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REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

(covering its work during 1968)

Rapporteur: Mr. Abdul Samad GHAUS (Afghanistan)

CHAPTERS XIII, XIV and XV

IFNI AND SPANISH SAHARA, GIBRALTAR AND FRENCH SOMALILAND**

CONTENTS

<u>Chapter</u>	<u>Paragraphs</u>	<u>Page</u>
XIII. IFNI AND SPANISH SAHARA		
Consideration by the Special Committee.	1 - 7	3
ANNEXES		
I. IFNI AND SPANISH SAHARA: Working paper prepared by the Secretariat		5
II. LETTER DATED 23 JANUARY 1968 FROM THE SECRETARY- GENERAL ADDRESSED TO THE DEPUTY PERMANENT REPRESENTATIVE OF SPAIN TO THE UNITED NATIONS . .		15
III. LETTER DATED 17 OCTOBER 1968 FROM THE PERMANENT REPRESENTATIVE OF SPAIN ADDRESSED TO THE SECRETARY-GENERAL		16

* This document contains chapters XIII to XV of the Special Committee's report to the General Assembly. The general introductory chapter will be issued subsequently under the symbol A/7200. Other chapters of the report will be issued under the same symbol (A/7200) or as addenda.

** Note by the Rapporteur: See chapter XV, page 35, foot-note concerning the new designation of the Territory.

CONTENTS (continued)

<u>Chapter</u>	<u>Paragraphs</u>	<u>Page</u>
XIV. GIBRALTAR		
Consideration by the Special Committee.	1 - 6	18
ANNEX		
GIBRALTAR: Working paper prepared by the Secretariat.		20
XV. FRENCH SOMALILAND		
Consideration by the Special Committee.	1 - 5	36
ANNEX		
QUESTION OF FRENCH SOMALILAND: Working paper prepared by the Secretariat.		37

CHAPTER XIII

IFNI AND SPANISH SAHARA

CONSIDERATION BY THE SPECIAL COMMITTEE

1. At its 594th meeting, on 1 April 1968, the Special Committee, by approving the thirty-fourth report of the Working Group (A/AC.109/L.454/Rev.1) decided, inter alia, to take up Ifni and Spanish Sahara as a separate item and to consider it at its plenary meetings.
2. The Special Committee considered the question of Ifni and Spanish Sahara at its 641st and 644th meetings, on 3 and 18 October 1968.
3. In its consideration of the item, the Special Committee took into account the provisions of General Assembly resolution 2354 (XXII) of 19 December 1967. By operative paragraph 5, section I, of that resolution, the General Assembly requested the Committee "to continue its consideration of the situation in the Territory of Ifni and to report thereon to the General Assembly at its twenty-third session". Similarly, by operative paragraph 5, section II, of the resolution, the General Assembly requested the Committee "to continue its consideration of the situation in the Territory of Spanish Sahara and to report thereon to the General Assembly at its twenty-third session".
4. During its consideration of this item, the Special Committee had before it a working paper prepared by the Secretariat (see annex I to the present chapter) containing information on action previously taken by the Special Committee and by the General Assembly, and on the latest developments concerning the Territories.
5. At its 641st meeting, on 3 October, the Special Committee, following a statement by its Chairman (A/AC.109/SR.641), decided to transmit to the General Assembly the working paper referred to above in order to facilitate consideration of the item by the Fourth Committee and, subject to any directives which the General Assembly might wish to give in that connexion, to give consideration to the item at its next session.
6. At the 644th meeting, on 18 October, the Chairman conveyed to the Special Committee the following information transmitted to him by the Secretary-General concerning the action taken by the latter pursuant to operative paragraph 4,

/...

section II, of General Assembly resolution 2354 (XXII) of 19 December 1967. In that paragraph, the General Assembly had requested the Secretary-General, in consultation with the administering Power and with the Special Committee, "to appoint immediately the special mission provided for in paragraph 5 of General Assembly resolution 2229 (XXI) and to expedite its dispatch to Spanish Sahara for the purpose of recommending practical steps for the full implementation of the relevant General Assembly resolutions, and in particular for determining the extent of United Nations participation in the preparation and supervision of the referendum [referred to in operative paragraph 3 of section II of General Assembly resolution 2354 (XXII)]/...". By a letter dated 23 January 1968, addressed to the Deputy Permanent Representative of Spain, the Secretary-General had drawn the attention of the Government of Spain to the text of this resolution and had invited the views of that Government concerning the appointment of the proposed mission.

7. The texts of the Secretary-General's letter and of the reply from the Permanent Representative of Spain are annexed to the present report (see annexes II and III to the present chapter).

ANNEX I*

IFNI AND SPANISH SAHARA

Working paper prepared by the Secretariat

CONTENTS

	<u>Paragraphs</u>
I. ACTION PREVIOUSLY TAKEN BY THE SPECIAL COMMITTEE AND BY THE GENERAL ASSEMBLY	1 - 10
II. INFORMATION ON THE TERRITORIES	11 - 22
A. Ifni	12 - 14
B. Spanish Sahara	15 - 22

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I. ACTION PREVIOUSLY TAKEN BY THE SPECIAL COMMITTEE
AND BY THE GENERAL ASSEMBLY

1. Ifni and Spanish Sahara were first considered by the Special Committee in 1963.^{a/} The item was taken up again in 1964 and a resolution was adopted in which the Committee regretted the delay by the administering Power in implementing the provisions of General Assembly resolution 1514 (XV) of 14 December 1960 in respect of Ifni and Spanish Sahara and urged the Government of Spain to take immediate measures towards implementing "fully and unconditionally" the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples.^{b/}
2. Although Ifni and Spanish Sahara were not specifically considered at its meetings in 1965, the Special Committee included relevant information on these Territories in its report to the General Assembly at the latter's twentieth session.^{c/} In operative paragraph 2 of its resolution 2072 (XX), adopted on 16 December 1965, the General Assembly urgently requested the Government of Spain

a/ Official Records of the General Assembly, Eighteenth Session, Annexes, addendum to agenda item 23 (A/5446/Rev.1), chapter XIII.

b/ Ibid., Nineteenth Session, Annexes, Annex No. 8 (A/5800/Rev.1), chapter IX.

c/ Ibid., Twentieth Session, Annexes, addendum to agenda item 23 (A/6000/Rev.1), chapter X.

"to take immediately all necessary measures for the liberation of the Territories of Ifni and Spanish Sahara from colonial domination and, to this end, to enter into negotiations on the problems relating to sovereignty presented by these two Territories".

3. In 1966, Ifni and Spanish Sahara were considered by the Special Committee at its meetings both in Africa and at Headquarters. In a consensus adopted at its 436th meeting on 7 June,^{d/} the Committee inter alia requested the Secretary-General to obtain as soon as possible from the Government of Spain "information concerning the measures taken by it in implementation of operative paragraph 2 of General Assembly resolution 2072 (XX) of 16 December 1965" quoted above.

4. At its meetings held later at Headquarters in September 1966, the Special Committee had before it a letter dated 8 September 1966 from the Permanent Representative of Spain addressed to the Chairman of the Special Committee which, in connexion with the consensus and the correspondence resulting from it between the Secretary-General and the Permanent Representative of Spain, informed the Special Committee of the attitude and intentions of the Government of Spain regarding the implementation of General Assembly resolution 2072 (XX).^{e/}

d/ Ibid., Twenty-first Session, Annexes (A/6300/Rev.1), chapter X, para. 116.

e/ Ibid., chapter X, annex. In this letter the Spanish Government declared inter alia that having noted that some other countries, hitherto opposed to the application of the principle of self-determination in the Territory of Spanish Sahara, had stated that they were now in favour of it, the Spanish Government believed it would be possible to implement General Assembly resolution 2072 (XX) by means of the free self-determination of the saharais as it had proposed in the past. To this end it was in contact with the population of the Sahara and was actively making the necessary preparations for them to express their will without any form of pressure. With regard to Ifni, the letter, after referring to the "abnormal situation obtaining in this enclave, in some parts of which Spain is having difficulty in exercising its authority..." nevertheless stated that the Spanish Government deemed it "advisable to establish contact with Morocco with the primary objective of restoring a lawful state of affairs as a necessary preliminary to seeking an arrangement which would satisfy the interests involved and permit the inhabitants of Ifni to obtain firm and duly guaranteed assurances regarding both their future in general and their individual destiny".

5. On 16 November 1966, the Special Committee adopted a resolution (A/6300/Rev.1, chapter X, para. 243) whereby, after noting the decision of the administering Power to apply the provisions of General Assembly resolution 2072 (XX) in their entirety, it invited the administering Power to expedite the process of decolonization of Ifni in collaboration with the Government of Morocco, and requested the administering Power to establish without delay appropriate conditions which would ensure that the indigenous population of Spanish Sahara was able to exercise its rights to self-determination and independence. In this connexion, it also invited the administering Power to make arrangements in consultation with the population of Sahara, the Governments of Mauritania, Morocco and any other parties concerned for a referendum to be held under United Nations auspices.

