

GIBRALTAR LEADER OF THE OPPOSITION : FABIAN PICARDO
ADDRESS TO THE UNITED NATIONS COMMITTEE OF 24 – 14 June 2011

Your Excellencies

It is my honour and pleasure to address you today as the new Leader of Her Majesty's Loyal Opposition in the Gibraltar Parliament.

I take this opportunity also to congratulate you Mr Chairman on your taking the post as Chairman of this fundamentally important Committee of the work of the United Nations.

As you know, I have accompanied the distinguished Mr Joe Bossano to meetings of this Committee in the past ten years. Today I am myself accompanied by the Leader of the Liberal Party of Gibraltar, Dr Joseph Garcia, a colleague in Parliament.

I have seen at first hand the warmth and respect that members of this Committee have always shown to our interventions on behalf of Gibraltar when made by Mr Bossano.

I have also followed closely the matters discussed at the seminar in St Vincent which Mr Bossano attended.

In that respect, I wish to start by congratulating the Prime Minister of St Vincent, Dr Ralph Gonsalves, for what was reported in Gibraltar to have been a stirring speech at the Seminar, using the words of Bob Marley to urge all of us in the remaining territories to "fight, fight, fight for our rights".

Speaking for those of the people of Gibraltar who I represent, I confirm that we will rise to that challenge – both in the fight to be delisted as a colony of the United Kingdom and in the fight never to pass under the yolk of Spanish colonialism in the future.

As the generations change in Gibraltar we get stronger in our resolve to ensure that we keep up the fight for decolonisation and delisting – despite having already made great strides in achieving the maximum possible level of self-government.

We are therefore encouraged to see this Committee continuing its decolonisation work and the Declaration by the General Assembly that we are to embark on a Third International Decade of work towards the eradication of colonialism.

Encouraged, Mr Chairman, because we will not see the work of this Committee as ever being finished whilst there remains one territory on your list.

And encouraged by the fact that you will be there to protect the remaining territories both from the Colonial administering Powers that may seek to exercise residual controls over the territories and from the States that seek to suffocate the emancipation of the remaining territories by their modern attempts to colonise.

Nowhere is this more evident than in the case of Gibraltar; where the Spanish State continues its unconscionable but futile attempts to colonise our country by seeking to rely on the defunct doctrines of the long dead monarchs of the 18th Century.

Colonial territories can no longer be handed over from one monarch to another regardless of the wishes of the people who live in them.

This is the very basis of the principle of self-determination that this Committee exists to uphold.

And therefore Mr Chairman, whether or not Spain wants to maintain a claim to the sovereignty of our country is not an issue for this Committee. Spain has no standing here with her claim.

Because, let us be clear Mr Chairman, the modern and democratic Spain that is rightly the toast of the world in so many respects seems to forget the concept of democracy at her international frontier with Gibraltar.

In Gibraltar all we hear from Spain are daily repetitions of their continual pronouncements affirming their dominion over our Country. TODAY THEY HAVE TOLD YOU THAT WE ARE NOT "GIBRALTARIANS" BUT THAT WE ARE HAPPY BRITISH COLONIALS AND NOT A PEOPLE IN OUR OWN RIGHT.

And Spain does this, not just in total contradiction of all the principles that have governed human relations since the establishment of the Charter of the United Nations, not just in total contradiction of the principles of decolonisation of peoples establishing this Committee (which I shall analyse in a moment), but in total contradiction even of the very 18th Century Treaty by which she ceded our country to the administering power in perpetuity and on which Spain herself continues to rely to purport to deny us our legitimate rights and even a territorial sea.

But these contradictions appear not to be a concern to the diplomatic service of this otherwise proud country.

Mr Chairman, how can it be that in the 21st Century, in the Third International Decade for the Eradication of Colonialism, the distinguished Foreign Minister of the Kingdom of Spanish could say, with a straight face, in her Parliament last week, that her country's objective remains the recovery of the sovereignty of our homeland.

No word of the rights of the people of Gibraltar, EXCEPT TO PRETEND TO TELL YOU TODAY THAT WE ARE "COLONIALS BY CONSENT" AS THE DISTINGUISHED AMBASSADOR HAS SAID A FEW MOMENTS AGO.

No word of the concept of self-determination and the Resolutions that govern the Decolonisation of a listed territory.

No word of recognition of the work of this Committee.

I do understand that there are likely to be elections in Spain in the coming year, but does that justify a statement that in effect tramples over the rights of the people of Gibraltar that this Committee is established to protect?

The terms of reference of this Committee are concerned only with the development of the relationship between the administering power and the colonial people;

But Mr Chairman, as a young Gibraltarian politician who believes in good neighbourly relations with all our neighbouring states, I call from this Committee on the Spanish government to wake up to the reality of our rights as citizens of the world in the 21st Century, protected by the UN Treaty and the Decolonisation Resolutions.

I call on the Spanish government to recognise these rights.

