

Address to the Committee of 24 United Nations by the Hon. The Leader of the Opposition, Mr. J. Bossano - 19th June, 2001

Your Excellencies,

In my submission this year I do not intend to dwell on the continued campaign of harassment of the Gibraltarian People by the Spanish Government, or on the lukewarm defence of our rights by the administering power, the UK.

Let me make clear that this should not be taken as an indication of any improvement in the attitude of these two member states.

Regrettably Spain still does everything in its power within the European Union, in the Fourth Committee, before this Committee and at the Seminars to deny our existence as a people, even blocking our participation in sporting events. Indeed their boycott even extends to the participation of the canine population in dog shows. A campaign they embarked upon in the 1960's and which continues unabated.

In Cuba, the representative of Spain used the example of the USA military base at Guantanamo as the parallel for the situation of Gibraltar.

Absurd as this parallel is, what is even more significant is that it is the same example used in the 1960's before this Committee, by the then Minister for Foreign Affairs of a fascist Spain.

Guantanamo of course is not on the list of territories recognised by the UN as having an indigenous colonial people with the right to self-determination. Gibraltar on the other hand has always been on this list.

When this Committee first addressed the question of Gibraltar it concluded that resolution 1514 (XV) The Decolonisation Resolution was fully applicable to the territory and people of Gibraltar.

It could not be otherwise.

If a Colonial territory has a military base and no indigenous People with human rights, such as Ascension Island, it does not appear on the list. The list consists of territories with Peoples who have not yet attained a full measure of self-government.

The purpose of the requirement that the administering power should submit reports annually under the Charter is to monitor the progress of the Peoples towards full self- government.

Resolution 1541 (XV), which fully applies to Gibraltar makes this clear. The obligation, under article 73(e) of the Charter exists in respect of territories whose People have not yet attained a full measure of self-government. When the People attain a full measure of self government the obligation ceases and the territory is removed from the list.

Spain has told you repeatedly that as far as it is concerned, either we stay forever as a British Colony or we are placed under Spanish rule, which they define as the only way to decolonise us and which they claim is your doctrine.

If that were indeed your doctrine I submit Your Excellencies would be engaged in perpetuating colonialism rather than eradicating it. You would be guilty of the most flagrant

repudiation, of the Charter, the Universal Declaration of Human Rights, Covenant on Civil and Political Rights, the Advisory Opinions of the International Court of Justice, and the two corner stone Resolutions of the decolonisation process, 1514 and 1541.

The negotiating process which you continue to encourage between UK and Spain is NOT about furthering the attainment of a full measure of self-government of the People of the Territory, but about discussing the terms for resolving a territorial dispute as if there were no human beings in Gibraltar and no issue of Human Rights.

The 1960 Declaration makes clear that all Peoples have the right to self determination. It declares that the subjection of Peoples to alien subjugation constitutes a denial of fundamental human rights and is contrary to the Charter.

When Spain states here that the Brussels Negotiating Process is to restore Spain's territorial integrity, what it is doing is promoting a breach of the Declaration, NOT respect for it.

It is true that item 6 declares that any attempt to disrupt the unity and territorial integrity of a country is incompatible with the Charter, but our attainment of a full measure of self-government would not do this. If the loss of Gibraltar in 1704 affected Spain's territorial integrity, then Spain itself legalised the position in 1713 by giving it up in perpetuity.

In Document A/55/497 Page 23, the Spanish position is stated as being, that if UK were to dispose of Gibraltar, Spain would have preference to buying it back.

It quotes Utrecht as saying : "that the preference of having the sale shall always be given to the Crown of Spain before all others."

Is that what we are, Merchandise for sale?

Your Excellencies in 1713, when this was written the slave trade was flourishing; but is this the language of the New Millenium? Of the Second Decade for the Eradication of Colonialism? Of respect for universal, inalienable, human rights?

How can any right thinking person, for one moment, doubt that the rights of the Gibraltarians, and the respect for their wishes, must be paramount in determining the future of the territory and resolving the problem of its decolonisation?

