



FULL TEXT OF AN ADDRESS

BY

**THE CHIEF MINISTER OF GIBRALTAR**

**THE HON P R CARUANA QC**

TO

**THE UNITED NATIONS**

**FOURTH COMMITTEE**

Mr Chairman, Excellencies, it seems an incongruous moment to come before you on an issue which - while of vital importance to the people of my country, Gibraltar - pales into insignificance, at this moment in which the world finds itself following the outrageous atrocities perpetrated in this city, and elsewhere in this country on September 11<sup>th</sup>.

The people of Gibraltar, like the overwhelming majority of people around the world, have expressed their deep sorrow and sympathy to the USA and its people and I repeat our solidarity with them here today.

But the UN has rightly chosen to get on with business and therefore we are bound to be here. I do not, however, deny that, on this occasion, and for the reasons that I have stated, I articulate our views and grievances on the issue of Gibraltar with a heavy heart, with a troubled mind and with a sense of compelling perspective.

Mr Chairman, I and my predecessor as Chief Minister of Gibraltar, have been appearing before this Committee annually since 1992. We have deployed many arguments, we have made many pleas and requests - none have even received a response or commentary, still less been acted on by either this Committee or the Special Committee on Decolonisation. Instead the Committee limits itself to adopting the same annual, tired and self evidently ineffective consensus resolution, which appears to ignore everything said to you on behalf of the people of Gibraltar.

We have demonstrated that Gibraltar is on the UN's list of Non Self Governing Territories and that, according to the UN and the International Court of Justice, in the process of decolonisation there is no alternative to self determination. We have also demonstrated how, according to the International Court of Justice, these principles apply to all listed Non Self Governing Territories without exception; despite demonstrating these things, they are neither reflected in your annual resolution, nor rebutted by the UN.

We have demonstrated that, contrary to what Spain says, there does not exist in international law or UN doctrine any doctrine or principle applying the principle of territorial integrity to a decolonisation situation. How could there be, if in the process of decolonisation there is no alternative to the principle of self determination? Despite demonstrating these things, they are neither reflected in your annual resolution nor effectively rebutted;



We have demonstrated how the exercise of self determination by the people of the colony of Gibraltar would not bring about the disintegration of the Spanish State, since that already happened 297 years ago in 1704! We have also demonstrated how Spain therefore seeks to abuse the principle of territorial integrity, not to prevent the disintegration of her territory or to disrupt her territorial integrity, but rather to try and reintegrate and restore her territory to what it was 297 years ago by turning the clock of history back to 1704. In the process, she seeks to ride roughshod over the UN Charter rights of the people of Gibraltar, not least our inalienable right to self determination. If everyone claimed the right to restore the map of the world to what it was in 1704, you gentlemen would be even more busy here at the UN than you already are.

We have demonstrated also that, contrary to Spain's arguments, there is no special decolonisation regime applicable to so-called "enclaves"; and we have also demonstrated that the make up, provenance and relationship with the territory of Gibraltar of the people of Gibraltar is indistinguishable from that of half the peoples represented here today who have exercised their right to self determination; - including the Spanish colonists who exercised their right to self determination in much of Southern and Central America to which land they were not indigenous. Yet none of this that we have repeatedly demonstrated is either reflected in your annual resolution or rebutted.

Clearly there is a territorial dispute in that, regardless of the merit of her position Spain claims the sovereignty of Gibraltar despite first losing it militarily and then ceding it in perpetuity in the very same Treaty that she still claims is valid to deny us the right to self determination. And so the real issue for this Committee is this – does this Committee believe that the mere existence of a territorial sovereignty dispute is sufficient to displace and override the right to self determination of a colonial people? I would urge you to consider that there is no basis in the Charter or in international jurisprudence for such a view. Yet it is the view that appears to be reflected in the annual consensus resolutions that you approve "on the nod" each year. That consensus resolution reflects the consensus of UK and Spain – it does not reflect the Charter or other legal or political rights of the people of Gibraltar, and it is the rights, wishes and interests of the people of Gibraltar who are the UN's sole concern in the decolonisation process.

Why is the annual consensus resolution on Gibraltar fundamentally flawed? Because it calls for bilateral negotiations between the UK (our Administering Power) and Spain (the territorial claimant) to resolve their



differences over Gibraltar. Where do the people of Gibraltar, our wishes and our right to self determination fit in that formula of words? The language of your annual resolution is the language of territorial disputes; it is not the language of decolonisation and self determination, and therefore ignores this inalienable right of the people of my country.

