



PRIME MINISTER

PM/80/28

Prime Minister

So far, so good.

 Phil
- 16/4

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Gibraltar

1. You have seen the statement that the Spanish Foreign Minister and I issued on 10 April (Lisbon telegram No 117, copy attached).
2. Contrary to expectations, it proved possible to go further than I had anticipated in my minute of 2 April. At our meeting on 9 April, Sr Oreja made no secret of his desire to solve the problem, which he saw as an obstacle to Spain's full reintegration into Western Europe. For the first time, he conceded (at least in private) that the wishes, not just the interests, of the Gibraltarians would have to be taken into account, and recognized that 'negotiations', which were a prime Spanish requirement, would take a long time; he himself said perhaps 20 years.
3. I left Sr Oreja in no doubt about the implications that the restrictions had for Spanish entry into the European Community, and emphasized the inability of the British Government to 'deliver' Gibraltarian opinion. Any British declaration would have to restate our commitment to the Gibraltarians. Sr Oreja indicated that agreement on these lines should prove attainable. After I had heard from London that you were broadly content, I reached agreement with Sr Oreja on 10 April on a joint text, an earlier draft of which the Governor had cleared with the Chief Minister and the Leader of the Opposition in Gibraltar.
4. The text is a compromise containing elements which both sides regarded as indispensable. But the Spanish agreement to lift all the restrictions in advance of negotiations is a significant breakthrough. The difficult point for us was the use of the word 'negotiations'. The Spanish side and critics in the UK will argue that this means a compromise on sovereignty. It does of course mean that the Spaniards can raise the issue. But Gibraltarian concerns are more than adequately covered by the clear restatement of our pledge to the people of Gibraltar. The agreement is well within the framework outlined in my minute of 13 August 1979. In particular, restrictions will be lifted at once, rather than on a step by step basis



basis against parallel concessions from our/the Gibraltar side, which had hitherto been the Spanish position, and which had effectively stood in the way of progress.

5. The next step is to embark on talks with the Spaniards on technical aspects of lifting the restrictions, eg documentation, customs arrangements etc, and on the modalities for holding negotiations. We aim to complete these preparations not later than 1 June. The restrictions should be lifted and a start made on negotiations soon after that. Gibraltar representatives will be in the British delegation. A good many loose ends were still left untied after our talks in Lisbon and, if the Spaniards are not sincere they will have the opportunity to exploit a number of options for sliding back; but Oreja showed enough good-will and understanding for me to be cautiously optimistic that the agreement reflects a genuine change of policy and that the Spaniards will now try to woo, rather than bludgeon, the Gibraltarians. If they do try to renege, we retain the lever of the EC negotiations; and, once restrictions are lifted, it would be very difficult indeed for the Spaniards to reimpose them.

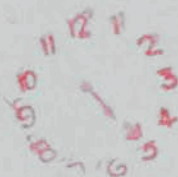
6. I am sending a copy of this minute to the other members of OD and to Sir Robert Armstrong.

(CARRINGTON)

Foreign and Commonwealth Office

15 April 1980

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Gibraltar

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10 DOWNING STREET

From the Private Secretary

17 April 1980

Gibraltar

The Prime Minister has seen and taken note of the Foreign and Commonwealth Secretary's minute to her of 15 April describing the outcome of his meeting with the Spanish Foreign Minister in Lisbon and the next steps which he proposes to take.

I am sending copies of this letter to the Private Secretaries to the members of OD and to David Wright (Cabinet Office).

M. O'D. B. ALEXANDER

Paul Lever, Esq.,
Foreign and Commonwealth Office.

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FM LISBON 121815Z APR 82

TO F L A S H FCO

TELEGRAM NUMBER 117 OF 10 APRIL 1982

AND TO F L A S H MADRID, GIBRALTAR (FOR GOVERNOR) AND UKMIS NEW YORK

LISBON TELNO 108: SECRETARY OF STATE'S SECOND MEETING WITH SPANISH FOREIGN MINISTER.

1. THE AGREED TEXT OF THE JOINT ANGLO/SPANISH STATEMENT IS AS FOLLOWS:

BEGINS

JOINT ANGLO/SPANISH STATEMENT

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.
2. 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

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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

ENDS.

MORAN

[COPIES SENT TO NO 10 DOWNING STREET]

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STATEMENT ON GIBRALTAR MADE BY THE RIGHT HONOURABLE SIR IAN
WILMOUR, MP, LORD PRIVY SEAL, IN THE HOUSE OF COMMONS ON
MONDAY 14 APRIL 1980

I. Wilmour

With your permission, Mr Speaker, I will make a statement on Gibraltar.

I am pleased to report that the Spanish Foreign Minister and my right honourable and noble Friend reached agreement on 10 April on the re-establishment of direct communications between Spain and Gibraltar. It is envisaged that the practical preparations will be completed not later than 1 June which will then allow the agreement to be speedily implemented. A copy of the joint Anglo/Spanish statement has been placed in the Library of the House.

This is a very important step, and one I am sure that the House will wish to welcome, though I should emphasise that this is only the beginning of what is likely to be a very long process. The Spanish decision represents another milestone for democratic Spain and the Government pay tribute to Senor Oreja's statesmanship and the goodwill which he has shown in his approach to this problem. Our agreement makes a significant contribution towards the strengthening of the United Kingdom's bilateral relations with Spain, to whose early membership of the European Community we look forward.

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It is also a move of great significance for the people of Gibraltar, who have been cut off from Spain for eleven years. My right honourable and noble Friend and I discussed the implications with the Chief Minister and leader of the Opposition in London earlier today.

