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Attached is the full text of the Chief Minister's address at the United Nations Fourth Committee on 7th October 2008.

Mr. Chairman, I am grateful to the Committee for the opportunity to address it this year, as in past years, during its consideration of the question of Gibraltar.

As far as the people and Government of Gibraltar are concerned the “question of Gibraltar” is no longer its pending decolonisation, a question which has now been settled by means of a new Constitutional arrangement between Gibraltar and the United Kingdom, which puts us into a modern, non colonial relationship. This Constitution gives us practical full self Government, enshrines our right to self determination, and creates the relationship with Britain (and thus with the European Union) that the people of Gibraltar want. The relationship is not, and cannot sensibly be said to be colonial in nature. In exercise of our right to self – determination the people of Gibraltar have approved and agreed this new relationship between Gibraltar and the UK in an act of self determination, namely, a referendum.

It is not a Constitution for full independence, since the UK remains responsible for our external affairs and defence. The UK has also declared that this new relationship between us is not colonial in nature and that Gibraltar is thus no longer a colony.

We do of course understand that this decolonisation model is different to the decolonisation model, namely full sovereign independence, chosen by most of your countries when those of you who were colonies gained your decolonisation. But times and the world have changed dramatically since then. Furthermore, most of the remaining listed Territories are very small (like Gibraltar) while others are physically very remote or economically unviable in a globalised economic order. Some are affected by particular political issues.

In these circumstances (and even though we are entirely self sufficient in our economy) it is right that we have sought and opted for a different, more appropriate (for us) decolonisation model, that provides a better way forward for our small country.

Yet, these United Nations do not appear to sufficiently take account of these realities affecting the remaining listed territories, and their practical decolonisation choices. This ignores the views of the General Assembly expressed in Resolution 2625, as far back as 24 October 1970, in which it declared a fourth acceptable decolonisation model, namely, any status suitable to its circumstances that is freely determined by the people of a territory in an act of self determination. It is thus not the case, contrary to often repeated assertions, that decolonisation can only validly be achieved through independence, free association or integration.

Nor would that be logical. After all, if you would be happy to sanction our decolonisation by means of our integration with and into Great Britain, why should it be less acceptable that we should decolonise by means of a new relationship with Britain that leaves the people of Gibraltar with vastly more self Government and control of our own destiny and affairs than would be the case with integration? Why should you approve of my becoming just another city or province of the UK, but not a model in which I retain close constitutional links with the UK but retain almost full powers of self government that would be unavailable to me as a city or province of the UK?

Yet, according to the Special Committee on Decolonisation, this is the effect of your current criteria for removal from the list of non self governing territories, so called delisting. Those criteria have become anachronistic, do not reflect General Assembly Resolution 2625 of 1970, and accordingly should be changed so as to enable the removal of territories from your list in circumstances such as I have described.

Mr. Chairman, as someone who has been an active supporter of and participant in the work of the Special Committee on Decolonisation during the last 13 years, it saddens me to say that I have come to the conclusion that unless the Special Committee changes its ways and approach, it will achieve nothing more in the matter of decolonisation, and therefore no longer serves a sufficiently useful purpose. Indeed, it will become an obstacle to the realistic, practical and proper decolonisation of the remaining listed Territories.

We have had no help whatsoever from the Special Committee. What is worse still, we have been victims of its invention and application as it goes along of non-existent doctrine, it engages in processes the integrity of which does not bear scrutiny, and it presides, like a fundamentalist watchdog, over inflexible but out dated and impractical delisting criteria, that sees the 1950s and 1960s decolonisation models as an unchangeable holy grail.

And so it is that the Special Committee (1) ignores the established precept of UN doctrine and of International law that decolonisation can only be brought about by the application of the principle of self determination, (2) invents the doctrine that where there is a sovereignty dispute affecting the Territory the principle of self determination does not apply to the process of its decolonisation, and (3) proceeds on the basis that the supposed territorial integrity of the claimant country is an acceptable modality of decolonisation regardless of the wishes of the colonial people affected.

In short, the Special Committee has allowed the principles applicable to colonial peoples' decolonisation to be contaminated by, and indeed to be subjugated to competing sovereignty claims by neighbouring countries. This despite the obvious fact that the Special Committee has no mandate to deal with Sovereignty disputes.

Put another way, the position of the Special Committee is, in effect, this: it would be content for Gibraltar to be decolonised by a bilateral deal between the United Kingdom and Spain that ends the sovereignty dispute by transferring Gibraltar's sovereignty to Spain, regardless of and against the wishes of the people of Gibraltar. Yet, it is not content to acknowledge the reality of our recent decolonisation by the process of a new, non colonial relationship with the UK that fully accords with the freely expressed wishes of the people of Gibraltar.

