

Passports and mobility at Spain's border with France, 1966–1978

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Abstract

In 1966, Spain became the last of France's neighbors to admit French tourists with just a national identity card. However, travel to France with a Spanish identity card did not become possible until 1978. Focusing on the twelve-year period when French nationals were able to visit Spain with just an identity card, while Spanish nationals continued to need passports to travel to France, this paper considers the abolition of the passport requirement for tourists as an aspect of European integration and of the dictatorship and subsequent transition process in Spain.

Keywords

Passports, freedom of movement, tourism, Franco regime, European integration

1. Introduction

A series of bilateral agreements created a *de facto* passport-free tourism zone in Western Europe in the decades after the Second World War. The economic imperative to attract foreign tourists eventually led Franco's Spain to partially join this trend. In February 1966, Spain became the last of France's European neighbors to admit French tourists with just an identity card. Yet the ostensibly bilateral agreement was immediately applicable only to French nationals. When Spanish travelers would be able to visit France without passports was left up to the Spanish government. The partial integration of Spain into the *de facto* passport-free tourism zone while Spain remained a dictatorship reflected the country's position in Western Europe. A Cold War ally of neighboring democratic states and an increasingly popular vacation destination for their citizens, Franco's Spain faced minimal international pressure to end restrictive laws and practices that applied primarily to its own nationals. Authorities made use of their broad powers to deny, confiscate, and invalidate passports. Permitting travel

abroad with the identity document that all Spaniards were required to have would have greatly limited possibilities for control. The differing political regimes in France and Spain meant that the border was experienced differently depending on the traveler's nationality. Differing documentation requirements were a concrete manifestation of the greater freedoms available to French nationals in comparison with those living under the dictatorship in Spain. However, the ability to enter Spain with just a French national identity card was also dependent upon the will of the Franco regime, which at one point temporarily reinstated the passport requirement for French nationals. Focusing on the twelve-year period when French nationals were able to visit Spain with just a national identity card, while the passport requirement remained in place for Spanish nationals, this paper argues that the expanding sphere of passport-free tourism was an important facet of European integration. It occurred outside the realm of European Community policy, thus permitting the participation of Spain, which did not become a member state until 1986.

The case of Spain under the Franco regime is particularly illustrative of the difference between passports and identity cards as documents for cross-border travel. Spanish passport legislation, archival documents produced by border control authorities, newspaper accounts, and a 1974 book by legal scholar José Manuel Castells Arteché that unfavorably compared the Spanish passport system to those of other countries will be used to demonstrate the extent to which passports were not accessible to everyone. Meanwhile, passport-free tourism had become the norm in much of Western Europe. Beginning in September 1974, Spain unilaterally suspended the 1966 agreement for several months, requiring that French tourists show valid passports at the border. The surprise expressed by French nationals who were affected by this measure shows that many in France had come to take the ability to travel to neighboring countries with just a national identity card for granted. Slightly more than three years later, Spanish nationals finally gained access to part of the Western European passport-free travel zone. Consideration of Spanish passport law and practice with regard to both Spanish and French nationals adds a new dimension to discussions on the expansion of freedom of movement in Europe and the nature of the Franco regime and the post-Franco transition process in Spain.

2. *Passports and Identity Cards as Travel Documents*

The *de facto* passport-free tourism zone in Western Europe emerged in the years after the Second World War through a series of agreements between

governments. The trend toward passport-free travel led the Council of Europe to approve a “European Agreement governing the Movement of Persons between Member States” in December 1957. The convention followed the model of existing bilateral accords, stipulating that nationals of signatory countries could enter and exit the territories of other signatories for stays not exceeding three months with one of the documents listed in the appendix. These included identity cards for nationals of those states that issued them. France was, along with Belgium and Italy, one of the first Council of Europe members to adhere to the agreement (Turack 1972, p. 74). While this convention has subsequently been ratified by other states, expanding opportunities for passport-free travel between Council of Europe member states, French nationals first gained access to most of Western Europe with just their identity cards through bilateral agreements. These agreements predated the country of destination’s adherence to the convention, as seen in Table 1.

	Entry with a French identity card (bilateral agreement)	1957 Council of Europe convention entry into force
Belgium	May 1949	January 1958
Luxembourg	June 1949	May 1961
Switzerland	May 1950	January 1967
Liechtenstein	May 1950	October 1998
F.R. Germany	December 1956	June 1958
Italy	March 1957	January 1958
Netherlands	May 1957	March 1961
Austria	June 1957	June 1958
United Kingdom	March 1961	--
Spain	February 1966	June 1982

Table 1: The expansion of passport-free travel for French nationals, 1949–1966

Sources: UNTS 1949a; UNTS 1949b; FDFA 1950; Traités et accords de la France 1956; UNTS 1958a; UNTS 1958b; Traités et accords de la France 1957; Treaty Series 1961; UNTS 1979a; Council of Europe 2018.

