



**HER MAJESTY'S GOVERNMENT  
OF GIBRALTAR**

**THE CHIEF MINISTER**

**TEXT OF AN ADDRESS**

**BY**

**HON FABIAN PICARDO MP**

**UNITED NATIONS 4th COMMITTEE**

**TUESDAY 9<sup>TH</sup> OCTOBER 2012**

**ADDRESS TO THE UNITED NATIONS  
4<sup>th</sup> COMMITTEE**

**GIBRALTAR CHIEF MINISTER : HON FABIAN PICARDO MP**

Mr Chairman

Last year I addressed you as Leader of the Opposition in Gibraltar.

This year, I address you today for the first time as Chief Minister of Gibraltar, after Parliamentary elections saw the Socialist Labour party that I lead returned to Government in December of this year.

I am accompanied by the Deputy Chief Minister of Gibraltar, Dr Garcia, who leads the Liberal Party with whom we are in a Parliamentary coalition.

In June I addressed the Committee of 24 and you will have available to you a report of what I told that Committee.

The General Assembly was told two weeks ago by the Prime Minister of Spain that he was going to be “direct and clear” in his message to the United Kingdom seeking the restarting of bi-lateral talks about the Sovereignty of our Rock of Gibraltar.

This bi-lateral process to which Mr Rajoy referred specifically ignores the wishes of the people of Gibraltar and refers only to our “interests” being taken into consideration.

Mr Chairman, I believe I owe it to you to be as “direct and clear” in the reply that I will give to Mr Rajoy and in the message of the people of Gibraltar to this Committee and through it to the world.

The United Kingdom has said repeatedly that she will NEVER enter into arrangements under which Gibraltar would pass under the sovereignty of another state against the wishes of its people.

Furthermore, the UK has now also repeatedly stated under successive administrations that it will not even enter into a process of sovereignty negotiations with which Gibraltar is not content.

That is a clear veto vested in the people of Gibraltar on the resumption of any bi-lateral talks.

Armed with this veto, the people of Gibraltar have also said repeatedly under successive administrations that we will never allow bi-lateral talks on our Sovereignty between the UK and Spain.

There will therefore never be any return to the bi-lateral talks that Mr Rajoy seems to so hanker over.

In fact, let me be as direct and as clear in responding today as Mr Rajoy was in raising this issue two weeks ago: the Sovereignty of Gibraltar is a bi-lateral issue only for the people of Gibraltar and the British Crown.

No-one else has any right to be involved in determinations about the Sovereignty of Gibraltar.

Because the people of Gibraltar enjoy an unqualified and unfettered right of self determination, regardless of Spain's sovereignty claim.

So let me be very direct and very clear, Mr Chairman: the people of Gibraltar will never allow any encroachment whatsoever on any part of our territory (on land or at sea) or any curtailment of our inalienable right to decide the future of our land.

I would have thought that the whole world would have got the message by now.

And yet, the first words of the foreign minister of the Kingdom of Spain on his appointment last December were to proclaim that our land was Spanish in terminology reminiscent of the 1960s!

Given the challenges facing Spain today, I think it is fair to quote from His Majesty, King Juan Carlos of Spain's own words some weeks ago when he said that in his view this is no time for politicians in Spain to be chasing pipe-dreams or "Chimeras" as he called them.

That advice should certainly be followed by his Ministers!

For you see Mr Chairman, any attempt by Spain to continue to seek in whole or in part sovereignty over Gibraltar is doomed to fail and fail again.

The only way forward for this Committee to deal with the decolonisation of Gibraltar is to remove us from the list of non-self governing territories.

You should do this based on the constitutional relationship we now enjoy with the United Kingdom which is in keeping with the provisions of General Assembly Resolution 2625 of 24<sup>th</sup> October 1970 in which a fourth option for decolonisation is recognised and is expressed to be "any status suitable to its circumstances that is freely determined by the people of a territory in any act of self determination"

The people of Gibraltar freely approved and accepted the current Constitution in a referendum which the UK described as an act of self determination and which sets out the right to self determination as a fundamental right.

Indeed, if we are not to be delisted on the basis of this constitutional relationship, you should tell us in what way the current constitution may lack the

characteristics of the maximum possible level of self government short of independence so that we can deal with that issue directly with the UK.

