

Réunion : Comité spécial chargé d'étudier la situation en ce qui concerne l'application de la Déclaration sur l'octroi de l'indépendance aux pays et aux peuples coloniaux (C24)

Date : 15 juin 2012

Durée : 6'33'' (144 mots/minute)

Orateur : Ministre principal de Gibraltar

Difficulté : *

Éléments à fournir:

Guardia Civil	Guardia Civil (Force de gendarmerie espagnole)
Treaty of Utrecht of 1713	Traité d'Utrecht de 1713
UNCLOS United Nations Convention on the Law of the Sea	UNCLOS Convention des Nations Unies sur le droit de la mer

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Mr Chairman,

Since the decolonization resolutions set out the principles applicable, the People of Gibraltar have spoken with one voice in this respect; always dedicated to ending colonialism in favor of achieving the maximum possible level of self government short of independence.

And that, Mr Chairman, cannot be curtailed by the creation of any limiting doctrine in cases where the territory in question is subject to a sovereignty dispute, as some have recently, in our view, erroneously suggested.

But that appears to be, Mr President, of little consequence to what the Kingdom of Spain has been saying to you in order to attempt to stymie our decolonization.

From the time when your committee was addressed by the representatives of a fascist regime of General Franco to the modern era of a democratic Spain, very little of substance has changed in the message from Madrid.

In the very successful seminar in Ecuador which was attended on behalf of my Government by Mr Bossano and Mr Gomez, the position of the Spanish Government was put in clear and I dare say stark terms by Snr Alberto de la Calle, Spain's representative at the Seminar.

He told you that Spain does not and never will acknowledge any international legal status of the current inhabitants of Gibraltar, much less our right to decide the future of our land.

Mr Chairman,

Can any position be more anti-democratic and totally contrary to the express provisions of Article 73 of the Charter which refers explicitly to the paramount, paramount rights of the inhabitants of the territories that have not yet achieved a full measure of self government ?

How can twenty first century Spain adopt this eighteenth century attitude to the process of decolonization of Gibraltar?

How can Spain simply ignore the express provisions of the Charter?

Indeed, such an attitude is in contradiction with statements made by successive foreign ministers of Spain, that Spain would not wish to accept the delivery of the land of the Gibraltarians against the wishes of the Gibraltarians.

So let us at least understand that we as the people of the territory of Gibraltar and you as the Committee charged in protecting our rights as a colonial people, are facing in the position of Spain a morass of irreconcilable contradictions.

Indeed, one of the top Spanish diplomats of recent generations, Snr Inocencio Arias, who was until ten years ago Spain's Permanent Representative at the United Nations has recently recognized, in a memoir, that all of Spain's strategies for the recovery of Gibraltar have failed.

Well, we did not need to be told that, nor do we want any strategy to succeed, but he is right to have started a debate in Spain which in effect is telling Spanish diplomacy what we have been saying for generations:

‘wake up and smell the coffee : GIBRALTAR WILL NEVER BE SPANISH’.

Yet in recent months, the attitude of Spain’s foreign ministry appears to have ignored the failures of the past and is working very hard indeed to secure even greater failures for the future.

In this context, my Government regrets that the process of tripartite talks between Gibraltar, the United Kingdom and the Kingdom of Spain on all matters of mutual interest have been suspended by the new Spanish Government.

Mr Chairman and Your Excellencies will recall that this trilateral process is referred to by the 4th Committee in October in the Decision published by that Committee on the Question of Gibraltar.

It is also important that you are aware of what is presently happening in the British Gibraltar Territorial Waters around the Rock.

We are consistently now suffering invasions of our indisputable territorial waters by the Spanish para-military force known as the Guardia Civil.

These incursions have been a constant feature for many years.

Indeed, in 2009 things reached a boiling point when the Guardia Civil tried to assert jurisdiction in these waters.

They are trying to do so again in respect of fishing by Spanish fishermen who wish to operate in breach of Gibraltar’s environmental protection laws.

Spain makes the unmeritorious argument that Gibraltar has no territorial waters because none were ceded by the Treaty of Utrecht of 1713.

Of course, the fact is that Gibraltar has the waters recognized by the Conventions on the Law of the Sea, most recently the 1982 MONTEGO BAY UNCLOS Convention.

Moreover, incursions by the Guardia Civil are not just breaches of UNCLOS, but also breaches of the good neighborliness provisions of Article 74 of the Charter.

Every Chief Minister of Gibraltar who has addressed the UN has challenged Spain to take its unsustainable argument about the waters around Gibraltar for an advisory opinion to the International Court of Justice or to the International Tribunal for the Law of the Sea, both of which have jurisdiction to determine such disputes.

Instead, Mr Chairman, Spain prefers to pit its Guardia Civil para military force against Gibraltar Police officers and the Royal Navy.

Already in one month on 9 occasions UNCLOS warnings to leave our waters have had to be given to Guardia Civil vessels in the area.

Well, now here at the United Nations, I formally challenge Spain to act in keeping with the spirit of the Charter and the established principles designed to avoid the escalation of disputes.

I formally challenge Spain to agree to a reference to the International Court of Justice or the International Tribunal of the Law of the Sea to finally settle this matter once and for all.

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