6. At the twenty-first session of the General Assembly, the Permanent Representative of Spain extended an invitation for a United Nations mission to visit Spanish Sahara.^{f/}

7. On 20 December 1966, the General Assembly adopted resolution 2229 (XXI) which largely reiterated the provisions of the Special Committee's resolution of 16 November 1966 (see above), indicating in more detail some of the conditions that should obtain in the exercise of the right of self-determination by the people of Spanish Sahara. In addition, however, after noting the above-mentioned

f/ The text of this invitation was as follows:

"My delegation is prepared to open talks with the Secretary-General in order to study the designation of a commission to be sent to Spanish Sahara. That commission would observe directly and objectively, the situation in the Territory and could reach a judgement on the matter, thus confirming the sincerity of Spain in respect of decolonization. Such visitors would have had no direct interest in Spanish Sahara and represent no territorial ambitions; in other words, it would be a group of impartial and disinterested persons who would assess the realities and characteristics of the Territory in question and would be able to take cognizance of the task thus far fulfilled by Spain, learn its future plans and determine the true desire of the indigenous inhabitants of the Sahara in respect of their future. And we hope that, in due time, these desires will be manifested through the process of self-determination." (A/PV.1500).

statement of the administering Power relating to the sending of a special United Nations mission to Spanish Sahara, the General Assembly, in operative paragraph 5 of the resolution, requested the Secretary-General "in consultation with the administering Power and the Special Committee, to appoint immediately a special mission to be sent to Spanish Sahara for the purpose of recommending practical steps for the full implementation of the relevant resolutions of the General Assembly and, in particular, for determining the extent of United Nations participation in the preparation and supervision of the referendum and submitting a report to him as soon as possible for transmission to the Special Committee".

8. The consultations referred to above took place in early 1967 and the correspondence in this respect between the Secretary-General and the Permanent Representative of Spain indicated that a difference existed between the terms of reference of the United Nations mission envisaged in operative paragraph 5 of General Assembly resolution 2229 (XXI) on the one hand, and those of the mission proposed by the Government of Spain, on the other. This correspondence was published in a report of the Secretary-General (A/6700/Add.7, chapter X, annex).

9. The Special Committee again considered Ifni and Spanish Sahara in September 1967 and on 14 September adopted a consensus in which it expressed hope that the dialogue already initiated at a high level between the Governments of Spain and Morocco with regard to Ifni would be continued (A/6700/Add.7, chapter X, para. 38). With regard to Spanish Sahara, the Special Committee regretted that the provisions of General Assembly resolution 2229 (XXI) had not so far been implemented by the administering Power. In view of the limited time available to the Committee, it agreed that the question of Ifni and Spanish Sahara should be referred to the Fourth Committee of the General Assembly for consideration at the twenty-second session.

10. On 19 December 1967, the General Assembly adopted resolution 2354 (XXII), the operative paragraphs of which read as follows:

"The General Assembly,

I

...

"1. Reaffirms the inalienable right of the people of Ifni to self-determination in accordance with General Assembly resolution 1514 (XV);

/...

"2. Approves the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territory of Ifni, and endorses the consensus adopted by the Special Committee on 14 September 1967;

"3. Requests the administering Power to take immediately the necessary steps to accelerate the decolonization of Ifni and to determine with the Government of Morocco, bearing in mind the aspirations of the indigenous population, the procedures for the transfer of powers in accordance with the provisions of General Assembly resolution 1514 (XV);

"4. Invites the administering Power to continue the dialogue which has begun with the Government of Morocco, with a view to implementing the provisions of paragraph 3 of the present resolution;

"5. Requests the Special Committee to continue its consideration of the situation in the Territory of Ifni and to report thereon to the General Assembly at its twenty-third session;

II

"1. Reaffirms the inalienable right of the people of Spanish Sahara to self-determination in accordance with General Assembly resolution 1514 (XV);

"2. Approves the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territory of Spanish Sahara and endorses the consensus adopted by the Special Committee on 14 September 1967;

"3. Invites the administering Power to determine at the earliest possible date, in conformity with the aspirations of the indigenous people of Spanish Sahara and in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the Territory to exercise freely its right to self-determination, and, to this end:

(a) To create a favourable climate for the referendum to be conducted on an entirely free, democratic and impartial basis, by permitting, inter alia, the return of exiles to the Territory;

(b) To take all the necessary steps to ensure that only the indigenous people of the Territory participate in the referendum;

(c) To refrain from any action to delay the process of the decolonization of Spanish Sahara;

(d) To provide all the necessary facilities to a United Nations mission so that it may be able to participate actively in the organization and holding of the referendum;

"4. Requests the Secretary-General, in consultation with the administering Power and the Special Committee, to appoint immediately the special mission provided for in paragraph 5 of General Assembly resolution 2229 (XXI), and to expedite its dispatch to Spanish Sahara for the purpose of recommending practical steps for the full implementation of the relevant General Assembly resolutions and, in particular, for determining the extent of United Nations participation in the preparation and supervision of the referendum and submitting a report to him as soon as possible for transmission to the Special Committee;

"5. Requests the Special Committee to continue its consideration of the situation in the Territory of Spanish Sahara and to report thereon to the General Assembly at its twenty-third session."

II. INFORMATION ON THE TERRITORIES^{g/}

11. Information on the Territories is contained in previous reports of the Special Committee to the General Assembly at its eighteenth, nineteenth, twentieth, twenty-first and twenty-second sessions.^{h/} Supplementary information is given below.

A. IFNI

12. Ifni, an enclave on the Atlantic coast of Africa surrounded on the north, east and south by Morocco, covers an area of approximately 1,500 square kilometres. Its population, according to the 1960 census, amounted to 49,889, of whom 41,670 comprised the indigenous inhabitants and 8,219 were Europeans. The population in 1967 was reported to have remained at approximately 50,000 inhabitants.

^{g/} This section is based on: (a) information collected by the Secretariat from published sources; and (b) information transmitted under Article 73 e by Spain on 29 June 1967 for the year ended 31 December 1966.

^{h/} A/5446/Rev.1, chapter XIII; A/5800/Rev.1, chapter IX; A/6000/Rev.1, chapter X; A/6300/Rev.1, chapter X; A/6700/Add.7, chapter X.

13. In 1958 legislation was enacted to bring the administration of the Territory into line with that of the metropolitan provinces of Spain. Authority rests with a Governor-General appointed by decree approved by the Council of Ministers of Spain. Through the Governor-General the various central organs exercise similar authority as in the metropolitan provinces of Spain. The Governor-General is assisted by a Secretary-General, also appointed by the Council of Ministers, who is the second highest authority in the Territory.

14. Economic activity in the Territory revolves largely around the port of Sidi Ifni which has been undergoing considerable expansion over the past ten years. In 1966-1967 a total of 23 million pesetas^{i/} was spent on the completion of port installations. In addition, 12 million pesetas was spent on additions to the hospital, an intermediate school and other public works and 4.2 million pesetas on housing and public utilities.

B. SPANISH SAHARA

General

15. Spanish Sahara, also on the Atlantic coast of Africa below Ifni, covers an area of about 280,000 square kilometres. It was officially estimated by the administering Power that the indigenous population at the end of 1966 amounted to 33,512, of whom 6,518 lived in the two main towns of El Aaiun and Villa Cisneros and 677 lived in the towns of Semara and Güera. No figures are given for the European population which in 1960 was reported to be 5,304. Outside the towns the inhabitants are mostly nomadic and consequently accurate estimates are difficult to obtain.

16. The Spanish administration of the Territory is based on an Act of 21 April 1961, amplified by a decree of 29 November 1962. As in the case of Ifni, there is a Governor-General appointed by the Council of Ministers of Spain. Through the Governor-General, the central organs of the Spanish Government exercise similar authority as in the metropolitan provinces of Spain. The

^{i/} The local currency is the Spanish peseta which is equal to \$US.0145;
68.91 pesetas = \$US1.00.

Secretary General, also appointed by the Council of Ministers, is the head of the administrative services (excluding the judiciary and military) and is the second highest authority in the Territory.

17. The structure of local government in the Territory consists of a system of village councils, nomadic councils, or yemā'as, and municipal councils at the base with a provincial council called the Cabildo Provincial at a higher tier. The Cabildo Provincial is composed of fourteen members of whom two represent the municipal and village councils, six represent the nomadic councils, or yemā'as, and six represent the corporative entities (i.e., industrial, commercial, cultural and professional organizations). These corporative entities also play a part in the election of the municipal councils together with heads of family, who in the villages also elect the village councils. The nomadic councils, or yemā'as, are composed of the traditional leaders and a number of council members proportionate to the number of heads of family in the section.

18. Apart from local government, a new institution was set up in Spanish Sahara by a decree of 11 May 1967. This is a General Assembly, also called a yemā'a, composed of tribal chiefs and forty representatives elected in the tribal or nomadic units of the Territory together with the president of the Cabildo Provincial and the mayors of El Aaiun and Villa Cisneros. The Assembly's functions are advisory concerning matters affecting the Territory, particularly those relating to economic and social development. It is reported that the Assembly held its first session in September 1967.

