

**FULL TEXT OF AN ADDRESS
TO THE
UNITED NATIONS
COMMITTEE OF 24
BY THE
HON P R CARUANA
CHIEF MINISTER OF GIBRALTAR**

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Mr Chairman

Let me begin by expressing my gratitude to you and to the members of the Committee for this opportunity to address you on the aspirations for the future of the people of Gibraltar.

Gibraltar elected a new Government on the 16th May 1996. I am the new Chief Minister of Gibraltar and my colleague, Peter Montegriffo, the Minister for Trade and Industry and Deputy Chief Minister.

Mr Chairman, as you are aware our appearance before you today is one in a long list of appearances that former Chief Ministers and other elected representatives of Gibraltar have made before this Committee and the Fourth Committee. The appearance of every single representative of Gibraltar before the organs of the United Nations commencing with the appearance of Sir Joshua Hassan and Peter Isola in 1963, has been characterised, as ours is, by the unshakeable and enduring conviction that Gibraltar is our homeland, our birthright and the legitimate inheritance of our children.

Our conviction with regard to the rights of the people of Gibraltar arises not only from the legal and technical foundations on which these are firmly based, but also from the deeply felt realisation that the Gibraltarians are a moulded and cohesive people shaped with a uniqueness which is the product of 300 uninterrupted years of development. I would respectfully submit that over and above all statistical and sociological data that we may (and that indeed my predecessors have) presented to this and other organs of the UN, the reality of our legitimate existence as a people is inescapable to anyone who visits Gibraltar. The origins of our people are indeed a mixture of various Mediterranean and British stock. This ethnic cocktail, so common to the make up of many of the UN's Member States, is complemented by a wonderful diversity of cultural influences from many countries though mainly from Britain and Spain. These differing ethnic and cultural backgrounds, Mr Chairman, have long ago fused a cohesive people small in number, but immensely rich in heritage, culture, social and religious tolerance. Our identity is distinct, separate and unique. As a community the only way in which we can be accurately described is therefore as Gibraltarians. We are distinct from mainland Britons and distinct from our Spanish neighbours. We regard ourselves as British Gibraltarians. Gibraltarians for the reasons I have described, British because of our 300 years association with the United Kingdom and our desire to obtain and retain modernised non colonial links with Britain through a process of decolonisation that will end our colonial status.

Mr Chairman, in electing a new Government the people of Gibraltar have not weakened, still less turned their back on the fight to win recognition of our right to self determination. That political conviction, as I have said earlier has been shared by all representatives of the people of Gibraltar since they first appeared before the United Nations and our Government is no different. We believe that the strength of Gibraltar's case on legal, political and moral grounds is unanswerable and we request and deserve this Committee's assistance in persuading the international community of this view. Indeed, I sought to underscore this by travelling to Papua New Guinea in June this year, just days after taking office, to participate in this Committee's Pacific Regional Conference on decolonisation. I wish to take this opportunity to thank you, Mr Chairman and the Committee for staging that Conference and for inviting me to participate in it.

Our new Government, Mr Chairman, will however, adopt a different approach and strategy in securing our objective of self determination. As this Committee is well aware the fundamental obstacle that in practice has impeded the exercise by Gibraltarians of our right to self determination is Spain's anachronistic sovereignty claim to our homeland of 300 years. In pursuit of this claim Spain has regrettably, with varying degrees of intensity at different times, subjected Gibraltar to a sustained campaign of psychological, economic and political pressure. This hostility has inevitably and understandably led to a relationship with the Spanish state which has been marked by friction, resentment and mistrust. It is indeed a testimony to the Gibraltarians and to the inhabitants in the immediate vicinity of the Spanish hinterland that relations at local level have rarely seriously deteriorated. An element of human exchange between the communities on both sides of the frontier has survived based on the recognition that we share a common environment and increasingly that there is a great capacity for economic and cultural cooperation for the benefit of all. In this respect I would inform the Committee that four weeks ago I led a delegation of Gibraltar Government Ministers on a visit to the Mancomunidad del Campo de Gibraltar. This body consists of the Mayors and local authorities of the Municipalities of Spanish towns and cities adjoining Gibraltar. We were all encouraged by the genuineness of the Mancomunidad's desire to establish dialogue and good neighbourly cooperation at local level for the economic and cultural benefit of all the communities in the area.

