

FULL TEXT OF THE ADDRESS BY THE LEADER OF THE OPPOSITION
JOE BOSSANO TO THE UNITED NATIONS COMMITTEE OF 24 IN NEW
YORK – 10 JUNE 2009

Your Excellencies,

The very successful seminar generously hosted by the Government of St Kitts is the backdrop this year to your consideration of the state of progress towards decolonisation in each of the 16 remaining non-self governing territories with only 1 year left of the second International Decade.

Participants were informed that the successful conclusion of the internal constitutional modernisation exercise in the British Virgin Islands might entitle that territory to achieve decolonisation, the necessary precondition for “de-listing”.

There has been much talk during both international decades of the need to explore new and innovative means, in addition to the 3 traditional decolonisation options, for the remaining territories.

Clearly when it comes to Gibraltar’s decolonisation what we have witnesses instead, again this year, is an attitude on the part of Spain which shows it is stuck in a time warp. It expects us Gibraltarians to accept that our rights as a people should be measured by the yardstick of the Europe of 1713, instead of the Human Rights values of 2009.

This inspired His Excellency Alberto Virella Gomez to tell the seminar that Spain regretted not being able to report “good news”. The “good news”, Your Excellencies will note, would have been to have reported that we had been handed over to a foreign government, contrary to our wishes to comply with Utrecht. Of course to fully comply with those obsolete 1713 Treaty requirements there are other failures that he could have mentioned. We have not, as required by the Treaty, stopped Moors and Jews living in Gibraltar, we continue to trade with North Africa, and no use is being made of the treaty rights to transfer slaves from West Africa to the Caribbean. There was an absence of “good news” on all these fronts, for a Spain that still lives in 1713.

The other foundation stone of Spain’s attempts to deprive us of this most fundamental of human rights, our right to self determination, is the spurious claim that there is some Territorial Dispute Doctrine, purportedly invented by this Committee, which overrides the UN Charter, the Universal Declaration of Human Rights, the Covenants on Political and Social Rights and the long established international jurisprudence on decolonisation and self determination now universally accepted as ‘jus cojens’ namely, principles of law which cannot be overridden. Jurisprudence which Spain denies exists but is afraid to test in Court.

Allow me Mr Chairman to debunk the Spanish argument once and for all.

Senor Virella told the Seminar that since 1964 the UN Mandate of this Committee has been that Gibraltar has to be decolonised on whatever terms the administering power and Spain agree between themselves. On 16th October 1964 His Excellency Alberto Virella was 4 months old, if he had been a Gibraltarian, he would probably have been affectionately known as Albertito. His present understanding of what you said then, is therefore based, entirely, on hearsay.

I was 25 years old and became politically involved in the movement for Gibraltar’s

decolonisation, inspired to do so by the positive conclusion you reached in 1964.

This Committee affirmed that the Decolonization Declaration applied fully to our country but merely noted the existence of a disagreement between UK and Spain.

This is the so called 1964 mandate. Not the Spanish version repeated for 45 years, on the well known premise that if you repeat a lie often enough it gets accepted as the truth.

Your Excellencies, tomorrow I will be 70 and these 45 years have represented the share of my life that I have invested, in the pursuit of the emergence of our people from colonialism, and into a new international status. One, in which we, a separate and distinct people with our own unique identity, can finally take out rightful place, alongside the rest of you, in the family of nations.

Modern democratic Spain should be, as our nearest neighbour, respecting our wishes and helping us attain them, instead of whining because, it lost a battle over a minuscule piece of territory, our homeland, in 1704, a territory which they had captured in an earlier battle, from its previous Muslim owners, who had ruled it for over 750 years.

This year, instead of respect and support, what we have had from Spain is a challenge to the sovereignty of our territorial waters.

Spain has always maintained that Gibraltar cannot have territorial waters because the 1713 Treaty did not make provision for this. We believe Spain's position is wrong under international law.

