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**PRESS RELEASE**

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Attached is the full text of the Chief Minister's address at the United Nations Fourth Committee on 15 October 2007.

Mr Chairman, Excellencies, a very good morning to you all. I should like to start by thanking you Mr Chairman for agreeing to reschedule the Committee's consideration of the question of Gibraltar to accommodate our engagement in a General Election which took place in Gibraltar on Thursday of last week. In those elections my party was returned to Government for a fourth consecutive four year term.

Mr Chairman, our understanding of the Charter of these United Nations and of the settled principles, doctrines and international law encrusted around it, is that the people of all the UN's listed non-self governing territories have the inalienable right to decolonisation by self-determination, which is the only principle applicable in the decolonisation process. So much has been declared by the International Court of Justice and by many resolutions here.

Yet, Mr Chairman, there are some Member States who have taken the view that there is an overriding, unilaterally invocable rule that takes precedence over this sacred principle, namely that the right to decolonisation by self-determination is extinguished by the mere existence of a sovereignty dispute.

This 'do it yourself' approach to basic and fundamental applicable principles would not be so serious if these very same Member States had not become prepotent in the very Committee responsible for decolonisation, the so-called "Committee of 24". To the extent that, despite the efforts of the Chair of that Committee, they have secured the insertion in the Conclusions & Recommendations of the Regional Seminars organised by that Committee, a statement precisely to the effect that I have just described, namely that listed non self-governing territories the subject of a territorial claim by neighbours can be decolonised other than by self-determination, and that where there is such a dispute, the normal principles and work of the Special Committee does not apply.

Mr Chairman, worse still they attribute that view and that Conclusion and Recommendation to the participants in the Regional Seminar, who are the representatives of the listed non self-governing territories themselves, despite the fact that not a single one of those participants expressed any such view, let alone make such a recommendation or come to such a conclusion. It is the view only of the few Member States that manipulate and influence the drafting Committee, yet it is presented in the report as a consensus Conclusion and Recommendation of the Seminar participants. Mr President, this issue raises a simple matter of integrity of process in an important UN Committee, and I would respectfully request you and the General Secretary to look into it. It is completely unacceptable that the United Nations should circulate and adopt concocted reports which purport to convert the fabrications of its authors into truthful facts.

Mr Chairman, it is absurd to advocate that the mere existence of a territorial sovereignty dispute can extinguish a colonial peoples' right to self-determination, i.e. that the territorial ambitions of a neighbour over a piece of land, based on the 18<sup>th</sup> century history of 1705, can subject a colonial people in 2007 to a sovereignty that they do not want, and in the process be denied

emergence from a colonial situation, and all at the suit of a claimant neighbour. There are no circumstances, regardless of historical merit, that can produce that result under the UN Charter in modern times.

Nor are advocates of the contrary view assisted by the principle upon which they entirely rely, namely, the principle of territorial integrity, because Gibraltar is not a part of Spain now, has not been for 303 years, and accordingly the exercise of our right to self-determination now does not result in the disruption now of the integrity of Spains' territory. In emerging from our colonial situation through self-determination we are not seceding from or breaking up Spain or any other country, since we are not part of Spain or any other country. The principle of territorial integrity exists to protect the integrity of a state's territory. It cannot be properly invoked to preserve a claim to neighbouring territory, still less to extinguish the right to self-determination of a colonial people.

Mr Chairman, in November 2006, the people of Gibraltar voted in a referendum, an act of self-determination, to accept a new Constitutional relationship with the UK. In that Referendum, which was organised entirely by the Gibraltar Government with no participation whatsoever of the British Government, the people of Gibraltar approved and accepted a new Constitution that had been negotiated between a cross party Gibraltar delegation led by me, and the British Government.

That Constitution, as far as the people of Gibraltar are concerned, eliminated the last few remaining colonial trappings from our Constitution, gave Gibraltar self-government in all matters except foreign affairs and defence, and established between Gibraltar and the UK a modern, non-colonial relationship, which reflects precisely the relationship with the UK that the people of Gibraltar want.

Now, Mr Chairman, even though our new Constitution gives us practically full self-government, clearly it is not the constitution of a sovereign independent state. But the people of Gibraltar, for a variety of reasons, do not believe that independence is the best option for the decolonisation of a territory as small as Gibraltar and in our circumstances in today's world.

Independence is not the clear cut concept in the modern world that it was at the time of the establishment of your decolonisation doctrines. Who is truly independent in today's world? What does independence mean in practice? Why then make a holy grail of a concept that has already become distorted by other global political and economic factors and realities even for larger countries?

Do not many independent countries now give up some of their previously cherished independence to collective regional decision making structures, for example, the European Union? The ingredients of the concept of modern day independence have changed. If Spain (and the other EU Member States) remains an independent country, even though she has chosen to surrender to the European Union Institutions a very large and ever increasing part of her power and control over her own national affairs, why is Gibraltar a colony just

because we choose a Constitutional relationship with the UK, that gives the UK much less power over our affairs than Spain has surrendered over her own affairs to the EU? These concepts evolve with time, and the United Nations must adapt its jurisprudence to accommodate such evolution.

