



**HM Government
of Gibraltar**

Address by

The Chief Minister of Gibraltar

Hon Fabian Picardo QC MP

to the

UNITED NATIONS'

SPECIAL COMMITTEE ON DECOLONISATION

('C-24')

United Nations Headquarters

New York

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Mr Chairman

Let me start by congratulating you on your re-appointment to the chairmanship of this prestigious Committee of the United Nations.

I address you this year on the 75 anniversary of the evacuation of the civilian population of Gibraltar at the time of the Second World War.

Our people were dispersed to London, Northern Ireland, Jamaica and Madeira whilst the War raged on the European Continent.

But all longed to return to their only home: the mighty Rock of Gibraltar.

That diaspora of our people made us come of age in many ways.

And the battle for their return to Gibraltar heralded the rise of our political consciousness as a people.

The Evacuation Generation built that consciousness.

They did not cower in the face of rampaging fascism.

They did not blink when asked to make huge sacrifices.

With the courage characteristic of the people of the Rock, THEY built the strong, fair and equitable Gibraltarian Nation that I proudly lead today.

And so today I dedicate my address to them.

To honour their generation.

To thank them for their constant hard work,
for their unflinching sacrifice.

To remember the dream of their beloved Gibraltar, which THEY kept alive during the horror of war.

Their efforts have led us ultimately, some generations later, to the attainment of our current Constitution of 2006 which represents the current measure of self-government reached by Gibraltar.

We have previously submitted that Constitution to your Committee.

A further copy has been delivered to the Secretariat today.

We have asked you to tell us whether it reaches the maximum possible level of self-government short of independence or what else is missing in order that you determine we have reached that state of political autonomy which is necessary to be de-listed by you.

We have been met with a deafening silence from you in this respect.

I repeat our request for your feedback.

You are there to assist us.

So please let me have a reply to our question.

Surely, it is not too much to ask.

Indeed, Mr Chairman, last year, at the end of my address, you asked me not to be pessimistic about the lack of progress on the decolonisation of Gibraltar.

In fact, you wisely observed that I must have some faith in the work of the Committee, given how far I travel every year to address you.

I do Mr Chairman.

But let us not forget, Mr Chairman, that this is the fifty fifth year of the existence of the Committee.

I must tell you that even we, your supporters, do not believe this has been a year in which the Committee has covered itself with glory.

My distinguished predecessor as leader of the Gibraltar Socialist Labour Party, the very highly regarded Mr Joe Bossano, has demonstrated in his address to your seminar in Nicaragua, that the conclusions recorded about the discussions on Gibraltar in Fiji were inaccurate.

I reiterate and adopt everything that Mr Bossano told you in his powerful address to your seminar in Managua.

I attach a copy of his address as Annex 1 to the printed copy of my speech.

I fully expect, indeed, I demand, on behalf of the Government and People of Gibraltar that your conclusions are amended to reflect that Gibraltar is not seeking the creation of a quadripartite process.

That is not the policy of the Government, Parliament or people of Gibraltar. Our policy is that we remain committed to the Trilateral Forum for dialogue.

It is not the policy of the Government of the United Kingdom, which has repeatedly said that it remains strongly committed to the Trilateral Forum for dialogue.

The policy position you have reflected as being the agreed position is the position only of one party, the Kingdom of Spain.

Your adoption of the position of one party as if it were the position of all parties is therefore as unfortunate as it is suspect and unacceptable to us.

And we will not let it pass as if it were agreed or agreeable to Gibraltar.

And you must recall Mr Chairman that the people to whom this Committee owes its sacred trust are the colonial people of the remaining non-self governing territories.

Your chairmanship of this Committee is a reflection of your commitment and obligation to the people of the territories. You need to remember whose side you are supposed to be on!

For that reason, I was surprised and dismayed to read a report of the Spanish Parliament's Foreign Affairs Commission of the evidence of Snr Ignacio Ybáñez in which he referred to having had a private meeting with you in respect of Gibraltar.