I should like to stress that the Anglo/Spanish statement reaffirms the Government's 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.

The Prime Minister: I agree with my hon. Friend. We also want wide international support. If sanctions are to be effective, they must command wide international support. They cannot be effective if applied by only one or two nations. From that arises the need to consult widely and to take action together.

Mr. Ennals: Does the Prime Minister agree that while there have been some differences about what sort of action should be taken, it should be clearly known and understood in the United States that the House of Commons is absolutely united in condemnation of what has been done by the terrorists in Iran and in the right of the United States' President to come before this House and ask us to co-operate? Secondly, would it not be helpful if further initiatives were taken in those other countries that voted in the United Nations in condemnation of what has happened?

The Prime Minister: We would, of course, expect the President of the United States, in his great difficulty, to ask his friends for their support. In the same circumstances, I believe that we should do the same thing. He is naturally entitled to expect us to respond, as we should be entitled to expect him to respond to us. I think that the right hon. Gentleman and I are at one on this matter. I am very grateful to him for making it perfectly clear that we are so.

GIBRALTAR

The Lord Privy Seal (Sir Ian Gilmour): With your permission, Mr. Speaker, I will make a statement on Gibraltar.

I am pleased to report that the Spanish Foreign Minister and my right hon. and noble Friend reached agreement on 10 April on the re-establishment of direct communications between Spain and Gibraltar. It is envisaged that the practical preparations will be completed not later than 1 June. This will then allow the agreement to be speedily implemented. A copy of the joint Anglo-Spanish statement has been placed in the Library of the House.

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It is also a move of great significance for the people of Gibraltar, who have been cut off from Spain for 11 years. My right hon. and noble Friend and I discussed the implications with the Chief Minister and Leader of the Opposition in London earlier today.

I should like to stress that the Anglo-Spanish statement reaffirms the Government's 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.

Mr. Shore: The House will welcome the removal of restrictions on movements and the opening of the border between Gibraltar and Spain, all the more so since the 11-year siege of Gibraltar was wholly unjustified from beginning to end. The right hon. Gentleman has rightly stated—we welcome this, too—the Government's commitment, as he puts it,

[Mr. Shore.] 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. That is absolutely right.

I have only two questions to put. The communiqué of 10 April referred to

"the forthcoming negotiations aimed at overcoming all the differences between Spain and Britain on Gibraltar."

Can the Lord Privy Seal say what subjects are to be covered in these negotiations or talks? Will he confirm that they will not include the question of the sovereignty of Gibraltar?

Sir I. Gilmour: I am grateful to the right hon. Gentleman for what he said about re-emphasising the Government's firm commitment which I stated at the end of my statement.

With regard to the right hon. Gentleman's question about the communiqué that was issued at the end of my right hon. and noble Friend's conversations with Senor Oreja, we agreed to talk about anything. It is a part of the agreement that nothing is barred. We shall discuss anything. But, as I say, that must be read in the context of our firm commitment to the people of Gibraltar which I mentioned earlier.

Sir Derek Walker-Smith: Will my right hon. Friend say whether the Spaniards are still insisting that, under the correct interpretation of the Treaty of Utrecht, any change in the status of Gibraltar would necessarily involve a reversion to Spanish sovereignty? Will he say whether Her Majesty's Government accept or reject that as a matter of law and as being outwith the spirit of the age?

Sir I. Gilmour: As my right hon. and learned Friend will know, the Spanish Government stated in the agreed text that they believed that Gibraltar was part of the territorial integrity of Spain. As I have said, we do not take that view. Our position is as I have stated—that there can be no change in the position of Gibraltar without the freely and democratically stated wishes of the people of Gibraltar.

Mr. Stephen Ross: I welcome the Lord Privy Seal's statement, particularly the last paragraph. Can he say anything about

lifting restrictions on flight paths into Gibraltar? I understand that those restrictions are still in force. Can he comment on employment in the dockyards? I understand that Moroccans have now replaced Spaniards. Is that subject still open for discussion, and what is the likely outcome?

Sir I. Gilmour: The restrictions on flight paths were referred to in the statement and should come to an end. That will be beneficial to anyone flying into or out of Gibraltar. The dockyards will be discussed in the negotiations. As the hon. Gentleman has rightly said, Spanish workers have been replaced by Moroccan workers. However, future employment is a matter for commercial negotiation.

Mr. Rippon: With respect to my right hon. Friend, I do not think that he has fully answered the question put to him by my right hon. and learned Friend the Member for Hertfordshire, East (Sir D. Walker-Smith) about the effect of the Treaty of Utrecht. Do the Government agree that, although there is no question of unilaterally abrogating British sovereignty, or doing anything without the approval of the people of Gibraltar, if we were to leave Gibraltar for any reason the sovereignty of the island would revert to Spain?

Sir I. Gilmour: I cannot agree with my right hon. and learned Friend. We have no intention of leaving Gibraltar and therefore the question does not arise. As I have said, any change in the constitutional arrangements of Gibraltar—that means any giving up of British sovereignty over Gibraltar—can take place only after the free and democratic wishes of the people of Gibraltar have been stated.

Dr. Gilbert: As one of the proposals mooted in the past has been that there should be joint administration with Spain of the dockyard and airfield, will the right hon. Gentleman confirm that such proposals would be far easier to implement if Spain were to become a member of NATO? Will he confirm also that the considerations applying to those two sets of installations are totally different?

Sir I. Gilmour: I agree with the right hon. Gentleman. The question of Spanish membership of NATO is entirely

a matter for Spain and is some way in the future.