The rights of my country and its people cannot be compromised in a mist of confusion of the very different issues of decolonisation and territorial dispute. The latter cannot eliminate the former. The right to self determination of all colonial peoples is sacred, universal and primary principle of international law and doctrine. It lies at the very heart of the historical foundation of these United Nations. A mere bilateral territorial sovereignty dispute is not sufficient to displace or compromise it.

In her desperate attempt to persuade you that we are an unworthy people, Spain parades a number of specious and irrelevant arguments and false facts. Last year, for example, she told you that Gibraltar was a massive duty free shop and that we exercise large scale “economic dumping” (this is not true, our balance of trade is heavily in Spain’s favour), that we practice an opaque financial and company system and that we distort competition (these things are not true – our legal system complies fully with EU requirements on transparency, regulation and anti-trust); on occasions she claims that we are terrible environmental polluters, dreadful money launderers, in short – that we are guilty of every unworthiness in the book! None of these things are true – and even if they were true it would be irrelevant to the issue of our right to self determination. For good measure and effect when the Spanish representative addressed you last year she added (knowing that this would strike a chord with many Member States) that the UK maintains a military base in Gibraltar which she claims affects her national security. This is indeed surprising given that both the UK and Spain are members of NATO. There is, indeed, a UK military base in Gibraltar, alas on a very reduced scale. But presumably it no more threatens Spain’s national security than the US military bases in Spain itself.

So what do we say about the political and legal arguments that both Spain and (in part) the UK deploy against us in order to deny us the right to self determination? What do we say about the systematic and defamatory slurs made by Spain against Gibraltar and its people? We say – don’t just take us at our word and argument – let it all be put to objective test! Let the International Court of Justice decide whether the people of Gibraltar enjoy the right to self determination in international law. Let the International Court of Justice decide whether a strained interpretation of a



300 year old treaty is capable of curtailing or denying the right to self determination of a colonial people under modern international legal and political principles. Let the Special Committee on decolonisation visit Gibraltar to establish for itself whether the things that Spain says, in its crude attempt to discredit us in your eyes, are true or not. Spain and the UK appear to oppose both the referral of the legal issues to the International Court of Justice and the UN Mission visit to Gibraltar to establish the facts. Why? You are entitled, indeed I would say the UN is obliged to ask itself – Why? Isn't the answer obvious? Neither the facts and realities of Gibraltar, nor international law, sustain Spain's statements and position in relation to Gibraltar, nor the continued denial to us of the right to self determination. Why else would they refuse?

Last year the representative of the Kingdom of Spain congratulated this Committee and the Committee of 24 on its work on decolonisation and on the Declaration of the Second Decade for the Eradication of Colonialism. These statements need to be assessed in the light of Spain's attitude to the Gibraltar issue. Spain has told Gibraltar and the UN that the choice facing the people of Gibraltar is (1) to remain a British colony forever or (2) to integrate into Spain. In other words Spain is willing to see colonialism in Gibraltar perpetuated forever rather than compromise her sovereignty claim. This is not a commitment to decolonisation. This is nothing more than a commitment to her own national self interest.

Mr Chairman, in her address to you last year, the distinguished representative of the Kingdom of Spain also expressed appreciation for the work of the then Chairman of the Special Committee of 24, Ambassador Peter Donigi of Papua New Guinea. The work of Ambassador Donigi included a paper on each listed Non Self Governing Territory which he circulated in June this year and, I believe, forwarded to the Secretary General. In that paper Chairman Donigi concluded that the Special Committee should develop, with the concurrence of the UK and Gibraltar a work programme for Gibraltar which would include a plebiscite asking the following question: "Should Gibraltar remain a self governing territory of the United Kingdom"? If the outcome to the plebiscite were affirmative, said Ambassador Donigi, then the UN should delist Gibraltar from the list of Non Self Governing Territories. If Spain then wished to maintain its sovereignty claim it could do so in another organ of the UN. He concluded that the Special Committee on Decolonisation's mandate did not include determination of questions of competing sovereignty claims and that the Special Committee's Work Programme for Gibraltar should not therefore include the question of competing sovereignty claims. I too therefore would like to express my



appreciation to Ambassador Donigi of Papua New Guinea for his work as Chairman of the Committee of 24.

Mr Chairman, in July this year the UK and Spain jointly announced that they were giving “a fresh impetus” to discussions between them under the Brussels Agreement to resolve all the differences between them.

The people and Government of Gibraltar do not turn their backs on dialogue with Spain. But it has to be reasonable dialogue in which we can reasonably be expected to participate with safety and respect for our position. It cannot be bilateral dialogue between the UK and Spain, in which our presence and participation is relegated to some secondary or supporting role because that is inherently inconsistent with our right to self determination. We must therefore be present at any dialogue with our own separate voice in the form of the Government of Gibraltar. Secondly, such dialogue must be safe for us. We cannot reasonably be expected to participate in any dialogue in which the other two participants, Spain and UK, could agree things above our heads.

