

**FULL TEXT OF AN ADDRESS BY THE LEADER OF THE OPPOSITION
THE HON J J BOSSANO AT THE UNITED NATIONS FOURTH
COMMITTEE - 7 OCTOBER 2009**

Your Excellencies,

I am here to oppose the consensus decision put to you by UK and Spain by which they urge themselves, in your name, to conduct a negotiating process in the spirit of the Brussels Agreement of 1984. This requires, inter alia, the discussion of two sovereignty issues, that of our City and our Isthmus which establishes our international frontier with Spain, as part of a bilateral negotiation by which the territory would be decolonised.

This is what you will approve without a vote, transmit to the General Assembly later this year, and approve again without a vote. Spain will then claim that the international community supports its position on the Gibraltar question.

Spain's position today is that this process has to decide how and when Gibraltar becomes Spanish and that there is no other decolonisation option, whether we like it or we don't.

UK supports the consensus, but will not do as it asks, unless and until Gibraltar so consents.

Gibraltar has never consented in the past and will never consent in the future, and the UK knows it.

So why does UK not abandon this futile consensus once and for all?

In March, the Foreign Affairs Commission of the Spanish Parliament approved its own consensus decision, Government and Opposition together.

Therein lays the answer.

The third clause requires the Spanish Government to continue to negotiate with UK the text of the consensus decision that is put before the General Assembly, and you have before you today, by which UK and Spain are urged to continue with their negotiation designed to bring about the definitive resolution of the dispute over Gibraltar.

Your Excellencies, if there was any doubt about what is meant by the definitive resolution, the first clause in the statement spells it out. It calls on Spain's Government to resume with UK, and accelerate, the negotiating process over the two issues of sovereignty, in keeping with the decisions of the UN, namely, the decision that is cooked up every year between UK and Spain, and then dished out here, in the forlorn hope that we Gibraltarians will swallow it.

As if this contradictory position of the UK were not enough, there is another, even more fundamental.

UK says the UN's criteria for decolonisation are archaic and outdated, but does not explain how or why.

It has argued here, that Gibraltar and all its other overseas territories should have been removed from the Chapter 11 list, without further ado, because, they have all undergone a re-engineered constitutional relationship, which makes UK now a partner and no longer the administering power.

This, we are asked to believe, has happened, not on the initiative of the colonies seeking decolonisation, but by virtue of the policy adopted by the colonial power in its 1999 White Paper.

One example of this modern relationship is that created by the constitutional change in Gibraltar. Another was the constitutional change at around the same time, in the Turks & Caicos Island. If the UN had accepted the UK view, TCI would have been delisted.

However, on the 14 August, a few weeks ago, the new, modern, non-colonial relationship with TCI was unilaterally aborted by the now partner, formerly administering power, UK, by Statutory Instrument 2009/71, which eliminated ministerial government, the elected parliament, trial by jury and imposed direct rule from London.

Some non-colonial modern relationship this is, Your Excellencies.

Under the UN Charter, UK continues as administering power. Only this, gives international legitimacy to the action it has taken, whatever the justification.

We disagree with UK on the consensus it manufactures with Spain for the benefit of the UN.

We disagree with its attitude on the non-applicability of UN criteria derived from the Charter, to bring about delisting.

We disagree with its policy of not formally engaging with the Special Committee, with which we will continue to cooperate fully.

Indeed, it is most rewarding to see how the changes in procedure introduced at the recent St Kitts Seminar, have addressed the previous concerns that have been expressed about recommendations emerging which had not been discussed, but were then attributed to the participants.

We support the language of this year's Seminar reflected in the report submitted to your Excellencies by the C24, now 28, and in particular, it is most gratifying to see the advice to the Special Committee contained in paragraph 29(q) of the report.

This proposes that an analysis of the current stage of decolonisation and self-determination in each listed territory could serve as a checklist or benchmark on the progress thus far, and how much is left to be done. This should take place in the case by case assessment introduced in the second decade and which must surely continue for the future.

After several years of suggesting the desirability of this approach, not just to the constitutional changes in Gibraltar, but indeed to that of all the listed territories, I welcome that it has found support amongst other participants.

Needless to say, Mr Chairman my message is one of commitment to continued participation in the Seminars, the C28 hearings, this Committee and at any other level where the eradication of colonialism is on the UN's agenda.

I honestly believe that the UN's policy, to welcome participation from all stakeholders in the territories and not just the territorial governments, is the correct approach. This enables it to be appraised of the full range of views within these territories and has been amply demonstrated at the hearing in June on the question of Puerto Rico. This was not addressed by the territorial government, but had the participation of no less than 35 non-government entities, including some 10 political parties, with a presence in that territory.

It is true that it frequently seems as if the influence of governments from states member, dominates that results of these debates. However it is also the case that the opportunity for everyone to come here and have their say, is without precedent in any other organisation. This does credit to the openness of the UN, even if the Peoples of the territories, Gibraltar included, often feel that this organisation may hear what they have to say but does not listen or take into account.

In Gibraltar's case the decision before you is a nonsense which is a waste of your time, since it cannot, does not and will not have any effect on bringing about the decolonisation of the territory such that it can be removed from your list.

Most of Your Excellencies know this. Those of you, who were once colonies yourselves, know that we, the Gibraltarian people, will never rest until our Nation and its Identity, is given international recognition and legitimacy. Were it otherwise, we would not deserve to be on your agenda.

Spain's arguments are discredited, devoid of logic or legitimacy and doomed to failure. Gibraltar and its people will be decolonised one day, but it will never be by becoming a part of Spain.

Such a result, as I have argue don many occasions, would not be decolonisation but the substitution of one colonial master, by a worse one.

Gibraltarians will never give up their homeland, we are a People and any attempt to buy our loyalty, by restoring normality, will fail, like the last 55 years of attempts at intimidating us into submission, have failed.

Our country broke away from Spain in August 1704 never to go back again.

The Spanish flag will never again fly, over our Rock.

You can rest assured that no number of decisions by consensus or otherwise, in this or any other venue, is going to change that.

Thank you for listening. I will be happy to answer any questions Your Excellencies may have.