraltar resumed on 22 September.

The session opened with the Spanish announcement that they wanted three petitioners of their own to speak before the Committee of 24.¹⁹ These were Pedro Hidalgo and Francisco Cano-Villalta, Mayor and Deputy Mayor of the town of San Roque in the Campo de Gibraltar (the Rock's Spanish hinterland), as well as Professor Barcia Trelles, an expert in international law. The appearance of the three men showed how much Franco's government wished to counteract the impression caused by Hassan and Isola in 1963. Given that the main concern when decolonising a territory had to be the interests of its people, Spain now sought to confuse the issue by disputing the identity of the Gibraltarians. In line with this tactic, supported by Barcia Trelles, the Campo petitioners declared that they were descendants of the true inhabitants of Gibraltar, who had been forced to flee the Rock when the British captured it in 1704, and who had been living in nearby towns across the border ever since. They claimed to be the real victims of British colonialism, and alleged that the Gibraltarians were its beneficiaries. The petitioners from the Campo further maintained that the Gibraltarians were an artificial population which had been implanted by Britain to service the requirements of the military base, and therefore the inhabitants of the Rock did not constitute a people.

Hassan and Isola replied to these charges the following day. The Chief Minister made it clear that there was no enforced departure of Spaniards in 1704 and that those who left had done so of their own free will, as did those who stayed behind. In an obvious reference to the appearance in New York of the three Spanish petitioners, Hassan scorned the 'irrelevant considerations' which Spain had introduced into the inquiry and urged that the Committee should concern itself with its main purpose, that being to decolonise Gibraltar.²⁰

The AACR leader went over the latest constitutional changes which had been introduced and declared that both he and Isola were elected representatives of their people, unlike the Mayor of San Roque, who was appointed to his post by Franco's regime. He accused Spain of

attempting to confuse the Committee by introducing the petitioners from San Roque into the debate, since they were not colonised by a foreign power, but were Spaniards living under their own government. The Gibraltarians, Hassan pointed out, had lived on the Rock for 260 years and had never been predominantly Spanish, since the main element in the current community were the Genoese, and he appealed to the Committee to admit the Gibraltarians' right to self-determination.²¹

Peter Isola took the floor immediately after Hassan. He told the Committee of the 'torrent of abuse and insults' hurled on Gibraltar and its people by the Spanish press, who had taken to attacking the Gibraltarians themselves, rather than British colonialism.²² Given this situation, Isola explained, that the people of Gibraltar wanted friendly relations with Spain, but they were not Spanish, they were Gibraltarians. Like Hassan, the Leader of the Opposition also came down in favour of free association with Britain as the only feasible means to decolonise the Rock.

The Spanish reply simply restated the points that had been made the previous year, and four days later the petitioners from Gibraltar and San Roque were questioned by the delegates.²³ The members of the Committee started their concluding statements at the end of September and it became clear at once that the Spanish tactic had worked. Given the doubts stilled over the identity of the Gibraltarians, Venezuela opposed the granting of self-determination to the inhabitants of the Rock. Mali, Tunisia and Syria all came down on the Spanish side. Australia, Ivory Coast and Iraq supported the Gibraltarian position, arguing that the prime concern of the Committee had to be the interests of the population of the colonial territory.²⁴

On 16 October the Chairman summed up the conclusions of the Committee by noting 'the existence of a disagreement, even of a dispute, between the United Kingdom and Spain over the status and the situation of the Territory of Gibraltar.'²⁵ It called on Britain and Spain to find a negotiated solution to the problem in accordance with the principles of the UN Charter and in keeping within the provisions of resolution 1514(XV), 'taking duly into account the opinions

expressed by the members of the Committee and bearing in mind the interests of the population of the territory.²⁶ On the face of it this was an anodyne summons, but reference to resolution 1514(XV) which referred to the territorial integrity of a nation, as opposed to 1541(XV) which stressed the paramount importance of the inhabitants of the colony, meant that the consensus within the Committee was favourable to Spain, and for this reason, Britain immediately expressed its reservations.

Integration with Britain and Restrictions Intensified, 1965 – 1966

The immediate importance of the UN meeting was twofold. In the first place, the Gibraltarians felt that their position had become even more insecure and they sought to establish closer, unbreakable links with Britain. Secondly, Spain interpreted the backing she had received as *carte blanche* to step up the harassment at the Gibraltar frontier which she had started in 1954. As a result, London handed a note of protest to Madrid on 11 January 1965, which accused the Spanish authorities of imposing 'deliberate, unnecessary and discourteous delays' on vehicles crossing the frontier, with some having to wait for anything up to ten hours before being cleared.²⁷ Spain's claim that she was simply controlling smuggling was denied. 'Her Majesty's Government cannot accept that control of smuggling necessitates the delay and inconveniences which have been imposed,' the note observed, 'and they have in any case always expressed their willingness to co-operate with the Spanish authorities in controlling any smuggling which might be taking place.'²⁸

The truth was that under the guidance of her Foreign Minister, Fernando Maria Castiella, Spain had embarked on a two-pronged attack on Britain's position in Gibraltar, using the weapons of diplomacy and coercion simultaneously. To claim that the delays at the Gibraltar frontier were caused by attempts to prevent smuggling was absolute nonsense. This was

made clear by the British government when they pointed out that cars were being held up for hours without the vehicles or their occupants being searched. It was Castiella's plan to psychologically wear down the Gibraltarians and in this way force them to accept a transfer of sovereignty to Spain. In the event the Spanish restrictions proved counter-productive, and rather than encourage the Gibraltarians to move closer to Spain, they reinforced the sizeable sector of local opinion that had already started to look for closer links with the United Kingdom.

Attitudes in Britain were also hardened by the Spanish restrictions, where they were seen by many as an attempt by a ruthless dictatorship to take over Gibraltar by force against the wishes of its people. In February this concern was expressed in the Commons, and the government made it clear that British interests in Gibraltar would not be sacrificed.²⁹ The stand was confirmed on 1 March by the Foreign Secretary Michael Stewart, who told the Commons that Britain would not discuss the sovereignty of Gibraltar with Spain, and revealed that the reason Spain had given for the restrictions was that she objected to the Rock's new constitution.³⁰ In March Spain decreed that only Spaniards were in future to have workers' passes through the border, and the frontier authorities were instructed to refuse to recognise British passports issued locally on behalf of the new 'Government of Gibraltar'. This meant that Gibraltarians living in Spain and working on the Rock had to decide between their employment and their homes, and about 600 people moved from Spain into the already crowded confines of the colony.

In response to these measures, the Spanish ambassador in London was summoned before Michael Stewart on 30 March, when he was told of Britain's concern at the fact that British passports issued in Gibraltar were not being accepted at the La Linea frontier. The Spanish accusation that Britain had altered the status of Gibraltar by granting internal self-government was denied. Stewart contended that Gibraltar remained a colonial territory and was not a sovereign state. In order to allay the fears of the Gibraltarians in the face of increased restrictions, Anthony Greenwood, the Secretary of State for the Colonies, relayed a message

to the Rock over Gibraltar Television on 11 May. He assured his audience that Britain would afford them all the help and protection to which British subjects were entitled. 'Great Britain,' Greenwood made clear, 'has at no time renounced her title to Gibraltar or failed to defend her position there and will not do so now.' Britain had 'no desire to quarrel with Spain,' but would 'stand by the people of Gibraltar in their present difficulties and take whatever measures may be necessary to defend and sustain them.'³¹

Greenwood's remarks were echoed by Harold Wilson the following month. The Prime Minister declared in the Commons that his government wanted good relations with Spain, but was also determined 'to defend our position in Gibraltar and the legitimate interests of its people in face of the campaign which Spain has carried on against them during the past seven months.'³² He further argued that communications and access to Spain overland depended, not on the Treaty of Utrecht, but on normal international practice with which the Spanish restrictions were inconsistent.

Meanwhile, as has already been indicated, many Gibraltarians had come to see a solution to their plight in closer links with Britain. Thus in May 1965 the Pro-Integration Movement (PIM) was formed, with about fifty founder-members. Its chairman was Major Robert Peliza, a man who had been elected on an AACR ticket to the first post-war City Council in 1945, but who abandoned the movement and local politics altogether shortly afterwards. Joe Bossano, a former merchant seaman who had returned to the colony in 1964, became the movement's secretary. The group proclaimed itself non-political, and its main objective was the constitutional integration of Gibraltar into the United Kingdom. The integrationist movement was the product of the troubles with Spain and the concern which existed on the Rock after the debates in New York. It was born out of the determination by many Gibraltarians to ensure that Gibraltar remained British for as long as they wanted it to, and it sought a guarantee to this effect from London. The strength of the integrationists increased as the Spanish restrictions

intensified and by June 1965 its adherents had grown to four hundred, while by September it had passed the 1600 mark, thus constituting approximately 16% of the electorate.³³

Despite this growth, the PIM did not develop into a mass movement in sharp contrast to the AACR, as the concept of integration appealed mainly to white collar rather than blue-collar workers. The thinking behind the group was reflected in a letter sent by Bossano to Hassan in July 1965.³⁴ It requested that the Gibraltar government should investigate the possibility of integrating the Rock with Britain, with a Gibraltar MP at Westminster. Bossano asked for executive power to be transferred from the Governor-in-Council to the legislature, with the former being reduced to a consultative forum between the local government and the service departments. The integrationists further proposed that income tax should be paid to Whitehall, claiming that this would lead to an improvement in social services and living standards. Their ideal was freedom for Gibraltarians in all internal matters, with Britain being responsible only for foreign affairs and defence, and with equality of status for Gibraltarians and British citizens. The objective of the Pro-Integration Movement, declared Bossano, was to give the Gibraltarians an opportunity to conduct domestic affairs with complete autonomy, 'a legitimate desire which in their special circumstances cannot express itself in independence.'³⁵

While the integrationist movement gained wider support, the Gibraltarians urged Britain to adopt retaliatory measures against Spain. The tough talking earlier in the year by Wilson, Stewart and Greenwood had been welcome, but a growing feeling of impatience gripped the Rock as the statements had little practical effect. On 2 July a two-thousand-strong demonstration on the Gibraltar side of the frontier urged Britain to take measures against Franco's regime. Hassan sent his own comments to Anthony Greenwood stressing the feeling of frustration in Gibraltar among all sections of the community, and Peter Isola expressed the Rock's 'strong resentment' at London's inaction.³⁶

Spurred on both by their irritation with Britain and downright anger against Spain, the eleven elected members of the legislature announced on 8 July 1965 that they had all laid their

differences aside and agreed on the formation of a coalition government. This meant that the five AACR members and Peter Russo, who were the elected government of Gibraltar, made way for the entry into their ranks of the five independent members led by Peter Isola, who became Hassan's deputy. The coalition symbolised the failure of Franco's government to divide the Gibraltarians or even to wear them down by economic attrition. Rather than fall apart and bicker amongst themselves over the problem confronting them, the eleven local representatives united to speak with one voice. The three main objectives of the new enlarged government were to preserve Gibraltar's fundamental freedoms, to secure maximum effective support and assistance from Britain, and to strengthen the links between the colony and London. The second objective was fulfilled almost immediately, with an announcement from Whitehall on 21 July that £1 million in Colonial and Development Welfare grants would be made available to Gibraltar over a period of three years. Further British encouragement was to come on 1 November, when Harold Wilson himself paid a stop-over visit to the colony on his way back from Rhodesia. Amidst all the furore, the news that Dudley Ward left the Rock in the middle of July seemed of little consequence by comparison, and he was replaced as Governor by General Sir Gerald Lathbury who was sworn in at the end of August.

The new coalition government did not allow the constitutional issue to stagnate, and on 5 October they made public certain points which they believed should govern Gibraltar's future relationship with the United Kingdom. There was agreement on the fact that control over internal affairs should be retained by Gibraltarians indefinitely. This also applied to British nationality, although it was also stressed that the separate identity of the Gibraltarian needed to be safeguarded. Paying tribute to integrationism, the new government insisted that close links with Britain needed to be permanently maintained and increased, although they stopped short of calling for outright integration with Britain. This was hardly surprising, given that Hassan and Isola were both advocates of free association, not integration, as the means to decolonise the Rock. In a non-committal final point, which reflected the fact that they sought to

maximise their base of support, the government declared that the name of the new relationship with Britain was immaterial, 'so long as the substance of the terms of the relationship is that which is desired by everyone in Gibraltar.'³⁷

The increase in electoral support for the AACR at the City Council elections held on 1 December reflected the popularity which Hassan had obtained as a result of his appearances before the UN. There were seven seats at stake in the elections, with the AACR putting forward four candidates and the independents five. It was a measure of the prestige that Hassan had obtained in New York that he topped the poll once again, and was elected Mayor, with the four AACR candidates coming home with ease in the first five places. The support for the AACR was purely symptomatic of a much wider unity that bonded the Gibraltarians tightly together. The troubles with Spain had managed to unite bitter rivals like Hassan and Isola under one banner, first before the United Nations and then in a government of national unity. Once again in times of crisis the Gibraltarians closed ranks as a people, proving not only that Castiella's aggressive policy was counterproductive to say the least, but that it was instrumental, as the wartime evacuation had been, in forming the modern day Gibraltarian.

A thousand miles away from Britain, and separated from Spain by an increasingly insuperable border, the Gibraltarians came to look upon themselves as a separate entity, distinct from either country. There had been echoes of this feeling in the speeches delivered by the two local leaders before the Committee of 24 in New York, and throughout the 1960s the growth of a common identity gathered pace. It was a peculiar characteristic of Gibraltar that this should have taken place at the same time as a group had been launched seeking integration with Britain, but then, by any standards, Gibraltar is a peculiar place. The people remained loyal to Britain and to British institutions, but this was not seen as a hindrance to the development of a Gibraltarian identity. Indeed one almost complemented the other. This contradiction can be observed even in the list of objectives announced by the coalition government in October which envisaged the local community remaining British forever, while

retaining their Gibraltarian individuality. It may be possible to draw a parallel with the Welsh or the Scot, who may consider themselves Welsh or Scottish but also British at the same time. Even the integrationists who looked to have a local MP at Westminster, also insisted that they should have a local legislature with complete autonomy in all internal affairs. To the Gibraltarians this was no contradiction. They were proud to be British, but they insisted that they were Gibraltarians as well.

At the same time, the sense of insecurity which enshrouded the Rock increased when on 17 January 1966 Spain advised Britain that she was ready to begin negotiations on Gibraltar in accordance with the UN General Assembly resolution of the previous December.³⁸ Wilson's government was faced with a dilemma. They had long made it clear that Britain would not negotiate under duress, but to refuse to do so at that point would have made London, and not Madrid, seem unreasonable in the eyes of the international community. Given this situation, it was not until the end of February that Michael Stewart told the Commons that the Spanish government had been informed of the United Kingdom's readiness to talk.

The Gibraltar Council had been informed the morning before Stewart's announcement through the Governor, General Sir Gerald Lathbury.³⁹ He told the five Gibraltarians who served on the council that Britain feared further restrictions against Gibraltar and her position in the United Nations was not a strong one. Given this situation, London had decided to waive the two pre-conditions which she had always insisted upon – discussions on the question of sovereignty could not expressly be ruled out, and the talks would be held under duress. The Governor gave reassurances that the Rock would remain British and the interests of the Gibraltarians would be safeguarded. Only Hassan and Isola had suspected this change of approach would come, and as early as 16 February they had objected to Whitehall. The news was broken to the Council of Ministers immediately after the Gibraltar Council had been told. While acknowledging the fact that Britain was constitutionally responsible for the Rock's foreign affairs, the Council of Ministers declared that they were 'greatly surprised' that London

should agree to hold talks with Spain despite repeated statements ruling out discussions for as long as the abnormal situation continued at the frontier.⁴⁰ In the eyes of the local ministers the new position was not justified and a message to that effect was delivered to Harold Wilson.

The depth of feeling on the Rock against the decision to hold talks under duress with Franco's Spain is revealed in a confidential memorandum to Hassan written by Joe Pitaluga, Assistant Secretary to the Gibraltar government. 'The Spanish Government,' fulminated Pitaluga, 'is not playing cricket. It is now becoming obvious that the British Government isn't doing so either. Should we continue to stick to the rules? I think we are absolved from doing so.'⁴¹ The Gibraltar civil servant accused Britain of having 'broken faith' with Gibraltar, and asked Hassan to come out publicly against London. 'From now on,' advised Pitaluga, 'anything goes.'⁴² If the telegram to Wilson brought no satisfactory response, the Assistant Secretary continued, then a copy of that protest should be sent to the Committee of 24 in New York. Such an action, declared Pitaluga, 'would make it clear to London that if we are to be sold down the river they are going to have to go through a great deal of trouble and embarrassment in the process.'⁴³ That a senior public servant like Joe Pitaluga should have written in these furious terms is an indication of the sense of disappointment, almost perhaps of betrayal, that was felt on the Rock against Whitehall.

Wilson's reply to the protest was predictably negative. The Prime Minister made it clear that he was in agreement with the change of approach and he recalled the fact that the UN consensus stated that the talks had to take place bearing in mind the 'interests of the population of the territory'. He reassured the Gibraltarians that those interests would be of paramount importance.⁴⁴ Although the crisis was temporarily suspended while Britain went through a general election, it was resumed immediately afterwards as Labour were returned to power with a majority of over 150 seats over the Conservatives.

Shortly before the talks, a list of questions was sent to Hassan from London enquiring what concessions, if any, Gibraltar might be prepared to make in order to achieve normal relations

at the frontier. In a long, strongly worded piece of advice, Joe Pitaluga once again left the Rock's Chief Minister in no doubt as to the stand that the elected government of Gibraltar should take.

'The people of Gibraltar have supported Britain's policy that no talks should be held under duress,' Pitaluga wrote, 'a policy which was considered not only honourable in principle but also essential from a practical point of view.'

When this policy was changed by HMG the great majority of the people of Gibraltar objected.

To ask the people of Gibraltar now whether they will make concessions in order to achieve normal frontier relations is worse than to talk under duress – it is asking them to act under duress.

People will be against this both in principle and in practice. The word principle is not used loosely here. The mood of the people generally, as a result of the continuous harassment by the Spaniards, is one of anger and obstinacy. From a practical point of view there is the obvious danger that to make concessions under duress will give the Spaniards good grounds for believing that the next time they want more concessions (and they will) all they have to do is tighten the screws again.⁴⁵

With Gibraltar entrenched in this immovable position, on 18 May 1966 Michael Stewart met Fernando Maria Castiella in London for the first round of discussions. The Spanish government proposed that the Rock be returned to Spain, that an Anglo-Spanish agreement be made governing the continued use of Gibraltar as a British military base, and that the rights, culture, social and economic interests of the Gibraltarians would be protected under international guarantee.⁴⁶ The Rock would be allowed to retain an elected town council, which would levy and administer its own taxes. Freedom of speech, religion and assembly would continue to be observed in Gibraltar, and the Gibraltarians would retain their British passports and nationality.

Regardless of how enlightened the proposals may have seemed to Castiella and his negotiating team, the plain fact was that for the Gibraltarians they constituted a step backwards in internal self-government. The 1964 constitution had given them unfettered control over the Rock's internal affairs, and this was achieved after a long-drawn-out struggle with Whitehall. The inhabitants of Gibraltar could hardly be blamed for refusing to pass from the hands of a British government which had granted them a high degree of self-rule, into the hands of a Spanish dictator who, in their eyes, could not be trusted to keep his promises. In any case, Castiella's argument was simply academic. For the Gibraltarians the territory and the people were inseparable, and there was no way that they would consider becoming foreigners in their own homeland.

Britain's counter-proposals the following month were more far reaching than many on the Rock would have liked.⁴⁷ London asked Madrid to end the frontier restrictions and in exchange Britain would remove the frontier fence which divided the Rock from Spain. A Spanish Commissioner would be appointed on the Rock, although he would not be allowed to interfere in internal matters, and Gibraltar's political institutions would be modified to make the Rock more like the pre-1950 municipality and less like the quasi-independent territory of 1966. Stewart also proposed co-operation with Spain to prevent smuggling and joint use of Gibraltar's airport, port and territorial waters. The suggestions made by Stewart were totally unacceptable to Gibraltar, and one can only speculate on what would have occurred had Spain not rejected them outright.

In mid-September Spain complained to Britain about violations of her airspace by British military aircraft, and on 4 October the pressure at the Gibraltar border intensified. The Spanish government announced it was down-grading its frontier at La Linea and this effectively meant that no goods or vehicles would be allowed to cross the border. The move was particularly resented on the Rock, as among the goods that could no longer be imported by land were oxygen for the hospital and altar wine for the churches. Britain protested strongly at the latest

restrictions and in October 1966 London proposed that both parties should place their differences over Gibraltar, including the question of sovereignty, before the International Court of Justice at The Hague.⁴⁸ This was a sensible proposal, as the submissions of both countries would turn purely on the legal issues involved, and the dispute would be unaffected by the political prejudice which had determined the UN votes in New York. It took Franco's government two months to reject the British proposals, and in the interim a swarm of British politicians visited the Rock and declared their support for the Gibraltarians. Frederick Lee, the Secretary of State for the Colonies arrived at the end of October, followed by Reginald Maudling in early November, and by the Conservative leader himself, Edward Heath who arrived in January 1967. Prime Minister Harold Wilson again flew to the Rock for negotiations with the rebellious Ian Smith of Rhodesia on 2 December, and Wilson left two days later full of praise at the way the Gibraltarians were standing up to the Spanish restrictions.⁴⁹

Despite the fact that Wilson ruled out integration with Britain as an option for Gibraltar, on 9 February 1967 the integrationists announced that they had become a political party.⁵⁰ It had taken Peliza and his group just eighteen months to revoke their non-political clause as it had become extremely apparent, whether they liked it or not, that integration had become a controversial political issue. The AACR and Peter Isola had both come down in favour of free association as the means to decolonise the Rock, and it was inevitable that the integrationist movement would come into conflict with the coalition government over this issue.

The concept of integration was totally at odds with AACR policy, and the clash between both parties was brought closer when an AACR general meeting voted at the end of February in favour of freely associating the Rock with Britain. It then became almost inevitable when a seat on the legislature was vacated through resignation. The resulting by-election on 23 May was a straight fight between the AACR candidate Emilio Alvarez, and the IWPB leader Major Robert Peliza. It was the first time since the days of the Commonwealth Party that the Association was confronted by another organised force at the polls, with the Rock's constitutional future as the

main issue. The result reflected the division among Gibraltarians in this particular field, and Emilio Alvarez scraped home for the AACR by only 145 votes. It was clear that popular backing for integration was on the increase and that a credible political party with a coherent programme had finally emerged to challenge the dominance of the AACR.

The 1967 Referendum

Alongside these developments in local politics, relations between Britain and Spain continued to deteriorate. In March 1967 Spain announced an air ban around Gibraltar, prohibiting the overflying of Spanish airspace with the aim of eliminating all flights in and out of Gibraltar's small airport, and despite Britain's attempt to secure its removal the ban remained in force. The British response came in the Commons on 14 June, when Judith Hart, Minister of State at the Commonwealth Office, announced that a referendum would be held in Gibraltar at which the Gibraltarians would decide their own future. It was the first time in the history of the Anglo-Spanish dispute that the people of Gibraltar were made the arbiters of their own destiny. The British announcement was tantamount to an acknowledgement that their sovereignty over Gibraltar was rooted not in the clauses of a two-hundred-and-fifty-year-old treaty, but on the living wishes of the twenty thousand people whose ancestors had inhabited the Rock since 1704. The choice put before the Gibraltarians was clear enough:

- '(a) To pass under Spanish sovereignty in accordance with the terms proposed by the Spanish Government to Her Majesty's Government on 18 May 1966; or
- (b) Voluntarily retain their link with Britain, with democratic local institutions and with Britain retaining its present responsibilities.'⁵¹

Judith Hart further declared that if the Gibraltarians voted for the first option, Britain would start talks with Spain accordingly, whereas if they chose the latter, then Britain would consider the vote a voluntary relationship of the Gibraltarians with London, and would discuss with the local leaders any appropriate constitutional changes which they desired. Facilities would be made available to Madrid to explain their 1966 proposals to the people of Gibraltar if they so wished.

Regardless of the wording of the referendum, which implied that the Rock would lose its 'democratic local institutions' if it elected the first option, the choice for the Gibraltarians was clear-cut: Spain or Britain. Although the Spanish government declined to send representatives to explain their point of view, Castiella's proposals of May 1966 were given wide publicity by the Spanish media. Spanish television could be easily picked up in Gibraltar, as well as at least five Spanish radio stations. A wide variety of Spanish newspapers were also on sale on the Rock, including the La Linea paper 'Area', the Falangist daily 'Arriba', the right-wing 'ABC' and the Catholic 'Ya'. The Spanish proposals and point of view therefore received wide publicity.

On 22 August the British representative before the Committee of 24 in New York announced Britain's intention to hold the referendum on 10 September, and invited it to send observers to the colony. Britain further requested that any new resolution on Gibraltar should be postponed until the wishes of the inhabitants of the territory were known. The British intervention was to no avail, and on 1 September 1967 the Committee declared that the referendum violated UN resolutions on Gibraltar, it declined to send observers to the Rock and called for a resumption of talks with Spain.⁵² The resolution was carried by a numerically unbeatable block vote of fifteen African, Latin American, Arab and Communist countries, that is, almost a two-thirds majority of the committee.⁵³ Against such odds there was never any realistic hope of a different outcome.