Discussion of passport-free tourism agreements can be found in legal scholarship from the period. In a 1972 book, Daniel C. Turack mentioned bilateral agreements between Western European states and considered the work of the Council of Europe and the OEEC (Organisation for European Economic Co-Operation) and its successor, the OECD (Organisation for Economic Cooperation and Development), to encourage the expansion of passport-free tourism. With regard to Spain, he cited a 1962 report by the

OECD's Tourism Committee, according to which the Spanish government was willing to admit French tourists without passports, but the French government was not yet willing to permit travel to Spain with just an identity card. Spain concluded such agreements with the Federal Republic of Germany in 1964 and with France and Switzerland in 1966 (Turack 1972, p. 58–59). Turack did not mention the clauses that, if activated, would have made these agreements apply reciprocally to Spanish nationals. José Manuel Castells Arteché, writing during the final years of the dictatorship in Spain, noted that agreements to allow tourism with just an identity card had become “widespread in continental Europe.” Citing the agreements to allow tourists from West Germany, France, Switzerland, and Liechtenstein (included in the Swiss agreement) to enter Spain without passports, he accused the Spanish government of discrimination against Spanish nationals. Furthermore, these agreements had not been published in the official state journal (*Boletín Oficial del Estado*), where a wider audience inside Spain might have been made aware of their existence (Castells 1974a, p. 236–237). Most recently, in 1972, Spain had concluded an exchange of notes with the Benelux countries that was published in the official state journal. However, despite a change to passport legislation in 1971 that seemingly opened the door to applying such agreements reciprocally to Spanish nationals, the agreement included a provision that “suspended” travel to Belgium, Luxembourg, and the Netherlands with a Spanish identity card until subsequent notification by the Spanish government (Castells 1974a, p. 251–252).

The postwar trend towards passport-free tourism in Western Europe has received minimal attention in more recent studies. This may be attributed both to a tendency to focus on advances in freedom of movement that occurred within the framework of the primary institutions of European integration and to a belief that the move from passports to identity cards did not fundamentally change the nature of border crossing and police checks. Mark B. Salter notes that, unlike the Nordic Council, the Council of Europe failed in its early postwar aim of creating a passport union. Salter is correct to point out that, under the 1957 Council of Europe convention, travelers were still required to present some form of government-issued identification at the border: “Thus, the freedom was not to cross German–French borders without examination; rather, it was that the passport ceased to be the crucial and necessary document” (2003, p. 106–107). Tellingly, this quote fails to mention that it was not the 1957 Council of Europe convention that made travel between France and the Federal Republic of Germany possible with just an identity card, but rather a 1956 exchange of notes between the two governments (*Traités et accords de la*

France 1956). The bilateral agreements that first made tourist travel with just an identity card a reality in much of Western Europe have largely been forgotten. Sasha D. Pack's study on the role of European tourism in transforming Spain during the Franco regime provides valuable insight into the evolution of entry requirements for foreign visitors, particularly those traveling by car. However, with the exception of the Gibraltar border, he traces developments in this area only through 1961, thus omitting the passport-free tourism agreements that Spain entered into starting in 1964 (2006, p. 53–56, 91–96).

As John Torpey has argued, passports and other identity documents are tools that states use to monopolize the legitimate means of human movement, particularly across international borders. His study on the history of passports and their use in regulating movement makes brief mention of postwar passport-free tourism agreements in Western Europe (2000, p. 144–145). Yet, in the “typology of papers” that concludes his book, Torpey (2000, p. 159) distinguishes between internal passports designed to limit movement within a state's borders, international passports that are used as proof of nationality and provide access to consular services, and identity cards, which “are not normally, or not primarily, used to regulate movement, but simply to establish the identity of the bearer for purposes of state administration and of gaining access to benefits distributed by the state.” The move from travel with a government-issued passport to travel with a government-issued identity card did not diminish the role of the sovereign state in controlling legitimate movement. However, given that national identity cards are primarily intended for use within state borders, the move to grant access to territories beyond these borders merits further discussion as a significant development in freedom of movement.

Identity cards and passports are different categories of government-issued documentation. Identity cards are normally issued to all nationals without exception and possessing one may be compulsory. In contrast, passports are not considered a necessary item because not everyone has reason to travel abroad and states may not make them as accessible as identity cards. The example of Spain under Franco starkly illustrates the difference between these two types of documentation. Possessing a national identity card was obligatory for all Spaniards aged 16 and over (BOE 1955). This meant that everyone except children had an identity card. Passports, however, were deliberately not made accessible to all Spanish nationals, as will be discussed in detail. Even in states considered full democracies, passports may be less readily available due to significantly higher issuance fees and longer processing times.

The elimination of the passport requirement for tourists made travel to a particular set of nearby countries more accessible, with obvious practical benefits for travelers and implications for the construction of a European identity. Bonn, Rome, and Madrid were closer to home for French nationals in 1970 than in 1950, not geographically speaking, but because they could now travel to these foreign capitals with the same identity document they used for everyday transactions in their home country. Though Spanish nationals benefited from the reciprocal abolition of entry visas in 1959, the elimination of exit visas in 1963 (Fernández 1991, p. 836) was as far as Franco's government was willing to go in relaxing the requirements for travel abroad, for reasons that become clear upon examination of passport law and practice under the dictatorship.