These contacts are useful, indeed vital, but they are not a substitute for the need to establish a new climate between London, Madrid and Gibraltar with regard to the differences that divide us. The election of our new Government presents an opportunity to pursue this approach. In exercising our right to freely determine our own future Gibraltarians wish to bring about the circumstances to allow this to occur through

dialogue and cooperation rather than through confrontation. This in no way weakens our commitment and resolve. Any decolonized status should be one that not only complies with the legal and technical requirements for the achievement of full self-Government, but also ushers in improved prospects of greater economic activity and social and political stability for the future. The decolonisation of Gibraltar without Spanish acquiescence, whilst welcome in representing an advance over our present position, would not be our preferred option. We seek a more ambitious agenda - the decolonisation of Gibraltar through the exercise by the people of Gibraltar of self determination in a way that Spain could be persuaded to accept and which will secure for Gibraltar and indeed for the Spanish hinterland greater stability and prosperity to which the peoples on both sides are entitled and deserve.

Mr Chairman, it is with disappointment and regret that I have read the views of the Kingdom of Spain on the subject of drug and other smuggling in the area of Gibraltar, contained in this year's Working Paper on Gibraltar prepared by the Secretariat of the Special Committee.

Although we are grateful to the British Government for responding to some of the Kingdom of Spain's assertions, Section H entitled "Crime and Crime Prevention" presents a wholly unbalanced and inaccurate representation of the current position.

Stern measures were taken by the Government of Gibraltar in July 1995 to curtail the activities of Gibraltar based fast launches. Progress on this front was indeed publicly recognised by the Spanish authorities at national and provincial level, who applauded the stand and the measures taken by Gibraltar. Since those measures and as at this date there continues to be no such activity. It is therefore with deep regret and disappointment that the people and Government of Gibraltar note Spain's inexplicable failure to now, in this forum, recognise the enormous effort that Gibraltar has made, and the outstanding success of our efforts to date, in eliminating Gibraltar's connection with this unacceptable activity.

We would urge the Kingdom of Spain to take against smuggling boats based in Spain the same tough measures that Gibraltar has taken, so that the activity can be eliminated from the whole area.

The Government and people of Gibraltar wholly reject the attempt by the Kingdom of Spain to "criminalise" the whole of Gibraltar by presenting a factually inaccurate and unbalanced misrepresentation of the current position. For example, at Section H of the Working Paper it is said that since July 1995 there has been "a gradual return to the earlier

situation" and that "the measures relating to transport had been inadequate". Those statements are untrue and quite astonishing in the light of the self evident reality that the July 1995 measures, coupled with subsequent legislation and strict police and administrative actions resulted in the elimination of the smuggling on Gibraltar based boats. Such activity is now either non-existent or negligible. At no stage since July 1995 has there been any degree of return to the situation prevailing before July 1995.

At Section H there is also reference to "the permissive financial system of shady companies" which "continues to present an impregnable obstacle to the eradication of drug trafficking". This is not true. Gibraltar, in common with many other European and worldwide countries and territories, is an offshore finance centre. Our legal system contains all the usual judicial processes for local and international criminal investigations. Our company law is based entirely on that of the United Kingdom and the common law systems prevalent throughout the Commonwealth. Our banking system and regulations conform with the latest European Union banking directives and is regulated and supervised under Bank of England auspices. Our anti money laundering laws implement fully all EU directives, the Vienna Convention as well as Financial Action Task Force Standards. Our legislation is identical to the United Kingdom's. Indeed in common with the UK, and unlike any other European country (including Spain) our law criminalises and polices not just the laundering of the proceeds of drug trafficking, but of all crimes. Our laws in this respect are very much tougher than those of Spain.

