

GIBRALTAR

THE RIGHT TO SELF DETERMINATION

FULL TEXT OF AN ADDRESS

BY THE

CHIEF MINISTER OF GIBRALTAR

THE HON J J BOSSANO

TO THE

U. N. COMMITTEE OF 24

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CHIEF MINISTER'S ADDRESS TO THE COMMITTEE OF 24 AT THE UNITED NATIONS ON TUESDAY 28TH JULY 1992

Mr Chairman, Your Excellencies, first of all I would like to express my appreciation to you for agreeing to give me this opportunity. I do not have a prepared text of the statement and therefore I hope that the speed at which I deliver what I have to say will enable the translation to adequately transmit the message to all the members of the Committee in their respective languages. It is also my first visit to the United Nations and therefore I hope you will bear with me if I make any mistakes.

Gibraltar has been absent from putting its views directly to this Committee for a quarter of a century and in that period a lot of changes have taken place in the world, in Gibraltar itself and of course in our neighbour the Kingdom of Spain. I would like first to give the members of the Committee, and yourself Mr Chairman, an indication of my own background as a way of assisting the Committee to understand that perhaps the focus with which the question of decolonisation is perceived by Gibraltarians today itself is not identical to what it was in the past. I am a socialist, I have been a member of the Gibraltar Parliament in Opposition for sixteen years and I have been the Leader of the Trade Union Movement in Gibraltar for fourteen of those sixteen years.

Gibraltar has a very strong but well organised trade union movement. I know, I helped to organise it. And it has very old labour traditions. The socialist party won the elections of 1988 as you know from the paper that has been produced for you by the Secretariat with 58% of the popular vote. I was reelected in January of this year with 73% of the popular vote. In our first term of office we concentrated, as a Government, in investing in infrastructure and in developments to enable our economy to have a sustainable and secure base for the future. In doing this, of course, we are faced with a problem which is not unique to us. It is the same problem that

many of the countries that make up this Committee have to face in adjusting to a market economy and adjusting to a world capitalist system where we can only survive by being competitive. Gibraltar was a very different place twenty five years ago. Then virtually three quarters of its national income was derived from military expenditure and from aid from the United Kingdom. Today the military contribution to the economy of Gibraltar in terms of the United Kingdom's defence budget is a mere 15% and declining. I think it is pertinent to point out as well that since we were elected in 1988 no further allocation of aid has been granted to Gibraltar by the United Kingdom neither have we asked for it. But it is important that of course when the Committee of 24 is periodically informed of the achievements and the developments and the progress in the social, political and economic development of my people that they should know that this is being achieved with our money, by our efforts and through our own hard work.

We believe that in looking at the position of Gibraltar in the context of the international decade for the eradication of colonialism, the Committee necessarily has to look at it in the context of what is happening in the world around us. And therefore in asking for this opportunity, after this very long absence to address the Committee, Mr Chairman, I want to draw attention to one particular area which we consider is of vital importance and where we have got very clear in our own minds - that is the Government and the people - what our fundamental and inalienable rights are. But I would like to draw the attention of the members of the Committee to a number of points which we believe make our analysis self evident. In doing this analysis I am particularly encouraged Mr Chairman by the interview in the booklet "Objective Justice" where your predecessor on pages 30 and 31 of that booklet drew attention to the right of self determination and the right to independence of those remaining eighteen territories which come under the jurisdiction for whose welfare this Committee is responsible. And of course Gibraltar is one of those eighteen territories and there is no indication here that any qualification was attached to