3. *Passports in late Francoist Spain*

The 1958 decree (*decreto*) regulating ordinary passports came at a time of increased political stability for the Franco regime. Nearly twenty years after the end of the Civil War in 1939, the regime had solidified its position at home and abroad. Spain was admitted to the United Nations in 1955 and joined the International Monetary Fund, the Export-Import Bank, and the OEEC in 1958. Membership in these international economic organizations demonstrated the Franco regime's newfound openness to the global market and its abandonment of the disastrous autarky policy of the post-war period. This significant policy shift laid the foundations for the economic boom of the 1960s, in which tourism would play a key role. The remittances of Spanish nationals working abroad and the inflow of foreign currency from tourism combined to correct Spain's balance of payments (Huguet 2003, p. 507). The economic importance of foreign tourism was undoubtedly the primary reason that Spain began to enter into agreements to allow nationals of certain countries to visit with just an identity card.

The new era of political stability was reflected in the decision to draw up a new passport law, but not in its content. José Manuel Castells Arteché categorized it as "postwar" legislation because "its principals remain immersed in the exceptionality of the preceding period." (1974a, p. 92). The new decree, dated June 20, 1958, was the first comprehensive passport legislation of the Franco era. It modified, but did not repeal, a 1935 decree that had remained in effect after the Civil War, albeit with the addition of further requirements for passport applicants. Castells argued that, while the 1958 decree could be considered a prolongation of its 1935 predecessor, it significantly increased the discretionary powers granted to authori-

ties. Under the 1935 decree, the only grounds for depriving someone of the right to a passport were convictions for tax fraud or smuggling. In Castells' view, the 1958 decree gave authorities a *carte blanche* to deny passports, as stated in article 11: "Authorities may at any time deny any person the right to be issued a passport, or rescind one that has already been issued, on account of a crime or other reasons that could affect public order or national security" (1974a, p. 106). Furthermore, those who already held passports could be prevented from leaving Spanish territory under article 22:

The Minister of Governance¹ is authorized to stop nationals from leaving national territory for the time considered opportune, even if they are in possession of their respective passports, if such a measure is advisable under the present circumstances or serious disturbances of public order are feared. (BOE 1958).

This article was nearly identical to that found in the 1935 decree (Castells 1974a, p. 107). The already restrictive nature of the decree enacted during the Second Republic likely explains why the Franco regime left it on the books.

Article 16 of the 1958 decree lists the documents that passport applicants were required to provide: two photographs, a national identity card plus a second document to prove their identity (birth certificate, family book, or previous passport), and a police record certificate. The need to first obtain a police certificate could significantly lengthen the application process. This requirement had been introduced in 1937, during the Civil War, in those parts of Spain that were already under Franco's control (Castells 1974a, p. 93). Other requirements varied according to the applicant's gender. Young men were required to present proof that they were meeting their military service obligations, first by completing an active service period and then by having their reservists' booklets (*cartilla militar*) stamped each year. As for women, requirements differed according to age and marital status, thus reflecting the regime's gender ideology, according to which a woman's proper place was in the home as an attentive and obedient wife and mother. Married women had to present a family book to prove their marital status when applying for a passport. Although it seems to be common knowledge in Spain that a married woman needed her husband's permission to obtain a passport during the dictatorship, this re-

1 Spain's Ministry of the Interior was known as the *Ministerio de la Gobernación* until 1977.

quirement is not actually specified in the passport legislation of the period. Women between the ages of 17 and 35 who were unmarried or widowed with no children had to present a certificate proving they had completed the “Social Service,” a program administered by the Women’s Section of the Franco regime’s sole legal political party.

A 1971 passport decree replaced the one enacted in 1958 (BOE 1972). Its preamble claimed that the new regulations were conceived in accordance with “international agreements and circumstances, which have allowed greater flexibility in the issuance of passports and increased periods of passport validity.” It is true that it extended the validity of Spanish passports from two years to five years—the international norm—while maintaining the administration’s ability to limit validity to a shorter period, and that the application process was somewhat simplified by requiring fewer documents. However, requirements still included a criminal record certificate and, for young unmarried women, completion of the “Social Service.” Powers to reject applications, cancel passports already issued, and limit the right of passport holders to leave Spanish territory were retained. The new decree altered the stipulation that passports were required for all travel abroad, found in its 1935 and 1958 predecessors, in a way that seemingly opened the door to allowing travel abroad with an identity card: “Those Spaniards who wish to travel abroad must first obtain a passport that proves their identity [*personalidad*], except for travel to a country or countries that do not have this requirement due to an existing exemption agreement” (BOE 1972; Castells 1974a, p. 241–242). However, during the last years of the Franco regime, the passport requirement remained in place for Spanish nationals wishing to leave the country, and authorities continued to make use of their powers to restrict access to passports.