Economic developments

19. It was previously reported (A/6700/Add.7, chapter X, para. 15), that the Spanish Government had granted a contract to the United States fertilizer company, International Minerals and Chemical Corporation (IMC) of Chicago which was to become associated with the Spanish Instituto Nacional de Industria (INI) and European capital. The IMC was reported to have been awarded a 25 per cent interest in the proposed consortium, while the Spanish Government and European firms were to hold 55 per cent and 20 per cent respectively. The object of the consortium was the joint exploitation of phosphate deposits in Spanish Sahara estimated variously at between 1.4 and 2 thousand million tons in the vicinity of Bu-Craa.

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20. According to later reports, although the IMC had been awarded a 25 per cent interest in the project, after a two-year competition with some of the largest United States corporations, it subsequently insisted on full management control. These reports suggested that the IMC itself might have lost interest in the project because of new phosphate discoveries elsewhere, notably in Australia. The reports also mentioned that the United States company had rejected Spanish plans for the construction of a thirty-mile conveyor belt from the mines to a port, suggesting the use of a railroad instead. It was also said that the IMC had proposed to ship the phosphate to its Belgian concentration plant, while the Spanish view was that the projected investment, expected to be in the region of \$200 million, should include a phosphoric acid plant to be built next to the mine or on the Spanish south coast.

21. On 30 January 1968, the Spanish Minister of Industry, Mr. Gregorio Lopez Bravo, announced at a press conference that Spain had broken off negotiations with the IMC.

22. It was subsequently reported that efforts were being made to revive the phosphate plan with new European partners, including French, Belgian, German (Federal Republic) and Canadian groups.

ANNEX II

LETTER DATED 23 JANUARY 1968 FROM THE SECRETARY-GENERAL ADDRESSED TO
THE DEPUTY PERMANENT REPRESENTATIVE OF SPAIN TO THE UNITED NATIONS

I have the honour to transmit herewith, for the attention of your Government, the text of resolution 2354 (XXII) on the question of Ifni and Spanish Sahara adopted by the General Assembly at its 1641st plenary meeting on 19 December 1967.

In this connexion, I wish to note that operative paragraphs 3 and 4 of part I and operative paragraph 3 of part II are addressed to your Government as the administering Power for the territories in question.

I wish also to refer to operative paragraph 4 of part II by which the General Assembly requested me, in consultation with your Government and with the Special Committee on the situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, to appoint immediately the special mission provided for in operative paragraph 5 of General Assembly resolution 2229 (XXI), and to expedite its dispatch to Spanish Sahara. I should appreciate receiving at an early date the views of your Government concerning the appointment of the proposed mission.

ANNEX III

LETTER DATED 17 OCTOBER 1968 FROM THE PERMANENT REPRESENTATIVE
OF SPAIN ADDRESSED TO THE SECRETARY-GENERAL

Resolution 2354 (XXII), which you transmitted to me with your letter of 23 January 1968, is concerned with Ifni and Sahara (two quite distinct Territories) in two separate operative parts. I shall therefore refer now to the question of the Sahara, since Ifni was dealt with by Mr. Castiella, Minister for Foreign Affairs of Spain, in his statement in the general debate yesterday (A/PV.1697).

In this large and very sparsely populated Territory - some 30,000 inhabitants in an area of approximately 280,000 square kilometres - my Government supports the desire of the indigenous population to decide their own future in accordance with specific procedures. It believes that it is for the indigenous inhabitants alone, in negotiation with Spain, to decide their future and that the expression of their will should be surrounded with guarantees of authenticity and sincerity.

The people of the Sahara, moreover, have their own political structure in keeping with their general nomadic character and their customs and traditions. Among other institutions, they have as their highest representative body a General Assembly, providing the population with an adequate political basis with which to face the future it is freely desired to give them with the maximum guarantees of stability and representativeness.

As my delegation has had occasion to explain in the past, the Spanish Government, in complete agreement with the indigenous population, maintains good-neighbourly relations with the neighbouring countries and is always ready to collaborate with them, on condition that such collaboration is sincere and consistent with mutual respect, and is always prepared to consider any constructive suggestions that may be made to it.

The Spanish Government maintains (in the same terms as before) the offer contained in my statement of 7 December 1966 to the Fourth Committee. It was on that occasion that, at the initiative of Spain, the question of a visit to the Sahara was raised for the first time, a question which was taken up in

/...

resolutions 2229 (XXI) and 2354 (XXII). I said at that time that my delegation was ready to start talks with the Secretary-General in order to discuss the dispatch of observers to the Sahara so that they can directly and objectively analyse the situation in the Territory and form a judgement on the matter.

To sum up, Spain respects and supports the right of the indigenous people of the Territory of the Sahara to self-determination and is firmly resolved to help them exercise it in a spirit of conformity with the resolutions of the United Nations.

/...

CHAPTER XIV

GIBRALTAR

CONSIDERATION BY THE SPECIAL COMMITTEE

1. At its 594th meeting on 1 April 1968, the Special Committee, by approving the thirty-fourth report of the Working Group (A/AC.109/L.454/Rev.1), decided, inter alia, to take up Gibraltar as a separate item and to consider it at its plenary meetings.
2. The Special Committee considered the item at its 641st meeting, on 3 October.
3. In its consideration of the item the Special Committee took into account the provisions of General Assembly resolution 2353 (XXII) of 19 December 1967 concerning the question of Gibraltar.
4. During its consideration of this item, the Special Committee had before it a working paper prepared by the Secretariat (see annex to the present chapter) containing information on action taken previously by the Special Committee as well as by the General Assembly, and on the latest developments concerning the Territory. The Committee also took account of the report submitted by the Secretary-General to the General Assembly pursuant to General Assembly resolution 2353 (XXII) of 19 December 1967 concerning the question of Gibraltar (A/7121 and Add.1 to 4).
5. Further, the Special Committee circulated the following written petitions concerning Gibraltar:

(a) Letter dated 7 December 1967 from Mr. Pedro Morales, President, Press Association of Lerida, Spain (A/AC.109/PET.921);

(b) Letter dated 9 February 1968 from Mr. Antonio Bautista Galvez (A/AC.109/PET.922);

(c) Two letters dated 17 and 29 February 1968 from Mr. A. Bautista (A/AC.109/PET.922/Add.1);

(d) Letter dated 18 July 1968 from Mr. A. Bautista concerning Gibraltar, which it decided to circulate as a petition (A/AC.109/PET.922/Add.2);

(e) Letter dated 19 February 1968 from Mr. Hernán G. Peralta, President, Academia Costarricense de la Lengua (A/AC.109/PET.923);

/...

(f) Letter dated 19 February 1968 from Mr. Constantino Iascaris C., Head of the Faculty of Fundamental Philosophy, University of Costa Rica (A/AC.109/PET.924);

(g) Letter dated 20 February 1968 from the Asociación Española de Beneficencia, San José, Costa Rica (A/AC.109/PET.925);

(h) Letter dated 20 February 1968 from Mr. José Marín Cañas, President, Instituto Costarricense de Cultura Hispánica (A/AC.109/PET.926);

(i) Letter dated 21 February 1968 from Mr. Alvaro Borrásé Martín, President, Casa de Campo Spanish Centre, Costa Rica (A/AC.109/PET.927);

(j) Letter dated 23 February 1968 from Mr. Chester J. Zelaya Goodman, Director of the Department of General Studies, University of Costa Rica (A/AC.109/PET.928);

(k) Letter dated 23 February 1968 from the Governing Board of the Camara Oficial Española de Comercio de Costa Rica (A/AC.109/PET.929);

(l) Letter dated 4 March 1968 from Mr. José Ma. Delgado, President, Solidaridad Filipino-Hispana, Inc., and eight other Presidents of Philippine-Spanish institutions (A/AC.109/PET.969);

(m) Letter dated 5 May 1968 from Miss P.A. Willetts (A/AC.109/PET.998);

(n) Cable dated 30 May 1968 from Mr. Pedro Hidalgo, Mayor of San Roque (A/AC.109/PET.999);

(o) Cable dated 30 May 1968 from Mr. Luis Moreno Vilches, Chief, Union of Spanish Workers in Gibraltar (A/AC.109/PET.1000);

(p) Cable dated 4 June 1968 from Mr. Fernando Fugardo (A/AC.109/PET.1001);

(q) Letter dated 14 October 1968 from Messrs. Elisso Perez Cadalso, Presidente, and Orlando Henriquez, Secretary, Press Association of Honduras (A/AC.109/PET.1031).

6. At its 641st meeting, the Special Committee, following a statement by its Chairman (A/AC.109/SR.641), decided to transmit to the General Assembly the working paper referred to above in order to facilitate consideration of the item by the Fourth Committee and, subject to any directives which the General Assembly might wish to give in that connexion, to give consideration to the item at its next session.