Sr.Matutes Proposals in 1997, Sr. Moran's proposals in 1985 and Sr.Castiella's proposals in 1965 have all been rejected by the people of Gibraltar. They are all proposals addressed to the Administering Power about which Spain thinks we had no right to express an opinion.

Last year I told this Committee that UK had not yet replied to Spain's 1997 proposals. It seems that finally, this year, Spain will be receiving UK's rejection, which we all welcome in Gibraltar.

UK has given the Gibraltarians, a solemn assurance, that we will not be placed under Spanish rule against our wishes. Whatever criticisms we may have of their performance in defending our rights, none of us doubt that they will honour this pledge.

In 1964 Gibraltar's Parliament told this Committee that Gibraltar Soil belongs to us and no one else.

That, only, if the people chose by an act of self determination, integration with Spain, could Gibraltar be deemed to have been decolonised by passing under Spanish rule. In the intervening 37 years Spain has sought to intimidate us, into not opposing Spanish rule.

They have failed miserably and will continue to do so.

These attempts at intimidation were to be expected of the type of regime that ruled Spain in the 1960's. In the 21st Century, however it does Spain no credit that it should still be pursuing this policy.

What then is the way ahead?

This Committee has been given clear guidelines on how to complete its work in the Second Decade. All it needs to do is to apply those guidelines in Gibraltar's case.

In declaring the Second Decade the General Assembly says it is guided by the fundamental and universal principles enshrined in the Charter of the UN, in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political rights.

I urge you also, to be guided by these principles. The first step in the Second Decade has been the recent Cuba Seminar.

I am grateful to this Committee for the invitation to attend.

It provided a wealth of information, particularly as a result of the contribution of other colonial territories. It highlights the importance of a two way flow of information between this Committee and the Peoples of the Territories.

Your own document AC109/2001/1 states that the purpose of the Seminar was to assess the situation in the non self - governing territories, in particular, their constitutional evolution towards self - determination, in order to facilitate your development of a constructive programme of work.

Mr. Chairman, I fully subscribe to this view, and believe you have an excellent opportunity to do so in Gibraltar's case by engaging the Constitutional Committee in the process.

Other territories at the Seminar also subscribed to this view, which regrettably was not included in the final report at the suggestion of the Kingdom of Spain, who nonetheless described it as an interesting idea requiring further study.

The General Assembly in declaring the Second Decade has reaffirmed the view that in the absence of its decision that a listed territory has attained a measure of self - government, the reporting requirement under the Charter continues.

The Cuba Seminar report concluded that the question of reserved powers in Colonial Constitutions has to be addressed for an acceptable measure of self - government to have been attained. The Rapporteur's briefing at the Cuba Seminar clearly stated that for this Committee, the choices as to the future status of listed territories, must take place within a framework that allows the UN to satisfy itself that a free act of self - determination has taken place.

How can this Committee do any of this unless it accepts involvement with Gibraltarian proposals for decolonisation as an alternative or, at the very least, in parallel to the Brussels talks between UK and Spain.

Incidentally the Marshall Islands paragraph which implied that, only where no sovereignty dispute exists, should the participation of the people of the territory be ensured, is a complete nonsense, which is in flat contradiction with every other statement made in respect of the Second Decade, plan of action.

It has only come to the attention of the People of Gibraltar following the Cuba Seminar, and even though it is not a recommendation, and is not being acted upon, the very fact that it found its way into last year's Seminar report, has undermined the confidence of Gibraltarians in the commitment of this Committee, to the protection of their rights as a colonial people.

Your Excellencies have a clear choice before you.

You can begin listening to the voice of the Gibraltarians, as you have a duty to do, but have failed to do for 37 years, or you can merely continue to encourage a discussion over property rights between the current administering power, UK and the aspirant administering power, Spain.

It is manifest that the second option has not advanced the prospects of Gibraltar's decolonisation one iota to date, and I assure you it will not do so in the Second Decade either.