The legal provisions for denying and confiscating passports were regularly used against political dissidents. Castells analyzes in considerable detail the Spanish Supreme Court’s 1971 decision in the case of Alfonso Comín Ros, who had appealed a Ministry of Governance resolution denying him a passport. Comín applied for a passport on September 29, 1965 at Barcelona’s central police headquarters (*Jefatura Superior de Policía*). He received no response. On March 1, 1966, he applied again, this time through the General Directorate of Security (*Dirección General de Seguridad*). Finally, on July 29, 1966, he sent a new passport application to the Ministry of Governance. Five months later, on December 20, 1966, he received notification of a General Directorate of Security decision, dated October 22, 1965, to deny his initial application. He appealed before the Ministry of Governance. In a resolution dated February 11, 1967, the Ministry asserted that the administration enjoyed complete “discretionary authority” (*facul-*

tad discrecional) to grant or deny passports. On October 25, 1971, Spain's Supreme Court upheld the Ministry's 1967 resolution (Castells 1974a, p. 161–162). The court found that, under existing law, passports could be denied for reasons that “might” affect public order, and police reports had implicated Comín in incidents “that are undoubtedly related to public order.” These included “notes and petitions, talks, participation in events and meetings, [and] trips or contact with national and foreign persons” (Castells 1974a, p. 272–273). Comín was a known critic of the Franco regime. A left-wing Catholic intellectual, he had a long history as an activist, having participated in several clandestine students' and workers' organizations in Catalonia. In the years between his first passport application and the Supreme Court's decision on his appeal, he was sentenced to 16 months in prison for an opinion article deemed “illegal propaganda” and jailed for four months during the “state of emergency” declared in early 1969 to quell a wave of protests (Pérez 2006, p. 96–97).

Participants in protests against the regime saw their passports rescinded, even without being formally charged with or convicted of a crime. In a February 1978 column celebrating the elimination of the passport requirement for travel to France, the Catalan journalist Lluís Permanyer described how members of the Barcelona elite who were involved in protests during the late Franco period had attempted to regain their lost freedom to travel abroad. He referred specifically to the events of the “Caputxinada,” a March 1966 meeting held at a Capuchin monastery in Barcelona to draw up the founding statutes of the Democratic Students' Union (*Sindicat Democràtic d'Estudiants*) that was raided by the police, and the December 1970 sit-in held by Catalan artists and intellectuals at the Benedictine abbey of Montserrat to protest against the “Burgos trial”² (1978, p. 70):

Then came a period in which, in intellectual and political circles, it was common to come across many people whose magical green books [passports] had been taken away: for participation in the “Caputxinada” or the sit-in at Montserrat, or because they were on the list of those who had signed one of those manifestos that were constantly circulating. Thus began the exhausting and humiliating pilgrimage to implore the benevolent issuance of another passport and, if this failed, the search for an important figure who could intercede.

2 In December 1970, 16 members of ETA were tried in a military court in Burgos. Nine were sentenced to death, which elicited widespread protests. Under diplomatic pressure from governments that included France, Franco commuted the death sentences on December 30 (Morán 1997, p. 76–77).

It goes without saying that not everyone who had a passport denied or taken away was sufficiently well-connected to gain an audience with someone in a position to reconsider this decision.

The General Directorate of Security periodically drew up lists of opponents of the regime who were not to be issued passports. On December 31, 1972, a young man from Galicia arrived at the border post in the Basque town of Irun bearing a safe conduct from the Spanish consulate in Toulouse that authorized him to return to Spain. He stated that he had departed for France with a valid passport, issued in Santiago de Compostela in 1969 and renewed in 1971 at Spain's Consulate General in Paris. The Irun border police, following their standard procedure in cases of Spanish nationals who claimed to have lost their passports while abroad, searched the files they had on hand and telephoned the police in Santiago de Compostela and the young man's hometown. They discovered that he had been issued a passport, as he claimed, but that he had subsequently been placed on the General Directorate of Security's annual list of student activists who were not to be granted passports. Nonetheless, the higher authorities whom the border police consulted authorized the student to re-enter Spain and continue his journey home. He had been listed as an activist too late for the General Directorate of Security to prevent his departure to France. However, he would undoubtedly have been refused a new passport had he tried to apply for one after returning to Spain. His police file in Galicia indicated that he was a "member of the communist party" (GAHP, GC, 242/3).

Discriminatory practices in access to passports were not limited to measures intended to prevent political dissidents from leaving the country. There is evidence of discrimination based on socioeconomic status in deciding whether to approve passport applications. When border police in the Catalan town of Puigcerdà reported a man to provincial authorities for having entered France without an exit visa in 1961, they remarked that he claimed to be a chemist, whereas in his passport he was listed as a laborer. The police found this "very odd, given that, in the absence of other circumstances, it is easier to obtain a passport as a doctor [*facultativo*] than as a laborer" (AHG, GC, 774/1). This suggests that class discrimination in the issuance of passports was commonplace. The Spanish Emigration Institute (*Instituto Español de Emigración*) aimed to control emigration by Spanish workers. In a March 8, 1962 memo, the General Directorate of Security ordered passport-issuing authorities to thoroughly investigate the travel plans of applicants suspected of intending to seek work abroad. If these suspicions were confirmed, the application for an ordinary passport would be denied and the applicant would be directed to apply to emigrate through

official channels (AHL, GC, 3576). Thus, an applicant who was poor, but able to pay the issuance fee of 150 pesetas, might be denied a passport based on the suspicion that he or she intended to emigrate. Under a 1963 decree, illiterate individuals who did not participate in a literacy program could not obtain passports (Castells 1974a, p. 233). This requirement may be compared to the “Social Service” obligation for young unmarried women in that it was a coercive measure that limited opportunities for those who failed to enroll in programs intended to mold them into proper Spaniards.