Mr. Maxwell-Hyslop : What action is my right hon. Friend taking in his negotiations with Spain to safeguard the interests of the many Moroccan workers who have provided indispensable support for the Gibraltarian economy for 10 years and who may now have no employment in Morocco? Will he bear their interests in mind in return for the valuable service that they have performed for the economy of Gibraltar and its territorial integrity?

Sir I. Gilmour : I entirely agree with my hon. Friend. Moroccan workers have played during the past few years an indispensable part in the preservation of Gibraltar. Their interests will be safeguarded. As I have already said, all these issues are for future discussion by the Gibraltarians. I should make plain that in all future negotiations the Gibraltarians will be represented.

Mr. English : If the right hon. Gentleman thinks that he can fob off his right hon. and learned Friends as he has done, he is wrong. They are right. Will the right hon. Gentleman publish, or at least put in the Library, the legal case made on behalf of the British Government answering that put by a previous Spanish Government? For example, a previous Spanish Government pointed out that by admitting Jews to Gibraltar we had broken the express provisions of the Treaty of Utrecht. That might be something that we would all wish to do. However, the point needs answering and no answer has yet been given. Will the right hon. Gentleman do that?

Sir I. Gilmour : At present, I do not think so. It is not an issue that is being put forward in the present negotiations. I do not see any great advantage in answering such points if they are not being put forward. If they are put forward, we shall answer them.

Several Hon. Members *rose*—

Mr. Speaker : Order. I propose to call those hon. Members who have stood throughout questions on the statement, if they will co-operate.

Mr. Eldon Griffiths : In the light of my right hon. Friend's announcement, will he state that there is no excuse for the

inordinately high air fares which impede the tourist development of the Rock? As has been stated, there is British sovereignty and Spanish sovereignty and a third option called "independence". Will my right hon. Friend categorically state his position?

Sir I. Gilmour : I have already stated my position. British sovereignty will not be altered without the expressly and democratically stated wish of Gibraltarians. Surely that is as clear as it can be. I cannot go any further. The inordinately high air fares to Gibraltar are a subject for my right hon. Friend the Secretary of State for Trade. I hope that one of the beneficial results of the agreement will be that such fares will come down.

Mr. Dalyell : Are we quite sure that there is no misunderstanding in the minds of those negotiating on the Spanish side? Are they clear that we have no intention of leaving, according to the terms of the Lord Privy Seal's statement? A second and lesser question is whether anything has yet been said about the possibilities of British Servicemen being allowed to travel in southern Spain when stationed on the Rock.

Sir I. Gilmour : Nothing has yet been said as regards the second question. As regards the first, if the hon. Gentleman reads the joint declaration he will see the answer.

Mr. Shersby : Do the Government intend to propose to the Spanish Government that a referendum should take place to determine the wishes of the people of Gibraltar concerning their future status?

Sir I. Gilmour : As my hon. Friend will know, a referendum took place some time ago. To have another referendum now would be to rush things. There is a long way to go before any question of another referendum arises.

Mr. Stanbrook : Since the previous position of the Spanish Government was understood to be that restrictions would not be lifted until there had been an agreement to enter into meaningful discussions and negotiations about sovereignty, can my right hon. Friend say whether that condition has been fulfilled?

Sir I. Gilmour : I have already told the House that, as was made clear in the joint Anglo-Spanish statement, which my hon.

[Sir I. Gilmour.]

Friend will have read, we have agreed to discuss everything. That seems a perfectly reasonable thing to agree to. We have agreed to do so in the context, which I have stated many times, of the 1969 declaration.

Mr. Garel-Jones: Does my right hon. Friend agree that the atmosphere in which the discussions will take place will be enhanced because the Spanish Government have not only applied to join the EEC but have also stated their intention to join the NATO Alliance? If he agrees, will he, to enhance the atmosphere of those talks, go further by stating that were Gibraltarians to choose to change their status and to move closer to Spain, the British Government would not stand in their way? Will he also confirm the point already made that under the terms of the Treaty of Utrecht it is not possible for Gibraltar to resort to independence and that, were the United Kingdom to withdraw, Gibraltar would automatically become subject to Spain's sovereignty?

Sir I. Gilmour: I cannot continue to repeat my remarks or make them any more meaningful. I have already said that we have no intention of withdrawing, and therefore the question does not arise.

Of course we should welcome any decision by Spain to join NATO. However, that is some years ahead and is an issue for Spain, and not us, to decide.

Mr. van Straubenzee: Was not one of the contributory factors to this most welcome advance the sturdy conduct of the Gibraltarian people under the leadership of their Chief Minister? Does not Gibraltar now require a period of calm and reflection during which confidence can be re-established and relationships cemented between Spain and Gibraltar?

Sir I. Gilmour: I agree with those remarks, particularly those concerning the leadership given to Gibraltar by the Chief Minister. It is natural that after 11 years of blockade and isolation there should be some apprehension in Gibraltar about the future. It is therefore right and proper to have a period of calmness.

Mr. McQuarrie: I welcome the decision to have talks. I am sure that my right hon. Friend's attention will have

been drawn to the large demonstration in Gibraltar expressing considerable opposition to the decision to have the talks. Having experienced this for six years, I can tell my right hon. Friend that an emotiveness has been created in Gibraltar. I welcome my right hon. Friend's view that there should be a period of calm before negotiations are started. I also welcome that the Chief Minister and the Leader of the Opposition in Gibraltar will be present during the negotiations because that will give the Gibraltarians an opportunity to see that both sides are considered. Is my right hon. Friend aware—

Mr. Speaker: Order. I hope that the hon. Gentleman will ask his question. I have extended the time allowed in order to permit him to ask his question. We want to move on at some stage.