Spain, in fact, has respected our territorial waters, even during the 16 year siege imposed in 1969. These take up the median line in the Bay of Gibraltar and the 3 miles off the East Coast, including the zone adjacent to the isthmus not covered by the Treaty. They have not attempted to apply Spanish Law in these areas to vessels anchored there. They have demarcated the flight paths over our waters, to and from the Gibraltar airport, which are followed by aircraft not permitted to use Spanish air space.

However, this year they have claimed responsibility for the environmental protection of our waters, which they are unable to deliver, and made a number of incursions into our territorial jurisdiction, causing the Administering Power, UK, to have to act to protect the sovereignty of our waters, as it is required to do by our Constitution.

I condemn the above Spanish action before this Committee as an aggressive act incompatible with Article 74 of the Charter. These recent measures remind us of their action of the 9th June 1969, EXACTLY 40 YEARS AGO, when they closed the land frontier joining our two countries and dividing families for 16 years. That was also an act of aggression incompatible with the Charter and its effect was to strengthen our commitment to self determination and the defence of our homeland and not, as they hoped, to weaken it and force us into submission.

This Committee made a clear statement in 1964 and has never resiled from it. The Decolonisation Declaration applies to the territory and thereby to its people but there was recognition of the existence of a disagreement between UK and Spain and you told the two of them to get together, to try and resolve it.

That suggestion was in line with the requirements of Chapter VI of the Charter that provides for the pacific settlement of disputes. It cannot and does not, override the provisions of Chapter XI, which enshrines the rights and protection of peoples who have not yet attained a full measure of self-government.

Spain's peculiar notion, which it continues to peddle, is that the only option available to us Gibraltarians, unlike the rest of mankind, is for our country to remain as a non-self governing territory under UK, or under Spain. This would not eradicate colonialism, it would perpetuate it.

Spain denounces what they describe as "colonialism by consent" and I agree, but it promotes instead an even worse version, "colonialism without consent and by imposition", as the only alternative open to our people.

You affirmed 45 years ago that the Decolonisation Declaration was fully applicable to us.

Spain told the seminar it wanted to see Gibraltar decolonised.

The UN's answer to the question "what is decolonisation?" could not be simpler or clearer.

Mr Chairman, I quote your information leaflet distributed at the seminar by this Committee:

"The process by which territories exercise their right to self determination is known as decolonization." That is, no self-determination, no decolonization.

We are on your list pending the achievement of a full measure of self government because you have accepted that we are a separate people from the administering power as required by the provisions of Resolution 1541 (XV) Principle (IV).

What then is the history of our country and its people?

Our name, the Gibraltarians is derived from the name of our homeland, Gibraltar, which we owe to Tarik Ibn Ziyad, who attacked the territory in the year 711 and captured it from Vizigothic Spain, whose territorial integrity he fragmented.

It became known as the Rock of Tarik, Jebel Tarik, hence Gibraltar. Our flag was given to us by the Catholic King's of Spain in 1501, when we passed under the Spanish Crown. Our culture, institutions, language and civil society, are the result of the influence of the period of British rule, the last 305 years.

The question before this Committee is the nature of the relationship between the people of the territory and the sovereign monarch, whether the people enjoy a full measure of self-government or not. If the answer is no, then the territory is non self-governing. Clearly, if there were no indigenous people with a right to self-government the label non self-governing could not apply to the territory.

It is not for the Committee of 24 to arbitrate, mandate or establish a doctrine as to which is the appropriate relevant Monarch for Gibraltar. Should it be the King of Morocco, because of 750 years of Muslim rule, should it be the King of Spain, because of 203 years under the Spanish Crown, or the Queen of England because of its 305 years?

The answer is, that for the purpose of eradicating colonialism, the reason for this Committee's existence, the Monarch's identity is irrelevant.

It is the peoples of the territories that have to be decolonised and that can only happen when they exercise their self determination. If the Gibraltarian people did not exist there would not be a colonial relationship to correct, but a situation of an uninhabited piece of land subject to a territorial dispute. It would not be an issue of decolonisation.

