

## **BOSSANO SPEECH TO THE UNITED NATIONS COMMITTEE OF 24**

### **TEXT OF THE ADDRESS BY THE LEADER OF THE OPPOSITION HON JOE BOSSANO TO THE UNITED NATIONS COMMITTEE OF 24 - 19 JUNE 2008**

Last year when I addressed this Committee I reminded it of what had taken place in the Grenada Seminar regarding one of the items left pending.

Last month in the Bandung Seminar we were again faced with a similar issue regarding a statement attributed to the participants, on which no debate had taken place.

The proposed wording of the statement appeared to limit the decolonization process to territories where there was no sovereignty dispute. I suggested an alternative wording to correct, this totally unacceptable, implied proposition, which the distinguished representatives of Argentina and Spain agreed was sensible and which they supported. It was left to the full Committee in New York to take the final decision on this matter.

I trust the final version of the Bandung Seminar Report adopted by this Committee will reflect this.

May I remind the Committee that, if the existence of a sovereignty dispute were to preclude our country's decolonization, this Committee should have told us that in 1964, when it first considered the matter. Instead it did the very opposite saying the Decolonisation Declaration was fully applicable to the territory and the people of Gibraltar, a decision from which the Committee has never resiled in the last 44 years.

Whilst on the subject of what transpired at Bandung, I should like to draw the attention of the committee to an item raised by the distinguished representative of Spain in his statement to the seminar, since that statement appears on the record but the comments I made on it, do not.

Spain's paper included a reference to its concerns over the British military base in Gibraltar. Let me say, Mr Chairman, that the argument is a hairy old chestnut, if ever there was one.

In case any of Your Excellencies, should run away with the idea that we, 20,000 Gibraltarians are a belligerent, war mongering, lot that threaten world peace, whilst our 45 million Spanish neighbours are a peace loving nation, concerned over the military presence on Gibraltarian soil, let me put your minds at rest by putting things into perspective.

On two occasions in our history there has been a sovereignty deal with Spain put on the table. On each occasion, it has been rejected by our people in a 99% against vote. The first, the Castiella proposals of 1967, the second, the Pique proposals of 2002. On both occasion the deal under negotiation guaranteed the British sovereign military base facilities, and only the sovereignty of the indigenous, Gibraltarian, colonial people, was to be the subject of the settlement.

So much for the concerns expressed by Spain over the military presence!

Mr Chairman in Bandung we were all very concerned at how near we are to closing the Second Decade for the Eradication of Colonialism without even the faintest glimmer of light, that this Eradication will take place.

As someone fully supportive of the work of this Committee, fully committed to its decolonisation agenda, having defended politically, here and in my own country, the legitimacy of the UN's role in the decolonisation process, I have to say to you, as a friend, that the credibility of the Committee is seriously dented in the eyes of many of the colonial peoples you are charged with defending.

Declaring a third decade and doing nothing for the next 10 years will only further damage this lack of credibility.

The seminars recently have all identified the need for this Committee to play a more proactive role so that there is movement towards the goal.

However, when the reports get adopted here, what happens?

Nothing.

It all gets sent to the 4<sup>th</sup> Committee and they in turn pass it on to the General Assembly who approves the next Seminar. Then we close the circle by getting together next year in the Caribbean.

Yet, it is not as if the template for the action that is needed has to be invented, it is already there, except that nothing is being done about it.

The information that has to be provided under Article 73(e), by the administering powers, was always intended to give this Committee the opportunity of monitoring progress towards the attainment of self determination and decolonisation. The latest General Assembly Resolutions in this area call for these reports to provide the fullest possible information on political and constitutional developments in the territories concerned.

In Bandung UK, as the administering power for 10 out of the 16 territories, actually set out in its Report, quite a lot of detail on the political and constitutional development in each of its territories.

Having made clear that none of its overseas territories are colonies any more, the UK none the less, does address in its paper the Options that the UN provides for decolonization.

For the first time it acknowledged that there are indeed 4 options and not just 3.

In Gibraltar we did not know of the 1970 provision, until I discovered it as a result of my first UN visit. Given that in 1976 UK had rejected all 3 options provided in resolution 1541(XV), i.e. independence, free association and integration, we adopted as the obvious choice

what had not been rejected. We saw option 4 as a form of association which differed from free association in not being capable of being converted unilaterally into independence.

On many occasions since, in addressing the UN and at seminars, I have argued that this option provides the possibility of tailor made constitutions for the remaining 16 territories for which none of the 3 options in 1541 (XV), may not be a suitable solution.

I would urge the committee to look at the constitutional change in the remaining territories in this light, in the context of the seminar recommendation to look for innovative solutions.