Mr. McQuarrie: Is my right hon. Friend aware of the joint communiqué by the Chief Minister and the Leader of the Opposition issued on 12 April? It said:

"We further reiterate the position of the people of Gibraltar for their part they are opposed to any negotiations on sovereignty over Gibraltar, a view expressed in a unanimous resolution of the House of Assembly in November 1977."

Sir I. Gilmour: As my hon. Friend knows, the Chief Minister and the Leader of the Opposition were at the Foreign Office today and the Foreign Secretary and I had talks with them. They seemed to be fully satisfied by what we said. There can be no possible objection to our agreeing to discuss everything with Spain. That must be right, provided that it is recognised that it is in the context of the 1969 declaration. That is our firm position.

Rev. Ian Paisley: Is the Lord Privy Seal aware that the President of the Council of Ministers, when answering a question that I put to him, said that the British Government, during negotiations on the Spanish application to join the Common Market, had never raised the issue of sovereignty over the Rock of Gibraltar? Is it not time that the issue was raised? Should not the Government spell out to the Council of Ministers and to Europe where the British Government stand?

Sir I. Gilmour: The hon. Gentleman is slightly behind events. The agreement

appears to make his suggestion unnecessary.

Mr. Shore: One aspect of the scope of negotiations worries me. Given the clear statements by the Spanish and British Governments, there can be no merit or benefit in picking over that particular sore in the talks. Will the Lord Privy Seal therefore do his utmost to steer away from the sovereignty issue and discuss such important and practical issues as the flight path and other matters which are of concern to the people of Gibraltar?

Sir I. Gilmour: I think that the right hon. Gentleman slightly misunderstands. I hope that issues such as the flight path will be agreed before negotiations start. It must be right, in the context of the agreement, to agree to the Spaniards raising any matter that they wish. That is normal. We have discussed that with the Chief Minister and the Leader of the Opposition today. They have said that they are satisfied. It is unduly suspicious of the right hon. Gentleman to object to the terms of the agreement.

NORTHERN IRELAND (SECURITY)

Rev. Ian Paisley: I beg to ask leave to move the Adjournment of the House, under Standing Order No. 9, for the purpose of discussing a specific and important matter that should have urgent consideration, namely,

"the security situation in Northern Ireland with the murder of three police officers and the serious wounding of others by the Provisional IRA and the unofficial strike at the Royal Victoria hospital, aimed at getting the troops out of the hospital complex and resulting in attacks on hospital workers and serious risk to critically ill patients."

The House should be aware of the serious situation that has arisen in Northern Ireland since the House went into recess. The House is the only place where Northern Ireland elected representatives can discuss these matters. In view of the deplorable absence of a ministerial statement we should have an emergency debate.

When the House was going into recess a police officer, Constable Stokes, was blown up in his car by the type of bomb that killed our much lamented colleague, Mr. Airey Neave. That constable was seriously injured. On Good Friday a

Royal Ulster Constabulary reserve constable, one of my constituents, Bernard Montgomery, aged 33, who was married, with a 4-year-old son, was shot in the back and murdered by IRA thugs.

Just after the holiday weekend another young police officer, who had been one of my constituents for almost all his life—RUC Constable Stephen Magill, aged 24, who had been married for only four months—was murdered in an IRA ambush in which three of his colleagues were injured. On Friday RUC Reserve Constable Fred Wilson, aged 43, married with two children, was murdered by the IRA in the city centre. Mr. Fred Wilson was well known as an able and efficient Housing Executive administrator. My colleagues who represent Belfast constituencies are absent, because they are attending his funeral. Mr. Wilson was held in high esteem by all sections of the community as an officer of the Housing Executive who sought to serve the whole community impartially.

A new ingredient has entered the security situation in Northern Ireland—the unofficial strike in progress at the Royal Victoria hospital. The National Union of Public Employees has officially condemned the strike, and rightly. The aim is to have the troops removed from the hospital complex. The troops guard those who have been injured by terrorists and prevent their being further attacked. They also guard terrorists injured while being captured by security forces.

The strike is orchestrated by the Provisional IRA. Many sinister incidents have taken place. Attacks have been made on workers preparing food for patients. Food has been thrown on the floor and a porter attacked and seized by the throat by those involved in the unofficial protest. A cardiac ambulance has had difficulty in taking a critically ill patient to the hospital. Grave difficulties are being experienced in supplying food to patients. The situation is highly dangerous and there is a build up of resentment. The House should have the opportunity to debate the issues as soon as possible.

Mr. Speaker: The hon. Gentleman gave me notice before 12 o'clock that he would seek leave to move the Adjournment of the House, under Standing Order No. 9, for the purpose of discussing a specific and important matter that he

[Mr. Speaker.]
thinks should have urgent consideration,
namely,

"the security situation in Northern Ireland with the murder of three police officers and the serious wounding of others by the Provisional IRA, and the unofficial strike at the Royal Victoria hospital, aimed at getting the troops out of the hospital complex and resulting in attacks on hospital workers and serious risk to critically ill patients."

The House will have listened with deep concern to the hon. Gentleman, who has brought to our attention once again the serious situation in Northern Ireland. As the House knows, I do not decide whether this matter should be debated. I merely decide whether it should be debated to-night or tomorrow night as an emergency debate.

