



**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**

**FOURTH COMMITTEE**

11 OCTOBER 1994

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Mr Chairman,

1. I should like first to thank you for granting me this opportunity to address the Fourth Committee once again as I did a year ago.
2. Last year I made reference to the previous appearance of the Chief Minister of Gibraltar before the Fourth Committee in December 1967. I also explained for the benefit of members of the Committee how the situation in the colony had changed in the intervening period. I have attempted to show both in my submissions before this Committee and in the statements I have made to the Committee of 24, how the view of the international community on the colonial situation in Gibraltar may have been coloured by the circumstances of the 1960s. It is clear that in the 1960s when Gibraltarians appeared before the international community, with the support of the administering power, it was perceived as an attempt at pseudo decolonisation.
3. Let me therefore dispel immediately any misconceptions that may still persist today about that situation. Ever since I first appeared before the Committee of 24 in July 1992, it has not been with the encouragement of the administering power. On the contrary, every conceivable argument has been used to persuade me not to come.
4. On this occasion, the administering power has not attempted to persuade me not to come, but it has been put to me in very clear terms that, whilst I have an undeniable right to address this Committee, my views will be treated as mere rhetoric by this distinguished gathering who will forget the rights of my people as soon as I have left this chamber. Let me assure you that the feelings that I am expressing, I express passionately, sincerely and in the conviction that every man, woman and child in Gibraltar feels about our homeland the way that I do. In our case, it is not rhetoric. It may be rhetoric when others express a commitment to observing their responsibilities before the United Nations but then in practice fail to discharge them.
5. Mr Chairman, I reject that cynical view of the role of the Fourth Committee. I cannot accept that, because my country is small and therefore disadvantaged in exercising influence over other countries, we will not get in the Fourth Committee the attention that we deserve as a non self-governing territory. Or, that our arguments, however powerful their logic, will not be heard or will not influence events.
6. I imagine that the argument that it is a waste of time to defend one's inalienable rights is not new. I imagine that Nelson Mandela must have



been told many times, when he was languishing in a South African jail, that he would never see the day when his people would enjoy freedom. Fortunately, we see how the world today, in spite of many areas of conflict, is moving under the guidance of the United Nations towards recognition of the rights of people and that this right eventually triumphs. I address you in the confidence that right will triumph and logic will triumph in the case of the Gibraltarians as well.

7. Mr Chairman, last year, barely a week after I addressed this Committee, you presented to it a draft consensus resolution put together by the colonial power, the United Kingdom and the aspirant colonial power, the Kingdom of Spain. That draft resolution had two phrases in it to which I wish to draw the attention of the Fourth Committee.

8. The first and the most important which has appeared in every previous consensus resolution since 1973 are the words with which the resolution ends by calling for a definitive solution to the problem of Gibraltar in the spirit of the Charter of the United Nations. You should be under no such illusion. The resolution of October 1993 is no more capable of producing such a result than the resolution of December 1973 because the very negotiating process to which they refer is an outright denial of the spirit of the Charter of the United Nations since, according to one of the sponsors, the Kingdom of Spain, it denies the right of self-determination of the Gibraltarian people.

9. The second phrase I wish to highlight is the one that takes note of the fact that both Ministers of Foreign Affairs hold annual meetings alternately in each capital, the most recent of which took place in Madrid on 1st March 1993. I imagine, Mr Chairman, that if this year you have once again been asked by the United Kingdom and the Kingdom of Spain to submit to this Committee a similar draft resolution, you will have no choice but to repeat that date because there have been no meetings since. A fact which I welcome.

10. Let me explain why there have been no meetings between the two Foreign Secretaries since March 1993. It is no secret. I only have to quote the explanation given by Senor Solana to the Foreign Affairs Committee of the Spanish Parliament. On the 23rd of March 1993, Senor Solana stated that it would be possible to meet again with his United Kingdom counterpart under the Brussels negotiating framework if, and only if, there was an indication at meetings by officials that a new Ministerial meeting would entail a concrete step in the negotiating process. What such a concrete step would consist of has never been spelt out. But as an outside observer of the process, I can only take it to mean a concrete step in the context of Gibraltar's decolonisation. My understanding is that Spain is



looking for a concrete step in meeting their demand that the UK should hand over Gibraltar to them.

