

Ref: B06698

PRIME MINISTER

c Sir Robert Armstrong

OD: Gibraltar

BACKGROUND

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You have asked for this meeting of the Committee to discuss the Foreign and Commonwealth Secretary's minute to you of 21st January and to review the contingency plans for the defence of Gibraltar (on which you were briefed by the Ministry of Defence on 20th December). Mr Coles' minute dated 24th January records your preliminary comments. An updated JIC Assessment is being circulated on 1st February in time for the meeting. It will deal, among other things, with the recently reported remarks of the Spanish Foreign Minister, Senor Moran, about sovereignty over Gibraltar. The transcript of Senor Moran's remarks, which appear to have been (from a Spanish point of view) cautious and qualified, was given by Lord Belstead in answer to a question in the House of Lords on 27th January (Hansard, Col. 368).

2. The Foreign and Commonwealth Secretary agreed on 10th December with the Spanish Foreign Minister to aim for a date in Spring this year for the implementation of the 1980 Lisbon Agreement (a copy of which is attached to his minute). Implementing the Agreement would result not only in the lifting of all Spanish restrictions against Gibraltar, including the complete re-opening of the border, which is now only open to certain categories of pedestrians, but also the simultaneous opening of negotiations with Spain aimed at overcoming "all the differences" between the two countries on Gibraltar. The Agreement makes plain that the Spanish Government accepts that in such negotiations the interests of the Gibraltarians should be fully safeguarded. It also states that the British Government will fully maintain its commitment to honour the freely and democratically expressed wishes of the people of Gibraltar as set out in the preamble to the Gibraltar constitution. But the language of the Agreement clearly allows Spain to raise the issue of sovereignty.

3. The Foreign and Commonwealth Secretary admits (paragraph 8) that there is a risk that the Spaniards might try to extract assurances from us on eventual concessions on the long term status of Gibraltar before agreeing to implement the Agreement. These we could not give. But he ~~judges that, notwithstanding the risk,~~ it is better to press now for implementation of the Agreement as it stands, and he proposes to instruct our Ambassador in Madrid to start discussions with the Spanish Foreign Minister to this end. The Foreign and Commonwealth Secretary proposes that the Gibraltarian leaders should be present at the follow-up meetings between the two sides in order to ensure that the wishes of the Gibraltarians are seen, both at home and in Gibraltar, to be fully considered.

4. The Chancellor of the Exchequer, the Chief Secretary, Treasury and the Secretary of State for Trade are unable to be present. The Chancellor of the Exchequer considers that there is no need for a Treasury Minister to attend, but the Secretary of State for Trade will be represented by the Minister for Trade (Mr Rees). The Chief of the Defence Staff has also been invited.

HANDLING

5. You should invite the Foreign and Commonwealth Secretary to speak to his minute; and the Defence Secretary to describe the present state of our military dispositions for dealing with any Spanish threat to Gibraltar. Points to establish in the subsequent discussion are -

a. Does the Committee agree with the negotiating objectives outlined in paragraph 4 of the Foreign and Commonwealth Secretary's minute (implementation of the Agreement while making clear that there is no prospect of an early substantive change in the status of Gibraltar)? You have commented that there may never be a change. You would presumably not wish to exclude at least the possibility that the Gibraltarians might eventually come to see material advantage for themselves in a closer association with Spain.

b. Will implementation of the Agreement be welcomed widely by the Gibraltarians? Is there any danger that notwithstanding their leaders' presence at the talks they might see implementation of the Agreement as the first step on a slippery slope?

c. Is there any new information about the possibility of unauthorised Spanish action against Gibraltar? Is there a risk of such action if the negotiations are seen to make no progress?

CONCLUSION

6. Subject to the points made in discussion, you could guide the Committee -

- i. to endorse the objectives set out in paragraph 4 of the Foreign and Commonwealth Secretary's minute;
- ii. to invite the Foreign and Commonwealth Secretary to instruct our Ambassador in Madrid to start discussions with the Spanish Foreign Minister and his officials to fix a date in March or early April for full implementation of the Lisbon Agreement.

