
GIBRALTAR



THE RIGHT TO SELF-DETERMINATION

FULL TEXT OF AN ADDRESS

BY THE

CHIEF MINISTER OF GIBRALTAR

THE HON. J J BOSSANO

TO

THE UNITED NATIONS

COMMITTEE OF 24

12 July 1994

Mr Chairman,

Thank you once again for giving me the opportunity to address the Special Committee on behalf of the people of Gibraltar. I would like first to take this opportunity to place on record my appreciation for the warmth of the reception I had from your predecessor, His Excellency, Ambassador Renagi Renagi Lohia, on my first appearance before this Committee in 1992 and indeed on my second one in 1993.

I can assure the Committee that I was made to feel at home and amongst friends from the first day that I came. That encouraged me to look to this Committee – and it encouraged the people of Gibraltar to look to this Committee – as the forum where we could express our deep seated feelings on having our right as a colonial people recognised and vindicated.

I should like to say that I have reported this back in Gibraltar faithfully. Indeed the text of my presentation and my appearance before the Special Committee has been transmitted over Gibraltar television and widely covered by our own press. In doing this, I believe we have been making a small contribution towards the fulfilment of Resolution 43/46 of the 22 November 1988 of the General Assembly on the dissemination of information on decolonisation which called for the widespread and continuous publicity to be given to the work of the United Nations in the field of decolonisation and in particular to the work of the Special Committee. A Resolution, of course, which the administering power voted against, but which the territorial Government in Gibraltar fully supports.

Since my last appearance before this Committee, the General Assembly adopted another Resolution on the dissemination of information on decolonisation. Resolution 48/53 of the 10th December 1993. This new Resolution passed some six months ago also did not enjoy the support of the administering power. The Resolution reiterated much of the sentiments of the one to which I have previously referred. In addition, it requested the Secretary-General to seek the full co-operation of the administering power in a number of areas and to increase the information about the territories under consideration by the Special Committee. It highlighted the importance of publicity as an instrument for furthering the aims of the Declaration on the Granting of Independence to Colonial Territories and Peoples and of the role of public opinion in effectively assisting the peoples of the colonial territories to achieve self determination and independence.

I believe, Mr Chairman, that my appearance before this Committee serves to assist in the aims of that Resolution. Indeed, I would ask the Committee that if they look at the working paper prepared by the Secretariat, they will see reflected how I have consistently, on behalf of my people – not just before the Special Committee and the Fourth Committee, but on every other opportunity that I have had to speak internationally – made the same point. The support of my people for the eradication of colonialism by the year 2000 and the desire of my people to co-operate fully with the Special Committee in achieving this end, I think, helps to create a climate of public opinion propitious to the recognition of the inalienable right of the people of Gibraltar to self determination, which I believe is what the Resolution aims to do.

The General Assembly, Mr Chairman, passed another Resolution, Resolution 48/52 on the Implementation of the Declaration of the Granting of Independence to Colonial Countries and Peoples also on the 10th December 1993. I will make reference at this point to just one element of this other Resolution because I believe it is linked to the question of

dissemination of information on decolonisation. Paragraph 11 of Resolution 48/52 called as well upon the administering power to continue to co-operate with the Special Committee in the discharge of its mandate and to receive visiting missions to the territories to secure first hand information and ascertain the wishes and aspirations of their inhabitants. This Resolution again was not supported by the administering power. But it has the support of my Government – the territorial Government. I regret to have to inform you, Mr Chairman, that although my Government has requested the administering power to make the necessary arrangements to issue an invitation for a mission of the Special Committee to visit our country to secure first hand information and ascertain the wishes and aspirations of its inhabitants, the proposal has been declined.

Mr Chairman, although I appreciate that the Resolution calls upon the administering power to do this, I would put it to the Special Committee that it does not prohibit the territorial Government of the Non Self-Governing territory from actually, on its own initiative, issuing such an invitation and I wish to take this opportunity to do so now, formally and openly. I believe, Mr Chairman, that there is no better way of proving to this Committee the accuracy of the information that I am providing the Committee to assist it in carrying out its mandate than to give a delegation of the Committee an opportunity to come to Gibraltar and to establish the reality of our situation and the reality of our identity as a people at first hand and for themselves.

