

FULL TEXT OF AN ADDRESS BY THE LEADER OF THE OPPOSITION
THE HON J J BOSSANO AT THE UNITED NATIONS FOURTH
COMMITTEE - 7 OCTOBER 2010

Your Excellencies,

The consensus before you provides for UK and Spain to agree the territory's decolonization making it Spanish, whether we like it or we don't. We don't and it is not going to happen.

The UK last year made clear that it would not discuss, let alone negotiate our country's sovereign status, unless the Gibraltarians want it, knowing that we don't and never will.

We are confident, UK will maintain this commitment.

In 1973 this very Committee was reminded that under Article 73 the interest of the inhabitants of the territory are paramount and a sacred trust, and that the interests and the wishes of a colonial people are inseparable.

Does this Committee claim to know our interests better than we do?

In February 1973 secret proposals were put by Spain. These provided for the annexation of our country maintaining the colonial relationship then existing with UK; with the requirement however, that all key positions in our parliament, judiciary and executive would be taken by Gibraltarians who had accepted Spanish nationality and were selected by the Spanish state.

In spite of this obvious attempt to replace an unsatisfactory colonial situation by an even worse one, this Committee and the General Assembly approved the 1973 Consensus that reiterated the hope that negotiations with Spain would start with a view to finding the "final solution to the problem".

Ominous words, Your Excellencies, "final solution to the problem".

The final solution envisaged by Spain then and now is, by definition, the elimination of our people as a separate and distinct member of the human family and of the International Community.

We fought this in 1973.

We are fighting it today.

We will fight it for as long as it takes.

Until Spain accepts our nation or this Committee honours its Charter obligations and rejects Spain's arguments.

Repeating the same decision every year only brings the UN into disrepute and makes people lose confidence in its relevance. This outdated and discredited approach makes nonsense of the Secretary General's message this February, that creative solutions were now needed for the remaining territories.

These creative solutions can only emerge by ensuring that constitutional development in each territory achieves the yardstick of a full measure of self-government. Yet you refuse to do this, which Article 73 requires you to do.

The excellent work being done by the C24 and, in particular, the involvement of the territories in the Seminars is wasted if this Committee does not move on and faces the need to put the decolonization process where it belongs; in the hands of those who remain to be decolonized.

At this point, I should like to welcome the statement by the C24 Chair earlier in the session, fully associate myself with it, and emphasise that in my judgment it accurately reflects the feeling of most of us territorial participants in the seminars and the C24 hearings.

This year's Seminar is a reminder to this Committee that the right to self-determination does apply exclusively to indigenous people. New Caledonians of French descent who have settled there since 1836, are, quite rightly, fully accepted by you as having the right, whereas Spain would have you deny this right to us, the Gibraltarian people, because we settled in the territory after 1704.

The legally binding self-determination right, flows from the act of including the territory on your list, which, in our case, happened in 1948 and in New Caledonia's case in 1986.

Every expert on the subject agrees that, the principle of self-determination is established as a peremptory norm of general international law for the peoples of listed territories. As provided by Article 64 of the 1969 Vienna Convention, when this happens, any existing conflicting treaty provision becomes void and terminates.

So much for Spain's second argument, it's alleged right of retrocession under the 1713 Treaty.

The position as regards listed territories is crystal clear.

Moreover the recent I.C.J. Kosovo advisory opinion concluded that even in the case of territories within a nation state, let alone one that separated in 1704, the right to independence and the exercise of self-determination, are not prevented by the concept of territorial integrity, which only affects relations between existing sovereign states. This exposes the fallacy of the third Spanish argument over Gibraltar's separate nationhood and sovereignty which is now 306 years old.

All three elements of the Spanish case of the last 45 years are false and baseless.

Finally, Mr. Chairman, as in previous years, I have to remind this Committee, of Spain's aggression and invasion of our territorial sea, in clear breach of Article 74 of the Charter and condemn their actions which is an interference with and provocation of our law enforcement agencies and a violation of the international law of the sea.

Only last week the worst ever attack on our territorial integrity took place. The para-military Spanish Guardia Civil attacked the Royal Gibraltar Police and physically removed from their custody a Spanish citizen under lawful arrest.

The view in Gibraltar is that this action which follows from the recent Spanish position that we have no territorial waters, repeated by the Minister for Foreign Affairs in the Spanish Parliament last week, has to be stopped once and for all by UK.

If it isn't, we will indeed finish up with no territorial waters after 306 years.

I attach for your information a copy of newspaper reports of these latest incidents.

This, Your Excellencies, is how Spain acts when she is being friendly and cooperative, you can imagine what it is like when she turns nasty.

Thank you Mr. Chairman, I will be happy to answer any questions.