David Goodall

1st February 1983

A D S GOODALL



CONFIDENTIAL

Prime Minister

So long as they understand we are not rejecting sovereignty.

Do you agree with this approach?

A

Alternating would you like either an OD or a small Ministerial meeting?

PM/83/8

PRIME MINISTER

(v) - it is in many words nothing else
Gibraltar

We should discuss with A.S.C. 21/1
with necessary military discipline

1. As you know, when I met the Spanish Foreign Minister in Brussels on 10 December we agreed to aim for a date in the spring for the implementation of the 1980 Lisbon Agreement. We also agreed that officials should meet first to make the necessary arrangements. I have now had a chance to discuss this further with the Ambassador at Madrid and the Governor of Gibraltar and would propose to proceed as follows.

2. The Lisbon Agreement (copy attached) provides for the lifting of all Spanish restrictions on Gibraltar and; at the same time, the start of 'negotiations aimed at overcoming all the differences' between the British and Spanish Governments on Gibraltar. Although the Spaniards opened the border to certain categories of pedestrians on 15 December, there is no prospect that they will lift all the remaining restrictions without full implementation of the Lisbon agreement and the start of the negotiations referred to in it.

3. The present partial opening of the border by Spain has been good for humanitarian reasons. There have been 150,000 crossings (roughly equal numbers both ways) without incident since it began: the total population of Gibraltar numbers only 30,000. These figures demonstrate the interest of the Gibraltarians in contacts with Spain. But only the full removal of restrictions will allow the Gibraltar economy to develop in a more healthy way and become less dependent on Britain for support. Furthermore, if restrictions were not fully lifted we should have to place obstacles in the way of Spain's integration into the military structure of NATO and we should face in the longer term the prospect of vetoing Spain's application to join the EC. In short, we have both

/political

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political and economic reasons for wanting the restrictions fully removed.

4. Against this background I believe that our objectives should be as follows:

(i) to secure the lifting of all restrictions on the border;

(ii) to encourage the establishment of more normal relations between Gibraltar and Spain in order to assist the Gibraltar economy and dissipate the present siege mentality;

(iii) to ensure the Spaniards understand that we shall maintain our commitment to honour the wishes of the Gibraltarians;

(iv) to persuade the Spaniards that:

(a) there is no prospect of an early substantive change in the status of Gibraltar;

(b) their approach to the Gibraltar question should concentrate on behaving well towards the Gibraltarians rather than coercing them; and

(c) any improvement of relations will take a long time and will be frustrated if the pace is forced.

(v) to obtain an outcome from implementation of the Lisbon Agreement which will not lead to adverse public reaction on either side (or in Gibraltar) such as would jeopardise these aims.

And - there may never be a change in sovereignty

???



5. When we meet in fulfilment of the Lisbon agreement the Spanish Foreign Minister will certainly wish to give his views on the future of Gibraltar. He is free to do so under the terms of the Lisbon Agreement. I shall have to take note. But I shall of course also reaffirm HMG's commitment to honour the wishes of the people of Gibraltar which is clearly stated in the Lisbon Agreement itself. I shall also explain the key role of Gibraltar opinion and emphasise that the Spaniards would be wrong to look forward to [early] changes in Gibraltarian views. The Gibraltar leaders, who will be present at the meeting, will also have an opportunity to put their own views. I shall suggest that, in deciding on a way forward, we should concentrate upon practical co-operation such as will reduce the barriers of mistrust between Spain and Gibraltar which have grown up over the years of restrictions. Amongst useful subjects for discussion will be cross-border economic development, tourism and communications.

Wia or

6. It will be necessary at the meeting to agree to some form of follow up. There are many practical issues to be dealt with. The Spaniards will also need to be able to show that we have embarked on a continuing process. I shall aim, if possible, to avoid a fixed timetable for further meetings and to concentrate on practical issues of mutual benefit rather than on political matters. But political issues, including the Spanish proposals on the future of the territory, cannot totally be avoided. There will be a need for further meetings at Foreign Minister level. I intend to ensure that Gibraltarian leaders are always present when the question of Gibraltar's future is discussed and that their officials will be present at other meetings on practical matters. This will afford a guarantee to both Gibraltarian and British opinion that the wishes of the Gibraltarians are being made known and considered at every stage.