There is much, Mr Chairman, in Resolution 48/52 which seems to us to be of direct relevance to the colonial situation in Gibraltar. Let me say that my Government is enormously encouraged when it reads in paragraph 4 of the Resolution that the General Assembly affirms once again its support for the aspirations of the people under colonial rule to exercise their right of self determination and independence. It is now thirty years, Mr Chairman, since the Committee was made aware of the aspirations of the people of Gibraltar to exercise their right of self determination. Let me say, that those thirty years have not weakened our resolve, but on the contrary, made us more determined than ever to ensure that nobody takes away this right from us.

There is nothing in Resolution 48/52 to suggest that Gibraltar is in any way different in this respect from any other colonial territory. As I have pointed out in my previous appearances before the Special Committee in 1992 and 1993, there are many recent instances where the universality and applicability of the paramountcy of the principle of self determination over every other competing criterion has been asserted again and again. Yet, I feel I should expand on this particular point to be able to satisfy the Special Committee of the real identity of the people of Gibraltar and to expose once and for all the fallacy of the arguments that had been used, a quarter of a century ago, to try and deny us this right. I am doing this, Mr Chairman, particularly with paragraph 10 of the Resolution in mind, which requests the Special Committee to continue to seek suitable means for the immediate and full implantation of the Declaration and to carry out those actions requested by the General Assembly regarding the International Decade for the Eradication of Colonialism in all the territories that have not yet exercised their right to self determination and independence. Paragraph 10, in particular, asks the Special Committee to formulate specific proposals for the elimination of the remaining manifestations of colonialism and asks it to report thereon to the General Assembly at its 49th Session.

Mr Chairman, I have said earlier that there is much in Resolution 48/52 which is directly applicable to Gibraltar. Reading the wording of this resolution of 10th of December last year, I do not think anybody can come to any conclusion other than what it is – a request addressed to your Committee by the General Assembly to come up with proposals, SOLELY AND EXCLUSIVELY, from the perspective of giving effect to the right of self determination and independence of the colonial peoples in each of the eighteen Non Self-Governing territories, in respect of which the Special Committee continues to have a mandate. I have just referred to the specific request in paragraph 10 of the Resolution. If you will bear with me, Mr Chairman, I will quote what paragraph 10 (a) asks of this Committee:

“to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its forty-ninth session.”

In sub-paragraph 10(d), the Committee is being asked:

“to continue to pay special attention to the small territories, in particular, through the dispatch of regular visiting missions”

to which of course I had already referred and where I have already made clear that such a visiting mission would be very welcome as far as the territorial Government is concerned. And, Mr Chairman, it goes on:

“to recommend to the General Assembly, the most suitable steps to be taken, to enable the population of these territories to exercise the right to self determination and independence.”

I ATTACH ENORMOUS IMPORTANCE TO THESE WORDS, MR CHAIRMAN. I WOULD LIKE TO MAKE SURE THAT I AM PRE-EMPTING IN MY SUBMISSION TO THE SPECIAL COMMITTEE, ANY POSSIBLE ATTEMPT TO GET THIS COMMITTEE TO PUT ANY PROPOSALS TO THE GENERAL ASSEMBLY AT ITS FORTY-NINTH SESSION ON ANY OTHER BASIS THAN THAT WHICH IS REQUESTED BY THE RESOLUTION. THE RESOLUTION DOES NOT CALL ON THE SPECIAL COMMITTEE TO QUESTION THE RIGHT OF SELF DETERMINATION OF ANY OF THE COLONIAL PEOPLES BECAUSE OF TERRITORIAL CLAIMS FROM NEIGHBOURING STATES.

I put it to you, Mr Chairman that, in deliberating, as you undoubtedly will be doing in your Committee, as to how you respond to this request; and, as to what specific proposals your Committee decides to make to the General Assembly in respect of each one of the territories where there continues to be a manifestation of colonialism, the only point which the General Assembly has asked you to consider in these deliberations, is what is the best way in which the people of the territory will be enabled to exercise their right to self determination. I put it to you, Mr Chairman, that any attempt to treat Gibraltar differently; to say to the Gibraltarians – in your case we are talking about a territorial claim dating from 290 years ago – would not be a way of the population exercising their inalienable right to self determination. It would be a way of perpetuating colonialism and denying them the right of self determination. That, in fact, would be a negation of Resolution 48/52 and a negation of the task of the Special Committee.

