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**FOURTH INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM**

**Pacific regional seminar on the implementation of the Fourth International  
Decade for the Eradication of Colonialism:  
innovative steps to ensure the attainment of the Sustainable Development  
Goals in the Non-Self-Governing Territories**

**Bali, Indonesia  
24 to 26 May 2023**

**STATEMENT BY**

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**(GIBRALTAR)**



HM Government  
of Gibraltar



**THE RIGHT TO SELF-DETERMINATION**  
ADDRESS BY  
**THE HON SIR JOE BOSSANO KCMG MP**  
TO  
**THE UNITED NATIONS**  
**PACIFIC SEMINAR, BALI**

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**MAY 2023**

Madam chair,

On behalf of Gibraltar, I wish to express my appreciation to the Government and people of Indonesia for hosting this seminar.

They also hosted the 2008 regional seminar in Bandung which I attended. The core principles of the famous 1955 Bandung Conference were issues of central importance to all participants especially self-determination and the promotion of decolonisation, still relevant today.

In 2008 UK submitted a paper which the seminar noted, saying its overseas territories were no longer deemed to be colonies, on the grounds that their constitutions had been modernized and could no longer be considered colonial in nature.

The UK explained the high level of self-government in each territory, all were free to seek independence except Gibraltar where UK had to obtain Spain's consent, under the 1713 Treaty.

This continues to be UK's position but by submitting 73e annual reports in respect of each Territory, it is defacto accepting that they have not been decolonised.

In Bandung I made clear that we did not share the views of the administering power which were in conflict with the provisions of the Charter and the methodology for decolonisation in General Assembly Resolutions 1514 and 1541.

At the time there was, had always been and continues to be unanimity in Gibraltar across all political parties in rejecting any constrain on our people's right to self-determination because of a Treaty signed in 1713.

The position of Spain's representative in 2008 was to reject UK's arguments on defacto decolonisation and to argue that the decolonisation process had to restore the territorial integrity that Spain lost in 1704 and the sovereignty they gave away in 1713, in perpetuity.

In 1713, Spain gave up territories such as Gibraltar, Menorca, and parts of the Spanish Netherlands to Britain, Sicily to Savoy, and Sardinia and Naples to Austria. Additionally, Spain recognized the independence of Portugal and ceded territories in South America.

So Gibraltar's decolonization would not cause the fragmentation of Spain's territorial integrity.

That fragmentation started in 1700 with a war for the throne of Spain and ended in 1713 by Spain accepting the fragmentation they are complaining about in 2023.

At a recent seminar Spain said the recognition of self-determination in the Chagos Island was because the Chagossians were the native inhabitants.

In fact, the islands were populated first by slaves imported by France and then by contract workers brought in by British traders 100 years after the Gibraltarians had settled in Gibraltar.

However, at the same time, they told the seminar then and on a number of other occasions that in addition to the 1713 Treaty argument for claiming Gibraltar and presumably even if the Treaty were not there, the Spanish inhabitants being forced to leave in 1704, when Gibraltar was captured, meant the Spanish Government did not accept that the present inhabitants, 319 years later, could decide the fate of the Territory. Moreover, Spain did not recognize, nor would ever recognize any International legal personality, condition as a people or any right over the Rock to the current inhabitants of Gibraltar.

A description of a policy which I submit seems to fit better the fascist Spain of the 1960's than the current European Democratic Spain.

That said, I want to remind participants that the Spanish representative in 2008 qualified its position on bilateral negotiations on Sovereignty by saying it would have to take account of the interests and aspirations of the Gibraltarians.

Perhaps imbued by the spirit of Bandung, Spain was for the first time accepting that we are the Gibraltarians, a distinct people, and that we have the right to self-determination but one that is constrained by them and by UK but that they would not ignore our aspirations.

To put the Spanish presence in Gibraltar in context C24 members should note that out of the 1500 years of our history their presence has been the least, just over 200 years.

After them the British have held Gibraltar for 310 years.

When captured by the Spaniards its inhabitants were expelled to North Africa, mostly Muslims and Jewish residents who had settled there for 750 years.