Because that is the only real route open for the decolonisation of Gibraltar.

In fact Mr Chairman, it should not be lost on this Committee that it is now 45 years since the people of Gibraltar first voted massively in a referendum to remain British.

It is 45 years since the first Chief Minister of Gibraltar, the Honourable Sir Joshua Hassan, came to this Committee to assert the right of the people of Gibraltar to determine their future.

This is the 20<sup>th</sup> successive intervention by a `Chief Minister of Gibraltar in the work of this committee since the Honourable Mr Joe Bossano begun addressing Your Excellencies on the issue of our decolonisation.

It is now a decade since we voted again in a second referendum to massively reject joint sovereignty between the UK and Spain.

Six years have passed since a new Constitution came into effect which devolves all but very few powers exclusively to the Executive Government elected by the People of Gibraltar.

The only reason for not pursuing our decolonisation on this basis is Spain's continued claim to our homeland; her attempt to colonise us.

But Gibraltar will NEVER be Spanish, so how can it be that the Spanish Government continues to pursue this particular pipe dream or "Chimera"?

Is it that there are not other, less esoteric issues for Mr Rajoy to have raised at an event as important as his first address to General Assembly?

The fact is that there is only one credible and viable proposition for modern Spain to adopt in relation to Gibraltar in the twenty first century, and that is **that Spain must drop its claim to our land.**

If they do not, they should know that they will forever be holding themselves up to ridicule by pursuing not just the impossible, but also the immoral attempt to take our land contrary to our wishes.

Indeed, by seeking to take away our land against our wishes, Spain seems to be a Dr Jekyll and Mr Hyde character.

The Spanish Dr Jekyll preaches freedom and democracy to the world while its Mr Hyde spends his time denying Gibraltarians the right to even have a view in respect of the future of our land; agreeing to take into account our "interests" but not our "wishes".

Spain has wasted too much valuable time already on this issue; she needs to grow up and move on to tackle the other challenges it faces.

But whatever the position Spain chooses, let me again be direct and clear: the people of Gibraltar will remain as immovable as our Rock itself; steadfast and un-waivering in our commitment to remain with the British Crown in perpetuity.

Indeed, Mr Chairman, it is now 299 years since under the Treaty of Utrecht Spain agreed to cede the sovereignty of Gibraltar to the United Kingdom and **308 years of uninterrupted British sovereignty over Gibraltar.**

That 18<sup>th</sup> century treaty is clearly now defunct and overtaken by subsequent international treaties and conventions, not least the overriding principles of the UN Charter and the decolonisation resolutions.

Should any person doubt the fact that the Treaty of Utrecht is subordinate to the Charter and the United Nations Convention on the Law of the Sea, they should refer to Article 103 of the Charter of the United Nations which specifically sets out that in the event of a conflict between the obligations of the Members of the United Nations under the Charter and their obligations under any other international agreement, their obligations under the Charter shall prevail.

In those circumstances, Spain's continued incursions into the British territorial seas around Gibraltar cannot be legitimately defended on the basis of the spurious argument that the Utrecht Treaty did not grant Britain any waters outside the waters of what was in 1713 the port of Gibraltar.

There are too many arguments to counter that manifestly indefensible position to set them out here.

In fact, such incursions are therefore a constant act of aggression by which one purportedly friendly NATO ally and EU partner invades the territorial sea of another.

These incursions have been ongoing for a number of years now as is reflected in the speeches here of my predecessors, in particular the recent speeches of the Honourable Mr Peter Caruana, and have thankfully not resulted in any human injury to date; but such a risk exists every day that they continue.

The reality is that any detailed and objective legal analysis of the status of the waters around Gibraltar will show that they are indisputably British for the 3 miles claimed to date, for the 12 miles that can be claimed at any time and to the extent of the Exclusive Economic Zone beyond that, subject to such median lines as may be relevant under UNCLOS.

What is most striking, Mr Chairman, is that this was accepted by Spain for many years.

Historically, the Bay of Gibraltar was divided down the centre in accordance with median line rules and the waters to the east of the Rock extended for 3 miles subject to the median line rules and the right to claim up to 12 miles under UNCLOS.

To the south, the international Straits of Gibraltar provides the limit the territorial seas of Spain, Morocco and Gibraltar.