Faced with this adverse international line-up, the Gibraltarians made their wishes known to the world on 10 September 1967. There never was any doubt as to the result. In the weeks

before the referendum, whole streets had spontaneously been painted red, white and blue by the locals, with Union Jacks flying from the windows and balconies of most dwellings. Thus on a turnout of 95.8%, 12,237 cast their vote, of which 12,138 voted for Britain and only 44 for Spain, with 55 spoiled ballot papers. The result was a vindication of Britain's arguments before the UN that Gibraltar was a colony that did not want to be decolonised, least of all to be integrated into Spain. A team of Commonwealth observers which had supervised the proceedings, headed by New Zealand's ambassador to France declared that they found 'that there were adequate opportunities for the use of public communication media for expounding different points of view on the referendum.'⁵⁴ More importantly, they reported that 'there were adequate facilities for the people in Gibraltar to freely express their views on the referendum and that these facilities were in fact used.' It was their unanimous view 'that the actual conduct of the referendum fully conformed with the requirements for the free expression of choice through the medium of the secret ballot.'⁵⁵ The Referendum Administrator praised the people of Gibraltar 'for the responsible way in which they conducted themselves during a period when emotions inevitably ran high.'⁵⁶

The Gibraltarians had spoken with devastating clarity. There could now exist little doubt as to where the inhabitants of the Rock believed their interests lay. But the referendum also aggravated the tension with Spain, and this was reflected in Britain's decision a week later to send out military reinforcements to man Gibraltar's garrison. It also widened the rift with the United Nations, and on 19 December the General Assembly declared by 73 votes to 19, with 27 abstentions, that the referendum had violated the UN's previous resolutions on the matter. It went on to endorse the view expressed by the Committee of 24 that Gibraltar had to be decolonised in accordance with resolution 1514(XV), where the main consideration had been the territorial integrity of Spain. For the Gibraltarians this was a great let-down. Once they had left no doubt as to their wishes the expectation had been that the UN would take note of such a resounding pro-British vote, but this was not to be. Their faith in international organisations

shattered by the General Assembly resolution, for many Gibraltarians Britain became all they had left, and this feeling gave added strength to the integrationist party as all looked forward in anticipation to 1968 and the constitutional advances that had been promised if the vote went in Britain's favour.

The 1969 Constitution

Taking advantage of the reaction in favour of a new relationship between London and the Rock, the IWBP issued a communiqué on 15 January calling for no further delay in the settlement of the constitutional question. As a preliminary to the main constitutional conference, Lord Shepherd, Minister of State for Commonwealth Affairs, arrived on the Rock at the beginning of February. Following discussions held with ministers and representative bodies, Shepherd professed his surprise that despite everything said by Britain in defence of Gibraltar at the United Nations and in Parliament, there still seemed to be concern as to the Rock's future. Firing the opening shots at the IWBP in the battle over the link with Britain, Shepherd declared that he did not believe that any words written on a piece of paper could strengthen the existing bond between Gibraltarians and the UK. This was stronger than an institutionalised link.⁵⁷ The pronouncements of the Minister of State were a concealed attack on the integrationist movement, which had left him in no doubt that their objective was an unequivocal formal commitment to tie the colony to London in perpetuity, and they reflected the British government's reluctance to concede this point from the very start.

On 10 February, the same day as Shepherd returned to London, a signal reminder was delivered to all that there was a third party to be taken into consideration. A note of protest from the Spanish government demanded that in accordance with the UN resolution of the previous December, both countries should 'negotiate the form in which the interests of the Gibraltarians should be safeguarded once the territorial integrity of Spain is restored.' At the

same time, Spain warned, Madrid could not recognise 'any measures which may be, or may have been, adopted by Great Britain in Gibraltar to which the Spanish Government has not given its previous approval.'⁵⁸ The target on which Castiella now trained his guns was the constitutional conference due at the end of the year. In response, Britain advised Spain that she was willing to talk, but not under the terms of the UN resolutions.

In the interim, the Constitutional Committee of the legislature, which had been pondering the shape of future reform since October 1965, published its findings. Delicately skirting the most controversial issue, it declared that the nature of the future link with Britain was still undecided as between integration and free association. It advised that Gibraltar should in future be styled a city rather than a colony, and urged that the City Council and the legislature should be merged into a single representative body. This would be known as the House of Assembly and would include fifteen elected members, with government and opposition presided over by a Speaker. The Attorney-General and Financial Secretary would sit in the House as ex-officio members, and Ministers would retain control of government departments. Britain would keep its powers over foreign affairs, defence and internal security, and ministerial responsibility for Gibraltar's affairs should be transferred to the Home Office. Proportional representation should be abolished as the system of election to the House of Assembly. The main objective, the Committee declared, was 'to give the people of Gibraltar as full a measure of self-government as is consistent with the particular circumstances of Gibraltar.'⁵⁹ The report, which became the basis on which the coalition government entered the constitutional discussions.

Although willing to give and take on the internal constitutional front, there was little doubt that when it came to Spain the Gibraltarians were uncompromising. On 1 April 1968 a letter was published in the Gibraltar Chronicle by signed by six locals, including J.J.Triay and J.E.Triay.⁶⁰ Calling themselves the 'Doves', the six stressed that the survival of Gibraltar depended only on the Gibraltarian, and they accused Britain of taking up a merely defensive and passive stance in supporting the Rock against Madrid. While these remarks were nothing

out of the ordinary, what followed struck deep chords among many Gibraltarians. The 'Doves' declared that they felt the referendum was 'foolish' and it served only to provide an 'emotional outlet'.⁶¹ The Rock, the six went on, had gained little from it except economic stagnation and an intensification of the Spanish restrictions. In a controversial final paragraph, they called for a negotiated settlement to the problem.

Local reaction to the letter was immediate. That same evening the coalition government made clear that they had never objected to Britain attempting to solve the dispute with Spain through normal diplomatic channels, provided that there was no alienation of sovereignty 'or of the attributes of sovereignty'.⁶² The elected members, however, doubted an agreement was possible until the democratic principle that Gibraltar should not pass to Spain against the wishes of its inhabitants was accepted by Madrid. They challenged the 'Doves' to produce concrete proposals which would be acceptable to both Gibraltar and Spain. The IWBP also attacked the proposals which they claimed involved a transfer of sovereignty.

In response to these challenges, the 'Doves' published a more detailed argument in the Gibraltar Chronicle on 4 April.⁶³ They essentially wanted the establishment of an autonomous Gibraltar, running its own affairs with its own laws and customs but within the Spanish state, with the Spanish flag flying from the top of the Rock. The 'Doves' revealed that they had been to Madrid and discussed their scheme with Castiella, who had assured them that its provisions were acceptable to Spain. In the highly charged atmosphere generated by the Spanish restrictions, the news that these people had been having talks with the Spanish Foreign Minister, when they had no mandate from the Gibraltarians, was received like a bombshell. It revealed once again the resentment against Spain that had been accumulating since the Royal visit in 1954, and it was the 'Doves' who became the unfortunate victims of the circumstances under which they were operating. They had misjudged the mood of the Gibraltarians who had been subjected to continuous harassment at the United Nations, and at the Spanish frontier, and who had increasingly come to see themselves as being imprisoned

by Spain in the two and a quarter square miles of the Rock. Retaliation against Spain, not negotiation with her, was the watchword of the majority.

Had the 'Doves' proposals been made at a different time, then the reaction to them would not have been as explosive. The day after the 'Doves' disclosed what they had been doing, the IWBP attacked them on the grounds that their plan was based on a surrender of British sovereignty. The elected government also repudiated the 'Doves' project shortly afterwards, declaring that it was 'contrary to the wishes of the great majority of the people of Gibraltar,' and maintaining that sovereignty over Gibraltar should continue to be vested in Britain.⁶⁴ They noted that Castiella had made it clear in an intervention in the Spanish Cortes on 3 April that sovereignty over the Rock could reside only in Britain or Spain, and that the Gibraltarians had no title to the territory.

Unfortunately for the 'Doves', this was repeated by Spanish television on the night of 5 April, and in reply, on Saturday 6 April 1968 Gibraltar blew up. 'Dove' belongings became the target of rioters as hundreds of furious Gibraltarians took to the streets. Although only 'Dove' belongings were attacked and there was no looting, there can be no excuse for the disturbances that occurred. At John Mackintosh Square, in the centre of the city, Hassan and Isola mingled with the crowd to try and get them to disperse, but they failed completely. Premises owned by the 'Doves' were ransacked, 'Dove' vehicles overturned and Triay's yacht was burned in the marina. Against the wishes of Hassan, General Lathbury called out the troops in the early afternoon to restore order, when it had become clear that the local police force could not cope.⁶⁵ Over a decade of pent-up hostility against Spain had been vented in the orgy of violence. The whole lamentable episode revealed that emotions against Madrid had always run high and that the 'Doves' simply provided the spark to light the fuse.

In the lull that followed the riots, unity replaced division when the IWBP and the coalition announced on 4 May that they had agreed to present a common five-point programme in the constitutional talks due that summer. By reducing the emphasis on its key demand for

integration with Britain, the IWBP succeeded in persuading the coalition government to stand with them on a platform which came close to voicing the integrationists' demands. Thus the united front committed the Gibraltarian side to the attainment of an unbreakable link between Gibraltar and the United Kingdom and it called for a restatement of Britain's permanent and exclusive sovereignty over the Rock. The five points also urged that Gibraltarians be freed from the provisions of the 1962 Immigration Act, and that Gibraltar's affairs should be taken over by the Home Office. The last point insisted on a guarantee in the new constitution that there would never be a transfer of sovereignty without the consent of the Gibraltarians.⁶⁶

Here in effect was the IWBP programme. There was no explicit word of integration with Britain, but the very idea that responsibility for the Rock would be assigned to the Home Office is evidence enough that this was the long-term intention. In retrospect this particular change would have proved extremely valuable. The merger of the Foreign and Commonwealth Offices later that year left Gibraltar in the lurch. While separate departments existed there was greater likelihood that a balance could be maintained between loyalty to a colonial territory and the necessity to have good relations with Spain. After the merger this equilibrium was lost and the Foreign Office diplomats came to prevail over the Commonwealth Office administrators. Gibraltar's constitutional development completely stagnated, as foreign policy considerations towered above everything else.

In response to the coming constitutional talks, the pressure from Spain intensified. At the beginning of May, Madrid served notice that the frontier with Gibraltar would be closed to people of any nationality except Spaniards who worked on the Rock and Gibraltarians who obtained a special permit.

On 8 May Michael Stewart told the Spanish Ambassador in London that the regulations were wholly unjustified, and as relations with Spain deteriorated, George Thomson, Secretary of State for the Commonwealth, arrived in Gibraltar at the end of the month to continue the preliminary constitutional negotiations and discuss the latest restrictions. A large

demonstration organised by the AACR, the IWBP and other local bodies culminated in the presentation of a memorandum which called on Britain to retaliate against Spain. It reiterated the five points as the united local view on which the talks, due to open on 16 July, would be based.⁶⁷

Following the pattern set before the reforms of 1950 and 1964, the British delegation was again led by a high ranking peer. The changes of 1950 had been preceded by a visit from Lord Listowel, those of 1964 by Lord Lansdowne, and in 1968 it fell to Lord Shepherd, Minister of State for Commonwealth Affairs, to represent London. In his opening statement Shepherd insisted that the new constitution should not conflict, or appear to conflict, with the Treaty of Utrecht. It should not worsen Anglo-Spanish relations, and a Whitehall presence in the day-to-day administration of Gibraltar was also called for.⁶⁸

There had been little doubt from the discussions prior to the conference that the main bone of contention was to be the nature of the link with Britain, but Shepherd's speech attracted hostile criticism for other reasons. Hassan's reply reiterated the five points as the target which the local politicians were aiming for, and he lashed out at the London envoy on the question of Spain. The Chief Minister declared that as far as he was aware Anglo-Spanish relations had not been appreciably worsened by the Gibraltar dispute, and he made the point that it was, after all, the Rock itself that remained the victim of Spanish animosity. It was 'to say the least, most unpalatable,' retorted Hassan, 'to be told at this crucial stage, that we, who have been as it were, at the receiving end all the time, should not by any new constitution that we may work out together make Anglo-Spanish relations any worse than they are.'⁶⁹

The battle lines had thus been firmly drawn. Not only had Hassan challenged Shepherd for his insensitive remarks, but the AACR President also rejected the call for an expatriate hand in the Rock's internal affairs. The integrationist leader, Major Robert Peliza, declared he was pledged to the 'absolute and indissoluble union of Gibraltar and Britain'⁷⁰ and Peter Isola proclaimed that the independents were solidly behind the five points. The first day of the

conference ended with the Gibraltarian representatives firmly entrenched in their agreed position, having left the Whitehall visitors in little doubt as to their expectations.

Within two days the differences between both sides which had been simmering beneath the surface, exploded into the open. By 18 July it had become clear that the aims of the Whitehall delegation and the wishes of the local politicians were fundamentally incompatible. While Shepherd insisted that the conference should discuss domestic reforms and leave the link with Britain for a later date, the Gibraltarian side would not hear of it. Hássan, Isola and Peliza had all emphasised the importance of a new relationship between the colony and London in their opening speeches, and they had scorned the suggestion that upsetting Spain had to be avoided. Shepherd was himself performing a delicate balancing act between both sides. The British government had no doubt that an institutionalised link would offend Franco's regime, but they were equally aware that to rule it out would infuriate the local delegation. Given this impasse, it was hardly surprising that the talks almost broke down on 18 July. With his back to the wall, Shepherd sought instructions from London on the options open to him. The future of the constitutional discussions was at stake.

In the same way as London succumbed to local feeling in 1950 and established a separate legislature, then sanctioned ministerial government in 1964, four years later it was Whitehall that gave way once again. At the end of the session on 19 July agreement was reached on a new affiliation between Gibraltar and Britain. It would take the form of a declaration in the preamble to the new constitution that Gibraltar was part of the Crown's dominions and would remain so unless an Act of Parliament provided otherwise. In a separate clause, the preamble would guarantee that the Gibraltarians would never be handed over to another state against their freely and democratically expressed wishes. The security which the community of Gibraltar had been demanding in the face of Spanish pressure had been grudgingly conceded.⁷¹

Shepherd explained that the constitution was being promulgated by Order-in-Council and not by Act of Parliament because it would have gone against English jurisprudence and against the traditions of Parliament to promote an Act which purported to bind future Parliaments.⁷²

The immediate feeling in Gibraltar was one of relief that the most difficult obstacle had finally been overcome. The talks ended on 24 July with agreement that there was no need for a Whitehall voice in the everyday government of the Rock. The Gibraltarians would remain citizens of the United Kingdom and Colonies, and the international status of the territory would stay as it was, even though the 'Colony of Gibraltar' would now become the 'City of Gibraltar.' It was made clear that the legislature and the municipal council would be merged into a single representative organ, the Gibraltar House of Assembly. This would consist of fifteen elected members and two ex-officio members, the Financial Secretary and the Attorney-General, who would not be entitled to vote on issues of confidence in the government. A Speaker would be appointed by the Governor after consulting the Chief Minister and the Leader of the Opposition, and the term of the assembly would be four years. The electoral system would cease to be proportional representation, and discussions would be held on what was to take its place. The Governor would remain head of the executive, and both the Gibraltar Council and the Council of Ministers would be retained.⁷³

A despatch from London defined local ministers' prerogatives as well as the Governor's responsibilities, namely defence, foreign affairs and internal security. The Permanent Secretary now became the Deputy Governor and was absorbed into the Governor's Office to handle whatever domestic matters came under the Governor. The latter retained reserved powers to refuse assent to any bill passed by the legislature, and any such bill could be rejected by the Foreign Secretary even if the Governor had assented to it. The office of Mayor was retained purely for ceremonial functions, given that the City Council had been abolished.⁷⁴

Therefore when Darrell Bates departed the Rock in September 1968, he left behind a very different place from the one he had first known. The Gibraltar of 1953 was not the Gibraltar of 1968. The various constitutional changes which the Rock had seen during Bates's tenure were reflected in successive revisions of the title and responsibilities of the office he held. Initially designated the Colonial Secretary, the Whitehall expatriate was the cornerstone of civilian government in the colony, but named Chief Secretary in 1962, then Permanent Secretary two years later, his powers were increasingly devolved to the local politicians. In 1969 the office was completely transformed when it became Deputy Governor, a clear indication that London's involvement in the internal administration of the Rock had ceased, and that the local government were now in the driving seat.

The United Nations was unmoved by these measures. An early Christmas present from the General Assembly on 18 December urged Britain, by 67 votes to 18 with 34 abstentions, to end the colonial situation in Gibraltar not later than 1 October 1969, in accordance with previous resolutions on the subject.⁷⁵ The world's premier international forum thus called in no uncertain terms for Gibraltar to be handed back to Spain within nine months. This was not a likely prospect, and Michael Stewart assured the Gibraltarians two days later that they would not be turned over to another state against their wishes. A further pointed indication that everything was proceeding as usual came in the spring of 1969, when General Sir Gerald Lathbury was replaced as Governor by Admiral of the Fleet Sir Varyl Begg, the first Royal Navy man to hold the post. The apparent normality was emphasised yet again on 23 May, when the new constitution was published.

The Spanish response did not take long to materialise. On 8 June 1969 Spain closed her frontier gates, thereby completely cutting off Gibraltar by land, and on 27 June the last ferry that linked the Rock by sea to Algeciras across the Bay sailed away. Britain complained immediately that Spain was flouting accepted standards of international behaviour by closing the border and shutting down the ferry. 'The Spanish Government,' protested the Foreign

Office, 'cannot seriously believe that any British Government could hand over the people of Gibraltar to a government which has done them so much harm already and which demonstrates unrelentingly that its immediate object is to disrupt the daily life of Gibraltar and destroy the people's livelihood.'⁷⁶

The 1960s had been a tumultuous decade for Gibraltar. On the receiving end of the Spanish restrictions and the resolutions of the United Nations, the Gibraltarians turned to London for help and Britain did not let them down. The Rock's constitutional development, which had continued to evolve despite Spain, was now to enter into a period of stagnation. Whitehall had learned its lesson well. Constitutional progress for Gibraltar came to be equated with gratuitous provocation of Spain, and fearing further diplomatic onslaughts in New York the mandarins at the Foreign Office held their hand.

For the Gibraltarians, by contrast, the removal of the restrictions against the Rock had infinitely greater priority, although made to choose between economic hardship and sacrificing British sovereignty, they had clearly opted for the former. As the 1970s opened and the dust settled on the immediate troubles with Spain, Gibraltar became to all intents a city under seige. The Gibraltarians' only link with the outside world being travel by air to London, the crisis, almost inevitably strengthened their ties with Britain in every way. Castiella's final attack, culminating in the closure of the frontier, did his country's cause irreparable damage, as Spain became an object of hatred for almost all the Gibraltarian community. Following the long-drawn-out struggle of the 1960s whatever attraction a Spanish Gibraltar may have possessed shrank virtually to zero.

CHAPTER SIX

CONSTITUTIONAL STAGNATION 1969–1988

Post-war Gibraltar had seen constitutional changes overtake each other in rapid succession, but in the period after 1969 that process was halted abruptly. As has already been indicated, it was recognised in Whitehall that to develop the Rock's political structure any further would antagonise Spain, and largely for this reason the 1969 constitution is still in force over twenty years later. Local politics, however, continued to flourish in spite of a closed frontier, as the Gibraltarians, with British financial assistance, gritted their teeth and stood firm in the face of the Spanish blockade.

While Britain and Spain talked about the restrictions, the Gibraltarians continued to develop their individual identity. This was made easier by the closure of the land frontier, as it allowed the people of Gibraltar to evolve in an artificially created, self-contained unit with few links with the outside world. Franco's aggressive policy towards the Rock was vital in the formation of the present-day Gibraltarian, and the sixteen years of restrictions were instrumental in cementing the inhabitants of Gibraltar together as a distinct community.

Therefore Franco's prediction that Gibraltar would fall like a ripe fruit was not fulfilled. The Gibraltarians were hardened in their attitude towards their huge neighbour and they reinforced their ties with Britain at a time when those with Spain had been completely cut off.

The Rise and Fall of the IWBP, 1969 – 1976

This increased reliance on Britain was reflected in the election of an integrationist-dominated government in the elections of 1969, a result which will now be analysed in detail. With the

new constitution due to come into force in August, the first elections to the House of Assembly were called on 30 July 1969. The consensus politics which had dominated the Rock since the formation of the coalition government in 1965 was now a thing of the past, as the link with Britain had been preserved and the threat from Spain seemed to have been held at bay. Given this changed situation, nineteen candidates came forward to contest the fifteen seats in the new assembly. The AACR put forward a team of eight, headed by Sir Joshua Hassan, the IWBP found only six candidates willing to run for election, led by Major Robert Peliza and Peter Isola with his brother William and Major Alfred Gache campaigned under the banner of the right-wing Isola group. Guy Stagnetto and Anthony Baldorino put themselves forward as independents.

Since proportional representation had been abolished, a first-past-the-post arrangement came back, but each elector was allotted only eight votes. It was a system designed to prevent one strong party from capturing all the seats. Any political party who wanted to form a government alone had to present eight candidates and secure their election. This would allow for a government majority of one, with the seven remaining seats falling by default to the opposition. The upshot was the election of seven AACR, five IWBP and all three in the Isola group. Hassan topped the poll once again, followed by Peter Isola, a clear reflection of the popularity they had obtained as a result of their appearances before the United Nations in New York.

This outcome meant that no grouping could govern alone, and on 4 August the Isola group turned down an AACR offer of two ministerial posts. To break the deadlock, the Governor, Sir Varyl Begg, advised Hassan to form a government bolstered by the official votes of the Financial Secretary and the Attorney-General, but Hassan refused. The AACR leader was well aware that the officials could not vote on motions of confidence, and he was anxious to avoid the embarrassment of being put in power by gubernatorial grace and favour.¹ The Isola trio then offered itself to the IWBP. Isola's right-wingers were totally anathema to the left-wing

integrationists, however, and the chances of partnership were not improved by Peter Isola's own espousal of free association, not integration, as the best means to decolonise the Rock. To complicate matters still further, Major Alfred Gache had spoken out vehemently against the integrationists during the election campaign. Yet the prospect of slamming the door on an AACR government and the lure of office proved temptations too strong to resist. On 6 August the IWBP and the Isola group announced that they had agreed to form a coalition government on the basis of the five points of 1968. Shortly afterwards, Alfred Vasquez, the former leader of the Commonwealth Party, was appointed Speaker, the first civilian to hold the office. This further symbolised the erosion of expatriate military power by the advancing tide of local autonomy.

The IWBP were now in government, with Major Robert Peliza as Chief Minister. In retrospect it is clear that the odds were stacked against them from the very start. The coalition rested on shaky foundations, and appeared to have been built and held together purely by shared antagonism towards the AACR. Added to this was Whitehall's hostility to the whole idea of integration, sharpened by the memory of its abortive application to Malta in the mid-1950s, and deepened by London's disinclination to provoke Madrid at a time when relations were already at crisis pitch.

On 1 October 1969, the General Assembly deadline for the Rock's hand-over to Spain, telephone links between Spain and Gibraltar were cut. It was to be Castiella's last charge. He was sacked by Franco at the end of October, and replaced by the Anglophile Gregorio Lopez Bravo. Castiella had been the architect of the two-pronged attack on Britain's position on the Rock, using coercion at the Gibraltar frontier and diplomacy in New York simultaneously in an attempt to recover the Rock for Spain. His dismissal was a clear recognition of his failure, as not only had the Rock remained British, but the Gibraltarians had obtained an institutionalised link with Britain which they did not have before Castiella's onslaught. Now hopes were raised of a softer Spanish approach, and the expectations surrounding Lopez Bravo appeared to be

confirmed when he told the Daily Telegraph in June 1970 that Gibraltar was a 'a small problem'.² The interview followed closely on the election of a Conservative government led by Edward Heath, and this too prompted hopes of a new departure.

There are occasions, however, when realities do not come up to expectations, and this was one of those times. In October 1970 Lopez Bravo met the British Foreign and Commonwealth Secretary Sir Alec Douglas-Home in New York and declared that there could be no improvement in relations between London and Madrid until the Gibraltar problem was solved by returning the Rock to Spain. Britain simply reiterated that there would be no change of sovereignty against the wishes of the Gibraltarians.³ These were to become the entrenched positions of both sides, and Lopez Bravo made clear the following February, when he described the Rock as a foreign military base on Spanish soil, that whatever his personal feelings towards Britain may have been, he was still Spanish Foreign Minister first.⁴

As the intractable diplomatic wrangle continued, it was announced on the Rock that Varyl Begg's tenure of office would be extended until October 1973. A further signal of British support for the Rock was delivered that same month, with the arrival of Douglas-Home. The Foreign Secretary made clear that Britain would stand by the preamble to the constitution, and that the Gibraltarians would not be handed over to a foreign power against their wishes. He made it known that he was due to meet Lopez Bravo again later that month, but in a significant statement told the Gibraltarians that any agreement reached would be 'between both of us and Spain'.⁵ Gibraltar, Home concluded, needed good relations with Spain, 'but not at any cost'.⁶

The Foreign Secretary crystallised in his remarks the transformation that had come about as a result of the 1969 constitution. Its preamble clearly tied Britain's hands with respect to the matter of sovereignty, as there could be no change without the consent of the Gibraltarians. However, the whole issue went much deeper than that. The preamble effectively vested the sovereignty of Gibraltar in the Gibraltarians, in so far as they held a veto over any settlement between Britain and Spain. It did not give the people of Gibraltar total sovereignty because to

do so would have breached Article X of the Treaty of Utrecht, whereby the Rock could be only British or Spanish. What London had done in 1969 was to place that option clause of the 1713 Treaty in the context of an indigenous Gibraltarian population, who did not exist at the time when the Treaty was ratified, but who had acquired considerable rights in the intervening two hundred and sixty years. Gibraltar would not revert to Spain unless the Gibraltarians wanted it.