As the House also knows, under Standing Order No. 9 I am directed to take into account the several factors set out in the order but to give no reasons for my decision. After listening carefully to the hon. Gentleman, I have to rule that his submission does not fall within the provisions of the Standing Order and I cannot, therefore, submit his application to the House.

STATUTORY INSTRUMENTS, &c.

Mr. Speaker: By the leave of the House, I will put together the eight

Questions on the motions relating to statutory instruments.

Ordered,

That the draft Double Taxation Relief (Taxes on Income) (Australia) Order 1980 be referred to a Standing Committee on Statutory Instruments, &c.

That the draft Double Taxation Relief (Taxes on Income) (Bangladesh) Order 1980 be referred to a Standing Committee on Statutory Instruments, &c.

That the draft Double Taxation Relief (Taxes on Income) (Egypt) Order 1980 be referred to a Standing Committee on Statutory Instruments, &c.

That the draft Double Taxation Relief (Taxes on Income) (Finland) Order 1980 be referred to a Standing Committee on Statutory Instruments, &c.

That the draft Double Taxation Relief (Taxes on Income) (Norway) (No. 1) Order 1980 be referred to a Standing Committee on Statutory Instruments, &c.

That the draft Double Taxation Relief (Taxes on Income) (Norway) (No. 2) Order 1980 be referred to a Standing Committee on Statutory Instruments, &c.

That the draft Double Taxation Relief (Taxes on Income) (Sri Lanka) Order 1980 be referred to a Standing Committee on Statutory Instruments, &c.

That the draft Double Taxation Relief (Taxes on Estates of Deceased Persons and Inheritance and on Gifts) (Netherlands) Order 1980 be referred to a Standing Committee on Statutory Instruments, &c.—[Mr. Brooke.]

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FM FCO 111730Z APRIL 80
TO ROUTINE CERTAIN MISSIONS AND DEPENDENT TERRITORIES
GUIDANCE TELEGRAM NUMBER 38 OF 11 APRIL 1980

GIBRALTAR

1. YOU WILL HAVE SEEN PRESS REPORTS OF THE AGREEMENT REACHED IN LISBON ON 10 APRIL BETWEEN MYSELF AND THE SPANISH FOREIGN MINISTER. THE FULL TEXT IS IN VS 036. THERE WILL BE A STATEMENT IN PARLIAMENT ON 14 OR 15 APRIL BY WHICH YOU SHOULD BE GUIDED. PARAGRAPHS 2 - 6 BELOW MAY BE DRAWN ON IN DISCUSSION WITH RELIABLE CONTACTS. PARAGRAPH 7 IS FOR YOUR OWN INFORMATION. PLEASE REPORT TO SED ANY EVIDENCE OF SPANISH LOBBYING OF FOREIGN GOVERNMENTS.

GENERAL

2. 1 JUNE IS THE TARGET DATE BY WHICH ALL RESTRICTIONS ON GIBRALTAR ARE TO BE LIFTED AND NEGOTIATIONS TO OVERCOME ALL DIFFERENCES BETWEEN BRITAIN AND SPAIN OVER GIBRALTAR OPENED. THE AGREEMENT IS THUS AN IMPORTANT FIRST STEP TOWARDS REMOVING A POTENTIAL DIFFICULTY OVER SPAIN'S CLOSER ASSOCIATION WITH BRITAIN, EG IN MEMBERSHIP OF THE EUROPEAN COMMUNITY.
3. BEFORE 1 JUNE IT WILL BE NECESSARY TO DISCUSS PRACTICAL ASPECTS. EG DOCUMENTATION. CUSTOMS ARRANGEMENTS ETC AS WELL AS ARRANGEMENTS FOR THE NEGOTIATIONS.
4. THE JOINT ANGLO-SPANISH STATEMENT SPECIFICALLY REAFFIRMED THE BRITISH COMMITMENT THAT THE PEOPLE OF GIBRALTAR WILL NOT PASS UNDER THE SOVEREIGNTY OF ANOTHER STATE AGAINST THEIR FREELY AND DEMOCRATICALLY EXPRESSED WISHES. THE CHIEF MINISTER AND

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LEADER OF THE OPPOSITION WERE CONSULTED THROUGHOUT: BOTH ARE CALLING ON ME ON 14 APRIL. GIBALTARIAN REPRESENTATIVES WILL PARTICIPATE IN THE BRITISH DELEGATION AT THE NEGOTIATIONS.

NEGOTIATIONS

5. THESE WILL NOT BE 'NEGOTIATIONS ON SOVEREIGNTY'. THE ANGLO-SPANISH STATEMENT MAKES THIS CLEAR. WE ARE HOWEVER PREPARED TO DISCUSS ANYTHING THE SPANIARDS WISH TO RAISE, INCLUDING SOVEREIGNTY. WITHIN THE FRAMEWORK OF THE BRITISH COMMITMENT TO THE GIBALTARIANS. IN ADDITION TO THIS POLITICAL ELEMENT, WHICH WILL NEED CAREFUL HANDLING GIVEN THE FACT THAT NO EARLY CHANGE IS LIKELY TO BE ACCEPTABLE TO THE PEOPLE OF GIBALTAR. NEGOTIATIONS SEEM LIKELY TO COVER SUCH MATTERS AS JOINT ECONOMIC COOPERATION IN THE AREA, TOURISM, JOINT USE OF CIVIL PORT AND AIRFIELD. POSSIBILITIES FOR SPANISH USE OF MILITARY INSTALLATIONS ETC. WE SEE PROGRESS ON MATTERS OF THIS SORT AS ESSENTIAL IN ORDER TO RE-ESTABLISH THE CONFIDENCE AND GOODWILL WITHOUT WHICH NO MEETING OF MINDS ON POLITICAL QUESTIONS WILL BE POSSIBLE.