11. A year later, on the 19th April 1994, Senor Solana reported to the Spanish Parliament on the following terms:

"Until there has been an advance in the substantive themes which are the object of the negotiations, I believe we should not hold a meeting of a formal nature."

12. Since the Brussels negotiating process started in 1985, there has only been one occasion when formal proposals were tabled by the Kingdom of Spain as to Gibraltar's future status. These proposals were put forward on the 26th February 1985 at the very start of the negotiating process referred to in the consensus resolution.

13. The Spanish proposals can be briefly summed up as consisting of two stages. It is not envisaged in the proposals that the colonial people would have any say in either of the two stages. During stage one, the United Kingdom would share control over Gibraltar with Spain for a period of years which would have to be agreed between them. During that period Gibraltar would effectively become a colony of the two powers to be followed at the end of the period by a transfer of Gibraltar to Spain by which time we would become exclusively a colony of the Kingdom of Spain.

14. Here we have clear evidence of the total disregard of a colonial people. Here we have two Members of the United Nations entertaining proposals which shuffle the rights and well-being of a colonial people like some second-hand merchandise in a street market. Here we have two nations who are supposed to have disinherited their colonial past behaving in the worst traditions of imperialism and colonialism. That you, the Fourth Committee, should be expected to countenance this manifestation of unadulterated colonialism is, with respect, a gross insult in the face of the very task which you are mandated to eradicate by the year 2000.

15. Mr Chairman, these proposals, which were a response to the negotiating process - and which this Committee, year after year, urges both countries to continue with - lay on the negotiating table unanswered and undebated. At the insistence of my Government, the United Kingdom, finally, formally rejected the 1985 proposals in March 1993; the date of the last meeting held with Senor Solana where he felt there had been no progress.



16. I bring these details to the attention of the Committee in order, hopefully, to bring home precisely what it is you are lending your support to. Not a process consistent with the Charter of the United Nations. Not a process that stands in defence of the inalienable right of colonial people, so often repeated in the Fourth Committee, but a process designed precisely to deny such a right to the people of Gibraltar.

17. On the 20th October last year, Mr Chairman, you placed before this Committee the draft consensus resolution co-sponsored by the United Kingdom and the Kingdom of Spain. That draft consensus resolution was subsequently adopted by the General Assembly at its 75th Plenary Meeting on 10th December as Consensus 48/422.

18. Spain is in no doubt that the consensus resolution is one which makes the decolonisation of Gibraltar not a matter of self-determination but of restoring the territorial integrity of Spain and that that is the purpose of the negotiating process and that that objective is shared by the United Kingdom. Perhaps, to be fair to the United Kingdom, I should add that within Gibraltar they have been much more forthright about rejecting the Spanish claim for a Spanish Gibraltar than they appear to have been in the United Nations, or face to face with representatives of the Kingdom of Spain.

19. We Gibraltarians have been led to believe by the United Kingdom that the Spanish interpretation is not correct. Five days after you tabled the draft resolution before this Committee, I was informed by the Acting Governor of Gibraltar that the United Kingdom saw the consensus resolution as calling for discussions between the two Governments and that therefore it was in accordance with this aspect, that is, a call for discussions, if at all, that the United Kingdom considered that it was acting in accordance with the UN resolutions.

20. This view was put to me following an earlier statement by the Foreign Office Minister with responsibility for Gibraltar to the effect that the resolution before your Committee did not require the UK to accept the Spanish interpretation that it established as a doctrine that self-determination does not apply to Gibraltar.

21. In addressing the General Assembly on 30th September 1994, Senor Solana, the Foreign Secretary of the Kingdom of Spain, referred to Gibraltar's decolonisation. He repeated the doctrine of Spain - which he claims has the support of the General Assembly - that the decolonisation of Gibraltar is not a case of self-determination but of the restoration of the territorial integrity of Spain. He reaffirmed the decision of the Spanish



Government to continue the process of negotiation with the Government of the United Kingdom in accordance with the declarations of Brussels of the 27th November 1984. And he expressed the firm hope that these negotiations will put an end to this colonial anachronism which is my country.