Needless to say, this was not how the issue was seen in Madrid, and Lopez Bravo expounded his government's point of view in October 1971. He told Spanish television that it was necessary to 'clearly distinguish between "nationality" which is the only matter in which the Gibraltarians have a voice, and "sovereignty" over Gibraltar which is a matter which only concerns Great Britain and Spain and something which, as far as we are concerned, we shall never renounce.'⁷

While Lopez Bravo continued to dismay those who had seen in his appointment a signal that Franco wanted a more conciliatory line to be taken on the Gibraltar issue, momentous changes were due to take place in the British international position. On 28 October 1971 the Commons voted by 356 votes to 246 in favour of Britain joining the European Economic Community. This had profound repercussions for Gibraltar, as the IWP government had proclaimed that Gibraltar would also join the Community with Britain as a British dependent territory in Europe.

At the same time as a European dimension to the Gibraltar problem opened up, the AACR finally broke with the past. The Association had been steadily moving away from its roots as a workers' movement ever since 1948, when the Gibraltar Confederation of Labour, which later became the local branch of the Transport and General Workers' Union, was formed as its trade unionist branch. Although it had added the prefix Gibraltar Labour Party to its name in January 1968, to become GLP-AACR, this did not conceal the drift away from its populist origins which had been accentuated by its growing involvement in the government of Gibraltar. On 13 December 1971 the disengagement could be hidden no longer, when the AACR Executive

disaffiliated the Transport Union, ending a partnership of 23 years. The break was brought about by conflict with the more militant elements in the union who were showing hostility towards the political party. It coincided with the Association's shock at finding itself in opposition after so many years in government, and this made it easier for internal differences to come to the fore.

The split had profound political implications. It had long been held that the electoral success of the AACR hinged largely on the party's ability to draw on the votes of the members of the Transport Union. It was for this reason, in part, that the union sought a larger voice in the Association, in proportion to the votes it could deliver. With the departure of the trade unionists, the AACR lost the left wing of the party, and it accelerated the movement's drift to the right that was to become so apparent within a few years. The union's independence from political parties, however, did not last for long. It had become clear to many in Gibraltar that the unions could easily be used as a political convenience, and that whoever controlled the unions had a high probability of attaining political power as well.

After a Madrid meeting between Douglas-Home and Lopez Bravo ended in deadlock in February 1972, the IWP/Isola group soon found that like the AACR they too had internal problems of their own. In March Major Alfred Gache resigned from the Isola group, though he stated that his differences were with Peter Isola and he remained loyal to Peliza, the Chief Minister. By the middle of May the situation had altered radically. Peliza was well aware that of the three in the Isola group, Gache had always been the most vociferous opponent of the integrationists, and the IWP leader genuinely feared that Gache would cross the floor of the House, join forces with Hassan and make possible an AACR government without the need for a general election.⁸ In order to preempt this, on 19 May Peliza announced he had ceased to have confidence in Major Gache, 'in his loyalty to the elected members on the Government side or in his willingness to abide by the constitutional principle of collective responsibility.'⁹

The IWPB leader asked Varyl Begg to dissolve the assembly and call a general election on 23 June.

Peliza had taken a desperate gamble, and the stakes were high. His evidence against Gache, however, was considerable and public, and at its heart lay his differences with Peter Isola, his former party leader. Gache had declared on 15 May that he would vote as he pleased on any motion tabled by Peter Isola, rather than support the government. Made to choose between Major Gache and Peter Isola, Peliza had clearly opted for the latter, and at the end of May Gache resigned from the government.

For the first time in the history of Gibraltar, the ensuing elections were a straight two-party fight, between the AACR and the IWPB, with no independents. Peter and William Isola announced they had joined the integrationists, and were thus part of their line up, as was Joe Bossano, who had been unable to stand in 1969. At the beginning of June, with the election campaign under way, relations with Spain came to dominate the political arena. A private meeting between Hassan, Peliza and Varyl Begg ended with the integrationist leader walking out, when the Governor asked the local politicians for their views on the idea of a Hong Kong type lease-back of Gibraltar to Spain. It was evident that Whitehall was busy examining formulas to resolve the Gibraltar dispute, and Varyl Begg floating the idea at this time must be seen in this context.

In response to the Governor's suggestion, Hassan stated that it was something that could be looked at given that the Spaniards had retreated from their original position of claiming full sovereignty immediately.¹⁰ Peliza was furious, and the accusation that the AACR was in favour of a lease-back arrangement became the main issue in the election campaign. The electorate gave its verdict on 23 June, with the election of all eight AACR candidates in the first eight places, headed again by Hassan, followed by seven IWPB members. The AACR victory was a highly significant one. Not only had they survived the charge of favouring a lease-back arrangement, but more significantly, they had won with 52% of the vote regardless

of the fact that they had lost the support of the Transport Union. So Hassan became Chief Minister again, and Maurice Xiberras replaced Peliza as Leader of the Opposition in October.

After his seventh round of Anglo-Spanish talks in May 1973 had achieved nothing, Lopez Bravo was dismissed by General Franco the following month for his failure to make headway. His replacement Laureano Lopez Rodo signalled a stronger line over the Rock when the Gibraltar question was again brought before the UN 4th Committee on 27 November, and the Spanish Foreign Minister appeared in person to state his country's claim. The British response was sharp-edged. The delegates were told that as far as Britain was concerned, it was the people of Gibraltar whose interests should be regarded as paramount in the dispute, and if the Gibraltarians had no desire to come under Spanish sovereignty, then Spain had only herself to blame.¹¹

At the beginning of October, Marshal of the Royal Air Force Sir John Grandy replaced Varyl Begg as Governor, the first naval man to hold the post thus being succeeded by the first RAF appointee. The Spanish government too continued its reshuffles, and in January 1974 Pedro Cortina Mauri, a former ambassador to Paris, became Franco's third Foreign Minister in under a year. At the end of the month Alec Douglas-Home made clear that despite these changes of personnel in Gibraltar and Madrid, the British government's approach towards fundamentals remained the same. Any idea of a lease-back was ruled out.

The British and Spanish Foreign Secretaries had met nearly ten times since 1969 with no productive result emerging from five years of dialogue. It had become very apparent to the officials at the Foreign Office that each country viewed the discussions from a completely different angle. Whereas for Madrid the key priority remained its claim to sovereignty, regardless of the Gibraltarians, for London the people of the Rock came first and the transfer of the territory now depended on their wishes. Given this complete polarisation, it is hardly surprising that the outcome was stalemate every time.

Moreover, Heath's government had more pressing things to worry about. Industrial relations in Britain continued to deteriorate, with the coal miners embattled against the Conservatives. In response to their pressure and on the main issue of who governed the country, the unions or the government, Edward Heath called a general election for 28 February. The outcome was far from clear-cut, but it was Harold Wilson and not Heath who formed a government, with James Callaghan as Foreign Secretary.

In the same way as the integrationists in Gibraltar had lost a snap general election, the Conservatives in the United Kingdom followed suit. The IWBP, however, soon rallied round their leader, with the constitutional question once again supreme. At his party conference on 8 February, the integrationist leader Maurice Xiberras delivered a strong speech in which he declared that there was 'an urgent need for constitutional advancement'.¹² He called for integration with Britain in the political field, and parity of wages and working conditions for Gibraltarians with their UK counterparts. Xiberras branded the AACR 'reluctant integrationists by force of circumstances'¹³, given that an AACR government had raised income tax to UK levels, but refused to extend the principle to other areas.

Xiberras's call for parity with Britain in the social and economic arena tied in very neatly with the IWBP call for political integration as well. The cry was then taken up by the TGWU, as it promised the double advantage of an improvement in wages for their members, as well as an opportunity to strike back at the AACR government. Xiberras's speech, therefore, marked the start of the struggle between the Association and the trade unions for parity with Britain. This was brought closer by Joe Bossano's appointment as Coordinating Secretary of the TGWU while he remained Shadow Minister for Labour. The largest union in Gibraltar had thus been drawn into local politics once again, barely two years after it had been disaffiliated by the AACR.

The IWBP wrote to Hassan on 17 July and called for a constitutional conference. In his reply later that month, the Chief Minister invited the integrationists to enter into 'a detailed

discussion of specific, concrete proposals in order to establish whether or not we will in fact find it possible to reach a broad measure of agreement.¹⁴ Hassan also asked the integrationists to submit their proposals to the AACR prior to the talks.

It was clear from the correspondence that the AACR had come a long way from that leftist worker's movement of the forties and fifties, which sought political concessions from Britain at every possible opportunity. In 1974 the initiative had been seized by the IWBP, which dragged the Association behind them in the quest for further political reform. This was reflected in Xiberras's reply to Hassan's letter on 2 August. The Leader of the Opposition declared that he did not want minor adjustments, as Hassan's response appeared to imply, but major constitutional change and a complete revision of Gibraltar's future relationship with Britain. Xiberras warned that it would be 'irresponsible to spend time on trivialities', and declared as opposed to Hassan that the 'basic issues' had to be addressed first and then given 'more specific and concrete expression'.¹⁵ The IWBP wanted parity of living standards between Gibraltar and Britain, and felt that if both parties 'were to continue to adopt the method of getting down to specifics only after discussion of general principles, the risk of party political squabbles in which the interests of the people as a whole are left behind would be less'.¹⁶ Within a week Hassan agreed to meet Xiberras to discuss the matter further.

While Gibraltar's leaders sought common ground in their constitutional discussions, in Westminster Harold Wilson called another general election for 10 October. The Labour leader had won less seats than both opposition parties combined in February, but when he went to the country seven months later he secured a narrow overall majority. It would be a Labour government, therefore, that was faced with the call for equal living standards that now begun to spread on the Rock. On 27 September Hassan rejected the concept of parity outright, and by the end of the month the local unions were taking industrial action in support of the claim. The Chief Minister maintained that if the Gibraltar government agreed to parity of wages, it would mean abdicating control over local wage levels. Moreover, Hassan also contended that

the responsibilities of local civil servants in a small colony did not match those of the Whitehall mandarins, therefore their wages could not be the same. Having failed to make headway with an AACR government, Gibraltar's union leadership appealed over their heads to Whitehall, only to be told by Roy Hattersley, Minister of State at the Foreign Office, that the British government could not accept the principle of parity either.

It would have been unrealistic to expect any other response from London. Past experience of negotiations between the colony and Britain had taught the Gibraltarians to expect a negative response first, and then for this to be modified in the face of intransigence from the Rock. The main difference in this instance was Hassan's opposition. Over the past quarter century the AACR had slowly moved away from its working-class origins, and by 1974 that transition seemed complete. The party's stand over parity of living standards with Britain, regardless of whether parity was feasible or not, marked its definitive transformation from a movement which supported the cause of the workers, into a part of that same ruling establishment which the Association itself had opposed for so long.

With the frontier closed, the Rock was more heavily dependent on Britain than ever before, and the reluctance of the AACR to pursue the constitutional issue mirrored the necessity of not antagonising London. The reforms that had been won before 1969, were won from a position of strength, when the Gibraltarian leaders knew full well that Whitehall would concede their demands if they stood their ground uncompromisingly. After 1969, in the face of the Spanish restrictions, all that changed drastically. London did not want to risk extra sanctions from Madrid by allowing further constitutional development on the Rock, and because London controlled the purse strings, the AACR which would normally have been in the forefront of a campaign for more autonomy, now held back. And the mellowing of the party after all its years in office reinforced that reticence to a high degree.

The British government, meanwhile, kept its word and continued to support the Rock, with an announcement on 14 November that over £7 million in development aid would be made

available to Gibraltar over a three year period. Further backing was also provided at the United Nations, where Cortina Mauri, the Spanish Foreign Minister, again spoke at length on Gibraltar on 2 October, in a tone that angered the British delegation. This was reflected in London's pointed reply which came through its delegate Ivor Richard, who retorted that Britain had no intention of handing over Gibraltar to a country 'which threw out democracy a generation ago.'¹⁷ The issue became serious enough for Hassan and Xiberras to travel to New York at the end of November where they witnessed another resolution on Gibraltar being voted through the General Assembly. It regretted that negotiations between Britain and Spain had got nowhere, urged both parties to come to terms and inform the Committee of 24 of the outcome. Nothing had changed since the Gibraltar issue was brought to a head before the Organisation in 1963. The UN asked Britain and Spain to talk, the Foreign Secretaries of both countries met several times, but their respective positions were poles apart and all discussion proved fruitless.

While the UN continued to press for Anglo-Spanish discussions, Hassan announced in the New Year that the question of wages and salaries was being examined in depth by a UK industrial relations arbitrator. This halted the ten weeks of industrial strife that the Rock had been suffering over wage parity with Britain, and the report by Sir Jack Scamp was finally published in July. The Scamp Report concluded that the unions had not established a case for parity, but it conceded that in the circumstances of Gibraltar there was 'no alternative for the parties but to acknowledge that their general wage and salary level should bear some relationship with those negotiated in the UK.'¹⁸ Scamp recommended that local wages should be fixed at about 80% of those in Britain.

The report on which government and unions had set their hopes left both sides dissatisfied. The ruling AACR was well aware that having committed itself to enforce the report it could not turn back, but they realised it entailed losing a degree of responsibility and control over wage levels. The trade unions, for their part, had obtained the assertion that a link between local

wages and those in the United Kingdom should be established, but they had won only 80% of UK levels, not complete parity. Given this situation, industrial unrest on differing scales continued, until parity was finally conceded in July 1978.

The controversy rose to the surface once more when Roy Hattersley arrived on the Rock on 24 September on a three day visit. He declared that the Scamp Report was purely an industrial matter with no political implications. Firing a further salvo at the IWBP the Minister of State remarked that 'it was not in the interest of the people of Gibraltar to base hopes or plans on integration.'¹⁹ This was a direct and deliberate attack on the integrationist movement. Whitehall was well aware that Xiberras and his party were stirring up the constitutional issue at a time when all in London preferred it to be left dormant.

Not surprisingly, the IWBP were furious. In a strongly worded statement they 'noted with regret' the comments made by the Minister, and they further maintained that they could not accept 'that a British Government would not consider a formal approach for integration if it could be made with the support of the great majority of the people of Gibraltar.'²⁰ Rejecting Hattersley's remarks outright, the IWBP pointed out that in any decolonisation process, the wishes of the people being decolonised were the paramount consideration, and if the Gibraltarians decided to opt for integration, the IWBP went on, they found it difficult to believe that Hattersley's position could be maintained. In a letter of protest to the Governor, Sir John Grandy, Maurice Xiberras accused Hattersley of attempting to turn the Gibraltar electorate against the IWBP, a charge that was denied by the authorities.²¹

The flames of his anger fanned by the episode, Xiberras called Hattersley's remarks 'a gross interference with the local political scene' at a meeting of the House of Assembly held on 14 October.²² His seven opposition members then walked out of the chamber and boycotted its proceedings for a month. In response, the AACR regretted the boycott of the assembly for reasons which they claimed had nothing to do with the House and on 17 October they issued a communiqué defending the Minister of State and warning against the danger of confrontation

with Britain.²³ Hattersley had closely followed the procedure used for lighting fireworks. He had applied his match to the blue touch paper and then retired a safe distance to London, where he could sit back and admire the results.

The display was truly pyrotechnic. Not only had the Minister openly attacked the IWBP, but it was even more remarkable that the AACR should have come to his defence. The integrationists, for their part, accused the Association of 'hysteria' and 'subservience' to Britain and in a display that continued well past Bonfire Night, Joe Bossano resigned from the IWBP on 7 November.²⁴ Bossano was the only integrationist realistic enough to see that they would not make headway with an openly hostile British government, although he remained in the House of Assembly as an independent member of the opposition.

Twelve days later General Franco died. It was an event of momentous political importance for Gibraltar in her relations with Britain and Spain. When King Juan Carlos ascended the throne, it became clear that Spain would strive to become a democracy, and attempt to cast off the shadow thrown by the last of the pre-war dictators. There was high expectation that the restrictions imposed under a dictatorship would be lifted at once by a democratic regime. The transition from dictatorship to democracy was to be long and difficult, however. At the end of April 1976 the Spanish President Arias Navarro announced that a referendum on proposed constitutional reform would be held in October, to be followed by general elections in early 1977. In the interim, the British government had also undergone a series of top level changes, with Harold Wilson's resignation on 16 March 1976 and his replacement by James Callaghan. Anthony Crosland took over from Callaghan at the Foreign Office.

Following the changes in London and Madrid, on 26 May 1976 the Constitution Committee of the House of Assembly, which consisted of three AACR members and two IWBP, submitted its findings to the Governor.²⁵ It had taken seventeen months to compile the report, which was a compromise between the Rock's two political parties. While the AACR agreed to the integrationist ideal of a permanent economic link between Gibraltar and Britain as well as the

transfer of Gibraltar's affairs to the Home Office, the IWBP, in return, accepted the Association's proposal that the system of government and opposition which had been set up in 1964 be abolished and replaced by a committee system, whereby various committees involving all the members of the House would administer the Rock. The Constitutional Committee also called for Gibraltar's relations with London to be governed by Act of Parliament not by Order-in-Council, and they asked for full UK citizenship for the Gibraltarians, in anticipation of the coming review of the British Nationality Law. In a new departure, the joint AACR-IWBP document envisaged a Standing Committee on Gibraltar to be set up in London, including the Chief Minister and all UK government departments with an interest in the Rock. They also called for consultation by Whitehall with the Chief Minister on all matters affecting Gibraltar and they asked for a review which would increase the range of specified domestic matters for which the local government was responsible.

At the end of June, Hassan and Xiberras discussed their proposals in Whitehall with Roy Hattersley. Before leaving London, the local delegation were handed a memorandum from the Foreign Office in response to their constitutional representations. The British Government, the memorandum declared, 'cannot accept that there is a need for constitutional change nor for a constitutional conference.'²⁶ This was bad enough from Gibraltar's point of view, but there was more to come. Whitehall went on to point to the important changes which had occurred 'in Spain and in Spain's attitude to neighbouring states in Western Europe since the Constitution Committee had begun its work in Gibraltar in January 1975.' It was important to see the Committee's proposals 'against the background of the present situation and in relation to Spain and not against the background which existed previously.'²⁷ For the first time, the Gibraltarians were being told in no uncertain terms that their future lay with Spain. Diplomatic considerations were the main concern after 1976 and the choice for Gibraltar seemed to be constitutional stagnation or absorption into Spain.

'The rights and position of the people of Gibraltar were adequately protected by the present constitution,' proclaimed the Hattersley Memorandum. 'It would be a mistake to introduce changes that might imply that this was not so.'²⁸ London made clear that 'it would be wise to avoid innovations which might make the development of a more favourable Spanish attitude to Gibraltar less likely',²⁹ and it declared that this feeling had determined the British government's reply to the Committee's proposals.

The Foreign Office then went on to analyse the Committee's constitutional recommendations point by point. A further salvo aimed at the IWBP proclaimed that 'close integration is neither a desirable nor a practical option' and it reiterated that it was 'impracticable to consider decolonisation in the form of integration with Britain or independence.'³⁰ All the Committee's proposals were rejected outright, except the call for a review of domestic responsibilities and the establishment of a committee system of administration. The projected transfer to the Home Office was again refused, on the grounds that such a move was 'contrary to the British Government's position on integration.'³¹ The permanent economic link was not granted as it was claimed that such a link would increase Gibraltar's dependence on Britain to an unreasonable degree, and the Whitehall Committee on Gibraltar was rejected because forums like the Gibraltar Council already existed for that purpose.

The Hattersley Memorandum was a severe blow to Gibraltar. Its pledge that Britain maintained its commitment to the people of Gibraltar seemed hollow indeed after all that had gone before. It had been almost customary for London initially to reject all constitutional plans submitted by the Rock, but never before had further political reform been ruled out in this manner. The fact that Spain should not be further antagonised by changes in Gibraltar's political structure was spelled out bluntly for all to see: the guarantees given in the 1969 constitution would be upheld, but that was as much as the Gibraltarians could expect from Britain.

The IWBP emerged particularly badly from the whole affair. For the second time in seven months Roy Hattersley had seen fit to lash out at the concept of integration with Britain, the main platform which held the party together. The points made by the memorandum were damaging and well aimed. Their timing was particularly relevant as general elections to the House of Assembly were due in September 1976, and the fact that integration was again ruled out in June was seen as an intolerable interference in local politics. It seemed that the British government was intent on destroying the integrationist movement by striking at their *raison d'être*.

It was hardly surprising, therefore, that the first to react to the memorandum were the IWBP. On 2 July the party described the reply from London as 'a calculated rebuff to the aspirations of the people of Gibraltar.'³² Maurice Xiberras called for urgent talks between Britain and Gibraltar on the future of the Rock, as it had become clear to him that the whole crisis transcended the details of proposals and counter proposals. Indeed the answers received from Britain cut deeper than the Gibraltarian proposals themselves!³³ He referred to the escalation of differences between himself and Hassan, whom he accused of not defending the agreed Gibraltar position before Hattersley, and he reported that the Minister of State had ruled out every new possibility for the Rock: not only independence, which was perhaps to be expected, but integration and free association as well.

The AACR gave their version of events three days later. Hassan denied that he had put up a weak performance in London, but stated that he had 'a pretty shrewd idea' that reaction in Whitehall was not going to be favourable.³⁴ The Chief Minister stressed the fact that confrontation with Britain had to be avoided. 'We must remember,' he warned, 'that Britain is our friend. We must avoid confrontation which might create anti-British feeling which will be exploited by our neighbours and weaken our position.'³⁵ The AACR's view reflected the domestication which the Association had undergone. It was remarkable to hear that confrontation with Britain had to be avoided, when this advice was coming from a movement

which had been born confronting Britain and which had achieved spectacular success in the constitutional arena by doing so. There was the greater danger, moreover, that the AACR had come to see the interests of Britain and Gibraltar as identical, when the Hattersley Memorandum had made palpably clear that this was no longer the case.

Roy Hattersley had thrown Gibraltar into a state of crisis, and the security which had been won in the 1969 constitution was now called in question. In a letter to Anthony Crosland, the Foreign and Commonwealth Secretary, the Gibraltar Trades Council (GTC) which comprised all the Rock's trade unions declared their apprehension at the fact that Hattersley had ruled out any kind of constitutional change. The Minister of State, the GTC pointed out, 'did not apparently then go on to spell out what options, in the view of HMG, remained to bring about the decolonisation of Gibraltar.'³⁶

Maurice Xiberras left the Governor in no doubt about the 'deep concern' on the Rock at the bombshell from Whitehall.³⁷ 'Her Majesty's Government's intentions as regards to Gibraltar's future,' the IWBP leader went on, 'requires immediate and honest clarification.'³⁸ Xiberras warned of a possible conflict between British national interests and London's obligations towards the territory. While he was certain that HMG would honour the wording of the 1969 constitution, he pointed out that 'the fear is that there is a variety of means at Her Majesty's Government's disposal, which given the appropriate European circumstances, could be employed to induce the Gibraltarians to abandon their present attitude, whilst remaining faithful to the letter of the pledge given.'³⁹

It appeared that Xiberras had learnt a painful lesson the hard way. In 1967 when the IWBP was launched as a political party its founder members had no reason to doubt the good faith of the British government. Xiberras's letter to Grandy in July 1976, however, made it clear that the IWBP had ceased to trust London. In a sense this was hardly surprising. From as far back as November 1975 Hattersley had fired several deliberate shots at the integrationist movement. At first it was possible to argue that the Minister's intentions had been misread and

that he did not really mean to pull the trigger. But after the fusillade of June 1976 the IWBP was left in no doubt. Whitehall wanted to kill the integrationists as a political force, and the Hattersley Memorandum had the double effect of destroying the IWBP and handing the 1976 elections to the AACR on a plate.

The Association did not seem unduly disturbed by all this. In a televised address, Hassan told the Gibraltarians that 'nothing had changed' and that Britain had promised once more to defend the Rock politically and sustain it economically.⁴⁰ Yet no amount of reassurance could really soften the shattering blow that Hattersley had delivered, and for the integrationists the hostility of the Foreign Office was even more damaging. On 6 September 1976 Maurice Xiberras resigned from the IWBP, and the party decided not to contest the coming elections. In a letter to The Times on 6 October Robert Peliza, the former IWBP Chief Minister, accused London of having 'deliberately destroyed the Integration with Britain Party'.⁴¹ It was a well-founded accusation. Hattersley's animosity to the movement had been apparent ever since his first visit to the Rock and the Foreign Office was well aware that integration with Britain was the linch-pin which held the party together. Once the IWBP became too presumptuous in pushing constitutional development to the forefront throughout 1975, carrying a reluctant AACR with it, it was a signal to many in Whitehall that the integrationists were becoming a political nuisance. London thereupon cut the ground from under the feet of the IWBP.