ANNEX*

GIBRALTAR

Working paper prepared by the Secretariat

CONTENTS

Paragraphs

I.	ACTION PREVIOUSLY TAKEN BY THE SPECIAL COMMITTEE AND BY THE GENERAL ASSEMBLY	1 - 3
II.	INFORMATION ON THE TERRITORY	4 - 54
	General	5
	Political developments	6 - 37
	Economic conditions	38 - 45
	Social conditions	46 - 49
	Educational conditions	50 - 54

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I. ACTION PREVIOUSLY TAKEN BY THE SPECIAL COMMITTEE
AND BY THE GENERAL ASSEMBLY

1. Gibraltar has been considered by the Special Committee since 1963 and by the General Assembly since 1965. Action taken by the Special Committee prior to 1967 consisted of a consensus adopted on 16 October 1964 and a resolution adopted on 17 November 1966 which are set out in the Committee's reports to the General Assembly at its nineteenth and twenty-first sessions.^{a/} Action taken by the General Assembly on this item prior to 1967 consisted of the adoption of resolutions 2070 (XX) of 16 December 1965 and 2231 (XXI) of 20 December 1966. The main provision embodied in these resolutions and the initial consensus of 1964 called upon the Governments of the United Kingdom of Great Britain and Northern Ireland and Spain to engage in negotiations in regard to the decolonization of Gibraltar, taking into account the interests of the people of the Territory.
2. Following its consideration of Gibraltar in 1967, the Special Committee adopted a further resolution on 1 September 1967.^{b/} In the last preambular paragraph of this resolution, the Special Committee considered that any colonial situation which partially or totally disrupted the national unity and territorial integrity of a country was incompatible with the purposes and principles of the Charter of the United Nations and specifically with paragraph 6 of General Assembly resolution 1514 (XV) of 14 December 1960. In the operative paragraphs of the resolution, the Special Committee regretted the interruption of the negotiations between the Governments of the United Kingdom and Spain which had been recommended in General Assembly resolutions 2070 (XX) and 2231 (XXI) and invited these Governments to resume without delay the above-mentioned negotiations with a

a/ Official Records of the General Assembly, Nineteenth Session, Annexes, annex No. 8 (part I) (A/5800/Rev.1), chapter X, para. 209; *ibid.*, Twenty-first Session, Annexes, addendum to agenda item 23 (A/6300/Rev.1), chapter XI.

b/ A/6700/Add.9, chapter X, para. 215.

view to putting an end to the colonial situation in Gibraltar and to safeguarding the interests of the population upon the termination of that colonial situation. It further declared that the holding by the administering Power of the envisaged referendum (see paragraphs 6 to 10 below) would contradict the provisions of General Assembly resolution 2231 (XXI).

3. On 19 December 1967, the General Assembly adopted resolution 2353 (XXII) in which it reiterated the view expressed by the Special Committee concerning the disruption of territorial integrity (see paragraph 2 above). The operative paragraphs of the resolution read as follows:

"The General Assembly,

"...

"1. Regrets the interruption of the negotiations recommended in General Assembly resolutions 2070 (XX) and 2231 (XXI);

"2. Declares the holding of the referendum of 10 September 1967 by the administering Power to be a contravention of the provisions of General Assembly resolution 2231 (XXI) and of those of the resolution adopted on 1 September 1967 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;

"3. Invites the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland to resume without delay the negotiations provided for in General Assembly resolutions 2070 (XX) and 2231 (XXI) with a view to putting an end to the colonial situation in Gibraltar and to safeguarding the interests of the population upon the termination of that situation;

"4. Requests the Secretary-General to assist the Governments of Spain and the United Kingdom in the implementation of the present resolution and to report thereon to the General Assembly at its twenty-third session."

II. INFORMATION ON THE TERRITORY^{c/}

4. Information on the Territory is contained in the reports of the Special Committee to the General Assembly at its eighteenth, nineteenth, twentieth, twenty-first and twenty-second sessions.^{d/} Supplementary information is set out below.

General

5. The civilian population of Gibraltar at the end of 1966 was estimated to be 25,184. It was composed as follows: Gibraltarians, 19,164; other British, 4,593; and aliens, 1,427. Under the Gibraltarian Status Ordinance of 1962, a Gibraltarian was defined as a person whose name was entered in the Register of Gibraltarians. The principal qualifications for registration, which carries with it the right to vote, was birth in Gibraltar before 30 June 1925, or legitimate male descent from a person so born. Provision was also made for the registration of persons meeting other qualifications mainly those establishing a close connexion with Gibraltar by having made it their permanent home and residing there for an aggregate of at least twenty-five years, including the ten years immediately preceding the application.

Political developments

6. The referendum. The Gibraltarians voted in a referendum held on 10 September 1967. Voters were asked to indicate which of the following alternatives they considered would better serve the interests of the people of Gibraltar:

c/ This information has been derived from published sources and from the information transmitted to the Secretary-General by the United Kingdom of Great Britain and Northern Ireland under Article 73 e of the Charter on 24 August 1967 for the year ending 31 December 1966.

d/ Official Records of the General Assembly, Eighteenth Session, Annexes, addendum to agenda item 23 (A/5446/Rev.1), chapter XII; *ibid.*, Nineteenth Session, Annexes, annex No. 8 (part I) (A/5800/Rev.1), chapter X; *ibid.*, Twentieth Session, Annexes, addendum to agenda item 23 (A/6000/Rev.1), chapter XI; A/6300/Rev.1, chapter XI; A/6700/Add.9, chapter X.

"Alternative (A)

"To pass under Spanish sovereignty in accordance with the terms proposed by the Spanish Government on 18 May 1966.

"Alternative (B)

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

7. Official results of the referendum were given as follows:

Registered voters	12,762
Total votes cast	12,237
For Alternative (A)	44
For Alternative (B)	12,138
Rejected voting papers	55 ^{e/}

8. A team of Commonwealth observers was invited by the United Kingdom Government to be present during the holding of the referendum. This team comprised the following members:

H.E. Mr. Richard Hutchens, New Zealand's Ambassador in Paris (Chairman)

H.E. Mr. Daniel Owino, Kenya's Ambassador in Bonn

Dr. Kenneth Rattray, Assistant Attorney General in Jamaica

Mr. M. Rahman, of the Pakistan Foreign Service on secondment to the Commonwealth Secretariat

The Secretary to the observers was Mr. E.C. Anyaoku of the Commonwealth Secretariat.

9. The observers, who were acting in their individual capacities and not as representatives of their Governments, were chosen by Mr. Arnold Smith, Secretary-General of the Commonwealth Secretariat. In a report dated 13 September 1967, the observers concluded that the conduct of the referendum "fully conformed with the requirements for the free expression of choice through the medium of the secret ballot".^{f/}

^{e/} Of these, forty-four were blank and eleven were rejected as void mainly for uncertainty.

^{f/} The report of the Commonwealth observers together with the report of the Referendum Administrator appear as annexes to the United Kingdom Government's report on Gibraltar, prepared in accordance with the request in operative paragraph 2 of General Assembly resolution 2231 (XXI) transmitted by the Permanent Representative of the United Kingdom to the Secretary-General in a letter dated 25 October 1967 (A/6876).

10. It will be recalled that the General Assembly had declared the holding of the referendum "to be a contravention of the provisions of General Assembly resolution 2231 (XXI) and of those of the resolution adopted on 1 September 1967 by the Special Committee" (see paragraphs 2 and 3 above).

11. Constitutional developments. The most recent changes in the constitutional arrangements in Gibraltar were introduced by the Gibraltar (Constitution) Order, 1964, which gave the Gibraltarians a greater participation in the internal affairs of the Territory than they had previously enjoyed. The principal changes were in the structure of the Legislative Council and the Executive Council, thereafter known as the Gibraltar Council, and the creation of a Council of Ministers. These changes were described in the report of the Special Committee to the General Assembly at its nineteenth session (A/5800/Rev.1, chapter X, paragraphs 3 to 8).

12. In July 1965, the Chief Minister, Sir Joshua Hassan, agreed to form a coalition with the independent opposition. The leader of the opposition, Mr. Peter Isola, became Minister without Portfolio and Deputy to the Chief Minister; and the Council of Ministers, previously numbering five ministers in addition to the Chief Minister, was increased in numbers to ten (including the Chief Minister). Thus, ten of the eleven members of the Legislative Council are now ministers in the Council of Ministers and five of them also sit in the Gibraltar Council.

13. In 1966, thirty-two ordinances were passed dealing inter alia with the abolition of corporal punishment, the possession of fire-arms, the implementation of International Labour Conventions and the Single Convention on Narcotic Drugs 1961, control of noise and vibration, the control of charges and prices of certain supplies and services, etc. The above-mentioned coalition is still in effect. The normal life of the Legislative Council is five years, thus requiring new elections for elected members in 1969.

14. There have been no constitutional changes effected since the arrangements described above came into force. However, during the first week of February 1968, Lord Shepherd, the United Kingdom Minister of State at the Commonwealth Office, visited Gibraltar to engage in preliminary discussions on new constitutional arrangements for the Territory.

15. Since April 1966, a committee of elected members had been studying proposals for such new arrangements. One proposal prepared by a three-man ministerial committee called for full internal self-government with the United Kingdom retaining responsibilities for defence and foreign affairs. Another proposal less favourably viewed in Gibraltar political quarters, was that prospective changes should be limited to streamlining the present administration, in particular the merging of the Gibraltar City Council with the Legislative Council to produce an enlarged legislature. These changes were regarded as not going far enough, although the merging of the two councils was considered to be essential in any future constitution. There was also a party advocating "Integration with Britain" which put forward its views on the occasion of Lord Shepherd's visit.