The position of my Government, repeated on every conceivable occasion, whenever I have appeared before your Committee, Mr Chairman, and at every other opportunity, has been that it is impossible to have decolonisation without self determination. Decolonisation does not take place until the exercise of self determination by the native population of the colonial territory has manifestly and independently been given effect to. I am highlighting, Mr Chairman, as you can see, this particular element above all others because this is the most important task that I have to carry out this year in my presentation to the Special Committee, on behalf of my people, to ensure that we do not have, or that we do not run the risk of having, a repetition of mistakes of the past, which make the achievement of Gibraltar's decolonisation, less rather than more likely, to happen.

Although, unlike the administering power, the Kingdom of Spain, Mr Chairman, voted in support of Resolution 48/52, we all know that it has argued that the principle of self determination is not applicable in our case. An argument that we refute. An argument that was first paraded here thirty years ago. And therefore, Mr Chairman, with your indulgence, I would like to demonstrate the total inapplicability of that argument today, if ever there was any substance in it thirty years ago.

I genuinely believe, Mr Chairman, that if less than due regard was paid some 25 to 30 years ago to the right of self determination of our people, it was because the picture of Gibraltar was coloured by the predominance of the military activity in the structure of the economy.

In my appearance before the Fourth Committee on the 12th October last year, I drew attention to this when I pointed out that in 1967, before the Fourth Committee, the British Government representative challenged his Spanish counterpart to state whether Spain would accept self determination for Gibraltar. The Spanish response was that the United Kingdom should first dismantle its military presence and then Spain would be willing to answer the question. I pointed out that the military presence had been dismantled in the intervening thirty years and there was no obvious indication that the position of Spain, on the rights of the people of Gibraltar, had changed.

I would like to expand on this point by drawing, Mr Chairman, on a statement made by the Spanish Government in a Note containing proposals for decolonisation on the 18th May 1966, where a reference to the people of Gibraltar was contained. And I pick this reference, Mr Chairman, because you may be better equipped than me to assess its significance. We were described in that statement as an artificially constituted human group. The statement said:

“Gibraltar is also a human aggregate, and this is another aspect of the problem. Great Britain's pretension is today that the inhabitants of the Rock should decide upon its future, thus linking by the method of self determination the territory with its inhabitants; this basically alters the original terms of the situation, which was that of a bilateral relationship between England and Spain, but from which, however, Spain has been ousted for the benefit of a third party. But this third party is not valid because Gibraltar is merely a military Base and a Base can only belong either to a country that occupies it or to the country in whose territory it stands. Anything else would be as absurd as, for instance, to maintain that the American base at Guantanamo in Cuba, should

stop being American, without reverting to Cuba either, but should have its fate decided by an alleged population residing there.”

Mr Chairman, I am not familiar with Guantanamo in Cuba, but I can assure you that there is now no military base to speak of in Gibraltar; that the people of Gibraltar have got a sense of identity that stretches over 290 years; and, that the identity is stronger today, with no military base, than it was in the 1960s, with a military base. I have no doubt that if you visited us, Mr Chairman, as I would like you to do, you would come to that conclusion yourself.

One of the developments in the territory since I last appeared before you was the creation of a public holiday to celebrate our National Day on the 10th September. This was celebrated for the first time in September 1993. I referred to this in my appearance before the Fourth Committee in October 1993. There are two factors about our National Day that I would like the Special Committee to consider. The celebrations on Gibraltar's National Day produced, as you will see reflected in the informative booklet that I am making available to Members of the Committee, an explosion of sentiment. It was a celebration by a people finally coming of age and expressing the kind of feeling that we have seen reflected in other parts of the world in the process of decolonisation. The kind of celebration we have seen in the streets of Cape Town with the ending of apartheid. It was a day of friendship, a day for families, a day when the people of Gibraltar were telling the whole world that they were not just a human aggregate, clinging on to a military base, but a real people with a real destiny.

The other aspect of that day was that we had a number of political figures from our neighbouring country, the Kingdom of Spain, joining us and celebrating with us. In what is known as the Casemates Declaration, because it was read out at a mass meeting in Casemates Square in Gibraltar, a number of Spanish representative organisations from different regions in Spain gave their support to the right of self determination of the people of Gibraltar. In that declaration, the Spanish organisations stated:

“We express our firm support to the people of Gibraltar for their right to self determination and decolonisation, on the basis that it is only the people of Gibraltar who can decide their future political status, over and above the interest of Madrid and London and the Treaty of Utrecht, including the option of independence should the people of Gibraltar so decide.”