SPAIN/NATO

6. AN EARLY SPANISH MOVE IS UNLIKELY: BUT BRITAIN WOULD WELCOME SPANISH MEMBERSHIP. SPANIARDS CERTAINLY SEE GIBALTAR AS A COMPLICATING FACTOR.

THE FUTURE

7. IT IS NOT YET CLEAR WHETHER THE AGREEMENT REPRESENTS A GENUINE CHANGE IN SPANISH POLICY, OR IS A TACTICAL MOVE ACCEPTED IN ANTICIPATION OF PRESSURE IN THE NEGOTIATIONS FOR EC ACCESSION. THERE MAY BE A TEMPTATION ON THE SPANISH SIDE TO MAKE DIFFICULTIES DURING DISCUSSIONS ON THE PRACTICAL ASPECTS OF LIFTING THE RESTRICTIONS: THERE IS PLENTY OF SCOPE FOR THE AGREEMENT TO FOUNDER. WE AGREED TO 'NEGOTIATIONS' AS A FACE-SAVER: THE WORD COULD RAISE FALSE HOPES. WE ARE NOT SURE HOW FAR THE SPANIARDS

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ACCEPT THAT THE RESULTS THEY WANT ARE DEPENDENT UPON GIBRALTARIAN
ACQUIESCENCE: THE PROCESS, IF NOT THE NEGOTIATIONS THEMSELVES.
WILL TAKE DECADES.

CARRINGTON

BY TELEGRAPH:

BONN

BRUSSELS

BRUSSELS (UKREP, EEC)

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PRIME MINISTER

cc Mr. Alexander
Mr. Sanders

Statements on Rhodesia and Gibraltar

The Foreign Secretary and the Lord Privy Seal are proposing to make statements on Monday on Rhodesia, and then on Gibraltar. I have checked with the Whips' Office and the Chancellor of the Duchy's, and they see no objection in terms of the Parliamentary Business.

Attached are the drafts, though these still have to be cleared with Lord Carrington.

J. P. LANKESTER

11 April 1980

PARLIAMENTARY STATEMENT

My Lords, with your Lordships' permission, I should like to make a statement on Gibraltar.

I am pleased to be able to report that the Spanish Foreign Minister and I reached agreement on 10 April on the re-establishment of direct communications between Spain and Gibraltar. We also agreed to start negotiations aimed at overcoming all the differences between us on Gibraltar. It is envisaged that the practical preparations will be completed in time to allow the agreement to be implemented not later than 1 June. I have had a copy of the joint Anglo/Spanish statement placed in your Lordships' Library.

This is a very important step, and one I am sure that your Lordships will wish to welcome. It represents another milestone for democratic Spain and I pay tribute to Senor Oreja's statesmanship. It makes a significant contribution towards the strengthening of our bilateral relations with Spain, to whose early membership of the European Community we look forward.

It is also a move of great significance for the people of Gibraltar, who have been cut off from Spain for eleven years. I discussed the implications with the Chief Minister and Leader of the Opposition in London earlier today [yesterday]. I look forward to seeing the growth of cooperation between the people of Gibraltar and Spain, not least in the economic field.

I would emphasise to your Lordships that the Anglo/Spanish statement reaffirms the Government's 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.

REFERENCES

NOTES FOR SUPPLEMENTARIES

SIGNIFICANCE

1. I regard the Lisbon agreement as an important step. There is much follow-up work to be done. But I am confident of the goodwill of a Spain whose full integration into Western World and early accession to EC is firmly supported by the Government.

2. The text contains points essential to both sides. The reimposition of restrictions is technically a possibility; but I am confident that in practice it is very unlikely.

NEGOTIATIONS

3. The objective is to overcome all differences between Britain and Spain over Gibraltar. Details remain to be worked out by 1 June. I see practical cooperation, including joint economic development, as the key to building confidence.

SOVEREIGNTY

4. It will not be a 'negotiation on sovereignty'; the text of the statement is clear on what the negotiations are. We are prepared to discuss anything.

5. I know that a Gibraltar House of Assembly motion in 1977 opposed discussions or negotiations on sovereignty. I do not regard the Anglo-Spanish agreement as incompatible with this.

/TIMINGS

TIMINGS

6. Agreed date 1 June for preparing the way for lifting of all restrictions and opening negotiations. Discussions necessary on technical aspects, such as documentation, customs arrangements, ferry services, etc.

GIBRALTARIAN LEADERS

7. There has always been very close consultation with the Chief Minister and the Leader of Opposition. The Governor consulted them on 10 April over the text.

GIBRALTARIAN PARTICIPATION IN NEGOTIATIONS

8. Gibraltarian representatives will of course be in the British delegation.

GIBRALTARIAN REACTION TO DECLARATION/ANNOUNCEMENT

9. After over ten years of a sealed border and what has been called another seige, it is not suprising that there should be hesitations and misgivings in Gibraltar. The Campo de Gibraltar very much Gibraltar's natural hinterland. I have no doubt that the good sense, friendliness and commercial flair of the Gibraltarians will ensure that they cheerfully make the best of their opportunities.

FUTURE OF MILITARY INSTALLATIONS

10. Spanish use of the dockyard and airfield is welcome in principle. The facilities are already used by Allied Forces. Spanish membership of NATO would be welcomed by Britain.