Diplomatic Breakthrough, 1976 – 1980

The opposition to the AACR thus faced the elections of 28 September in complete disarray. Although Joe Bossano had established the Gibraltar Democratic Movement (GDM) in an effort to fill the vacuum left behind by the demise of the IWBP, time was not on his side. A total of twenty-seven candidates came forward to contest fifteen vacant seats. The AACR put forward

a team of eight, headed once again by Hassan. Tired of the continuing wrangles with the trade unions, the AACR leader had decided at one point to retire from politics come 1976, but walking through the gardens of the Governor's residence he was persuaded to stay on by Roy Hattersley during his visit in September 1975.⁴² The GDM nominated eight candidates, and eleven independents completed the line-up. Prominent among the latter were many of the old integrationists, including Xiberras, the Isola brothers William and Peter, and Robert Peliza.

The outcome of the elections took nobody by surprise. The eight AACR candidates were elected within the first ten places, with Hassan topping the poll ahead of Maurice Xiberras, while Bossano came fifth. The new House of Assembly was led by Hassan as Chief Minister of an AACR government, with the opposition, led by Joe Bossano, composed of four GDM members plus Peter Isola, Maurice Xiberras and Robert Peliza, elected to serve as independents. The difference in emphasis and approach between the AACR and the GDM became evident at once. While Hassan declared that there could be no talks with Spain until a democratic general election was held there, the GDM called for the decolonisation of Gibraltar 'regardless of what happens in Spain.'⁴³

The impasse in Anglo-Spanish relations was soon to be broken, aided by the appointment of Dr David Owen as Foreign Secretary at the end of February 1977, on the death of Anthony Crosland. On 15 June the first general elections in Spain after Franco's death were won by Adolfo Suarez and his centre-coalition Unión de Centro Democrático (UCD). This was an event of paramount importance for the Rock. Hassan's condition for talks with Spain had now been met, and the groundwork for them was laid in early September with two days of conversations in Madrid between Owen and the Spanish Foreign Minister Marcelino Oreja. The latter made clear that there were 'territorial claims at stake which cannot be renounced', but he conceded that there also existed 'the interests of a population which would be taken into account.'⁴⁴

Oreja's approach was more a change of emphasis than of substance, since it revealed that Spain's transition to democracy had not altered Madrid's view of the Gibraltar question. It is significant that Oreja spoke of the interests and not the wishes of the Gibraltarians. The need to take into account those same interests had been recognised even by the United Nations in 1964, and therefore the line that came from Madrid in 1977 had not altered much from that of 1966, particularly since it was not clear who would define what those interests were. What had changed was the manner in which Spain's views were now put across. The new Spain of the late 1970s appeared to take a step forward in recognising that it was necessary for the inhabitants of the Rock to have a voice on the future that London and Madrid mapped out on their behalf.

The plain truth was that both countries were looking beyond the Gibraltar dispute to common wider interests. Spain had formally applied to join the EEC in July 1977, and the country remained an important market for British goods. In 1972, for instance, Madrid had bought eight Harrier vertical take-off warplanes, and in July 1977 five more were supplied in a deal worth about £15 million.⁴⁵ On leaving the Spanish capital, Owen declared that in Britain's view the restrictions against Gibraltar were impairing progress on the issue, and he called on Oreja to lift them completely.⁴⁶

At the same time as the discussions in Madrid, important developments took place on the local political scene. On 5 September, Gerald Restano and Brian Perez, two members of Bossano's GDM, resigned from its parliamentary group, following Dr Reginald Valarino who had left in August. This left Bossano as the only GDM member in the House of Assembly, and consequently the leadership of the Opposition passed to Maurice Xiberras. Five days later Valarino joined the AACR, and in May 1978 Perez did likewise. This gave the Association a majority of ten to five in the House, and dramatically exposed the weakness of the opposition groupings, as did the formation of two new movements. On 9 September 1977, the Party for the Autonomy of Gibraltar (PAG) was founded by J.E.Triay. Its aims echoed closely those

expressed by the Doves in 1968 and it was the first political group to call for the creation of an autonomous Gibraltar inside the Spanish state. Within a month, Joe Bossano launched the Gibraltar Socialist Labour Party (GSLP), in an effort to rebuild from scratch after the collapse of the GDM. It was apparent that the opposition to the AACR were still reeling from the blow that Hattersley had delivered the IWBP fifteen months before.

In late September, the first debate on foreign affairs was held in the Spanish Parliament, when Oreja spoke of the 'possibility of a negotiated solution to the Gibraltar problem.'⁴⁷ To this Britain countered that there was 'no question' of London taking decisions on its own 'without the fullest consent of the people of Gibraltar.'⁴⁸ The next round of Anglo-Spanish talks were due on 24 November in Strasbourg, and it was announced that Sir Joshua Hassan and Maurice Xiberras would be attending as members of the British delegation. It was the first time that Gibraltarian representatives were allowed to be present, although it was stressed that they were there as an integral part of the Foreign Office team, and not as Gibraltarians in their own right. Their attendance was possible because Spain had not objected, and although the meeting at Strasbourg concluded only with agreement to continue talking, it was nevertheless an historic occasion. Further conversations were held in Paris in March 1978, and working groups were set up to examine methods of cooperation between Gibraltar and Spain.

Madrid went on to develop its new softer line towards Gibraltar. On 23 January 1978 Javier Ruperez, Secretary-General for International Relations of Spain's governing UCD party, started an official four-day visit to the Rock, which included meetings with the Gibraltarian leaders. The Spanish Foreign Ministry announced that the purpose of the visit was 'to learn directly of the situation, criteria and interests of the Gibraltarians, which Spain has committed herself to take into account in case of a possible agreement over the decolonisation of Gibraltar.'⁴⁹ However, Ruperez also made it clear that as far as Madrid was concerned the talks were meant to lead to the integration of the Rock into Spain. Joe Bossano consequently warned of the dangers of continuing to take soundings with Spain given that Madrid saw the

discussions only as a means to that end. The GSLP leader called for the talks to stop and reiterated that the decolonisation of Gibraltar was a matter for Britain and Gibraltar, not for Spain.⁵⁰

Oreja nonetheless continued his attempts to win over the Gibraltarians. On 6 March 1978 the Gibraltar Newsweekly Panorama published the first-ever interview granted by a Spanish Foreign Minister to a Gibraltarian newspaper.⁵¹ Panorama noted the 'moderation and tact' with which Oreja put across his views, 'urging that the [Gibraltar] problem be de-dramatised.'⁵² The Spanish Government, declared Oreja, had 'great respect and affection for the Gibraltarian population, and it is within this respect for the Gibraltarian identity that it will be possible to achieve common progress towards certain objectives.'⁵³ The Foreign Minister pointed to the provision for regional autonomy for people like Basques and Catalans which were enshrined in Spain's new constitution, and, like Triay's PAG, he looked for a solution to the Gibraltar problem along those lines.

While Oreja wooed the Gibraltarians, the British government continued to support the Rock. On 5 April it was announced that London would make £14 million in development aid available to Gibraltar for the period 1978–1981 and later that month, General Sir William Jackson replaced Sir John Grandy as Governor. Meanwhile, on 4 July 1978 the old integrationists re-surfaced with the formation of the Democratic Party of British Gibraltar (DPBG). The party was essentially the old IWBP in disguise, although it was stronger than its predecessor in that the DPBG was no longer a one-issue party.⁵⁴ It was led by Maurice Xiberras and included the old integrationists, Peter Isola and Robert Peliza. The party started off with four members in the House of Assembly, as Gerald Restano, a former GDM man, had joined the other three, and its main objective was to keep Gibraltar and its people British.

The DPBG objective was not a difficult one, despite general elections in Britain and Spain in the first half of 1979. The Spanish elections held at the beginning of March saw the UCD returned to power, with Oreja remaining at the helm of the Spanish Foreign Ministry. On 28

March 1979 Callaghan's government was defeated by one vote in a motion of no-confidence, and in the resulting elections on 3 May Margaret Thatcher became the first woman to reach Downing Street. Thatcher's election was well received in Gibraltar. That same February in a letter to Maurice Xiberras, the Conservative leader had declared that it was 'up to the people to decide their own future', and she added in her own uncompromising tone 'that is what democracy is all about.'⁵⁵

Shortly after the formation of the new Conservative government, Sir Ian Gilmour, Lord Privy Seal and Deputy Foreign Secretary, was sent out to Gibraltar in mid-July to assess the situation at first hand. Gilmour was spokesman for foreign affairs in the Commons with particular reference to Europe, and after meeting with General Jackson and the Rock's elected leaders, Sir Ian declared that he could not contemplate a situation where a closed border could exist between two members of the EEC.⁵⁶ He called on Spain to lift the restrictions.

The emphasis soon shifted away from Spain and back to the local political arena when on 14 August 1979 Maurice Xiberras announced he was leaving politics completely. He resigned from the House of Assembly and from the DPBG for personal reasons, leaving Peter Isola to lead the opposition and the party. Xiberras left Gibraltar shortly afterwards. Rather than stage a by-election, the AACR government decided to bring forward the 1980 general elections, and on 6 February Gibraltar went to the polls. Twenty-seven candidates came forward to contest the fifteen vacant seats. The AACR and the DPBG both put forward eight, led by Hassan and Isola respectively, while Bossano's GSLP presented six. Three contenders stood under the banner of Triay's Party for the Autonomy of Gibraltar (PAG), while a further two did so as independents.

It was the first time that candidates calling for Gibraltar's integration with Spain contested an election on the Rock and not surprisingly none was successful. The AACR had all its eight representatives elected, with Hassan topping the poll from Joe Bossano by only 64 votes. However, despite his strong personal showing, the GSLP leader was the only member of his

party to win through, as Isola's DPBG won the six remaining seats. Despite another election victory, there was little doubt that the AACR were no longer the force they had once been. This was reflected not just in the margin of Hassan's own narrow personal triumph over Bossano, but more significantly in the fall in the number of Hassan's personal votes from 7225 in 1976 to 4970 four years later. The movement had lapsed a long way from those days when it could confidently claim to speak for all Gibraltarians.

Meanwhile, the rounds of Anglo-Spanish conversations which had started in Strasbourg in November 1977 continued. After two days of discussions in Lisbon between Marcelino Oreja and Lord Carrington, both sides announced on 10 April 1980 that Spain would lift her restrictions on the Rock by 1 June, while talks on the Gibraltar issue would open at the same time. The Lisbon Agreement declared it was the intention of both countries 'in accordance with the relevant United Nations Resolutions, to resolve, in a spirit of friendship, the Gibraltar problem.'⁵⁷ It went on to state that both governments would be prepared to consider any proposals which the other might wish to make, and it reaffirmed Spain's commitment to recover her territorial integrity and Britain's guarantee 'to honour the freely and democratically expressed wishes of the people of Gibraltar as set out in the Preamble to the Gibraltar Constitution.'⁵⁸

Only Bossano's GLSP rejected a settlement which to them pointed to the re-absorption of the Rock into Spain, and it was welcomed by both the AACR and the DPBG. The truth was that the Lisbon Agreement was laden with danger for Gibraltar. The fact that it mentioned the UN resolutions as the parameters within which future negotiations would take place left little doubt that the final outcome of the process had to be the return of Gibraltar to Spain, in accordance with those same UN resolutions. Although there was no explicit mention of sovereignty, the Lisbon Agreement made it clear that for London and Madrid negotiations would aim at overcoming 'all the differences between them on Gibraltar'⁵⁹, and by implication this had to include the question of sovereignty, which was the cardinal issue.

The Lisbon accord also established that future cooperation between the Rock and Spain would be 'on the basis of reciprocity and full equality of rights.'⁶⁰ The phrase was deliberately vague, but it was taken by Madrid to mean that EEC rights would be granted to Spaniards working in Gibraltar before Spain joined the Community. Since Britain refused to accept this timing, the question became a new stumbling block, and as a result the frontier gates remained firmly shut after 1 June, with mounting speculation as to when the opening would occur.

Thus the diplomatic wrangle went on, as both countries tried to come to terms on how to implement what they had signed. For many Gibraltarians there was really nothing to discuss, and the Lisbon Agreement was highly suspect. Spain had ceded sovereignty over Gibraltar to Britain in perpetuity, and the principle that sovereignty was not negotiable led to the closure of the frontier by Madrid in 1969. For Britain to agree to Spain lifting its restrictions in exchange for concessions over Gibraltar was perhaps tantamount to an admission that Franco had been right in closing the frontier at a time when London refused to talk. With the citing of the UN resolutions the peril for Gibraltar increased even further. Britain appeared to be accepting, as the same resolutions contended, that Spain had a voice in the decolonisation of Gibraltar, something that was anathema to the overwhelming majority of Gibraltarians.

The Lifting of the Restrictions 1981 – 1984

Just as there were many in Gibraltar who thought Britain had given ground unnecessarily in exchange for Spain removing restrictions which should not have been introduced in the first place, there were also those in the Spanish government who felt that Oreja had been too conciliatory. Although Madrid did not repudiate the Lisbon Agreement, the Spanish government refused to enact it and sought instead to renegotiate the vague clause on

reciprocity of rights. Oreja was finally sacked by Suarez on 8 September in a cabinet reshuffle, to be replaced by José Pedro Perez-Llorca.

The new Foreign Minister did not wait long to make his mark, and on 22 September he was already telling the United Nations that the Lisbon Agreement and the negotiations following it would lead to the return of Gibraltar to Spain.⁶¹ His words revealed that Joe Bossano was one of the few men to have read the situation correctly, and that Gibraltar should never have supported a pact which Spain saw merely as a means to an end.

On 10 January 1981, Whitehall announced that Sir William Jackson's tenure as Governor would be extended until May 1982. Jackson had done much to endear himself to the Gibraltarians since his arrival on the Rock in April 1978 in a way that no Governor had done since the days of General Anderson. Like his predecessor of the late 1940s, Jackson had come to see his role as the champion of the interests of the colony vis-a-vis London, and it was well known that he often irritated Whitehall by his intensely pro-Gibraltarian stand. In a public speech in October 1979 the Governor uttered some remarkable words which asserted the evolution of the Gibraltarian. 'In the past year and a half in which I have been your Governor,' he told his audience, 'I have become more and more aware that the colony of Gibraltar has become Gibraltar – and Gibraltarians are now acknowledged, even by our neighbours, as a people in their own right and with their own identity.'⁶²

While the Governor dwelt upon the separate identity of the inhabitants of the Rock, the new Conservative government in London was soon to call their British citizenship into question. A White Paper on British nationality law proposed to replace the existing single British citizenship with a three-tier system of British nationality, the first being full citizenship, the second citizens of British Dependent Territories, and the third British Overseas citizens. It was suggested that the Gibraltarians would fall into the second category. The move caused uproar in Gibraltar and in August 1980 all the Rock's political parties and representative bodies agreed to send a petition to Westminster in support of their case. In January 1981 the British

government rejected it, but Gibraltar decided to fight on regardless, with intense lobbying of members of both Houses of Parliament and even a petition to Margaret Thatcher herself.

On 3 June 1981 an amendment which would have allowed the Gibraltarians to register as full British citizens was rejected by the Commons by 273 votes to 248, with 21 Tory MPs voting against the government. The narrowness of the defeat encouraged the Gibraltarians as the battle moved to the Upper House, and on 22 July the Lords voted by 150 to 112 to overturn the Commons verdict.⁶⁴ At the end of October, William Whitelaw, the Home Secretary, advised the Commons that the reversal would be accepted. Thatcher's government had made a remarkable U-turn, and although they could have forced the issue with a second Commons vote, the matter was left as the peers had decided. Once again the Gibraltarians had proved that positive results could be obtained if they were all united behind one objective.

Two days before the Lords' actions, Buckingham Palace announced that the Prince and Princess of Wales would start their honeymoon cruise from Gibraltar. On 21 July the Spanish King and Queen made it clear that they would not attend the wedding because of the stop-over at the Rock. Gilmour told the Commons that the holiday arrangements were entirely for the royal couple to decide, it was 'their honeymoon and nobody else's, and it is not for anybody else to interfere with it.'⁶⁵ As relations between Britain and Spain again deteriorated over a royal visit to the Rock, as they had done with the Queen's visit in 1954, the Gibraltarians accorded Charles and Diana a rapturous welcome on 1 August. In one month they had seen Madrid slapped in the face twice, first over the issue of British nationality and then over the royal honeymoon.

Throughout early 1981, while the Gibraltarians had been fighting for British nationality, Spain had been engaged in a struggle for democracy itself. At the end of January Adolfo Suarez had resigned as Prime Minister and leader of the centre party UCD, and he was replaced in both posts by Leopoldo Calvo Sotelo. On 18 February Calvo Sotelo described the Lisbon Agreement as 'the new path in the march towards the recovery of Gibraltar'⁶³, and only five

days later, as the Cortes voted for the country's new Prime Minister, it became the centre of an attempted military coup as the deputies were held hostage by civil guards. Only a televised intervention by King Juan Carlos condemning the rebels saved Spanish democracy, and Calvo Sotelo was eventually voted in as Prime Minister on 25 February.

With the royal visit behind them and with applications flooding in for British nationality, the summer of 1981 had been a particularly good one for the Gibraltarians. However, the clouds of depression gathered once more on 23 November, with an announcement from Westminster that Gibraltar's naval dockyard would be run down throughout 1982, and then closed completely a year later. The plan was to convert the yard to commercial use, with the Gibraltar government as its new owners. Furious at the lack of consultation over the announcement, which had come in a Commons written reply, Hassan protested to Lord Carrington and his new deputy, Humphrey Atkins,⁶⁶ on 14 December. London's commitment to sustain the local economy in the face of the Spanish restrictions was called into question. Four days later, the Chief Minister broadcast to the Rock that 'if the necessary steps were not taken to help to maintain the way of life of the Gibraltarian community in a reasonable manner, my colleagues and I might find it impossible to continue holding office as ministers.'⁶⁷

The day after the broadcast, the House of Assembly, in a unanimous resolution, condemned the closure and called on London to reconsider. There was to be no reprieve. In direct talks in London which included meetings between Hassan and Thatcher, it was finally decided in July 1983 that the closure would be delayed for one year, a package of £28 million would be made available to the new commercial yard with £14 million in guaranteed naval work, and more land held by the Ministry of Defence on the Rock would be released to the local government. During the tense discussions, London had suggested that rather than a direct subsidy for the yard, the Gibraltar government should instead become grant-aided, and in this way the blow to the local economy would be eased. This would have involved having officials from the Treasury scrutinising every penny that they were spending on the Rock, and Hassan would not

hear of it. Only after the AACR leader threatened to resign did London agree to provide a direct grant to the new commercial yard itself.⁶⁸

Apart from its serious economic effects, the closure was also loaded with political implications. It had been very difficult for the Gibraltarians to see London cut their livelihood from under their feet while the Spanish restrictions remained in force. More importantly, the naval dockyard was the very embodiment of Gibraltar's dependence on Britain. Its closure was a warning that the colony now had to fend for itself in the new world of the 1980s, and could rely no longer on the mother country for assistance. But if London was pulling out on them, it did not mean that the Gibraltarians would look to Madrid instead. Many realised that it was time for the people of the Rock to stand on their own two feet.

The credibility of the AACR had also been dented by the dockyard affair. The party had initially stood with all the other representative bodies in opposition to the closure, but then broke ranks, claiming it had obtained the best possible deal. This increased the hostility between the AACR and the TGWU, and the antagonism which the unions felt towards the commercial dockyard from the start was an important factor accounting for the waves of industrial unrest which crippled the yard in its early years of operation.

While the Gibraltarians pondered their fate, the Spanish Prime Minister Calvo Sotelo announced in London in January 1982 that the frontier gates would open on 20 April, and that talks with Britain would commence simultaneously. Even then, however, the settlement was postponed. It was ironical that another British colonial problem in another hemisphere should have had a bearing on the Gibraltar question, but at the beginning of April Argentina invaded the Falkland Islands and Britain despatched a task force to take the islands back. This delayed the frontier opening yet again. The affinities between the Falklands and Gibraltar were too close for any Spanish government to contemplate lifting the restrictions against a British colony, given the wave of sympathy in Spain for the Argentinian cause. Workers at the closure-threatened dockyard in Gibraltar, meanwhile, worked round the clock to convert a

school ship into a hospital ship in one weekend for the expedition. The Gibraltarians were acutely aware of the parallel between the Falklanders and themselves, and the war to liberate the islands became their war also.

At the beginning of May, Whitehall gave notice that Admiral Sir David Williams would replace General Jackson as Governor in October, and on 27 May it was announced that the frontier would now open on 25 June, with talks starting at Sintra in Portugal. The British delegation would be headed by Francis Pym, the new Foreign Secretary, who had replaced Lord Carrington, the first casualty of the Falklands conflict. On 14 June the last Argentine troops of occupation surrendered, and the Falkland Islands had been retaken. Amidst all the euphoria came another terse announcement from the Foreign Office to the effect that the frontier opening had once more been postponed at the request of the Spanish government.⁶⁹

At this, the Conservative government in London lost patience with Madrid, and this was reflected in a series of top-level pronouncements, the first delivered by Margaret Thatcher herself. Exasperated by the Spanish delays in implementing the Lisbon Agreement, the Prime Minister told the Commons at the beginning of July 1982 that Spain 'cannot enter the Common Market as long as her side of the border with Gibraltar remains closed.'⁶⁹ It was the first time that Britain had hinted at exercising her right of veto over Spain's accession to the EEC, and it was extremely significant that the statement should have come from the head of government. In order to leave no doubts, Thatcher insisted that there would be 'no change in the status or sovereignty of Gibraltar without the full consent of the people of Gibraltar.'⁷⁰ The point was driven home by Francis Pym at the end of a two-day visit to Denmark in mid-September, when he declared that 'Britain does not favour Spain's entry to the European Economic Community with the Spanish restrictions still in force.'⁷¹

On the eve of his departure, the outgoing Governor of Gibraltar, General Sir William Jackson, told the Gibraltarians that the Rock was their home, and that their wishes remained paramount when its future political status came to be decided.⁷² 'This is the Rock of the Gibraltarians',

Jackson went on, 'Gibraltarians have lived, bred and prospered here for 300 years – longer than the United States have existed.'⁷³ The Governor's remarks were extremely outspoken, and they did not conceal his sympathy with the people whose part he had taken for five years.

Meanwhile, the Spanish general elections held on 28 October were won by Felipe Gonzalez's Socialist party, with Fernando Morán taking over at the Palacio de Santa Cruz. Reaction in Britain was guarded, and Francis Pym reminded the new Spanish administration that Spain's accession to the EEC 'cannot take place whilst the border with Gibraltar is still closed.'⁷⁴ In Gibraltar the mood was more optimistic, and Sir Joshua Hassan proclaimed to his party conference on 3 December that 'the people of Gibraltar are on the point of triumph over the forces that have tried to destroy them.'⁷⁵ Four days later, after its first cabinet meeting, the new Spanish government announced that the frontier with Gibraltar would open for pedestrians only on 15 December. It repeated that this was being done for humanitarian reasons only, and limited British residents in Gibraltar (which included Gibraltarians) and Spaniards on either side to one crossing a day. No goods of any kind were to be allowed through the border. This, Madrid professed, was in order to protect the Spanish economy.

What could have been seen as a goodwill gesture in 1975 when Franco died, or even in 1980 with the signing of the Lisbon Agreement, was seen as nothing of the kind by the Gibraltarians in December 1982. It seemed as if Felipe Gonzalez had partially opened the frontier gates purely and simply in the face of British threats to obstruct Spain's entry into the EEC. It had taken a democratic Spain nearly six years to come this far, and even then the opening was extremely restrictive. Therefore although the Gibraltarians welcomed their release from a thirteen-year incarceration in two-and-a-quarter square miles, they were not exceptionally grateful.

The Rock's economy, already tottering with the threat of the dockyard closure, was not helped at all by Gibraltarians now being able to spend money freely in Spain. In the face of this situation, the British government announced that a further £13 million in development aid

would be made available to the Gibraltar government for the period 1981–1986.⁷⁶ By the end of March 1983 Hassan was telling the Gibraltarians to cut down their spending on leisure activities in Spain, given the negative effects this was having on the local economy. The Chief Minister also condemned the grudging nature of the border opening. 'People have been prevented from taking their fishing rods in order to take part in an angling competition,' Hassan reported, 'and difficulties were placed in the way of a Gibraltarian guitarist wishing to take part in a charitable concert in Spain.' It seemed, the AACR leader sarcastically suggested, 'that the exportation of a football trophy and the importation of a butterfly and a beetle also endanger the Spanish economy.'⁷⁷

On 25 March the Gibraltar House of Assembly passed a motion denouncing the 'discriminatory manner of the opening of the frontier'⁷⁸, and at the end of June a high-powered Gibraltar delegation which included the Chief Minister and the Governor visited Whitehall for discussions on the serious economic situation on the Rock. At the beginning of that month the Conservatives had won a landslide victory in the general election in the United Kingdom, swept in on the afterglow of euphoria generated by the Falklands War. Margaret Thatcher thus commenced her second term as Prime Minister, with Geoffrey Howe moving from the Exchequer to the Foreign Office.