I genuinely believe that even though the official position of the Kingdom of Spain has not changed, there is a wind of change going through Spain which is inexorably bringing them to face the reality of the identity of the Gibraltarians and of their right to self determination as the only route available for eliminating the anachronism of a colony in Western Europe.

What happened in 1993, Mr Chairman, was in some respects the culmination of a process which had started as long ago as 1945. And, again, I reflect this in the informative booklet that I am making available. During the Second World War, the bulk of the civilian population were evacuated from the colony by the administering power in order to accommodate more armed forces in the fight against fascism. The Gibraltarian women and children who left their homes did so, acknowledging that that was their contribution to the War effort. However, after the War, it required a struggle to get Gibraltarians repatriated from the places they had been transported to – from London, from camps in Jamaica, in Madeira, and in Northern Ireland. If the people of Gibraltar had not already been a real people, if they had

been as we were described in 1966, an artificially constituted human group, they would have had no difficulty in taking root in the places that they had been transported to.

The genesis of politics in Gibraltar in the civilian population was the drive to be brought back home. And that sense of identity which coalesced in the return to our homeland was kept alive and has evolved today into a very clear concept that we will not be moved from our determination to get recognition for our country. It was this civil rights movement which led to demands for local autonomy and for self government in the early 1950s. It was the same sentiment that existed contemporaneously in every other colony seeking self determination. That process continued until the constitutional changes of the 1960s.

There has been, since the 1969 Constitution, little change to the legal status of Gibraltar and the legal relationship with the administering power. In my judgement, it has been the hostility of our neighbour to further constitutional development that has been the influencing factor.

I put it to you, Mr Chairman, that apart from the ultimate goal of decolonisation and the exercise of self determination, the continuing process of increasing self government is part of the philosophy of the Special Committee, of the Fourth Committee and of the United Nations. It was on this basis that my Government in 1992 raised the matter with the administering power since we believe that a Constitution that has remained unchanged for 25 years no longer adequately reflects the reality of the responsibilities that the territorial Government has for the economy, for the welfare and for the development of our country.

Mr Chairman, an aspect of the constitutional relationship with the United Kingdom which, in the 1960s, members of this Committee focused on in parallel to their concern about the military presence, was the question of the reserve powers of the military Governor of Gibraltar. You were told then that those reserve powers had never been used and were not likely to be used. Those reserve power remain in the Constitution of 1969, and again, although the powers are there, it has been stated on more than one occasion that it is inconceivable that they would actually be triggered into operation. Just such a point was made by the Governor of Gibraltar, Sir Derek Reffell, in March 1993 in an interview in the Gibraltar Chronicle on his departure from Gibraltar when he stated that the use of the reserve powers in today's world was unthinkable.

Returning to the text of Resolution 48/52 of the General Assembly, paragraph 8 calls upon the administering powers to terminate military activities in the territories under their jurisdiction and to eliminate military bases there in compliance with the relevant Resolution of the General Assembly. I would like to draw the attention of the Special Committee to some effects of this military rundown.

In the informative booklet that I am providing the Special Committee, the effect of this will be seen in dramatic terms with the reduction of that military presence, from an economic input of 65% of our GDP in the 1960s, to something of the order of 9% today. Only last week, the Ministry of Defence announced that there would be further reductions which would result in a decline of the military base to 3% or 4% of GDP and employment by the year 2000.

I am absolutely confident of our ability to survive economically and to give our people a secure future given an equal opportunity to compete without harassment by the neighbouring state, and the necessary technical and financial assistance by the

neighbouring state, and the necessary technical and financial assistance by the administering power, to introduce the necessary changes in the structure of our economy. This is not to say that the reductions that have already taken place have not given rise to difficulties in our country. And I would like to draw the attention of the Special Committee to some effects of this military rundown.

The military withdrawal has an impact on the release of assets and land. However, my Government has limited resources at its disposal to be able to transform obsolete military buildings into income generating and job creating activities in the short term, and sometimes such buildings are released faster than they can be put to other uses. They very quickly become liabilities on the limited resources of the Government of the territory. I am spelling this out, Mr Chairman, to show that there are difficulties.