Indeed, I attach to my written speech copies of a map which was promulgated by the Spanish Government on the 16<sup>th</sup> May 1967 which reflects the acceptance of these limits in the Bay of Gibraltar both in relation to airspace and territorial waters and actually even sets out the relevant co-ordinates for these limits.

The copy I am providing to you appeared on the front page of the Spanish news daily ABC on that day.

So how can it be that the modern Government of Spain today goes even further than the Government of Fascist Dictator General Franco in its illegal assertions of control over our territorial sea contrary to the established principles of UNCLOS to which Spain signed up?

Well, Mr Chairman, despite these intolerable actions by the Spanish Government, the people of Gibraltar wish to continue with a positive engagement with the Government and people of the Kingdom of Spain.

We remain strongly committed, as the United Kingdom has also said it is, to the trilateral process of dialogue already established and repeatedly referred to by the UK AND SPAIN in the annual consensus resolution until last year and every year since its inception.

Yet, how is it that Spain can pretend to also resile from its signature on the establishment of the trilateral process for dialogue?

Is this the attitude Spain takes to all its international obligations?

Sign up today to something and resile from it tomorrow as she purports to do in respect of UNCLOS and the trilateral process for dialogue or even in respect of her historic position accepting our territorial waters?

How can the Kingdom of Spain believe it is better not to talk to the people of Gibraltar in the framework it established for this purpose in partnership with the Governments of the United Kingdom and Gibraltar?

Twenty years ago, His Excellency King Juan Carlos, the King of Spain, told the General Assembly that he sought in relation to his country's claims to Gibraltar, "a solution consistent with the times in which we live".

Yet now his Government turns its back on the trilateral process for dialogue which it established and which is the only process consistent with our rights as a people and the times in which we live.

Well, the people of Gibraltar continue only to seek positive engagement and mutual co-operation with the Government and people of Spain; but we see no desire on the part of the Government of Spain to engage positively with us.

Indeed, whilst we express solidarity with the people of Spain given the economic challenges they face and wish to see prosperity return as soon as possible, all that we discern from the Government of Spain is an attempt at every level to destroy our economy at every turn.

Whether in the provision of services or goods from Gibraltar there is a constant attempt to put obstacles in the way of Gibraltar's own continued prosperity and progress.

This despite the fact that over 7,000 frontier workers who live in Spain and work in Gibraltar are beneficiaries of the economic activity generated by Gibraltar.

And the reality is that we could do much more to develop Gibraltar and the neighbouring Spanish regions if we were able to engage in a meaningful co-operation with Spain.

We could create thousands more jobs in Gibraltar and in the neighbouring Spanish towns.

We could transform for the better the lives of people who live around Gibraltar.

These are the real opportunities that I invite the Government of Spain to explore with my Government in good faith to improve the lives of people on both sides of the international frontier that divides us.

I remain hopeful of such engagement and willing to participate in it in a spirit of seeking to leave the past historical belligerence well behind where it belongs.

But the sad fact is that the attitude of the Spanish Government in threatening us in press statements of its ministers or officials and in attacking our economy at every opportunity appears to be little more than an unsophisticated development of the attitude taken also in the sixties by General Franco who famously said he believed that Gibraltar would "fall like a ripe fruit" after the closure of the land frontier between our nations.

In fact, the Government of General Franco fell, democracy arrived in Spain, there have been five different political administrations in that country that have risen and fallen and Gibraltar remains, as steadfast as ever, as unripe as ever.

Well the Spanish time warp must end.

Spain must drop her claim if she is to be taken seriously in the modern world.

And we must be removed from the list of non self-governing nations or told how our present constitutional arrangements do not achieve the maximum possible level of self government short of independence.

Mr Chairman, since 1946 we the Gibraltarians have been accepted at the United Nations by virtue of Article 73 as a separate people in our own right. This land of which you talk in your consensus resolutions is our land and no-one is ever going to take it away from us.

And the world must know that the people of Gibraltar are here to stay as masters of their destiny and homeland in partnership with the British Crown. That is the end of the matter.

Thank you, Mr Chairman, for this first opportunity to address you as the elected leader of the people of Gibraltar.

I will be happy to answer any questions any member may wish to put to me.

ENDS

CHECK AGAINST DELIVERY