Given that the border between Gibraltar and Spain was no longer sealed, the emphasis of Britain's attitude towards Spain's entry into the EEC changed. This was revealed in a statement to Parliament at the end of July by Malcolm Rifkind, Minister of State at the Foreign Office, that if Spain wished to join the EEC 'it must recognise that Gibraltar is part of the Community and that it would be inconceivable if Spain, as a member of the Community, did not allow movement across its frontier with Gibraltar similar to that which it would provide for other member states.'⁷⁸ Britain was taking a new line in the face of the partial opening of the border. It was no longer just a case of lifting restrictions, but of allowing normal access through the frontier at Gibraltar.

The tough talking by Britain was followed by a more conciliatory tone from Spain's socialist Foreign Minister Fernando Morán during a visit to Sweden. There he expressed the view that Madrid accepted 'the wishes of the people of Gibraltar to keep their British nationality once the territory has been reintegrated into Spain.'⁷⁹ However, he added, if 'they handed over Gibraltar on a plate against the wishes of the Gibraltarians it would not be a good deal for Spain.'⁸⁰ It was the first time that a top Spanish politician had made a statement of this kind, and Morán's last remark was extremely well received on the Rock, where it was taken to mean that Spain too had at last come to recognise the importance of the wishes of the Gibraltarians in the dispute. In retrospect, however, Morán's comments proved to be purely personal, and the new approach was to disappear with his departure.

The distance between Britain and Spain over the meaning of the Lisbon Agreement was again made glaringly evident in the Spanish Cortes at the end of October. Morán made it clear that his government would never accept the British interpretation of the 1980 accord, namely that a complete removal of the restrictions had at the latest to coincide with the start of talks on the Rock's future. The Spaniards contended that a phased removal of the restrictions would have to be matched by concessions from Britain at each stage.⁸¹ These contradictory interpretations destroyed the Lisbon Agreement. It was clear that the statement about 'reciprocity and full equality of rights'⁸² was far too vague and meant quite different things to both countries. An agreed definition of the vague wording of Lisbon became the prime objective of both London and Madrid.

While Gibraltar waited for Britain and Spain to concur on what exactly they had signed in 1980, general elections on the Rock were called for 26 January 1984. The main issue was the dockyard closure, which affected many Gibraltarians more immediately than the on-going discussions with Spain. The AACR sought re-election on the strength of the package which Hassan had negotiated with Thatcher in July 1983, and maintained that since the naval dockyard was going to close anyway, the party had obtained the best possible deal. Joe

Bossano's GSLP continued resolute in their opposition both to the terms of the Hassan-Thatcher agreement and the actual principle of the closure itself. They were backed in their approach by the trade union movement, which was not surprising given that Bossano himself remained Branch Officer of the TGWU, and their position was given a strong boost by the announcement on 14 November 1983 that 776 dockyard employees were going to lose their jobs as a result of its commercialisation.⁸³

Faced with this sharp division of views, Peter Isola's DPBG decided to sit on the fence. They argued that they would seek to re-negotiate the deal that the AACR struck with Thatcher, and like the other two parties put forward eight candidates. A trio of independents thus produced a line-up of 27 contenders fighting for fifteen seats. The outcome was a vote of confidence in the AACR, with all eight on its lists being returned in the first nine places. Not only did Hassan top the poll, but his deputy Adolfo Canepa came second, ahead of Joe Bossano. It was the fourth successive election win for the AACR under Hassan, and this was a considerable achievement.

However, the election results proved a triumph for the GSLP also. Seven of their eight were returned, completely wiping out Peter Isola and the DPBG. In a clearly polarised debate between 'yes' and 'no' to the dockyard closure there had been no room for the middle ground. The result reflected the polarisation which had existed among the electorate also, and in the long run it meant that the GSLP for the first time had a solid platform from which to mount a serious challenge after the twelve years of AACR hegemony. During the count the lead had oscillated between the AACR and the GSLP, and at one point in the night Joe Bossano was actually interviewed as Chief Minister-elect by Spanish television. Though the AACR won the day, the GSLP had a great deal to be pleased about.

At the beginning of March, Hassan discussed the future of the dockyard and relations with Spain with Geoffrey Howe in London. The deteriorating economic situation on the Rock was also on the agenda, since the opening of the border to pedestrians continued to bleed

Gibraltar's economy. Gibraltarians had spent £8 million in Spain in the one year of the partial opening, with only an estimated £2 million coming into the Rock. Even in March 1983 the expenditure by Gibraltarians in Spain was believed to stand at £150,000 a week.⁸⁴ In a small economy this one-way drain of capital was potentially disastrous.

Meanwhile Malcolm Rifkind hewed to his uncompromising line in the Commons, declaring on 21 March that there was 'no question' of Spain entering the EEC in 1986, as expected, without having normalised her frontier at Gibraltar.⁸⁵ 'The Spanish government are aware,' insisted the Minister of State, 'that it would be inconceivable for access between Spain and Gibraltar after Spanish accession to be different from access between Spain and the members of the European Community.'⁸⁶ Given the tough British stand, Morán met Howe in April 1984 and again in September in an attempt to find a way out.

At the end of September Britain and China came to terms over the return of Hong Kong to China in 1997, and the agreement at once boosted Spain's aspirations over Gibraltar. Fernando Morán told 'The Times' on 27 September of the possibility that Spain too might strike a similar deal with Britain.⁸⁷ When questioned about the parallels between Gibraltar, the Falklands and Hong Kong Sir Geoffrey Howe stressed that 'the three cases could not be more different from each other.'⁸⁸ 92% of Hong Kong territory was under a lease which expired in 1997. 'Had we not reached this agreement,' Howe went on, 'it would have meant the end of any British style of living in Hong Kong after 1997. In both Gibraltar and the Falklands we have no doubts whatsoever about our sovereignty. They do not depend on a contract or a lease.'⁸⁹

Despite the fact that Spain and China each laid a claim to a small British colony, the truth was that Hong Kong and Gibraltar were indeed completely different cases. Britain's hands were tied in the former instance, given that the bulk of the territory was bound to revert to China in 1997, whereas her sovereignty over Gibraltar as ceded at Utrecht in 1713 was to be 'enjoyed absolutely with all manner of right for ever, without any exception or impediment whatsoever.'⁹⁰ Then there was also the question of the preamble to the 1969 constitution, by

which Britain had committed herself not to alter the status of the Rock without the consent of its inhabitants. This pledge had been won after a long and difficult struggle between Whitehall and the Gibraltarians. The internal institutions of Hong Kong and Gibraltar were also markedly dissimilar. Very broadly speaking, the Hong Kong legislature of 1984 was even more undemocratic than Gibraltar's had been in 1950. The majority of members in the former were, and still are, not elected, and the assembly itself is still presided over by the British Governor. By contrast, Gibraltar's Legislative Council obtained a majority of elected members in 1956 and a Speaker two years later. The differences between the two colonies were thus considerable.

At the beginning of October Hassan met Howe in London again to be brought up to date on the state of relations with Madrid, and the following month the Foreign Secretary himself told the Commons that Spanish entry into the EEC with the restrictions still in force would be 'quite inconsistent and unacceptable.'⁹¹ It was significant that the straight talking was done by Howe this time, and not by Rifkind, and on 20 November the Prime Minister herself added her voice to the chorus. 'As far as Gibraltar is concerned,' Thatcher insisted, 'Spain is very much aware that she could not enter the community unless the barriers are fully up and I have reason to believe that we shall reach some satisfactory agreement on that.'⁹²

After Thatcher had made clear where the British government stood, Hassan was briefed by Howe in London in advance of a coming meeting in Brussels between the British and Spanish Foreign Ministers. On 26 and 27 November, at the end of their negotiations it was announced that agreement had been reached on the full opening of the frontier at Gibraltar by 15 February 1985, coupled with the start of talks on the colony's future. The Brussels Agreement advanced EEC rights to Spaniards in Gibraltar and Gibraltarians in Spain, and it allowed for 'the free movement of persons, vehicles and goods between Gibraltar and the neighbouring territory.'⁹³ For London and Madrid it involved the 'establishment of a negotiating process aimed at overcoming all the differences between them over Gibraltar and at promoting co-

operation on a mutually beneficial basis on economic, cultural, touristic, aviation, military and environmental matters. Both sides accept that the issues of sovereignty will be discussed in that process.⁹⁴ However, at the same time the British government fully maintained 'its commitment to honour the wishes of the people of Gibraltar as set out in the preamble of the 1969 constitution.'⁹⁵

The Brussels Agreement was a triumph for Spanish diplomacy. Madrid had obtained more concessions from London than she had at Lisbon in 1980, in exchange for lifting her restrictions against the Rock. These concessions were totally unnecessary as the frontier would have had to open anyway with Spanish membership of the EEC in January 1986. A succession of top British Ministers including the Prime Minister herself had declared as far back as July 1982 that Spain could not be admitted into the EEC with the restrictions still in force against Gibraltar, and although she had that card to play Thatcher backed down at the last moment. The plain fact was that Britain saw her relations with Spain as more important than those with the Rock, and shrank from exercising her veto on Spanish entry.

The explicit mention of the word 'sovereignty' and the conferment of EEC rights on Spaniards before Spain joined the EEC were important concessions to have obtained for removing restrictions imposed in 1969. The phrase 'issues of sovereignty' was also highly significant. It had long been the Spanish contention that the territory on which Gibraltar Airport is sited, on the isthmus which links the Rock to Spain, was not ceded at Utrecht, and that therefore the sovereignty over the isthmus had to be treated separately from that of Gibraltar. By signing an agreement which spoke of 'issues of sovereignty' London appeared to acknowledge that Madrid had a point.

Four years earlier the Lisbon Agreement had declared that Britain would honour the 'freely and democratically expressed wishes of the people of Gibraltar'⁹⁶. Brussels spoke only of honouring the 'wishes of the people of Gibraltar'⁹⁷ and left it open as to how those wishes would be ascertained. And where Lisbon had been deliberately vague, Brussels was

dangerously specific, from the point of view of the Gibraltarians. Thus the references to cooperation with Madrid on economic, military and aviation matters gave rise to deep concern on the Rock, given that the Gibraltarians saw Spain not as a friendly neighbour, but as a hostile foreign power that was trying to take them over. They pointed to the sixteen years of siege at the frontier, half of which had been the responsibility of a democratic Spain, and to the manner in which that siege had been raised. It had happened not as a goodwill gesture, by a democracy righting the wrong of a dictatorship, but reluctantly, under British threats, and only when important concessions were obtained in return.

The Collapse of the AACR, 1984 – 1988

Reaction in Gibraltar to the Brussels Agreement ran to opposite extremes. The AACR had successfully sold the closure of the naval dockyard to the Gibraltarians and now they proceeded to sell the Brussels Agreement as well. Hassan welcomed the Agreement as 'an honourable outcome' albeit with reservations over the fact that sovereignty was explicitly mentioned.⁹⁸ At the movement's annual conference he declared that the Agreement was a good deal and that he threw his entire weight behind it. In so doing he made the AACR the party of Brussels.⁹⁹

At the other end of the spectrum, in a broadcast on Gibraltar Television, Joe Bossano accused Britain and Spain of placing their own interests before the welfare of the people of Gibraltar. 'For years Gibraltar has loyally supported the stand of Britain that sovereignty will not be negotiable and borne the brunt of the restrictions,' the GSLP leader lashed out. 'Now it seems to suit Britain to discuss sovereignty and once again we are asked to pay the price.'¹⁰⁰ So the GSLP became the spearhead of the anti-Brussels camp, and it was joined by the

independent press in Gibraltar, notably the newsweekly Panorama, which also came out against the Agreement.

On 11 January 1985 the Gibraltar House of Assembly passed the legislation granting EEC rights to Spaniards on the Rock. The bill was carried on the strength of the one-man AACR majority given that the GSLP remained adamant in their opposition. Bossano described the bill as 'shameful' and vowed that his party would never forgive or forget what the AACR had done.¹⁰¹ The seven opposition members then walked out of the chamber. The action reflected the strength of feeling against the Brussels accord on the part of Bossano's socialists, and it marked the start of a hard-hitting campaign by the GSLP against the Agreement.

The campaign culminated at the end of January with a petition containing over 9000 signatures handed in to the Governor, Admiral Sir David Williams, for forwarding to Whitehall. It claimed that there was 'substantial opposition' to the Brussels Agreement on the Rock and recalled a motion passed by the House of Assembly in 1977 which affirmed that sovereignty was not a matter for discussion with Spain. At a public meeting prior to delivering the petition, Bossano accused Hassan and the AACR of binding Gibraltar to an agreement without a mandate from the Gibraltarians.¹⁰²

This charge was borne out by a public opinion poll conducted by Panorama for the London Weekend Television programme 'Weekend World' and published on 4 February, on the eve of the full opening of the frontier.¹⁰³ The poll revealed that while 76% of Gibraltarians were in favour of normalisation at the frontier, 73% opposed giving EEC rights to Spaniards before Spain entered the Community, and a massive 94% were against discussions on sovereignty.¹⁰⁴ It was clear that in supporting the Brussels Agreement the AACR had made a calamitous political miscalculation, although the electors of Gibraltar were not due to give their verdict at the polls until 1988.

At midnight on the night of 4–5 February the frontier gates swung open, amidst a blaze of publicity. Given the deep misgivings on the Rock over the question of sovereignty, Thatcher strove to reassure the Gibraltarians in the Commons. The Prime Minister proclaimed that her government cherished 'the freedom of the people of Gibraltar to decide their future', and added that Britain would 'never enter into arrangements under which the people of Gibraltar will pass under the sovereignty of another state against their freely and democratically expressed wishes.'¹⁰⁵ At the same time Sir Geoffrey Howe met Fernando Morán in Geneva, where the Spanish Foreign Minister submitted proposals for the long-term transfer of the sovereignty of Gibraltar to Spain, via a period of shared responsibility. The exact details were not revealed, but they were believed to entail some form of condominium or lease-back arrangement, and the secrecy only served to confirm to many Gibraltarians that an accommodation was being worked out behind their backs.

The Morán proposals were not rejected by Britain; instead they were shelved. At the end of March Howe stated in a written Commons reply that they were being studied 'against the background of the British Government's undertaking to respect the freely and democratically expressed wishes of the people of Gibraltar, enshrined in the preamble to Gibraltar's constitution.'¹⁰⁶ On 7 June he paid a one-day visit to the Rock on a confidence-building mission. Howe was the first Foreign Secretary in fourteen years to set foot in the colony, and during his short time there he held discussions with the Rock's Governor, military chiefs and elected leaders. Reporting to the House on his return, he made clear that 'the words of the Constitution stand..."freely and democratically expressed wishes of the people of Gibraltar" are the key words.'¹⁰⁷ The message from the Foreign Office was that although talks on sovereignty were being held, there would be no abdication of sovereign rights without the consent of the Gibraltarians.

In response to this, the GSLP pointed to the British reaction to the Morán proposals, noting that it was the first time ever that any such plan submitted by Spain had not been rejected

outright by Britain. Despite the soothing words from Whitehall, this hard fact was quite simply too real to ignore, and it was later stressed by Morán himself in his autobiography published in 1990.¹⁰⁸ His Geneva project embodied 'formal proposals which were never rejected and therefore they form part of the continuing negotiating process.'¹⁰⁹

Within a week of Howe's visit, Spain signed her Treaty of accession to the European Economic Community, and the following day Morán reminded Howe in a formal note that Spanish membership 'did not imply any change whatsoever in Spain's well known position over Gibraltar, and it did not affect the bilateral negotiating process established under the Brussels Agreement of 27 November 1984.'¹¹⁰

While Spain safeguarded her position in the light of her entry into the EEC, Britain continued to back the Gibraltarians. After an EEC meeting in Milan at the end of June, Margaret Thatcher left no doubt that London continued to 'guarantee the position in the preamble to the Constitution, that there shall be no change in the status of Gibraltar unless the people of Gibraltar wish it.'¹¹¹ At the beginning of July Morán was ousted from the Palacio de Santa Cruz in a reshuffle of the Spanish Cabinet. He had successfully concluded the negotiations on Spain's accession to the European Community and had been the co-architect of the Brussels Agreement, under which Britain explicitly agreed to discuss the sovereignty of Gibraltar for the first time. By his own account he also appears to have gone out of his way to reach a solution to the Gibraltar problem. In his autobiography, Morán noted that 'those who make Spain's foreign policy know surprisingly little about Gibraltar'¹¹², and he recalled that he decided the best tactic would be to win over the hearts and minds of the Gibraltarians. That this was however a purely personal approach was soon revealed by his successor at the helm of the Spanish Foreign Ministry, Francisco Fernandez Ordoñez.

The change in Madrid was matched by the departure of Admiral Sir David Williams, and his replacement as Governor of the Rock by Air Chief Marshal Sir Peter Terry in November. Soon afterwards, on 5 and 6 December, the bi-lateral talks between Spain and Britain over the

future of Gibraltar continued in Madrid, with Sir Joshua Hassan present as a member of the British delegation. It is important to note that the two Foreign Ministers met alone behind closed doors on the first day, and then attended a full meeting of all the delegates on the second. This meant that the representatives of the Gibraltarians were excluded from the policy-making talks, and were reduced to reading set speeches in the plenary session on the second day. The format suited both Britain and Spain very well. Both countries could claim that the elected representatives of the Gibraltarians were going along with the decisions of London and Madrid, as Hassan gave the talks added significance simply by being there. But it contained ominous implications for Gibraltar. By having their Chief Minister take part in a process whose final objective from the Spanish and UN viewpoints was the return of Gibraltar to Spain, there was the clear risk that Hassan appeared to give that objective his blessing by his very presence.

The round of talks confirmed that Gibraltar was liable under EEC law to pay pensions to the Spanish workers withdrawn by Franco at the start of his blockade of the Rock. This liability existed regardless of the fact that the workers had not worked or contributed towards their pensions during the sixteen years of seige. The AACR government made it clear at once that Gibraltar could not afford the estimated £7 million a year which this would entail. On 23 December an agreement between the British and Gibraltar governments determined that the Rock would pay back what the Spanish workers had contributed, some £5 million, and Whitehall would make up the shortfall of £16.5 million, covering only the period 1986 to 1988, when general elections were due on the Rock. Shortly after this fiscal deal was worked out, Hassan was awarded the KCMG in the New Year's Honours List. The Order of St Michael and St George was founded in 1818 to bestow awards on civilians who had made outstanding careers, and the majority of them traditionally went to members of the diplomatic service. It was thus perhaps an honour that the AACR leader might have done better to refuse, since in

granting the Chief Minister something largely reserved for Foreign Office men, the obvious inference was that by the end of 1985 Hassan was considered one of them.

The AACR leader had successfully put over the closure of the naval dockyard to the Gibraltarians, and was in the middle of persuading them to swallow the Brussels Agreement as well. Both developments showed how considerably he had mellowed from those wartime days of 1942 when the AACR had been founded to defend the rights of the Gibraltarians. As Hassan moved, so his party moved with him, and what was born as a left-wing workers' movement which challenged London at every turn, came to be seen by many Gibraltarians forty-three years on as an integral part of the Whitehall ruling establishment. The political consequences for the AACR were to be devastating come the election of 1988, but already it seemed apparent that they had signed their own death warrant.

Given that the Brussels Agreement included cooperation on aviation matters, Britain was committed to talks on the subject. This involved a visit to Gibraltar by Spanish and British officials to inspect the airport area in March 1986, and the discussions continued in London shortly afterwards. In the face of what it saw as a threatening situation, the Gibraltar House of Assembly passed a unanimous resolution at the end of March, which declared that any proposals for the airport which in the view of the House might be represented or interpreted as an encroachment on British sovereignty, would be unacceptable to the House and to the people of Gibraltar.¹¹³ It seemed as if the elected representatives of the Gibraltarians had become the sole guardians of British sovereignty over the Rock and of the British claim to sovereign rights over the isthmus that linked it to Spain, as relations between London and Madrid had improved considerably. This improvement was reflected in a state visit to Britain by King Juan Carlos in April, where he referred to the Gibraltar question as the only problem dividing both countries.¹¹⁴

The day after the King addressed Parliament, Margaret Thatcher took care to restate Britain's pledge to the Gibraltarians, namely that London would never enter into arrangements under

which the people of Gibraltar would pass under the sovereignty of another state against their freely and democratically expressed wishes.¹¹⁵ In the early summer though the newly-elected Spanish premier Felipe Gonzalez set no deadline for Britain and Spain coming to terms over Gibraltar, he revealed that one of his prime concerns was to continue to pursue with Britain the mechanism by which the Rock would be decolonised.¹¹⁶

Here lay the danger in the Brussels process from the Gibraltarians standpoint. The United Nations had declared in the mid-1960s that Spain was entitled to a say in the decolonisation of Gibraltar, and Britain had consistently refused to accept this. As a result the frontier gates slammed shut and the Spanish blockade of the Rock intensified. By signing the Brussels Agreement in November 1984 Sir Geoffrey Howe had made a mockery of the stand that successive British governments had taken since 1963. The Foreign Secretary had acknowledged that Spain, after all, did have a voice in the decolonisation of Gibraltar, that the United Nations had been right all along and that past British governments from Wilson through to Callaghan had all been mistaken in their stand. This was why Brussels was so potentially lethal to Gibraltar's pretensions..

At the end of July another storm broke over the Rock, when Britain decided to remove the ceremonial guard at the Gibraltar-Spain border. An announcement from Sir Peter Terry's residence told the Gibraltarians that the guard was 'no longer appropriate at a frontier between European Community partners and NATO allies.'¹¹⁷ Hassan broke confidentiality to reveal that he had been against the British move if Madrid did not reciprocate by disbanding the guard on the Spanish side. Spain would only do so, however, if Britain removed the frontier fence that stretched across the isthmus. This London was not prepared to do and the Spanish guard remained in place. The episode served to confirm to many Gibraltarians that Britain was pulling out on them and that for Whitehall relations with Spain did indeed come first. What was seen as a harmless concession to Madrid by the mandarins at the Foreign Office was loaded with political implications for the inhabitants of the Rock. For the first time there was no guard

on the British side of the border, and a powerful symbol of British sovereignty had disappeared.

Far from plunging the Gibraltarians into dejection, however, the move produced a very different and unexpected effect. In an emotional appeal to the community, Bossano's GSLP encapsulated a new sense of being Gibraltarian that was beginning to permeate the colony. Bossano called on the inhabitants of the Rock to proclaim their own identity. To 'ensure our survival as a people', the GSLP leader went on, 'we must insist that our relations with the neighbouring country do not blur in any shape or form the territorial boundary that defines the national integrity of our homeland. Spain still ends at the frontier gates and Gibraltar starts there, guards or no guards.'¹¹⁸ These were strong words from the Leader of the Opposition, and it was precisely his ability to harness and in some way even personify this new feeling of solidarity that was gripping the Rock that accounted in large measure for his electoral success. Hassan, despite his populist origins, had mellowed much and was by then too firmly entrenched in a colonial past to adapt to this situation. Joe Bossano belonged to a new and more assertive generation.

As far back as 1984 Fernando Morán, the former Spanish Foreign Minister, had detected this growing sense of Gibraltarian identity. He wrote in his memoirs that 'you could feel there existed in Gibraltar the embryo of what we could call Gibraltarian nationalism. A resistance to Spain, but also to old colonial Britain.'¹¹⁹ The truth was that the GSLP had become what the AACR had once been. It was Bossano's party that now stood up in forceful defence of the Gibraltarians just as the immediate post-war AACR had done. It was Bossano's party that took a tough stand against discussions with Spain on sovereignty or on anything else, as long as Spain saw those talks merely as a means to the end of Gibraltar's re-absorption. It was Bossano's party, or so it seemed, that by the summer of 1986 had now become the voice of the Gibraltarians. The transformation which the AACR had undergone was complete and

remarkable, and a new political force emerged in its wake to take up where the old Association had left off.

The strength of feeling at the removal of the guard was such that all the Rock's representative bodies and political parties combined to send a protest to Whitehall. The Foreign Office replied at the end of September, and insisted that the move did not signal an admission that Britain had less than full title to the isthmus on which Gibraltar Airport is situated. Geoffrey Howe maintained that the commitment to the Gibraltarians as enshrined in the preamble to the 1969 constitution extended 'to the whole of the territory of Gibraltar.'¹²⁰

Other developments linked to the airport, however, gave rise to concern on the Rock. On 4 September the Gibraltar government announced they had withdrawn Joe Pitaluga, their Administrative Secretary and effective head of the civil service, from the on-going civil aviation talks with Spain. Hassan explained that political undertones were creeping into what were meant to be purely technical discussions. The feeling of insecurity over the isthmus, which Britain had accepted under the Brussels Agreement constituted a separate Spanish claim from that over the rest of Gibraltar, was reflected in a motion brought to the House of Assembly by the GSLP on 18 December 1986. It was passed unanimously thanks to the support of the AACR and it declared that Gibraltar Airport 'should continue under the exclusive control of the British and Gibraltarian authorities', adding that 'any flight from or to any foreign country should be governed by the rules applicable to international flights.'¹²¹ In other words, no special concessions or privileges should be granted to Spain.