22. Let me therefore make clear to Senor Solana and to this Committee that there is not the remotest hope that these negotiations will bring to an end the colonial anachronism of Gibraltar on the basis of the restoration of the territorial integrity of the Spain that used to exist in 1703, as I will demonstrate later on. Indeed, in my submission to this Committee and to the Committee of 24, I have expressed the view that it is not possible to decolonise Gibraltar unless its decolonisation gives effect to the democratically expressed wishes of the inhabitants of the colony. I reaffirm that this doctrine is the only doctrine of the General Assembly, of the Fourth Committee and of the Committee of 24 on the subject of decolonisation.

23. The view expressed by Senor Solana on the 30th September was expressed in even more stark terms by Senor Ruperez, the spokesman on foreign affairs of the main Opposition party in the Kingdom of Spain, in an interview on Gibraltar public television only last week. In fact, he insisted that what he had to say should be transmitted unedited to make sure the people of Gibraltar understood his message.

24. The message of Senor Solana and the message of Senor Ruperez, although expressed differently, are identical in that they state unequivocally that the Gibraltarians have no choice but to remain colonial subjects in a British colony until such time as their homeland, in which they have lived for over 290 years, is incorporated into the neighbouring country. When this happens a generous Spain will give them the choice of living as foreigners in their own land or changing their nationality.

25. This view is fundamentally no different from that expressed in 1964 by the representative of Spain before the United Nations, except that it is now even more intransigent than the view expressed then. A view which consistently has been rejected by the people of Gibraltar for the last 30 years. The position of the United Kingdom 30 years ago was to argue before this Committee that the Gibraltarians had the right to self-determination.

26. I have already mentioned in my introduction that, in the 1960s, Spain put the argument to the Fourth Committee and to the Committee of 24 that the British Government was attempting to bring about the pseudo decolonisation of an artificial population in Gibraltar in order to legitimise



a continued military presence. Spain argued that Britain had two choices. Either to grant the Gibraltarians self-determination, in which case they would have to sever the link under the Treaty of Utrecht and therefore lose the right to maintain a military presence in Gibraltar. Or, alternately, to deny the Gibraltarians the right of self-determination and the ability to develop self-government, and therefore be seen by the world to be maintaining an anachronistic colonial relationship with the Gibraltarians.

27. In 1964, when this was said by the representative of Spain, in the Committee of 24, it was argued that the new Gibraltar Constitution which came into effect on the 10th September 1964 - the anniversary of which is our National Day - represented an attempt by the United Kingdom to move in the direction of granting self-determination and was therefore a denial of Spain's rights under the Treaty of Utrecht.

28. It was as a result of this analysis of the conflict between the two alternatives open to the United Kingdom as a colonial power that Spain called for a process of negotiations to be embarked upon. It was in response to this call - and this analysis - that the reference to a bilateral process of negotiations has been incorporated in the annual consensus resolutions before this Committee.

29. I have exposed the genesis of the Spanish position on Gibraltar. Is it any different today 30 years later? On the 20th April this year, a resolution was carried in the Spanish Parliament which read 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."

Whereas 30 years ago, the position of Spain was that the grant by the United Kingdom of self-determination for the Gibraltarians would necessarily involve the loss to the British of their military facilities, the position today is that Spain continues to oppose the right of the Gibraltarians to self-determination even after the disappearance of those military facilities.

30. What about the position of the United Kingdom? The United Kingdom clearly defended the right of self-determination of the people of Gibraltar in 1964 and placed us on the first rung of that ladder on the 10th September of that year by the first transfer of political power from the colonial administration to ministerial Government elected by the people. Spain condemned this at the time as giving rise to the establishment of a Government with a Prime Minister for British subjects camped around a military base.



31. Now that there is no military base, is the United Kingdom's position the same as it was 30 years ago in the defence of the right of the colonial people to self-determination?

32. When Douglas Hurd, the Foreign Secretary, addressed the General Assembly on the 28th September this year, he said:

"In the Falkland Islands, as Northern Ireland, we must heed the wishes of the people concerned. Indeed, any other course would for us and the UN be inconceivable. This body has heard those wishes expressed most recently by the elected representatives of the Islanders who visited the United Nations for the debate in the Committee of 24 last July."