Gibraltar which made it any different from the other seventeen. And in the context of the publication on page 31 your predecessor said, Mr Chairman, that when it came to supporting the principles embodied in the Charter and the declaration on decolonisation, such factors as a territory's size, number of inhabitants or limited resources should not prevent the people from exercising their inalienable right to self determination. We believe that describes Gibraltar. He went on to say that to that end we, meaning you, the Honourable Members of the Committee of 24, must continue to listen attentively to the wishes of the peoples of the territories, and study their concerns as each territory has its own characteristics and particular concerns. And I believe that can only be adequately done by listening directly to us and not simply having our views, wishes and concerns, as it were, transmitted to you via the administering power. This is an important reason for being here. Also, I think of particular importance to us, he went on to say "It appears that nowadays nobody questions the right of the peoples of the Non-Self Governing Territories to self determination." And therefore I am trying to demonstrate that there can be absolutely no doubt about I having such a right, as an individual Gibraltarian and the rest of my fellow citizens who elected me to speak on their behalf, also having that right. I also draw attention in support of this view, Mr Chairman, to the International Covenant on Economic, Social and Cultural rights which in Article 1 says, "All peoples have the right of self-determination, by virtue of that right they freely determine their political status and pursue their economic, social and cultural development." That Covenant was extended in 1976 to the Non Self-Governing Territories including Gibraltar, without qualification, and signed by both the administering power and the Kingdom of Spain. There is also Resolution 2625 (XXV) of 24th October 1970 which I think extended the avenues open for the exercise of the right of self-determination beyond the three possibilities envisaged in Resolution 1514, by suggesting the possibility of a fourth mode, not specified, but clearly requiring that it should be the emergence unto any other political status freely determined by a people. That Resolution went on to make clear Mr Chairman that the right of self-determination should not be construed

as authorising or encouraging any action which would dismember or impair totally or in part the territorial integrity or political unity of a sovereign and an independent state. We know that this has been one of the bones of contention for the last twenty five years when it comes to the decolonisation of Gibraltar. But I put it to you and the Committee Mr Chairman that if it is argued that there is a possible conflict between the exercise of the right of self-determination and the question of the territorial integrity of the Kingdom of Spain, it must be because the right of self-determination exists. It is an admission that it exists. And it is how it is exercised that may create a conflict or a problem. If there is no such right there can be no such problem. In addition, in Resolution 2734 (XXV) of the 16th of December 1970 the United Nations made it clear that in the event of a conflict between the obligation of member states under the Charter of the United Nations and their obligation under any other international agreement, their obligations under the Charter should prevail. I am drawing attention, Mr Chairman, to this Resolution as well because on occasions it has been suggested that the existence of the Treaty of Utrecht of 1713 precludes the applicability of the right of self-determination to the people of Gibraltar. I think what I have just quoted clearly shows that if there is such a conflict, which we do not accept there is, then the Charter prevails over the Treaty of 1713, as it should be, because of course in 1713 it wasn't just the people of Gibraltar who didn't have any rights, three quarters of the planet didn't have any rights in 1713. Therefore the position that we are convinced is the correct position, and the position that we are convinced is necessarily the view of this Committee, and the view of the international community, is that there is in the case of Gibraltar the same right to self-determination as there is in the case of any other Non Self-Governing Territory for whose welfare this Committee is concerned and charged to do so by the United Nations. But that doesn't make the fact that there are different views as to how the right can be exercised disappear and that has to be recognised and addressed. In addressing that, I would draw the attention of the members of the Committee to the paper that they have in which the address of His Majesty Juan Carlos 1, King of

Spain, to the General Assembly on the 11th October 1991 is quoted, and His Majesty told the United Nations that he hoped the negotiating process under way would be effective in achieving a solution compatible with the times in which we live. I was interviewed by the Spanish media for a reaction to this statement and I publicly welcomed it because I have no doubt of the times in which we live. We live in a time, fortunately for the human race, when the principles of democracy, the principles of freedom and the principles of choice and the concept of self-determination is more widely accepted than ever before in the history of this body and in the history of this Committee. And therefore I interpreted the words of wisdom of His Majesty as a recognition that however we resolve the decolonisation of Gibraltar, it necessarily has to be by taking on board the right of the people of Gibraltar to determine their own political future.

This therefore brings me to the position of explaining to this Committee, having explained how strongly we feel about self-determination, why it is then that my Government since 1988, when it was elected for the first time, has not participated in the Brussels process which was the subject of the Resolution adopted last year and of the draft Resolution co-sponsored by the administering power and the Kingdom of Spain, which is before you this year. I feel that it is right that I should have this opportunity to explain our position to you, because it is not a position born of hostility towards Spain or any desire to hinder that process.