In mid-January 1987 the annual round of talks between Madrid and London ended with no productive results, and were portrayed by the Spanish press as a total failure for Spain. When Foreign Minister Ordoñez declared that the notion of self-determination for Gibraltar was grotesque and that as long as the British colony existed, there could be no normal relations between Britain and Spain,¹²² Joe Bossano was quick to reply. In a strongly-worded statement the GSLP riposted that the Gibraltarians had a 'basic human right to self-

determination', which could not be denied or watered down by the clauses of a 280-year-old treaty.¹²³

The party committed itself to defend that right and to ensure that 'eventually Gibraltarians are masters in their own homeland.'¹²⁴ Bossano declared that the Rock's economy must mature before Gibraltar asked for greater constitutional powers, and he argued that the Treaty of Utrecht had to be read in the context of the Charter of the United Nations, which protected human rights in a way that was not conceivable in the eighteenth century. Moreover, the GSLP leader went on, even if Utrecht were accepted, there was no conflict between it and self-government in Gibraltar as long as the Rock's allegiance to the British Crown held good.

In portraying the Gibraltar problem as one of people rather than territory, the GSLP leader was going beyond the clauses of the Treaty of Utrecht, which he claimed were too outdated with respect to human rights to meet the standards of the late twentieth century. The whole issue, however, went much deeper than that. Amidst the talk of how obsolete Utrecht had become, there could be little doubt that Bossano was calling for an independent Gibraltar. It was clear that the GSLP would not press these political objectives until such a time as the Rock had become economically strong enough to be able to claim them. Therefore at the same time Hassan's AACR appeared too conciliatory to Britain, the GSLP in opposition portrayed itself unequivocally as the party which would make Gibraltarians masters in their own homeland.

The storm over the future of Gibraltar Airport, which had been brewing before Spain joined the EEC, came to a head in June 1987. The Rock's tiny airport had been classified as a British regional airport since 1973 when Gibraltar joined the Community as a British dependent territory in Europe. European transport ministers in Luxembourg were discussing the liberalisation of European air routes, when Spain noted that the liberalisation would apply to Gibraltar also. Madrid claimed that if the Rock's air terminal was not excluded from the liberalisation agreement it would mean tacit recognition by the other member-states that the

land on which it is sited was British. At the end of June the row came before the EC Council of Ministers, and Margaret Thatcher, who had earlier that month won a third general election, was said to have rung up the Commission President Jacques Delors to object to the Spanish manoeuvre.¹²⁵

It was ironic that on 1 July new EC rules came into force allowing certain matters to be decided by majority voting, rather than by unanimous votes as had been the case until then. Since Spain had made its point before the 1 July deadline, it could hold up the agreement by threatening a veto unless something was done. Britain offered a written guarantee that acceptance of the air fares package would not prejudice the on-going talks on sovereignty, but this was turned down by Spain, and on 29 June London rejected a Belgian compromise which sought to temporarily suspend the applicability of the measure to Gibraltar. It became evident to many Gibraltarians that Spain would have no hesitation in using the European Community as a vehicle to aid her recovery of Gibraltar. Spain had only been in the EC for eighteen months, and was already threatening to veto an important piece of European legislation, that would benefit air travellers all over the Community, for the sake of her claim to the isthmus.

Faced with the collapse of the air liberalisation agreement, which had taken two years to put together, London was furious. At the beginning of July Geoffrey Howe accused Spain of rejecting a whole range of compromise proposals, and added that since Community law on civil aviation applied to Gibraltar, no agreement could be contemplated which did not take into account the legitimate rights of the Rock.¹²⁶ These feelings were immediately endorsed unanimously by the House of Assembly.

In that hot summer of 1987 one political bombshell followed another. On 3 August Panorama published a public opinion poll which showed the GSLP ahead of the AACR for the first time ever.¹²⁷ Although the margin was a narrow one, 41.4% to 39.8%, it was nevertheless a historic occasion for Bossano and his supporters. Coupled with the airport crisis which had

broken out the previous month, the poll served to confirm that in times of uncertainty the Gibraltarians rallied round the political grouping which had proved most vociferous in defence of their interests. In August 1987 that grouping was without doubt the GSLP.

At the end of October, Spain's leading daily El País leaked the proposals which Madrid had put to London in an attempt to break the airport deadlock.¹²⁸ It was clear that Ordoñez linked joint use of Gibraltar's airport to his country's veto of the EEC air liberalisation package. Madrid wanted the construction of a second Spanish passenger terminal on the Spanish side of the border adjacent to Gibraltar airport, whereby travellers to and from Spain could avoid going through British customs and immigration. In addition a role was sought for Spain in the management of the Rock's airspace, via Spanish air traffic controllers working in the Gibraltar control tower. El País reported that London had agreed to the first point.

Not surprisingly, the first to react to the report was the GSLP. The party warned that it would organise 'whatever measures are required' to block any deal designed to give Spain or Spanish airlines preferential rights over the airfield, as the El País proposals suggested.¹²⁹ Moreover, Bossano went on, if Gibraltar had 'obligations to extend Community rights to nationals of other member states, then similarly those rights must be extended to Gibraltarians by the rest of the Community.'¹³⁰

When the news broke that two senior Foreign Office officials would arrive on the Rock to assess the situation on 10 November, a massive demonstration was organised to greet them. Under the banner of 'No Concessions', over 12,000 Gibraltarians (in an electoral register of just over 16,000) took to the streets. The protest march was headed by Hassan and Bossano, and a petition containing 16,000 signatures, calling on Britain to stand firm on the airport, was handed in to the Governor. An organisational mix-up resulted in Hassan continuing past the Governor's residence at the head of the crowd, while Bossano entered the building to ask the Foreign Office men to appear on the balcony and take note of the proceedings.¹³¹ After twice refusing to do so, the London envoys appeared on the balcony with the GSLP leader, while

the larger part of the crowd which had refused to move until the two men acknowledged their presence, chanted Bossano's name.

The airport demonstration was a watershed for the GSLP. The situation cried out for leadership and positive action, and since this was not forthcoming from the AACR government, it was Bossano and his GSLP opposition that stole the show. The AACR had been presented on a plate with an issue which could have won them back much of the popularity they had lost. The party could easily have taken the initiative had they made the most of their opportunity, but it was as if the movement which had thrived amidst continual demonstrations and protests in the tumultuous 1940s had now completely lost its zest. November 1987 was also a turning-point for the AACR, but unlike the GSLP they failed to turn.

Meanwhile in a surprise appearance on Gibraltar Television on 16 November, Howe told the Gibraltarians that despite the protest, Britain would accept 'practical arrangements' for the joint use of the airport with Spain provided that neither British sovereignty over the isthmus nor control over the airport was infringed. The following day, in response to the Foreign Secretary's remarks, the House of Assembly called on Britain 'not to conclude an agreement with the Spanish government on the question of Gibraltar airport, which would involve any concessions being made to Spain or which would in any way establish, or at any time in the future lead to, any form of joint control of the airport.'¹³²

Clearly the British and Gibraltar positions were poles apart. On 27 and 28 November, Geoffrey Howe met Fernandez Ordoñez, as part of their annual contacts under the Brussels process, in an attempt to find a way out. With calls from Hassan ringing in his ears that he would have to reconcile the House of Assembly resolution with his obligations as Foreign Secretary, Howe agreed to meet Ordoñez again in London on 2 December. Hassan was present once more in the plenary session but not at the main talks between the two.

At the end of the talks on 2 December Geoffrey Howe gave details of the settlement that had been reached.¹³³ The accord stated that it was the product of the Brussels Agreement, which

had singled out civil aviation as one of the matters on which both countries planned to cooperate. Passengers travelling to and from Spain would not go through Gibraltar customs and immigration, but would use a Spanish terminal on the Spanish side of the border. Madrid would have to be consulted over new air services from the Rock's airport to third countries, and permission for flights between Gibraltar and any Spanish airport would be given exclusively by Madrid. The agreement was understood by both sides to be 'without prejudice to the respective legal positions of Spain and the United Kingdom with regard to the dispute over sovereignty over the territory in which the airport is situated.'¹³⁴ It would come into operation when the necessary legislation was in force in Gibraltar or when the Spanish terminal was completed, whichever was the later. Gibraltar airport would be excluded from the EC air liberalisation package until it came under the terms of the new Anglo-Spanish accord.

Britain had made a remarkable volte-face. Six months earlier in Luxembourg Geoffrey Howe had defended the right of the Gibraltarians as citizens of the EEC to be entitled to the benefits of air liberalisation. Now they would enjoy those benefits only if they swallowed the Anglo-Spanish accord first. This was pressure politics with a vengeance and it came to be seen as such by many on the Rock. The fact that legislation had to be enacted by the House of Assembly before the deal could come into effect was, as far as Bossano was concerned, the only saving grace. He argued that to accept joint use of the airport as a condition for inclusion in the EEC package would be 'paying a price to Spain for something to which we are entitled.'¹³⁵ Bossano described the concessions granted to Spain as 'totally unacceptable to Gibraltar', in particular the stipulation that Madrid would have a say over flights from the Rock to third countries.¹³⁶ And the prospect that flights between Gibraltar and Spanish destinations would be treated as internal Spanish flights came in for particular criticism, as this seemed to come close to acknowledging that the isthmus was terrain under Spanish sovereignty.

The AACR response to the deal was rather nebulous, and this lost the party even more support. Hassan declared in London that he was satisfied with the final outcome, but he made

it clear that he would not use his majority in the legislature to push the measure through.¹³⁷ On 4 December the AACR leader described the accord as 'the best deal possible in the circumstances'.¹³⁸ In a full-blooded attack two days later, Bossano accused Hassan of 'betraying the sentiments and commitments of the House of Assembly and the people of the Rock,' and he added that accepting the Airport deal would mean 'capitulating to blackmail'.¹³⁹ The key point for the socialist leader was that in June Britain had defended the Rock and in December she had succumbed to Spanish arm-twisting. Gibraltarians, Bossano went on, were being asked 'to sell our birthright at a price'.¹⁴⁰ The Rock, he warned, could reject the agreement outright and challenge the legality of its exclusion from the EEC air liberalisation package in the European Court.

With his standing already undermined by the closure of the dockyard and by his support for the Brussels Agreement, the last thing that Hassan needed was another controversy, and the Airport deal was the death-blow for the AACR. The fact that the accord clearly stated in black and white that it had come about as a result of the Brussels Agreement proved to many Gibraltarians that Joe Bossano had been correct after all in the anti-Brussels stand that he had taken.

Hassan's own personal position was even more precarious. He had taken part in the demonstration of 10 November against any concessions to Spain over the airport, but he came back from London three weeks later arguing that this was the best available deal. His words echoed very closely those he had used to defend the closure of the dockyard and the signing of the Brussels Agreement, but the difference was that in December 1987 they simply were not credible any more. The AACR had insisted that there was no danger in the Brussels process, yet here was an agreement which gave Spain a role in the operation of Gibraltar airport, on terms which few Gibraltarians found acceptable, as a result of that very process. Carrying the Brussels banner destroyed the AACR.

Aware of the intense opposition from all sides in Gibraltar to the airport deal, on 9 December 1987 Sir Joshua Hassan resigned as Chief Minister and retired to the back benches until the general election due in 1988. He was succeeded by his deputy Adolfo Canepa. Hassan's resignation was the end of an era for the Rock. The 72 year-old veteran politician had been at the centre of Gibraltar's affairs since he became Chairman of the first post-war City Council in 1945, and he had been actively involved in every constitutional step that the Rock had taken since then. He had the distinction of coming first in every election he fought except one, and was the Rock's first Mayor and Chief Minister. His unrivalled political achievement stands as testimony to the trust and the confidence in which he was held by the Gibraltarians.

However, although he had won four successive general elections since 1972, there were strong indications that he would not have won a fifth had he stayed on. Relations with Britain made him as a politician and relations with Britain also proved to be his downfall. His complaisant attitude to the closure of the dockyard, the Brussels Agreement and, most significantly, the airport deal lost the AACR a considerable measure of public support. As we have seen, the Panorama opinion polls were already suggesting in August 1987 that the GSLP had overtaken the AACR, and certainly indicating that the coming election would be a very tight contest. Moreover, the manner of Hassan's departure from politics proved highly damaging, most of all to his party and his own deputy, who found himself saddled with the airport deal and thrust willy-nilly into the hot seat of leadership shortly before an election. It was as if the captain had only abandoned the ship when he was sure it was sinking.

Had Hassan retired in 1980 or even before the 1984 elections then there could have been no doubts about his greatness as a statesman. As so often with politicians who outstay their welcome his was not a glittering farewell, but rather a confused and abrupt exit. This is not to diminish his considerable accomplishments for Gibraltar. All territories have father figures credited with the formative political development of their inhabitants, and in this sense Hassan was certainly the founding father of Gibraltar. His robust defence of the Rock before London,

Madrid and the United Nations are indeed worthy of praise, but a distinction has to be drawn between the pre-1976 Hassan, and the one that came after. His reaction to the Hattersley memorandum, the Lisbon Agreement, the closure of the dockyard, the Brussels Agreement and the airport deal simply left too much to be desired. Looking back over his career, the conclusion must be that an earlier retirement would have saved an almost ignominious abdication later on.

The day after Hassan's resignation a new political party was formed on the Rock. The Independent Democratic Party (IDP) was led by Joe Pitaluga, a senior civil servant who had retired in November, and who was Hassan's close aide. Pitaluga had accompanied the AACR leader to the United Nations in the 1960s, and even after his retirement he had been kept on by Hassan as a foreign affairs adviser. Pitaluga proclaimed that his aim was to prevent Bossano from taking office, and he had founded a new party because he believed that the AACR was now so discredited that it could no longer stop the GSLP bandwagon.

While the IDP began to organise, on 16 December Adolfo Canepa announced in the House of Assembly that the Gibraltar government would seek legal advice as to the validity of its exclusion from the EEC air liberalisation package. He also told the House that no decision on the airport deal would be taken until the practical effects of the EEC package could be properly assessed. The following day, a GSLP motion rejecting the Anglo-Spanish agreement was watered down by the AACR, putting off any decision over the airport deal until the Rock's right to be included in the package had been legally determined. However, the motion still reiterated the view that 'the international use of Gibraltar's airfield should be on the basis that no special privileges are accorded to Spanish airlines, passengers with a Spanish destination or the Spanish aviation authorities.'¹⁴¹

Once again the AACR had missed the boat. It should have been considerably easier for a new leader to distance himself from the conformist attitude of Hassan, but Canepa failed to do this. Instead of seizing hold of the airport question, particularly now an election was imminent,

the new Chief Minister dallied dangerously and gave the initiative away to Bossano. Even in his New Year speech Canepa called for a 'common sense' approach to the airport agreement, without explaining precisely what this meant.¹⁴²

His deteriorating political situation was clearly reflected in an opinion poll conducted by Panorama in January 1988.¹⁴³ The AACR stood at only 27.9% of the vote, whereas in the newsweekly's previous poll six months earlier they had been as high as 39.8%. More than matching this slump was the swing to the GSLP, up from 41.4% six months before, to 56.7%. Pitaluga's new IDP polled 6.3%. There appeared to be little doubt that in the wake of the airport agreement, the Gibraltarians had finally broken with the AACR.

In mid-February Canepa called a general election for 24 March. Given that each elector had eight votes, the three political parties in the colony each put forward eight candidates, in their attempt to secure control of the fifteen-seat assembly. It was the first time ever that the AACR went into an election without Hassan in their line-up, although opinion polls had already indicated in the summer of 1987 that they would not win, with or without Hassan.¹⁴⁴ The Association was now led by Adolfo Canepa, opposed by Bossano's GSLP and Joe Pitaluga at the helm of the IDP. On a turnout of just over 76%, the GSLP won a landslide victory with 58% of the vote. All eight GSLP candidates were elected in the first eight places, with Bossano topping the poll. Seven AACR members led by Canepa took the opposition seats.

The scale of Bossano's triumph was spectacular. The 49-year-old trade-unionist polled 8128 votes, which compared extremely favourably with Canepa's total of 4422 or Pitaluga's of only 2091. The last GSLP candidate to be elected at the number eight spot took over 7000 votes, while the last AACR candidate in at number fifteen got just over 3500. The mighty swing to Bossano's socialists, which had been predicted by Panorama that January, proved correct, and immediately after taking office Bossano did what was expected of him by withdrawing Gibraltar's participation from the next round of Anglo-Spanish talks held under the Brussels

Agreement. This came as no surprise. Here was a hard-headed leader who meant what he said.

In many ways Gibraltar had now come full circle. The 1940s had also seen a left-wing labour movement carry the electors of Gibraltar with them in their quest for reform, but when that party moved away from its roots and came to be too closely identified with Whitehall, the Gibraltarians turned instead to its natural successor. They did so because with their populist appeal and their trade-unionist base the GSLP had become what the old AACR had once been. It was Bossano and not Canepa who was the real heir of Albert Risso, the first President of the AACR and the head of the Gibraltar Confederation of Labour. The elders of the Rock might be forgiven for thinking that they had seen it all before. Once again a radical political party had come to power pledged to defend the Gibraltarians not only against Madrid, but against London as well. It remained to be seen how much better it would fare as the Rock carried on the unremitting struggle to chart a future independent of them both.

CONCLUSION

The political life of the Gibraltar of 1988 raised strong echoes of the Gibraltar of 1942. Those war-time years had seen the birth of the AACR and the growth of a specific Gibraltarian consciousness, and the closing years of the 1980s were loaded with similarities for the Rock. The GSLP had taken over from the AACR as the party of the people, after the Association had let its radicalism waste away with time. Gibraltarians of every age and background had been bonded together during those forty-six years, first by the evacuation, then by the continuing troubles with Madrid and finally by the ambivalent attitude of London. As a result, a new solidarity permeated every cranny in that limestone Rock at the end of the 1980s, and a party more nationalist than any of its predecessors was put in control of the government of Gibraltar.

As we have seen, the AACR had registered a remarkable accomplishment in its early days, after its formation in response to the evacuation of the bulk of the local populace in the opening months of the Second World War. The fellowship among the displaced Gibraltarians grew as they came into contact with Britons of all walks of life during their exile, and as they came to realise that they were not like them. In other words they may have been British, like the Scots or the Welsh, but they were Gibraltarian too. That this awareness had always been there was proved by the rapidity with which the exiled inhabitants of the Rock closed ranks. It took a momentous event like the evacuation to bring that latent sense of community to the fore.

This feeling of a common identity which gripped the Gibraltarians during and after the War was fertile ground for the AACR. It was evidenced both in the men left behind on the Rock to service the needs of the fortress, and in the organising committees in the evacuation centres, which pressed hard for an improvement in living conditions. This dual concern for the welfare of the evacuees on the one hand, and for their own position in a fortress at war on the other, led to the formation of the AACR. To advance civil rights in a colony which was also a military

stronghold, and where the only forum for local opinion lay in a City Council with a majority of appointed officials, seemed a daunting task indeed.

But the War made it all easier. The angry mood of the returning evacuees gave added strength to the AACR, which had benefited considerably first from the struggle with the authorities to bring the people back, and then from the presence of thousands of discontented Gibraltarians once they had returned. The claim of the AACR to embody the people of Gibraltar was generated by the crises of those wartime years. The formation of the Association, therefore, was inextricably linked to the events of the Second World War. In the same way as medieval historians contend that without Mohammed there would have been no Charlemagne, so it is possible to argue that without Adolf Hitler there would have been no Joshua Hassan.

The clean sweep of seats by the Association at the first City Council elections in July 1945 stands as testimony to the fact that they had become the personification of the Gibraltarians. For four decades after the war the Association continued to incarnate the mood and the aspirations of the Gibraltarians, but in many ways the early 1950s proved to be a watershed. It was nothing new for increased political awareness to take root in a British colony in the immediate post-war years – this was happening all over the Empire. What was paradoxical was that in Gibraltar this expression of popular national feeling should at the same time have been so deferential. The AACR and the people they represented had no desire for independence from Britain. Despite the ordeal that the evacuees had been through, they were still proud to be British and cringed at the slightest thought that their search for greater self-government should be interpreted as a sign of disloyalty to London. This paradox lay at the heart of the transformation which the AACR was to undergo. The British colonial authorities in Gibraltar were well aware of the delicate balance of embryonic nationalism and devotion to the Crown that kept the movement together, and they played on this weakness to their own advantage.

These different strands were embodied in Joshua Hassan and Albert Risso respectively. The latter was much more the nationalist, as was shown in his rejection of the office of Justice of the Peace in 1949 and his assertion that Gibraltarians should never accept such a gift from the colonial power. Hassan, on the other hand, was much more establishmentarian than his partner. He was a lawyer and boasted the benefit of an English education, and as such he accepted the JP title. This duality within the movement from the very start accounted in large measure for its ultimate failure.

The downfall of the AACR in the 1980s was therefore inextricably linked to its origins in the 1940s. Throughout that period the Association gradually moved away from its roots as a workers' agency, metamorphosing into an organisation that was actively hostile to working-class interests. This commenced in the summer of 1948, when Hassan took over the presidency of the AACR and Albert Risso became leader of the Gibraltar Confederation of Labour, the movement's trade-unionist arm. The split marked the start of a process through which the AACR under Hassan became increasingly a political party, leaving the GCL under Risso to focus on economic and social issues.

In such circumstances it was easy to foresee a conflict between the two bodies, particularly after 1964 when the elected members of the legislature became ministers. The troubles with Spain at the United Nations concealed the differences to some extent, and in an attempt to paper over the cracks in January 1968 the movement added the prefix Gibraltar Labour Party to its name, to become GLP-AACR. In December 1971, however, the conflict finally exploded when the AACR executive disaffiliated its trade union from the party. The drift away from its class origins continued throughout most of the 1970s when the AACR opposed parity of salaries for Gibraltar employees with their counterparts in the same job in the United Kingdom. With time, the AACR moved away from its roots.

This break became manifest in other quarters also. With increasing involvement in the City, Legislative and Executive Councils, the radicalism of the Association was gradually blunted as

its leaders came into everyday contact with the expatriate administrators of the Rock. This was instrumental in taming the AACR. Hassan and his colleagues found themselves with a divided loyalty, on the one hand to the electorate who had put them there, and on the other to the colonial authorities, whom the movement's leaders were eager to please by behaving responsibly. Thus the demonstrations, public meetings and petitions which were so common in the 1940s died away slowly, and the AACR reverted instead to negotiations in private with Whitehall when they wanted to make a point. This change of emphasis on the part of the Association reflected its gradual taming by the authorities until the party finally came to be seen, in the elections of March 1988, as part of the Whitehall ruling establishment.

Similarly in the field of relations with Spain, the Association also underwent a change over the years. The AACR had long been seen as the defenders of the Rock and its people, and this popular view was borne out when Hassan addressed the United Nations in New York several times during the 1960s. In 1966 when Britain agreed to talk to Spain under duress, at a time when Spanish restrictions against the Rock were starting to mount, Hassan was furious. The Gibraltarians were solidly behind their leaders in their determination not to give way to Spain, and they endured a closed frontier for sixteen years in the process. However, Hassan's fury subsided with time. The Brussels Agreement of 27 November 1984 made significant concessions to Madrid in exchange for opening the gates, and the AACR supported it. The Brussels Agreement declared that Britain and Spain would discuss the sovereignty of Gibraltar, and the AACR supported it. The Brussels Agreement affirmed that the on-going talks between Britain and Spain over the future of the colony would take place within the parameters of the resolutions of the United Nations (the last of which had told the world in December 1968 that Gibraltar should be decolonised by handing it back to Spain), and the AACR supported it.

Their wholehearted dedication to the Brussels process and their ambivalent stand with regard to the Airport Agreement, which came three years later, finally destroyed the AACR. The

reason for their downfall was that they were no longer in tune with the mood of the Gibraltarians. Whereas the young AACR personified the feelings of the inhabitants of the Rock, and was therefore voted in at successive general elections, the mature AACR was disastrously isolated from the electorate. When Hassan called on the Gibraltarians to trust Britain in the 1950s and 1960s, they were only too glad to do so. London had stood by Gibraltar against overwhelming odds at the United Nations, Whitehall had given the Rock an indissoluble link with Britain, and even in the 1970s development aid to counteract the economic effects of the Spanish blockade had been generous enough. Yet in the 1980s when the Gibraltarians were asked by the AACR to trust Britain their reaction was quite different. They pointed with anger to the signing of the Lisbon Agreement in 1980, the closure of the naval dockyard in 1983, the signing of the Brussels Agreement a year later, the removal of the frontier guard in 1986 and the Airport Agreement in December 1987. This string of apparent climb-downs provided a whole series of good reasons not to trust Britain.

In this sense the Association failed to move with the times. Hassan had been brought up in an era when the Gibraltarians were contented wards of the colonial power, and he had personally seen them come of age. Their dormant self-awareness as a people was initially awakened by the evacuation crisis and then consolidated by the troubles with Spain and London's response to Spanish pressure. The veteran AACR leader remained a prisoner of the past. Although he had personally presided over a remarkable transformation in Gibraltarian political life, his loyalty to Britain did not allow Hassan to break free from that past. He believed that Gibraltar should continue to be loyal to Britain at a time when Britain was no longer being loyal to Gibraltar. The plain fact was that the times called for a nationalist politician to come forward and embody the new mood of the Gibraltarians, and that role fell to Joe Bossano, the Albert Risso of his generation.

