

# **GIBRALTAR**

**THE RIGHT TO SELF-DETERMINATION**

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**CHIEF MINISTER'S ADDRESS**

**TO**

**THE UNITED NATIONS**

**COMMITTEE OF 24**

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**14 JULY 1993**

Mr Chairman, Your Excellencies, I wish to record my appreciation for the opportunity once again this year to address you. I also wish to place on record that my appearance before this Committee in July last year was given wide publicity in Gibraltar and warmly welcomed in all sectors of the community.

As I stated last year my people look to this Committee as its natural protector on the question of decolonisation and in the defence of its right to self-determination. We also feel that it is only right and proper that we should have the opportunity to bring to the Committee's attention those events which we, the colonial people, consider important and not just those that in the view of the administering power may be relevant.

One such development has been the creation of a grass roots movement the Self-Determination Gibraltar Group engaged in publicising and promoting the right of self-determination of the people. The group consists of ordinary citizens from all walks of life and is established with the sole purpose of ensuring that the right of the Gibraltarians to determine their future is recognised.

Within Spain there is also an increasing public awareness although not majority support for the concept. Recently I was invited by the University of Cadiz to address the student body and was given the opportunity of explaining how we Gibraltarians feel about the need to emerge from colonialism by exercising our right to self-determination.

Today in democratic Spain, it is possible to express such views. Perhaps a clear indication of this was the establishment last year by Spanish citizens of a non-government organisation in Spain known as "La Asociacion Espanola de Amigos de Gibraltar" officially registered with the Spanish Ministry of the Interior. The objectives of the Association are to promote within Spain greater understanding of the identity of the people of Gibraltar and their aspirations. This they have been doing by lobbying political parties in Spain, by organising debates, and by promoting media coverage.

On 7th August 1992 in an article in the influential 'El Pais', Professor Jesus Mosterin of the University of Barcelona argued that the "hypothetical annexation of Gibraltar against the wishes of its inhabitants would be a flagrant violation of the democratic values on which the modern Spanish state bases its constitution".

This same newspaper has on a number of occasions in editorials urged the Spanish Government to recognise the desirability of entering into direct dialogue with the Government of the people of Gibraltar.

In an opinion poll conducted by the Institute of International Affairs and Foreign Policy of the Complutense University of Madrid, 24.7% of the respondents favoured acceptance of the right of self-determination for the Gibraltarians. 30.8% still favoured annexation of Gibraltar. However it is worthy of note that this latter figure had been 44.2% in a similar survey conducted in 1991.

As a Government I can report an important move in developing links with other neighbouring cities in Spain. This is the creation of the Economic Co-ordination Council.

The aims of the Council are to establish and promote economic co-operation and development in Gibraltar and the neighbouring part of Southern Spain; to undertake projects or studies for the creation and expansion of economic activities in the region, and; to seek funds for financing such projects, studies or activities from international agencies and private investors. The Council now includes all the municipal leaders of the surrounding towns and cities of Algeciras, La Linea, Tarifa, Castellar, San Roque, Los Barrios, Jimena as well as Ceuta. Meetings were held in January and May this year in Spain and in Gibraltar, when an agreement was signed to promote joint venture activities by Spanish and Gibraltar companies. Another meeting is to be held in September in Ceuta.

Where does all this leave us? I would not wish to mislead your Excellencies into thinking the problem of Gibraltar's decolonisation is on the point of being resolved. But there are clearly some signs that indicate that meaningful dialogue may be more probable in the future than it has been in the past.

I also have to stress that the people of Gibraltar have to be a primary player in any new initiative and cannot be relegated to a subsidiary or indeed subservient role.

There is another side to the story of the developments of the last twelve months. A less encouraging side which may be due to the fact that it is easier to make headway at grass roots level than it is at the level of Governments of nation states

or perhaps that the latter are constrained by established conventions of international diplomacy to reiterate their historical position. Be that as it may, I need to draw the attention of your Committee Mr Chairman, to the statements of the Foreign Secretary of the Kingdom of Spain.