The most far-reaching use of the “discretionary authority” to deny, confiscate, or invalidate passports occurred in early 1974 and affected passport holders in Spain’s four Basque provinces. On December 20, 1973, the head of Franco’s government, Luis Carrero Blanco, was killed when a bomb exploded under his car in Madrid. The Basque armed organization ETA quickly claimed responsibility for the assassination in a press conference held in southwestern France (Morán 1997, p. 79). The General Directorate of Security soon implemented restrictive measures that applied to all holders of passports issued in the provinces of Araba, Bizkaia, Gipuzkoa, and Navarre. As of January 20, 1974, passports from these provinces were no longer valid for travel abroad without a special inspection stamp. It was widely reported in the press that this measure aimed to prevent the use of falsified passports. However, as José Manuel Castells Arteche pointed out in a March 1974 article, it was well-known that “activists” normally used documentation that allowed them to pass themselves off as hailing from outside the Basque Country. Castells noted that Basque travelers were also being asked to provide “justification” to border police as to their reasons for traveling, a requirement that had not been officially communicated to the public (1974b, p. 138–139). In Gipuzkoa, which includes the major border-crossing point of Irun, the requirement that all passports be presented for inspection was first announced in a note signed by the provincial chief of police and published in local newspapers on January 9 (*El comisario jefe provincial* 1974a, p. 8):

As ordered by the General Directorate of Security, all Spaniards holding passports issued by this Provincial Police Station or the Local Police Stations in Irún, Eibar, Zumárraga and Fuenterrabía who need to use them to travel abroad via any border, port, or airport within national territory must, as of the 20th of this month, present them in the respective departments previously mentioned, during normal opening hours, in order that they be submitted for inspection.

Holders of passports issued in Donostia had to hand in their passports in a strict alphabetical order, presumably due to the high volume of passports requiring inspection in this provincial capital, located just 20 kilometers from the French border. The police did not accept passports belonging to those whose surnames began with the last letter of the alphabet until April 17 (El comisario jefe provincial 1974b, p. 8). Thus, a passport holder called Zabala would have been unable to leave Spanish territory for more than three months.

In Castells' view, this blanket measure was legally dubious, as the provisions for invalidating passports under the 1971 decree clearly applied to cases in which authorities had cause to deny specific individuals the right to travel abroad. Castells suggested that Spanish law did provide a legal option for such a measure, in the form of a *decreto-ley* specifically suspending the right of inhabitants of the affected provinces to travel (1974b, p. 138–139). However, authorities under the Franco regime were unconcerned with such legal technicalities when exercising the broad discretionary powers they enjoyed—certainly in practice, if not always according to the letter of the law—to restrict the right to travel abroad even of people who had been issued passports. Possessing a national identity card was compulsory, which meant that student activists, communists, Catalans who participated in protests, and residents of the four Basque provinces had identity cards that could not be taken away. Retaining the passport requirement meant that these people could easily be prevented from traveling abroad at the regime's discretion, unless they were willing to cross the border illegally outside the authorized crossing points where the police conducted regular passport checks.

4. *Passport-free travel for French nationals and Spain's suspension of the 1966 agreement*

By the end of the 1950s, a French national identity card had become sufficient documentation for entering all of the European countries that border France, with the sole exception of Spain. Spain's partial incorporation into the passport-free tourism zone in Western Europe began with the conclusion of an exchange of notes with the Federal Republic of Germany on July 22, 1964. West Germans were to benefit from the agreement almost immediately, beginning on August 1, but “the date of its entry into force in respect of Spanish nationals” was to be “communicated by the Spanish government through the diplomatic channel” (UNTS 1979b). The next such agreement came approximately a year and a half later, on January 13,

1966, when the Spanish foreign minister and the French ambassador to Spain concluded a similar exchange of notes. Again, the text left the decision as to when the agreement was to apply reciprocally to Spanish nationals visiting France up to the Spanish government: “This new provision will apply to French nationals beginning on 15 February 1966 and to Spanish nationals beginning sixty days after the date that your [Spain’s] government will specify through diplomatic channels” (UNTS 1979a). This agreement was the final piece in making a passport unnecessary for French nationals traveling to neighboring countries, approximately nine years after West Germany and Italy began to admit French tourists with an identity card. The fact that France’s more democratic neighbors allowed their own nationals to leave the country with just an identity card, while Spain did not, was of little significance to the French tourists who now benefited from passport-free travel to Spain. The 1966 agreement did not need to be reciprocal in order to help cement the idea in France that an identity card was all that was needed for travel to neighboring countries.