The UK Government’s Foreign Office Minister of State, Mr Peter Hain, recently told the people of Gibraltar that the aim of such dialogue was simply that Gibraltar and Spain should have “a normal relationship – just as neighbours do elsewhere in modern Europe”. The Gibraltar Government fully subscribes to dialogue on that basis and on a genuinely open agenda basis in which all the parties can discuss all their differences without us being required to compromise our sovereignty or our right to self determination and which respects our political rights as a people.

Mr Chairman, only last Thursday over 12,000 Gibraltarians (that is 65% of the entire adult population) took part in a public demonstration in Gibraltar to protest at the UK’s decision to agree to exclude Gibraltar from the EC Single Skies measures, as demanded by Spain and to signify their support for a political declaration of unity signed by all present and past members of Gibraltar’s Parliament of all parties and domestic political views . The full text of that declaration is attached to the copies of my address which are available to Distinguished Representatives. But the essence of it was three simple propositions:

1. The people of Gibraltar will never compromise, give up or trade our sovereignty or our right to self determination.

2. Gibraltar wants good, neighbourly, European relations with Spain based on reasonable dialogue, mutual respect and also respect for our European Community and other rights.
3. Gibraltar belongs to the people of Gibraltar and is neither Spain's to claim, nor Great Britain's to give away.

These propositions (which will remind many of you of your own determination as a people before your own exercise of the right to self determination in your own countries) reflect the unity and resolve of practically the entire population of Gibraltar. It is a pity that it should even be necessary to make a stand on these fundamental and basic issues of principle in the face of their denial to us by two members of the European democratic family and of the European Community.

And therefore I ask from this Committee that it:

1. Amends the annual consensus resolution so that it recognises the right of the people of Gibraltar to decolonisation in accordance with the principle of self determination and our right to a separate voice of our own in any dialogue about Gibraltar;
2. Should there be any doubt in the Committee's mind about our right to self determination that this question should be referred to the International Court of Justice for an advisory opinion; and
3. That the Special Committee on Decolonisation should visit Gibraltar to establish the true facts and circumstances about Gibraltar and its people.



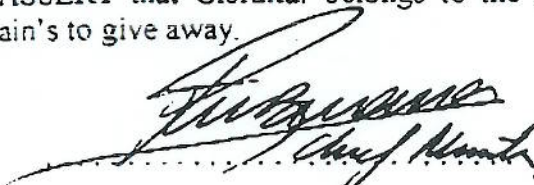
**DECLARATION OF UNITY**  
**GIBRALTAR 4<sup>th</sup> OCTOBER 2001**

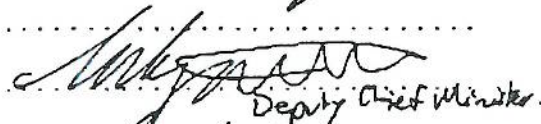
We, the undersigned, being all the elected Members of the House of Assembly of Gibraltar, declare and endorse the following propositions, which unite and reflect the views of the overwhelming majority of the people of Gibraltar:

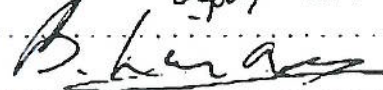
1. The people of Gibraltar will never, ever, compromise or give up our inalienable right to self-determination, that is, the right to decide our future in our land.
2. The people of Gibraltar will never compromise or give up our sovereignty, not for good relations with anybody and not for economic benefits either.
3. The people of Gibraltar will not compromise our right to self-determination, still less sovereignty, in exchange for respect for rights which are ours anyway, and which others should be made to respect unconditionally.


AND WE

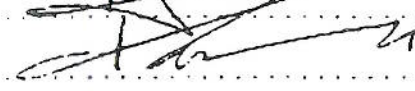
- a. CALL UPON Her Majesty's Government to honour, respect and uphold our EU rights by ensuring that we participate in all EC and EU measures in the same manner and to the same extent as all other citizens and territories of the European Union AND WE CONDEMN Her Majesty's Government in the United Kingdom for capitulating under pressure to the suspension of Gibraltar from the EU Single Skies measures, and the Government of the Kingdom of Spain for demanding it.
- b. REAFFIRM that Gibraltar wants good, neighbourly, European relations with Spain based on reasonable dialogue and mutual respect. Spain is obliged to respect our EU and other rights.
- c. ASSERT that Gibraltar belongs to the people of Gibraltar and is neither Spain's to claim, nor Britain's to give away.