Nothing in our legal system presents "an impregnable obstacle to the eradication of drug trafficking". The statement that our legal system is permissive of it is untrue.

On the question of allegations over money laundering we and the British Government have repeatedly urged the Kingdom of Spain to provide us with whatever evidence they have to support their constant allegations of drug money laundering in Gibraltar. None has been forthcoming. Any such cases would be prosecuted with vigour to the full extent of our very strict laws. The problem is not that our system is permissive or impregnably obstructive, but rather that Spain refuses, for political reasons, to avail herself of the opportunities and mechanism that our legal and judicial system offers in the international fight against drugs by refusing to recognise our Courts of law.

Notwithstanding all that I have said about the present situation in relation to smuggling and money laundering, my Government is about to introduce further legislative and practical measures to ensure that

Gibraltar's terminated connection with smuggling boats cannot reoccur and to further enhance our contribution to the international fight against drugs. A contribution already acknowledged by objective observers and foreign national agencies.

Indeed, Mr Chairman, you may wonder what is the relevance of this whole issue to the work of the Special Committee on decolonisation. It can only be intended by the Kingdom of Spain to cause you to doubt that the Gibraltarians are a legitimate people with the necessary credentials to enjoy the right to self determination.

Having set out the real position for the record, Mr Chairman, you should not allow Spain's unfounded allegations to divert attention from the real work of this Committee which is to assist the people of Gibraltar to achieve their inalienable right to self determination.

I therefore now return to the main question which is the future of Gibraltar. At paragraph 62 of the Secretariat's Working Paper on Gibraltar there is a reference to the stated position of the Kingdom of Spain that "according to the United Nations doctrine, the decolonisation of Gibraltar was not a question of self determination, but, rather, a question of restoration of the territorial integrity of Spain". We do not accept that there is any such doctrine. Spain's opinion in this respect is based on a highly subjective interpretation by her of preambular clauses of historical UN Resolutions.

Gibraltar is on the UN's list of Non Self Governing Territories entitled to decolonisation. The Papua New Guinea Regional Conference in June this year Concluded and Recommended (item 7 Part iv of the Report) as follows:-

"The Seminar reaffirmed that in the decolonisation process there is no alternative to the principle of self determination as enunciated by General Assembly Resolutions 1514(XV) and 1541 (XV) and other General Assembly Resolutions"

That is very clear and we agree. If you are a Non Self Governing Territory there is only one process of decolonisation and that is self determination. There is no other. That is UN doctrine and that is the principle that the people of Gibraltar seek to uphold.

Therefore, Mr Chairman, we believe that the first priority is to build confidence and trust between the three parties that have the main interest in Gibraltar, namely, the Gibraltarians ourselves, Britain and Spain. We for our part have no difficulty in recognising Spain's interest in the question of Gibraltar. It is absurd, however, for Spain not to

recognise the inverse, namely, that we Gibraltarians require and are entitled to be the main participants in all matters that affect our homeland. This self-evident proposition should surely first be recognised in the nature of any dialogue regarding Gibraltar. We wish to establish dialogue in which we have our own voice alongside that of the United Kingdom and Spain. Unfortunately previous dialogue on the Gibraltar question has been on the basis of Spain insisting that this should be purely bilateral (namely between Britain and Spain) with Gibraltar being relegated to the position of forming part of the British delegation. This clearly does not recognise the existence of the people of Gibraltar and our legitimate right to promote and defend our views through our own representation.

We believe that our determination to speak for ourselves is no more than common sense. Indeed, Mr Chairman, the Papua New Guinea Regional Conference concluded and recommended to this Committee, that, (and I quote Conclusion and Recommendation Number 8) from the Report of the Conference :-

"The seminar recommends that any negotiations to determine the status of a territory must not take place without an active involvement and participation of the people of that territory".

