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

GIBRALTAR

Report of the Secretary-General

Addendum

1. Since the submission on 26 June 1969 of the addendum to the report (A/7550/Add.1) prepared in pursuance of General Assembly resolution 2429 (XXIII) of 18 December 1968 on the question of Gibraltar, the Secretary-General has received a communication from Spain.
2. On 7 July, the Deputy Permanent Representative of Spain to the United Nations sent the following communication to the Secretary-General:

"On the instructions of my Government, I have the honour to transmit to you herewith the text of the legislative decree adopted by the Spanish Government on 4 July 1969, 1/ under which a number of facilities in Spain are granted to the civilian residents of Gibraltar, irrespective of their nationality.

"As you know, on 16 May 1966, the Spanish Government, acting through the United Kingdom, offered to such residents a Statute which would safeguard their interests, in accordance with the expressed wishes of the United Nations. The Spanish Government made provision in that Statute for respecting the United Kingdom nationality of civilians resident in Gibraltar, their positions of employment, their local institutions, their internal laws, and so on. It offered them, in addition, free communication of every kind with the rest of Spanish territory. It offered them, in short, much more than does the new Constitution promulgated by the

* Item 23 of the provisional agenda.

1/ See the annex to this document.

United Kingdom Government on 30 May 1969, ^{2/} for the Spanish Government holds that, while the civilian residents of Gibraltar cannot be given the right of self-determination in respect of the territory, they are nevertheless fully able to manage their own affairs without tutelage of any kind.

"The United Kingdom Government did not accept the Spanish proposal, nor did it even explain it in detail to the residents of Gibraltar. It chose rather to flout the resolutions of the United Nations and reinforce its colonial presence with a series of unilateral acts prejudicial to Spanish sovereignty, which obliged the Government of my country to defend itself through appropriate steps of a legal and peaceful nature.

"The sole victims of the United Kingdom policy are the civilian residents of Gibraltar. Consequently, the Spanish Government, with a view to mitigating the harmful consequences to these residents, which might result from the situation created by the United Kingdom, has promulgated the attached legislative decree under which civilians resident in Gibraltar who wish to transfer their domicile to Spanish territory are granted the following facilities:

(a) The opportunity to import their personal and movable property, including vehicles, pleasure craft and the like, free of duties;

(b) The opportunity to transfer to Spain their businesses, industries and commercial operations without payment of duties;

(c) The opportunity to incorporate into the Spanish system of education and confirm their academic titles and their studies, enabling them in this way to continue their education or practise their professions in Spain;

(d) Finally, the Spanish Government grants to civilians resident in Gibraltar, as a further facility, but in no case as a condition, the opportunity of quickly acquiring Spanish nationality, if they so desire.

"To sum up, having been unable to guarantee jointly with the United Kingdom and the United Nations the future status of the city of Gibraltar which Her Britannic Majesty's Government does not wish to negotiate, the Spanish Government welcomes the civilian residents of Gibraltar to its own territory, something which is not being done by the United Kingdom Government, through whose fault the problem of Gibraltar remains unsolved, while the residents of the city are offered no better future than one of economic and social isolation.

"I should be grateful if you would have the text of this note and of the attached legislative decree circulated to all Missions accredited to the United Nations."

ANNEX

LEGISLATIVE DECREE GRANTING FACILITIES TO CIVILIANS
RESIDENT IN GIBRALTAR

The persistence of the colonial situation in Gibraltar has made it urgently necessary that the interests of the civilians resident in that city should thereby not be allowed to suffer further damage.

Furthermore, it has always been the Spanish Government's desire not only to offer these persons all manner of facilities for the importation and transfer of their goods and industrial installations in the event of their taking up residence in Spanish territory, but also to devise suitable arrangements whereby the said persons, if they so desire, may be able to acquire Spanish nationality.