/7. I propose



7. I propose to instruct our Ambassador on his return to Madrid to start discussions with the Spanish Foreign Minister and his officials to fix a date in March or early April for the full implementation of the Lisbon Agreement. In doing so he should also have preliminary discussions about the form of communique which will be issued after the meeting between myself and Senor Moran and the sort of follow-up arrangements which might be agreed at the meeting. In these discussions he would be guided by our attitude as outlined above. I intend to arm our Ambassador with a message to Senor Moran confirming that we remain committed to the implementation of the Lisbon Agreement in full and emphasising the importance we attach to it.

8. There remains a risk that, faced with our position on the status of Gibraltar and the need to start negotiations without any prospect of early change in Gibraltarian views, the Spaniards will be reluctant to fix a date for implementing the Lisbon Agreement. They might try to extract from us advance assurances about concessions on the status of Gibraltar. These we cannot give. All we can give them is the opportunity to say in public that they have made their views on this topic known to us. We need now to press for implementation of the Lisbon Agreement as it stands. It is better not to start at all than to risk misunderstanding. Our commitment to honour the wishes of the Gibraltarians must remain the keystone of our policy.

9. I am copying this minute to other members of OD.

(FRANCIS PYM)

Foreign and Commonwealth Office
21 January 1983

JOINT ANGLO/SPANISH STATEMENT ON GIBRALTAR

1. The British and Spanish Governments, desiring to strengthen their bilateral relations and thus to contribute to European and Western solidarity, intend, in accordance with the relevant UN resolutions, to resolve, in a spirit of friendship, the Gibraltar problem.
2. Both Governments have therefore agreed to start negotiations aimed at overcoming all the differences between them on Gibraltar.
3. Both Governments have reached agreement on the re-establishment of direct communications in the region. The Spanish Government has decided to suspend the application of the measures at present in force. Both Governments have agreed that future co-operation should be on the basis of reciprocity and full equality of rights. They look forward to the further steps which will be taken on both sides which they believe will open the way to closer understanding between those directly concerned in the area.
4. To this end both Governments will be prepared to consider any proposals which the other may wish to make, recognising the need to develop practical co-operation on a mutually beneficial basis.
5. The Spanish Government, in reaffirming its position on the re-establishment of the territorial integrity of Spain, restated its intention that, in the outcome of the negotiations, the interests of the Gibraltarians should be fully safeguarded. For its part the British Government will fully maintain its commitment to honour the freely and democratically expressed wishes of the people of Gibraltar as set out in the preamble to the Gibraltar constitution.
6. Officials on both sides will meet as soon as possible to prepare the necessary practical steps which will permit the implementation of the proposals agreed to above. It is envisaged that these preparations will be completed not later than 1 June.



B

10 DOWNING STREET

GIBRALTAR

From the Private Secretary

24 January 1983

GIBRALTAR

The Prime Minister has seen the minute of 21 January by the Foreign and Commonwealth Secretary.

Mrs. Thatcher would like the contents of the minute to be discussed at an early meeting of OD. At that meeting she would wish to review again our military dispositions for dealing with any Spanish threat to Gibraltar.

The Prime Minister has made one or two preliminary comments on Mr. Pym's minute. With regard to paragraph 4.(iv)(a) she is inclined to add the words "and there may never be a change in sovereignty".

With regard to paragraph 4.(v) the Prime Minister has expressed doubt about the meaning of the wording and will doubtless wish to seek clarification at the meeting of OD.

In the tenth line of paragraph 5. of Mr. Pym's minute, the Prime Minister is inclined to suggest the deletion of the word "early".

I am copying this letter to the Private Secretaries to the members of OD and also to Sir Robert Armstrong - I would be grateful if Sir Robert would make arrangements for this matter to be discussed at an early meeting of OD.

A.J. COLES

Brian Fall, Esq.,
Foreign and Commonwealth Office

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059

D

Gibraltar: Restrictions on Access

3.10 p.m.