Thus, even though Spain’s political regime differed considerably from those of other neighboring countries, the Spanish government’s sudden decision in 1974 to unilaterally suspend the 1966 agreement came as a shock to many in France. At the beginning of the year, Spanish authorities’ reaction to the assassination of Carrero Blanco by ETA had included the blanket invalidation of passports issued in the Basque provinces, as has been described. Also in early 1974, Spain requested the extradition of ten people accused of involvement in the assassination. However, the French government rejected the request, citing an 1877 treaty that forbade extradition for political crimes (Morán 1997, p. 81). Then, on September 13, 1974, a bomb exploded at a café in Madrid located opposite the headquarters of the General Directorate of Security, in an attack for which ETA never claimed responsibility. The bombing killed and injured people with no relation to Spain’s security apparatus. One week later, on September 20, Spain’s Council of Ministers issued a statement denouncing the “apparent status as political refugees” that ETA “terrorists” enjoyed in France, which had allowed them to “make the French Basque region the base for the subversive operations they carry out in Spain.” The Spanish government resolved to “ask the French government to adopt the appropriate measures in order to put an end to this situation, which is incompatible with the friendly relations that exist between the two countries.” Furthermore, surveillance and control at the French border would be stepped up (Consejo de Ministros 1974, p. 3).

That afternoon, Spanish border police in the Basque town of Irun began to require that French tourists show a valid passport. The following day,

the new policy was in place at all checkpoints on the border with France. The Perpinyà³-based daily *L'Indépendant* wrote of a “disagreeable surprise”; border police in the Catalan town of La Jonquera, Spain’s most-transited point of entry, had waived the new requirement only for a troupe of majorettes set to perform at Barcelona’s annual city festival and for truck drivers, who were given a two-day window to apply for passports. Most French travelers who arrived at the border that Saturday morning were forced to turn around (No author 1974, p. 1). The new entry requirement for French nationals was likewise front-page news in *Le Monde*, which noted that Spain had violated the terms of the 1966 agreement: “In Paris, it has first of all been observed that Madrid is not respecting the 1966 accord, which can only be abandoned two months before its annual renewal, which occurs each February by tacit agreement” (Novais 1974, p. 1).

In French Catalonia, the prefecture of the Pyrénées-Orientales department issued 33,000 passports, a remarkably high number, in the six months that followed the suspension of the 1966 agreement. However, many French nationals who did not live near the border were unaware that their identity cards no longer sufficed for travel to Spain, even months after the passport requirement was reinstated. “It is staggering how numerous they are,” wrote the Perpinyà edition of *La Dépêche du Midi* on March 17, 1975, citing the recent examples of a couple from Limoges headed to a wedding and a man from Lille traveling to a family funeral. Refused entry at the Spanish border, they were able to plead their cases at the prefecture in Perpinyà and were issued passports that same day (J.K. 1975, “Régionale” section, p. 1).

A few French nationals who did manage to enter Spain without passports paid a harsh price for their ignorance regarding the new entry requirement. In November 1974, two teenagers from Val-d’Oise hitchhiked across the border at La Jonquera in a car with Spanish license plates. The driver dropped them off in Figueres, slightly more than 20 kilometers from the border, where they were stopped by a pair of Civil Guard officers and arrested when they failed to produce valid passports. Under questioning, they declared that they were certain that only an identity card was needed to enter Spain and that nothing had been said to them at the border. The two teenagers were jailed in the Girona provincial prison before being deported to France on November 26, one week after their arrest

3 “Perpignan” in French and officially. This paper uses Catalan and Basque place names for towns and cities on both sides of the border, except when quoting primary sources.

(AHG, GC, 841/19). This was the standard procedure when a French national was arrested for illegal border crossing, but two months earlier the boys' trip to Spain would have been perfectly legal under an agreement that, by its own terms, remained in effect.

Two months later, a 19-year-old French student took advantage of a short school vacation to travel to Spain with a West German friend who had a car. The two entered Spain at La Jonquera on February 28, 1975. The French student later declared that their papers had not been inspected at the border. Had border police examined the driver's papers, they would have detected no irregularities, because Spanish authorities had not suspended the 1964 agreement with the Federal Republic of Germany. The two friends did not make the return trip together. On March 4, the French student boarded a train from Barcelona to Cervera de la Marenda, the first town on the French side of the border on the Catalan coast. Upon arrival, already on French soil but subject to an exit examination by Spanish police under an agreement that had created "juxtaposed controls" at border train stations (BOE 1969), he showed his identity card and was arrested for illegal border crossing. The student explained under questioning that he believed that his trip was perfectly legal and that he had not encountered any difficulties during his brief stay in Spain:

He also says that he did not know that a passport was necessary to enter Spain, because this is the first time he has come to our country, and that in addition he knew that at least in the past it was possible to enter Spain with the aforementioned document, being unaware of the passport requirement for French subjects.