He told the Spanish Parliament that he had briefed you privately on the latest developments in Gibraltar.

What nonsense.

First of all, as the elected representative of the People of Gibraltar, I would be grateful for a full read out of what was said at that meeting so that I can properly respond.

I am sure you do not want to hear only one side of the stories he will have told you.

Secondly, I would ask on what basis you agreed to meet privately with Snr Ybáñez about our nation.

Spain is not the Administering Power reporting under Article 73 of the Charter. It is the United Kingdom that makes that report.

Spain does not represent the Colonial People. I do.

So what you were doing meeting privately with Snr Ybanez about my homeland is really quite questionable.

He cannot update you on developments on Gibraltar.

All he could update you on is the current dire state of the Spanish claim to re-colonise our nation.

Because it must be dawning even on the current Spanish Government that they do not stand a snowball's chance in hell of taking over our sovereignty!

It is never going to happen!

Although we do obviously wish to enjoy a relationship of friendship, mutual respect and mutual benefit with the Spanish people.

But given that you did meet with Snr Ybáñez, perhaps you would be so kind as to provide me with a date and time when I can come and meet you privately also in order to discuss the latest real developments in Gibraltar.

I will, in particular, update you on the findings that the European Commission has made against the current Spanish Government for the manner in which it has dealt with the transit of persons at the European frontier between Gibraltar and Spain.

I will then also be able to brief you in detail also of the number of false complaints raised by the current Spanish Government against Gibraltar to the EU Commission, which the Commission has turned down.

And of the findings by OLAF, the anti fraud office of the European Commission, of how organised crime and money laundering in Spain is affecting our nation. And Spanish law enforcement agencies are not allowed to engage with ours to deal with that huge problem of Spanish organised crime on our doorstep.

We will need some time, as there is so much I need to tell you.

Because it is supremely important, Mr Chairman that you do not forget to whom you owe your Committee's sacred trust.

And I will remind you as often as I have to, Mr Chairman, that it is to us, the Colonial People.

We are the ones you represent and whose sacred trust you carry the burden of.

In that respect, Mr Chairman, I want to refer you to the hugely important RESOLUTION adopted by the General Assembly on 5 December 2014 "*on the report of the Special Political and Decolonization Committee the Fourth Committee in Document (A/69/462)*" ie this Committee.

That resolution is numbered **69/107** and is referenced as referring to "**the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.**"

I have attached a copy of it as Annex 2 to my address so you have all of it available alongside my references to it, although I am sure you are familiar with it.

I want to pick up just a few paragraphs.

The General Assembly, refers to "***[H]aving examined the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2014***".

It also refers to "***Bearing in mind its resolution 65/119 of 10 December 2010, by which it declared the period 2011–2020 the Third International Decade for the Eradication of Colonialism, and the need to examine ways to ascertain the wishes of the peoples of the Non-Self-Governing Territories on the basis of resolution 1514 (XV) and other relevant resolutions on decolonization.***"

It includes other recitals in its preambular paragraphs before recording various decisions which I want to specifically remind you of.

At paragraph 4, the General Assembly Resolution "***[A]ffirms once again its support for the aspirations of the peoples under colonial rule to exercise their right to self-determination***".

This is an uncaveated right.

It is **NOT** subject to any restriction and applicable to all the people who the General Assembly and this Committee regard as being under colonial rule, which includes me and all the other people of Gibraltar.

At paragraph 7 (c) you are asked ***“to continue to examine the political, economic and social situation in the Non-Self-Governing Territories, and to recommend, as appropriate, to the General Assembly the most suitable steps to be taken to enable the populations of those Territories to exercise their right to self-determination.”***

In that respect, our request for feedback on the 2006 Constitution which I just mentioned and which governs our political situation, now becomes - in my respectful submission to you - an imperative requirement of the General Assembly.

