

**FULL TEXT OF AN ADDRESS BY THE LEADER OF THE OPPOSITION
THE HON J J BOSSANO AT THE UNITED NATIONS FOURTH
COMMITTEE - 4 OCTOBER 2006**

(Mr Bossano departed from this text to reply to and condemn the intervention of the Spanish Ambassador)

Mr Chairman

The only reason we are all here today discussing Gibraltar, is because it remains as a non-self governing territory still, awaiting decolonization.

40 years ago, this committee opposed a Referendum which the UK was organising for our people to vote on Spanish proposals for Gibraltar to be decolonized by integration with Spain. The 1967 Referendum massively rejected Spain's proposals and this committee told the colonial power to ignore the will of the people and pursue negotiations with Spain to settle Gibraltar's future and bring about its decolonization.

Spain imposed discriminatory restrictions on Gibraltar because the UK refused at first to comply. These have been relaxed on various occasions since the 1980's and this committee has since supported consensus decisions jointly put to it by the UK and Spain. I have no doubt that this year's statement will be asking this committee to endorse the Cordoba Agreements which provide for the suspension of some of the remaining restrictions.

The restrictions that have been in place were intended to inhibit our pursuit of self-determination. It has taken Spain no less than 40 years to discover that their strategy was not working. However, the question of Gibraltar, is not here for you to monitor how Spanish restrictions against our territory are fareing.

We are here for the same reason as the other remaining colonies. For you to monitor our progress towards achieving a full measure of self-government. For the UN to evaluate that progress, the UK, has to provide you with a report, not on how well it is getting on with Spain in the tripartite forum, but on what it proposes to do about the draft constitution it has negotiated with us.

I told you a year ago that we did not agree with the UK's position that decolonization was a matter for the territory and the UK and not for the UN to judge and decide. However, we have proceeded bilaterally with the UK as the second best option, because there has been no evidence of the UN wanting to involve itself.

Your information department leaflet provides the clearest possible guidelines on how the decolonization process should be conducted. It also makes crystal clear that an act of self-determination means that the people of the colony decide the future status of their homeland. It says the process by which the right is exercised is known as decolonization. We have reproduced on National Day this year and distributed to every family in Gibraltar, the text that explains this.

The British Government has stated publicly that the vote in the proposed Referendum to be held in Gibraltar later this year, constitutes an act of self-determination by the Gibraltarian people. If the New Constitution is accepted are they going to come here and tell you we have been decolonized? There is no sign whatsoever that this is about to happen, instead the very opposite is taking place.

The have once again cooked up a decision which leaves the door open for future negotiations with Spain to settle our decolonization. The excuse they give for not complying with the provisions of the charter on decolonization, is to shift the blame to you. Let me make clear that we do not agree with them or indeed the Territorial Government, that the criteria for decolonization are antiquated or that they have been unilaterally invented by the C.24.

We fully endorse and accept the statement setting out the position under the UN charter, which the Chairman of the C. 24 made in June. We welcome the fact that the committee is looking at Gibraltar's case with exactly the same criteria in mind as it would any other territories' decolonization. That is how it should be and what we have always wanted.

As Chairman Hunte rightly pointed out, delisting is not the objective, it is the consequential outcome of decolonization. Since there is a list of colonies, when a territory ceases to be one such colony through the exercise of self-determination by its people, then by definition it no longer qualifies to remain on the list. The UK considers not just that our relationship with them in the New Constitution is no longer colonial, they even think this about the existing relationship under the 1969 Constitution. Indeed, they go further and say the same is true of all the other 9 colonies from Pitcairn to Bermuda with whatever constitutions they happen to have. This is utter nonsense and they know it.

They have also said last year that because they abstained in 1960 on the vote on resolution 1541, they are not bound by it. Well, we all know that they are bound by the charter to which they have signed up and all that resolution 1541 really does, is explain and expand on what are clear charter obligations.

Last year, you had in the decision before you, for the first time ever, a reference to "other applicable principles". As far as we are concerned, the only principle applicable to decolonization is the right to self-determination and thus there are no other applicable principles whatsoever. It seems, however, that the UK says one thing to Spain, one thing to us and something else to you. They seem to be having Tripartate talks all by themselves.

In the light of these contradictions, where they try to give comfort to Spain in a manner inconsistent with their charter obligations and incompatible with their statements in Parliament and to the Gibraltarian people, the events in the near future will inevitably take them to a point where they will have to upset Spain and defend our decolonization or be shown not to be delivering on what they have promised.

As it is, they already stand exposed before you and our people today. Is Spain lying when it says that our international status will not be changed by the New Constitution? Is it lying when it says that matter remains to be negotiated bilaterally with them? They have said so in writing to UK and UK has not rejected their statements. Is that why the question is still before you today and is this farce going to continue with the connivance of the UK. The UK has the obligation to say there what it says to us and defend here the position it assures us that it holds.

No territory has ever been decolonised on the basis of invented self-serving definitions. There is not a de-jure and a de facto route. There is only one route.

Territories do not emerge from colonial rule by having modern and mature relationships with colonial powers.

As Chairman Hunte rightly said in June, decolonization is only possible by attaining a full measure of self-government. We are convinced that if there are defects in the Constitutional

text which make if fall short of what is required, this can be addressed and put right. It should be done, in accordance with UN guidelines involving London, Gibraltar and the C.24.

The UK should be telling this committee what steps they are going to take to complete the decolonization process and seek to involve the UN.

To do that, they would need to go further than they have done to date with Spain and tell them that they have o role whatsoever to play in our decolonization.

This is what our people have told them in two referenda separated by 35 years, in no uncertain terms.

Let me make clear to your Excellencies, to Spain, and to the UK Foreign Office that Tripartite goodies from our neighbour are no substitute for decolonization and that we will not stop until the UK completes and honours it obligations under the charter, to the point where we cease to be covered by Article 73e.

Mr Chairman, I do not expect that this committee will do anything other than record the UK and Spanish views, as reflected in the concensus decision before you. But I am nonetheless grateful for the opportunity this gives me, to distance, from the decision you are about to transmit to the General Assembly as substantial part of the Territory's people for whom I speak, and whose commitment to decolonization is total and will not change.

How and when the decolonization referendum will take place has not yet being decided or who can vote. We shall campaign for the UN guidelines to be adhered to and that necessarily means that the only people t hat can be asked to decide the territory's future, are the Gibraltarian people who are the only ones, as a colonial people, entitled to exercise the right to self-determination.

Thank you for your attention, Mr Chairman, I will be happy to deal with any questions.