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**PRESS RELEASE**

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Attached is the full text of the Chief Minister's address at the United Nations Committee of 24 on Friday 15<sup>th</sup> June 2012.

**ADDRESS TO THE UNITED NATIONS  
COMMITTEE OF 24**

**GIBRALTAR CHIEF MINISTER : HON FABIAN PICARDO MP**

Mr Chairman

I address you today for the first time as the democratically elected Chief Minister of Her Majesty's Government of Gibraltar.

I am accompanied by the Deputy Chief Minister, the Hon Dr Garcia and the Chief Secretary of the Government, Mr Ernest Gomez.

I am the fourth Gibraltarian born and bred Chief Minister to address you on behalf of the People of Gibraltar.

As your records will show, I have been attending these meetings of your Committee now for a decade; accompanying Hon Mr Joe Bossano, who himself as Chief Minister commenced the practice of appearing before you to set out the position of the People of Gibraltar.

I therefore welcome Mr Chairman the renewed international attention that appears evident in respect of the work of this important Committee and the impetus and sense of urgency that your Chairmanship is clearly affording to the unfinished business of the eradication of colonialism.

You can count on the full support of my Government for your work.

Although each speech delivered by successive Chief Ministers has necessarily developed a theme which has been relevant to the moment in which they have addressed you, certain things have been consistently put to you since Sir Joshua Hassan addressed the United Nations in the nineteen sixties as the first democratically elected representative of the People of the Rock.

Our decolonization can progress only on the basis of the exercise by us of our inalienable right to self determination.

Since the decolonization resolutions set out the principles applicable, the People of Gibraltar have spoken with one voice in this respect; always dedicated to ending colonialism in favour of achieving the maximum possible level of self government short of independence.

And that right, Mr Chairman, cannot be curtailed by the creation of any limiting doctrine in cases where the territory in question is subject to a sovereignty dispute, as some have recently erroneously suggested.

But that appears to have been of little consequence to what the Kingdom of Spain has been saying to you in order to stymie our decolonization.

From the time when you were addressed by the representatives of a fascist regime of General Franco to the modern era of a democratic Spain, very little of substance has changed in the message from Madrid.

In the very successful seminar in Ecuador which was attended on behalf of the Government by Mr Bossano and Mr Gomez, the position of the Spanish Government was put in clear and stark terms by Snr Alberto de la Calle, Spain's representative at the Seminar.

He told you that Spain does not and never will acknowledge any international legal status of the current inhabitants of Gibraltar, much less our right to decide the future of our land.

Mr Chairman, can any position be more anti-democratic and totally contrary to the express provisions of Article 73 of the Charter which refers explicitly to the paramount rights of the inhabitants of territories that have not yet achieved a full measure of self government?

How can twenty first century Spain adopt this eighteenth century attitude to the process of decolonization of Gibraltar?

How can Spain simply ignore the express provisions of the Charter?

Indeed, such an attitude is in contradiction with statements made by successive foreign ministers that Spain would not accept the delivery of the land of the Gibraltar against the wishes of the Gibraltarians.

So lets us at least understand that we as the people of the territory of Gibraltar and you as the Committee charged in protecting our rights as a colonial people, are facing in the position of Spain a morass of irreconcilable contradictions.

One of the top Spanish diplomats of recent generations, Snr Inocencio Arias – who was until ten years ago Spain's Permanent Representative at the UN, has recently recognised, in a memoir, that all of Spain's strategies for the recovery of Gibraltar have failed.

We did not need to be told that, nor do we want any strategy to succeed, but he is right to have started a debate in Spain which in effect is telling Spanish diplomacy what we have been saying for generations:

***“wake up and smell the coffee : GIBRALTAR WILL NEVER BE SPANISH”.***

Yet in recent months, the attitude of Spain's foreign ministry appears to have ignored the failures of the past and is working hard to secure even greater failures for the future.

My Government regrets that the process of tripartite talks between Gibraltar, the United Kingdom and the Kingdom of Spain on all matters of mutual interest have been suspended by the new Spanish Government.

Mr Chairman and Your Excellencies will recall that this process is referred to by the 4<sup>th</sup> Committee in October in the Decision published by that Committee on the Question of Gibraltar.

It is also important that you are aware of what is presently happening in the British Gibraltar Territorial Waters around the Rock.

We are consistently suffering invasions of our undisputable waters by the Spanish paramilitary force known as the Guardia Civil.

These incursions have been a constant feature for many years.

Indeed, in 2009 things reached a boiling point when the Guardia Civil tried to assert jurisdiction in these waters.

They are trying to do so again in respect of fishing by Spanish fishermen who wish to operate in breach of Gibraltar's environmental protection laws.

Spain makes the unmeritorious argument that Gibraltar has no territorial waters because none were ceded by the Treaty of Utrecht in 1713.

Of course, the fact is that Gibraltar has the waters recognised by the Conventions on the Law of the Sea, most recently the 1982 MONTEGO BAY UNCLOS Convention.

Moreover, incursions by the Guardia Civil are not just breaches of UNCLOS, but also breaches of the good neighbourliness provisions of Article 74 of the Charter.

Every Chief Minister of Gibraltar who has addressed the UN has challenged Spain to take its unsustainable argument about the waters around Gibraltar for an advisory opinion to the International Court of Justice or to the International Tribunal for the Law of the Sea, both of which have jurisdiction to determine such disputes.

