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

Letter dated 2 December 1968 from the Permanent Representative
of the United Kingdom of Great Britain and Northern Ireland to
the United Nations addressed to the Secretary-General

In view of the discussion of Gibraltar by the Fourth Committee of the General Assembly, I should like to take this opportunity to set out briefly the views of the United Kingdom Government on the issues involved. This is the more necessary because in his letter of 13 November^{1/} the Permanent Representative of Spain has put forward certain observations which are, in the opinion of my Government, misleading and unhelpful in their effect. For this reason I shall not deal with them in detail in the body of this letter, but my Government's replies to the points raised by the Permanent Representative of Spain are set out in the annex to this letter.

The United Kingdom Government approaches the problem of Gibraltar with a policy firmly based on the principles of the United Nations Charter. The question of Gibraltar is not only, as has sometimes been suggested, an argument about the meaning of an eighteenth century treaty. Nor is it a dispute about actions that took place in the eighteenth and nineteenth centuries. Equally, it is not a question of whether or not the United Kingdom should enjoy military facilities there, as the Spanish Government was presumably aware in 1966 when it envisaged that the United Kingdom should continue to keep such facilities in Gibraltar.

^{1/} A/7343.

To the United Kingdom Government and, I believe, to the great majority of the Members of the United Nations, the question of Gibraltar is one which cannot be settled without taking full account of the future of the Gibraltarians. They are a small but distinctive community. They enjoy normal democratic freedoms. And they have at present good reason to doubt the sincerity of the good intentions which the Spanish Government professes towards them, given the way in which the Spanish Government has behaved towards them. I do not think that the Spanish Government has ever suggested that the virtual closure of the land frontier and its harassment of other communications between Spain and Gibraltar could be of direct harm to my Government. Nor would the Spanish Government take measures bound to result in unfavourable publicity for purely legalistic reasons. There is a plain inference that these measures are aimed at intimidating the Gibraltarians and damaging their economy. Yet the Spanish Government has come before the United Nations to ask for sovereignty over Gibraltar to be transferred to Spain.

The United Kingdom Government has never tried to disguise the complexity of this question, which touches on many of the key issues of the world today: decolonization, human rights and relations between neighbouring communities. In so far as Gibraltar is a colonial issue, the solemn obligation placed on us by Article 73 of the United Nations Charter to treat as paramount the interests of the Gibraltarians will continue to guide the United Kingdom Government in its handling of this problem. And in so far as Gibraltar is a political issue, it will continue to be guided by two beliefs: the first is that the main requirement for progress towards a solution is the creation of better relations between Spain and Gibraltar. The second is that one day the Spanish Government will desist from its tactics of pressure and harassment and come to understand how it can play a unique role in re-establishing the natural links and the common understanding between Gibraltar and Spain, so that on this basis it will be possible to approach a solution of this problem with humanity and realism.

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

(Signed) CARADON

ANNEX

Detailed United Kingdom comments on the letter from the
Permanent Representative of Spain dated 13 November 1968

Paragraph 1

Article 73 of the United Nations Charter requires Members of the United Nations that are responsible for Non-Self-Governing Territories to recognize the principle that the interests of the inhabitants of these Territories are paramount, and to accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the Charter, the well-being of the inhabitants of these Territories. As the United Kingdom Government cannot accept that it would be right to transfer a community, however small, to the rule of another country without regard to their interests, it took steps in September 1967 to ask the people of Gibraltar to say by a referendum which of the following courses would best serve their interests:

(a) To pass under Spanish sovereignty in accordance with the terms proposed by the Spanish Government on 18 May 1966, or

(b) Voluntarily to retain their link with Britain, with democratic local institutions and with Britain retaining its present responsibilities.

As is known, 12,138 Gibraltarians voted for alternative (b), and only 44 for alternative (a). This was a clear and unmistakable expression of the views held by the Gibraltarians as to where their interests lay.

The United Kingdom Government, as was explained last year, cannot accept that the holding of the referendum was in any way inconsistent with resolution 2231 (XXI), which indeed asked Britain and Spain to take into account the interests of the people of the Territory.

Paragraph 2

As the Spanish Government well know, the United Kingdom Government made it clear before the Anglo-Spanish talks began in Madrid in March 1968 that it was not prepared to discuss the question of Gibraltar exclusively on the basis of General Assembly resolution 2353 (XXII). The talks therefore took place without

an agreed agenda. It was the attempt by the Spanish authorities to insist, when the talks began, that the only matter to be discussed was the implementation of resolution 2353 (XXII) that was responsible for the failure of the talks to reach a satisfactory conclusion. The United Kingdom Government takes this opportunity to point out that during the talks the leader of the British delegation made it 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. By rejecting this approach, the Spanish Government bears responsibility for the failure of the talks.

In regard to a possible resumption of the talks, the United Kingdom Government has publicly stated that if at some future date it seems possible that by holding further discussions with Spain it might be able to help the Gibraltarians and bring a solution nearer, then it would be right to use that chance.