Accordingly, on the proposal of the Council of Ministers at its meeting of 4 July 1969, and by virtue of the powers vested in me by article 13 of the Constituent Act of the Cortes, amended texts of the Basic Laws of the Realm approved by Decree of 20 April 1967, and having heard the Commission referred to in section I of article 12 of the said Act,

I HEREBY DECREE:

Article 1. All persons born in Gibraltar and resident in that city shall be regarded as on an equal footing with persons born in Spanish territory for the purposes of the provisions of article 13 (1) of the Civil Code.

Article 2. The persons referred to in the preceding article may opt for Spanish nationality in the form and under the conditions laid down in the Civil Code, irrespective of the time elapsed since their coming of age or emancipation. A prior condition to those laid down in the last paragraph of article 19 of the Civil Code shall be the recognition of this right by the Ministry of Justice, which may deny it only for reasons of public policy.

Article 3. The nationality acquired under the provisions of the preceding two articles shall extend also to wives not legally separated and to children still under parental authority.

Article 4. Persons resident in Gibraltar since before 16 October 1964 who transfer their domicile from that city to territory under Spanish sovereignty

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shall have the right to import all their personal and movable property, including vehicles of any kind, aircraft and vessels used for tourism or recreation.

Article 5. Juridical or natural persons owning commercial or industrial establishments and having had their business domicile or residence in Gibraltar prior to the date of promulgation of this Legislative Decree shall be entitled, if they transfer their domicile and establishments to territory under Spanish sovereignty and close them in Gibraltar, to import machinery, equipment, vehicles and other like property, not including merchandise, forming part of their industrial or commercial enterprise situated in Gibraltar.

Article 6. The imports referred to in the preceding two articles shall enjoy total exemption from all taxes, duties and other charges of whatever nature.

Article 7. The above exemption shall not apply where the property imported is the object of sale, transfer, gift, cession, lease or loan, or is mortgaged or pledged, less than three years after its clearance through Customs, except in the case of pledges or mortgages entered into to secure loans granted by official credit agencies.

Article 8. The benefits specified in articles 4, 5 and 6 shall be applicable to property not situated in Gibraltar when the Presidency of the Government so decides at the request of the parties concerned and following a report by the competent Ministries.

Article 9. Industrial enterprises owned by the persons referred to in article 5 of this Legislative Decree may be freely installed, whatever the industrial regulations which may be applicable to them.

Such enterprises shall enjoy, on one occasion only, all the benefits specified in Act 152/1963, dated 2 December, concerning industries of special importance.

Article 10. Persons born in Gibraltar and resident there on the date of promulgation of this Legislative Decree who hold titles qualifying them to practise professions may, if they transfer their domicile to territory under Spanish sovereignty, practise such professions freely in conformity with the provisions of labour legislation and the rules governing the exercise of a professional activity in Spain, through the incorporation of the said titles,

for which application shall be made to the Ministry of Education and Science.

Article 11. On their incorporation, the above-mentioned titles shall have full academic and professional effects, as if they had been obtained at an official national centre.

Article 12. Likewise, it shall be possible to validate, with full academic effects, complete or partial studies of any educational type or level carried out by the persons referred to in article 10. Such persons will thus be enabled to continue their studies at the appropriate Spanish educational centres.

Article 13. Persons born in Gibraltar or resident there before 16 October 1964 shall be automatically entitled to a work permit enabling them to work or establish themselves in Spain.

Such work permits, which are required for statistical purposes and for the control of non-national labour, shall be issued free of the charge normally required under the Act of 20 June 1968.

Article 14. Measures required to ensure compliance with the provisions of the Legislative Decree shall be taken by the Presidency of the Government, on the proposal of the competent Ministries.

Article 15. This Legislative Decree shall come into force on the day following its publication in the Boletín Oficial del Estado. The Government may suspend its operation if reasons of internal order or external policy so require, but shall in all cases respect rights which have been acquired under its provisions.

The Cortes shall be immediately notified of this Legislative Decree.

This Legislative Decree is promulgated in Madrid on 4 July 1969.