Lord Boyd-Carpenter: My Lords, I beg leave to ask the Question which stands in my name on the Order Paper.

The Question was as follows:

To ask Her Majesty's Government whether they will state the present position in respect of Spanish obstruction of access to Gibraltar by land, sea and air respectively.

The Minister of State, Foreign and Commonwealth Office (Lord Belstead): My Lords, on 15th December the Spanish Government opened the border to crossings by certain categories of pedestrians. Apart from this relaxation, other restrictions on land and sea access imposed during the 1960s remain in force, as does the Spanish prohibited airspace, which affects access to the airport. The Government hope that the 1980 Lisbon Agreement, which envisages the lifting of restrictions on Gibraltar, will be implemented in the Spring.

Lord Boyd-Carpenter: My Lords, I thank my noble friend for that reply. Can he tell me whether the latter part of it is or is not affected by the statement reported in *The Times* today, that the Spanish Foreign Minister has ruled out further discussions on the Gibraltar blockade unless the subject of sovereignty is on the table?

Lord Belstead: My Lords, when my right honourable friend the Foreign and Commonwealth Secretary met the new Spanish Foreign Minister in Brussels on 10th December they reaffirmed their commitment to the Lisbon Agreement and agreed that officials should meet to discuss details with a view to implementation in the spring, and that is the situation as we understand it.

Lord Gladwyn: My Lords, when they resume negotiations with the Spanish Government on the question of Gibraltar would the Government be prepared, as they were with the Argentine, at least to discuss the question of sovereignty?

Lord Belstead: My Lords, Her Majesty's Government have noted the reports of remarks made by the Spanish Foreign Minister at a foreign correspondents' lunch in Madrid yesterday. In reply to the noble Lord, Lord Gladwyn, I would say that Spanish aspirations towards Gibraltar are well known, and they are of long standing. The Lisbon Agreement provides for each side to raise any subject it wishes. There are many things which we ourselves wish to raise—for example, practical co-operation, economic development and tourism—for when the agreement is implemented in the spring. But our commitment to honour the wishes of the people of Gibraltar is totally clear and is set out in the 1969 Gibraltar Constitution, and it is specifically referred to in the Lisbon Agreement.

Lord Merrivale: My Lords, bearing in mind the highly discriminatory nature of the partial opening of the border, can the Minister indicate the effect it is having upon the economy of Gibraltar and the various sectors of local trade? Furthermore, can the Minister say what steps Her Majesty's Government are taking so that there is no discrimination at the frontier between different nationalities?

Lord Belstead: My Lords, there is discrimination at the frontier at the moment. Of course, we have made it clear all along that, although any lifting of Spanish restrictions is a welcome step in the right direction, it is no substitute for the full removal of restrictions as envisaged in the Lisbon Agreement. It is difficult to say at the present time what effect this particular step has had so far on the Gibraltar economy.

Lord Cledwyn of Penrhos: My Lords, does the noble Lord's reply to the noble Lord, Lord Gladwyn, mean that the Government give the same weight to the paramountcy of the Gibraltarians' rights of self-determination as they have said they give to the paramountcy of the Falkland islanders' rights? In view of the profound implications of this matter in the light of recent events and in the light of what the noble Lord has said about the Lisbon Agreement, do the Government propose to have serious bilateral talks with Spain over the next few weeks?

Lord Belstead: My Lords, as regards the second part of the supplementary question asked by the noble Lord, Lord Cledwyn, it was agreed on 10th December that officials from the Spanish Government and from the British Government should meet to discuss details with a view to implementation of the Lisbon Agreement in the spring, and that intention goes ahead. I would not wish to make comparisons between any undertaking made to the people of Gibraltar and that made to any other people. Our commitment to honour the wishes of the people of Gibraltar is clear, and it stands on its own. I repeat, it is set out in the 1969 Gibraltar Constitution and it is specifically referred to in the bilateral agreement between Spain

and Britain, which was the undertaking to go ahead with the Lisbon Agreement.

Lord Kennet: My Lords, will the Government this time take care not to discuss doing anything which they do not intend to do?