It becomes relevant at this point to pose the question: why should Bossano have succeeded where other alternatives to the AACR had failed? The short answer would be that the GSLP

leader was operating under different circumstances. The motley collection of right-wingers that confronted the Association in the 1940s did so purely on the basis that they had always sat on the City Council since its inception in 1921 and that therefore once the war had finished they were simply reclaiming what was rightfully theirs. This was news to the electors of Gibraltar. Their political acumen sharpened by the ordeal they had been through, most Gibraltarians had little trouble in identifying their own position with that of the Association, and the independents were easily defeated at the municipal elections of July 1945. They did not make a comeback into municipal government until the AACR chose to concentrate its efforts on the Legislative Council in 1950, and the old guard only entered the legislature then because London had introduced proportional representation to cut the AACR down to size.

The first organised challenge to the AACR came from the Commonwealth Party in 1954, but it never posed a serious threat. Triay and his followers simply lacked the organisational set-up and the support with which Albert Risso and the GCL provided the Association. The reality was that the Commonwealth Party lacked a solid constituency which could give it a reliable source of votes. It was never more than a collection of lawyers and businessmen who wanted to see if they would do better in opposing the AACR as one group than they had done as independents. In this they were to be disappointed.

It took a surprisingly long time for another political party to emerge on the scene to dispute the dominance of the Association, and that came with the arrival in February 1967 of the Integration with Britain Party. In 1963 and 1964 before the UN Committee of 24 both Hassan and Peter Isola had taken it upon themselves, without consulting anyone, to rule out integration with Britain as the means to decolonise the Rock. The IWBP sought to prove that there was broad-based appeal in Gibraltar for the concept of integration. The insecurity which the UN debates had engendered among the Gibraltarians gave added strength to the arguments of the integrationists, and after the elections of July 1969 five IWBP members formed a coalition government with their leader, Major Robert Peliza, as Chief Minister.

Although the coalition was held together purely by shared hostility to the AACR, it seemed that the Association had finally been beaten.

Even then, this was not to be, and with the collapse of the coalition the AACR was returned to office in 1972. Yet the ultimate failure of the integrationists lay not in the strength of the AACR, but in the hostility of the Foreign Office. In 1975 Roy Hattersley, while Minister of State, visited Gibraltar and debarred integration with Britain. When the integrationists vowed to fight on, in June 1976, the Hattersley Memorandum spelt it out again in stronger terms than ever. This political alternative to the AACR was destroyed by the British government.

Despite this, the fact was that the Association had now come to be so permanent a feature of Gibraltar's political life that it was almost inconceivable that there could be anybody else other than Hassan as Chief Minister. This feeling won the AACR elections in 1976, 1980, and 1984 despite the signing of the Lisbon Agreement and the closure of the dockyard. The danger for the Association was that in 1984 another political party had swept all the opposition seats, carried in by their hostility to the closure of the dockyard. That party was Bossano's GSLP. For nearly a decade the socialist leader had been at the forefront of the trade union movement in Gibraltar, and it was his party, like the AACR at one time, that now drew on the support of the trade unions.

AACR miscalculations on foreign affairs in the four years running up to the 1988 general elections sealed their fate. Their support of the Brussels process and their equivocal attitude to the Airport Agreement drove many Gibraltarians, whether socialists or not, into the arms of Bossano. The GSLP leader told people what they wanted to hear: that the talks on sovereignty had to stop, that Spain was welcome to use Gibraltar airport but not to control it, and that the Gibraltarians were the only ones who should decide their future. It would be a mistake, therefore, to assume that Bossano was put in power because he was a socialist. This was not why the Gibraltarians voted overwhelmingly for Joe Bossano in March 1988. They voted him in because above all else Bossano was a nationalist.

In explaining the ossification of the AACR, it is relevant to point out that the political world in which they were operating was also moving rapidly, but in a different direction. The difficulty for the AACR was that it identified itself too closely with an imperial power less and less willing to uphold Gibraltar's interests. Britain's position with regard to the Rock had changed considerably in the period in question, and this evolution also deserves to be analysed in detail. When Franco imposed his first restrictions on Gibraltar in the early 1950s, London was quick to protest and to stand by the Gibraltarians. This policy held good throughout the 1960s, where Britain stood alone in defending the right of the inhabitants of the Rock to determine their future. London's position was that the sovereignty it had acquired under the Treaty of 1713 was not a matter for discussion with Spain. Until 1975 it was an easy position to uphold. Gibraltar was a shining beacon of democracy encircled by the darkness of a fascist dictatorship that was trying to take it over. Britain could therefore point to the poor human rights record and the injustices of Franco's Spain and this was enough to justify its stance over Gibraltar.

Up to the late 1960s the Rock could also count on its own defenders in Whitehall, namely the Colonial Office and then its successor, the Commonwealth Office, as opposed to the much less sympathetic Foreign Office. It had been apparent from the start of the troubles with Spain that the Colonial and Foreign Offices viewed the Gibraltar problem from completely different standpoints. Whereas in the eyes of the former here was a small territory which had to be protected from the predatory claws of a Spanish dictator, for the latter the Rock came increasingly to be seen as an irritant which marred relations with another European state. The merger of the Foreign and Commonwealth Offices at the end of the 1960s meant that the offset of the Commonwealth view was lost, and that diplomatic considerations finally came to dominate. Yet there was no immediate caving in to Spanish sensitivities because Spain, after all, was still a dictatorship.

Then in November 1975 Franco died. That the end of the Franco era was to have profound implications for London's relationship with the Rock was spelt out clearly in the Hattersley Memorandum barely six months after the dictator's death. There would be no further changes in Gibraltar's constitutional status and the Gibraltarians were told that their future should be seen 'against the background of the present situation and in relation to Spain, and not against the background which existed previously.'¹ The more Madrid moved towards a democratic system of government, the more London's position was watered down with respect to supporting Gibraltar. Although there was a commitment from successive British governments to sustain the economy of Gibraltar during the Spanish blockade, the naval dockyard still closed down in 1983. The mandarins at the Foreign and Commonwealth Office seemed to be forgetting that if Spain was now a democracy, the Gibraltarians had been accustomed to democratic traditions for much longer, and that the ideal democratic solution to the problem would have been for two democratic societies to respect each other's rights and aspirations.

This was not how Whitehall saw the situation, and first at Lisbon, then at Brussels, and then in London over the Airport Agreement, the Gibraltarians saw their wishes relegated firmly behind those of Spain. For the people of Gibraltar this was totally unnecessary. They believed that the more time given for democratic traditions to take root in Spain, the more likely Spanish politicians would come to appreciate the Gibraltar problem in a more constructive light. The Gibraltarians hoped that Madrid would see that people and territories could no longer be bandied about from one monarch to another as they had been in the eighteenth century.

The change in the British position was fundamental in cementing the inhabitants of the Rock together as a separate people. Accustomed to fighting a cold war against Spain, the Gibraltarians found themselves in conflict on two fronts, against London as well as Madrid. They came to realise that words of reassurance from Westminster were one thing, and its actions quite another. Thus while they were told that British sovereignty would not be relinquished against their wishes, the Gibraltarians found themselves on the receiving end of

the Lisbon, Brussels and Airport Agreements, the closure of the naval dockyard and the removal of the frontier guard. Their conviction that Britain was pulling out on them accounted in large measure for the swing to the GSLP in the elections of March 1988. The Gibraltarians turned to the most nationalist of the three political parties as the standard-bearer of their future.

The growth of this feeling of a common identity was reflected in a series of opinion polls conducted by Panorama over the years. In 1987 the newsweekly asked the electors of Gibraltar whether they thought the Rock should be British, Gibraltarian or Spanish.² It was the first time that respondents were allowed to opt between British and Gibraltarian as two separate choices, and 62% went for the former with 37.5% for the latter. Only 0.5% wanted a Spanish Gibraltar. When Panorama asked the same question two years later, the trend was abundantly clear.³ The British vote had fallen by ten points to 52%, and the Gibraltarian had correspondingly risen to 47%, with the Spanish option standing at 1%. A further poll held in the summer of 1991 was even more telling. While only 47.5% opted for a British Gibraltar, 52% went for Gibraltarian, with Spain at 0.5%. It was the first time in the history of these polls that the majority wanted a Gibraltarian Gibraltar, and the poll served to confirm the increase in national awareness that had gripped the Gibraltarians in the late 1980s. It was clear to them that although Franco had gone, Madrid still wanted to take them over, and the fact that it took a democratic Spain eight years to lift the restrictions against the Rock did nothing to create an atmosphere of trust between the Gibraltarians and Madrid. Added to all this was the fact that while Britain continued to pay lip-service to the promises made in the preamble to the constitution, at the same time it seemed to be pushing the Rock towards Spain. The Gibraltarians huddled together for solace as they reacted to the perceived threat from both quarters.

Spain's entry into the EC in January 1986 opened up a new dimension to the problem. Gibraltar had joined the EEC with Britain in 1973 as a British dependent territory in Europe,

and boasted all the benefits of membership except that it gained no subsidies from the Common Agricultural Policy (there being no agriculture on the Rock). Nor did it belong to the Customs Union, so avoiding VAT, and instead raised revenue by levying its own import duties on goods coming in from the Community. The constitutional position which Gibraltar had obtained in 1969 gave it a high degree of independence with regard to the EC. It meant that directives from Brussels had to be approved by the House of Assembly before they became law in Gibraltar, in the same way as Parliament must before they become statutory in Britain. In this legislative sense, Gibraltar has virtually become the thirteenth member state of the European Community.

Spain's accession to the Community had two immediate effects on Gibraltar. The first was that the Rock became liable for the payment of pensions to the Spanish workers whom Franco had withdrawn as part of his campaign of restrictions. The very notion of paying pensions to former workers who had been denied access to jobs in the colony as a political means of bringing it to its knees did not go down very well. The AACR were only willing to pay what the Spaniards had contributed originally, some £5m in total. The fact that the frontier had been closed for sixteen years and that those workers had neither contributed nor worked during that time did not carry weight with the Eurocrats, however.

The exclusion of the Rock's airport from the European air liberalisation agreement was the second major crisis that involved Gibraltar, Spain and the Community. The whole episode left a bitter taste in the mouths of the Gibraltarians, who increasingly came to believe that they were in the EC, not for the benefits of membership, but only for the liabilities and obligations involved. Spain had been willing enough in December 1985 to recognise Gibraltar as EC territory when it came to receiving pensions for her nationals, but she was not prepared to do so when it came to recognising Gibraltar Airport as a terminal within the European air-route network. The hope that common membership of the Community might somehow make for a solution to the Gibraltar question appeared to have been dashed within eighteen months of

Spanish membership. Madrid, through its threatened veto of the EC air liberalisation package, made it quite clear that she was prepared to use the Community as a vehicle to press her claim for Gibraltar.

This Spanish tactic was verified by Tristan Garel Jones MP, Minister of State at the Foreign Office in July 1991.⁵ The Minister made it clear that he had no doubts that the Palacio de Santa Cruz had advanced from a strategy where they were content to safeguard their claim to the Rock within the Community, to one where the Community was being used to press that claim actively. The renewed Spanish onslaught within the EC had the inevitable effect of making the Gibraltarians intensely suspicious of the intentions of Brussels.

Despite all this, it would seem in the longer term that a resolution of the Gibraltar problem does indeed lie in Europe. The closer the member states move together, with common passports, currency, and ultimately citizenship, the more likely that there would be no Spain and no Gibraltar. There would simply be one Europe. In this respect time is on Gibraltar's side. The process of European integration at the moment requires every national parliament in the Community to accept certain directives from Brussels before they become law. As had already been mentioned this is also the case in Gibraltar, where the House of Assembly has to approve EC directives before they go onto the statute book. Given that the Gibraltar government is broadly responsible for all matters except foreign affairs and defence, when these two issues come to be controlled from Brussels and not London, the Rock will be no different from any of the member states of the EC, each running its own internal affairs and subject to a common foreign and defence policy.

This situation reflects the high degree of independence which the Rock obtained under the 1969 constitution, and it compares extremely favourably with regional parliaments in Spain, which do not have such powers. Therefore when Oreja spoke in 1978 about a place for Gibraltar in Spain's structure of regional federalism, he seemed to be forgetting that the Gibraltarians had since 1969 boasted more autonomy than any of Spain's regional assemblies

had ever enjoyed.⁶ In other words, incorporation into Spain would represent a step backwards in the internal political development of the Rock. More than that, to integrate Gibraltar into that framework would simply have moved it from being a colony of Britain to a colony of Spain.

The alternative to waiting for European union would be to take the bull by the horns and opt for 'free association'. This had been turned down by the AACR party conference in November 1986, but Peter Montegriffo, a young AACR lawyer, made the matter a public issue. In November 1987 he sought a legal opinion on the applicability of free association to Gibraltar from Sir James Fawcett QC, a leading constitutional lawyer, who had been legal adviser to the Foreign Office and for the most part of the 1970s was President of the European Commission on Human Rights. Sir James reported that free association if applied to Gibraltar would not conflict with the clauses of the Treaty of Utrecht and would not require the assent of Spain, given that the Queen of the United Kingdom would remain as Queen of Gibraltar.⁷ It is evident, however, that for this solution to become a practical option it has to carry the support of the British government, and evidently it does not. Garel Jones made it quite clear in an interview that no solution to the problem could be found which was not acceptable to Spain.⁸ It is much easier for Whitehall to wait for the process of European union to erode the differences between Spain and Gibraltar in a single Europe, than to antagonise Spain gratuitously by supporting free association for the Rock.

Free Association has been a policy successfully pursued by other powers. In 1985 the US Congress passed the Compact of Free Association with the various island groups of Micronesia, an archipelago spanning a huge tract of the Western Pacific.⁹ The islands, scattered over three million square miles, were granted sovereign status as freely associated states with the USA. They retained local self-government and even the power to conduct their own foreign policy in consultation with Washington. In return for military facilities, the United States was committed to defend the islands for 15 years and provide \$2.39 billion in economic assistance over that period.

A similar formula, involving NATO could be found for the Rock. At least for Spain it would remove the irritant of having a colony on her doorstep, while at the same time the Rock would remain bound to the same foreign and defence policy as Madrid and London through the Community and NATO. There can be little doubt that if Britain abandoned the Rock, including the military base, the Gibraltar government could then benefit from leasing the base to NATO or to the United States, as Micronesia has done. The fact that Britain and Spain are both in NATO and the EC means that the security of the Western Mediterranean would not be affected in any way, given that the military facilities on the Rock would continue to be held by the alliance. This, along with plans to develop the territory as a major finance centre in the Community and as a tourist resort, would provide more than enough resources for the local authorities.

Integration with Britain has been ruled out completely. The Malta experiment of the mid-1950s had been too much of a headache for Whitehall to even consider using the formula again. While France adopted integration as the means to decolonise her remaining territories, Britain did nothing of the kind. French dependencies around the globe are regarded as an integral part of France, and their inhabitants are allowed to vote in elections to the National Assembly and to the European Parliament, even though in all cases the territories are not even in Europe. While Malta was allowed to go its own way in 1965, Gibraltar was not. The question of independence for the Rock did not even arise, since it was never something that the majority of the Gibraltarians wanted. Moreover, both London and Madrid's interpretation of Article X of the Treaty of Utrecht maintained that the colony could either be British or Spanish, but nothing else.

It is relevant at this point to analyse the position of Gibraltar in the general context of British decolonisation. The post-war Labour government had more pressing and immediate colonial problems to worry about. India and other large colonies with millions of inhabitants in Africa and Asia all had to be sorted out first, and compared to all this Gibraltar was dwarfed into

insignificance. Having said this, there were factors more important than size which serve to explain Gibraltar's position in the world of Britain's retreat from empire. The Rock was a fortress-colony, one of those staging posts of the empire, used for its common defence. This perception of Gibraltar as a fortress, rather than just another colonial situation, accounts in large measure for its exclusion from the grandiose plans of post-war decolonisation.

There was a considered view in Whitehall after the War that such territories could never hope for independence or decolonisation because of their strategic importance.¹⁰ This view of Gibraltar was strongly reflected in the internal correspondence between the Colonial Office and the service departments. It was made abundantly clear that the latter had the final say in every measure of constitutional reform for the territory. The Rock was quite simply not regarded in the same league as other parts of the empire.

As Britain shed an empire and was freed of the global commitments this entailed, the strategic importance of Gibraltar declined. This was not a dramatic, instant process, but rather one that was phased through time. The naval dockyard at Gibraltar was thus closed down in 1983, marking Britain's decline as an imperial power, and the consequent reduction in the importance of the Rock to a diminishing Royal Navy.

The other Mediterranean fortresses of Malta and Cyprus went their own way in the 1960s. Their importance to the network of sea routes that linked a vanishing empire declined. Britain had overstayed her welcome in both these islands, and a major factor in decolonisation was the trouble caused by their respective inhabitants. Gibraltar, on the other hand, remained a peculiar place. Here was a colony that did not want to be decolonised. The leaders of the local community had told the United Nations as much at the same time as Malta and Cyprus left the fold.

This development of a politically conscious Gibraltarian population, who were proud to be British and who wanted to remain so, was another factor, apart from the fortress element, which made the Rock stand out from other territories within the overall context of British

decolonisation. Therefore if defence considerations were paramount in determining that Gibraltar remained linked to Britain in the early part of the period in question, there can be no denying that in the latter part it was the Gibraltarians themselves.

The people of Gibraltar were bolstered in their stand by staunch support from Whitehall. However, as has already been mentioned the attitude of the Foreign Office was transformed between the 1940s and the 1980s. Several of the factors accounting for this transformation have been touched upon above. General Franco died in 1975, Gibraltar's importance as a military base diminished, Spain became a democracy and joined the EC and NATO. These developments engendered a feeling in Whitehall that the Gibraltar problem could not be allowed to continue forever, and that a middle way had to be found between the aspirations of the Gibraltarians and the Spanish claim. In line with this thinking, the Foreign Office made what they saw as a series of goodwill gestures to Spain, in the hope that Madrid would reciprocate. Thus the frontier guard was removed from the Gibraltar border in 1986. Spain did not reciprocate and the gesture backfired.

In attempting to reconcile the Spanish and Gibraltar points of view the Foreign Office was acting with the best of intentions. However, they failed to realise that they were attempting to reconcile the irreconcilable. Every goodwill gesture made to Spain was seen on the Rock as a climb-down and as another step towards a sell-out. There can be no doubt that by December 1987 opinion of the Foreign Office on the Rock stood at an all time low. The volte-face of the airport agreement had shown that when the interests of Britain and those of Gibraltar were different, prominence would be given to the former.

To any impartial observer this was only logical. It made sense that the interests of sixty million Britons and forty million Spaniards were, from a practical point of view, of more consequence to the Foreign Office than relations with thirty thousand Gibraltarians. To the inhabitants of the Rock, on the other hand, this was an abhorrent notion. They had stood by Britain in two World Wars, and as recently as the Falklands had rallied round the mother

country. Imbued with such emotions, there was never the remotest possibility that they could come to appreciate the constraints and the pressures under which the Foreign Office was operating.

It is important at this point to compare the case of Gibraltar with Hong Kong and the Falklands, two more of Britain's remaining colonial outposts. There are interesting parallels that can be drawn between the Anglo–Chinese Agreement over the future of Hong Kong and the Brussels Agreement over Gibraltar. Within the space of a few months in 1984 both these agreements were signed, and their architect was Sir Geoffrey Howe. The two territories remain subject to strong irredentist claims from a huge neighbouring state. In this respect an important consideration in the minds of the Whitehall officials has been whether Britain could hold on to the colony by force. In neither Gibraltar nor Hong Kong was this a practical option, and they could easily have been overrun by Spain and China. London had to come to terms with this reality.

What kept Franco back from using force was the fact that Gibraltar was NATO territory, and an attack on the Rock would have demanded a general response from all the alliance. Even so, Gibraltar's defences were strengthened considerably during the crisis of the 1960s, in particular after the 1967 Referendum. This provides an indication that a military attack from Spain had not been totally discounted. Once Spain joined the EC and NATO a decade after the dictator's death, the fear of an attack from Spain subsided completely, so much so that the resident battalion of the British Army which had no NATO role and whose sole function was to defend the Rock against Spain was withdrawn in March 1991. It is highly ironical that London's greatest concessions to Madrid were made after this military threat had vanished and once Spain became a democracy.

The situation regarding Hong Kong was similar yet different at the same time. Here was another predatory neighbour laying claim to a comparatively small, far-flung British colony. Here was a territory that Britain could never have held by force even if she had wanted to. The

similarities end there. Whereas 92% of Hong Kong territory was leased to Britain until 1997, Gibraltar was ceded in perpetuity. Therefore while it was imperative that a deal was struck with China before time ran out, there was no such pressure on Whitehall to make a similar deal with Spain over Gibraltar. The Anglo–Chinese agreement formally sanctioned the return of Hong Kong to China, while the Brussels Agreement, without being an immediate sell-out, initiated a process whose ultimate objective was the return of Gibraltar to Spain in accordance with the resolutions of the United Nations. No time-limit was set as there was no lease to set a deadline.

The fact is that territorial enclaves are always more vulnerable to irrendentism than islands. Throughout the course of history it has been easier for islands to hold out against nearby hostile powers. Taiwan has successfully kept China at bay, France has held Corsica and even Malta was successfully defended against the Axis in the George Cross siege of 1940–43. This is also the case with the Falkland Islands. Having successfully broken the occupation by Argentina, for London the sovereignty of the islands is not negotiable, the same posture which Britain adopted over Gibraltar until Howe signed the Brussels Agreement in November 1984. The fact that the islands are hundreds of miles away from the South American mainland, as opposed to a territorial part of it, makes it easier for London to continue in its uncompromising stand.

This view was echoed by Tristan Garel Jones, Minister of State at the Foreign and Commonwealth Office, who commented that the Falklands were British even before Argentina existed. Moreover, there was no equivalent of the Treaty of Utrecht.¹¹ The Minister contended that Britain's position in the Falkland Islands was therefore stronger than her position in Gibraltar. 'We reject the Spanish claim and we reject the Argentine claim,' he remarked, 'but both claims are different.'¹²

The decline in the military element in Gibraltar was an important force which shaped the course of events. Every constitutional step which the Rock had taken up to 1969 required the

positive approval of the armed forces. The Ministry of Defence, through the naval dockyard and other establishments, remained the major employers on the Rock, and constituted the backbone of the local economy. Since then this situation has altered radically. The first major blow to the local economy in the run-down of British defence spending was without doubt the closure of the naval dockyard in 1983. It reflected Britain's decline as a world power, and it served to awake many Gibraltarians to the possibility that London might be pulling out on them. Then in 1991 the British Army detachment was withdrawn. In economic terms, this has meant that the Rock is now standing more than ever on its own two feet, given that there has been no development aid from Britain since 1986. Politically, the message from Whitehall appeared to be even stronger. It seemed to the Gibraltarians that London was pulling the rug from under their feet.

Given that there is little direct economic dependence on Westminster, it would not be too difficult to conceive of the establishment of an independent city-state as the solution to the problem. Gibraltar could become the first sovereign territory of the EEC, and would thus be neither British nor Spanish, and the Gibraltarians would be the first true Europeans. The main obstacle to this imaginative way out is the paranoia which consumes the Palacio de Santa Cruz. At the slightest mention of the word 'independence' the officials reach for their copies of the Treaty of Utrecht and point to the statement in Article X that Britain cannot 'grant, sell or by any means...alienate' Gibraltar without offering it to Spain first.¹³ It is highly ironical that Spain should complain about Gibraltar's colonial status and yet simultaneously object to some form of independence within the EC and NATO which would end that status. The question seems to be whether Gibraltar will achieve independence within Europe, regardless of Spain, as a matter of course in the process of European integration.

The Rock's constitutional stagnation since the end of the 1960s was inextricably linked to the troubles with Spain. The huge constitutional steps which Gibraltar took in 1950, 1964 and 1969 by agreement with Britain alone seem clearly to be a thing of the past. While London

maintains that Gibraltar will remain British until the Gibraltarians decide otherwise, it has also made it quite clear that the Rock is at the end of the road as far as constitutional reform is concerned. Looking to Brussels instead of London for further constitutional progress is therefore the only feasible alternative. In the very long term it is conceivable that Britain, Spain and Gibraltar will be absorbed into one Europe.

In the shorter term, however, the situation on the Rock is in danger of coming close to flashpoint. Their nationalist sentiments aroused by continuing Spanish harassment within the EC and by their feeling of having been betrayed by Britain, many Gibraltarians have exalted their own identity to provide a sense of security, seeing themselves as a separate people, victimised by both countries. Having seen several republics of the Soviet Union and Slovenia and Croatia in Yugoslavia attempt unilaterally to go it alone, when faced with a sell-out to Spain the Gibraltarians might decide to do likewise. When placed in a position where they have nothing more to lose, the once-happy colonials might decide to emulate the upsurge of self-determination which is gripping Eastern Europe. The proposition may seem fantastic, but in a world where the unthinkable has become a suddenly accomplished fact, it would be advisable not to dismiss it out of hand.