SPANISH USE OF CIVIL PORT AND AIRFIELD

11. Joint use would be welcome.

GIBRALTAR: NUCLEAR WEAPONS

12. It is Government policy neither to confirm nor to deny that nuclear weapons are deployed to a particular place. The matter was not in any case discussed with Senor Oreja.

Prime Minister
Gibraltar

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TO F L A S H FCO

TELEGRAM NUMBER 117 OF 10 APRIL 1980

AND TO F L A S H MADRID, GIBRALTAR (FOR GOVERNOR) AND UKMIS NEW YORK

LISBON TELNO 108: SECRETARY OF STATE'S SECOND MEETING WITH SPANISH FOREIGN MINISTER.

1. THE AGREED TEXT OF THE JOINT ANGLO/SPANISH STATEMENT IS AS FOLLOWS:

BEGINS

JOINT ANGLO/SPANISH STATEMENT

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

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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.

ENDS.

MORAN

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MR BULLARD
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DESKBY 100730Z FCO

DESKBY 100630Z GOVERNOR GIBRALTAR

TO IMMEDIATE FCO

TELEGRAM NUMBER 109 OF 10 APRIL 1980

AND TO IMMEDIATE MADRID, AND PERSONAL FOR GOVERNOR GIBRALTAR

MIPT GIBRALTAR

FROM FERGUSSON

1. FOLLOWING THE SECRETARY OF STATE'S TALK WITH OREJA, DURAN, CUENCA AND I WORKED ON THE TEXT OF A JOINT STATEMENT, USING THE DRAFT PREPARED BY SED AS WORKING TEXT. MIFT GIVES THE LATEST TEXT WHICH WE SHALL LOOK AT AGAIN AT 1000 LOCAL TOMORROW SEMI COLON MINISTERS WILL MEET PROBABLY IN THE AFTERNOON TO CONSIDER FINAL TEXT AND DECIDE WHETHER IT CAN BE MADE PUBLIC THEREAFTER. GRATEFUL FOR YOUR URGENT COMMENTS. GOVERNOR GIBRALTAR SHOULD CLEAR THE TEXT IMMEDIATELY WITH HASSAN AND ISOLA (PARA 2E OF FCO

CLEAR THE TEXT IMMEDIATELY WITH HASSAN AND ISOLA (PARA 2E OF FCC
TEL TO GIBRALTAR PERSONAL NO 14).

2. DETAILED COMMENTS:-

A) THE SPANISH SIDE WERE PREOCCUPIED WITH THE NEED TO FIND LANGUAGE WHICH WOULD NOT CAUSE THEM FURTHER DIFFICULTIES WITH THE CORTES ETC IF THEY WERE TO CONCEDE THE FULL LIFTING OF RESTRICTIONS. DURAN AND CUNCA WERE ALSO WORRIED AT THE CONSEQUENCES IN SPAIN IF GIBRALTARIANS WERE TO QUOTE GLOAT UNQUOTE OVER SPANISH DEFEAT.

B) PARAGRAPH 1, THEY WANTED THE POSITIVE TONE OF THE LEAD-IN STRENGTHENED AND WERE INSISTENT ON SOME REFERENCE TO THE UN. AT PRESENT THIS IS SQUARE BRACKETED. BUT, GRANTED THAT WE HAVE IN FACT GONE ALONG WITH UN CONSENSUS RESOLUTIONS BRACKETS WILL BE DROPPED UNLESS THERE IS MAJOR OBJECTION TO DOING SO.

C) PARAGRAPH 2, VARIANT 1 - THIS IS SHORTER BUT IS STILL CLOSE TO THE FORMULATION IN GIBRALTAR TELEGRAM PERSONAL NO 13. HOWEVER THE SPANIARDS ARE PRESSING FOR QUOTE ALL ASPECTS UNQUOTE AS IN VARIANT 2. THE SECRETARY OF STATE'S INITIAL REACTION IS THAT THIS SHOULD NOT BE ALLOWED TO BE A STICKING POINT.

D) PARAGRAPH 3, BOTH VARIANTS GIVE US THE LIFTING OF RESTRICTIONS SEMI COLON THE LANGUAGE OF THE FIRST SENTENCE OF VARIANT 1 REFLECTS THE SPANISH VIEW OF THE SITUATION AND IS PREFERABLE TO THEIR ALTERNATIVE OF REFERRING DIRECTLY TO ARTICLE 10 OF THE TREATY OF UTRECHT. VARIANT 2 AVOIDS THIS LANGUAGE THOUGH IT MIGHT SEEM TO SUGGEST THAT WE TOO HAD A RESPONSIBILITY FOR BLOCKING COMMUNICATIONS. HOWEVER, BOTH TEXTS GIVE US WHAT WE WANT. REFERENCES TO RECIPROCITY ETC FOLLOW THE DEPARTMENT'S LANGUAGE. WE SHALL NOT GET ORDER OF PARAS 2 AND 3 TRANSPOSED.

E) PARAGRAPH 5 - WE HAVE A CLEAR STATEMENT OF OUR POSITION AND, WHILE THE SPANISH PASSAGE DOES NOT REFER TO GIBRALTARIAN QUOTE WISHES UNQUOTE, THE LANGUAGE AND CONCLUSION OF THE WORD QUOTE ULTIMATE UNQUOTE (WHICH REFLECTS OREJA'S REFERENCE TO THE LONG RUN) ARE AS FAR IN OUR DIRECTION AS I CAN GET THE SPANIARDS TO GO.

