



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/7121/Add.2
28 June 1968

ORIGINAL: ENGLISH

Twenty-third session

IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF
INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

GIBRALTAR

Report of the Secretary-General

Addendum

Since the submission on 17 May 1968 of the addendum to his report (A/7121/Add.1) in pursuance of General Assembly resolution 2353 (XXII) of 19 December 1967 on the question of Gibraltar, the Secretary-General has received a further communication dated 21 June 1968 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations. The text of this communication is reproduced below:

"As you will be aware, the Government of Spain imposed new restrictions at the land frontier between Gibraltar and Spain on 6 May 1968. The frontier is now closed to all except Spaniards working in Gibraltar, permanent civilian residents of Gibraltar authorized to cross by the Spanish authorities, and persons allowed passage on humanitarian grounds.

"This measure was referred to in the letter of 13 May which Your Excellency has received from the Acting Permanent Representative of Spain.

"The main arguments used by the Spanish Government to justify the measure seem to be these:

(a) The measures are a logical consequence of the United Kingdom Government's attitude in declaring that it did not accept General Assembly resolution 2353 (XXII).

(b) The Spanish Government claims to be entitled to enforce the clause in article X of the Treaty of Utrecht which provides that Gibraltar should be 'without any open communications by land with the country round about'.

"Neither of these reasons has any validity.

"To take first the question of the United Kingdom Government's position on resolution 2353 (XXII), it is only necessary to say that this has been made clear on many occasions. In my statement in the General Assembly on 19 December 1967, I emphasized that there were two principles which my Government could not betray: first, the principle that the interests of the inhabitants must be paramount and second, that these people have the right freely to express their own wishes as to their future. It was because resolution 2353 (XXII) does not accord with these principles, which derive from Article 73 of the Charter of the United Nations, that my Government was and is unable to accept it. This situation does not in any way warrant an intensification of the crude pressures which the Spanish Government have been applying.

"The United Kingdom Government also rejects the Spanish Government's argument that they are entitled by the Treaty of Utrecht of 1713 to impose these restrictions. This argument fails to take account of the fact that, during a period of more than 250 years since that Treaty was concluded, Spain has allowed communication and exchange of merchandise between Gibraltar and Spain. The United Kingdom Government considers that Spain cannot lawfully now prevent the exercise of these rights.

"But the most important aspect of this matter is the human one. The latest Spanish restrictions are a further step towards breaking the bonds that have over the years grown up between the people of Gibraltar and the people living in the nearby districts of Spain. By their action the Spanish Government have created a deplorable situation. The normal movement of people and contact between friends and families has suddenly been halted, regulated and made subject to a regime of special permits. It is also abundantly clear that however much the Spanish Government may pretend that this latest action does not affect the Gibraltarians, it is in fact directed at the economy of Gibraltar and the livelihood of its population, seeking as it does to hinder the development of Gibraltar as a tourist centre.

"By their action the Spanish authorities have erected the sort of barrier that would be appropriate on the frontier of mutually opposed States. They have all but removed the natural bridge which has over the years existed between the inhabitants of Gibraltar and the people of the neighbouring regions of Spain.

"I will comment briefly on other points in the letter of 13 May 1968 from the Acting Permanent Representative of Spain, since that letter gives a tendentious account of the talks which took place in Madrid on 18 and 20 March and of the policy followed by the United Kingdom Government.

"At the talks in March, the leader of the British delegation made quite clear that the United Kingdom Government still hoped that the Spanish Government would agree to constructive bilateral discussions

which would lead to an improvement in the situation at Gibraltar and to a change in the prospects for a fruitful negotiation about its future in the longer term.

"The Acting Permanent Representative of Spain has described the views expressed by the leader of the British delegation in Madrid as an attempt 'to obtain from Spain the concession of a series of facilities in Spanish waters, air space and territories bordering Gibraltar which would facilitate the unrestricted development of the United Kingdom's military presence on the Rock and, consequently, the consolidation of the colonial situation in Gibraltar'. This description is tailored to fit the Spanish charge that the United Kingdom Government wishes to perpetuate a military and colonial presence in Gibraltar. But it is a complete misrepresentation of the United Kingdom Government's attitude. As I have already said, it is the human aspects which are central in this dispute. That the Spanish authorities have continued to misread the situation and misrepresent the United Kingdom Government's policy is shown only too well by the reasons they have adduced for the imposition of the latest restrictions. Moreover, the dislike which the Spanish Government now professes to feel for a military base in Gibraltar is hardly consistent with their readiness, formally expressed by the Spanish Foreign Minister in his speech at the opening of the Anglo/Spanish talks on 18 May 1966, to include in a settlement provision for such a base.

"The Spanish letter of 13 May 1968 and the documents annexed to it repeat or allude to earlier contentions made by the Spanish Government in regard to the questions of British sovereignty over the southern half of the isthmus and the traffic circuit and approach procedures used by British military aircraft taking off from and landing at Gibraltar, and the possession by Gibraltar of territorial waters. It is to be noted that the Spanish authorities, by announcing on 13 November 1967 the establishment of their so-called Port of Algeciras-La-Linea, have purported to annex a part of British territorial waters, and since that date they have continually interfered with foreign shipping anchored there. As Your Excellency will know, all the legal issues at stake in the dispute between my country and Spain are matters which the United Kingdom Government has expressed its willingness to submit to the International Court of Justice. The fact that Spain continues to produce legal arguments to buttress its political claim, but has declined to allow these same arguments to be tested by the highest tribunal of international law, speaks for itself.

"As regards the future, it is unfortunately true that the latest Spanish measures seem to rule out for the present a resumption of talks. But, as the Secretary of State for Commonwealth Affairs said in the House of Commons on 7 May:

'If at some future date it seems possible that by holding further discussions with Spain we might help the Gibraltarians and bring a solution nearer, I am sure that we would be right to use that chance.'

"Accordingly, in bringing to your notice the views of the United Kingdom Government in these matters, I take the opportunity to reaffirm that in their future policy towards Gibraltar the United Kingdom Government will continue to be guided by the principle which it has consistently followed in this and other cases where it has been responsible for non-self-governing territories, namely that its paramount concern must be for the interests of the inhabitants. It will not be diverted from continuing to seek a solution satisfactory to the Governments of the United Kingdom and of Spain and acceptable to the people of Gibraltar.

"I should be grateful if Your Excellency would arrange for this letter to be circulated as a General Assembly document."