At paragraph 7(d) the General Assembly urges YOU ***“to develop and finalize, as soon as possible and in cooperation with the administering Power and the Territory in question, a constructive programme of work on a case-by-case basis for the Non-Self-Governing Territories to facilitate the implementation of the mandate of the Special Committee.”***

The decision rightly mentions no other parties as being relevant, just you, the Administering Power and the Territory.

Given the General Assembly Resolution, you will no doubt shortly be in touch with the administering power via its permanent representation here.

Because the Resolution from the General Assembly imperatively requires that YOU be getting in touch with us in order to get that constructive programme going.

No such approach has yet been made.

Well, I am at your disposal here today or whenever you need me to travel to New York again to progress the programme which the General Assembly requires you to start.

We could do it at the same time as we have our Ybanez style "private meeting", if you so wish.

In order to avoid any confusion, my offices' direct contact details are attached as Annex 3.

I shall very much look forward to hearing from you and to starting the work mandated by the General Assembly in paragraph 7(d).

But even further, Mr Chairman, paragraph 7(e) of the General Assembly Resolution of December last year ***REQUIRES*** you ***“to continue to dispatch visiting and special missions to the Non-Self-Governing Territories in accordance with the relevant resolutions on decolonization”***.

Indeed, in paragraph 15 the General Assembly ***“[R]eaffirms that the United Nations visiting missions to the Territories are an effective means of ascertaining the situation in the Territories, as well as the wishes and aspirations of their inhabitants, and calls upon the administering Powers to continue to cooperate with the Special Committee in the discharge of its mandate and to facilitate visiting missions to the Territories”***

As you are aware, the United Kingdom has also previously invited the Committee to visit Gibraltar and, as I understand it, continues to extend the invitation.

As the elected representative of the People of the Territory of Gibraltar, I formally again extend the invitation to you to come to Gibraltar. We have seen today how much importance all distinguished delegates here have attached to these visits.

The invitation has been extended to this Committee by successive Chief Ministers of Gibraltar, starting with Sir Joshua Hassan in the 1960's, through Joe Bossano in the 1990s and Sir Peter Caruana before me.

Yet you have never even acknowledged the invitation, let alone visited us.

Now you have no choice, in my submission, as the General Assembly has made it clear by RESOLUTION 69/107 that you must pursue the visiting mission in order to discharge your mandate.

The Administering Power has previously said it is ready to assist you in organising the visit.

The Territory Government, which I represent, is ready to welcome you.

I am sure you will not want to fail to comply with the General Assembly Resolution when you have been offered the full co-operation of the Administering Power and of the Territory Government as required by the Resolution.

In case, however, there are logistical issues in your way, I want to go a step further Mr Chairman. I have here, Mr Chairman, a first class air ticket with British Airways for you to travel from New York to Gibraltar via London.

I will email it to the Secretariat.

It is booked for the 8th of September this year so that you can arrive in time to see for yourself the celebrations of our National Day on the 10th of September when we celebrate the first referendum in which we exercised our right to self determination.

There is no possible impediment now to your visit.

We want you to see and understand our reality.

And if you cannot make it on those dates, the ticket is open and can be changed for any other convenient date.

Please just tell us when you are coming.

Let us agree a programme with your secretariat.

Let us make the visiting mission a reality as the General Assembly requires.

Let us work together to make our decolonisation a reality once and for all.

And let us really make this a decade of decolonisation and success, and not another decade of continued colonialism and abject failure in relation to Gibraltar.

Alternatively, Mr Chairman, if we are just to continue to watch you treading water, forgive us for becoming increasingly pessimistic about the Committee's commitment to our people.

But prove us wrong.

Accept the invitation to come to visit Gibraltar.

Respond to our request for feedback on the 2006 Constitution.

And let us get the work of decolonisation done in partnership, as an example to the rest of the world.

Because we are not going to go away Mr Chairman.

We will continue to come here.

Not to legitimise your Committee's inaction on Gibraltar.

But to press you into action.

Because the Gibraltar decolonisation ball is now firmly in your court.

Have the courage to run with it.

Or leave it to those of us who do.