



**HM GOVERNMENT OF GIBRALTAR
OFFICE OF THE DEPUTY CHIEF MINISTER
No 6 Convent Place
Gibraltar**

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**Deputy Chief Minister Hon Dr Joseph Garcia MP
Opening of symposium on "Self-determination, devolution and independence in the
21st century."
Thursday 16 October 2014**

Thank you all for coming.

On behalf of the Government, I particularly want to thank our international guests and all the speakers in this conference.

The theme of this symposium is "Self-determination, Devolution and Independence in the 21st Century".

This will serve essentially as a focal point of intellectual, legal and academic discussion.

In basic and straightforward language self-determination means the right of an individual or of a collective of persons to choose, or to determine, the future of the territory that they live in.

This is probably an over-simplification and I am certain that the lawyers and academics amongst you will have plenty more to say on the subject.

You will hear some opposing views over the next 48 hours.

We have never shied away from controversy, from such lively debates or from addressing complex issues; in fact, last year the Garrison Library organised a symposium to mark the 300th anniversary of the Treaty of Utrecht as it affected Gibraltar and Europe. I remember stating at the time that the Government does not accept that that the Treaty is a barrier to the right of the people of Gibraltar to determine their own future.

And so, discussing self-determination as you shall over this two day symposium makes perfect sense.

In order to make the discussions even more interesting, the questions of self-government, of devolution and of independence will all be looked at as well.

This is all very timely, coming as it does in the wake of the recent Referendum in Scotland.

This was an exercise in democracy on which the United Kingdom can look back with pride and the rest of the world can look at with envy.

It was a lesson in the sacred value of people choosing what they want to be.

An exercise where 16 year olds were given a say. The debates, the discussions and the arguments, which were followed closely from Gibraltar, were conducted in an exemplary manner.

We know a fair bit about referenda here in Gibraltar.

In 1967 and in 2002 the people of Gibraltar were offered two different choices against two very different backgrounds.

The Gibraltarians were therefore made the final arbiters of British sovereignty over the territory.

In 1967, the choice was to remain British and look forward to further constitutional advance, or to become part of Spain in line with the proposals tabled by Madrid in 1966.

The referendum was organised with the support of the administering power - the United Kingdom.

The outcome was an overwhelming and ringing endorsement of British sovereignty.

In 2002, however, the referendum was organised by the Parliament and Government of Gibraltar against the wishes of both the United Kingdom and of Spain.

Gibraltarians were asked to accept or reject the very principle of shared sovereignty between the UK and Spain.

And the principle was overwhelmingly rejected.

The people have spoken two times in Gibraltar.

In Scotland they spoke last month.

Every situation is different though.

I understand that guest speakers will examine also the positions of Catalunya and of the Basque Country. This too will make for very interesting discussions. The Government of

Gibraltar itself has no position on these particular issues which are a matter for the parties concerned and I am sure you all look forward to learning more about them.

We are clear, however, that the people of the non-self governing territories on the United Nations list, like Gibraltar and the Falkland Islands, have to be decolonised in accordance with the wishes of those people in exercise of the right of self determination as specifically provided for in such cases in the UN Charter and associated Resolutions of the General Assembly. This has been the practice of the Committee of 24 and of the 4th Committee when dealing with decolonisation.

The primacy of the wishes of people is what democracy is all about.

This theme will be debated here in the context of Gibraltar, the Falkland Islands and the Turks and Caicos Islands as well as against the background of British colonial rule in general.

The United Nations points to independence, free association and integration as the three ways in which Territories have emerged from colonial rule. There is, in addition to this, resolution 2625(XV) which provides for a tailor made solution freely chosen by the people of a Territory.

In 1963, more than fifty years ago, the then Chief Minister of Gibraltar Sir Joshua Hassan told the United Nations:

"It is a clear sign of the enlightened times in which we live that small communities are not the less important because of their size and that their wishes must play a deciding factor in determining their future."

Gibraltar has continued to defend this position before the United Nations ever since another former Chief Minister Joe Bossano took up the challenge over 25 years later. It was carried on by his successor Peter Caruana and by my friend and colleague the Chief Minister Fabian Picardo only last week.

We need look no further than the programme for this symposium to see that whilst Gibraltar shares a historical past with, for example, Catalunya, dating back to the War of Spanish Succession and the Treaty of Utrecht, we are also at the same time very different.

The same can be said of the British colonial heritage we share with the Falkland Islands and the Turks and Caicos Islands in that even though we are all British Overseas Territories, our experiences of colonialism and our degree of self-government are not the same.

I sincerely hope that this symposium will go some way to open up new debates and to encourage new readings into this important area of enquiry.

Gatherings of this high standard of expertise can but only help us to widen our understanding of this subject.

It may seem anomalous to consider Scotland alongside British Overseas Territories, the same can be said of the Basque question, but the fact remains that there are many interesting points for you to consider.

Before I close, I would like to add my own personal contribution to the paradoxical situations that will no doubt unfold as your deliberations evolve.

It has been reported that aspects of the Constitution of Gibraltar have been looked at as a possible model for the new devolved powers for Scotland.

Yet Gibraltar is on the United Nations list of colonies and Scotland obviously is not.

Gibraltar is also British, its people are British Citizens and its Government issues British passports.

Her Majesty the Queen is the Queen of Gibraltar.

Gibraltar is a part of the European Union and we have the Gibraltar Pound which is pegged to the UK Pound Sterling.

However, and this is a big however, we are not part of the United Kingdom even though we are British.

Gibraltar enjoys, therefore, in many respects a number of components that those who pushed for the "Yes" vote in Scotland wanted for themselves and were told it was not possible to have!

With that thought, which I hope will stir further debate, it gives me great pleasure to declare the symposium open.

Thank you.