33. I welcome the conversion of the British Foreign Secretary to the value of addressing the Committee of 24, which I have now done in three consecutive years. I want to make it clear that, although he omitted a reference to Gibraltar's submission to the Committee of 24, that also constituted the wishes of the people of Gibraltar expressed by their elected representative. The views I am expressing here today are clearly an opportunity for this body to learn the wishes of the Gibraltarians which will no doubt please him.

34. Let me say that when I first appeared before the Committee of 24 in 1992, I did so by approaching them direct because the United Kingdom did not put any arrangements in place for this to happen. It was strongly put to me that to address the Committee of 24 would be counter productive. After this, my first appearance, when I was overwhelmed by the welcoming spirit in which I was received, I called on the United Kingdom representative to the United Nations, Sir David Hannay. During our conversation, his main interest in life did not appear to be the decolonisation of my country, or the inalienable right to self-determination of my people, but, on the contrary, how he was going to repair the damage to the friendship between himself and his Spanish counterpart. That is to say, the damage that I might have done by my appearance before the Committee of 24.

35. There would therefore appear to be less enthusiasm today on the part of the United Kingdom for Gibraltar's defence of its right to self-determination before the United Nations than there was 30 years ago.

36. What is the British position today as it has been put to me by them and repeated publicly? It is contained in the draft resolution of 1993:



**"The British Government will fully maintain its commitment to honour the wishes of the people of Gibraltar as set out in the preamble of the 1969 Constitution."**

It was repeated in Gibraltar last Friday in response to the demands for a Spanish Gibraltar made by Senor Ruperez. This guarantee in the Preamble to the Gibraltar Constitution means that we will not pass from being a British colony to being a Spanish colony, as Spain demands, against our freely and democratically expressed wishes. Welcome as it is in giving us the right to veto a change in colonial masters, it is a far cry from the right to self-determination we have been demanding, are entitled to have and were encouraged to believe we would be able to exercise, as far back as 1964.

37. How can it be said, in 1994, when the world has progressed so much down the route of the universal acceptance of the rights of all peoples to determine their future, that the United Kingdom is more convinced today than it was 30 years ago that ours is constrained by the Treaty of Utrecht?

38. 30 years ago the United Kingdom representative told the United Nations:

**"My Government does not accept that there is any commitment under the Treaty of Utrecht binding us to refrain from applying the principle of self-determination to the people of Gibraltar..... My delegation completely rejects the attempt by the Government of Spain to establish that there is any conflict between the exercise of self-determination by the people of Gibraltar and the provisions of the Treaty of Utrecht, and the United Kingdom Government has never given any contrary assurance to Spain or anyone else".**

Was the United Kingdom in a position to repeat those words on the 28 September this year when Mr Douglas Hurd addressed the General Assembly?

39. I must confess, Mr Chairman, to being at a loss when it comes to explaining why Mr Hurd was not as forthright on that occasion about the rights of the Gibraltarians. The thought occurred to me that although, in our territorial waters, we come across the odd Mediterranean squid that has lost its way and that sometimes we are even unfortunate enough to have some oil coming ashore on one of our beaches from a passing ship going through the Straits of Gibraltar, this does not put us in the same bracket as being in a position to grant fishing licences for illex squid in the South Atlantic or oil exploration rights to reserves that are expected to be more substantial than those in the North Sea. However, having shared my



thoughts with you let me say that I came to the conclusion that this was too simplistic an answer.

40. Having said this, I have to admit that Gibraltar today does not have fishing rights, oil or other sources of natural wealth, or even the important military value it had 30 years ago. It just has the will and the determination of its people to survive. We can offer the United Kingdom nothing in exchange. We are not alone in this respect amongst the remaining eighteen non self-governing territories. We believe we have the right, without having to give anything in exchange, to require in accordance with the provisions of the Charter of the United Nations that the Member that has the responsibility for Gibraltar, the United Kingdom, should give us the necessary support to develop self-government beyond the point reached in the 1960s to allow us to fulfil our aspirations as a people. I believe this because I do not accept that international relations consist of nothing more than horse trading in the corridors.