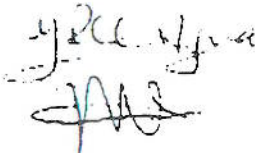
  
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Chief Minister.


  
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Deputy Chief Minister.


  
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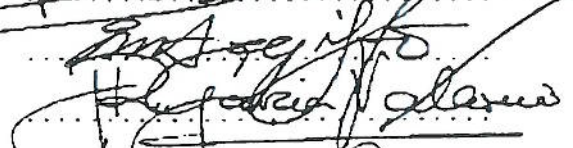
  
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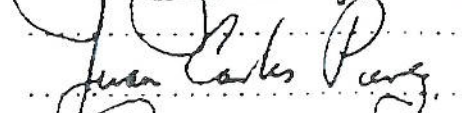
  
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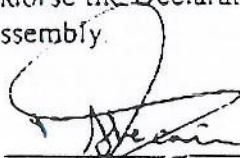
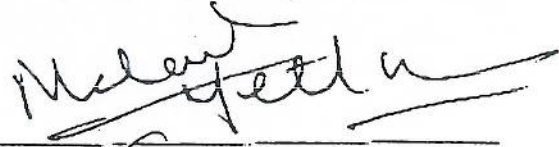
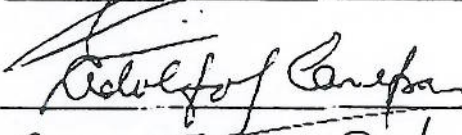
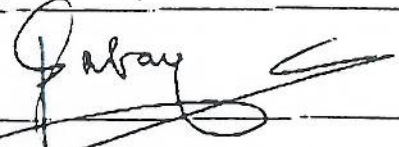
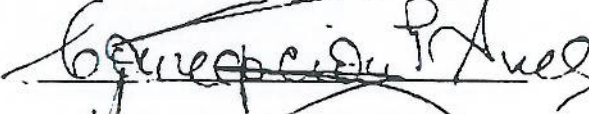



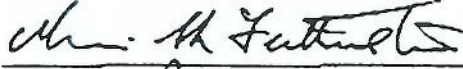
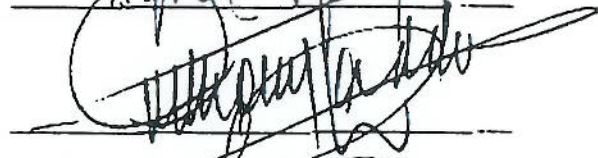
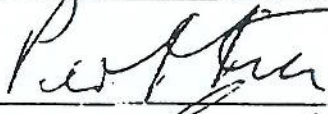

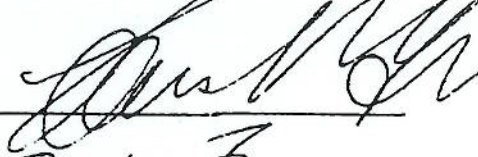
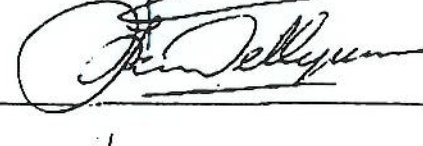
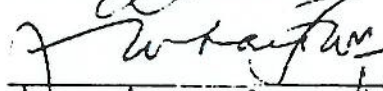
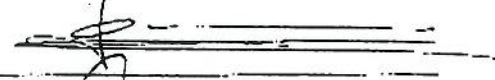
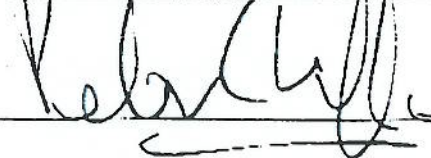

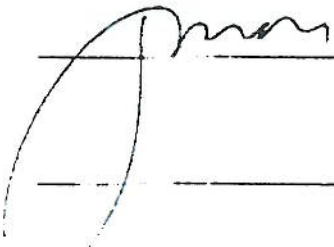
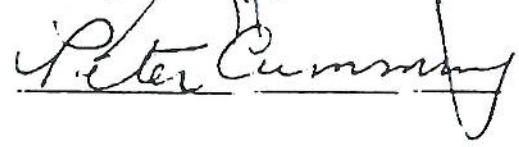
  
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**DECLARATION OF UNITY**  
**GIBRALTAR 4<sup>th</sup> OCTOBER 2001**

We, the undersigned, being Elected Members of previous legislatures of Gibraltar, endorse the Declaration of Unity signed by Elected Members of the present House of Assembly.

And we the Speakers past and present of the House of Assembly, endorse the Declaration of Unity signed by Elected Members of the present House of Assembly.

