

COMPLETING OUR DECOLONIZATION

FULL TEXT OF AN ADDRESS BY THE LEADER OF THE OPPOSITION THE HON J. J. BOSSANO, MP TO THE UNITED NATIONS FOURTH COMMITTEE - 7TH OCTOBER 2008

Your Excellencies

In addressing you this year, I wish to update you on the position as regards our country's decolonization and identify where we share the position of the territorial Government and where we differ.

In doing so, I am conscious that the Government considers that it alone has the right to speak for Gibraltarians on this question. The Opposition does not share this view. Not only did the 2007 Elections yield a result where a shift of some 300 voters would have produced a different Government, as I informed you last year, but perhaps even more important, not everyone who can vote and indeed stand for Parliament in Gibraltar has a say in its decolonization.

The Territorial Government has decided not to attend regional seminars and not to appear before the C.24. It has stated it considers Gibraltar's decolonization is now complete and no longer a matter for the UN. In its view, as expressed in Gibraltar, it appears before this Committee to refute the Spanish sovereignty claim, not to pursue Gibraltar's decolonization.

We do not share its interpretation that this Committee is here to consider Spain's sovereignty claim. As far as we are concerned, the agenda item on the floor is the question of decolonization and this Committee has no jurisdiction in settling territorial sovereignty disputes between UN Members.

However, we agree that Spain's claim should be refuted whenever and wherever it is made.

The applicable principles for all 16 territories, fully explained in Resolution 2625(xxv), are clear.

The territory of a colony, like Gibraltar, has a separate status which shall exist under the Charter until the people of the Colony have exercised their right of self-determination.

The exercise of this right is not intended to encourage any act to dismember the territorial integrity of a sovereign state which represents the whole of the people.

Spain is not such a sovereign state, and does not represent the people of Gibraltar.

The provisions of 2625(xxv) in 1970, deal with the future, not the past.

The modern Spanish state, that today upholds the principle of equal rights, first emerged 200 years ago, following the Spanish War of Independence. 104 years after Gibraltar had broken away from Spain.

The state that existed 304 years ago, was not a state that conducted itself in compliance with equal rights and without discrimination as to race, as required by 2625.

On the contrary, by article 12 of the 1713 Treaty of Utrecht, by which Spain gave up

Gibraltar in perpetuity, the Spanish Crown authorized the transportation of slaves from the west coast of Africa to the Americas.

So much, for the supposed legitimacy of the Spanish territorial claim.

In any event, the UK Government has made clear that it has never accepted Spain's argument on territorial integrity, as in any way relevant to Gibraltar's decolonization. In Gibraltar we all agree with this view.

In spite of the UK's position, it is being party to the consensus decision before you. In seeking to reconcile what appear contradictory views, the UK has also made clear that it supports the consensus decision on the basis that it will not discuss Gibraltar's sovereignty with Spain, unless Gibraltar wants such discussions to be held.

Since there is nothing to suggest that Gibraltar wants this, we believe the UK should stop supporting the consensus decision altogether. It is clear to us that the decision before you is for such discussions to be held so as to bring about our decolonization, something which the UK maintains has already happened in Gibraltar, and the other 9 British Overseas Territories, and that your criteria, which would apply to any decolonization process involving the UN, are out of date,

The Territorial Government shares the UK's view that the UN's criteria for decolonization are archaic and outdated and that it is up to the administering power to decide, together with the Territorial Government, when a territory has achieved a full measure of self-government.

The position in international law seems clear enough and does not support such views.

The requirement to submit annual reports under Art.73(e) remains for all 10 territories and the UK accepts it has to comply. On the other hand, the UK does not accept that it should also comply with the guidelines governing the long established procedures needed, for the reporting requirement to cease.

This smells to us like cherry-picking, selecting which of its UN obligations it will meet, a conduct, we submit, unbecoming a state that has been one of the UN's key founder members.

The guidance for assessing the status of a territory are in our view neither archaic nor onerous and were adopted on the recommendation of this Committee. They were not opposed at the time by UK and they have been observed in other cases of emergence from colonial status.

In addition, we believe the UK's approach is ill-conceived and unmanageable. What happens if you accept the UK proposal for its 10 territories? Would you have to reconsider the territorial status every time there is a change of Government in the UK or in any of its 10 overseas territories, should the subjective judgement of the incoming Government, as to the nature of the constitutional relationship, differ from that of its predecessor? Surely, this is why the guidelines exist to ensure consistency of treatment in respect of all the territories.

In the years I have participated at the UN, I have always said Gibraltar should be treated by the same rules as the other territories.

When I addressed you for the first time I also brought to your notice the Self Determination Group, National Day, Casemates Rally of 1993. This was massively supported by our people and attended by Spanish parties and politicians, who subscribed to the Casemates Declaration asserting our right to self-determination, showing the strength of the true feelings

of our people and the sympathy and understanding of some of our neighbours.

This year we again celebrated our National Day Casemates Political Rally, in defence of our self-determination and in pursuance of our decolonization. Since I have only 8 or so minutes and a picture speaks louder than 1,000 words, I have provided you with a picture of the event in the written text of my statement.

The fundamental message and purpose of our National Day political rally is the very same message that has made it possible for one third of Your Excellencies to exercise your self-determination and achieve a full measure of self government in your own countries' emergence from colonial rule.

It is that spirit, which 60 years ago, was enshrined in the Declaration of Human Rights and provided for the UN Chapter XI Territories, such as yours were, and ours still is, the relevant decolonization criteria.

In our case the message is, as it has to be, an outright rejection of the Spanish claim to our sovereignty, a claim that attempts against our country's 300 year old territorial integrity, in fundamental breach of the Charter.

Ours is a simple, clear message. No Gibraltar Government will ever be willing to discuss with Spain, nor allow the UK to discuss with Spain, the transfer of any part of our sovereignty.

Spain claims the whole of it; we will give Spain not one single grain of sand of our homeland.

The annual consensus before you, which you have repeated in much the same terms for over 40 years, is an utter and complete waste of time.

The process of negotiation between UK and Spain to decolonize our country and decide the future of our people, envisaged by this consensus, will never happen, because we, the Gibraltarians, will never, ever permit it!

Mr Chairman, Your Excellencies, thank you for listening, I will now be happy to answer any questions you may wish to put to me.