



# General Assembly

Distr.: General  
4 November 2020  
English  
Original: Spanish

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## Seventy-fifth session

Agenda item 8

### General debate

## Letter dated 12 October 2020 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

In accordance with the instructions received and the practice of the General Assembly, Spain wishes to exercise its right of reply in response to the letter dated 28 September from the Chargé d'affaires a.i. of the United Kingdom (A/75/364) in the context of the debate on agenda item 8 of the seventy-fifth session of the General Assembly.

Spain recalls that the United Nations has been completely clear in its view that Gibraltar is a colony that is destructive to the national unity and territorial integrity of Spain and is incompatible with General Assembly resolution 1514 (XV) on decolonization. Since 1964, the United Nations has consistently recommended that Spain and the United Kingdom settle the question of Gibraltar through bilateral negotiations. It must be emphasized that only the United Nations can decide whether the process of decolonization of Gibraltar has been completed. Until then, Gibraltar will remain on the list of Non-Self-Governing Territories of the United Nations. In that connection, it is stated in General Assembly resolution 2353 (XXII) that “any colonial situation which partially or completely destroys the national unity and territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations”. Accordingly, the decolonization of Gibraltar must be governed by the principle of territorial integrity, which was previously set out in the aforementioned resolution 1514 (XV). At no point is the supposed right to self-determination of Gibraltar mentioned, as such a right does not exist. In resolution 2353 (XXII), the General Assembly also condemned the holding of the 1967 referendum for contravening the provisions of various resolutions on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The General Assembly has been clear in rejecting the existence of a supposed right to self-determination of a supposed people of Gibraltar.

The path of bilateral negotiation, with full respect for international law and within the framework of established United Nations doctrine, is the solution already identified and provided for by the United Nations and one that Spain has been advocating for years.

For this reason, Spain rejects the efforts of the administering Power and the authorities of the colonized Territory to change their political relationship and deny



the existence of colonial ties, while insisting on a hypothetical right to self-determination. Spain is the victim of colonization on its own territory and therefore has the right to its decolonization through the restoration of its national unity and territorial integrity.

Under article 10 of the 1713 Treaty of Utrecht, Spain was forced to cede the full and entire ownership of the town and castle of Gibraltar, together with the port, fortifications and forts belonging to it, to the Crown of Great Britain. It ceded nothing more, however. The United Kingdom is illegally occupying a portion of the isthmus as well as a portion of the territorial waters of Spain, having extended the land surface of the Rock of Gibraltar by means of backfilling, including the area where the airstrip of the airport of Gibraltar is located. Spain has repeatedly protested against this occupation, unequivocally and formally, and has sought the restitution of the territories seized from it by force.

The claim of the United Kingdom that its sovereignty over Gibraltar extends to the surrounding waters has no basis either in the Treaty of Utrecht or in international law. Spain does not recognize any rights of the United Kingdom or situations relating to the maritime space of Gibraltar that are not included in article 10 of the Treaty.

Indeed, when it ratified the United Nations Convention on the Law of the Sea, the Kingdom of Spain declared that the act of ratification “cannot be construed as recognition of any rights or status regarding the maritime space of Gibraltar that are not included in article 10 of the Treaty of Utrecht”. It added furthermore that “Spain does not consider that Resolution III of the Third United Nations Conference on the Law of the Sea is applicable to the colony of Gibraltar, which is subject to a process of decolonization in which only relevant resolutions adopted by the United Nations General Assembly are applicable”.

Spain is completely clear as to the limits of its territory. The waters around Gibraltar are none other than the sovereign waters of Spain in which its vessels have gone about their business since time immemorial, without controversy, until this recently became the cause of alleged incidents.

I should be grateful if you would have the present letter, which serves as a response to that of the Chargé d'affaires a.i. of the United Kingdom dated 28 September, circulated as a document of the General Assembly under agenda item 8.

(Signed) Agustín Santos Maraver

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