



HM Government of Gibraltar

REVISED VERSION, as delivered

**CHIEF MINISTER'S
ADDRESS TO
THE FOURTH COMMITTEE
OF THE UNITED NATIONS GENERAL ASSEMBLY**

4th October 2016

Mr Chairman

This year it is 70 years since we were first listed as a Non-Self-Governing Territory and to put into some proper context what you have just heard from the Distinguished Ambassador of the Kingdom of Spain, we must go back fifty years to the 11th of October 1966.

Because it was on that date that the United Kingdom made a formal offer to the Government of Spain, to settle all aspects of the Gibraltar territorial dispute before the International Court of Justice.

The Spanish government rejected the proposal for an independent and objective judicial determination of its claims and chose to proceed by means of political blackmail and the economic strangulation of Gibraltar.

They did not succeed.

They failed then and they will fail again.

But half a century later we continue to live with the effects of that decision.

Because all of the potential economic benefits you have heard today that could flow from joint sovereignty could flow already if Spain simply respected our choice not to be Spanish. In other words, joint sovereignty is not an essential ingredient for the prosperity that could simply flow now if Spain stopped blocking it. Having refused the opportunity to settle the dispute peacefully at the ICJ, Spain has spent five decades insisting that bilateral negotiations with the UK are the only means to determine the future of the Gibraltarians' homeland.

I have no doubt that a call for negotiations leading to greater prosperity may appear to this Committee on its face to be benign and reasonable.

But this is not the case.

The negotiations Spain proposes are negotiations from which the Gibraltarians are excluded in our own right. We are relegated to being only a part of the British delegation, as you have heard today from the distinguished Ambassador himself.

These are negotiations where the only outcome that is acceptable to Spain is the Spanish annexation of Gibraltar.

So why has the Spanish Government chosen to continue the policy of economic sabotage instead of testing its case in the International Court?

Why are we not already enjoying all the benefits you have heard dangled before us this afternoon? Well the fact is that Spain has good reason to fear submitting its territorial sovereignty claim to the scrutiny of an impartial tribunal.

You see, Mr Chairman, Spain faces the insurmountable legal obstacle that it actually ceded sovereignty over Gibraltar by legal Treaty to Britain in perpetuity more than 300 years ago.

And this year, the Spanish territorial sovereignty arguments finally came before an international court for the first time, when the Court of Arbitration for Sport was asked to determine whether Gibraltar was entitled to become a member of FIFA.

The argument before FIFA was that we could not be accepted as members because we were a 'disputed' territory, and a 'unique case'.

Yet the panel of three distinguished arbitrators in the CAS, all recognized as leading experts in international law, roundly rejected those arguments.

The panel decided that Gibraltar was entitled to become a member of FIFA.

It held that '***under Public International Law the sovereignty of Gibraltar is clearly British and no actual dispute is presently pending***'.

It concluded moreover that ***'there is no legitimate dispute, as Spain ceded Gibraltar to the United Kingdom in 1713'***.

To counter this huge legal setback, Spain's caretaker Minister for Foreign Affairs adopts a particularly retrograde stance regarding Gibraltar.

He has said that he sees the recent vote in the UK to leave the European Union as a rare opportunity to advance the Spanish territorial claim.

Snr Jose Manuel Garcia Margallo has insisted that he believes the Gibraltarians can be blackmailed into accepting Spanish sovereignty, in return for preserving Gibraltar's links with the EU.

You have heard the offer of progress and economic benefits today. Conversely, we are daily bombarded by the threats of what awaits us if we reject this offer. Today you have been treated to a dissertation of all the carrots available if we sell our Land. Every day we hear the opposite – including the threats by Spain to close our frontier again. Snr Margallo has written to EU foreign ministers making his medieval case for the transfer of our sovereignty over our heads.

Gibraltarians voted by 96% in favour of remaining in the European Union and we would indeed like to retain some aspects of our relationship with the EU, even as the UK looks to negotiate the terms of its exit.

But let me be clear: we are **not** prepared to give up our sovereignty in order to do so.

We have said so already.

In two free and fair referenda in 1967 and in 2002 we have also insisted we want to remain British and that we do not wish to see our Rock become Spanish.

In 2002, 98% of Gibraltarians rejected in a free and fair referendum the offer of joint sovereignty which you have heard repeated here today.

So what part of "NO" is it that Snr Jose Manuel Garcia Margallo doesn't understand?

Let me be as clear as I can be.

When it comes to the question of whether we will transfer all or any part of our sovereignty to Spain our answer will never change.

It is simple:

"NO WAY, JOSE!"

You will never get your hands on our Rock.

Never.

Whether the claim is laced with threats or your offers are garnished with benefits, our response to Spain's claim to our sovereignty is simple and straightforward:

**N. O.
No.**

Let me repeat that in Spanish in case anything was lost in translation.

**N. O.
No.**

Instead, what the United Kingdom and Gibraltar constructively propose is that we immediately re-start talks under the Trilateral Forum for Dialogue.

In that Forum, which this Committee welcomed the creation of, we can address all matters of genuine mutual concern that are not related to sovereignty.

Spain and Gibraltar could once again be cooperating in the Trilateral Forum as good neighbours to address the *present-day* challenges we face;

We could once again be acting together to promote our citizens' rights;

We could once again be acting together to maximise the economic and labour opportunities on both sides of the frontier - all of the benefits which you have today have been told could only flow from joint sovereignty, but which could in fact flow immediately if Spain returned to the Trilateral Forum for Dialogue instead.

And we could once again be acting together creating mutual benefit instead of fostering mistrust.

Yet the Spanish government has spent the past half century obsessed with turning the territorial clock back 300 years.

Half a century wasted.

Half a century of needless confrontation.

But it is in fact incredible – and actually happening before you today - that a modern European nation like Spain would appear to relish the prospect of taking over our country against our will.

This is a blatant attempt to use the decolonisation process of the United Nations to turn Gibraltar into a new Spanish colony by redrawing the map of modern Europe in front of your eyes and using Brexit as the lubricant to make it happen.

What should happen next is that the Committee of 24 should send a visiting mission to Gibraltar.

Because the Spanish Government's offer today is made on the back also of its suggestion that the General Assembly should not approve visiting missions to territories that are subject to sovereignty disputes which is illogical and, in our view, counterproductive.

Objective fact-finding is *always* valuable. The Committee of 24 should be encouraged to come and see us for themselves, in Gibraltar. Perhaps then you would understand why we say no to Spanish sovereignty, why we said no to Spanish sovereignty in 1967, why we said no to joint sovereignty in 2002 and why we will always say no to a denial of our right to self-determination. Even in the face of lucrative offers to sell our homeland. We will never barter with our nation's sovereignty.

Thank you for listening.