41. As I said in my opening remarks, I reject the cynical view that is put to me of the International Community, the General Assembly, the Fourth Committee and the Committee of 24. A view to the effect that the merits of our case will not make an impact and that the die is cast. I reject that view because I cannot possibly believe that the many members of this Fourth Committee who themselves have struggled to obtain freedom and self-determination can have so quickly forgotten their own past and not be receptive to the message that I have put today.

42. The 10th September 1994 was the thirtieth anniversary of the date when a General Election was held in Gibraltar where for the first time the colonial power transferred some aspects of the local administration to the elected representatives of the people of Gibraltar. The position that I hold as Chief Minister of Gibraltar was created on the 10th September 1964. The first act of the newly elected legislative assembly was to address a statement to the Committee of 24 which contained the following phrase:

"The soil of Gibraltar should belong to no-one but the people of Gibraltar and the people of Gibraltar do not desire to be united with Spain."

That was the view thirty years ago and that is the view today of my people.

43. Thirty years ago, the Gibraltarians first looked with confidence and hope towards this Committee and the Committee of 24 to respond to their needs and their rightful aspirations. No other colonial territory can claim as long a pedigree as we can of consistently insisting that our right to self-determination be recognised. If we have not been discouraged by any lack



of progress over thirty years, it is because the message constantly emanating from the resolutions of the Fourth Committee and the General Assembly on the question of decolonisation appear to us to be a vindication of everything we ourselves believe.

44. On the 15th February this year, the Secretary General addressed a message to the opening session of the Special Committee of 24. Amongst other things, he said:

"Decolonisation initiatives have, since the founding of the United Nations, been one of the constants in the Organisation's activities since they are inspired by one of the fundamental principles of the Charter, that of the right of peoples to self-determination. The importance of the contribution made by the Committee established over thirty years ago in these endeavours is more than apparent."

45. The Secretary General might have as well been addressing himself to the people of Gibraltar. We subscribe to every single word he said. The thirty years that he was praising the Special Committee for their contribution in the process of decolonisation are the same thirty years that we have been a voice in the wilderness demanding that our right to self-determination should be recognised by the international community.

46. What conceivable reason, that would stand up to objective examination, can be given to the Gibraltarians for denying them what is accepted in the case of every other peoples in every other self-governing territory?

47. I have already dealt with the Spanish argument in my previous submission last year before the Fourth Committee. Let me remind the Committee that I put it to them a year ago that if there was a conflict between the principle of self-determination and a bilateral Treaty signed in 1713, then Resolution 2734 (XXV) paragraph 3 solemnly affirms that the obligations of the members of the United Nations under the Charter overrides any other international agreement, more so one as outdated as the Treaty of 1713.

48. In the 1960s Spain argued before the Committee of 24 and the Fourth Committee that they had given up Gibraltar in perpetuity as part of their territory subject to a series of conditions which they were still entitled to impose. This view was used to defend the Spanish ban on air and sea communications with my country which continues in force today after some 25 years interfering with the freedom of movement of people between Spain and Gibraltar.



49. But of course, the Treaty of Utrecht of 1713 was done in a different age where no fundamental rights were recognised. It is for this reason, that Spain was able to include, as a condition, that the United Kingdom should prohibit the presence in Gibraltar of persons of the Jewish and Muslim faith who were anathema in those days to the Catholic King of Spain. Needless to say, in keeping with our international obligations, the Constitution of Gibraltar guarantees religious freedom. It would be absurd for the Kingdom of Spain to suggest that the Constitution of Gibraltar is in breach of the Treaty of Utrecht of 1713 and that therefore they are entitled to recapture the place.

50. The Kingdom of Spain to which Gibraltar belonged in 1703 is not the Kingdom of Spain of today. It did not include the Kingdom of Catalunya. When England captured Gibraltar in 1704, it was not part of the United Kingdom that exists today. It did not include Scotland. Is anybody suggesting that the doctrine of territorial integrity - the basis of Spain's claim - requires us to restore the map of Europe so that Gibraltar should once again belong to the Kingdom of Spain, as it was in 1703, with separate kingdoms in Catalunya, Scotland and England?

