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PRESS RELEASE

No: 371/2013

Date: 30th May 2013

MINISTER BOSSANO'S UN SPEECH IN ECUADOR 27TH MAY 2013

Mr Chairman,

I want to thank the Government of Ecuador for once again hosting the Annual Seminar which is a reflection of Ecuador's commitment to the cause of decolonisation.

Last year I showed the parallels between my country's history and Ecuador's, and I exposed the absurdity of the Spanish stance in opposing our decolonisation.

Spain told you that it will never acknowledge any international legal status to the Gibraltarians. Their contempt for us, the owners of our homeland, is such that they describe us as "the current inhabitants of Gibraltar" as if we were recently arrived illegal immigrants.

We, the current population of Gibraltar, have been living there uninterruptedly for 309 years.

Is the Kingdom of Spain so ignorant that it is not aware that Gibraltarians already have an international legal status which is provided for by the UN Charter and that they, Spain, are in breach of the Charter as Members of the UN by not respecting our international legal status?

The status we have is what guarantees us our right to self-determination which no-one can deprive us of. Not Spain, nor Spain's sympathisers, nor this committee.

As I reminded you last year, this very Committee, when it examined Gibraltar's case fifty years ago, concluded that Resolution 1514 (XV) was fully applicable to the people and the territory.

Distinguished delegates, C24 has never resiled from its original conclusion that 1514 (XV) was fully applicable to the Gibraltarians.

Let me remind this seminar precisely what this means.

On December 14, 1960 the General Assembly stated in 1514 (XV) that, all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and integrity of their national territory. Furthermore:

1. the submission of people to alien subjugation constitutes a denial of fundamental Human Rights contrary to the Charter,
2. all peoples have the right of self-determination by virtue of which they freely determine their political status,
3. immediate steps should be taken in all the non-self governing territories to transfer all powers to the peoples of those territories.

Having ruled that this is a fully applicable to us what does C24 do?

It provides a platform to our neighbour Spain which argues that, because they owned the territory in 1704, we, the people of the territory, should be deprived of the protection we are entitled to under the Charter.

It is an absolute disgrace that Spain should stand before you to argue and advocate *the breach of every single one of our Human Rights*.

If our homeland were taken from us and given to Spain would that not be tantamount to subjecting us to alien domination, a breach of our human rights?

If the sovereignty of our homeland were transferred to Spain would that not be the end of our right to complete freedom in the exercise of our sovereignty and the removal of the territorial integrity of our country which is currently supposedly under your protection?

If UK were willing to transfer its powers over the territory to Spain how could you possibly pretend to be fulfilling the requirement that all powers be transferred to the people of the territory?

In 1977 the General Assembly, on the recommendation of the 3rd Committee approved resolution 32/14 which strongly condemned all governments which do not recognise the right to self-determination of all peoples still under colonial domination.

If you still hold us to be a people under colonial domination by virtue of being one of the 16 on your list awaiting decolonisation, then each and every member of this committee that does not recognise our right to self-determination stands condemned by this resolution.

This very seminar is primarily to facilitate the participation by the peoples of the territories as resolution 67/134 of last year makes clear.

What for, Mr Chairman why have us participate if nothing we say here, year after year, makes any difference?

Gibraltar is not a part of Spain occupied by the English in 1704, and the population of Gibraltar, its people, are not imported English people.

England took from Spain as spoils of war Gibraltar, which Spain had held for 202 years, having itself taken it, in turn from its previous Muslim rulers that had held it for 791 years, having taken it from Celtic Visigoth invaders. Why should Spain's title be greater than anyone else's?

My country has been independent from Spain longer than yours Mr Chairman. Does that give them the right to claim restoration of their sovereignty over Ecuador?

The duty of this Committee is not to be influenced by national interests or the sympathies of its individual members, but by the rule of law enshrined in the Charter and the Covenants. You have no choice and no room for manoeuvre in this Committee. Your job is to assist the peoples under colonial rule to achieve full self-government. It is not your role to transfer a people from the rule of one administering power and place them under another administering power of your choice, whether that is what the people want or not.

Spain says that our latest Constitution does not decolonise us because it keeps Gibraltar dependent on UK. We are not saying it does, we are saying it is up to you, this Committee, to tell us whether it falls short of the decolonisation requirements and, if so, identify its deficiencies. This is the job you are failing to do.

Is Spain so ignorant of the process of decolonisation that it is not aware of the three traditional options identified as legitimate routes to decolonisation?

Does it not know that this Committee has praised the Tokelauan constitutional proposals which provided for free association with New Zealand and the option of integration?

If the people of Tokelau have chosen in a referendum to remain as a non-self-governing territory dependent on New Zealand, has this Committee not accepted the will of the people as valid or should it condemn Tokelauans for their decision using the Spanish thesis.

It is time for this Committee, once and for all, to make clear to Spain that they cannot stand in the way of Gibraltar's decolonisation and that they will never succeed because their very attempt is a blatant breach of Human Rights.

Distinguished delegates, the UN Human Rights Covenants to which Spain is a signatory in their first article states that, "all peoples have the right to self-determination".

Spain told you last year that the reason why it does not acknowledge our rights, is because we were taken to Gibraltar by the occupier.

In our case this is not true, but is it not the case that in almost all the former colonies it is the descendants of those who settled in the territory whilst under colonial rule, who have been accepted as legitimate people of the colony.

Spain says that in 1704 the English forced the Spanish residents to leave. It is true that they offered safe passage to Spaniards who wanted to leave and respect for those who wanted to stay. Which is more than the Spanish colonial empire in South America did for the native inhabitants, whom they persecuted, raped and massacred.

Spain's colonial record hardly allows them to preach to the rest.

What this committee has to accept is that the future of Gibraltar cannot be assessed by the culture and the values of 1704 but by the world order created since 1945 by UN Charter, the Declaration of Human Rights and the Covenants.

We are now entering the middle of 3rd Decade for the Eradication of Colonialism.

We are no closer to this goal today than we were when the 1st Decade was launched, in which I participated.

The Secretary General told you on 21st February that the narrative cannot again be portrayed as, "decolonisation deferred," but this is precisely what you are doing.

You have been told that we can no longer have the luxury of indulging in rhetoric and rituals and that the risk of movement is preferable to the stagnation of the status quo, but I only see in your deliberations the stagnation of the status quo and luxury of rhetoric and rituals.

You have been reminded in your first meeting this year what your function is. You are required to examine the political, social and economic progress in the 16 listed non-self governing territories.

This is why the administering power has to submit annual reports under Article 73e.

You have to obtain this to satisfy yourselves that Article 73b of Chapter XI, is taking place.

This requires you to make sure that we are developing self-government taking into account the political aspirations of our people.

You are miserably failing to do this. I have been involved in the decolonisation campaign of my country since the age of 25 over 49 years ago, almost half a century. I think, distinguished delegates, that this gives me the moral right to question your performance.

I provided you with the latest copy of the Gibraltar Constitution as Leader of the Opposition so that you could tell us how you judged our progress on the road to full self government. To date you have not shown the remotest interest in it.

Unless by some miracle we see something new in the report of this year's seminar this committee might as well pack up.

It would be a sad day for the history of decolonisation if this were to happen and for the enormous historical role that the committee has played in the past in bringing into the UN family almost a third of its new members in their emergence from colonial rule.

As someone who entered the political scene of my country in 1964 inspired by the work of this committee and has defended its role in my homeland, at the UN hearings and in disagreement with the administering power, who has always been critical of the work of this committee, no one would be more disappointed and saddened to see its work end in this way, than me.