The Muslim invasion from North Africa, had captured the area which previously had been conquered by Germanic Tribes and held some 400 years having taken it from the Roman Empire.

Of course for Spain their 200-year possession is more important than the other 1300 years.

In all these periods the Gibraltar residents were part of a bigger territory so it is only in the last 300 years that a people with a separate distinct identity, the Gibraltarians, became the entity that has evolved who have no other home than the Rock of Gibraltar.

This has happened in many other parts of the world as a result of colonization. It is reflected in the principles of Resolution 1541

The 1713 Treaty terms reflected the values of the time, contrary to everything the UN now stands for.

It gave no rights to the people of the territory to decide their future, it prohibited the residence in Gibraltar of Jews and Muslims and it granted a monopoly for English ships to transport slaves from Africa to the American colonies.

This is the document that allegedly deprives our people of their inalienable human right to self-determination, in 2023.

Quite apart from the fact that what is inalienable cannot be alienated, by definition, no court would uphold this self-serving argument of UK and Spain.

The majority view of experts in human rights International Law is that whereas the right to self-determination applies universally as a general principle, in the case of self-determination as a means of decolonization it has the force of a peremptory law which cannot be displaced by a claim to the sovereignty of the NSGT territory from a neighbouring State let alone one which is based on an ancient, anachronistic 300-year-old treaty. Any one of the 3 terms is enough to render the 1713 Treaty null and void.

This is how flimsy the Spanish case is.

In many seminars the message from the Secretary General has been that the options open to the people of the listed territories must be explained to them.

The position of Spain, which it claims is also the doctrine of the UN and C24 is that Gibraltar can only be Spanish or British. There is no other option.

If it is British then we are a Colony, if it becomes Spanish we are being decolonized, even if the level of self-government we enjoyed were to be reduced.

This "doctrine" is fundamentally in breach of the criteria C24 are required to apply by 1541 to determine if a full measure of self-government has been achieved such that it can recommend to the General Assembly that Gibraltar be delisted.

Spain's position is in fundamental conflict with the provisions of chapter 11 of the Charter which is the only international law that governs the decolonization process.

For some 6 years Spain was very enthusiastic about the tripartite forum of dialog and its agreements and told seminars that they hoped it would create the climate to resume bilateral negotiations with UK.

Then they unilaterally abandoned it.

Now we have a negotiation for a treaty between the EU and UK to create frontier fluidity, which would protect, and in all probability increase the shared prosperity our country provides to the Campo area, estimated at 25% of their GDP, the result of 50% of our workforce being frontier workers.

This will not happen if anything in the treaty includes provisions for a Spanish presence in our country.

To avoid this Spain agreed in principle in December 2020 that the control of foreign arrivals to Gibraltar would be carried out by Frontex for an implementation period of 4 years. After that Spanish officials would take over or the treaty would be terminated, so we have to assume the treaty will be terminated.



Spain describes our frontier with them as a “fence” which they now want to see removed as part of the fluidity.

This fence is not the position under International Law. The sovereignty of our country, the City State of Gibraltar ends at the International Border which is on the isthmus, they claim as theirs.

The isthmus was included in the territorial limits of Gibraltar when it was listed in 1946 and as the case of Mauritius and Chagos Island has shown to decolonize one and not the other constitutes the fragmentation of the NSGT territorial integrity.

In their case and in ours.

The law of Gibraltar not Spain’s applies on the isthmus and only Gibraltarian Officials can enforce these laws.

If it happens it will not change our position on self-determination, or our opposition to sovereignty discussions between UK and Spain.

So whether there is an EU Treaty or not or whether there is a tripartite forum or not, the position of our people is and will always be the same.

The Rock of Gibraltar is ours and no one else’s.

The whole of our territory, its territorial waters and its territorial airspace belong to us and no one else.

We will never give up any of it, not one millimeter, not one grain of sand from our beaches, or our isthmus.

And if this means we are never delisted so be it.

We can continue advancing our level of self-government by negotiation with UK and stay on the UN list for ever, if that is what the UN wants.