In September 1992 subsequent to my previous appearance before this Committee Senor Javier Solana Madariaga, Foreign Minister of Spain, addressed the General Assembly. He said:

"I wish to restate my Government's determination to continue, with dedication and in a constructive spirit the negotiating process with the United Kingdom established by the Brussels Declaration of 27 November 1984, bearing in mind the doctrine of the General Assembly that this is not a case of self-determination but a situation that affects the territorial integrity of Spain".

Mr Douglas Hurd also addressed the General Assembly in September but made no reference to Gibraltar. I would not wish this Committee to misunderstand this fact as evidence that the United Kingdom agrees with the interpretation of the doctrine of the General Assembly in respect of Gibraltar as described by Senor Solana.

Her Majesty's Government has consistently repeated to the Gibraltarian people, to the British Parliament and to the Spanish Government, that it stands solemnly by the Preamble to the 1969 Gibraltar Constitution that the people of Gibraltar will not pass under the sovereignty of any state against their freely and democratically expressed wishes.

Senor Solana ended his reference to Gibraltar by saying that the colonial status of Gibraltar is a status that is clearly anachronistic and inappropriate to the times in which we live. I will remind the Committee of 24 that this is in fact a repetition of a phraseology used by His Majesty the King of Spain who in his own address the previous year introduced the concept of finding a solution "in accordance with the times in which we live".

We in Gibraltar certainly cannot understand the doctrine of the UN as regards decolonisation - "in accordance with the times in which we live" - in any other

way than an exercise in self-determination. I will wish to expand on this view at a later stage.

Earlier this year, on the 1st March 1993, Mr Douglas Hurd and Senor Javier Solana met in Madrid after a gap of two years as part of the Brussels process. The meeting was followed by a press conference and I now wish to draw the attention of the Committee to some of the answers given by Senor Solana and express the views of my Government on these answers.

In answer to a question about whether the people of Gibraltar had the right of self-determination, he said no. He said 'the subject of self-determination, of the sovereignty of Gibraltar, falls outside the sphere of what Spain is willing to consider'.

Well first of all, we cannot have dialogue on the basis that we have to consider the territorial claim of Spain, which we reject, but we have to consider it because otherwise how can you have dialogue? But they will not consider our claim for self-determination. Well they can reject it. But considering it, is the basis for dialogue. You cannot have dialogue unless you are willing to consider, however much of an anathema it may be, the opposite point of view.

He then went on to say, 'right now the citizens of Gibraltar are British citizens and in the future they can only be Spaniards, so the process of self-determination from the Spanish perspective is beside the point'.

Well if the basis for Spain's rejecting our right to self-determination is that we are British citizens and we can only be Spaniards, then we have to say to Senor Solana, we have now proved our case for self-determination. We are not British citizens. We are British Dependent Territories Citizens and never since the time of Senor Castiella in 1964 has it been suggested, that we would have to change our nationality to being Spaniards at any time that we cease to be British Dependent Territories Citizens. That has never been the premise upon which Spain has questioned our right to self-determination. Because what Spain has said throughout until now, is that we had a right to dispose of our souls, but we didn't have the right to dispose of our homes. Therefore we could choose whatever nationality we wanted but we could not determine the sovereignty of the territory, because the sovereignty of the territory belonged to the British Government and not to the inhabitants of Gibraltar. That is the essence of the

Spanish case. So the nationality of the inhabitants does not enter into the question of self-determination.

So we can only assume that he was badly briefed when he said that and that it does not reflect what would be a retrograde step on the Spanish approach to the question of Gibraltar's decolonisation.

Let me say, Mr Chairman, that in seeking to put the record straight, as I have done by referring to his statements, I do it without any spirit of animosity to Spain, or to Senor Solana himself.

Explaining the strategy, he said that what Spain intended to do, was to carry on attempting to convince us, emphasising either persuasion or pressure, depending on how the process progresses. Again we have to say we reject totally this concept of the stick and the carrot. We are mature people and we don't need a stick and a carrot. We can be convinced by an appeal to our intellect but not by threats or by enticements.