Lord Belstead: My Lords, I am sorry, but I do not understand the force of the noble Lord's question.

Lord Kennet: My Lords, will the Government this time take care not to discuss doing anything—for instance, ceding sovereignty—which they do not intend to do?

Lord Belstead: My Lords, perhaps it would be best to answer the noble Lord's question by giving to the House a transcript of what Sr. Moran is reported to have said yesterday, as translated by the British Embassy in Madrid. I understand that the Foreign Minister said:

"No Spanish Foreign Minister could enter negotiations without putting forward the question of sovereignty".

I understand that the Foreign Minister went on to say:

"This does not mean that negotiations cannot continue once we have put forward the question of sovereignty and the British side have noted that we have done so."

The Foreign Minister then ended by saying:

"I don't believe a solution on Gibraltar will be immediate but of course I will take no steps that would weaken the Spanish claim to sovereignty over Gibraltar."

It is bearing those words in mind that I have already said to your Lordships' House that, of course, Spanish aspirations towards Gibraltar are well known and of long standing, but the Lisbon Agreement provides for each side to raise any subject it wishes, and there are things that we would wish to raise. We bear in mind all the time that our commitment to the people of Gibraltar is clear and is contained in the Lisbon Agreement.

Lord Paget of Northampton: My Lords, is not the position of Gibraltar very different indeed from that of the Falkland Islands? It has a substantial, viable population; and it is not Spanish in language, by descent or by race. In its whole history it has spent only a very short interval under Spanish colonial rule. In those circumstances, like Andorra, to give an instance, why cannot one look to an independent Gibraltar under an international guarantee?

Lord Belstead: My Lords, I am sure that the noble Lord, Lord Paget, will not think me discourteous if I return to the original Question. The original Question was about access to Gibraltar by "land, sea and air respectively". We believe that these difficulties will be resolved by implementing the Lisbon Agreement. I have made clear the stance of the British Government as regards sovereignty on Gibraltar, which is contained in the Lisbon Agreement. Therefore, the Government look forward to the implementation of that agreement.

Lord Mottistone: My Lords, is my noble friend aware of what splendid answers he has been giving to very difficult questions?

Lord Merrivale: My Lords, I should like to ask my noble friend one final question on the matter of discrimination at the frontier. Could he please tell the House what is the present position for dependants of British service men serving in Gibraltar regarding the possibility of their crossing the border, for Moroccan and Portuguese residents in Gibraltar and for the many British passport holders living in Spain in the vicinity of Gibraltar?

Lord Belstead: My Lords, if you are a Spaniard or a Gibraltarian living either on the Rock or in the Campo area, or a British passport holder resident in Gibraltar, then so far as the Spanish authorities are concerned you can cross the border. So far as the Gibraltarian authorities are concerned, the border has always remained open.

PART III

THE LISBON STATEMENT AND ITS INTERPRETATION

39. On 10 April 1980 the following Anglo-Spanish Statement was issued in Lisbon¹:

1. The British and Spanish Governments, desiring to strengthen their bilateral relations and thus to contribute to European and Western solidarity, intend, in accordance with the relevant United Nations Resolutions, to resolve, in a spirit of friendship, the Gibraltar problem.
2. Both Governments have therefore agreed to start negotiations aimed at overcoming all the differences between them on Gibraltar.
3. Both Governments have reached agreement on the re-establishment of direct communications in the region. The Spanish Government has decided to suspend the application of the measures at present in force. Both Governments have agreed that future co-operation should be on the basis of reciprocity and full equality of rights. They look forward to the further steps which will be taken on both sides which they believe will open the way to closer understanding between those directly concerned in the area.
4. To this end both Governments will be prepared to consider any proposals which the other may wish to make, recognising the need to develop practical co-operation on a mutually beneficial basis.
5. The Spanish Government, in reaffirming its position on the re-establishment of the territorial integrity of Spain, restates its intention that, in the outcome of the negotiations, the interests of the Gibraltarians should be fully safeguarded. For its part the British Government will fully maintain its commitment to honour the freely and democratically expressed wishes of the people of Gibraltar as set out in the preamble to the Gibraltar Constitution.
6. Officials on both sides will meet as soon as possible to prepare the necessary practical steps which will permit the implementation of the proposals agreed to above. It is envisaged that these preparations will be completed not later than 1 June."