The Brussels declaration of 1984 was tested for the first time in 1988 in a General Election. It was an agreement done after the 1984 General Election without the people being given an opportunity to express a view. My Party fought the 1988 Elections on a platform of self-determination and won it decisively. And again in January this year. What are we saying then? We are saying that nobody in this Committee can tell me, Mr Chairman, with his hand on his heart, that he honestly believes that the process of decolonisation is properly being conducted in a bilateral

process where I am supposed to be representing the colonial power. It would certainly be a very innovative step for the Committee of 24 to take if that is what they believed. And that is what the process presumes. It is a process where there are two parties who are asked to meet to resolve their differences and the Chief Minister of Gibraltar is invited to form part of the delegation of the administering power, presumably to try and resolve whatever differences the administering power may have with Spain. But what he cannot do is talk about the differences he may have with the administering power or with Spain. And I think we have to accept that, if there is any meaning to democracy, if I am going to be participating in a process which I would welcome the opportunity of doing, I have to do it on the basis that the views that I wish to put forward may, on occasions, coincide with those of Spain, may on occasions coincide with those of UK and may on occasions not coincide with either of them.

Let me say that in saying this I am not asking, Mr Chairman, that this Committee should, having heard me, adopt a different resolution from the one that has been submitted to it as a consensus by the administering power and the Kingdom of Spain, or to amend it in any way. I say this in total honesty to you and I am sure that you will understand that I have no desire to upset either London or Madrid. Each of them outnumber me a thousand to one and I would be very unwise to go out of my way to take on Goliaths of that size. But, if my words make sense, if I have been able to demonstrate to you Mr Chairman and to your Committee that this is not the Gibraltarians being obstructive or negative, but having powerful, potent, rational arguments of the kind that you apply in every other colony, and that we are a colonial people and feel like a colonial people a right to speak our mind, then you can help us. I am not asking for your help by changing anything at this stage which will upset anybody but I am saying each of the members of the Committee of 24 must have many opportunities to use their influence with both the administering power and the member state the Kingdom of Spain, in the corridors, extra officially to put across the

kind of message that I have put to you. And it may then be possible at a future meeting, to have before this Committee a consensus motion supported by both sides which begins to introduce the ingredient that is missing if a permanent solution is going to be found to the problem of the decolonisation of Gibraltar. I believe the effort should be made to convince the Kingdom of Spain that their views, their claim, their approach, need not be weakened in any way by simply recognising that we have a right to have an independent voice but there is a problem when we seek to express it and that the problem needs addressing. That dialogue is the dialogue which we are looking for. Let me say that we had high hopes in 1988, even outside the context of this forum, Mr Chairman of being able to engage in such a dialogue with the Governing Party in Spain as fellow socialists. For the first time there is a socialist Government in Gibraltar. It took us a very long time to get there, almost as long as it took them, and we had great hopes. Unfortunately those hopes were not fulfilled.

Perhaps, members of the Committee with their own experience of international affairs may not be as shocked as I was to find that when it comes to matters of state, philosophy and ideology sometimes gets put in the bottom drawer and forgotten. But for us it was a disappointment. We had the experience which is very difficult for our people to understand of not being able, for example, to gain membership of Socialist International because of the opposition of the Spanish socialists and we have difficulty in understanding what the Treaty of Utrecht of 1713 has, that is relevant to Socialist International. Therefore, in bringing to a close my contribution, in making you, I hope, understand better the feelings and the aspirations of my people and in looking for your comprehension and assistance in finding a way forward, Mr Chairman, I do so in the knowledge that I am talking a language which must be familiar to members of this Committee because I have no axe to grind other than the welfare, and the security and the political future of my people - and my loyalty is to them, and to them alone. They put me in office and they'll remove me when they get fed up with me.

I feel therefore that any questions the members of the Committee may want to put about Gibraltar, about its aspirations, about its philosophy are better put to me than to the administering power and I will be happy to deal with such questions either today or at any time any member of the Committee or you Mr Chairman may feel the wish to be better informed about the situation in the territory. Because we looked at this Committee and we have to look at this Committee, not as a partisan Committee that exists to protect the national interest of the Kingdom of Spain or the national interest of the United Kingdom, but that exists to protect the welfare of the inhabitants of the colony. I know that the representative of the Kingdom of Spain is going to address you and I have to say that I welcome the fact that he is going to address you, although he may not have very nice things to say about me. I hope he is nice to me. But I welcome it because it will be the first occasion since I got elected in 1988 when a representative of the Government of Gibraltar and a representative of the Government of the Kingdom of Spain are going to be in the same room and the representative of the Government of the Kingdom of Spain doesn't feel the need to leave immediately as if we had some contagious illness. So at least the first point of contact will have been achieved, and if nothing else, I hope that we can look upon that as an auspicious augury for a future of better understanding with our neighbours in Spain with whom we hope to be able to resolve our differences. I thank you very much for this opportunity. Thank you Mr Chairman.