Going on with the replies given by Senor Solana at that last meeting which I again remind the Committee is the meeting between the Foreign Secretary of the United Kingdom and the Foreign Secretary of the Kingdom of Spain after an interruption of two years, based on the negotiating process recommended by the UN. In answer to a question from one of the members of the press as to whether Senor Solana would consider a tripartite meeting involving Britain, Spain and Gibraltar as one of the ways of proceeding forward, Senor Solana said:

'we understand the relations between Spain and Great Britain must be bilateral. On our part we have no problem with incorporating representatives of Gibraltar in the British delegation'.

That is not in keeping with our times and that is not in keeping with the role of a colonial leader in a dependent territory. I cannot as he suggests be incorporated, as I explained last year and I am sorry that having had, I am sure, my contribution brought to his attention, Senor Solana has not really given an indication that he accepts the inescapable logic, of my argument. How can I sit down to talk about my decolonisation as a representative in the delegation of the administering power which is supposed to be decolonising me? How can I be expected to do that? So the invitation is to do that and they have no objection.

Of course they have got no objection. Because if I was willing to do that, I would, in my view, be accepting de facto, that I am not a Gibraltarian, that I am an expatriate Englishman occupying a piece of Spanish land and that is not my view of what I am, or what my homeland is. If we are going to have the constructive spirit to which he referred in September 1992, if we are going to have a reflection of the times in which we live, which both he and His Majesty King Juan Carlos referred to in their respective addresses to the General Assembly, then really we must have some forum accepting that the voice of Gibraltar has to be a voice of Gibraltar unrestrained by being part of the delegation of anybody else. A voice that is free from any constraints, either from the claims of Spain on the one side, the Spanish understanding of the UN resolutions or the British Government's interests in decolonising as the administering power. Gibraltar can only participate in discussions on its future decolonisation in a forum where it is able to say what we Gibraltarians want. The fact that what we want may be considered to be difficult to implement, may be considered to be unacceptable to Spain, may even be considered to be a right we don't have because of the Treaty of Utrecht, does not mean that we cannot express it. We have to have the right to express it. And we have a right to say to other people, 'you should consider what we are saying if you expect us to consider anything you say. It doesn't mean we are going to say yes, it doesn't mean you are going to say yes'.

Turning now to how we Gibraltarians understand the doctrine of the UN, I will refer to Resolution 1514 (XV). There the second article says:

**'All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development'.**

And then in paragraph six it says, 'Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations'. That clearly means that there is a constraint in exercising the right if the exercise of the right will lead to fragmentations of existing member states. Well the member state Spain in the United Nations is not a member state which joined with Gibraltar as part of it. The member state Spain in the United Nations would not be dismembered by our exercising our right to self-determination. Because in 1704, when it was dismembered, the United Nations did not exist. And that was when we were last part of the member state. So we

would not be creating two new UN members out of one by exercising self-determination which is the very root of the constraint. We are seeing new members in the United Nations in 1992. We see the right to self-determination not in a colonial situation but we've seen it with the Czech and the Slovak Republic amicably dismembering and becoming two new nations where there was one before. We've seen it with Slovenia, Serbia, Croatia, and other parts of the former Yugoslav Federal Republic.

Now these are situations which are non-colonial situations which are not within the parameters of the Committee of 24 but which the Committee cannot ignore as the framework within which the General Assembly operates in accepting new members arising out of self-determination being exercised in federal systems that are breaking up. Are we saying that the Union of Soviet Socialist Republics was entitled to break up into its constituent members and Russia is entitled to be now a nation in its own right? But that the people of Gibraltar haven't got the right to decide themselves what they want to do because in 1703 Gibraltar was part of Spain.

Are we not surrounded by examples where in fact the relevance of fragmentation and breaking up of existing states is palpable and yet it is accepted? Why is it accepted? Because ultimately the principle of the people determining democratically and freely what they want for themselves has to be paramount. Not because the United Kingdom says it. Not even because the UN Resolutions say it. Because it is an inescapable right for which people have given their lives since the dawn of mankind and that is why neither Spain, nor the UN, nor the Committee of 24, with due respect to everybody concerned, can take away from us something that every human being is born with, from the day he opens his eyes and from the moment he learns to speak and use the word 'freedom'.

