



FULL TEXT OF AN ADDRESS
TO THE
UNITED NATIONS
FOURTH COMMITTEE
BY THE
HON P R CARUANA
CHIEF MINISTER OF GIBRALTAR

7 OCTOBER 1996

Mr Chairman,

The people of Gibraltar elected a new Government in May this year. I am the Chief Minister and my colleague Peter Montegriffo the Deputy Chief Minister.

All Gibraltarians share the unshakeable conviction that Gibraltar is our homeland, our birthright and the legitimate inheritance of our children. As we have consistently asserted before the different organs of the United Nations, our rights as a people derive naturally and undeniably from the fact that we are a cohesive people moulded into a unique and separate identity over 296 uninterrupted years of development following British occupation of Gibraltar in 1704. During all of this period we have been a colony of the UK and not a part of Spain.

The people of Gibraltar are resolutely of the view that, like every other colonised people we have the inalienable right to self-determination under the Charter, that is the right to freely and democratically determine our own decolonised political future in accordance with the Charter of the UN free of external pressure and imposition.

As members know, Spain claims the sovereignty of Gibraltar, contrary to the unanimous wishes of the people of Gibraltar, even though Spain ceded Gibraltar to the Crown of Great Britain in perpetuity under Article 10 of the Treaty of Utrecht 283 years ago.

In pursuit of this claim Spain has, regrettably and with varying degrees of intensity at different times, subjected and continues to subject Gibraltar and its people to a sustained campaign of psychological, economic and political pressure. This has inevitably and understandably led to a relationship with the Spanish State (though not, on the whole, its people) marked by friction, resentment and mistrust.

The new Government of Gibraltar is determined to do all that it can to overcome and reverse this destructive spiral. For that purpose we actively seek meaningful dialogue in an acceptable framework with the United Kingdom and the Kingdom of Spain. The condition that Gibraltar requires for dialogue is simple and we believe, eminently reasonable, and I will want to return to this vital aspect later on in my address. Before doing so it is important for

us to reiterate Gibraltar's fundamental position on decolonisation and what we believe is the doctrine of the United Nations.

As this Committee is aware, the Kingdom of Spain asserts that it is the doctrine of the United Nations that the decolonisation of Gibraltar can only be achieved by the integration of Gibraltar into Spain. Both Gibraltar, as the colonised people, and the United Kingdom, as the administering power, reject that view. This is not the doctrine of the UN. In the case of Western Sahara in the International Court of Justice, Judge Nahandra Singh said that "Even if integration of a territory was demanded by an interested state, it could not be had without ascertaining the freely expressed will of the people, the very sine qua non of all decolonisation". Certainly it is the doctrine of the UN that the principle of self-determination enshrined in the Charter is not available to citizens of a sovereign nation state in order to secede from that state and thereby destroy the territorial integrity of a Member State. But that is not the case of Gibraltar. As I have described earlier, Gibraltar was ceded by Spain to Britain in perpetuity 283 years ago. The issue of Spain's territorial integrity does not arise by the application of self-determination today to the colonised people of Gibraltar.

UN doctrine is clearly set out in Conclusion and Recommendation 7 of the Report of the Committee of 24's Conference on Decolonisation held in Papua New Guinea in June this year, which I now quote:-

"The Seminar reaffirmed that in the decolonisation process there is no alternative to the principle of self-determination as enunciated by General Assembly Resolutions 1514(XV) and 1541(XV) and other General Assembly Resolutions".

Self-determination is the only principle by reference to which decolonisation can take place. I would respectfully remind the Committee that in Article 1 of the UN International Covenant on Economic, Social and Cultural Rights of 1976 it is declared that "all peoples have the right of self-determination". That Covenant was specifically ratified by UK in respect of Gibraltar. Spain did not object. In the Namibia Case the International Court of Justice observed that "international law in regard to non self-governing territories as enshrined in the Charter of the United Nations made the principle of self-determination applicable to all of them".

Gibraltar is, of course, on the United Nation's list of Non Self Governing Territories.

From our point of view it is of course preferable that Gibraltar's future status should be one that Spain could live with, so that normal and friendly neighbourly relations can prevail thereafter. But this is only a preference and does not mean any dilution or weakening of our fundamental conviction of our inalienable right to self-determination. Gibraltar is entitled to self-determination without preconditions or constraints of any kind.

In my address to the Committee of 24 on 23 July 1996, I highlighted the desire of the Government of Gibraltar to establish better relations and to engage in cooperation with Spain. These efforts are bearing good fruit at local regional level. Last week a delegation of the Mancomunidad which comprises the seven Spanish municipalities nearest to Gibraltar, visited the Rock. We are keen to work together for the benefit of all concerned on both sides of our frontier with Spain. But these initiatives really need to be complemented by an improvement in the political climate between Gibraltar and Madrid. Gibraltar actively seeks that improvement. Unfortunately much of the behaviour from the central Government in Madrid does not facilitate such cooperation. For example, even though both Spain and Gibraltar are in the European Union, Spain refuses to allow air and maritime links between Gibraltar and Spain. Furthermore she operates a frontier regime between the two countries which often causes very long queues and much delay in crossing the frontier. This places severe constraints on Gibraltar's tourism and economic potential. Furthermore Spain persistently seeks to deny Gibraltar the benefit of our EU membership by seeking to undermine our status as a member territory, a fact which has existed for 13 years before her own entry into the EU. This also hampers our economic development.

