



**GOVERNMENT OF GIBRALTAR
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Decolonisation, Delisting and Annual Reports to the UN

Contrary to what the Leader of the Opposition, Mr J Bossano told the Foreign Affairs Committee the UK is not free to automatically stop sending annual reports on Gibraltar to the UN under Article 73(e) of the Charter. Mr Bossano told the Foreign Affairs Committee that accordingly the real test of the UK's view on whether our New Constitution had brought about our decolonisation would be whether or not they stopped sending annual reports. This is wrong.

Under the terms of the UN Charter, and UN decolonisation resolutions and procedures, the UK is legally obliged to continue to send annual reports until the UN General Assembly itself votes to remove the territory from its list of non self-governing territories, even if the UK believes that a territory has been decolonised. The UK's continued submission of Article 73(e) Reports to the UN in relation to Gibraltar therefore says and means nothing as to the UK's own views and position on the matter.

In these circumstances the UK Government has consulted in detail with the Gibraltar Government about the nature of the Report and the covering letter for this year (submitted in February 2008), which is the first occasion on which the need to send a report has arisen since the coming into effect of the New Constitution.

The Report itself, which has been prepared by the Gibraltar Government, is a very different and much shorter report than in the past, 6 pages this year, compared to 122 pages in 2006. The UK makes it clear that, aside from any consideration applying in this regard to its other Overseas Territories, its relationship with Gibraltar is, following our New Constitution, now non-colonial in nature, and that accordingly the UK does not believe that Gibraltar should remain on the UN list of non self-governing territories.

Commenting on the matter, Chief Minister Peter Caruana said, “Unfortunately, the UK is not legally free to unilaterally stop reporting to the UN, until the UN itself releases the UK from its obligation. This is one of the many issues upon which Mr Bossano misinformed the Foreign Affairs Committee. We are satisfied that the UK has done the very next best thing which is to say to the UN that they are sending the Report only because they are legally obliged to do so, but that as a result of the new Constitution we should not be on the UN list.

As far as the Gibraltar Government and the UK Government are concerned we are no longer in a colonial relationship. How long the UN chooses to take to recognise that objective reality does not alter that objective reality. We will continue to press them to modernise their delisting criteria, but, in the meantime, we will not throw away the value to Gibraltar of these achievements by making ourselves perpetual hostages to a UN that has never lifted a finger to help us. If Mr Bossano and the GSLP Liberal Opposition wish to do that, that’s up to him and them.

Following on from our New Constitution, and our act of self-determination, i.e. the Referendum, through which we approved it, the Government intends this year, to significantly vary the nature of the political event on National Day.”