Recently we have set up a Joint Economic Forum together with the administering power to jointly look at the resources, human and physical, that will become available as a consequence of the transfer of lands to the territorial Government and to analyse what is required in terms of inward investment in order to be able to generate alternative economic activities to substitute the input previously provided by British defence expenditure in Gibraltar. This process is one that has been going on for a very short time. It started only a few months ago. But nevertheless, it is the way that, we believe, the matter should be tackled based on the concept to which the British Government subscribed in the London Conference on Dependent Territories last November referred to in the Secretariat working paper.

The view that I expressed in that Conference, for the record, Mr Chairman, was that the administering power, in relation to the colonial territory, has a trusteeship role for which it has to answer to this Committee, to the Fourth Committee and to the General Assembly of the United Nations. Frankly, my concern is, that in our experience of the bilateral negotiations between the administering power and the Kingdom of Spain have, often created a contrast between looking at areas of common interest for both countries and relegating the wishes of the people of the colonial territory, indeed their interest, to second place. The fact that we are non self-governing territory does not mean, as far as my Government is concerned, that others have the right to govern us. It means that others are in *locus parentis* acting on our behalf and assuming a protective role until we are strong enough to be able to do it for ourselves.

I come now to the, much vaunted, bilateral negotiating process which the administering power, and the neighbouring country, have been intermittently engaged in, since the 1960s, in pursuance of Resolutions calling on them to meet and discuss Gibraltar's future and which clearly has now come to a stalemate. I had previously expressed the hope in my submissions to this Committee and to the Fourth Committee, that the words of His Majesty the King of Spain, about looking for a solution "in accordance with the times in which we live", was an indicator of a growing realisation by the political establishment in the Kingdom of Spain, that it is not possible to decolonise without the exercise of the right of self determination. I regret to say, that that goal today, seems no nearer than it did in the 1960s. At the same time I have to say, that we have no intention on giving up on that goal.

You will have seen in the Secretariat's Working Paper the Resolution passed by the democratically elected Parliament of the Kingdom of Spain on the 20 April this year. It reads as follows:

"The Congress of Deputies urges the Government to take all necessary measures to regain the exercise of Spanish sovereignty over Gibraltar and to eliminate the British colonial presence."

It was passed with one vote against, and one abstention.

WHAT PRECISELY IN THE MINDS OF SPANISH PARLIAMENTARIANS IS THE BRITISH COLONIAL PRESENCE IN GIBRALTAR TODAY? IS IT THE SHRINKING MILITARY PRESENCE PROGRAMMED TO VIRTUALLY DISAPPEAR BY THE END OF THIS CENTURY? IS IT HIS EXCELLENCY THE GOVERNOR WITH HIS RESERVE POWERS? OR, I ASK MYSELF, IS IT ME AND MY PEOPLE BECAUSE EVEN TODAY THEY CONSIDER US TO BE AN ARTIFICIALLY CONSTITUTED HUMAN GROUP, DENIED INALIENABLE HUMAN RIGHTS TO SELF DETERMINATION?

The bilateral process started in 1985, between the administering power and the neighbouring country, provides for annual meetings between the Foreign Ministers of both countries, alternately, in each other's capitals. The last such meeting took place in March 1993. To date, there has been no meeting in 1994, and it looks as if there is unlikely to be one.

Senor Solana, the Minister for Foreign Affairs of the Kingdom of Spain, reporting to the Foreign Affairs Committee of his Parliament, said that no date had been fixed for the next ministerial meeting and indicated that they were looking to the administering power to come forward with concrete proposals before a further meeting would be held.

Again, Mr Chairman, I have to be absolutely sincere with this Committee. We will shed no tears because the negotiating process initiated as a result of the Lisbon Declaration and the Brussels Agreement collapses. We have been opposed to it from the beginning, for reasons that I made clear in my submissions to the Special Committee in 1992, in 1993 and again before the Fourth Committee.

The Spanish Government made specific proposals in 1985 to the administering power for the decolonisation of Gibraltar which were eventually rejected in 1993. We have never understood, in my Government and my party, why it should take Her Majesty's Government eight years to reject proposals which denied the people of Gibraltar the right of self determination and, by definition, were in conflict with the consistently defended position of the British Government of respect for the wishes of the people of Gibraltar, as enshrined in the Preamble to the Gibraltar Constitution.

What is manifest, Mr Chairman, is that whether the negotiating process comes to a grinding halt now, or, it staggers on, from year to year, as it has done in the recent past, it is doomed to failure. This is, because I have explained before, the process is fundamentally flawed. It is a bilateral negotiating mechanism which carries implicit in it, the abdication by the inhabitants of the colony, of their fundamental rights, and that abdication is not going to take place.