Mr Chairman, in his address to the Committee of 24 on 23 July 1996 the representative of the Kingdom of Spain said "Gibraltar has no future nor economic viability with its back to or against Spain". If by that Spain means that in order to survive and prosper economically Gibraltar will have to capitulate to her anachronistic sovereignty claim, then the Government of Gibraltar rejects this view which is not borne out by the facts of the last 296 years. Certainly the Kingdom of Spain seeks to make that statement a self fulfilling prophecy by subjecting Gibraltar to a campaign of

pressure designed to undermine the realisation of our full economic and political potential as a people. We believe that this behaviour is a flagrant breach of Resolutions 2131 (XX) of 21 December 1965, 2625 (XXV) of 24 October 1970 and 2734 (XXV) of 16 December 1970 all of which prohibit Member States from placing external pressure or repressive measures of a political, economic or any other nature, on the people of a non self governing territory. The people of Gibraltar will never bow to such pressure.

This does not mean that we do not seek good relations and close cooperation as neighbours. Notwithstanding our differences of opinion with the Kingdom of Spain, the Government of Gibraltar seeks a process of meaningful and constructive dialogue with the initial objective of building confidence and trust between the parties. This would then lead to a process of mutual cooperation on a broad range of issues. The obstacle to such dialogue is that Spain persists in her refusal to recognise that we Gibraltarians require and are entitled to be a full participant in all dialogue about matters that affect our homeland.

As I have indicated, the Government of Gibraltar is willing, indeed keen, to participate in dialogue with the United Kingdom and Spain at anytime and in any place provided only that at those talks the people of Gibraltar have a separate voice of their own and can therefore speak for and represent themselves through their own constitutionally and democratically elected Government. Gibraltar recognises that there would be only two sovereign independent nation states attending such talks (namely Britain and Spain) but this cannot deny the people of Gibraltar a separate voice in that dialogue. This perfectly reasonable requirement need not, in any way, prejudice the position of Spain in her fundamental position on the question of sovereignty, a position which we of course reject since the sovereignty of Gibraltar belongs to its people and cannot be negotiated, still less transferred, contrary to the will of the people. We are grateful to the United Kingdom for her robust adherence to that principle.

The attitude of Spain is that she will discuss Gibraltar only with the United Kingdom and invites Gibraltar to participate in those talks as part of the British delegation, that is as part of the delegation of the administering power and with no separate voice. Spain says that in such dialogue our "interests" (but not our wishes) would be respected, and even then not our "interests" as decided by us.

This position is, for obvious reasons, not acceptable to the Government and people of Gibraltar. All we ask is for our own voice, the right to speak for ourselves in any process of dialogue. We seek the help of this Committee in achieving this.

The new Gibraltar Government's commitment to dialogue with Spain, that is dialogue on a proper basis, cannot be disputed. We have advocated the position during the last 5 years and it features prominently in our election manifesto. Since these elections in May this year, we have engaged in an extensive process of dialogue with politicians representing all political parties and municipal authorities in the region of Spain immediately adjoining Gibraltar. Our predisposition to dialogue is openly recognised in the Spanish press.

Unfortunately only two weeks ago talks scheduled to take place in London between the law enforcement agencies of the UK, Spain and Gibraltar on the subject of cooperation in the fight against drug trafficking failed to materialise. This was because an acceptable basis for dialogue could not be agreed following Spain's refusal to participate in the talks on the basis that each of the UK, Spain and Gibraltar would have its own separate voice. We remain committed to trying to bring about such talks within the parameters I have described.

Mr Chairman, as you know it has been the practice in recent years for the Committee to pass an annual consensus Resolution calling on the UK and Spain to engage in dialogue between themselves on the future of Gibraltar. I would urge the Committee to insist that this year's resolution on Gibraltar includes a reference to the right of the colonised people, that is the people of Gibraltar, to have our own separate voice at those talks.

Mr Chairman, the Papua New Guinea conference on decolonisation recommended and concluded at item 8 as follows:

"The seminar recommends that any negotiations to determine the status of a territory must not take place without an active involvement and participation of the people of that territory"

As Spain claims that the Brussels Agreement is about the future status of Gibraltar, it follows that we, as the people of that territory must be entitled to an active involvement and participation in the

talks, that means a voice of our own. This is the principle that we respectfully ask the Committee to ensure is reflected in this year's Resolution on Gibraltar.

Mr Chairman, we think that the UN is right to urge dialogue, as we do, but we think that it is wrong to urge flawed dialogue that can never succeed. It is wrong to urge dialogue between the administering power, that is the UK, and the third party claimant, Spain in which the colonised people, the people of Gibraltar are denied a separate voice of our own. The people of Gibraltar seek the support of this Committee in achieving such a voice at any talks about Gibraltar - it is after all our homeland, not the UK's and not Spain's.