I submit that the only way to interpret Resolution 1514 (XV) is that where there is the right of self-determination, exercising it is constrained if the result is a new state hived off an existing state. But Gibraltar is not such a new state.

The UN Resolutions of the General Assembly and the decision of this Committee could not have been drafted on the premise that, restoration of the territorial integrity of Spain as it was in 1703 overrides the right of Gibraltarians to self-determination in 1993. Otherwise, Gibraltar would become a Spanish colony on ceasing to be a British one. Even when people are taken over forcibly to restore



territorial integrity, for example, Western Sahara and East Timor, the fact that the wishes of the people have been overruled has been condemned by the United Nations. Where there is a competing territorial claim, the UN encourages discussion of that claim but not on the basis that territorial integrity is paramount. If the process of discussion with Spain is to develop, then there is a need to have a clear interpretation of the UN Resolutions. The Gibraltarians cannot abdicate their right to self-determination the moment we participate in a discussion over our future. We look to the United Nations as the body that will protect us. Rich and powerful nations cannot have the right to override the wishes of the small and the weak. The problems may be difficult to resolve as we have seen over Bosnia but the key principle must be that the wishes of the people have to be recognised and defended.

Mr Chairman can I remind your Committee of the first decision taken by this Committee on the question of Gibraltar.

On the 16th October 1964 the Special Committee made the following statement as a consensus:

'The Special Committee .....states that the provisions of the declaration on the granting of independence to colonial countries and peoples is fully applicable to the territory of Gibraltar.'

The consideration of these statements led the Special Committee to note the existence of a disagreement, even of a dispute, between the UK and Spain over the status and the situation of the territory of Gibraltar. The response of Mr King, the representative of the UK was to say:

'My Government cannot accept that there is a dispute in this Committee about the status of Gibraltar'.

He also said:

'My Government's policy will continue to conform with the principle of self-determination. My Government does not accept that there is any conflict between the provisions of the Treaty of Utrecht and the application of the principle of self-determination to the people of Gibraltar'.

On the 16th December 1965 the General Assembly by Resolution 2070 (XX) on the report from the Fourth Committee invited the Government of Spain and of the United Kingdom to begin without delay the talks envisaged on the 16th October 1964 by this Committee.

That Mr Chairman, is the genesis of the talks which periodically have taken place between the two Governments. Notwithstanding the statement by Mr King, the existence of the talks is de facto recognition of the existence of a disagreement, even a dispute, with Spain.

However, we reject the premise that recognising that there is a disagreement with Spain axiomatically invalidates the full application to Gibraltar and its people of the declaration on the granting of independence to colonial countries and people.

In October 1990, the United Kingdom informed the Fourth Committee that the 58 inhabitants of Pitcairn Islands had the right to independence. In December 1990, the General Assembly reaffirmed the inalienable right of the people of Pitcairn to self-determination in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, which fully applies to the Territory.

It would be in the extreme absurd to suggest, that had the Pitcairn Islands formed part of some other state in 1703, the same sacred right to independence recognised in 1990 would have been denied to its people.

We Gibraltarians are committed to the eradication of colonialism. We demand our right as a colonial people and seek the protection of your Committee in ensuring the preservation of this right.

We recognise at the same time that there is a disagreement, indeed a dispute, with Spain, which places constraints on our ability to exercise our rights and that these constraints have to be addressed by a process of dialogue in which we are entitled to recognition of our separate identity as a people.

I have hopes that the evolution of new attitudes in Spain towards Gibraltar will make such a process of dialogue and reconciliation easier to achieve.

**I trust that I have been able to indicate to your Committee, Mr Chairman, some early signs that this may be happening by referring to the events of the past twelve months.**

**I believe that this is in part a reflection of my request to your Excellencies a year ago to use your good offices in helping to bring about a climate over the dispute which will enable the decolonisation of Gibraltar to proceed in a manner consistent with upholding the sacred right to freedom and self-determination for which this Committee is justly famous in the historical task it has been engaged in for the eradication of colonialism.**

**I thank once again, Mr Chairman, yourself, and your Committee for the time you have allowed me and I will be happy to answer any question you, or members of the Committee, wish to put to me.**