Immediate reactions

40. In the House of Lords, the Foreign Secretary received congratulations from all sides. Lord Carrington himself and others stressed Spain's undertaking in the statement to suspend the restrictions and Britain's reaffirmation of its commitment "never to enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another state against their freely and democratically expressed wishes"².

41. In the House of Commons there was a similar emphasis on the restrictions and the commitment to the Gibraltarians in both the Lord Privy Seal's announcement and in the ensuing questions from both sides of the House³.

¹See Appendix 12 for unofficial Spanish text.

²HL Deb (79-80) Vol 408, cols 9-12.

³HC Deb (79-80) Vol 982, cols 800-807.

42. The Press quoted¹ and commented upon² no other parts of the Statement but those. The *Guardian* reported Gibraltarian misgivings on the opening of the frontier. One of its correspondents recalled earlier judgements by "Foreign Office ministers" that Spain's entry into the EEC while the restrictions were still in force was "inconceivable", and suggested that Britain had threatened to block Spain's entry and so "blackmailed" Spain into the suspension of the restrictions³.

43. Spaniards rejoiced over the word "negotiations" which, carefully avoided by the British in the interchanges on "talks about talks" of the previous two decades, had come to be understood by them in this context as referring specifically to the transfer of sovereignty. Furthermore, in the Spanish (unofficial) version of the Statement, they read that both Governments intended "to resolve the Gibraltar problem in a spirit of friendship and in accordance with the relevant United Nations Resolutions"⁴. This emphasised the Spanish (and UN General Assembly) view that decolonization had to be on the basis of the return of Gibraltar to Spain. And they rejoiced also over the agreement that in the future there was to be "reciprocity and full equality of rights".

44. The Spanish press printed the statement in full on 11 April 1980. Subsequently it reproduced British press comment. It reported also what had been said on 14 April in the House of Lords and the Commons. The *Economist* of 19 April 1980 summed up Spanish consequent reaction in these words:

"To Spanish ears comment in London on the agreement . . . seems to have missed the point . . . British politicians and pundits have concentrated unduly on the Spanish government's decision to reopen the frontier, as if it were intended primarily to ease Spain's admission to the EEC or give a lift to the depressed border zone which used to supply Gibraltar with thousands of workers.

The Spanish government has these considerations in mind, but its main concern is indicated clearly in the first two clauses of the Oreja-Carrington agreement:

The British and Spanish governments . . . propose to resolve the Gibraltar problem in a spirit of friendship and in accordance with the appropriate United Nations Resolutions. The two governments have agreed . . . to open negotiations with a view to settling all their differences over Gibraltar.

And in pursuing this national aspiration, Mr Adolfo Suarez and his colleagues have a vital political objective in mind: they hope, with Britain's co-operation, to demonstrate that a democratic regime can succeed in a matter of this importance where the Franco dictatorship failed."

And the *Economist* asked prophetically:

"Are Britain and Spain drifting into an embrace or an embarrassing misunderstanding?"

45. The Chief Minister of Gibraltar recalled that the Statement was not

¹*Times, Guardian, Telegraph*, 11-12 April 1980.

²*Times, Guardian*, 12 April 1980.

³*Guardian*, 15 April 1980.

⁴Q 41.

received in Gibraltar with enthusiasm: Gibraltarians had "misgivings" and "reservations"¹.

"For the first time, negotiation on sovereignty was not ruled out. There were also fears that the Spanish Government, having failed to change the political will of the Gibraltarians by a physical and economic blockade and intense psychological harassment, might now attempt to undermine the Gibraltarian community and the identity of the people through a process of infiltration"².

46. The Opposition Democratic Party of British Gibraltar declared in a press release on 11 April that while it maintained that the sovereignty of Gibraltar was not negotiable, it reiterated "its confidence in the British Government to maintain its commitments to the people of Gibraltar". It also foresaw "a great number of problems" for Gibraltar with the lifting of the restrictions.