Spain has used false arguments to pursue its case and relied on the natural special relationship it enjoys with some of its former colonies for support.

I appeal to those Spanish speaking members of this Committee, whom I have no difficulty in addressing in Spanish, to acknowledge and accept that they have more in common with us than they do with Spain, their former colonial power, in terms of the commitment to the decolonisation concept and the right to determine one's own future without external interference, however much of a Hispanic cultural affinity, there might otherwise be.

I have been calling, here and at the Seminars, for this Committee to carry out an assessment of the constitutional change in Gibraltar and indeed, in the other territories, in order to comply with its duty to monitor the progress we are making in our journey towards the achievement of a full measure of self-government.

At St Kitts, Dr Carlyle Corbin demonstrated that this is indeed what Your Excellencies are required to do, and that you already have at your disposal, the instruments to do it.

This is not new.

There is no need to reinvent the wheel.

If there is no progress to report on the eradication agenda, it is not because your criteria are archaic, as UK claims, but because you are failing to apply these criteria.

Allow me to remind Your Excellencies that right from the beginning, in 1948, Resolution 222. (III), on the cessation of transmission of information, under Article 73e, made clear that it was essential that the UN be informed of any change in the constitutional position and status, of any territory, as a result of which, the administering power thinks it is unnecessary to transmit information.

This, according to the UK, is what they have done in respect of our new Constitution which they claim makes our relationship non colonial, meaning we are no longer a non self-governing territory. You are required to respond to this and say whether you agree and if not, why you do not agree. That is what you should be saying in your report to the 4th Committee commenting on the constitutional change and not repeating that once again you are deferring the matter for another year.

This duty is clearly set out in the very Resolution that created this Committee in the first place, in 1963, namely Resolution.1970. (XVIII) Section 5.

There are three decolonization options under Resolution 1541(XV) and a 4th under Resolution 2625. Then there is the fifth fictitious Spanish option.

This is an option for maintaining colonial rule but changing colonial masters. Spain's position is that we should pass under Spanish rule but retain all the privileges we currently enjoy as a non self-governing territory under British rule. But that is not an option this Committee can or should support, as it flies in the face of its decolonisation mandate.

How do we respond to Spain's offer?

On this 40th anniversary of the closure of the frontier our answer is the same as it was 40 years ago : Not one inch of our 3½ square miles of land, not a drop of our territorial water, currently 3 nautical miles but which we have a right to extend to 12, nor our half of the Bay of Gibraltar, nor any of the airspace that is part of our sovereignty, over our land and our sea, are we prepared to hand over to Spain, or share with it.

This is the mandate that I have had from my electorate when they have voted for me for the past 37 years.

This is the doctrine by which I have been guided in the 45 years that I have been involved in the struggle for decolonisation.

This is the doctrine that I, and the vast majority of Gibraltarians, hold.

It is a mandate and a doctrine that I will defend until we are decolonised and it is no longer required.

It is a mandate and a doctrine that if need be, my generation will transmit to our children and our grandchildren.

Let me leave your Excellencies and the Kingdom of Spain in no doubt. If Spain succeeds in holding up our decolonisation then you will have to keep on declaring decade after decade for the eradication of colonialism, because for as long as we are not decolonised, even if everyone else is, colonialism will not have been eradicated.

I was enormously encouraged by your Chairman's concluding statement at the close of the seminar that this Committee needs to look into the ways and means in making better assessment, on a case-by-case basis, of the current state of decolonization and self-determination in each Non-Self-Governing Territory and how much left is to be done.

This is precisely what I have been asking of you in respect of Gibraltar's Constitution.

I ask Your Excellencies to look at the question of Gibraltar as you would any of the other territories still not enjoying a full measure of self government, as I submit you are required to do, and not allow yourselves to be led astray by the misguided, self serving arguments of the Spanish Government whose sole objective is to replace the United Kingdom by themselves as our administering power.

If I can persuade you to do this, you will be giving me the best birthday present of my life.

Your Excellencies, thank you for this opportunity to address you, I will be happy to answer any questions.