



**HER MAJESTY'S GOVERNMENT
OF GIBRALTAR**

THE CHIEF MINISTER

TEXT OF AN ADDRESS

BY

HON FABIAN PICARDO MP

UNITED NATIONS COMMITTEE OF 24 ON DECOLONISATION

WEDNESDAY 12TH JUNE 2013

ADDRESS TO THE UNITED NATIONS
COMMITTEE OF 24

GIBRALTAR CHIEF MINISTER : HON FABIAN PICARDO MP

Mr Chairman

This is my second appearance before your Committee as Chief Minister of Gibraltar and I am accompanied by the Deputy Chief Minister Dr Garcia.

Mr Chairman three hundred years ago next month, the Kingdom of Spain ceded Gibraltar to the United Kingdom under the terms of the Treaty of Utrecht of 1713 - I quote - "***to be held and enjoyed absolutely with all manner of right for ever, without any exception or impediment whatsoever***".

That is an absolute cessation of a territory if ever there was one.

As many of you will know, the Treaty also prevented the presence of Jews and Moors in Gibraltar and banned trade with the adjoining areas of Spain.

Yet, no sooner was the ink dry on the parchment of Utrecht, than Spain was breaching the treaty by trying to recover Gibraltar by force and siege.

There are a number of commemorative events being planned in Gibraltar throughout the year, but we will not be celebrating a treaty which is anti-Semitic, racist and which purports to curtail our rights as a people.

Indeed, it is now fifty years since successive Chief Ministers of Gibraltar have been coming to this Committee asking you to defend our rights as a people in modern international law; under the terms of the UN Charter and the relevant decolonisation resolutions that create your Committee's jurisdiction and engenders the "sacred trust" which requires you to act in defence of our wishes as a people.

Because it is clear to any international lawyer worth his salt from whom you might care to seek the most cursory opinion, that the clauses of a Treaty that was signed in 1713 cannot seriously be used in 2013 to restrict or curtail the right of the people of Gibraltar to determine their own future.

1713 was a time of cannon and bloodshed in Europe, when the concept of human rights did not exist and men and women were sold as slaves by kings and queens who could pass title to countries to each other at their whim.

But for the current Government of Spain, time seems to have stood still.

Only last month during the very successful seminar your committee held in Quito, Ecuador, the representative of Spain held her country up for international ridicule once again with shocking submissions symptomatic of the current Government's compulsive blindness to the reality of modern Gibraltar and the Gibraltarians today.

Mrs Pedros-Carretero said that - and I unfortunately quote - "***Spain does not and will never acknowledge any international legal status to the current inhabitants of Gibraltar nor will it ever accept their pretended right to dispose of the Rock.***"

Such comments can have no place in the modern world.

This is eighteenth century language from a twenty first century democracy.

That may have made sense in 1713 or in the depths of the pre-democratic Spain of the 50s, 60s and 70s.

But today, remarks that deny the very existence of a people to whom you owe that "sacred trust" must be anathema to you, as they are to my countrymen and women and to the democratic governments of the whole world.

So I therefore take the opportunity of the 300th anniversary of the signing of the Treaty of Utrecht to repeat the challenge made in this forum by other Chief Ministers of Gibraltar in the past half century.

I urge the Kingdom of Spain to test their pathetic and unsustainable political view in the International Court of Justice on all matters in dispute on the question of Gibraltar.

If they will again not do so, Mr Chairman, I urge this Committee, if necessary via the 4th Committee that you report to, to seek an Advisory Opinion on the matter.

Because, the relevant international law on this issue is as you know very clear and it entirely contradicts the Spanish position.

Gibraltar was included by the United Kingdom in 1946 in the list of Non-Self-Governing Territories and the international legal status of our nation remains unchanged since then.

That is why my colleague the Hon Joe Bossano, one of the most accomplished politicians in the field of the international law on self determination of colonial peoples, reminded you last month that Decolonisation Resolution 1514(XV) was fully applicable to Gibraltar.

This means that the only options open for Gibraltar's decolonisation are either independence, free association, integration or the tailor-made solution provided for in resolution 2625(XXV) of 1970.

Those are the **only** options Mr Chairman.

There is no question of Gibraltar being handed over to Spain, as she seeks.

That is **not** an option.

There is no separate doctrine that arises simply when one state claims the sovereignty of a listed territory.

International jurisprudence on the issue is too developed to admit of such political nonsense being adopted as law, however often it is repeated.

For our part, Mr Chairman, the people of Gibraltar are clear in seeking to exercise the fourth option for decolonisation; the tailor made solution created by resolution 2625(XXV) of 1970.

Mr Chairman, in 2006 the people of Gibraltar accepted in a referendum our current Constitution which had been agreed with the United Kingdom by our then Government and Opposition.

Time and again we have asked this Committee to tell us whether this document, in their view, embodies the fullest possible measure of self-government short of independence which would allow for the decolonisation of Gibraltar and the change in our international legal status through our removal from your list of Non-Self-Governing Territories.

This would then need to be specifically endorsed by the people of Gibraltar in exercise of their right to self-determination in a further referendum.

Yet we have had no answer to date.

You remain surprisingly mute on the issue.

Mr Chairman, with respect, we cannot have a situation where the people of the territory, whose wishes are meant to be sacrosanct, are effectively ignored and sidelined by this Committee.

This Committee exists to look after the interests of our nation; to pursue the wishes of the people I represent; to hold our hand in attaining our political aspirations.