Let me demonstrate just how counter-productive the negotiating process has been. Mr Chairman, the General Assembly in the consensus Resolution No 48/422 of the 10 December 1993 which, in fact, was a repetition of similar Resolutions of preceding years, makes reference to the bilateral negotiating process established as a result of the statement agreed by the Government of Spain and the Government of the administering power at Brussels on the 27th of November 1984. This Committee is aware that the Brussels Statement of 1984 has been consistently proposed by my party in Opposition and in Government. This Committee is also aware that the Government of the territory led by me since 1988 has not participated in that negotiating forum. I explained that in detail in my first appearance before the Committee in 1992.

In 1993, I drew the attention of the Committee to the creation of an Economic Co-ordination Council set up by my Government with the neighbouring cities in the region. I explained that the aims of the Council were to establish and promote co-operation between ourselves and the neighbouring part of southern Spain. I will not repeat what I had to say then but I would simply highlight for the benefit of your Committee, that this in fact was an initiative by Gibraltar aimed at promoting co-operation on a mutually beneficial basis with our neighbour without political strings attached and therefore outside the parameters of the so called Brussels Process. I regret to have to report that the work of the Economic Co-ordination Council was suspended in November last year and that on present indications the prospects of it being resumed are not good. The initiative for not continuing with the work of the Council came from the Spanish participants. And I have therefore to digress slightly to explain how this came about.

Your Committee is well aware of the significance of the military presence in the 1960s in Gibraltar. It is aware that, at the time, part of the argument being put by the neighbouring country was that the maintenance of such military installations was only possible because the administering power was drawing on the labour resources of the adjoining territory. This was in fact quite true. In part there is no doubt that the decision of the regime of Spain at the time to impose a siege on Gibraltar was designed as much against the viability of the military installations by cutting off labour resources as it was designed to intimidate and waken the resolve of the Gibraltarians to defend their inalienable right to self determination.

One effect of the withdrawal of the Spanish workers was that they stopped paying contributions to the State Social Security System in Gibraltar in 1968. Their contributions before that year were only sufficient to finance payment of pensions at the rates prevailing then. On the 18th December 1985, during the annual Ministerial meeting held in Madrid under the bilateral Brussels process, there was an announcement on this issue. The United Kingdom delegation stated that beginning in 1986, those former Spanish workers would receive pension payments revalued to the current rate payable to those who had continued in employment in Gibraltar. The effect of this, Mr Chairman, was to increase the annual expenditure on State Social Security Pensions by 125%. The additional funds were provided by the administering power for a limited period and the Government that preceded mine in Gibraltar, and had formed part of the United Kingdom delegation, made clear from the very beginning in 1985 that such payments could only be sustained for as long as the necessary funding was provided by the administering power. The payments in question were exhausted in December of last year and this is what sparked off in November the decision of the municipalities of the area to withdraw their participation in the Economic Co-ordination Council. We have therefore an example of how an initiative by my Government to further co-

operation with the neighbouring cities in the region has been frustrated because of extraneous events stemming from the Brussels process.

Another example is in the area of maritime communications between Gibraltar and Spain. The daily ferry service between ourselves and the Port of Algeciras in the Bay of Gibraltar was discontinued in June 1967 as part of the campaign by the then fascist Government in Spain dissatisfied with so-called progress in the bilateral talks with the democratic Government in Spain in November 1984 an undertaking was given by the Kingdom of Spain to permit the restoration of the Algeciras / Gibraltar ferry service. The necessary Spanish legislation was published on the 4th February 1985. Applications to operate the services were all administratively rejected subsequently. In December 1987, in the bilateral talks between the administering power and the Kingdom of Spain, the democratic Government of Spain again signed an agreement giving a commitment to permit the restoration of the ferry service. To date, all applications continue to be administratively rejected.

The third example is what occurred in November 1987. As is known an agreement was signed between the United Kingdom and the Kingdom of Spain over the use of Gibraltar's airport. Although the previous Gibraltar Government formed part of the United Kingdom delegation, it did not support the terms of the agreement and it has never been implemented. The Spanish response has been for its Foreign Secretary to demand repeatedly that the administering power should ignore the fact that a clause in the 1987 Airport Agreement made it *ad referendum* to the Gibraltar Parliament and instead impose it.

