

FULL TEXT OF THE ADDRESS BY THE LEADER OF THE OPPOSITION
THE HON FABIAN PICARDO TO THE UNITED NATIONS COMMITTEE OF
24 IN NEW YORK – 4 OCTOBER 2011

Mr Chairman, Your Excellencies,

As I told the Committee of 24 in June, together with my colleague Dr Garcia (the leader of the Liberal Party in Gibraltar), I represent a new generation of Gibraltarian politicians.

I do not, however, represent any different opinion to that already ably expressed to you in the past twenty years by my predecessor as Leader of the Socialist Party in Gibraltar, Mr Joe Bossano, for whom I know many of you have much personal affection.

Let us be clear from the outset of my intervention so that there can be no misunderstanding at all.

It is only the wishes of the people of Gibraltar that matter in determining the future of our land.

The principle of self-determination must govern all aspects of the decolonization of Gibraltar to the exclusion of all other doctrines.

This is clear from the first paragraph of the first Article of the International Human Rights Covenant of 1976 which specifically provides that “All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

It is also particularly clear in the Advisory Opinion of the International Court of Justice in the case of the Western Sahara where the decolonization resolutions of the General Assembly (which originated the language of the International Covenant) were the subject of analysis by international jurists.

In that case Judge Dillard expressed the firm view that self-determination remains in all cases the CARDINAL PRINCIPLE which cannot be overridden by territorial claims of third states.

Do not, therefore, Mr Chairman allow this Committee to be duped by the attempt to purport to create a new doctrine applicable to colonial territories in respect of which a sovereignty dispute is said to exist.

There is no such doctrine in the International Covenant, in the case law or otherwise in International Law and such a doctrine cannot be created simply by it being repeated by Spain and a few others in their own narrow self interest. The right to self-determination cannot be compromised or neutered in this way. It is nonsensical to entertain any such suggestion.

We, the Gibraltarians, are therefore the only ones whose views count in respect of the future of Gibraltar; so I can tell you with confidence that Gibraltar will never be Spanish. And I can therefore also tell you confidently, that no Spanish monarch will ever hold any part of the sovereignty of Gibraltar; neither the whole nor any part of it.

The future of Gibraltar does not lie in shared sovereignty or a transfer of sovereignty from one colonizing power to another.

That is why the consensus decision that you agree each year is a backward looking route map to nowhere.

The consensus decision that you have put to you in agreed form every year refers back to the Brussels process that calls for bi-lateral agreement between the United Kingdom and Spain which ignores the cardinal principle set out by Judge Dillard and in the International Covenant.

I must therefore insist, Mr Chairman, that the agreement of the consensus decision therefore misleads you and the whole world represented here today into thinking that the administering power UK and the claimant state Spain can somehow advance the decolonization of our land through a bilateral process.

In fact, the Brussels process is unacceptable the people of Gibraltar who have consistently rejected it and will not accept that the administering power should conduct any meetings of it. This fact has been made clear to you by the United Kingdom who have stated here that although it would be part of the consensus (for some reason you will understand better than me) it would not discuss sovereignty of Gibraltar with Spain under the Brussels Process without Gibraltar's consent, which WILL NEVER be forthcoming. The Brussels Process and the consensus decision is therefore even for the United Kingdom unviable and defunct.

But let us look to the future positively Mr Chairman. We will always be willing to work with the Government of the Kingdom of Spain on issues that do not touch and concern their aggressive claims on our Sovereignty. We will always look forward to the day when the Government of Spain comes of democratic age and transforms its attitude to Gibraltar.

We are ready to reciprocate real friendship, co-operation and mutual respect to the government of the Kingdom of Spain. That is not facilitated at all by the remarks made in June by the representative of Spain in the Committee of 24, when he referred to Gibraltarians as "colonials by consent". A more absurd proposition could not have been advanced by a modern democracy in the name of so called "diplomacy".

That attitude to the proud people of Gibraltar and our status in international law just discloses how ignorant and mistaken our neighbour is about us; how little they understand us and how blind they are to the reality of their southern international frontier! We already extend friendship, co-operation and mutual respect to the Spanish people, many of whom work and live amongst us every day.

BUT as I told the Committee of 24 in June, the time has come for Spain to drop its neo-colonial claim to re-colonize our land.

I am tired of hearing that this will never happen; because everyone here and beyond knows that the claim is futile and that the future lies beyond it. Mr Chairman, it was a truism that the Berlin Wall would never fall; and yet fall it did. Spain must bring its attitude to Gibraltar into the twenty first century and leave behind this chip (or Rock) it has carried on the shoulder of its young democracy. Its claim to our Sovereignty is as brittle as the Berlin Wall was.

And that is where your consensus decision should be aiming in order for this Committee to act in keeping with the sacred trust it holds in advancing the principles of the International Covenant and the General Assembly's own decolonization resolutions.

Mr Chairman, you will always find us willing to co-operate with you on a visit to Gibraltar or any investigation you may wish to make to fully familiarize yourselves with the reality of our situation. You will always find us willing to assert and defend our unbeatable title to our land at the International Court. The Kingdom of Spain, so confident in its assertion of its claim, always turns this challenge down. Therein lies the answer to legality of this matter and to the immorality of the attempt to usurp our territory from under us.

Finally, Mr. Chairman, unfortunately, as in previous years, I have to once again bring to the attention of this Committee Spain's continued aggression and invasion of our territorial sea via the armed vessels of her naval forces, in clear breach of Article 74 of the Charter, contrary to the UN Convention of the Law of the Sea. TODAY we have seen a similar incursion by a Customs vessel of the Kingdom of Spain. We condemn their actions that are an interference with and provocation to the Royal Navy and our law enforcement agencies as well as a violation of the international law of the sea. We sincerely hope that such injudicious actions will not result in any injury to human life.

And so Mr Chairman, Your Excellencies, I therefore now call on you to be on the right side of history and recognise in your decision on Gibraltar, as the Human Rights Covenant and International Law require, only our inalienable right to self determination as the cardinal principle that must govern the decolonization of our country.