



General Assembly

Distr.: General
7 October 2020
English
Original: Spanish

Seventy-fifth session

Agenda item 61

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Third International Decade for the Eradication of Colonialism

Report of the Secretary-General*

Addendum

Contents

Annexes

| | <i>Page</i> |
|--|-------------|
| I. Replies received from Member States | 2 |

* The information contained in the present addendum was received after the issuance of the main report.



Annex I

Replies received from Member States

Spain

[Original: Spanish]
[10 September 2020]

Decolonization is one of the purposes of the United Nations and thus one of the areas in which the Organization has made the most progress since its inception. Owing to patient and dedicated effort, the end of colonialism is now one step closer. Nevertheless, colonial situations, which can only be considered unacceptable and anachronistic, remain. The territorial integrity and sovereignty of Spain are affected by colonialism in the case of the British Non-Self-Governing Territory of Gibraltar. The Third International Decade for the Eradication of Colonialism (2011–2020) is ending, but colonial situations remain.

Spain wishes to express its appreciation to the General Assembly, its Special Political and Decolonization Committee (Fourth Committee) and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for following up on the question of Gibraltar. In addition to participating actively in the consideration by the Assembly and the Fourth Committee of issues related to decolonization, Spain is collaborating with the Special Committee's work, and is holding preparatory meetings for that work with the Special Committee's Bureau. Spain hopes that its collaboration and willingness will be recognized in the report.

Spain also welcomes the repeated calls by the General Assembly, the Fourth Committee and the Special Committee for a solution that is negotiated between Spain and the United Kingdom of Great Britain and Northern Ireland, in accordance with the Assembly's resolutions on the matter, and that takes into account the interests of the inhabitants of both Gibraltar and Campo de Gibraltar. Spain therefore hopes that the report will reinforce this call and recommend that the Special Committee continue to cooperate with Spain.

As the Special Committee has noted on several occasions, the decolonization process should proceed on a "case-by-case" basis. Gibraltar has specific features that are not present in other Territories awaiting decolonization. In that regard, Spain wishes to recall that Gibraltar was occupied by Great Britain on behalf of a third party. It was artificially populated with various waves of people brought from elsewhere and, as if that was not enough, it was later expanded with territory illegally seized from Spain. The occupation occurred in 1704, on behalf of Archduke Charles of Austria, pretender to the Spanish throne, in the context of the War of the Spanish Succession. The settlement of the colony, planned by the occupier, took place well after the conquest; the Spaniards who inhabited Gibraltar until 1704, the real Gibraltarians, were forced to leave the place and settled in the neighbouring area of San Roque, where the local council hall has since been known as the "Town Hall of the City of Gibraltar in San Roque". The resulting divide in the region persists to this day. Moreover, the United Kingdom illegally seized other territories that were not ceded under the 1713 Treaty of Utrecht, which ended the War of the Spanish Succession.

In the nineteenth century, Spain allowed the United Kingdom – for humanitarian reasons – to set up temporary camps in the isthmus to prevent contagion from the population of the Rock, which had been stricken by an epidemic of yellow fever. The epidemic ended, but the United Kingdom, far from appreciating the humanitarian gesture of Spain, did not withdraw. On the contrary, despite Spanish protests, those

settlements on Spanish soil became permanent. In 1909 the United Kingdom built a fence, delimiting the area and thereby attempting to consolidate the illegal occupation of Spanish territory. The isthmus was therefore not ceded by Spain to the United Kingdom under the Treaty of Utrecht and remains under Spanish sovereignty. The fact that it has been continuously occupied by the British is not sufficient to meet the requirements of international law for the acquisition of sovereignty. Spain has always stated that the occupation of the isthmus is illegal and contrary to international law and, therefore, has consistently called for its unconditional return.

The United Nations has acknowledged the specificity of the process of decolonization for Gibraltar by noting that the colonial situation of Gibraltar undermines the territorial integrity of Spain. This was reflected in General Assembly resolution [2353 \(XXII\)](#) of 19 December 1967. For four decades, the General Assembly itself has been urging the administering Power (the United Kingdom) and Spain to resolve all their differences on this issue through bilateral negotiations. Year after year, a decision adopted by the Assembly by consensus recalls this mandate of bilateral dialogue and specifies the framework in which the negotiated solution must be reached, namely, the Anglo-Spanish declaration adopted in Brussels on 27 November 1984, which gave rise to the so-called Brussels Process a few months later.

Accordingly, negotiations on sovereignty, as indicated by the United Nations itself, are the sole responsibility of the Governments of Spain and the United Kingdom, taking into account the interests of the population of Gibraltar and that of Campo de Gibraltar.

For years, the Government of Spain has been urging the United Kingdom to resume without delay the above-mentioned bilateral negotiations – which have been interrupted for many years – with a view to bringing to an end the colonial situation of Gibraltar. Since 2006, the response of the United Kingdom has been that it will not initiate talks with Spain on sovereignty issues without the consent of the local Gibraltar authorities. The Government of Spain considers that this position contravenes the doctrine established in various General Assembly resolutions and decisions. It also violates the commitment made by the United Kingdom to Spain in 1984 and expressed explicitly in the Brussels Agreement of that year.

Spain is thus enduring a colonial situation for which there can be no justification in the twenty-first century. The existence of a colony in Europe well into the Third International Decade for the Eradication of Colonialism (2011–2020) is a historical anachronism. For the historical and legal reasons described above, the United Nations has stated clearly that the principle that should govern the decolonization process for Gibraltar is not that of self-determination, but that of restoring the territorial integrity of Spain, which is undermined by the presence of a colony on its soil. In this regard, it is worth recalling that, every year, in the conclusions of the regional seminars on decolonization, reference is made not only to the right to self-determination, but also to the principle of territorial integrity.

Spain would like the important work on decolonization that the United Nations and the Special Committee in particular have been doing for decades – work that Spain has always appreciated and in which it has collaborated – to be taken into account and be treated with the respect that it clearly deserves. The only way to show that respect is to comply with the decisions in which the General Assembly urges the Governments of Spain and the United Kingdom to reach a definitive solution to the question of Gibraltar in the light of the relevant resolutions of the Assembly and applicable principles.