51. I raise this issue Mr Chairman, to show that there can be absolutely no relevance in the argument as to whether the principle of self-determination or the restoration of the territorial integrity of Spain is the overriding criterion for Gibraltar's decolonisation because the latter is based on flawed premises that what existed in 1703 is what must be restored in 1994 as the only way to decolonise Gibraltar.

52. I condemn the Government of the Kingdom of Spain for failure to respect the right of self-determination of my people as they are required to do as Members of this Organisation. To illustrate the length to which Spain will go, I wish to bring to the attention of the Committee the reaction of Spain to my recent presence in Madrid as part of the United Kingdom delegation at the fiftieth meeting of the International Monetary Fund and World Bank Group. Senor Solana agreed with Senor Ruperez in the Spanish Parliament on Wednesday of last week that my inclusion in the United Kingdom delegation was on this occasion a hostile act against the Spanish nation even though I have previously attended such meetings in Berlin, Washington and Bangkok. There was an attempt to pressurise the United Kingdom Government, prior to the commencement of the Conference, to have me excluded.

53. This is the country that is co-sponsoring a resolution calling for negotiations between themselves and the colonial power to determine - without our having a say on the matter - how the ownership of our land and the rule over our people should be shared out between them. I have no



choice but to condemn the Spanish position which has not changed one iota in 30 years. It fails to look for the imaginative solution called for by Senor Gonzalez, the Spanish Prime Minister and again fails to seek a solution in accordance with the times in which we live, as proposed by His Majesty King Juan Carlos I of Spain in his address to the General Assembly on the 11th October 1991, three years ago today.

54. The official line taken by the Spanish Government and the Government of the United Kingdom is not necessarily universally shared in those two countries and therefore, I would like to refer to what took place on the 10th September this year at our National Day celebrations in respect of which I have brought some literature for the benefit of members of the Committee. Joining the 18,000 Gibraltarians present at the rally to celebrate our National Day, we had this year supporters from the United Kingdom, from both Conservative and Labour Parties in the Houses of Lords and Commons, Members of the European Parliament, the Catalan Parliament, the Dutch Parliament and the Portuguese Parliament, as well as leaders of several political movements in Spain.

55. I have tried to demonstrate, Mr Chairman, that the cry for self determination of my people is genuine and not prefabricated. That it is beginning to find echoes within sectors in the Kingdom of Spain and that it is supported by sectors in the United Kingdom and that it has to be supported by this Committee and by the General Assembly.

56. In February, the Secretary General told the Special Committee, "times have changed, the inalienable right of colonised people freely to choose their destiny is now universally recognised." He did not add, Mr Chairman - except in the case of the Gibraltarians. It seems to me that the resolution before your Committee seeks to qualify the words of the Secretary General and deny their application to us. The resolution that this Committee will have this year, I imagine, is a resolution it has had every previous year talks about both Governments negotiating with the object of reaching a definitive solution to the problem of Gibraltar.

57. Is that what we are? A problem to the existing colonial power and to the erstwhile colonial power? Are we not a people with inalienable rights? Which definition is consistent with the mandate of the Fourth Committee? Are you here to look at colonial peoples on the basis of how inconvenient or how much of a problem they are to their colonial masters? It is the very inversion of everything the United Nations preaches. Let me therefore promise you, Mr Chairman, that for as long as our rights are denied, we intend to continue being a problem, if that is how others choose to describe us, for a long time to come.



58. I hope, Mr Chairman, that I have been able to demonstrate to the satisfaction of the Fourth Committee, that the consensus resolution which was put by you last year before this Committee at the behest of the administering power and the Kingdom of Spain, is fundamentally flawed because it fails to recognise the role of the Gibraltarians determining their own future and the future of their country. And that the situation of Gibraltar will remain unresolved as a colonial problem until the position of the Gibraltarians is adequately recognised. We certainly, Mr Chairman, have no wish to be in the year 2000 the one remaining colonial territory which is preventing the fulfilment of the resolutions of the General Assembly calling for the total eradication of colonialism by that date. We look for the support of your Committee to ensure that this does not happen.

*ADDRESS TO THE UN FOURTH COMMITTEE  
THE HON J J BOSSANO  
CHIEF MINISTER OF GIBRALTAR*

*11 OCTOBER 1994*