16. Lord Shepherd was reported to have stressed, however, that the talks were "informal" and that no decision would be made until further discussions had taken place later in the year.

17. On 10 March, it was reported that constitutional proposals prepared by the Gibraltar Government's constitutional committee had been published in the Territory. The committee's report recommended that the Commonwealth Immigration Act should cease to apply to Gibraltarians just as it did not apply to Channel Islanders, and that the United Kingdom Government should formally reaffirm that the entire Territory was British sovereign territory in the same way as the Channel Islands and Britain itself. The committee stated that its recommendations aimed at giving Gibraltar as full a measure of self-government as was consistent with her particular circumstances. The United Kingdom Government should retain responsibility for defence, foreign affairs and internal security. A merger of the Legislative and City Councils was recommended to produce a new House of Assembly responsible for all matters of purely domestic concern. The report rejected suggestions that Gibraltarians should be elected to the United Kingdom Parliament but recommended that the new Gibraltar status should be enshrined in an Act of Parliament.

18. Reference to the above-mentioned constitutional discussions was made in a note dated 10 February 1968 from the Spanish Minister for Foreign Affairs to the United Kingdom Ambassador in Madrid in which concern was expressed that these discussions might lead to a "new unilateral alteration of the present status of

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Gibraltar". In a reply to the Spanish Foreign Minister dated 19 February 1968, the United Kingdom Ambassador said "It is true that changes in the Gibraltar Constitution will be discussed between Her Majesty's Government and representatives of the people of Gibraltar later this year. But these discussions will not lead to any alteration of the present international status of Gibraltar.^{g/}

19. On 6 May 1968, Sir Joshua Hassan, the Chief Minister of Gibraltar, and Mr. Peter Isola, his deputy, arrived in London for further preliminary talks with Lord Shepherd, Minister of State at the Commonwealth Office, on constitutional changes to be introduced in the Territory. According to Mr. George Thomson, the Secretary of State for Commonwealth Affairs, speaking in the British House of Commons on 7 May, these talks were to prepare for the Minister of State's visit to the Territory on 17 June 1968 when there would be full discussion on the next stage of the constitutional programme. These preparatory talks were later continued in Gibraltar from 22 to 24 May during a visit by Mr. Thomson for this purpose. It was reported that a break in the talks had taken place in order to allow new suggestions in regard to constitutional changes to be put forward. On 23 May 1968, Mr. Thomson announced in Gibraltar that although applications for entry into Britain would have to be considered within the scope of the provisions of the Commonwealth Immigrants Act, in fact, all the Gibraltarians who wished to enter Britain would be able to do so. He was satisfied that within the present total number of vouchers available for the whole Commonwealth under this act, all Gibraltarians who wished to come to the United Kingdom would have no difficulty in doing so.

20. Anglo-Spanish talks. An account of the state of the negotiations between the United Kingdom and Spain appears in the report of the Secretary-General (A/7121 and Add.1-4).

21. Talks on Gibraltar held in Madrid between Mr. John Beith, Assistant Under-Secretary at the Foreign Office, and Spanish Foreign Ministry officials which had begun on 18 March broke down on 20 March after two meetings, without any positive result.

22. Before the beginning of these talks, it was clear that the two parties had conflicting views on what was to be the subject-matter for discussion. The Spanish Government stated that it was prepared to enter into talks on any topic of general interest to both Governments, on the understanding that the problem of Gibraltar could definitely not be discussed other than on the basis laid down in General Assembly resolution 2353 (XXII). This resolution, however, had not been

^{g/} For the full text of this correspondence see A/7121, annexes II and III. /...

accepted by the United Kingdom Government and the latter was therefore not willing to enter into negotiations simply on that basis. For his part, Mr. Beith sought to discuss proposals which, according to the Spanish Government, were designed to obtain from Spain the concession of facilities in Spanish waters, air space and territory bordering Gibraltar. This approach was not acceptable to the Spanish Government (see A/7121/Add.1, para. 3).

23. Spanish offer of direct discussions with Gibraltarians and reactions to this offer. In a speech to the Spanish Cortes on 3 April, the Spanish Foreign Minister, Mr. Fernando Maria Castiella, offered to enter into a "direct dialogue" with the Gibraltarians in the hope of examining the best guarantee for their interests in keeping with General Assembly resolution 2353 (XXII).

24. In this speech, Mr. Castiella stated that the Spanish Government was willing "to offer all our friendship and understanding to the inhabitants of Gibraltar". He stated that besides "the natural recognition and the firm protection of their basic human rights", the Spanish Government was willing to make maximum concessions in the field of national citizenship, residence, displacement, municipal autonomy, conservation of employment, economic agreements with Spain, integration into the regional economy, continuity of the institution of British private law, legal guarantees of all types etc. He added "We do not want to absorb a people nor make Gibraltarians Spanish against their own will; we only want to recuperate a territory belonging to Spain in which all the inhabitants of Gibraltar can live in peace and liberty with all of the rights and privileges which legitimately belong to them... In this sense we feel inclined to hear the Gibraltarians who want to serenely speak to us, to enter into a necessary dialogue with them so that we may know their problems and interests. Furthermore, we feel that this dialogue would not be difficult. After all, the dialogue would take place in a language common to both of us and would refer to a territory and people which are radically integrated into the Spanish landscape, traditions and way of life. All of this with one condition: that these safeguards should take place in keeping with what the United Nations resolution adopted, only after the colonial situation in Gibraltar comes to an end."

25. Mr. Castiella asked the inhabitants of Gibraltar to think of the future, and to give up the claustrophobia of the Rock garrison in favour of joining Spain in developing the tourist and industrial potentialities of the surrounding zone. He said that the inhabitants of Gibraltar at present showed "bad-tempered reactions" but Spain did not take these seriously because they ignored the future.

26. It was reported from London that the United Kingdom Government had reacted favourably to this Spanish offer, believing that a friendly attitude on the part of the Spanish Government towards the Gibraltarians was essential to create a favourable atmosphere for talks between London and Madrid.

27. In Gibraltar a group of prominent Gibraltarians comprising businessmen and lawyers calling themselves "The Doves" published an open letter in the Gibraltar Chronicle revealing that they had held secret discussions in Madrid with the Spanish Foreign Minister prior to his speech to the Cortes and were reported to have stated that an Anglo-Spanish agreement which would protect the interests of the inhabitants of Gibraltar was feasible. They called for a "contemporary" Anglo-Spanish treaty to replace the "outmoded" Treaty of Utrecht. This proposed treaty would recognize the Gibraltarian community as the rightful inhabitants of Gibraltar, would preserve their British citizenship and provide for an all-British administration of the colony with an all-British police force. Although the British flag would not be hauled down, it would have to fly in company with the Spanish flag "as a symbol of the fact that the Gibraltar described above owes its origin to a new Anglo-Spanish treaty".

28. On 6 April, demonstrations broke out in Gibraltar in protest against the initiative taken by this group of citizens known as "The Doves". Crowds demonstrated in the main street damaging the property owned by "The Doves", and searching for its leading members, notably the lawyers Joseph E. Triay and John J. Triay, and businessmen Joseph Coll, Charles Cruz, Albert Falguero and A.C. Ocana. The Police Commissioner called out Gibraltar's 250-man police force and it was reported that British troops assisted police in restoring order. Later the Chief Minister, Sir Joshua Hassan, agreed to see six of the crowd's leaders. After an hour's meeting he emerged from the city hall and announced that he would address Gibraltarians on radio and television that night.

29. In a statement issued after an emergency meeting, elected members of the Gibraltar Legislative Council unanimously repudiated the proposals of "The Doves" as contrary to the wishes of the great majority of Gibraltarians.

30. In a letter to The Observer (London) published on 5 May 1968, Mr. J.J. Triay and Mr. J.E. Triay, two of the above-mentioned "Doves" said that it was their

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understanding that Spain had offered the Gibraltarians internal autonomy as a British community in Gibraltar, whose rights would continue to be guaranteed by a British military presence there. They believed that this offer should be taken seriously and investigated thoroughly.

31. Restrictions on transit at La Linea. The Police Control Post at La Linea de la Concepción was closed by Spanish authorities from 6 May 1968 to all persons with the exception of Spanish workers travelling daily to their work in Gibraltar and permanent civilian residents of Gibraltar who had obtained prior permission from the Military Governor of the Campo de Gibraltar. Permission for crossing at the control post could also be granted by the Military Governor on humanitarian grounds.

32. In a note issued by the Office of Diplomatic Information of the Spanish Foreign Ministry the measures were said to be "a direct consequence of the attitude taken by the United Kingdom in declaring that it did not intend to implement the resolution adopted by the General Assembly on 19 December 1967". Referring to the fact that the United Kingdom had based its claims of sovereignty in regard to Gibraltar on the Treaty of Utrecht, the note indicated that Spain would also invoke those clauses of the same treaty which impose specific limitations upon the United Kingdom's rights.