So, if the people of Gibraltar, as we do, value our sovereignty and constitutional links with Great Britain and wish to retain them, albeit in a modern relationship that is not colonial in nature, does this mean that in your eyes, Gibraltar can never be decolonised?

We are a small country, 30,000 people and 7½ square kilometres. But we are politically mature, socially advanced and economically prosperous and totally financially self-sufficient. We enjoy one of the highest GDP's per capita in the world. I dare say that we might, therefore, enjoy more real and meaningful independence than many so-called independent countries.

I could understand that many of you, given your own decolonisation histories and experiences may be challenged by these sentiments, and may as a result even doubt whether it can be the genuine, freely expressed and informed will of the people of Gibraltar. But I assure you that it is.

So the real question is, what is decolonisation and by what variety of methods can it be achieved, bearing in mind of course that all methods, to be acceptable, must necessarily involve the free and genuine choice and wishes of the colonial people.

The Special Committee maintains a set of so-called 'delisting criteria' namely circumstances which must be present or absent before genuine decolonisation can be said to have taken place. These criteria have never been adapted to evolving times and circumstances, or the special needs of the few remaining territories, which are mostly small, or remote or economically unviable. Some, indeed, may be all three of those.

Among the circumstances that is said must be absent, is the reservation of any degree of power by the ex-administering power especially legislative power, however consensual, remote or exceptional those powers may be. I express no view on that assessment, but only because it is not necessary to do so, because it is not the case of Gibraltar.

External critics of our approach to decolonisation, namely modernising our relationship with our ex-administering power so that it ceases to be colonial in nature – and thus delivers effective and practical decolonisation – point to the fact that under our new Constitution the UK Government retains some powers in areas such as external affairs and international security, and even to make laws for Gibraltar in exceptional circumstances. This is an erroneous assessment based on a total lack of understanding of the correct constitutional position.

Our ex-Administering Power, the Government of the United Kingdom, has no powers whatsoever in or over Gibraltar, either executive or legislative. The

power to pass laws for Gibraltar (which is extremely rarely used, and always in consultation with us) is not vested in the United Kingdom Government. It is vested in Her Majesty the Queen, in her Capacity as Queen of Gibraltar and not as Queen of the United Kingdom of Great Britain and Northern Ireland. Furthermore, to the extent that, as a matter of separation of powers, our Constitution allocates powers to the Governor, it does so in his capacity as Representative of HM the Queen as Queen of Gibraltar, and not of the UK. The Governor is not the representative of the UK, he is the representative of our own monarch, and his Constitutional powers therefore neither belong to, nor are exercisable by, or in accordance with the interests or instructions of the UK. So much has been clearly declared by the very courts of the United Kingdom itself, at the very highest level of their judicial system. The UK neither acts like, nor has the power or ability to act like an administering power in Gibraltar. It does not want to do so, but could not do so even if it wanted to.

It is our view therefore, that, even applying the UN's existing delisting criteria, there is no reason why Gibraltar should not now be removed from the UN's list of non-self governing territories, and the UK accordingly relieved of its continuing obligation under the Charter, while Gibraltar remains on the list, to report annually to the UN about the situation in Gibraltar. Mr Chairman, this is the wish of the people of Gibraltar.

Mr Chairman, we do not think that there is any need for the United Nations to concern itself any further with the decolonisation of Gibraltar, save for what remains to be done by you here, namely our so-called 'de-listing'. How that can be brought about is a matter for internal UN procedures. But whatever may be the position or obstacles in that respect, does not alter the political and factual reality that Gibraltar has ceased to be in a colonial relationship with its ex-administering power the UK, and has thus ceased to be a colony.

These are the inescapable realities which the UN can choose to ignore if it wishes to but which do not therefore or thereby cease to be realities.

Of course, it still leaves us exposed to Spain's territorial sovereignty claim, but that is a totally different and separate issue to that of our decolonisation. In so far as sovereignty is concerned, we do not accept that this can properly be the subject matter of a dispute between the UK and Spain. That presupposes that Britain is free to deal with our sovereignty as she pleases and regardless of our wishes. We do not think that is the case, and happily for us, neither does Great Britain herself. The Sovereignty of Gibraltar, while legally vested in Britain is politically disposable of only by the people of Gibraltar ourselves. No democrat in this Chamber or back home, could conceivably subscribe to any other view.

Mr Chairman, my remarks here today are expanded upon in the address that I delivered in June to the Special Committee on Decolonisation. In case any Member State is interested in them, copies of that address are available at the back of the hall.

Mr Chairman, there is one further matter upon which I would like to comment. The new Trilateral Forum for dialogue between the Governments of Gibraltar, Spain and the United Kingdom, which functions on the basis of an open agenda continues to function well, and the first agreements reached within the Forum at its meeting in Cordoba in September 2006 are now being successfully implemented. The Gibraltar Government remains fully and enthusiastically committed to that Forum and to continue to build modern, democratic and constructive bridges with our neighbour, Spain, based on mutual regard and mutual respect as fellow Europeans.