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**THIRD INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM**

**Caribbean regional seminar on the implementation of the Third International  
Decade for the Eradication of Colonialism: the United Nations at 70: taking  
stock of the decolonization agenda**

**Managua, Nicaragua  
19 to 21 May 2015**

**STATEMENT BY**

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**(GIBRALTAR)**

## GIBRALTAR STATEMENT

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### NICARAGUA SEMINAR

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MAY 2015

Mr Chairman, distinguished members of the C24, before I proceed with my statement on the question of Gibraltar there is something I wish to say about last year's seminar.

In Fiji only two participants spoke on Gibraltar. The representative of Spain and myself.

*No one else made any observation, concluding or otherwise.*

It is therefore totally misleading, incorrect and untransparent for the report before us to say that participants made concluding observations, which are contained in Annex II A/69/23.

The Annex refers to "participating members" and not all participants. I assume it means those members of the C24 in Fiji, who wrote this when they returned to New York without our knowledge and behind our backs.

You will recall the concerns expressed last year about what would finish up in the final report of the proceedings. These unknown "participating members" state that they recalled the need to put into practice the holding of UK/Spain talks to reach a definitive negotiated solution of the controversy over my country.

You know Mr Chairman, as the records can show, that **no** such view was expressed by anyone in Fiji, or as a result of anything said by me or Spain.

Nor did anyone at the seminar support the creation of 4 sided talks to replace the tripartite forum.

If any member wishes to debate these questions, then they should raise it here and now, when the question of Gibraltar's decolonisation is on the agenda and when participants can learn the views of the people, which is why we are here.

**This report gives a totally biased and false impression of what occurred in Fiji.**

In my considered judgement this should not be allowed to happen, it makes a mockery of the purpose of the seminar and it makes someone like me, that has always defended the C24, wonder whether I have been wrong for the last 50 years and the UK right in its criticism of this committee.

The seminar report Annex goes on to claim that these unknown "participating members" noticed that the UK and Spain were trying to set up a quadrilateral forum.

How could they notice something that no one mentioned and is not true?

The faceless "participating members" say they expressed the hope it would happen soon, where and when and to whom did they express this hope? Certainly not to me and certainly not in Fiji!

I sincerely hope Mr Chairman that this year's report will put the record straight and that if anyone has anything to say about my country they should have the courage of their convictions and say it when I'm here and I have the right to reply and defend my people's interests as part of their elected Government.

Mr Chairman I join you in thanking Nicaragua for hosting this seminar and for the opportunity to defend the inalienable right of our people to self-determination and de-colonisation.

On 16<sup>th</sup> of October 1964 C24 agreed that the Declaration of Independence was fully applicable to Gibraltar but there was a dispute between the UK and Spain, which they should try to resolve by talking to each other. The second half of this consensus did not and could not negate the first part, since it would have denied us our rights under The Charter.

Following this statement, at the age of 25, I started campaigning in defence of this right and have been doing it since, 51 years without interruption. Spain, however, tells you that they will never, ever, recognise that I or any of my fellow Gibraltarians constitute a People, with our own separate identity, distinct from that of the administering power, a key criterion for Decolonisation.

Their argument for claiming that Gibraltar can only exist as a part of Spain is that it was so in 1704 and had been for some 200 years.

Before that it was Berber and Muslim for well over 700 years and its conquest by the North Africans gave my country its name Gebel Tarik, Tarik's mountain. When they took it in 711 the Spanish state and its territorial integrity did not exist.

So the basis for the Spanish claim over my homeland is this 202 years of Spain's territorial integrity sandwiched between the Muslim 791 years before Spain and our 311 years after, when it has not formed part of their territorial integrity. It is on this, the flimsiest of pretexts that Spain asks you to disapply Article 73 from our People.

**We ask you to reject this nonsense and tell Spain that it has to respect the Charter as a member of the UN.**

Is it not the case, distinguished delegates, that Article 73b requires UK to develop self-government in Gibraltar taking due account of its people's aspirations?

Spain believes there is a conflict, between a 1713 treaty and Chapter 11, and then argues that the 1713 Treaty has to prevail. I ask you Mr Chairman how can anyone in the UN system possibly justify supporting the Spanish position.

We believe there is no such conflict, but if there were international law is clear, the Charter prevails.

In 1992 as Chief Minister I appeared before the committee in New York against the wishes of the administering power.

Distinguished delegates, I am no prefabricated puppet of the administering power and no apologist for the perpetuation of colonialism, as Spain would have you believe. As those of you who have known me in the last 20 years can vouch for yourselves.

In 1995 I was the only Chief Minister that attended the seminar in Port of Spain. I reminded that seminar of its duty to heed the wishes and aspirations of the territorial peoples.

The distinguished delegate from India said he entirely endorsed my statement and that it was for the people to choose the decolonisation options, that their wishes, their will about their future status was what would dictate the way ahead to the committee and that there was no other way.

We Gibraltarians have taken the constitutional relationship and the transfer of power from UK to us, as far as we could. You now have to tell us what remains to meet your criteria of a full measure of self-government.

However, not only do you refuse to comment on our constitutional change, you even get our political views wrong.