33. The note also revealed that it had been the Spanish Government's intention to impose the restrictions at an earlier date but that these had been postponed for over a month as a gesture towards the Gibraltarians who had recently had talks with the Spanish Foreign Minister in Madrid (see paragraphs 27-30 above). The note added that it was due to this Gibraltarian initiative that an exception had been made in regard to transit at the control post for Gibraltarians who applied for the appropriate authorization from the Military Governor of the Campo de Gibraltar.

34. British reaction to the new restrictions was first expressed by the Governor of Gibraltar, General Sir Gerald Lathbury who, in a broadcast on 5 May 1968, said that the restrictions were clearly designed to do the maximum harm to the Gibraltarian economy and to weaken Gibraltarian resolve. He appealed to Gibraltarians, however, to exercise restraint. Similar words were expressed by the British Foreign Secretary, Mr. Stewart, in the House of Commons on 6 May. On 7 May, during an emergency debate on the subject in the House of Commons, the

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Secretary of State for Commonwealth Affairs, Mr. George Thomson, gave assurances that under no circumstances would the United Kingdom surrender sovereignty over Gibraltar against the wishes of the people of Gibraltar. He added that the United Kingdom would protect and support them whatever the threats brought to bear upon them.

35. As one of the few immediate responses to the new restrictions, Mr. Thomson announced that the United Kingdom Government would give further financial help for hotel development in Gibraltar.

36. On 8 May 1968, the Spanish Ambassador in London, the Marquis of Santa Cruz, was summoned to the Foreign Office where he was handed a protest by the British Foreign Secretary, Mr. Stewart, in regard to the new measures. It was later announced from the Spanish Embassy that the British protest had been rejected and that a counter protest had been presented to Mr. Stewart against "the tendentious manner in which the Spanish measures had been presented to public opinion in Great Britain and in Gibraltar".^{h/} The Spanish position is that, if the United Kingdom justifies its presence in Gibraltar by article X of the Treaty of Utrecht, that article should apply in its entirety.

37. It was stated by the Acting Chief Minister in Gibraltar, Mr. Abraham Serfaty, that, in his view, Gibraltar would lose 200,000 tourists a year as a result of the restrictions on transit. However, access to the Territory was still possible by sea and air, and the ferry link between Gibraltar and the Spanish town of Algeciras across the bay was not affected by the new restrictions. In his statement to the House of Commons on 7 May 1968, the Secretary of State for Commonwealth Affairs said that sixty-six cruise liners were expected to call at Gibraltar during 1968.

^{h/} For official Spanish statements on the closure of control post at La Linea as well as the exchange of correspondence between the British Foreign Secretary and the Spanish Ambassador in London, see A/7121/Add.1, annex II.

Economic conditions

38. The economy of Gibraltar depends to a great extent on the entrepôt trade and the provision of supplies to visiting ships. Other outlets for re-exports of this nature are provided by the requirements of the armed forces and civilian and military aircraft as well as sales to the large number of tourists and other visitors.

39. During 1966, the Gibraltar Government continued to take further steps to reorientate the economy and to increase Gibraltar's attractions as a tourist resort. Detailed consideration was given to the report of the study group of architects, town-planners and economists which had been appointed in July 1965 to carry out a survey of all aspects of the economy with a view to the comprehensive development of Gibraltar. From this report, the Government prepared its basic development plan for the next four-year period. The general objectives of this plan were approved by the United Kingdom Government and a grant of £600,000 was made at the end of 1966 as a first instalment towards its implementation.

40. Some of the projects of the development plan undertaken or completed during 1966 and 1967 included the construction of an aerial ropeway to the top of the Rock, the construction of restaurants and open-air cafés, improvement schemes for the beaches and the provision of a lido. During this period a £50,000 piazza was opened in the town centre. Other activities included a scheme for nightly floodlighting of the Rock and the organization of fairs and special events such as the Gibraltar Festival, the European angling championships and a rowing regatta between teams from Morocco, the United Kingdom and Gibraltar. A scheme aiming at providing hotel developers with financial aid in the form of long-term loans at low interest rates was reported to have been submitted by the Gibraltar Government for the approval of the United Kingdom Government at the beginning of 1968. It was reported that at the end of 1967 there were over 1,000 hotel beds in Gibraltar. It was planned to increase this number to just under 2,700 by 1971. Development plans also included a £1.5 million project for the provision of bungalows, swimming pools, shopping arcades and amusement parks.

41. During 1966, there was an increase of approximately 17.5 per cent over the total number of visitors in 1965. It was reported that in 1967, 130 cruise ships visited Gibraltar.

42. Apart from tourism and its port facilities and entrepôt trade, Gibraltar continued to develop a number of relatively small industrial concerns engaged in tobacco and coffee processing and bottling of beer, mineral waters, etc. These concerns produced mainly for local consumption. Others, engaged in fruit and fish canning and in the manufacture of cotton textile goods, produced mainly for export. A small but important commercial ship-repair yard added to the available facilities of the port.

43. Public revenue for the year 1966 totalled £2,103,496, the main source being customs and excise taxes. The approved estimate for public revenue for 1967 was £2,099,890 and the estimate for 1968 was £2,212,200. Recurrent expenditure for 1966 amounted to £1,987,806 the largest items being health and educational expenses. The approved estimate for recurrent expenditure for 1967 was £2,045,420 and the estimate for 1968 was £2,288,990.

44. Development projects during the period April 1965 to March 1968 were financed chiefly under the Colonial Development and Welfare Fund, the Commonwealth Development Corporation (CDC) loan, the Improvement and Development Fund and the City Council. Of these, the most substantial funds came from the Colonial Development and Welfare Fund, amounting to £1,595,780 committed for the period ending 31 March 1968. Total aid committed from all the above sources during this period was £2,270,310. The main projects were devoted to housing, schools and tourism amounting in committed funds to £2,040,100, £138,000 and £92,210 respectively for the period ending 31 March 1968.

45. Gibraltar's four-year development plan, which began in 1967, provided for £3,800,000 to be spent in the public sector. Of this, £2,500,000 was to come from the United Kingdom Government. An amount of £900,000 was disbursed from London in 1967-68. It was reported on 4 March 1968 that a grant of £1,036,000 for housing construction would be made available by the Ministry of Overseas Development from Colonial Development and Welfare funds as part of the plan.

Social conditions

46. Public health. Recurrent expenditure on public health in 1966 was £279,428 by the Government and £33,691 by the Local Authority. Capital expenditure was £10,467 and £5,201 respectively.

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47. The Medical and Health Services consisted of hospital services which included maternity, out-patient treatment, hospital accommodation and in-patient treatment, and the reception of persons suffering from mental illness or mental defectiveness; making arrangements for specialist medical treatment outside government hospitals, where such treatment was beyond the scope of local resources, child welfare and school health services; domiciliary and out-patient treatment of persons coming under the scope of the district medical service; port and airport health service, etc. There were also programmes of health education for student school-teachers and nurses and a programme of immunization of children carried out by the Medical Officer of Health.

48. Government hospital services included four hospitals: St. Bernard's Hospital providing comprehensive services; King George V Hospital, catering for chest and heart diseases and other medical cases; St. Joseph's Hospital for the treatment of mental diseases; and the Infectious Diseases Hospital kept under the terms of the International Sanitary Conventions for Maritime and Aerial Navigation.

49. Labour. A substantial part of the labour force continued to be made up of alien non-domiciled workers, the majority of whom live in neighbouring Spanish territory entering daily by road from La Linea, or by sea from Algeciras under documents issued and controlled by both the British and Spanish authorities. However, since 1964 the flow of workers from neighbouring Spanish territory has tended to diminish while the influx of other non-Spanish labour has shown an increase. An informed British source reported at the beginning of 1968 that about 5,000 people living in neighbouring Spanish territory still crossed into Gibraltar each day to work in the Territory. This compared with 9,000 in 1964 out of a total work force of 15,000.

Educational conditions

50. Recurrent expenditure on education approved in the estimates for 1966 was £215,120, representing 11.1 per cent of the total current estimated expenditure of the Government. The actual expenditure at the end of the financial year was £224,223.

51. At the end of 1966, there was a total of 5,040 children enrolled in schools. There were twelve government primary schools and three private schools. At the end

of the year there were 2,599 primary school pupils enrolled in government schools and 618 in private schools, making a total of 3,217.

52. Of the secondary schools there were two selective and four non-selective schools with 572 pupils in selective grammar schools and 1,029 pupils in secondary modern schools. There were also 90 pupils receiving secondary education in private schools. There were 30 boys in the sixth form of the boys grammar school and 26 girls in the sixth form of the girls grammar school.

53. In regard to the two technical schools, 77 students were attending the Gibraltar and Dockyard Technical College and 55 girls were attending the Commercial School at the end of 1966. The Gibraltar and Dockyard Technical College offers a two-year diagnostic course in engineering with a view to training operatives at craft and technical level.

54. Of the 245 full-time teachers employed in government and private schools at the end of 1966, 139 had received training and 106 were untrained, ten of these being men and ninety-six women. Most of the untrained staff, however, had received secondary education up to the G.C.E. "O" level standard.