Paragraph 3

The United Kingdom Government and the Gibraltar Government naturally regret the disturbances that took place in Gibraltar in April 1968. The United Kingdom Government keeps itself informed as fully as possible of the views of Gibraltarians of all shades of opinion. It also attaches great importance to the maintenance of complete freedom of expression in Gibraltar. This was why the United Kingdom Government invited representatives of the Commonwealth and of the Secretary-General of the United Nations to observe the referendum held in September 1967. It regrets that the invitation to the latter was not taken up, but they noted with satisfaction that the members of the team of Commonwealth observers reported that there were adequate facilities for the people of Gibraltar freely to express their views on the referendum and that these facilities were in fact used.

Paragraph 4

In this paragraph of his letter the Spanish Permanent Representative has again raised a number of legal issues concerning and arising out of the Treaty of Utrecht, and in doing so misrepresents the position of the United Kingdom Government. The United Kingdom Government has repeatedly set out its views on these matters to the

Spanish Government, as the latter is fully aware. It has also repeatedly offered to allow the International Court of Justice to decide on the legal issues at stake. If the Spanish Government continues to refuse to allow the highest international judicial tribunal to decide on these issues, it should also desist from attempting to use them in support of its argument at the United Nations. As the United Kingdom Government has said on several occasions, the fact that the Spanish Government has declined to submit the legal issues to the International Court of Justice is its own commentary on the validity of the Spanish claims.

Paragraph 5

In this paragraph the Spanish Permanent Representative argues that the high figure of per capita aid to Gibraltar is directly connected with the presence of military facilities at Gibraltar. In reply to this contention it is necessary to point out the following:

(a) The need to offset the effect of the Spanish restrictions has led to an increase in the volume of United Kingdom aid given to Gibraltar.

(b) If the Spanish authorities choose to interpret funds given to sustain the Gibraltar economy and, for example, to develop the local hotel tourist industry as being a form of support for the military facilities in Gibraltar, they will be putting forward an argument that will find little credence among other countries which have also tried to improve the facilities available to tourists. Moreover the same Spanish argument, if it were applied to the Campo, would suggest that the Spanish authorities were themselves proposing to turn that area into one vast armed camp.

(c) The sort of comparison of per capita aid figures quoted by the Spanish Permanent Representative is misleading. It should be pointed out that in 1967 the United Kingdom provided over £37 million in aid to India, as against less than £1 million to Gibraltar. There are obvious reasons why it is not realistic to suppose that aid figures should be strictly equal on a per capita basis, but the United Kingdom is quite content to have its aid programme subjected to international scrutiny.

As regards military expenditure by the United Kingdom in Gibraltar, it may be pointed out that of the £7 million spent in 1965, and nearly £8 million in 1966, a large portion (£2.5 million in 1966) represents wages paid to Spanish workers.

Paragraph 6

It is untrue that Spanish citizens are forbidden to reside in Gibraltar but in the same way as other non-Gibraltarians and in accordance with international practice, they need permission to reside there. Such permission would be given within the limitation imposed by the availability of housing. In fact, the Spanish authorities have actively discouraged their citizens from staying overnight in Gibraltar. Moreover, the Spanish authorities forbid these workers to spend any money in Gibraltar, and require them to change their sterling earnings into Spanish currency. Because the cost of living in the Campo is lower than in Gibraltar, Spanish workers not resident in Gibraltar are paid thirty-one shillings a week less than resident workers. This difference is solely a cost of living differential. Spanish and Gibraltarian workers in Gibraltar are treated exactly alike in the following important welfare fields: they both receive unemployment benefits; they both receive industrial injury benefits; they both receive old age pensions; they both receive widows' benefits; they both receive maternity grants; and they both receive death grants. The total amount of social security benefits paid to Spanish frontier-crossing workers is now about £350,000. There are 1,700 of such Spanish workers who receive pensions from Gibraltar. Moreover Spanish workers take approximately £45,000 in earnings to Spain each week. These facts prove conclusively that Spanish frontier-crossing workers in Gibraltar enjoy substantially the same economic, social security and welfare advantages that workers resident in Gibraltar possess. The fact that they come to Gibraltar in the first place is no doubt connected with the fact that work is not available for them in Spain. It is worth remarking that the Spanish authorities do not allow them to join the free Gibraltarian trade unions.

Paragraph 7

As for the resources devoted to education, the figures provided by the Spanish Permanent Representative suggest that the expenditure on education in Gibraltar was rather less than that for the police. But the figures given relate only to wages and salaries in the two Departments. When total expenditure in each of the two Departments is taken into account - including such matters as school

buildings, books and equipment, repairs, maintenance and so on - the total spent on education in 1967 was £284,831 and on the police £169,526.

The Spanish Permanent Representative's allegation that the then Minister of Education in Gibraltar resigned in 1967 on the grounds that the Gibraltar authorities were giving unsatisfactory attention to educational problems there is entirely misleading. Mrs. Chiappe, the Minister in question, explained the reasons for her resignation in a letter published in the Gibraltar press on 29 March 1967, from which the following extract is relevant:

"As I stated to you in my letter of March 20, I was resigning for personal reasons and I would like to make my position clear. It has become increasingly difficult for me to carry out my work and I feel I can only continue in politics at the expense of my family and health.... I should like it to be understood that whatever differences we have had in the Council of Ministers (in respect of matters involving major capital expenditure on education) they were not such as to cause my resignation as there was sufficient room for change to allow me to accept decisions now which do not irrevocably set a course to which I was opposed. I can therefore say that I am not resigning for differences of policy."
