

Distr. RESTRICTED
PRS/2014/CRP.18

ORIGINAL: ENGLISH

THIRD INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

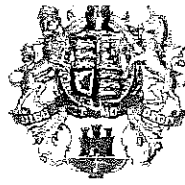
Pacific regional seminar on the implementation of the Third International Decade for
the Eradication of Colonialism: accelerating action

Denarau, Nadi, Fiji
21 to 23 May 2014

STATEMENT BY

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(GIBRALTAR)



Speech Delivered by the Hon Joe Bossano MP,
Minister for International Investment for
HM Government of Gibraltar, to the United Nations
Special Committee in FIJI on Thursday 22nd May
2014

Mr Chairman, I bring greetings to the Fiji Islanders from the Gibraltarian people, and join in expressing Gibraltar's gratitude to the Fiji Government for hosting this seminar.

Fiji was a colony, until 1970. It was decolonised initially with the Queen of the United Kingdom as Head of State and later formed a republic in 1987.

Our latest constitution dates from 2006. Since then we have been asking the Special Committee, to scrutinise our most recent constitutional advance and identify where it falls short of the requirements for full self-government. We are still without any feedback, notwithstanding the fact that its mandate requires the C24 to monitor constitutional changes in the territory, without being asked.

Our constitution is an Order in Council and this is used by Spain to question its validity as part of the progressive movement towards full self-government. In doing this Spain shows its ignorance of the nature of constitutional instruments in relation to British colonies and former colonies.

Let me remind this seminar Mr Chairman that the same instrument, an Order in Council by HM The Queen, is what created the independence constitution for Fiji. It was made at Balmoral Castle on the 30 September 1970, and published in the UK



Gazette on the 10 October, the day it came into operation and created the newly decolonised nation, Fiji.

One new feature in our present Constitution is that Her Majesty is a part of the Government of Gibraltar, as the Head of State of our country.

Article 30 of the 1970 Independence Constitution of Fiji, in similar fashion, provided that the parliament of Fiji would consist of Her Majesty, a house of representatives and a Senate. Similarly the constitutions of New Zealand and Australia as independent nations continue to retain Her Majesty as their Heads of State.

Spain may not like this fact, but what they should not be permitted to get away with, is treating it as if it were a constitutional anomaly in our case, when it is the norm in much of the independent commonwealth.

We would have been decolonised long ago and enjoyed the support of the Special Committee, the Fourth Committee and the General Assembly, but for the campaign initiated by Spain to frustrate any progress in our decolonisation and deprive us of our right to self-determination. This is not in the gift of anyone to do, since it flows from the provisions of Chapter 11 of the Charter and the Universal Declaration of Human Rights. Indeed, as has often been said in UN forums, it is the most fundamental of human rights; universal and inalienable. So Spain, much as they may try, cannot take those rights away from us but it can and does frustrate our ability to exercise them.

Gibraltar's case was first considered by the C24, 50 years ago. The Spanish argument now and then, under a fascist regime, is identical. I know Mr Chairman it upsets Spain to have this comparison made but the facts speak for themselves. Distinguished delegates, you can test this for yourselves by looking at Spain's doctrine under a fascist government in 1964 and comparing it with statements made by Spain in 2014. If you reverse the dates you wouldn't know which was which. The



C24 did not accept Spain's argument then and has never accepted it since. The committee acknowledged that there was a dispute between the UK and Spain and suggested they should try to resolve their differences, but declared at the same time that the decolonisation Resolution was fully applicable both to the territory and to the people of Gibraltar. There is only one way that it can be fully applicable and that is, if the people, and only the people, determine the future of the territory.

Spain accepts Gibraltar is a colonial territory but claims we are not a colonial people and therefore we are not able to exercise our free will in choosing the decolonisation options identified by the UN. The argument for drawing this distinction in respect of Gibraltarians is that Gibraltar was taken in an act of war. Spain tells you the real Gibraltarians cannot be the descendants of those who have settled in the country since 1704 when they lost it, in other words the universal, inalienable, human right to self-determination, gets removed from anybody that settles in Gibraltar after 1704. Their attack on this most fundamental of human rights, self-determination, is in conflict with all the principles of international law and the wording of the UN human rights conventions, which they have signed up to and are fully applicable to the people of Gibraltar.