CHAPTER XV

FRENCH SOMALILAND*

CONSIDERATION BY THE SPECIAL COMMITTEE

1. At its 594th meeting, on 1 April 1968, the Special Committee, by approving the thirty-fourth report of the Working Group (A/AC.109/L.454/Rev.1), decided, inter alia, to take up French Somaliland as a separate item and to consider it at its plenary meetings.
2. The Special Committee considered the item at its 646th meeting, on 31 October.
3. In its consideration of the item, the Special Committee took into account the provisions of General Assembly resolution 2356 (XXII) of 19 December 1967, by operative paragraph 5 of which the Assembly requested the Committee "to continue its consideration of the situation in French Somaliland (Djibouti) and to report thereon to the General Assembly at its twenty-third session".
4. During its consideration of this item, the Special Committee had before it a working paper prepared by the Secretariat (see annex to the present chapter) containing information on action taken previously by the Special Committee as well as by the General Assembly, and on the latest developments in the Territory.
5. At its 646th meeting, the Special Committee, following a statement by its Chairman (A/AC.109/SR.646), decided to transmit to the General Assembly the working paper referred to above in order to facilitate consideration of the item by the Fourth Committee and, subject to any directives which the General Assembly might wish to give in that connexion, to give consideration to the item at its next session.

* Note by the Rapporteur: Terminology Bulletin No. 240 issued by the Secretariat on 15 April 1968 (ST/SC/SER.F/240) reads as follows:

"The new name of the Territory formerly known as French Somaliland is: French Territory of the Afars and the Issas....

"This designation, which is being introduced at the request of the administering Power, should be used in all documents with the exception of those records of texts in which the speaker or author has used a different terminology."

ANNEX*

QUESTION OF FRENCH SOMALILAND^{a/}

Working paper prepared by the Secretariat

CONTENTS

	<u>Paragraphs</u>
I. ACTION PREVIOUSLY TAKEN BY THE SPECIAL COMMITTEE AND BY THE GENERAL ASSEMBLY	1 - 4
II. INFORMATION ON THE TERRITORY	5 - 35
Territory's change of name	6 - 7
Law relating to the organization of the Territory	8 - 28
Population figures	29 - 31
Economic and social developments	32 - 35

* Previously reproduced under the symbol A/AC.109/L.470.

^{a/} The new designation of the Territory is French Territory of the Afars and the Issas. See Terminology Bulletin No. 240 (ST/CS/SER.F/240) issued by the Secretariat on 15 April 1968.

I. ACTION PREVIOUSLY TAKEN BY THE SPECIAL COMMITTEE AND
BY THE GENERAL ASSEMBLY

1. The French Territory of the Afars and Issas, previously known as French Somaliland, was first considered by the Special Committee and the General Assembly in 1966. In that year, the Special Committee did not adopt any resolution or recommendation concerning the Territory but decided to transmit the records of its consideration of the question to the General Assembly at its twenty-first session.^{b/} The General Assembly, by its resolution 2228 (XXI) of 20 December 1966, took note, among other things, of political developments in the Territory and the announcement by the administering Power that a referendum would be held before July 1967 to enable the people to decide their political future. In the operative paragraphs of the resolution, the General Assembly, *inter alia*, called upon the administering Power to ensure that the right of self-determination should be freely expressed and exercised by the people of the Territory on the basis of universal adult suffrage and with full respect for human rights and fundamental freedoms, urged it to create a proper political climate for the referendum to be conducted on an entirely free and democratic basis, and at the same time requested it to make appropriate arrangements, in consultation with the Secretary-General, for a United Nations presence before, and supervision during, the holding of the referendum.

2. The Territory was considered by the Special Committee on four separate occasions during 1967. At the close of a first series of meetings, held at Headquarters between 9 and 15 March, shortly before the referendum (which took

b/ Official Records of the General Assembly, Twenty-first Session, Annexes, addendum to agenda item 23 (A/6300/Rev.1), chapter XII, paragraph 219.

place on 19 March), the Committee adopted a resolution^{c/} in operative paragraphs 2 and 3 of which it expressed regret that the administering Power had not yet complied with all the provisions of General Assembly resolution 2228 (XXI) and urged it to ensure that the forthcoming referendum was conducted in a just and democratic manner in accordance with the said resolution.

3. The Special Committee further considered the Territory at a meeting held at Headquarters on 6 April, at two meetings held in Africa on 16 and 19 June and at two more meetings held at Headquarters on 12 and 13 September 1967. At the last meeting, on 13 September, the Special Committee decided to transmit to the General Assembly the information contained in the relevant working papers prepared by the Secretariat (A/6700/Add.11, chap. XII, paras. 1-49), together with the statements made on the item by representatives and by petitioners. It also decided that, subject to any decision that the General Assembly might make at its twenty-second session, the Special Committee would consider the Territory during its meetings in 1968.

4. After considering the circumstances in which the referendum organized by the administering Power took place on 19 March 1967, the General Assembly adopted resolution 2356 (XXII) of 19 December 1967. The operative paragraphs of this resolution read as follows:

"1. Reaffirms the inalienable right of the people of French Somaliland (Djibouti) to self-determination and independence in accordance with General Assembly resolution 1514 (XV);

"2. Regrets that the administering Power has not co-operated with the United Nations in the application of resolution 1514 (XV) and did not implement General Assembly resolution 2228 (XXI);

"3. Calls upon the administering Power to create the political conditions necessary for accelerating the implementation of the right of the people to self-determination and independence, including the full exercise of political freedoms, and to allow the return of all refugees to the Territory;

^{c/} A/6700/Add.11, chap. XII, para. 127.

"4. Urges the administering Power to co-operate fully with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and with the United Nations in accelerating the process of decolonization in the Territory and to grant independence to the inhabitants at an early date;

"5. Requests the Special Committee to continue its consideration of the situation in French Somaliland (Djibouti) and to report thereon to the General Assembly at its twenty-third session;

"6. Decides to keep the question of French Somaliland (Djibouti) on its agenda."

II. INFORMATION ON THE TERRITORY^{d/}

5. Information on the Territory is contained in previous reports of the Special Committee to the General Assembly at its twenty-first and twenty-second sessions (A/6300/Rev.1, chap. XII and A/6700/Add.11, chap. XII). Supplementary information is given below.

Territory's change of name

6. The name of the Territory, previously called Côte française des Somalis (French Somaliland) was changed to Territoire français des Afars et des Issas (French Territory of the Afars and the Issas). It appeared as such in the bill relating to the organization of the Territory according to which the Territory was to remain within the French Republic under a new statute as approved by the referendum of 19 March 1967. This bill was adopted by the French National Assembly on 13 June 1967, and by the French Senate on 20 June 1967. The law was promulgated on 3 July 1967 and appeared in the Official Gazette of the French Republic on 4 July 1967 as "Law No. 67-521 of 3 July 1967 relating to the organization of the French Territory of the Afars and the Issas". The law was promulgated in the Territory by decree No. 1379 of 5 July 1967 and appeared in the Territory's Official Gazette on 10 July 1967.

d/ This information is based upon published sources.

7. It will be recalled that a change in name was proposed by the Territorial Assembly on 12 May 1967 calling for the appellation Territoire français des Afars (French Territory of the Afars).^{e/} This proposal was not accepted by the French Ministry for Overseas Departments and Territories which, on submitting the bill for approval of the French National Assembly, proposed the name Côte française des Afars et des Somalis (French Coast of the Afars and the Somalis). This was amended by the French National Assembly which, together with the Senate, approved the bill with the name of the Territory appearing as Territoire français des Afars et des Issas.

Law relating to the organization of the Territory

8. The essential elements of the new statute as presented by the French Government and approved by the referendum of 19 March 1967 were explained in the previous report of the Special Committee (A/6700/Add.11, chap. XII, paras. 20-25). The law relating to the organization of the Territory as approved by the French National Assembly and Senate embodied most of these elements, although certain changes or amendments were incorporated in the detailed text of the law mainly originating from proposals put forward by the Territorial Assembly on its examination of the draft after the referendum. Details of the law are given below.

9. The law provides for a Government Council consisting of a President and between six and eight ministers elected by a Chamber of Deputies. The Chamber of Deputies consists of thirty-two members elected by direct universal suffrage for a period of five years. In both organs equitable representation of the various communities of the Territory is to be assured. One of the law's declared purposes is to grant a large measure of autonomy in the administration of the Territory's affairs. In this connexion the competence of the Government Council and Chamber of Deputies is in each case clearly defined. The main functions of the French State represented by the High Commissioner in the Territory are also enumerated. This list, however, is illustrative rather than exhaustive, the French State having competence in all matters not expressly reserved to the organs of the Territory.

^{e/} In the original draft submitted for approval to the Territorial Assembly the name of the Territory appeared as Territoire français des Afars et des Issas.

10. Government Council. Under the new statute embodied in the law of 3 July 1957, the Government Council is presided over by the President who, as stated above, is elected together with the other members by the Chamber of Deputies. This differs from the previous constitutional arrangements under which the Governor was President of the Government Council with the Chief Minister holding the office of Vice-President. Under the new statute, the representative of the French State, now called the High Commissioner, plays no part in the proceedings of the Government Council, but the Deputy High Commissioner may attend its meetings with the right to speak.