Instead, Spain prefers to pit its Guardia Civil para military force against Gibraltar Police officers and the Royal Navy.

Already in one month on 9 occasions UNCLOS warnings have had to be given to Guardia Civil vessels in the area.

Well, now here at the UN, I formally challenge Spain to act in keeping with the spirit of the Charter and the established principles designed to avoid the escalation of disputes.

I formally challenge Spain to agree to a reference to the International Court of Justice or the International Tribunal of the Law of the Sea to finally settle this matter once and for all.

I know they will not agree.

Why?

Because as has been disclosed by another senior retired Spanish Diplomat Snr JOSE ANTONIO DE YTURRIAGA, the Spanish Government knows that its position in respect of British Gibraltar Territorial Waters is wrong and unsustainable in law.

He actually describes the position as "absurd".

This is a particularly important revelation given that Snr YTURRIAGA was a very senior man in Spanish diplomacy, having been Ambassador to Russia, Ireland and Iraq.

He has revealed that they have a number of legal opinions provided to the Spanish Foreign Ministry which set the position out clearly.

Well, Mr Chairman, that should start to give you a flavour of what Spanish diplomacy is like.

They assert that the waters around Gibraltar are Spanish, when they know they are not.

They refuse to go to the ICJ or the Tribunal on the Law of the Sea, because they know they will lose whilst at the same time upping the ante in the Bay of Gibraltar.

Well now that we have established that Spanish Diplomacy says one thing one it believes another to be correct, I now also formally challenge Spain to agree to go for an advisory opinion on the issue of the application to the People of Gibraltar of the principle of self determination.

Given the reality of the position in relation to our territorial waters, if they refuse this challenge also, then you will know that it is because the legal analysis they have behind closed doors is no doubt just as negative of their chances of success on that issue as it is about their chances of success on their claim to our waters.

That is why, from now on, every time you hear a distinguished delegate from the Kingdom of Spain address you, remember that what they are asserting to you as correct, they very likely have a legal opinion which tells them the opposite is true!

Mr Chairman, I have profound respect for the Kingdom of Spain and for its distinguished diplomatic service; but I also have to express profound disagreement with their position on Gibraltar – because they know they are wrong on all of their assertions in respect of the Gibraltarian Nation and they press on regardless.

All of the Ambassadors who come to address you; they say one thing, but they know that the legal reality is different and contrary to the case they put before you.

That is why they are scared to test their feeble claims in Court, whether in respect of our undisputable right to self determination or our undisputable waters.

That is Spanish diplomatic hypocrisy at its worst.

And it must mean that they are holding out hope that you will never take steps to determine the facts in the case of Gibraltar.

They know that if you do, you would then dismiss all their propositions out of hand as no more than international legal nonsense.

That is why I now formally extend to you an invitation on behalf of the Cabinet of Her Majesty's Government of Gibraltar to visit Gibraltar and find out for yourselves that the reality of our territory is very different to the position being put to you by the distinguished representative of Spain.

I also extend to you the possibility of organizing the next Seminar of the Committee in Gibraltar.

Let the People of Gibraltar who you represent and who you have a sacred trust to protect speak to you directly.

Then you will all be seeing Spain's arguments for the nonsense which they are.

Please also ask yourselves this:

If the Government of Gibraltar has continually asked to resolve the issues in dispute with Spain in the relevant international legal fora but Spain refuses;

if the Government of Gibraltar has continually invited you to come and see the reality of Gibraltar but Spain objects;

it must be that Gibraltar is very confident that it can defend the reality of what it tells you and that Spain is not sure of its case and does not want the Committee to see the reality on the ground.

This must mean Mr Chairman that the facts are on our nation's side.

And let us be clear, Gibraltar will not be a "problem that goes away".

Current generations of Gibraltarians feel as strongly as those who have come before.

I am the sixth Gibraltarian BORN AND BRED Chief Minister of Gibraltar.

The argument that we are an imported population is therefore as false as all the other propositions that Spain foolishly advances.

This year Mr Chairman marks the forty fifth anniversary of our first referendum in 1967 and ten years since the second in 2002.

And the powers of the Government of Gibraltar have increased substantially in the time that has elapsed since our territory was first listed, not least since the election by our People of our new Constitution in 2006.

In respect of that Constitution, our position is to ask the Committee to tell the People of Gibraltar whether it delivers to us the maximum possible level of self government short of independence.

If it is not, we ask you to tell us what changes are required to the Constitution so that it delivers the maximum possible level of self government short of independence which we seek as the tailor made solution which we would put to our People in a referendum as the forth option available to us for decolonization in exercise of the right of self determination.

Finally, Mr Chairman, the United Kingdom has already told the Government of Spain that it remains strongly committed to the Trilateral Process of dialogue established in 2006.

My Government has also repeatedly stated that we remain equally strongly committed to that Trilateral Process of dialogue.

I invite Spain to come back to the table to talk.

I invite Spain to avoid turning its back on a process for dialogue which was subscribed to by its predecessor Government and which has been welcomed by this Committee and the 4<sup>th</sup> Committee.

I invite Spain to resolve the issues between us in the international courts, which is where disputes should be resolved between parties who are all integral parts of the European Union and Nato as we are.

And finally Mr Chairman, I will therefore maintain of course the position which I set out last year and I respectfully invite Spain to finally follow us into the twenty first century and drop its futile claim to Gibraltar.