

STATEMENT BY THE GSLP/LIBERAL OPPOSITION

67/2010

24 May 2010

The Leader of the Opposition Joe Bossano addressed the UN Seminar in New Caledonia on several occasions as regards the work of the committee in general and made suggestions as to the way forward in what is likely to be declared soon as the third decade for the eradication of colonialism.

In addition he spoke in reply to the presentation made by the Spanish delegation.

Spain argued that the situation of Gibraltar was colonial in nature and that it was disruptive of the national unity and territorial integrity of Spain. This question was divided into two issues that of the territory ceded under Utrecht which had to be returned to Spain under Gibraltar's decolonisation and that of isthmus which should be returned in any event because it was illegally occupied.

Spain also argued that the Treaty of Utrecht required that Gibraltar's international status could not change without the consent of Spain and that this view was shared by the UK, who accepted that the Treaty was still valid.

Finally, the argument was used that the only way to resolve the matter was for the UK and Spain to agree Gibraltar's decolonisation in the Brussels Process and that the Tripartite Talks should create a favourable climate to enable bi-lateral negotiations under Brussels to be resumed.

Spain also highlighted that they were fully committed to the UN C24 and the UN Decolonisation Resolutions of 1960.

Joe Bossano told that Committee that as an elected Member of Parliament in Gibraltar for the last 38 years in Government and in Opposition he had fully supported the work of the UN in the decolonisation programme continued to do so and defended the role of the C24.

However, it was clear that Spain was confused in its analysis of the UN criteria for decolonisation. He pointed out that from the first moment in 1964 the C24 had said two things. On the one hand that there was a disagreement between the UK and Spain, which they should meet to try and resolve, and on the other that the UN Decolonisation Resolution of 1960 applied fully to the territory and the people of Gibraltar.

As far as any disagreement between the Administering Power and another Member State was concerned that was not the issue for the people and the territory of Gibraltar to whom the Resolution applied fully and therefore had exactly the same rights as any other colonial people in any other colonial territory.

In fact, the relationship between the people of the territory which did not enjoy full self government and the Administering Power was covered by Chapter 11 of the Charter whereas a dispute between UN Members fell to be dealt with under Chapter 12. Neither Spain nor UK could curtail the rights of the Gibraltarians under the Charter which were universal and inalienable right by agreeing that a Treaty signed in 1713 was still valid. A universal right is one that applies to everyone without exception and if it is inalienable it means that it cannot be removed from the people by anyone else.

This confusion on the part of Spain he said could be illustrated because since they accepted that Gibraltar's status in international law was a colonial situation then it was the relationship between Gibraltar and the UK that had to be addressed to achieve decolonisation.

An agreement by the UK to pass its sovereignty over Gibraltar to Spain could not produce decolonisation it would simply replace UK by Spain as the colonial power which under the UN would still have the duty to decolonise the territory.

This of course was quite academic since the UK would never agree to pass the sovereignty to Spain unless the people of Gibraltar asked them to do so and the people of Gibraltar had no intention of doing any such thing therefore the proposed transfer clearly had nothing to do with the decolonisation process.

By contrast and in order to explain the differences to the Spanish representative who was sitting next to the representative of Morocco, Joe Bossano told the members that the solution that Spain was proposing could be implemented in the case of Ceuta and Melilla because they were not colonial territories and their people were Spanish citizens who did not enjoy the right to be decolonised in accordance with the UN Charter. In the case of these two non-colonial territories the matter could be settled by negotiation between the two sovereign states Spain and Morocco, precisely because of this difference in their status.

Joe Bossano in the process assured the Spanish delegate that he was merely raising this to illustrate the point and that he was not trying to get Spain and Morocco to quarrel with each other.

The Moroccan representative intervened to inform the Committee that Morocco had very recently proposed to Spain setting up bi-lateral negotiating machinery to discuss the future of the territories with Spain with whom it had very cordial relationships.

In essence, Joe Bossano said Spain's position was that Gibraltar could not be decolonised and that the only option for the people was to opt for Spain to acquire the colonial relationship or stay with UK. He then put it to the Chairman whether this was what the people of Gibraltar had to be told was the one and only option open to them since it had been stated at the beginning of the Seminar that the people in the remaining territories had to be given an explanation of the options open to them.

In the process he reminded the Committee that his party had obtained from the Information Department of the UN and distributed to households in Gibraltar the detailed literature in Spanish and in English on the UN concept, explaining what constituted the right to self-determination and what the decolonisation options were.

As regards Spain's and UK's position that the 1713 Treaty was still valid the Seminar was informed that the Treaty had to be seen in the context of the values that existed over 300 years ago and that for this reason as well as giving UK the right to transfer the territory to Spain it also required that Muslims be prohibited from entering Gibraltar and granted English ships the concession to transport slaves from West Africa to the Caribbean, incidentally the home of the Chairman of the C24. All these clauses were now in flagrant breach and conflict with the UN Charter and therefore invalid.

Finally, Mr Bossano told the Seminar that it was true that Spain had entered the tripartite forum in the hope and expectation that it could be used to create a climate that would enable the sovereignty negotiations to be resumed under the Brussels Process but he assured the Seminar that the support in Gibraltar for the forum was not on this basis.

The Gibraltarians had no wish or interest in entering into a conflict with Spain and therefore supported any machinery designed to improve mutually beneficial cooperation and good neighbourly relationship. However, it did not want to mislead either Spain or the UN. Improvements in cooperation had to be on the basis of mutual respect for the sovereignty and territorial integrity of each of the two countries, Spain and Gibraltar.

There was no way that Gibraltarians could be induced to forsake or forgo their sacred right to self-determination, their national identity and their sovereignty in return for material benefits from Spain. Such fundamental human rights were not for sale and the people of Gibraltar would not deserve the support of the UN and the C24, if they were willing to sell their birth right, which he assured the Seminar participants, clearly they were not.

The case presented by Joe Bossano was very well received by Committee Members and other delegations that personally approached him at the end of the

session expressing their appreciation for the clear exposition of the case that had been made.