The young man spent a few days in the Figueres prison before being transferred to Portbou for deportation. On March 12, he was deported across the border to Cervera de la Marenda, the same town where he had been arrested eight days earlier while attempting to return home (AHG, GC, 842/31).

The sovereign state's role in controlling human movement includes determining who may enter its territory and under what conditions. There is nothing to stop it from suddenly changing requirements, other than concern about potential diplomatic and economic consequences. Spain's decision to suspend the 1966 agreement may be seen a sign that the Franco regime was less concerned with maintaining diplomatic protocol than more democratic European governments, but all states can unilaterally determine both entry requirements for foreigners and exit requirements for nationals. Though French officials protested that Spain was not respecting the terms of the 1966 exchange of notes, reopening the Spanish border for

tourists who lacked passports does not appear to have been a diplomatic priority. France continued to honor the agreement that allowed Spanish border police to conduct exit checks at the train station in Cervera de la Marenda, which is how the 19-year-old student came to be arrested on French soil. The eventual reinstatement of the 1966 agreement appears to have been economically motivated.

The attempt to pressure the French government into taking action against alleged ETA members proved entirely unsuccessful and had serious economic repercussions for businesses that relied on customers from across the border. Though a significant number of people, particularly residents of the border zone who made frequent trips to the other side, applied for a passport after many years without one, there were also many in France who decided not to visit Spain. On January 21, 1975, the Girona section of *La Vanguardia Española* reported that the hotel industry in Alt Empordà, which includes the northernmost portion of the Costa Brava, had seen its French clientele fall by approximately forty percent (Vila 1975, p. 33). A February 5 article in the same Barcelona-based newspaper, titled “Anti-tourism Passports,” accused authorities of making a politically-motivated decision that had little to do with any real concern about the security of the border: “From the beginning, it was thought that this decision had been made for reasons that were more political than practical for police control, and four months later it has been confirmed that this situation is causing serious harm to commerce and tourism” (No author 1975, p. 5).

On Friday, March 21, 1975, just nine days after the 19-year-old student was deported, Spanish authorities stopped requiring French nationals to show passports at the border (Lecuona 1975, p. 1). Palm Sunday was two days away. Given that Holy Week marked the beginning of the tourist season, the timing of Spain’s reinstatement of the 1966 agreement indicates that it came as a direct response to the demands of the tourism industry. The Spanish government had failed to force the French government to change its extradition policy. That the decision to end passport requirements came just before Palm Sunday suggests that *La Vanguardia Española* was right to conclude in February 1975 that the suspension of the agreement had been politically motivated and was not necessary to protect Spain’s internal security. By March 1975, Spanish authorities had decided that it no longer made sense to continue a policy that had failed to advance Spain’s position in the extradition quarrel with France and now threatened to derail the upcoming tourist season. The consequences of Spain’s suspension of the 1966 agreement show that opportunities for passport-free travel were beginning to shape the identity of Western Europeans. The two French boys arrested in November 1974 were not yet seventeen years old,

making them just eight in 1966, when Spain became the last state among France's European neighbors to accept entry with just a French identity card. The student arrested in March 1975 was not much older. None of them was from the border region, where news of the passport requirement had undoubtedly spread quickly as many locals saw their weekend trips to Spain suddenly interrupted. The teenagers' statements that they had no idea that a passport was now required are perfectly believable and suggest that French youth in the 1970s did not know a world in which a passport was necessary for travel to neighboring countries.

5. *The “transition” to passport-free travel for Spanish nationals in 1978*

Requirements for Spanish nationals wishing to travel abroad were finally brought in line with Western European norms beginning in late 1977, two years into the transitional period that followed Franco's death in November 1975. Franco had named Juan Carlos de Borbón, the grandson of the king who went into exile after the proclamation of the Second Republic in 1931, his successor as head of state. Carlos Arias Navarro, appointed by Franco following the assassination of Carrero Blanco, continued in office until July 1976, when the new king appointed Adolfo Suárez. Suárez, the minister in charge of the Franco regime's political party at the time of his appointment, initiated a process of dismantling the regime's political institutions from within to transition to a parliamentary system with democratic elections. The victory of his Union of the Democratic Centre (*Unión del Centro Democrático*) coalition in the June 1977 election made him Spain's first democratically elected prime minister since the Second Republic. It was the government that emerged from this election that acted to reform passport law and make bilateral agreements for passport-free travel apply reciprocally to Spanish nationals.

First, the 1971 decree regulating the issuance of passports was replaced with a new royal decree (*real decreto*) dated September 23, 1977 (BOE 1977). Its preamble cited Spain's “political evolution,” the expansion of its diplomatic relations, and its recent ratification of the International Covenant on Civil and Political Rights to explain the pressing need for a new passport law. In keeping with article 12 of the international covenant, which deals with the right of citizens to enter and leave their country, article 1 of the decree made it clear that political dissidents who had not been charged with or convicted of a crime could no longer be denied passports, as had been common practice under the Franco regime:

All Spanish citizens have the freedom, excepting obligations under the law, to enter and exit national territory and, to this end, have the right to obtain a passport or equivalent document. This right cannot be limited for political or ideological reasons.