So, integration with Spain imposed on us by the United Kingdom against our wishes is, according to the Special Committee, legitimate and proper decolonisation, but a modern relationship with the UK that leaves us in control of our own affairs, and is freely acceptable to us, is not legitimate and proper decolonisation.

This extraordinary position cannot be held by anyone that cares a jot for the rights and wishes of the people of Gibraltar, whom it is my honour and privilege to lead. In these circumstances it cannot come as a surprise to anyone that we have decided to move on without the Special Committee.

At the root of this obvious irrationality is a simple confusion of issues and principles. Sovereignty disputes, even those affecting non self Governing territories, must be dealt with on their merits, and separately from the decolonisation process and from the right to self determination of colonial peoples involved. Decolonisation and sovereignty disputes are different things, to which different principles apply.

Yet some countries appear to believe not only that the mere existence of a Sovereignty disputes cancels the right to decolonisation by the application of the

principle of self determination, but still further that the acquisition of such sovereignty against the wishes of the people of the territory is a valid method of decolonisation. This view violates every applicable principle of the UN Charter and every established principle of international law. Yet, this is the basis upon which the Special Committee on Decolonisation proceeds. So, according to the Special committee, if a listed territory is the subject of a sovereignty claim by a member state: that listed territory does not enjoy the right to self determination, may not participate in the Special Committee's work programmes, nor benefit from its focal points, nor from electoral assistance relating to acts of self determination, nor receive visits or special missions from the Special Committee.

The adoption of these positions by C24 does not reflect any known, applicable principle of the Charter, but rather it reflects the disproportionate influence wielded over the Committee and its proceedings by member states interested in a particular territory. This goes to the extraordinary extent whereby the Report of Regional Decolonisation seminars contain conclusions and recommendations to the effect that I have just described, claiming that they have been approved and adopted by the participants at the regional seminars when in actual fact the issues have not even been raised and discussed there, let alone approved and adopted by the participants. This process, which leads to the report then being approved by the Special Committee despite containing blatantly false statements, lacks the required degree of integrity.

And thus does the Special committee seek to create and then apply false and misconceived doctrine and principle.

Mr. Chairman, in these circumstances, it should come as no surprise to anyone that Gibraltar resorted to self help to achieve its own decolonisation, without relying on the Special Committee. In June I informed the Special Committee that we would no longer seek its co- operation or involvement in our decolonisation, which we regard as settled. We would thus urge the General assembly to remove Gibraltar from its List of Non Self Governing Territories.

The United Kingdom also regards Gibraltar as having ceased to be a colony. It has made clear that it continues to report to the Special Committee about Gibraltar under Article 73E of the Charter only because the Charter requires it to do so until the General Assembly delists Gibraltar.

This brings me to the annual Consensus Resolution that you adopt on the question of Gibraltar and that you will shortly consider again this year. That Resolution does NOT represent a consensus insofar as the UK and Spain are concerned. It does not represent agreement, but rather, it masks profound disagreement. What is worse, contrary to what the text of the Consensus Resolution declares there is no extant Brussels Process. There has been no meeting between the UK and Spain under that the Brussels Declaration since 2001.

What is more, the fundamental premise of the Brussels Declaration is no longer applicable or viable. That is based on the UK and Spain discussing bilaterally all their differences including the question of Sovereignty. But the UK has now rightly and properly declared that she will not enter into any such discussions unless Gibraltar is content. Gibraltar is not and will not ever be content for such discussions to take place under the Brussels Declaration which is bilateral between the UK and Spain, and thus the underlying premise of the Consensus Resolution, namely, that the Brussels Process is alive and ongoing is false. In practical terms the Brussels Process meetings have ended, and cannot restart.

It is thus misleading and inappropriate for the Consensus Resolution to continue to be adopted, year in year out in this false and irrelevant text. Accordingly, if the text of the Consensus Resolution is to have any relevance, it is essential to modify its language to reflect these inescapable realities.

Mr Chairman, there is a new, open agenda Forum of Dialogue, the Trilateral Forum, between the Governments of Spain, Gibraltar and the United Kingdom, in which Spain is of course free to raise the question of Sovereignty, in which the Gibraltar Government participates in its own right and to which we are committed. In this Forum, good agreements have already been reached and an ambitious new agenda of issues have been identified for its ongoing work. This is the only process of dialogue that exists or can exist, and this is therefore the process that should be reflected in the Consensus Resolution, to the exclusion of other, fictional, impossible and non – existent processes.

The Gibraltar Government warmly welcomes the very significant improvement in relations between Gibraltar and Spain that this new, trilateral dialogue forum has brought about. We look forward to continuing to build on this.