Previously, the Spanish Government has on a number of occasions highlighted that the continued existence of reserve powers for the Governor in Gibraltar's Constitution, to which I have referred earlier, provides a mechanism for the administering power to give effect to the 1987 Airport Agreement. For its part, Mr Chairman, the administering power has made clear that it does not accept the Spanish view and that it will not, under any circumstances, attempt to impose the agreement on the territory against the wishes of the democratically elected Government.

These examples show how the presence of the Gibraltar Government as part of the United Kingdom delegation without its own independent voice, has led to situations which are diametrically opposed to the intended results. Additionally, the Brussels process bilateral negotiations have demonstrated that where an agreement is reached with the Kingdom of Spain in an area which is entirely under their control, there is no guarantee that it will be honoured. Rather than mutually beneficial co-operation, we have had increasing strains in the tripartite relations between the administering power and the Kingdom of Spain on the one hand; between Spain and ourselves on the other; and between ourselves and the United Kingdom in turn. What more evidence do we need to show the flaws in the process that was agreed in the Brussels statement of 1984?

In summary, since the statement was made in Brussels in November 1984, the specifics have been:

- a) firstly, a commitment given by Spain to permit the restoration of maritime communications with my country interrupted on 27th June 1969. The commitment translated into an amendment to Spanish law, removing the prohibition introduced in

February 1985, but subsequently administratively blocked by the Kingdom of Spain not giving the necessary permits;

- b) secondly, a commitment given by the United Kingdom to finance the payment of revalued pensions which in December 1985 was assumed by Spain to be open-ended and which has now lapsed, causing hostility and friction with neighbouring communities;
- c) thirdly, an airport agreement on terms which initially were publicly rejected by the United Kingdom Government and Gibraltar and then accepted six months later by the United Kingdom alone without Gibraltar's support thus creating, again, a major strain in the tripartite relationship.

The resentment of the Kingdom of Spain over this situation which, in their eyes, has meant that their expectation have not materialised has led to a paradox which I have previously drawn to the attention of your Committee. It has caused the Government of the Kingdom of Spain to simultaneously complain about the anachronism of the continuing colonial situation in the territory and at the same time complain that the administering power is being insufficiently colonial in not being willing to impose unacceptable agreements on the people of Gibraltar. Precisely such a complaint was made by Senor Solana when he addressed the Spanish Parliament in April this year when he said that what was unacceptable about the ongoing discussions between his Government and the Government of the United Kingdom, was that the Gibraltarian Government had a veto over the negotiating process.

The complaint of Senor Solana, Mr Chairman, exposes the flaw in the annual Resolutions of the General Assembly and the flaw in the approach of the Kingdom of Spain. In such a context, the solutions that might appeal to the administering power or to the neighbouring country might be economically, socially or politically impossible for the Government of the territory to countenance. In that situation, with a colonial constitution where ultimately there are reserve powers which enables the administering power to impose its will, it is still, in theory, possible that such powers might be exercised. Let me make it clear that I am not suggesting for one moment that such a scenario is one that we are facing. The use of reserve powers is unthinkable and I cannot for one moment imagine that the Government of The United Kingdom would even attempt to impose decisions in any area on a democratically elected Government of the people of Gibraltar.

I have tried, Mr Chairman, to give the Committee, a flavour of how things have gone for us, in the twelve months since my last appearance before the Special Committee. We have had our successes in the deepening of the identity of our people and in winning friends in the neighbouring country. We have had our difficulties in coping with economic change, and in the repercussions of these changes, in relations within our community, and with our neighbours.

In these circumstances, the people of Gibraltar have of necessity to look to the Special Committee as the entity in the family of nations that has a particular responsibility for their welfare and their destiny. I put it to you and to your Committee, Mr Chairman, that whatever views you express on Gibraltar, your primary objective must be, the protection of the inhabitants of the territory and the defence of their inalienable and fundamental rights which has been the mission of this Committee, since its inception, and which will continue to be its mission if it is to achieve its goal of the eradication of colonialism by the end of the century.

I started off, Mr Chairman, by praising the warmth of the reception that I had from your predecessor when I first appeared with some trepidation before the Committee in 1992. Today, I speak with confidence built up over my previous appearances and I look to this Committee as a protector of my country and of the rights of my people. I thank you for your patience in listening to me. I hope you will take up our invitation to visit us and I will be happy to answer any questions that you, or members of your Committee may have.