

**STATEMENT BY THE GSLP/LIBERAL OPPOSITION
83/2010**

15 June 2010

**TEXT OF THE ADDRESS BY THE LEADER OF THE OPPOSITION
HON JOE BOSSANO TO THE UNITED NATIONS COMMITTEE OF 24**

Mr Chairman,

At our Seminar last month you told us that the decolonisation of one territory in 20 years was for you no credit to the process.

Clearly, no one can disagree with that view. At this rate it would take several lifetimes for the eradication of colonialism and the work of this Committee, to be completed.

This year is the 50th anniversary of the key decolonisation resolutions, 1514 and 1541. We wholeheartedly subscribe to the text of these two resolutions, which still are fully valid today.

Spain claims to do so also, but, as I demonstrated at the Seminar, it does the opposite. Spain misrepresents the meaning of the resolutions and seeks to frustrate their purpose.

The Seminar was hosted by the territorial government of the non self-governing territory of New Caledonia with the support of the administering power, France. In 1986, by Resolution 41/41A the General Assembly

declared New Caledonia a non self-governing territory within the meaning of the Charter and in the light of the provisions of Chapter XI and Resolutions 1514 and 1541. Clearly, only in accordance with these same provisions can New Caledonia be considered to have attained a full measure of self-government and France released from its reporting obligations under Article 73e. New Caledonia would then be delisted.

It is clear to us that what applies to New Caledonia applies to all the other listed territories, Gibraltar included.

It was a very necessary step, therefore, to provide copies of these documents to all participants and also the explanatory UN leaflet on what constitutes self-determination and decolonisation.

Gibraltar, and every other territory, can only be decolonised by applying the provisions of 1514 and 1541, and in the light of the explanations in the UN leaflet. These all demonstrate that Spain's case, put to this Committee in the last 46 years, is a complete sham, totally devoid of logic.

It is the negation, not an affirmation, of the doctrine of this Committee.

Previously Spain has argued that we Gibraltarians are not the genuine people of Gibraltar, but an imported population introduced by the colonial power and that, therefore, we do not have the right to self-determination and cannot decide the future status of our country.

The real Gibraltarians would be, in this scenario, the descendants of those who left the Rock in 1704 and not those who stayed behind or subsequent settlers. In 1664, 40 years before the capture of Gibraltar, this place where we are meeting today was captured from the Dutch by the British. So why regress only to 1704 and not go the extra mile. Go back another 40 years and tell the British that the Dutch are the real owners of Manhattan Island since they did not steal it from anyone; they bought it, from the Native American Indians, for 80 guilders' worth of merchandise, some \$24.

This, Your Excellencies, is the extent of the absurdity of the alleged Spanish title to Gibraltar.

This, Spain proclaims, is your doctrine.

Not surprisingly, this argument was not paraded by Spain in last month's Seminar. The French arrived in New Caledonia in 1854, not 1704, that is, 150 years after Spain lost Gibraltar.

Is it the UN's doctrine that only the ethnic Kannaks, can decide New Caledonia's future and not the New Caledonians of different ethnic origins who settled there later and made it their home, including those of Indonesian origin, whom we learned arrived in 1896, having been imported by the colonial rulers to work in the nickel mines?

Of course, it is not.

The future of New Caledonia will be decided by all, of its people.

The seminars are held so that the territories can make their voice heard. This Committee's duty is to listen to what the people want, to support their aspirations. It is not to aid and abet the expansionist ambitions of the likes of Spain.

We Gibraltarians reject the Spanish doctrine and its attempts at the annexation of our country. We denounce the continued violation of our territorial waters and Spain's latest attempt at exercising jurisdiction in our

air space, in contradiction with their platitudes about wanting to develop friendly, neighbourly relations with us.

Mr Chairman, the sea incursions which I raised, and condemned, last year have continued.

This year we had one incursion where the Guardia Civil even landed on our soil brandishing their firearms. They were not prosecuted following an apology by Spain's Minister for the Interior. However, having broken our laws and got away with it, they now seem intent on making a habit of it. Just over a week ago they defied a Royal Naval Patrol which requested them to leave our territorial waters and their acts of provocation resulted in a formal protest from the UK.

At the same time Spain's refusal to recognise the sovereignty of our airspace, over our territorial waters and our land, has led to a protest from air traffic controllers in Spain, who are unable to coordinate their functions with us because of this non-recognition.

No doubt, in the surrealist world of Spain's foreign policy on Gibraltar, they would argue that there was no provision in the 1713 Treaty for aircraft to land in Gibraltar. However the antics of the Spanish

Government in this respect are no joke and represent a risk of air traffic accidents, to the extent that legal action against the Spanish regulators have been instituted by Spanish air traffic controllers in the Spanish courts.

Spain is required by Art.74 to adopt a policy towards our country, as a listed territory, which has to be based on the general principle of good neighbourliness.

Their failure to do so, is a breach of their obligations under the UN Charter and I condemn it as such.

Needless to say these hostile acts, makes, us even more determined that our country will never ever, come under Spanish rule and that our self-determination and decolonisation, will succeed.

It is not Spain's territorial integrity that is under attack and requires your protection, but **ours**.

Spain argues that Gibraltar is still under colonial rule. Whether it is or it is not, is a matter to be determined by one yardstick and one yardstick only. Is the level of self-government provided by our latest Constitution such

that in our case we can be considered to have attained the fullest possible measure of self-government, in our specific circumstances?