Any such innovative solution would still have to pass the litmus test of providing for each territory in question, a full measure of self government as required by the Charter and consistent with that territory' circumstances and capabilities.

That said, the UK position, in Bandung, was that it considers your continued existence outdated. In other words, Your Excellencies were all declared redundant. It's kind of, what we might call in the European Union, a state of collective redundancy.

The UN List of Territories is also outdated, by the way, all 16 of them. You are being asked to accept that all the 10 remaining British overseas territories enjoy modern non-colonial relationships with UK and that none therefore should remain on the UN list. That is if the list is not scrapped altogether.

Clearly that view is not shared by us and has never been, in Opposition or in Government.

The reality is, that in spite of this rather hostile statement, which was noted and regretted by the participants at Bandung, UK on this occasion has gone further than it has done for a very long time in engaging with you, by providing you with details of the constitutional developments, in all the 10 territories.

The emphases on this requirement in several General Assembly Resolutions recently, are for a purpose. The only sensible and logical purpose to requesting such information is to analyse and evaluate it.

To assess, whether the resultant relationship with the administering power brings a territory closer to attaining a full measure of self government.

To conclude, if it is such, that it is deemed to be enough to enable this Committee to recommend to the General Assembly the removal of the territory from the list thereby ending the reporting requirement under Article 73(e).

The UK paper itself acknowledged that the purpose of the Seminar was to assess the situation in the territories and in particular their evolution towards self government and self determination.

This is absolutely correct and it is the closest this Committee has ever got to being invited by UK to assess the continuing evolution of its 10 territories towards self government on the basis of the changes that are taking place in their Constitutions.

It is Mr Chairman the same request I have been making to this Committee in respect of Gibraltar's case from as far back as the setting up of the Constitutional Committee in 1999.

In many respects, it seems to me, that the ball is very much in your Committee's court and that this opportunity should not be missed.

The Committee should therefore, not simply record the fact that it has the information, but indeed express a view on the relevance of the changes for the decolonisation question.

Indeed if the Committee fails to rise to the occasion then I do not see how it can continue to point the finger at the administering powers' lack of involvement.

Our view has always been that the situation of Gibraltar is no different to any of the other 15 in terms of its legal status, or the applicability to its decolonisation of the Charter, the Human Rights Declaration and the Conventions.

We ask for no more than equal treatment with the rest.

Our 73e Report says the relationship with UK in the new constitution is modern and thereby non colonial.

This Committee has the duty to say why it still falls short of the level of self government required to make the relationship non-colonial, if that is indeed your view.

The UK told the 4<sup>th</sup> Committee, in relation to the Spanish position, that it does not accept, and has never accepted, that the concept of territorial integrity applies to Gibraltar's decolonisation.

It also stated that it will not participate in any sovereignty discussions with Spain with which Gibraltar is not content.

Why on earth should Gibraltar and its people ever by content to see their sovereignty discussed with Spain by their administering power, or their former administering power, depending on whether we are already decolonised or not? As far as we are concerned the decision on that question was taken by the 2002 Referendum, and is now closed.

The decision adopted without a vote at the 76<sup>th</sup> plenary meeting of the General Assembly, last December, was no different from the one adopted a year earlier. The text urges UK and Spain to find a definitive solution to the question of Gibraltar.

Which question is that Mr Chairman, I ask you?

The question of our decolonisation, which UK claims has already happened and you do not give an answer to?

The question of the territorial integrity of Spain, which UK says it rejects as having no application to Gibraltar?

If it is indeed neither of these, but a question of a border dispute between a sovereign territory, us, and its neighbouring nation state, then it is not within the remit of this Committee, the 4<sup>th</sup> Committee, or the General Assembly's agenda items on decolonisation.

Last month His Majesty King Juan Carlos of Spain addressed the nation on the 200<sup>th</sup> anniversary of Spain's War of Independence, which, incidentally, happened 104 years after the separation of Gibraltar from the Spanish part of the Iberian Peninsula.

The event marked, as His Majesty said, the first expression of the Spanish people, not as subjects of the monarchy, but as the real owners of their own national sovereignty and identity.

Why should Spain seek to deny to the Gibraltarians, that right which they first exercised 200 years ago. The ownership of their own national identity and sovereignty.

In 1991 His Majesty addressed the General Assembly and expressed the hope that a solution to the Gibraltar dispute would be found in accord with the times in which we lived.

17 years later Spain seems to be still living in 1704 and not in 2008.

The reality is that Spain has lost the argument in this forum and knows it. She should therefore come to her senses and accept the inevitability of her situation.

Gibraltar will never, ever, be part of Spain again.