And I know I speak for the whole of Gibraltar when I call on the Spanish government to follow us into the 21st Century and drop its claim to our country.

Many may think that is an unrealistic call propelled from youthful naivety; but it is actually the only realistic way forward.

A modern democracy like Spain must no doubt recognise – even if her diplomats are not allowed to express it – that is only by the achievement of the maximum possible level of self government and through an exercise of self-determination that results in a consequent de-listing, that our Decolonisation can take place.

That is the reality today; and what is unrealistic and naive is for Spain – who has no standing here – or for anyone in this Committee or who has studied international law and the relevant Resolutions to think the opposite.

The people of Gibraltar will NEVER give up a millimetre of our territory, not one grain of sand and not one drop of the water they say we don't have.

Just as generations before us have stood firmly by our land and sea, so does my generation and those to come.

Throughout the years there has been no softening of our position; and there is no softening to come.

And therefore in the exercise of our rights as a people we have chosen in a referendum the 2006 Constitution by which we have taken steps on the road of Decolonisation, with the British Crown remaining as the embodiment of the Sovereignty of the people of Gibraltar.

In fact, it is clear beyond peradventure that the only issue for this Committee is to determine whether the level of self-government provided by the latest Constitution chosen by our people in a referendum is such that in our case we can be considered to have attained the fullest possible measure of self-government, in our specific circumstances.

We delivered a copy of that Constitution to this Committee already.

We have still had no reaction from you as to how far towards the maximum possible level of self-government and consequent de-listing that Constitution takes us in your opinion.

That is the only test, measure or criteria that this Committee has to turn its attention to when monitoring our continued constitutional evolution.

And in carrying out that monitoring, I call on you to provide us with guidance on why in your view we have not yet attained that fullest possible measure of self-government and consequent de-listing.

Do not remain silent. Tell us – if that is your view – how or why it is that you consider that our Constitution does not give us that maximum possible measure of self-government so that we can be delisted?

That is what your role is.

There is no other doctrine that you need to apply in your consideration of our case under the wording of Resolutions 1514 and 1541.

There is no reference in the Resolution to there being any distinction in relation to territories where a so called “sovereignty dispute” exists; an issue that I know once again plagued the seminar in St Vincent.

To now refer to any such distinction is an attempt to re-write the Resolutions on decolonization in a manner designed to assist predatory states in their pursuit of listed territories.

In fact, to accept the inclusion of any such distinction into the doctrine of this committee would be to fail the peoples of the remaining listed territories so dramatically that it would be a treachery without precedent in international law.

And I am therefore sure Mr Chairman that this Committee will not just resist the attempts of the Kingdom of Spain to advance this pernicious doctrine; you will as a Committee reject outright this transparent attempt to deny rights to the people of Gibraltar and other territories in a similar situation.

Mr Chairman, the Distinguished Secretary General of the United Nations, Mr Ban Ki-Moon, has said repeatedly that there is no room for colonialism in the modern world.

We agree.

The Secretary General has also said, at the opening of this year’s session of this Committee that:

“On a case-by-case basis, [the remaining Colonial] Territories have to be given the opportunity to exercise their right to self-determination in order to take the interests of their peoples fully into account. Colonial situations are completely outdated and must be addressed with renewed vigour and creativity.”

In his quote the Secretary General rightly allows no exception from the principle of self-determination in any case, whether in instances of sovereignty disputes or otherwise.

Because the true founding philosophy of the United Nations in its doctrine of human rights is that the rights of citizens are paramount.

That is why the Secretary General also said at the opening session that:

“The completion of the process of Decolonisation will require the concerted efforts of all concerned: first and foremost, the Special Committee, the administering Powers, and the peoples in the Non-Self-Governing Territories.”

Rightly again, there is no room in that proposition from the Secretary General for the influence of any predatory state that seeks to usurp the sovereignty of a state emerging from colonialism. The Secretary General himself has therefore clearly stated that there is no room for Spain in considering issues related to the Decolonisation of Gibraltar.

As the Spanish State ratchets up its attempts to take over our country, ignoring the rights of the people of Gibraltar, we look to you to show the world that the rights of colonial people are more important than the rights of predatory nations that would colonise them today.

That is, in effect, what the Decolonisation resolutions provide for in NOT creating a distinction in relation to territories where there are purported “sovereignty disputes” between nations.

That is what you are established to ensure remains the case, as we enter this Third International Decade, AND YOU WILL OFF COURSE ALWAYS BE WELCOME IN GIBRALTAR SHOULD YOU DECIDE TO CARRY OUT A VISIT.

And we are confident Mr Chairman that this Committee will maintain that line without fault.

For all of these reasons Mr Chairman, be assured of our support for the important continuing work of this Committee and of the United Nations despite our disappointment at the repeated attempts by some to inaccurately deflect you into making references to a discrimination based on the existence of sovereignty disputes.

In Gibraltar we all look forward to working further with you in advancing the delisting of our country from your list.