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60. PRO, CO926 280/86/7/01, 44B
61. Ibid
62. Ibid
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64. Ibid, 45
65. Gibraltar Chronicle, 14/2/56
66. PRO, CO926 382/124/41/01, 3
67. Gibraltar Post, 8/9/56 – AACR Manifesto September 1956 enclosed
68. Ibid
69. GGA, Legislative Council Elections 4964 (1)
70. Ibid
71. PRO, CO926 210/33/32/01, 21
72. Ibid
73. Ibid, 23
74. PRO, CO926 280/86/7/01, 70
75. Ibid
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77. PRO, CO926 280/86/7/01, 75
78. Ibid
79. PRO, CO926 280/86/7/01, 45

CHAPTER FOUR – THE DEVELOPMENT OF A MINISTERIAL SYSTEM, 1957 – 1962

1. PRO, CO926 768 86/7/01/A, 1
2. Ibid
3. Ibid
4. Gibraltar Chronicle, 28/2/57
5. PRO, CO926 972 274/63/03/A, E/17
6. PRO, CO926 972 274/63/03/A, 125
7. PRO, CO926 768 86/7/01/A, E/11
8. Ibid
9. Ibid
10. Gibraltar Chronicle, 31/7/57
11. PRO, CO926 768 86/7/01/A, Minute 1/10/57

12. Ibid
13. Ibid
14. Points raised in conversation in Gibraltar with Sir Joshua Hassan,
10/8/90
15. PRO, CO926 768 86/7/01/A, 18
16. Ibid
17. Ibid
18. Ibid
19. Ibid
20. Ibid
21. Ibid
22. Gibraltar Chronicle, 27/5/58
23. PRO, CO926 768 86/7/01/A, E30
24. Ibid
25. Ibid
26. PRO, CO926 768 86/7/01/A, 33
27. Ibid
28. Ibid
29. PRO, CO926 768 86/7/01/A, Minute 24/11/58
30. Ibid
31. Gibraltar Chronicle, 31/12/58
32. PRO, CO926, 769 86/7/01/B, 90
33. Ibid
34. Points raised in conversation in Gibraltar with Sir Joshua Hassan,
10/8/90
35. PRO, CO926 769 86/7/01/B, 88
36. Points raised in conversation in Gibraltar with Sir Joshua Hassan,
10/8/90. 'I learnt many things from Darrell Bates', recalled Hassan
during this meeting.
37. PRO, CO926 769 86/7/01/B, 105 E1
38. Gibraltar Chronicle, 16/10/59
39. Gibraltar Chronicle, 17/10/59
40. PRO, CO926 996 329/7/01, Minute 1/2/60
41. Ibid
42. PRO, CO926 996 329/7/01, Minute 19/2/60
43. PRO, CO926 769 86/7/01/B, Minute 1/6/60
44. Ibid
45. PRO, CAB 134 1551
46. PRO, CO926 769 86/7/01/B, Minute 1/6/60
47. Gibraltar Yearbook, 1989, 49
48. PRO, CO926 769 86/7/01/B, Minute 1/6/60
49. Ibid
50. PRO, CO926 769 86/7/01/B, Minute 2/6/60
51. PRO, CO926 973 274/63/03/B, 17/8/59. British Embassy in Madrid to the
Foreign Office
52. Gibraltar Chronicle, 19/11/60
53. Gibraltar Chronicle, 8/6/61
54. Gibraltar Chronicle, 16/12/61
55. Gibraltar Chronicle, 5/5/61
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57. Gibraltar Chronicle, 26/1/63

CHAPTER FIVE – THE TROUBLES WITH SPAIN, 1963 –1969

1. PRO, CO926 691 62/63/011, 2
2. Ibid, 12
3. Ibid, 30
4. Ibid
5. Ibid
6. Ibid
7. Points raised in conversation in Gibraltar with Sir Joshua Hassan,
10/8/90
8. Gibraltar Annual Report, 1963, 3
9. Gibraltar Chronicle, 10/9/63
10. Record of the discussions on Gibraltar by the UN Committee of 24,
1963, 1–17. Hereafter cit. as Record of UN discussion on Gibraltar, 1963
11. Spanish Red Book on Gibraltar, (Madrid, 1965), Document 74, 312.
Hereafter cit. as First Red Book.
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13. Ibid, Document 74, 313
14. Record of UN discussion on Gibraltar, 1963, 18–30
15. Ibid, 37–38
16. Ibid, 31–38
17. Ibid, Document 92, 376
18. First Red Book, Document 93, 379
19. Record of UN discussion on Gibraltar, 1964, 1–24
20. Ibid, 25
21. Ibid, 25–38
22. Ibid, 39
23. Ibid, 49–72
24. Ibid, 103–129
25. Ibid, 130
26. Ibid
27. First Red Book, Document 118, 523–525
28. Ibid
29. Gibraltar Chronicle, 13/2/65
30. Ibid, 2/3/65
31. Ibid, 12/5/65
32. Ibid, 2/6/65
33. Ibid, 27/9/65
34. Ibid, 2/7/65
35. Ibid
36. Ibid, 7/7/65
37. Ibid, 6/10/65
38. Negociaciones Sobre Gibraltar, Second Red Book on Gibraltar (Madrid, 1967),
Document 2, 338. Hereafter cit. as Second Red Book.
39. Gibraltar Council Minutes, Vol.1, 28/2/66
40. Gibraltar Chronicle, 1/3/66
41. GGA, Minutes of the Constitution Committee, April 1966 – March 1967
Secret: Other Papers, 1967–1968
42. Ibid
43. Ibid
44. Gibraltar Chronicle, 1/3/66
45. GGA, Minutes of the Constitution Committee, April 1966 – March 1967
Secret: Other Papers, 1967–1968
46. The Spanish Proposals on Gibraltar, (Madrid, 1966)
47. Second Red Book, Documents 13 and 14, 394–397
48. Ibid, Document 36, 518–521

49. Gibraltar Chronicle, 2/12/66
50. Ibid, 20/1/67
51. Second Red Book, Document 118, 756
52. Ibid, Document 161, 887
53. Voting of UN Committee of 24 on Gibraltar, 1 September 1967.
 16 Countries in favour – Italy, Chile, Uruguay, Venezuela, Tanzania,
 Tunisia, Ivory Coast, Mali, Afganistan, Iran, Iraq, Syria, USSR,
 Bulgaria, Poland, Yugoslavia.
 2 against – Britain, Australia.
 6 abstentions – USA, Finland, Ethiopia, Sierra Leone, Madagascar,
 India. This point is also made by the former Governor of Gibraltar,
 General Sir William Jackson, in his book 'The Rock of the Gibraltarians',
 (Associated University Presses, 1987), 307.
54. Gibraltar Referendum Sept. 1967. Report of the Commonwealth Team of
 Observers, 6
55. Ibid, 7
56. Gibraltar Referendum Sept. 1967. Report by the Referendum Administrator,
 9
57. Gibraltar Chronicle, 6/2/68
58. Ibid, 12/2/68
59. Report of the Constitution Committee, 23/1/68
60. Gibraltar Chronicle, 1/4/68
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62. Gibraltar Chronicle, 2/4/68
63. Gibraltar Chronicle, 4/4/68
64. Gibraltar Chronicle, 8/4/68
65. Disturbances in Gibraltar on 6 April 1968. Report of the Commission
 of enquiry.
66. Gibraltar Chronicle, 4/5/68
67. Gibraltar Chronicle, 23/5/68
68. GGA, File No.8530, Constitutional Talks, General Arrangements, 1968, 65–70
69. Ibid, 53
70. Ibid, 43
71. The Gibraltar Constitution Order, 1969
72. Gibraltar Chronicle, 22/7/68
73. The Gibraltar Constitution Order, 1969
74. Ibid
75. Gibraltar Chronicle, 19/12/68
76. Gibraltar Chronicle, 28/6/69

CHAPTER SIX – CONSTITUTIONAL STAGNATION, 1969 – 1988

1. Points raised in conversation in Gibraltar with Sir Joshua Hassan, 1/11/90
2. Gibraltar Chronicle, 2/7/70
3. Gibraltar Chronicle, 26/10/70
4. Gibraltar Chronicle, 4/2/71
5. Gibraltar Chronicle, 18/9/71
6. Ibid
7. Gibraltar Chronicle, 8/10/71
8. Points raised in conversation in Gibraltar with Major Robert Peliza,
 22/11/90
9. Gibraltar Chronicle, 20/5/72
10. Points raised in conversation in Gibraltar with Sir Joshua Hassan, 1/11/90

- and Major Robert Peliza, 22/11/90
11. UN General Assembly, 28th Session, 4th Committee. Summary of the 2066 meeting. Agenda items 23 (Chapter of the report of the Special Committee of 24 relating to Specific Territories not already covered by other items) 69, 74 and 12, 75, 76 (continued) A/C.4/SR.2066 – Gibraltar
 12. Gibraltar Chronicle, 11/2/74
 13. Ibid
 14. Gibraltar Chronicle, 30/7/74
 15. Gibraltar Chronicle, 3/8/74
 16. Ibid
 17. Gibraltar Chronicle, 4/10/74
 18. Report by Sir Jack Scamp on Pay and Conditions in Gibraltar, 22/7/75
 19. Gibraltar Chronicle, 27/9/75
 20. IWBP Press Release, 26/9/75
 21. Gibraltar Chronicle, 7/10/75
 22. Gibraltar Chronicle, 15/10/75
 23. AACR Press Release, 17/10/75
 24. IWBP Press Release, 24/10/75
 25. Report of the Constitution Committee, May 1976
 26. Memorandum by HMG on the Report of the Constitution Committee, 26/6/76, 3
 27. Ibid, 1–2
 28. Ibid, 2
 29. Ibid, 2
 30. Ibid, 3
 31. Ibid, 8
 32. Gibraltar Chronicle, 3/7/76
 33. Ibid
 34. Gibraltar Chronicle, 6/7/76
 35. Ibid
 36. Gibraltar Chronicle, 24/7/76
 37. Ibid
 38. Ibid
 39. Ibid
 40. Gibraltar Chronicle, 3/8/76
 41. The Times, 6/10/76
 42. Points raised in conversation in Gibraltar with Sir Joshua Hassan, 7/2/91
 43. Gibraltar Chronicle, 4/1/77
 44. Gibraltar Chronicle, 6/9/77
 45. Gibraltar Chronicle, 24/8/77
 46. Gibraltar Chronicle, 8/9/77
 47. Gibraltar Chronicle, 21/9/77
 48. Gibraltar Chronicle, 1/10/77. Statement by Francis Judd, Minister of State at the Foreign Office, during a visit to Gibraltar.
 49. Gibraltar Chronicle, 24/1/78
 50. Gibraltar Chronicle, 28/1/78
 51. Gibraltar Newsweekly Panorama, 6/3/78. Interview with Sr Marcelino Oreja, Spanish Foreign Minister, conducted by the newspaper's editor Joe Garcia.
 52. Ibid
 53. Ibid
 54. Points raised in conversation in Gibraltar with Peter Isola, 12/2/91
 55. Gibraltar Chronicle, 20/2/79
 56. Gibraltar Chronicle, 18/7/79
 57. Gibraltar Yearbook, 1990, 64
 58. Ibid, 65

59. Ibid, 64
60. Ibid, 65
61. Gibraltar Chronicle, 23/9/80
62. Gibraltar Chronicle, 26/10/79
63. Gibraltar Chronicle, 19/2/81
64. House of Lords Hansard, 22/7/81 Vol.423, No 123, Col.225–324
65. House of Commons Hansard, 22/7/81 Vol.9, No 147, Col.307–310
66. Humphrey Atkins had replaced Sir Ian Gilmour as Lord Privy Seal and Minister of State at the Foreign and Commonwealth Office on 14 September 1981, after the latter had been sacked by Thatcher because of disagreement over her economic policy.
67. Gibraltar Chronicle, 18/12/81
68. Points raised in conversation in Gibraltar with Sir Joshua Hassan, 7/2/91
69. Gibraltar Chronicle, 5/7/82
70. Ibid
71. Gibraltar Chronicle, 16/9/82
72. Gibraltar Chronicle, 18/9/82
73. Ibid
74. Gibraltar Chronicle 6/11/82
75. Gibraltar Chronicle 4/12/82
76. Gibraltar Chronicle 16/12/82
77. Gibraltar Chronicle 24/3/83
78. Gibraltar Chronicle 22/7/83
79. Gibraltar Chronicle 18/10/83
80. Ibid
81. Gibraltar Chronicle 27/10/83
82. Gibraltar Yearbook, 1990, 64
83. Gibraltar Chronicle, 14/11/83
84. Imports and Exports Report 1983, Economic Planning and Statistics Office, Government of Gibraltar
85. Gibraltar Chronicle, 23/3/84
86. Ibid
87. The Times, 27/9/84
88. Gibraltar Chronicle, 29/9/84
89. Ibid
90. Gibraltar Yearbook, 1990, 49
91. Gibraltar Chronicle, 3/11/84
92. Gibraltar Chronicle, 22/11/84
93. Gibraltar Yearbook, 1989, 50
94. Ibid
95. Ibid
96. Ibid
97. Ibid
98. Gibraltar Chronicle, 28/11/84
99. Gibraltar Chronicle, 1/12/84
100. Ibid
101. Gibraltar Chronicle, 12/1/85
102. Gibraltar Chronicle, 1/2/85
103. Panorama, 4/2/85
104. Ibid
105. Gibraltar Chronicle, 6/2/85
106. Gibraltar Chronicle, 23/3/85
107. Gibraltar Chronicle, 12/6/85
108. Fernando Morán, España en su sitio, (Barcelona, 1990)
109. Ibid, 432, Translated from Spanish.

110. Ibid, 434, Translated from Spanish.

111. Gibraltar Chronicle, 2/7/85

112. Morán, España en su sitio, 229. Translated from Spanish.

113. Gibraltar Chronicle, 26/3/86

114. Gibraltar Chronicle, 24/4/86

It had long been the Spanish contention that their claim to the isthmus on which Gibraltar Airport is situated constituted a separate claim from that on the rest of the colony. The isthmus was not explicitly ceded to Britain by the Treaty of Utrecht, unlike the rest of Gibraltar.

115. Gibraltar Chronicle, 26/4/86

116. Gibraltar Chronicle, 25/7/86

117. Gibraltar Chronicle, 1/8/86

118. Gibraltar Chronicle, 5/8/86

119. Morán, España en su sitio, 229. Translated from Spanish.

120. Gibraltar Chronicle, 27/9/86

121. Gibraltar Chronicle, 18/12/86

122. Gibraltar Chronicle, 14/1/87

123. GSLP Press Release, 21/1/87

124. Ibid

125. Gibraltar Chronicle, 26/6/87

126. Gibraltar Chronicle, 2/7/87

127. Panorama, 3/8/87

128. El Pais, 30/10/87

129. GSLP Press Release, 2/11/87

130. Ibid

131. The two Foreign Office officials were David Ratford, British Co-ordinator at the Anglo-Spanish talks and David Moss, the man leading the civil aviation talks with Spain.

132. Gibraltar Chronicle, 18/11/87

133. Gibraltar Yearbook, 1989, 51-52

134. Ibid, 52

135. Gibraltar Chronicle, 4/12/87

136. Ibid

137. Gibraltar Chronicle, 4/12/87

138. Gibraltar Chronicle, 5/12/87

139. Gibraltar Chronicle, 8/12/87

140. Ibid

141. Gibraltar Chronicle, 18/12/87

142. Gibraltar Chronicle, 4/1/88

143. Panorama, 4/1/88

144. Panorama, 3/8/87

CONCLUSION

1. Memorandum by HMG on the Report of the Constitution Committee, 26/6/76, 3

2. Panorama, 17/8/87

3. Panorama, 17/7/89

4. Panorama, 5/8/91

5. Points raised in conversation with Tristan Garel Jones MP, Minister of State at the Foreign Office responsible for Gibraltar, in Gibraltar, 29/7/91

6. Panorama, 6/3/78

7. Gibraltar Chronicle, 13/11/87

8. Points raised in conversation in Gibraltar with Tristan Garel Jones MP,

- Minister of State at the Foreign Office, 29/7/91
9. Congressional Quarterly, Congress and the Nation Vol III 1985–1988, (Washington, DC, 1990), 206–7
 10. Goldworthy, Colonial Issues in British Politics, 310
 11. Points raised in conversation in Gibraltar with Tristan Garel Jones MP, Minister of State at the Foreign Office, 29/7/91
 12. Ibid
 13. Gibraltar Yearbook, 1989, 49. For full text of the Article, see Appendix 1

APPENDIX ONE
ARTICLE X OF THE TREATY OF UTRECHT
13 JULY 1713

The Catholic King does hereby, for himself, his heirs and successors, yield to the Crown of Great Britain the full and entire propriety of the town and castle of Gibraltar, together with the port, fortifications, and forts thereunto belonging; and he gives up the said propriety to be held and enjoyed absolutely with all manner of right for ever, without any exception or impediment whatsoever. But that abuses and frauds may be avoided by importing any kind of goods, the Catholic King wills, and takes it to be understood, that the above-named propriety be yielded to Great Britain without any territorial jurisdiction and without any open communication by land with the country round about. Yet whereas the communication by sea with the coast of Spain may not at all times be safe or open, and thereby it may happen that the garrison and other inhabitants of Gibraltar may be brought to great straits; and as it is the intention of the Catholic King, only that fraudulent importations of goods should, as is above said, be hindered by an inland communication, it is therefore provided that in such cases it may be lawful to purchase, for ready money, in the neighbouring territories of Spain, provisions and other things necessary for the use of the garrison, the inhabitants, and the ships which lie in the harbour. But if any goods be found imported by Gibraltar, either by way of barter for purchasing provisions, or under any other pretence, the same shall be confiscated, and complaint being made thereof, those persons who have acted contrary to the faith of this treaty, shall be severely punished. And Her Britannic Majesty, at the request of the Catholic King, does consent and agree, that no leave shall be given under any pretence whatsoever, either to Jews or Moors, to reside or have their dwellings in the said town of Gibraltar; and that no refuge or shelter shall be allowed to any Moorish ships of war in the harbour of the said town, whereby the communication between Spain and Ceuta may be obstructed, or the coasts of Spain be infested by the excursions of the Moors. But whereas treaties of friendship and a liberty and intercourse of commerce are between the British and certain territories situated on the coast of Africa, it is always to be understood, that the British subjects cannot refuse the Moors and their ships entry into the port of Gibraltar purely upon the account of merchandising. Her Majesty the Queen of Great Britain does further promise, that the free exercise of their religion shall be indulged to the Roman Catholic inhabitants of the aforesaid town. And in case it shall hereafter seem meet to the Crown of Great Britain to grant, sell or by any means to alienate therefrom the propriety of the said town of Gibraltar, it is hereby agreed

and concluded that the preference of having the same shall always be given to the Crown of Spain before any others.

APPENDIX TWO THE LISBON AGREEMENT 10 APRIL 1980

Joint Anglo Spanish Statement by the Spanish Foreign Minister Sr Marcelino Oreja and the British Foreign Secretary Lord Carrington.

1. The British and Spanish Governments, desiring to strengthen their bilateral relations and thus to contribute to Western solidarity, intend in accordance with the relevant United Nations Resolutions, to resolve, in a spirit of friendship, the Gibraltar problem.
2. Both Governments have therefore agreed to start negotiations aimed at overcoming all the differences between them on Gibraltar.
3. Both Governments have reached agreement on the reestablishment of direct communications in the region. The Spanish Government has decided to suspend the application of the measures at present in force. Both Governments have agreed that future cooperation should be on the basis of reciprocity and full equality of rights. They look forward to the future steps which will be taken on both sides which they believe will open the way to closer understanding between those directly concerned in the area.
4. To this end, both Governments will be prepared to consider any proposals which the other may wish to make, recognising the need to develop practical cooperation on a mutually beneficial basis.
5. The Spanish Government, in reaffirming its position on the re-establishment of the territorial integrity of Spain, restated its intention that in the outcome of the negotiations the interests of the Gibraltarians should be fully safeguarded. For its part the British Government will fully maintain its commitment to honour the freely and democratically expressed wishes of the people of Gibraltar as set out in the Preamble to the Gibraltar Constitution.
6. Officials on both sides will meet as soon as possible to prepare the necessary practical steps which will permit the implementation of the proposals agreed to above. It is envisaged that these preparations will be completed not later than 1 June.

APPENDIX THREE

THE BRUSSELS AGREEMENT

27 NOVEMBER 1984

- The Foreign and Commonwealth Secretary, the Rt Hon Sir Geoffrey Howe, and the Spanish Foreign Minister, His Excellency Sr Don Fernando Morán Lopez, held a meeting in Brussels on 27 November 1984 during which they agreed on the way in which the Spanish and British Governments will apply by not later than 15 February 1985 the Lisbon Declaration of 10 April 1980 in all its parts. This will involve simultaneously:

(a) The provision of equality and reciprocity of rights for Spaniards in Gibraltar and Gibraltarians in Spain. This will be implemented through the mutual concession of the rights which citizens of EC countries enjoy, taking into account the transitional periods and derogations agreed between Spain and the EC. The necessary legislative proposals to achieve this will be introduced in Spain and Gibraltar. As concerns paid employment, and recalling the general principle of community preference, this carries the implication that during the transitional period each side will be favourably disposed to each other's citizens when granting work permits.

(b) The establishment of the free movement of persons, vehicles and goods between Gibraltar and the neighbouring territory.

(c) The establishment of a negotiating process aimed at overcoming all the differences between them over Gibraltar and at promoting cooperation on a mutually beneficial basis on economic, cultural, touristic, aviation, military and enviromental matters. Both sides accept that the issues of sovereignty will be discussed in that process. The British Government will fully maintain its commitment to honour the wishes of the people of Gibraltar as set out in the preamble of the 1969 Constitution.

Insofar as the airspace in the region of Gibraltar is concerned, the Spanish Government undertakes to take the early actions necessary to allow safe and effective air communications.

There will be meetings of working groups, which will be reviewed periodically in meetings for this purpose between the Spanish and British Foreign Ministers.

APPENDIX FOUR THE AIRPORT AGREEMENT 2 DECEMBER 1987

The Minister of Foreign Affairs of the Kingdom of Spain, His Excellency Sr Don Francisco Fernandez Ordoñez, and the Foreign and Commonwealth Secretary of the United Kingdom, the Right Honourable Sir Geoffrey Howe, meeting in London on 2 December 1987,

taking into account the joint communiqué agreed at Brussels on 27 November 1984 which established a negotiating process between both countries aimed at overcoming all the differences between them over Gibraltar and at promoting cooperation on a mutually beneficial basis on a number of matters including aviation;

taking into account also the discussions within the Council of the European Community about the European Commission's proposals for liberalising air transport;

understanding, as a result of the conversations which have taken place between the two Ministers, that both Governments consider that greater cooperation over the use of Gibraltar airport will be beneficial for both countries and for the population of Gibraltar and the Campo de Gibraltar;

and in view of the fact that the application of the European Community air transport policy to Gibraltar airport will mean an increase in its civil use,

have agreed the following arrangements:

1. The aeronautical authorities of the two sides will hold regular consultations about all questions relating to the development of the civil use of the airport, including those relating to the establishment of new services to third countries.

Permission for Spanish airlines to operate services between airports of the Kingdom of Spain and Gibraltar, under paragraph 1 of Article 6 of the draft EC Decision on capacity and market access, will be given by the Spanish authorities.

2. The Spanish authorities will build a new terminal at La Linea de la Concepción adjacent to the northern side of the existing frontier-fence. Passengers using this terminal will have direct access to the airport through a gate in the south side of the terminal.

3.1. The Spanish terminal will be used by the following categories of passengers:

- Passengers from any country, flying in aircraft of any company and of any nationality, whose destination on disembarking is any point on the territory situated to the north of the frontier-fence.
- Passengers proceeding from any point of the territory situated to the north of the frontier-fence who embark in aircraft of any company and of any nationality, for any destination.

3.2. The British terminal will be used by all other passengers.

3.3. When appropriate, passengers will be subject to customs and immigration controls in the respective terminals.

4.1. A committee will be established to coordinate the civil air transport activities of the British and Spanish terminals and their relation with the airport's other services. The committee will consist of an equal number of members appointed by each Government.

4.2. The arrangements in paragraph 4.1 will be kept under review by the Working Group on Civil Aviation Questions established in 1985 under the auspices of the Anglo/Spanish Coordinators. This working group will report regularly to the Coordinators. The reports will contain any recommendations for further cooperation in the use of Gibraltar airport.

5. The British and Spanish Governments will ensure that effective measures are taken within the existing and new terminals respectively to screen passengers and their carry-on items, and to carry out appropriate checks on crew, cargo and aircraft stores prior to and during boarding. There will be close cooperation between the authorities responsible for security within the two terminals and between them and the existing authorities responsible for security elsewhere at the airport, so as to ensure that the highest standards of security are maintained.

6. There will be continued discussions between the two sides about further strengthening of air safety and traffic control arrangements in the area.

7. The present arrangements and any activity or measure undertaken in applying them or as a consequence of them are understood to be without prejudice to the respective legal positions of Spain and the United Kingdom with regard to the dispute over sovereignty over the territory in which the airport is situated.

8. The above arrangements will come into operation when the British authorities have signified to the Spanish authorities that the legislation necessary to give effect to paragraph 3.3 above is in force, or on completion of the construction of the Spanish terminal, whichever is the later, but in any event not more than one year after the notification referred to above.

APPENDIX FIVE
MAP OF GIBRALTAR