11. The Government Council manages the affairs of the Territory and is in general charge of the public services, each minister being responsible to the Council for the management of one or more services. The Government Council draws up the draft budgets of the Territory and it alone has the initiative in regard to expenditure. It executes the decisions taken by the Territory's Chamber of Deputies (previously called the Territorial Assembly) or oversees their execution.

12. Among the specific matters which fall within the competence of the Government Council are the following: appointment of the heads of the territorial public services and heads of administrative districts (circonscriptions); determination of conditions of service and creation, elimination or modification of administrative districts (in consultation with the Chamber of Deputies); organization of chiefdoms (chefferies) and regulation of urban and rural administrative policy; public health; regulation of prices; statistics; and development of basic education. The Council can also grant agricultural and forestry concessions, and mining concessions that do not fall within the competence of the French State. It is competent to grant concessions in regard to public works and it can tender its advice in regard to radio and television programmes.

13. As noted above, the election of members of the Government Council by the Chamber of Deputies must take into account the equitable representation of the communities of the Territory. Accordingly, lists of candidates of between seven and nine names with the President at the head are required to be drawn up with the above-mentioned representation in mind.

14. Chamber of Deputies. Election of the thirty-two members of the Chamber of Deputies is by direct universal suffrage. Although according to the pre-referendum

draft of the new statute the electoral régime was to be established by the Chamber itself, this clause was later amended by a provision establishing that the method of election and the number and distribution of seats per district would be determined by law. The law in effect was Law No. 63-759 of 30 July 1963. This amendment was adopted with a view to safeguarding the equitable representation of the communities but, it was stated, there remained the possibility of future review.

15. The Chamber of Deputies holds two ordinary sessions a year, the second one being devoted to budgetary matters, the budget having to be voted before 31 December. An extraordinary session of the Chamber can be called by the President of the Governing Council at the request of the High Commissioner, or at the request of two-thirds of the members of the Chamber, or on the initiative of the President of the Council himself. While the length of ordinary sessions of the Chamber is limited to two months, that of an extraordinary session is required not to exceed one month.

16. The deliberations of the Chamber of Deputies cover the political and administrative organization of the Territory, public finances, economic questions, social questions and matters of private law. The Chamber adopts the budget and approves taxation. Within the scope of these five major headings a large number of specific subjects (fifty-one in all) are listed. The Chamber of Deputies can vote on regulations or decisions in regard to these subjects. It also has the power to sanction infractions of regulations by a term of imprisonment up to five years or a fine of up to 100,000 francs or both. In financial matters amendments cannot be presented by the Chamber unless they have the effect of reducing expenditure, increasing revenue or ensuring the control of public expenditure. On all subjects within its competence, proposals and amendments drawn up by the Chamber are not accepted if they have the effect of reducing the resources of the Territory or have financial implications in regard to expenditure.

17. Relations between the Chamber of Deputies and the Government Council. The Government Council is responsible before the Chamber of Deputies which can adopt a motion of censure by an absolute majority, thus forcing the Government Council out of office. The President of the Council, with the agreement of the other members may also table a motion of confidence which, if rejected by an absolute

majority of members of the Chamber, requires the resignation of the Government Council.

18. For his part, the President of the Government Council has the power to request a second reading of a bill by the Chamber of Deputies. The request must be made within five days of the Chamber's decision on the subject. The Government Council has the right to request the High Commissioner to propose to the Government of France the dissolution of the Chamber of Deputies. In the event of dissolution, new elections are required to be held within two months.

19. Role of the French State and the High Commissioner in the Territory. The French State is represented in the Territory by a High Commissioner. As noted above, the competence of the French State covers all the fields not specifically assigned to the Government Council and Chamber of Deputies. In particular it covers external relations and immigration; external communications (air, sea, postal and telecommunication services); defence, including internal security; currency, the Treasury, credit, foreign exchange and trade; citizenship; organization and control of vital statistics, and laws pertaining to civil status; organization and jurisdiction of courts other than those relating to customary law; radio and television. The French State also retains its rights in regard to the aerodrome and the port of Djibouti. In the case of the latter the Minister for Overseas Territories appoints a delegate to the territorial authorities responsible for ensuring the administration of the port. The Territory may participate in the administration of the aerodrome.

20. The High Commissioner is appointed by the French Council of Ministers by decree. He promulgates the laws and decrees in the Territory after informing the Government Council and subsequently ensures their execution.

21. The High Commissioner is charged with ensuring the respect of public freedoms and individual and collective rights. He ensures the legality of the acts of the territorial authorities and in this connexion, the decisions of the Chamber of Deputies and of the Government Council must be communicated to him before being executed by the President of the Government Council or before being published or implemented. Within ten days of the date of communication, the High Commissioner may require the Chamber of Deputies or the Government Council to give a second reading or further consideration to the text in question.

22. The High Commissioner may request the French Minister for Overseas Territories to annul any of the acts of the territorial authorities on grounds of lack of competence, excess of power or violation of the law. The same action may be taken directly by the French Minister for Overseas Territories on his own initiative.
23. Technical assistance. Two articles of the law of 3 July 1967 provide for conventions to be signed between the French State and the territorial authorities in regard to financial aid and technical assistance. Details and conditions relating to such aid or assistance are to be defined in each convention agreed upon by the two parties.
24. Appointment and election of officers in the Territory. By degree of 3 July 1967 the French Council of Ministers appointed Mr. Louis Saget as High Commissioner of the Territory. This decree was promulgated in the Territory on 5 July 1967.
25. An extraordinary session of the Chamber of Deputies was convened on 7 July 1967 to elect the new Government Council. The previous Government Council, elected on 5 April 1967, had resigned on 6 July.
26. Mr. Jean Comte was appointed Deputy High Commissioner of the Territory by a decree of the French Council of Ministers of 3 July 1967 which was promulgated in the Territory on 10 July 1967.
27. The new Government Council elected by the Chamber of Deputies on 7 July 1967 was headed by Mr. Ali Aref Bourhan. It was composed as follows:
- Mr. Ali Aref Bourhan, President of the Government Council and Minister of Public Works and the Port
 - Mr. Ahmed Dini Ahmed, Minister of Internal Affairs
 - Mr. Mohamed Ali Chirdon, Minister of the Public Service
 - Mr. Julien Vétillard, Minister of Finance and of the Plan
 - Mr. Omar Mohamed Kamil, Minister of Education, Sports and Youth
 - Mr. Mohamed Othman Youssouf, Minister of Labour
 - Mr. Hassan Mohamed Moyale, Minister of Economic Affairs
 - Mr. Chehem Daoud Chehem, Minister of Public Health and Social Affairs
 - Mr. Djama Abdi Bakal, Minister of Information and Tourism.
28. The new Government Council assumed its functions by decree No. 1/SPCG of 7 July 1967. All the territorial decrees relating to the above-mentioned appointment and election of officers appeared in the Official Gazette of the Territory of 10 July 1967.

Population figures

29. In 1967 the total population of the Territory was estimated at 122,000 and was broken down as follows:

Issas and other Somalis	58,000
Afars	48,000
Arabs	9,000
Europeans and mixed parentage	7,000
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	122,000

30. It was reported that of the total of 58,000 Issas and other Somalis, 27,000 were registered as French citizens and 31,000 were foreigners. All the Afars were registered as French citizens. For purposes of voting in the referendum of 19 March 1967, the figures for registered voters were reported to be 14,700 Issas and other Somalis and 22,000 Afars.

31. Of the total of 16,000 Arabs and Europeans in the population (including those of mixed parentage) it was reported by the administering Power that only 1,500 and 900 respectively were entitled to vote. In this connexion it will be recalled that according to the law adopted by the French National Assembly of 22 December 1966 (No. 66-949) entitlement to vote was granted to persons "registered on the electoral rolls of French Somaliland and who, furthermore, could offer proof of residence in the Territory for at least three years".

Economic and social developments

32. It was reported that in the three-month period following the closure of the Suez Canal, the traffic of ships in the port of Djibouti declined by about 75 per cent from the normal level. Nevertheless, in this period, construction of port facilities and dredging was undertaken and was continued with a view to the expansion of the port's activity within the following two years. Other economic activity included prospecting for water in the interior.

33. The draft budget for 1968 presented to the Chamber of Deputies of the Territory on 30 November 1967 was reported to be a balanced budget amounting to 2 thousand million Djibouti francs^{f/} obtained without any increase in taxation.

f/ 214 FD (francs Djibouti) equals \$US1.00.

34. Mr. Ali Aref Bourhan, President of the Government Council, and Mr. Louis Saget, the High Commissioner, were reported to have signed the first convention on technical assistance between the Government of the Territory and the French Government on 20 December 1967, a convention provided for under the terms of the law of 3 July 1967 (see para. 23 above). This agreement concerned the financing of public works designed to provide employment for the dockers of the port of Djibouti who had been unemployed since the closure of the Suez Canal.
35. In the social field one of the main developments was the inauguration of the Centre de formation professionnelle, a professional training centre.
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