



# HM Government of Gibraltar

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**Hon Fabian Picardo QC MP**

**The Chief Minister's**

**address to the**

**FOURTH COMMITTEE**

**OF THE UNITED NATIONS GENERAL ASSEMBLY**

**NEW YORK**

**Wednesday, 8<sup>th</sup> October 2014**

Mr Chairman

Members of the Committee will recall that, last year, after my intervention, the distinguished Spanish Ambassador replied accusing me of having misled you.

Of course, none of what I had reported to the Committee last year was untrue or misleading in any way although much of what he [the ambassador] has said today does not reflect reality .

And, in fact, you will have since received from the office of the Deputy Chief Minister of Gibraltar<sup>1</sup> a report which provides full details of the lengthy, politically motivated queues artificially created by the Spanish Government at our international land frontier.

It also details the repeated incursions into British Gibraltar Territorial Waters by Spanish state vessels.

The frontier queues affect the 10,000 Spanish and European citizens who live in Spain and come into Gibraltar every day to work.

The European Commission has found the queues are “unjustified” and “disproportionate”.

Indeed, the EU Commission has recently found in favour of Gibraltar in respect of numerous complaints filed by the Spanish Government regarding environmental matters; which the ambassador has repeated today, but all of their complaints having been found to be without any merit.

In respect of the continual maritime incursions into BGTW, the data provided in a recent report of the UK Parliament’s Foreign Affairs Committee finds that this has led to the Spanish Ambassador to the United Kingdom being summoned to the Foreign & Commonwealth office an unprecedented 5 times between September 2010 and May 2014.

None of these findings are anything for the present government of Spain to be proud of.

Only this weekend, we have seen a number of incidents which are not the actions of a supposedly friendly EU partner and NATO ally and which clearly attempt against Gibraltar’s territorial integrity.

On Saturday, Spanish Customs navigating without lights<sup>2</sup> in BGTW. On Sunday<sup>3</sup> a report of an air incursion reported in the Sunday Express and also on Sunday, a Spanish survey vessel hitting<sup>4</sup> a Royal Navy RHIB with its probe. The full details are in my written submission.

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<sup>1</sup> Hon Dr Joseph Garcia MP, also in attendance in New York with the Chief Minister.

<sup>2</sup> On Saturday, a vessel of the Spanish Customs sailed into BGTW without any navigational lights showing and harassed a Gibraltar pleasure craft and passengers. This required the attendance of the Royal Gibraltar Police. The Royal Navy control repeatedly urged the Spanish Customs vessel to comply with basic international navigational rules and show their lights given the navigational danger to shipping that not doing so entailed. Even then, they did not comply.

<sup>3</sup> On Sunday Gibraltar woke up to reports in the well known British newspaper, “**The Sunday Express**” of an incident where two Spanish Air Force Eurofighter aircraft that came within 800m of a commercial airliner on final approach to Gibraltar Airport.

In the past two months alone there have been 245 illegal incursions by Spanish State vessels into BGTW.

All of these incursions are challenged at sea and/or by the filing of diplomatic *notes verbales*.

These 245 incursions – like all others - are therefore of no *de facto* or *de jure* value to assist the Spanish government in building a claim to the sovereignty of the waters around Gibraltar.

Because the waters around Gibraltar remain just as British before, during and after any incursion.

Indeed, in this respect, in 1966 the United Kingdom, with Gibraltar's support, challenged Spain to take the issue of her claim to our waters up in the International Court.

But in December 1966 Spain turned down the challenge.

Over half a century later we have been told why we are kept waiting on the steps of the Court.

In a frank speech given by the Spanish Foreign Minister in December last year<sup>5</sup> he said clearly that the reason Spain does not go to the International Tribunal of the Law of the Sea is that they are advised that Spain would lose its case.

So Spain is prosecuting a case by illegal incursions on the water that it knows it would lose in the relevant International Tribunal.

Incursions change nothing, but they do risk lives and distract law enforcement agencies from what surely matters the most: the fight against international organised crime.

In fact, in the Straits of Gibraltar we suffer the operation of gangs of drug traffickers who transport tonnes of cannabis and cocaine from the coast of North Africa into Spain for distribution into the rest of Europe.

I obviously do not blame the Spanish authorities for this.

But I do blame them for wasting precious time and resources in playing futile sovereignty games in the waters around the Rock instead of working with the excellent Gibraltar law enforcement agencies.

