



HM Government
of Gibraltar

**CHIEF MINISTER'S
ADDRESS TO THE
FOURTH COMMITTEE OF
THE
UNITED NATIONS
GENERAL ASSEMBLY
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Madam Chair,

Every year we hear the Spanish representative tell you the same thing.

They talk about resolutions of the General Assembly, adopted more than half a century ago, which **they say** support their sovereignty claim over our homeland.

So today, I want, once again, to be clear about the position of the Government and People of Gibraltar:

Spain ceded sovereignty over Gibraltar, in perpetuity, in 1713.

No resolution of the General Assembly can change that fact.

Nor can it curtail our inalienable right of self-determination.

In fact, there is no legal value in the General Assembly resolutions that Spain relies on.

They are legally worthless.

They are not declaratory of any principle of international law.

There is nothing in those resolutions that trumps the resolution that really matters.

That is General Assembly Resolution 1514 (XV) which explicitly "declared" the existence of the right of self-determination.

This is the very right that underpins the historic agreement reached last week between the United Kingdom and Mauritius, completing Mauritius' decolonisation.

It restores its territorial integrity and allows for the return to the Chagos Archipelago of its exiled inhabitants¹.

¹ *In the Chagos Advisory Opinion of 2019, (Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion, I.C.J. Reports 2019, p.95.) the ICJ held that General Assembly Resolution 1514 (XV) was evidence of the existence of the right to self-determination*

THAT is the Resolution with which you must concern yourselves.

And that is a Resolution of legal force on which we can and do rely.

So, those representing the Kingdom of Spain in this forum should not waste time making repeated, futile references to Resolutions that are legally worthless.

It is undoubtedly embarrassing for the existing, socialist, progressive Government of modern Spain to have to rely on Resolutions obtained here by what **even they** describe as the fascist Government of 1960s Spain.

I remind the Committee that the last resolution voted on was in 1969, when Spain was still in dictatorship and Gibraltar was the only representative democracy on the Iberian Peninsula.

Apart from having no legal value, that resolution had limited political weight, even 50 years ago – because nearly half of the United Nations' membership at the time either voted against it, abstained, or did not vote.

So, in international law and politically, reliance on those resolutions is flawed and futile.

Because Gibraltar cannot legally be decolonised by adherence to those stale and legally worthless resolutions, let alone by integration into Spain.

In fact, such an action would not amount to decolonisation – it would result in the recolonisation of Gibraltar, but by a different colonial power!

So, please understand one thing:

as a customary norm. It emphasised that the resolution was adopted by 89 votes with 9 abstentions, and with no state contesting the existence of the right to self-determination. The Court explained that the language of the Resolution was of a normative character as it set out in general terms the existence of the right and the requirement on States to take steps to transfer powers to the populations of Non-Self-Governing Territories. The Court went further and described the adoption of General Assembly Resolution 1514 (XV) as "a defining moment in the consolidation of State practice on decolonization" and noted that it built on previous legal acts and was affirmed subsequently.

The only determining factor in our future will be the expression of the free will of the People of Gibraltar, exercised exclusively in accordance with our right of self-determination.

Because that is the only applicable principle of international law which is relevant to the decolonisation of Gibraltar.

The principle of consent.

The fundamental principle of SELF DETERMINATION, which is the guiding light of the United Nations in matters related to the decolonisation of peoples.

Madam Chair, we have been working to give effect to the will of the People of Gibraltar not only in the United Nations, but also in negotiations, alongside the United Kingdom, with the European Union to agree a new relationship with the EU.

96% of the people of Gibraltar voted to remain in the EU in the referendum of 2016.

We want a strong, positive and fluid relationship with the EU which provides pragmatic solutions to problems of frontier fluidity for our people.

Just last month I attended, alongside the British Foreign Secretary, the Rt Honourable David Lammy MP, the third meeting in Brussels with the Vice President of the European Commission, Maros Sefcovic, as well as a delegation from the Spanish Foreign Ministry led by Minister Albares.

Socialist politicians meeting with a chance to show how we can resolve people's problems, not exacerbate them.

We are working well together to create, both in Gibraltar and in the Spanish hinterland around us known as the Campo de Gibraltar, an area of 'shared prosperity' that delivers mutual economic benefit.

But perhaps even more importantly, the solutions we propose will also help resolve the day-to-day issues that people in Gibraltar and the

surrounding region have when trying to see members of their families, practice sports, or attend schools in one jurisdiction or another.

Issues that politicians have been making more complicated for decades.

We must avoid compounding and perpetuating those failures.

Of course, doing so successfully is a complex process.

But it is an objective that we are confident we can resolve positively if we remain focused on leaving sovereignty to one side whilst concentrating on practical solutions.

Gibraltar wishes to see a UK/EU Treaty agreed as soon as possible.

To achieve that, we have been proposing balanced, imaginative and sovereignty neutral solutions for the harder elements in the negotiation throughout.

But it is now a matter for the Spanish authorities, as part of the EU negotiating team, to decide whether they want to accept these imaginative and balanced solutions which will help us all to reach the final arrangements we are keen to deliver.

Our offer is fair and balanced.

It is designed with the best interest of all people in Gibraltar and the region in mind.

It is entirely respectful of the systems and security of the Schengen Area and the integrity of the Single Market.

The ball is, therefore, very much now in Spain's Court.

Because any solution must also respect my people's position on sovereignty, jurisdiction and control.

And it must not undermine our right of self-determination in any way.

Yet, respecting those parameters will not mean that we have to give up in trying to find pragmatic solutions.

We appreciate how complex some of the technical issues are.

But we continue to seek to deliver a positive outcome.

Whilst conflict rages in the world, we can show that serious people, hard work and brave diplomacy can break through decades of intransigence and centuries of mistrust.

But there can be no compromise on the commitment to remove Gibraltar from the list of Non-Self-Governing Territories in keeping with the wishes of the Gibraltarians and with no other extraneous considerations in play.

Because that is the only doctrine that applies or matters.

That is the only way forward.

That is the only solution that the people of Gibraltar will accept.

ENDS