F) WE HAVE YET TO DRAFT A FINAL PARAGRAPH ON FOLLOW UP ARRANGEMENTS, WHICH COULD INCLUDE TIMING OF THE LIFTING OF RESTRICTIONS AND THE START OF THE NEGOTIATING PROCESS. THE SPANIARDS RECOGNISE THAT SOME QUITE COMPLICATED PRACTICAL MATTERS WILL HAVE TO BE SORTED OUT ON BOTH SIDES. IT WILL BE ESSENTIAL, HOWEVER, NOT TO DELAY A PRE-NEGOTIATION WHICH WILL BE HELD

F) WE HAVE YET TO DRAFT A FINAL PARAGRAPH ON FOLLOW UP ARRANGEMENTS, WHICH COULD INCLUDE TIMING OF THE LIFTING OF RESTRICTIONS AND THE START OF THE NEGOTIATING PROCESS. THE SPANIARDS RECOGNISE THAT SOME QUITE COMPLICATED PRACTICAL MATTERS WILL HAVE TO BE SORTED OUT ON BOTH SIDES. IT WILL BE ESSENTIAL, HOWEVER, NOT TO PERMIT A PRE-NEGOTIATION WHICH WOULD PERMIT UNNECESSARY DELAY IN THE IMPLEMENTATION OF THE MAIN POINT OF THE STATEMENT.

MORAN

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FM LISBON 091155Z APRIL

TO IMMEDIATE FCO

TELEGRAM NUMBER 108 OF 29 APRIL 1980

AND TO IMMEDIATE MADRID AND GIBRALTAR(FOR GOVERNOR)

SECRETARY OF STATE'S CONVERSATION WITH SPANISH FOREIGN MINISTER:
GIBRALTAR

1. THE SECRETARY OF STATE HAD AN HOUR'S DISCUSSION WITH THE SPANISH FOREIGN MINISTER THIS AFTERNOON ON GIBRALTAR. OREJA SEEMED WILLING TO CONTEMPLATE THE LIFTING BY SPAIN OF THE RESTRICTIONS (OR, IN HIS TERMINOLOGY THE LIFTING OF THE APPLICATION OF THE ARTICLE 10 OF THE TREATY OF UTRECHT) IN RETURN FOR THE OPENING OF NEGOTIATIONS. HE SAID THAT HE UNDERSTOOD THAT THE BRITISH GOVERNMENT COULD NOT ACCEPT ANY REFERENCE TO SOVEREIGNTY IN THE DESCRIPTION OF THESE NEGOTIATIONS. HE ADDED THAT, THOUGH THE SPANISH GOVERNMENT WOULD NOT WISH TO REFER TO THE NEED TO CONSULT THE WISHES, AS OPPOSED TO THE INTERESTS OF THE GIBRALTARIANS, HE WOULD UNDERSTAND IF THE BRITISH GOVERNMENT FELT OBLIGED TO DO SO.

2. THE SECRETARY OF STATE EXPLAINED THAT THE KEY TO PROGRESS ON GIBRALTAR LAY IN WINNING THE GIBRALTARIANS. HE EMPHASISED THAT, WHATEVER THE SPANISH GOVERNMENT MIGHT THINK, NO BRITISH GOVERNMENT COULD DELIVER GIBRALTARIAN OPINION AND THAT NO ARRANGEMENT ON

2. THE SECRETARY OF STATE EXPLAINED THAT THE KEY TO GPROGRESS ON GIBRALTAR LAY IN WOOING THE GIBRALTARIANS. HE EMPHASISED THAT, WHATEVER THE SPANISH GOVERNMENT MIGHT THINK, NO BRITISH GOVERNMENT COULD DELIVER GIBRALTARIAN OPINION AND THAT NO ARRANGEMENT ON GIBRALTAR WHICH THE GIBRALTARIANS OPPOSED WOULD BE PASSED BY THE BRITISH PARLIAMENT HE ALSO SAID, IN RESPONSE TO REMARKS BY OREJA ABOUT THE IMPORTANCE OF SPAIN'S FULL EMERGENCE INTO THE WESTERN WORLD INCLUDING MEMBERSHIP OF THE COMMUNITY AND NATO, THAT IT WOULD BE IMPOSSIBLE FOR THE BRITISH PARLIAMENT TO RATIFY A TREATY PROVIDING FOR SPAIN'S ACCESSION TO THE EUROPEAN COMMUNITY SO LONG AS THE RESTRICTIONS ON GIBRALTAR REMAINED IN FORCE. LORD CARRINGTON ADDED HOWEVER THAT, PROVIDED THAT THE REFERENCE TO "NEGOTIATIONS" COULD BE QUALIFIED IN A WAY WHICH TOOK ACCOUNT OF GIBRALTARIAN SENSITIVITIES, AND PROVIDED THAT IT WAS UNDERSTOOD THAT THE BRITISH GOVERNMENT WOULD BE OBLIGED IN ANY DECLARATION ON THE SUBJECT TO REAFFIRM ITS COMMITMENT TO RESPECT THE WISHES OF THE GIBRALTARIAN PEOPLE, A DECLARATION PROVIDING FOR THE OPENING OF "NEGOTIATIONS" AND THE LIFTING OF RESTRICTIONS OUGHT TO BE POSSIBLE.

3. IT WAS AGREED THAT OFFICIALS WOULD WORK ON THE DRAFTING OF THE TEXT OF SUCH A DECLARATION AND THAT THE SECRETARY OF STATE AND OREJA WOULD MEET AGAIN ON 10 APRIL.

4. SEE MY TWO IFTS.

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