

The Fight for Self -Determination - Joe Bossano at the United Nations - October 1999

Address to the Fourth Committee for decolonisation

Your Excellencies.

I last addressed you in October 1995 as Chief Minister of Gibraltar. I reminded this Committee then, that Resolution 46/181 declaring the International Decade for the Eradication of Colonialism, applied to Gibraltar as a Territory and that Article (2) in it stated the goal to be the free exercise of the right of Self Determination by the Peoples of each of the remaining Colonial Territories. We are one of the Peoples concerned.

My Party, in Government then and in Opposition since, has been fully committed to pursuing the UN Action Plan for the Eradication of Colonialism and has campaigned incessantly in Gibraltar for this to be achieved by the target date of the year 2000, sadly no longer looking attainable.

Conscious of the fact that this is the last meeting before the year 2000, I take this opportunity to reaffirm the continued, undiluted, commitment of the Opposition Parties in Gibraltar to the eradication of colonialism and the exercise of Self- Determination.

The Socialist Party and the Liberal Party in Gibraltar have a common Foreign Affairs Policy which commits us to the pursuit of Decolonisation and the rejection of the Brussels negotiating process which this meeting is dealing with.

This negotiating process is clearly linked chronologically to Resolution 2353 (XXII) which rejected the 1967 Referendum and invited the Governments of Spain and UK to resume negotiations to put an end to the colonial situation.

Spain continues to reaffirm that the decision before you requires Gibraltar's decolonisation to be conducted by reference to the principle of Spain's Territorial Integrity and not by reference to the exercise of self-determination by the inhabitants of the colony.

UK has not refuted this.

In my last appearance I condemned this Resolution as unworthy of the United Nations and a disgrace to this Committee and promised to fight the Brussels Negotiating Process every inch of the way. I re-affirm this position before you today and call on this Committee to end this annual farce.

The Colonial Power claims that the 1713 Treaty of Utrecht, constrains our right to self-determination.

We have never accepted that this is the correct position in international law.

I believe the responsible thing to do is to seek an advisory opinion of the International Court of Justice on this matter. I urge this Committee, as I have done in the past, to consider making use of the provisions in the statutes of the Court to seek such an advisory opinion. Indeed, repeatedly over the years, my party has asked the Colonial Power to test its convictions by taking this step. We are totally convinced that the results would be that the

UK is wrong in its arguments over Utrecht. Indeed, we are convinced that the UK knows that its position is incorrect in International Law and that its continued use of the argument is a smokescreen to cover up its failure to honour its obligations under the Charter.

Let me say that if Utrecht is really the stumbling block UK claims it is, the correct and responsible thing to do is to obtain independent, objective, expert advice on the matter.

This approach is a reflection of my Party's position in the years I have addressed this Committee and the Committee of 24. Whilst not hiding the strength of our convictions, we have sought to adopt a conciliatory line. In particular the words of His Majesty King Juan Carlos in 1991 calling for a solution to Gibraltar's future in accordance with the times in which we lived seemed to us to be consistent with the recognition of our right to decide our own future.

Following this, UK was keen to explore the possibilities of engaging Spain in tripartite dialogue over Gibraltar, as an alternative to the Brussels negotiating process. The GSLP Government gave the UK the green light to explore unofficially whether there was any interest on the part of Spain. In addition, the fact that Sr. Solana had recently taken over as Minister for Foreign Affairs in Spain, was thought to provide an opportunity to see whether there was a new approach.

The UK was seeking through diplomatic contacts to get Spain to move away from Brussels and agree instead to a round table conference, without a fixed agenda and no pre-conditions, as the future forum for dialogue over Gibraltar. These attempts by UK failed to get anywhere. Although initially, informal contacts at Ministerial level indicated some interest, it soon became obvious that the Spanish position was firmly rooted in what they had achieved by the Brussels Declaration of 1984.

The UK is committed to enter into a bilateral process with the Gibraltarians through a Select Committee of the Gibraltar House of Assembly to decolonise the territory. It is also committed to another bilateral process with the Kingdom of Spain consequential to the Brussels Declaration. The latter, in 1997, resulted in Spanish proposals for Gibraltar's decolonisation. Spain's Minister of Foreign Affairs has complained to this Committee about the UK's failure to reply.

We also want UK to give Spain a reply. The reply has to be ... rejection.

Nonetheless we believe in normal relations with Spain. Article 1 of the Charter declares the purposes of the UN to be

"To develop friendly relations among Nations based on respect for the principle of equal rights and self determination of Peoples."

There can be no other basis.

The sacrifice of the inalienable, universal, right to Self Determination of the Gibraltarians as a Colonial People, is not a price we are willing to pay to purchase Spain's friendship. To seek to deprive us of this right is not compatible with the times in which we live.

The example, Mr Chairman, of the long over-due recognition of the rights of the people of East Timor to determine their own decolonisation in accordance with their wishes, is a sign of the times in which we live, marred though it is by the tragic cost in human life and suffering that has been paid for the exercise of this right. This is strong evidence that, on the

eve of the Year 2000, the struggle against Imperialism and Colonialism is as real, and can be as brutal, as it was fifty four years ago when the Charter was written.

It is nonsense for the Colonial powers therefore to claim that there are no Colonial situations anymore, as the Members of the Special Committee have rightly pointed out.

Indeed we consider that in Gibraltar's case the Colonial situation today is worse than in 1963 when the matter was first raised here. Since 1973 the position of the UK has been that the membership of the European Union potentially converts all EU related matters into Foreign Affairs. The level of self- government achieved de facto in 1963 has, since 1973, been whittled away allowing the Colonial Power to determine what applies in Gibraltar in terms of EU rights and what responsibilities we have to shoulder. Gibraltar has been converted into a bargaining chip, with UK using it in the European Union to gain something for itself by making concessions in matters affecting us. The most recent example of this was in 1997 in the terms of the Amsterdam Treaty relating to Gibraltar.

We, therefore, disagree with the view put to the Special Committee by the Territorial Government this year that if, what is more or less the present practice were put into the written Constitution and accepted in a Referendum, this would constitute the exercise of self determination and would allow the UN to delist Gibraltar from its list of territories.

We have nonetheless agreed in our Parliament to participate in a Select Committee with a view to arriving at proposals for decolonisation, which would have to be done, as far as we are concerned, under the auspices of the United Nations, and would have to have the result of changing the international status of Gibraltar.

We want this to be done in accordance with the provisions of the Charter, leading to the ending of our listing under Article 73e, as a Territory in respect of which Annual Reports are made.

We will campaign for rejection of any so-called "modernisation" of the Constitution which leaves the international status of the Territory unchanged. Nothing could be less modern than being a Colony in the 21st Century.

The Committee of 24 has pledged itself this year to ongoing efforts to bring a speedy end to all forms of colonialism. It has re-focused its efforts to advance implementation of the Decolonisation Declaration and made progress in the remainder of the International Decade. The Committee has stressed that for this programme to be realised, the co-operation of the Non Self- Governing Territories is needed.

We agree wholeheartedly with these sentiments.

We urge the Special Committee and this Committee to take a fresh look at the question of Gibraltar and abandon its support for the convenient "modus vivendi" between the Colonial Power and the Claimant state.

We pledge our full support and co-operation to achieve decolonisation by next year.

In exchange we urge you to start to listen, and to respond positively, to the Voice of the People of Gibraltar which has, for 36 years, been sending a clear message.

Mr. Chairman, When are you going to start listening to us?

In 1963 we said:

"The soil of Gibraltar belongs to the Gibraltarians and no one else, and the Gibraltarians do not want to be a part of Spain."

We say the same today.