If the answer is yes, then the reporting requirement by UK is ended, and we are removed from the list; if the answer is no, then your job is to monitor our continued constitutional evolution until this point is reached.

This and no other, is the task you are mandated by the UN Charter, Convention on Human Rights and Decolonisation Resolutions to carry out for Gibraltar and, indeed, each and every one of the remaining territories on your list.

There is no other doctrine and no other possible interpretation that can be put on the wording of Resolutions 1514 and 1541.

Article 5 of 1514, requires the administering power to transfer all power to the people of the territory without any consideration or restrictions, in accordance with their wishes and desires, without distinction as to race, creed or colour.

Article 6 contains a reminder that any attempt at the partial or total disruption of the national unity and territorial integrity of a country is incompatible with the purposes and provisions of the Charter, and we

agree. However, what Spain would have you believe is that Article 6 is with retrospective effect to 1704 and not something that applies to the future, from 1960 on.

It is evident that Article 5 applies fully to Gibraltar and that the transfer of powers from UK to Gibraltar which it requires, has zero effect on the national unity and integrity of Spain, which will not be disrupted one iota nor is such a transfer of power, intended to affect Spain's unity in any shape or form.

No one in this Committee who has read 1514 can possibly think otherwise.

It is on this, the flimsiest of arguments, that the entire edifice of Spain's so called "UN doctrine" is constructed.

What of 1541, which Spain accepts applies to Gibraltar? This confirms, under Principle IV, that our territory is distinct geographically, ethnically and culturally from UK, in other words, we are a separate country and a people in our own right, albeit not yet fully self-governing.

Moreover, under Principle II, we are in a dynamic state of evolution and progress towards a full measure of self-government. As soon as we

achieve it, we will be decolonised and not before that happens or on any other basis.

That is the UN doctrine.

Handing us over to Spain will not alter our level of self-government nor make us less ethnically, or culturally different. To suggest, as Spain does, that such a hand-over can be a valid form of decolonisation, let alone the only one, is an insult to anyone's intelligence.

What does the current Constitution provide and does it go far enough, is the question you are required to ask yourselves, in order to comply with the requirements of Principle II of 1541.

The 2006 Constitution has given us a greater measure of self-government, principally, by defining what is done by the territorial government and restricting what is done by the administering power. The dividing line has been shifted from where it was drawn in 1969. This is what Article 73b, requires UK to do.

It has done something else, which in your report you fail to reflect. Your Gibraltar report says on page 3, "The Governor together with the Council

of Ministers constitutes the Government of Gibraltar”. This is no longer correct. The 2006 Constitution states:

“There shall be for Gibraltar a Council of Ministers, which..... together with Her Majesty, who is represented in Gibraltar by the Governor, shall constitute the Government of Gibraltar”.

Only last week the Governor, speaking as the representative of Gibraltar’s Head of State, said that any incursion into our waters needed to be challenged on the spot, firmly but courteously and also needed to be challenged politically again firmly but courteously.

The view of the territorial Government, previously put to the UN, which neither the administering power nor the claimant state have ever challenged, is that Her Majesty is Queen of Gibraltar as she is Queen of other Commonwealth countries that are not Republics. Therefore, in Gibraltar She exercises her sovereignty as Queen of Gibraltar and not as Queen of the UK.

In support of this interpretation, the Gibraltar Government, with the approval of Buckingham Palace, has issued a new £5 coin inscribed with Her Majesty, as Queen of Gibraltar and a statement to this effect which I

annex to the written copy of my submission for the information of this Committee, which ought to take note of it, in assessing our constitutional status.

Your predecessor, Mr Chairman, the distinguished representative of Indonesia, closed the St Kitts Seminar by saying:

“We need to look into the ways and means in making a better assessment, on a case-by-case basis, of the current stage of decolonization and self-determination in each Non-Self-Governing Territory and how much is left to be done”

This is indeed, the only way ahead for the third decade.

This year Indonesia told the Seminar it fully supported the third international decade for the self-determination process, as a decade of work, not talk, quoting your own words, Mr Chairman. It made clear that the process of self-determination and decolonisation must actively involve the peoples of the territories and that the choice of options, should be the manifestation of the will of the peoples of the respective territories.

We, in Gibraltar, wholeheartedly support and welcome this clear statement of the way ahead.

In this respect I would remind the Committee, that there is a long-standing open invitation from the Government and Parliament of Gibraltar for a C24 visiting mission. This was approved unanimously by Parliament in 2003 and reaffirmed in 2007. In the past, UK did not support such a visit, but some years ago, it publicly stated it had no objection.

At our Seminar, American Samoa expressed a desire for such a visit which had not taken place previously because of objections by the Administering Power. Papua New Guinea expressed support for a Samoa visiting mission.

I would therefore ask the distinguished representatives of Papua New Guinea and Indonesia to also support such a visit to Gibraltar and that your Excellencies should consider this and agree that a request to this effect should be formally put to the UK, given their public position that they will not object.

Mr Chairman, every single year that I have addressed your Committee I have made clear my support for the work that you do and offered by co-operation on behalf of the people that I represent. In furtherance of this I

have already put to the UK Government the view that they should reconsider their policy, and engage and fully co-operate with your Committee in the future.

Thank you for your time, I will be happy to answer any questions.

ENDS