47. In a joint statement issued on 12 April, the Chief Minister and the Leader of the Opposition emphasized the British reaffirmation of the commitment to the people of Gibraltar in the preamble to the Constitution. Furthermore, the Chief Minister was confident, given the order of words in the English text of Article 1 of the Statement, that the agreement "quite clearly did not require the resolution of the problem to be in accordance with UN Resolution 1514 (XV)"³.

48. The Gibraltar Socialist Labour Party was totally opposed to the Lisbon Statement as a matter of principle. Its leader explained to Your Committee, "We opposed (the Lisbon Statement) at the time, a year ago, and we oppose it still today . . . We insist . . . that our colonial relationship is with the British Government and that our decolonization is a matter of us and the British Government . . . (The) Lisbon Agreement effectively accepts the holding of negotiations with Spain on the basis of new solutions (which) do not accept the validity of the concept of respecting the wishes of the people of Gibraltar . . ."⁴. Some Gibraltarians took part in a demonstration against the Lisbon Statement.

49. Subsequently, Sir Joshua recalled, there was some popular enthusiasm over the agreement shown, among other ways, by the purchase of new cars⁵.

50. These early reactions, however, are a thing of the past. It soon became evident that whatever the signatories intended, Your Committee found that at political and popular level there was, and there is, a difference of interpretation in Britain and Spain as to what was agreed at Lisbon.

The British Interpretation

51. The Lisbon Statement, as interpreted by Britain, bound Britain and Spain to the following sequence of actions:

1. "practical preparations" on both sides to make possible the smooth flow

¹Sir Joshua Hassan's answer to Q 13 of Questionnaire Appendix 2.

²Sir Joshua Hassan's memorandum to the Committee Appendix 3, para 5; cf Mr Isola's memorandum to the Committee, Appendix 7, para 13.

³Sir Joshua Hassan, answer to Q 2 of Questionnaire, Appendix 2.

⁴Paper 6, Q 1.

⁵Paper 2, Q 24.

- of direct communications between Spain and Gibraltar from the moment the Spanish restrictions were lifted¹;
2. the lifting of the restrictions by Spain;
 3. the starting of negotiations in a very general sense between Britain and Spain, as the beginning of what is likely to be a very long process² negotiations in which "the detailed application of reciprocity of rights on which future co-operation (would) be based (would) be determined"³.

52. On 18 June the Lord Privy Seal announced that "on the British side . . . all practical preparations for the start of negotiations and the restoration of direct communications between Gibraltar and Spain" had been completed by 1 June³.

The Gibraltar View

53. On this aspect of what the Lisbon Statement meant, the Gibraltar view coincides with the British view⁴.

The Spanish Interpretation

54. With one exception⁵, the Spaniards heard by Your Committee expressed a different view. It is their contention that the sentences in Article 3 cannot be taken in isolation, any more than in Article 5. In Article 5 the reaffirmation of Britain's commitment to the people of Gibraltar and that of Spain's position in the re-establishment of the territorial integrity of Spain balance each other. Similarly in Article 3 Spain's undertaking to lift the restrictions, a concession on her part, is balanced on Britain's part by "reciprocity and full equality of rights" apart from the "further steps" foreseen in the last sentence of the Article. A practical step on the one side must be reciprocated on the other. The suspension of restrictions, therefore, requires a simultaneous *quid pro quo* or "gesture of reciprocity" on Britain's part⁶.

55. In the Spanish view furthermore, the "future" in the phrase "future co-operation" in Article 3 began with the signing of the agreement and does not refer to a future beginning with the lifting of the restrictions⁷, while the "practical steps" referred to in Article 5 were not merely the logistic but also something else that could be said to show the beginning of that co-operation. In other words, in the Spanish view, the steps to implementation of the agreement should be:

- (1) Not only the rebuilding of the customs post on their side of the fence,

¹Lord Privy Seal, statement on Gibraltar to House of Commons on 14 April 1980. HC Deb (79-80) Vol 982, Col 800.