In these seminars they argue that the role of the C24 is not to bring about the decolonisation of colonial peoples in accordance with their wishes but rather to be the arbiter to settle territorial disputes between two colonial powers, UK and Spain. On the other hand they argue that Ceuta and Melilla are not colonies even though the current inhabitants are descendants of Spaniards introduced into the territory, clearly breaking the territorial integrity of North Africa and converting the enclaves into part of Spain.

The Gibraltarians on the other hand have been accepted, since the beginning, as having a separate cultural identity outside of UK which is what qualifies us to be on your list as a colonial people awaiting decolonisation, would separate internal legal status.



The real issue that has to be discussed in these meetings and in New York is the future of the peoples of the 17 territories.

It is obvious that the Special Committee and the Fourth Committee, to which the seminar reports, does not have and has never had a remit to discuss the future of territories with no inhabitants. It is only the presence of a colonial people that brings a territory within the scope of the decolonisation process, since it is the people that have the right to be decolonised, not the territory.

Spain has made clear that and will never acknowledge any international legal status to the people of Gibraltar, even though we have one. The current inhabitants of Ceuta and Melilla have an international status as Spanish citizens no different from the inhabitants of the rest of Spain.

To them we are not a people but rather the "current inhabitants," the squatters, who have only been living there for 310 years.

They were there 202 years until 1704 but that period, over one century less than ours, gives them the ownership of the country for all eternity. This arrogant and self-centred analysis tells us the century that our neighbour lives in, and it is certainly not the 21st.

As a colonial people, Gibraltarians have a legal international status which Spain is required to respect under their United Nations obligations; regrettably Spain is not noted for never complying with its obligations.

Thus the current Spanish Government has terminated the tripartite agreement between its predecessor Government and the Governments of the United Kingdom and of Gibraltar. They have also failed to honour the commitments given by Spain in the tripartite forum when it existed, whilst still pocketing the gains they obtained.



These seminars were created to listen to the aspirations, wishes and views of the peoples of the non-self-governing territories. Yet every year Spain comes here to tell the seminar that we have no international rights and no country that we can call our own. They ask you to support their absurd distortion of international law claiming that the 1960's prohibition on the disruption of the territorial integrity of an existing state was in Gibraltar's case, intended by the United Nations to apply retrospectively to 1704, when the territorial integrity of Spain was disrupted by a war.

All of us in this room know, distinguished delegates, that it is only their constant lobbying that allows Spain to get away with this nonsense, so let *me* give the distinguished representative of Spain a very clear message.

We Gibraltarians will never permit them or anyone else to place us under Spanish rule nor allow our homeland to be stolen from us.

Every time Gibraltarians hear Spain's unchanging message with echoes of its fascist past, the few sympathisers they have had amongst our people, get ever smaller in number.

I have participated in the first, second and now third decade. There is much talk of being innovative, with formulas on the case by case basis, at the beginning of the decade, but the result is always the same at the end, **zero progress**.

Unless and until the seminars come up with at least one practical proposal to move forward, the credibility of the Special Committee, regrettably, can only go further down. However my Government and the Socialist party in Gibraltar has always supported the objectives of the eradication of colonialism and the role of the UN. We will maintain our support however ineffectual the Special Committee continues to be.

Colonialism is not about the disputes over uninhabited bits of the planet, it is exclusively about places whose people have yet to achieve their right to self-government. The only discourse that is consistent with the eradication of colonialism is the debate on how to increase the existing level of self-government of the peoples



in each one of the listed territories; nothing else has anything to do with the work of the Special Committee.

Spain seeks the support of the UN, not to promote decolonization but to reverse it. Not to increase the level of self-government we Gibraltarians, already have, but to take it totally away and place us under the alien domination of Madrid. To deal with us as it does with the existing national minorities within its borders in the Basque country and in Cataluña, where there is less self-government than in Gibraltar, though we are under colonial rule. Little wonder then that they refuse to accept the results of our two referendums separated by 35 years and producing a 99% rejection of their offer of integration. In Spain, the Catalans are being told they are not even permitted to try and organise a referendum, let alone expect the results to be respected by the central Government. That is the sort of country Spain is, that is the real Spain, not the country that comes here and paints itself as a champion of decolonisation and a respecter of human rights.

In spite of what I have said it is theoretically possible for us to have a future in peaceful co-existence with Spain.

After all Mr Chairman who would have thought that such a relationship would have been possible between Indonesia and Timor Leste but it is now a reality.

The future we want as neighbours with a modern relationship based on mutual respect will never come about however, until Spain accepts that in today's world Governments exist by and with the consent of the governed people and not by external imposition.

WC 1824