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LETTER DATED 22 JANUARY 1965 FROM THE PERMANENT REPRESENTATIVE
OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to invite your attention to my statement at the 1318th plenary meeting of the General Assembly on 21 January 1965 in reply to the statement by the distinguished Ambassador of Spain at the same meeting on the subject of Gibraltar.

In this statement I reserved my delegation's right of reply to the section of the speech by His Excellency the Ambassador of Spain in which reference was made to restrictions on freedom of movement across the border between Spain and Gibraltar imposed by the Government of Spain. I now wish to draw Your Excellency's attention, upon the instructions of my Government, to the fact that these restrictions were first imposed on 17 October 1964, the day after the adoption of the consensus on Gibraltar by the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. I am also instructed to invite attention to the notes addressed by the British Embassy in Madrid to the Ministry of Foreign Affairs of the Government of Spain on 11 and 22 January 1965, in which the position of my Government with regard to the recommendations contained in the consensus of the Special Committee is fully explained. I attach copies of the texts of these notes.

I shall be grateful if Your Excellency will arrange for the texts of this letter and its enclosures to be circulated to all Members of the United Nations as a document of the General Assembly.

(Signed) CARLTON

I. NOTE DATED 11 JANUARY 1965

Her Britannic Majesty's Embassy present their compliments to the Spanish Ministry of Foreign Affairs and have the honour to invite the attention of the Ministry to the serious situation obtaining on the frontier between Spain and Gibraltar.

The delays and restrictions on transit of the frontier in both directions began on 17 October 1964 and were first brought to the attention of the Ministry on 6 November. On 9 November Her Majesty's Ambassador was assured that the Customs delays imposed at La Linea were not the results of any deliberate policy on the part of the Spanish Government. The restrictions on the frontier have nevertheless since been continued and intensified and further requests for their withdrawal were made by Her Majesty's Ambassador in Madrid during November and December.

Despite these representations there has been no improvement in the situation. The Spanish authorities at the frontier have imposed deliberate, unnecessary and discourteous delays in dealing with vehicles crossing the frontier which have in some cases resulted in certain vehicles having to wait anything up to ten hours before being cleared. The delays caused in this manner to tourist buses have resulted in serious inconveniences to travellers of various nationalities and have imposed consequential delays on the departure from Gibraltar of scheduled airline services. The decision, announced without any previous consultation, that as from 23 November the frontier at La Linea would be closed earlier than was formerly the practice, has caused substantial inconvenience. The consequences of all these measures have been to impose hardship on large numbers of residents of Gibraltar and persons in transit.

During their conversation on 10 December, His Excellency the Spanish Minister for Foreign Affairs indicated to Her Majesty's Ambassador that the restrictions were designed to deal with alleged smuggling across the frontier. But Her Majesty's Government cannot accept that the control of smuggling necessitates the delays and inconveniences which have been imposed and have in any case always expressed their willingness to co-operate with the Spanish authorities in controlling any smuggling which might be taking place. If the Spanish Government regarded any legitimate Spanish interests as likely to be prejudiced by

circumstances arising from the situation in Gibraltar, Her Majesty's Government would have expected these matters to be specified and taken up with them through diplomatic channels in accordance with normal international practice. No such approach has been made and instead the Spanish authorities have seen fit to adopt the measures described above. Her Majesty's Government regret that procedures should have been imposed on the frontier with Gibraltar which are altogether different from those in force on Spain's other international frontiers as well as from the normal standards of international practice and which are directly contrary to the present trend throughout Europe of reducing frontier restrictions and formalities to a minimum.

On instructions received from Her Majesty's Principal Secretary of State for Foreign Affairs, the Embassy has the honour to protest against the restrictions which have been imposed by the Spanish authorities at La Linea and to request that the Spanish Government will cause them to be lifted forthwith.

At the same time the Embassy are under instructions to inform the Ministry, with reference to the consensus of the United Nations Committee of Twenty-four on 16 October 1964 regarding Gibraltar, that, whilst Her Majesty's Government cannot regard the question of sovereignty as a matter for negotiation, they would normally have been willing to consider proposals by the Spanish Government for discussions of ways in which good relations can be maintained and any causes of friction eliminated. They cannot, however, entertain any proposals for such conversations so long as the present abnormal situation on the frontier continues.

II. NOTE DATED 22 JANUARY 1965

Her Britannic Majesty's Embassy present their compliments to the Spanish Ministry of Foreign Affairs and with reference to the Ministry's note No. 6 of 15 January about the situation obtaining on the frontier between Spain and Gibraltar has the honour, on instructions from Her Majesty's Principal Secretary of State for Foreign Affairs, to inform the Ministry that, as was made clear in the Embassy's note of 11 January, Her Majesty's Government cannot entertain any proposals for conversations about Gibraltar so long as the present abnormal situation on the frontier continues.

At the same time Her Majesty's Government totally reject the implication in the Ministry's note under reply that Gibraltar is a British military base in Spain.