²Q 3, 4, 10 and 11.

³HC Deb (79-80) Vol 986, col 554.

⁴Sir Joshua Hassan's Answer to Q 15 of Questionnaire, Appendix 2, and Joint Communiqués by the Chief Minister and the Leader of the Opposition, 12 April 1980. Appendix 7, Annex 5.

⁵Sr Jose Armero. Sr Armero, as a lawyer, has close connections with Britain; ever since Franco's death, he has been advocating the unconditional removal of the restrictions on the grounds that they had led, and are leading nowhere.

⁶Spanish witnesses especially MPs. See also Professor Fraga's answer to Q 5 of Questionnaire, Appendix 19.

⁷Paper 12 Q 19.

to cope with wheeled and pedestrian traffic across the Isthmus and discussions on the technicalities involved, but also a definite commitment — not merely an assurance — on Britain's part, that the Spanish workers will not be exploited in any way once the frontier is opened.

- (2) The lifting of restrictions and the beginning of negotiations as envisaged elsewhere in the Statement.

56. This view of the Statement is based not only on its text but also on the mandate given the Spanish Government by the *Congreso de Diputados* — the Lower House of the Spanish Parliament — shortly before the Lisbon meeting.

57. On 27 March 1980 the Congreso discussed a motion tabled by the Socialist Workers Party (PSOE). After reaffirming “the unbreakable will of our people to bring about the reintegration of Gibraltar into Spain”, and “the claim as of right to the Rock”, it urged the Government “once again to invite the Government of the United Kingdom to start negotiations in accordance with the relevant Resolutions of the United Nations.” It then continued (para 3):

“The *Congreso de Diputados* judges advisable the re-establishment *step by step* of the land communications across the isthmus of Gibraltar, and calls on the Government to open the isthmus always provided that the progress of the negotiations referred to in the preceding paragraph of this motion¹ should warrant it”.

58. This paragraph was passed unanimously after the governing Democratic Centre Unio^o (UCD) had moved an amendment to introduce the word “step-by-step” (*gradualmente*)².

Reasons for the delay in the opening of the frontier

59. Your Committee asked the FCO why Spain had not suspended any of the restrictions. They suggested that there had perhaps been initially “some greater administrative complications on (the Spanish) side which caused delay”³.

60. The FCO referred to some of the pressing internal problems facing the Spanish Government. The Government and Parliament have had a heavy schedule aligning laws with a Constitution radically different from any in Spanish history.

61. While these reasons are valid, they may not supply the full explanation.

62. The Constitution has made the Spanish Government directly and rapidly answerable to Parliament. The Government whose Foreign Minister signed the Lisbon Statement was, like the present, a minority Government, of a Party which itself is a union of several and not as yet firmly cemented. The suggestion was made to Your Committee in London that when the Spanish Foreign Minister

¹*Proposición no de ley*: a technical term. It is misleading to say simply that “it is not binding on a Government”; it is indeed not *legally* binding, but it is *politically*. In deviating from the terms of a motion approved, as this was, without a single vote against, a Government would put itself at risk of defeat in a vote of confidence.

²For translation of full text, see Appendix 13.

³Q 9.

got back to Spain he then had to face a considerable amount of Parliamentary opposition in spite of an initial public welcome. One element in this opposition was uncertainty over exactly what the agreement meant, and another was the fears from both left and right that the Foreign Minister had gone beyond the instructions given him by Parliament (see para 57).

63. In Spain, Your Committee heard from members of the other opposition parties as well as of the governing UCD that while they were pleased to observe that Britain was prepared to discuss any matter relating to Gibraltar, even sovereignty, they wished to know how soon after the lifting of any of the restrictions those negotiations would begin, and more immediately, and before any restrictions were lifted, what degree of reciprocity and equality of rights there was going to be.

64. Your Committee must therefore conclude that whether or not the Spanish Foreign Minister of the time understood in Lisbon that Spain was to lift the restrictions unconditionally and that only thereafter there would be "reciprocity and equality of rights", the Lisbon Agreement would not have been acceptable to the Spanish Parliament on that interpretation.