It does not exist to pander to the territorial claims of neighbouring claimant, based on a 300 year old treaty that is gathering dust and which has long been overtaken by events.

That has been overtaken by the Charter of the United Nations, democratic principles and the rule of law.

And if there is any doubt, then Article 103 of the Charter itself clarifies beyond peradventure that “***in the event of a conflict between the obligations of members of the United Nations under the Charter and their obligations under any other international agreement, their obligations under the Charter shall prevail.***”¹

¹ As repeated in General Assembly Resolution 2734, paragraph 3

So that does for Utrecht, as for the now long dead bilateral process of dialogue known as the Brussels Process.

Because the doctrine of the United Nations and of the international community is that all peoples have the right to self-determination; and treaties that purport to interfere with that in any way are invalid in international law.

Successive Chief Ministers have repeatedly traced how that right applies to the people of Gibraltar in earlier addresses.

And you have yourselves in parts of your own UN website on decolonisation an explicit and helpful reference to your monitoring the situation in the remaining 16 territories, and **WITHOUT EXCEPTION** “*working to facilitate the advance toward COMPLETE self-determination*” of these 16 territories.²

Clearly therefore the right of self determination is now at last recognised by you explicitly as being applicable to all the territories ***INCLUDING GIBRALTAR***.

You have therefore decided the issue; whether Spain likes it or not.

You say it in writing on your website and therefore unless you explicitly say otherwise you are entirely clear in telling the world via the world wide web that this is your position.

And that there are therefore clear principles that govern how the decolonisation is to be handled – and there is not an ad hoc, state by state mechanism that you can shape to please Spain.

In that context, Mr Chairman, I am delighted to report to you that our Head of State, Her Majesty the Queen of Gibraltar, Queen Elizabeth II, told Parliament last month that the UK Government agrees with your position and will continue to defend the right to self-determination of the people of Gibraltar.

And I therefore assert to you today with absolute confidence that the future of Gibraltar will be decided only by the people of Gibraltar in the exercise of our inalienable right of political self determination.

Anybody who thinks otherwise should think again.

The die is cast: Gibraltar belongs to the Gibraltarians.

Lock, stock and barrel.

There is nonetheless a need for the Committee to move to recognising that inescapable reality and our primacy in this matter in your conclusions, not just your website, and not just repeat the same consensus decision on Gibraltar year after year.

² <http://www.un.org/en/globalissues/decolonization/>

Mr Chairman, the Secretary General of the United Nations told you on 21st February this year that the narrative of the work of this Committee cannot again be portrayed as “decolonisation deferred”.

The Government of Gibraltar agrees entirely with the Secretary General.

He and we join in urging you to start the process with us of completing self determination, as is stated on the UN website.

We cannot continue to come here again and again, year after year, and receive little or no feedback from the Committee.

You assist no-one with this dialogue of the deaf.

You advance nothing by your continued silence.

This important committee must steel itself and speak at last;

And you must act in the terms of what you have already set out online.

Your failure to speak or act or even have the courage to accept our repeated and hereby renewed invitations to visit us emboldens the bullies.

Mr Chairman, the current Government of Spain continues to display considerable hostility towards Gibraltar.

Since 2010 our territorial sea has been continually invaded by armed patrol boats of the Spanish state on the absurd premise that Gibraltar has no waters; a proposition which has no basis in international law or even in rational thought.

And the current Government of Spain continues to challenge our economic model, even when the rest of the world and the EU accepts it and it creates jobs for many Spanish citizens.

Moreover, our sporting associations continue to have to fight Spanish objections in order to be recognised internationally.

I am however delighted to tell you by way of information, Mr Chairman, that our football association has recently been admitted to UEFA after a lengthy legal battle resulting from Spain's political and unsporting objections.

You see Mr Chairman, **when the Gibraltar gets a fair and unbiased hearing, we win!**

Game, set and match.

That is why we repeatedly challenge Spain to go to the international courts but she cowers away.

I also deeply regret that that the current Government of Spain has withdrawn from the Trilateral Forum of Dialogue where, together with the Governments of Gibraltar and of the United Kingdom, discussions between the three parties were progressing.

My Government remains strongly committed to the Trilateral Forum for Dialogue.

The UK has expressed identical strong commitment to that Forum.

Indeed, I go further Mr Chairman, I want to express my People's solidarity with the people of Spain at this difficult economic time for them.

We already provide approximately 10,000 jobs for cross frontier workers who live in an area of Spain suffering 40% unemployment but have found work in Gibraltar.

We are keen to work with a Spanish Government that forgets its medieval obsession with the takeover of the sovereignty of our nation and is ready to exploit opportunities across our frontier for mutual human and commercial advantage - as we are already seeking to do with the friendlier municipal authorities in the neighbouring Spanish city of La Linea.

That would create jobs; bring greater prosperity and stability to our region and mark a step in the right direction for all of us.

Help us to do that.

Send a clear and explicit signal - that the future lies not in Spain looking back at the frontiers established by the absolute monarchs of the fragmented, violent Europe of 1713;

But in jointly looking forward to a unified Europe of peaceful peoples and nations working together, where our right to determine our future is respected as required by international law.

Mr Chairman, my Government wants to work with your Committee in order to complete the decolonisation of Gibraltar in that context.

We want to engage with the organs of the United Nations in order to map out a roadmap to the 4th option for decolonisation of our country in accordance with the principle of self-determination you agree is applicable to all sixteen remaining territories without exception.

That is our right.

That is your obligation.

You have wasted too much of our time already.

And we demand that you start proactively acting in defence of our rights now.