Let us show maturity and stop the games of cat and mouse both at sea and on the front pages of newspapers.

We in Gibraltar stand ready to break the mould and work with the relevant Spanish authorities on the simple basis of each of us respecting the jurisdiction recognised to each of us by this very body, by the United Nations.

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<sup>4</sup> Later on the same Sunday evening, a Spanish Survey vessel, the Angeles Alvarino, entered BGTW and tried to deploy a probe to take a sample of water without consent of the relevant Gibraltar authorities. The Royal Navy attended. The probe from the Spanish survey vessel struck the Royal Navy RHIB. All other authorities in the area also attended.

<sup>5</sup> Speech at the Universidad Pontificia de Comillas, 9<sup>th</sup> December 2013

Because, you see, when I refer you to British Gibraltar Territorial Waters, I am referring you to the waters recognised as British by all of the Governments of distinguished delegates present here who have signed up to UNCLOS.

We agree to stick to the jurisdiction set out in the UNCLOS map and the UN's designation of sovereign rights.

In that straightforward context, will the Spanish government be ready to work with us at least on important law enforcement co-operation?

We will see, but I have little confidence we will make progress.

You see, this year in the Spanish "External Action Strategy" on Foreign Policy, the Spanish Government devotes two pages to the objective of the recovery of the Sovereignty of Gibraltar.

So let us be clear, what we are seeing in the creation of disproportionate queues, in the constant incursions into our waters, in the airspace around Gibraltar and in the repeated defamation of Gibraltar both here today and in the international media, is a strategy of the present Spanish Government to achieve its prime Foreign Policy objective: the recovery of the sovereignty of our Rock of Gibraltar.

Well, they can designate as much of their annual budget as they wish to that objective, but they will never achieve their aim.

I really don't know what part of "GIBRALTAR WILL NEVER BE SPANISH" they cannot understand.

But what the world's governments represented here today must reflect on is the fact that, in seeking to take the sovereignty of Gibraltar, the current Spanish Government does not even allow for the consent of the people of Gibraltar to be expressed.

Their presently stated objective is to take over the sovereignty of Gibraltar even against the wishes of the people of the territory; seeking only bilateral engagement with the administering power, the United Kingdom in the process and ignoring the voice and wishes of the people of the territory, as you have heard the distinguished ambassador say today.

With the very greatest of respect, this is not the politics of the twenty first century, to put it mildly.

This is not the politics of the principles of consent and self-determination that your Committee is set up to defend in its sacred trust of the rights of colonial peoples.

And you must therefore reject such an approach.

Bilateral talks are not going to happen. We, the Gibraltarians, have a VETO over any such engagement.

Repeated Chief Ministers of Gibraltar have already set out the basis in UN law and doctrine why we – the people of Gibraltar - are the only relevant decision makers when it comes to determining the future of Gibraltar in the expression of our inalienable right of self determination.

That is the only route to our decolonisation and removal from the list of non-self governing territories; whether or not there is a pending sovereignty claim.

Mr Chairman, the people of Gibraltar are a hardworking nation who seek only peaceful co-existence with all our neighbours.

We would wish to work with the national, regional and municipal authorities of the Kingdom of Spain to promote the business opportunities that the Bay of Gibraltar presents to companies seeking to access the EU single market.

Mr Chairman, the whole area of the Bay of Gibraltar can be transformed into a mutually beneficial arc of prosperity that would extinguish current punishing rates of unemployment which presently afflict the Spanish side.

Working on non sovereignty issues through the established Trilateral Forum for Dialogue, which the previous Spanish Government bravely pursued and this Committee warmly welcomed, we can build together new relationships of trust and confidence that will yield real human and economic value in the short, medium and long term for the people of the whole of the Bay area.

We reaffirm our commitment to the Trilateral Forum, as the United Kingdom has done and does, and to establishing a dialogue with the Spanish Government, despite their continued hostility in words and deeds.

Not because we turn a martyr-like cheek, but because we believe in diplomacy and dialogue as the catalysts for lasting change and the drivers of respect between opposing irreconcilable positions.

To the people of Spain we extend a hand of friendship; a hand of economic partnership; and a hand of political reconciliation.

With the United Kingdom Government we have jointly proposed a process of official/technical level ad-hoc talks in parallel to the Trilateral Forum to kick start communication and dialogue.

Our invitation is clear and genuine. But make no mistake: Gibraltar is **OUR** land; it will always remain so and only we will decide its future!