I hope after my intervention today these inaccuracies will be corrected I would therefore like to draw your attention, distinguished delegates, and especially C24 members, to Section 58: p.14 of the Gibraltar working paper.

This states that Gibraltar recognises the relationship with UK as non-colonial.

Spain says this of us, we do not say it.

The UK says this about all of its 10 overseas territories.

If this were our view, we would be saying, you have no business discussing our future decolonisation because it has already happened. You know I have disagreed with this view when I addressed you from the Opposition and Government

It gets worse. You claim we believe that the UN delisting and decolonisation criteria are anachronistic.

Not true. UK says it, not us.

For C24 to attribute the views of the administering power to the elected territorial Government is an error of a magnitude, which beggar's belief.

The seminars have been designed so that C24 hears directly the views of the people. I have been asking you to apply the UN criteria to determine our level of self-government for years. Why on earth should I be doing that if I thought your criteria were anachronistic. In any event as Chairman Hunte said some years ago, if UN members think the criteria are anachronistic then they should change them.

I would be grateful Mr Chairman if it the relevant paragraphs were corrected after the seminar to reflect the difference between the UK and Gibraltar government views. We are fully committed to decolonisation, which has to be the consequence of you removing us from your list because you are satisfied that in our particular case the full measure of self-government that is realistically attainable has been achieved. We see nothing anachronistic about this.

What would be anachronistic would be that this level of self-government should be reduced because Spain believes that it is contrary to the 1713 Treaty of Utrecht the reason why it's opposed every increase in self-government in Gibraltar since 1954. This anachronistic view is not the criteria of the UN. Spain tells you that the reason why they will not accept our right to decide our future is because we are not the original inhabitants. The Spaniards who settled there between 1502 and 1704 are. What is sacrosanct about this period?

20 years after they settled in Gibraltar the first Spanish colony was established here. So who liberated Nicaragua from colonial rule? The descendants of the people brought here from Europe by the colonial power or its original inhabitants, the Caribs, Arawaks and Chicha peoples who were dispossessed by Spanish imperialism'?

Mr Chairman, the Spanish doctrine on Gibraltar would not be negated by recognising the rights of the Gibraltarians. It has already been negated by every single case of liberation from Colonial rule in North, Central, South America and the Caribbean. The descendants of the persons brought here as slaves from Africa and the settlers from Europe rebelled against the imperialist regimes of Spain, England, France and Holland. There is no single case of the will of the native indigenous people being

recognised and the settlers being disenfranchised.

Nicaragua achieved its freedom in 1838, 134 years after we broke away from Spain and following a period of Spanish rule of 316 years compared to 202 in our case. If we look at other territories, is it not the case that in New Caledonia the descendants of French settlers are considered by the UN to have a right to self-determination alongside the Kanak indigenous people. In Gibraltar's case who are the indigenous people, the Gibraltarians since 1704, the Spaniards since 1502, the Berbers since 711, Visigoths who took it from the Roman Empire, or do we need to go all the way back to the Neanderthals who had been in Gibraltar longer than anywhere else. We see how absurd the Spanish doctrine is. Gibraltar's future can only be decided by its present people in accordance with Chapter 11 of the UN Charter.

Spain's tells you we are not entitled to hold sovereignty negotiations with them, only UK is.

No-one in Gibraltar wants to discuss our sovereignty with them, neither will we permit UK or anyone else to do so, or for our future to be decided by anyone other than us.

I am attaching to my presentation Article 73 for ease of reference and the resolution approved by the Socialist Party membership in Gibraltar in a general meeting earlier this week so that the delegates to this seminar and the Government of Spain should be left in no doubt that they **will never, ever, get their hands on our Rock.**

## ANNUAL GENERAL MEETING (AGM)

May 2015

This AGM congratulates the Government for introducing the Referendum Act. It notes:

1. That, decisions taken by the People in a Referendum are binding on Governments and Parliaments unless and until a subsequent referendum alters them,
2. That, the 2002 Referendum rejected the very principle that Britain should share with Spain the sovereignty of Gibraltar, by 17,900 votes to 187 and that in 2008 the UK Government gave a solemn undertaking that it would never enter into a process of discussion of sovereignty with Spain without the prior approval of the people and Government of Gibraltar.

It hereby declares and reaffirms its fundamental policy: **(a)** that no Gibraltar or UK Government should ever enter into discussions, talks or negotiations that involve the sovereignty of Gibraltar and the future of our country and its residents, and **(b)** that the future of our country and its sovereignty is a matter to be decided exclusively by the people of Gibraltar exercising their inalienable right to self-determination as the only owners of the land, territorial waters and airspace of our country.

Furthermore this AGM totally rejects the letter and the spirit of the Brussels declaration of 27 November 1984, which it has opposed since the date it was made and calls on the Government to make clear to the United Nations Committee of 24 Seminar in Nicaragua and at New York that Brussels is dead and buried as far as the people of Gibraltar are concerned.

## Charter of the United Nations

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### CHAPTER XI: DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

#### Article 73

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Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

- a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
- b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
- c. to further international peace and security;
- d. to promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
- e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

#### Article 74

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Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.