The Annual General Assembly consensus resolution on Gibraltar urges the continuation of bilateral dialogue between the Governments of United Kingdom and Spain. Mr Chairman, we think that the UN is right to urge dialogue. But it is wrong to urge flawed dialogue that can never succeed. It is wrong to urge bilateral dialogue that purports to deny an adequate voice to the people of Gibraltar. It is wrong to urge dialogue which does not reflect the principle enshrined in Conclusion and Recommendation No.8 of the Papua New Guinea Seminar which I have just read. Mr Chairman, I would urge the Special Committee to ensure that future resolutions are amended to include a reference to this Conclusion and Recommendation and to the right of the people of Gibraltar to speak for themselves at such talks. It is a crucial point on which this Committee is well placed to assist the people of Gibraltar in what is an eminently reasonable and natural position. We ask for that help.

In the spirit of commitment to building bridges and working to consign previous frictions to history, we urge Spain to seize this new opportunity for dialogue. In 1992 His Majesty King Juan Carlos I, King of Spain, called for a resolution of the problem of Gibraltar "in accordance with the times in which we live". It is surely inconceivable that there could be any arrangements affecting Gibraltar, whether on matters of cooperation or of a broader political nature, which would be in keeping with such a

philosophy unless this involves the active and distinct participation of the Gibraltarians in such dialogue. Implicit in this agenda to reduce tensions and build confidence must be a commitment that nothing can or should be achieved through imposition on the people of Gibraltar. The democratic and liberal Spain of today should not want any process of cooperation which involves coercion or imposition on Gibraltar.

Mr Chairman, we believe that the prospect of creating a new climate and confidence with Spain are good if dialogue on this basis can be agreed. Quite apart from the obvious benefits that would result to Gibraltar, Britain and Spain from more cooperation, the EU itself must also be interested in reducing the tensions on an issue that bedevils relations between two of its most important Member States. Indeed the basis of the economic, cultural and social cooperation which defines the EU's own agenda provides a useful and relevant framework for the discussions in the trilateral talks which we are seeking.

Mr Chairman, this Committee as indeed the Fourth Committee, can and I submit should do its utmost to bring about the circumstances which I am describing. What is the alternative? Spain would continue to pursue her claim in the sure knowledge that Gibraltarians will resist it. Britain will continue to honour its assurances to us that there will be no change in the sovereignty of Gibraltar against our freely and democratically expressed wishes. And Gibraltar would continue in its quest for international recognition of our right to self-determination with Spain trying to block us in every forum and to exert economic pressure.

The relationship between the three parties would remain stagnant and totally at variance with the spirit of international cooperation which the United Nations is charged with promoting. We believe that this is a still born scenario.

Mr Chairman, the people of Gibraltar note how other major international problems, such as those in South Africa and the Middle East, have made progress towards resolution. Gibraltarians expect that the same principles of democratic participation and self-determination also are brought to bear on the situation we are facing. We do not seek confrontation with Spain. We seek her understanding of our historical and actual reality and of our natural aspirations as a people. We pose no threat to the Kingdom of Spain. Indeed, we seek her friendship. Our wish is simply to be recognised as a small community within the European Union that seeks to decide its future status freely and in harmony with its neighbours.

Mr Chairman, during this speech I have made various factual and qualitative assertions about the people of Gibraltar and our economy

and our values and characteristics. Others have and may continue to try to paint a different picture. It is not necessary for you to take my word for it. I invite the Committee to visit Gibraltar to test the truth of my assertions. And if technicalities prevent the Committee as such from visiting Gibraltar then the Government of Gibraltar extends a personal invitation to each and every one of you to come and visit Gibraltar, as our guest, in your personal capacities.

Thank you for your attention.