The “Social Service” requirement for young, unmarried women was eliminated, but a police record certificate continued to be required.

Then, on December 1, 1977, the Council of Ministers voted to activate the reciprocity clauses in all existing exchanges of notes to eliminate passport requirements for tourists. Activation procedures differed according to the terms of the agreements. The first country that Spanish nationals were able to visit with just their identity cards was the Federal Republic of Germany, beginning on December 20, because the 1964 exchange of notes did not specify a waiting period following notification by the Spanish government. The 1966 exchange of notes with France was finally published in the official state journal on January 30, 1978 (BOE 1978a). It appeared alongside a letter from Spain’s foreign minister formally notifying France’s highest diplomatic representative in Madrid of the Spanish government’s decision that the agreement was to apply to Spanish as well as French nationals. The letter was dated December 6, 1977 and the passport requirement for Spanish tourists entering France was abolished 60 days later, in accordance with the waiting period stipulated in the original agreement, on February 4, 1978. More than twelve years after French nationals gained the freedom to cross the Pyrenean border with their identity cards, Spanish nationals could finally travel on equal terms.

In the years that followed the decision to make the exchanges of notes with the Federal Republic of Germany, France, Switzerland, and the Benelux states applicable on a fully reciprocal basis, Spain entered into further agreements to allow travel in Western Europe with a Spanish national identity card. The Spanish and Austrian foreign ministers concluded the first of these new accords on February 1, 1978. It went into effect 60 days later. In sharp contrast to the practices of the Franco regime, the new Spanish government was quick to publish the agreement with Austria in the official state journal and register it with the United Nations for inclusion in the *Treaty Series* (BOE 1978b; UNTS 1978). The political situation in Spain had changed since the 1972 exchange of notes with the Benelux countries and all subsequent agreements of this type were to apply to nationals of both contracting states from the start. Further agreements to abolish passport requirements were concluded with Portugal in April 1979 (BOE 1979) and with Italy in November 1980 (BOE 1981). Spain joined the Council of Europe in 1977 but did not ratify the 1957 convention on the

movement of persons until 1982 (Council of Europe 2018). Bilateral agreements were responsible for Spanish nationals gaining the ability to enter the territories of several Western European states, including the six founding members of the European Economic Community, without passports by 1981.

6. Conclusion

In his February 1978 newspaper column, Lluís Permanyer reflected on the significance of no longer needing a passport to travel to France after the experience of the last years of the Franco regime: “I believe that being able to cross the Pyrenees without the need to show a passport will make us feel a little more equal to the much-envied citizens of democratic Europe” (1978, p. 70). The new Spanish government’s decision to permit travel abroad with a Spanish identity card broke with the repressive policies of the dictatorship and allowed Spanish nationals to directly benefit from European integration in the realm of freedom of movement. The Franco regime, making use of the sovereign state’s monopoly over the legitimate means of movement, had maintained the passport requirement in order to more easily control who was able to travel abroad, even as it began to enter into agreements to permit nationals of certain Western European states to enter Spain with just an identity card.

The surprise expressed by the French teenagers arrested for illegal border crossing and their compatriots who were turned away at the border while the 1966 agreement was suspended between September 1974 and March 1975 suggests that many French nationals had come to take the ability to travel to all neighboring countries without the need to show a passport for granted. The agreements that created a *de facto* passport-free tourism zone in Western Europe were significant because they created a dichotomy between nearby European countries that could be visited with just a national identity card and the rest of the world, which was accessible only with a passport. The elimination of the passport requirement for travel to France was a sign that Spain was moving closer to joining the ranks of “democratic Europe,” eight years before it became a European Community member state.

The border experience was altered by the elimination of the need for passports, a type of documentation primarily issued for the purpose of travel. Passports were substituted by identity cards, which are primarily used for identification within one’s own country. This change created a fundamental difference between the experience of crossing borders within

Europe as a citizen of one of the states that participated in the passport-free travel zone and crossing other borders at which a passport was still required. The importance of agreements to allow passport-free travel must be considered in light of the fact that documentation requirements for French and Spanish tourists crossing the border between the two countries remain today as they were in 1978. While free movement of workers has always been a central tenet of European Community policy, much travel between member states continues to fall under the category of tourism: trips of fewer than three months that involve neither employment nor establishing residency. Furthermore, the Schengen agreement has not eliminated the need for travelers to be prepared to show a valid travel document if requested by border control authorities, whether during sporadic checks or when generalized border checks are temporarily reinstated due to security concerns. For nationals of those European Union member states that issue national identity cards, this document is sufficient. This has been the case for tourist travel at many Western European borders for over sixty years, and for Spanish nationals traveling to France for four decades.

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Archives

AHG: Arxiu Històric de Girona (Girona Historical Archives)

GC: “Govern Civil” collection

AHL: Arxiu Històric de Lleida (Lleida Historical Archives)

GC: “Govern Civil” collection

GAHP: Gipuzkoako Artxibo Historiko Probintziala (Gipuzkoa Provincial Historical Archives)

GC: “Gobierno Civil” collection

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