

CONFIDENTIAL

FM MADRID 221718Z JULY 82

TO IMMEDIATE FCO

TELEGRAM NUMBER 423 OF 22 JULY

INFO IMMEDIATE GOVERNOR GIBRALTAR(PERSONAL)

PS. NO 10, DOWNING STREET.

YOUR TELNO 250: GIBRALTAR

THE SPANISH FOREIGN MINISTER ASKED ME TO CALL THIS AFTERNOON. HE SAID THAT, IF HE REMAINED IN OFFICE DURING THE AUTUMN, HE STILL HOPED TO ACHIEVE IMPLEMENTATION OF THE LISBON AGREEMENT. HE WANTED TO MAINTAIN HIS PERSONAL LINK WITH YOU. HE WOULD HOPE TO SEE YOU IN SEPTEMBER IN NEW YORK AND PERHAPS BEFORE THEN AT A POLITICAL COOPERATION MEETING. WE WOULD HAVE NOTED THAT HE HAD GONE AHEAD WITH LAYING DOWN FROM MADRID A POLICY OF RELAXING RESTRICTIONS ON THE SPANISH SIDE FOR HUMANITARIAN REASONS. THE LOCAL PEOPLE HAD BEEN ENCOURAGED TO INTERPRET THIS AUTHORITY IN GENEROUS TERMS. HE WAS GLAD THAT YOU HAD WELCOMED THIS AS A MOVE IN THE RIGHT DIRECTION (YOUR TELNO 237).

2. I CONFIRMED THAT THIS RELAXATION WAS WELCOMED IN LONDON (YOUR TELNO PERSONAL 62 TO GOVERNOR OF GIBRALTAR) EVEN THOUGH IT WAS NOT SEEN AS A SUBSTITUTE FOR FULL IMPLEMENTATION OF THE LISBON AGREEMENT. I ADDED THAT OPINION IN GIBRALTAR HAD APPARENTLY BEEN MORE DIVIDED (GOVERNOR'S PERSONAL TELNO 90). PEREZ-LLORCA CONFIRMED THAT THIS WAS ALSO THE SPANISH IMPRESSION. I SAID THE IMPORTANT POINT, TO AVOID LOCAL BAD FEELING, WAS THAT THE RELAXATION SHOULD NOT (NOT) BE APPLIED IN SUCH A WAY AS TO BENEFIT SPANIARDS RATHER THAN GIBRALTARIANS. PEREZ-LLORCA SAID THAT THIS WAS NOT THE INTENTION FROM MADRID THOUGH HE ACCEPTED MY POINT THAT SOCIALIST MAYORS IN THE CAMPO MIGHT BE PURSUING LOCAL POLICIES. HE SAID WE SHOULD TAKE UP WITH HIM URGENTLY ANY INDIVIDUAL CASES OF COMPLAINT.

3. PEREZ-LLORCA SAID THAT THE BRITISH POSITION ABOUT THE IMPOSSIBILITY OF SPANISH ENTRY INTO THE COMMUNITY, SO LONG AS THE FRONTIER REMAINED CLOSED, HAD OF COURSE BEEN PUBLICLY KNOWN FOR A LONG TIME. HE HOPED THAT WE WOULD NOT FIND IT NECESSARY TO KEEP RUBBING THIS IN (A CLEAR REFERENCE TO THE PARLIAMENTARY EXCHANGES ON 20 JULY, WHICH WERE BLOWN UP IN THE SPANISH PRESS THIS MORNING.) I SAID THAT MINISTERS INEVITABLY HAD TO ANSWER SPECIFIC SUPPLEMENTARY QUESTIONS. HE WAS CHEERED THAT THE HOUSE OF COMMONS SHORTLY EXPECTED TO GO INTO RECESS.

4. REVERTING TO CUENCA'S APPROACH YESTERDAY, THE MINISTER SAID IT WOULD BE VERY HELPFUL TO HIM PERSONALLY IF WE COULD PROVIDE CLARIFICATION, BEFORE THE AUGUST BREAK, ABOUT HOW WE PROPOSED TO IMPLEMENT THE SPECIFIC UNDERTAKINGS GIVEN ON JANUARY 8 ABOUT TREATMENT OF SPANIARDS IN GIBRALTAR. THIS WOULD HELP HIM GREATLY TO MAKE PROGRESS AFTER THE HOLIDAYS. I SAID THAT WE WERE IN PRINCIPLE PREPARED TO HELP WITH CLARIFICATION. BUT IT MUST BE UNDERSTOOD THAT:

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- A) THIS WOULD NOT (NOT) BE A FRESH NEGOTIATION:
- B) THE MATTER UNDER DISCUSSION WAS THE REGIME TO ENTER INTO FORCE ON THE DAY OF THE IMPLEMENTATION OF THE LISBON AGREEMENT:
- C) THE POINT AT ISSUE WAS NOT THE CURRENT STATE OF EXISTING GIBRALTAR LEGISLATION, WHICH COULD NOT (NOT) BE ALTERED IN ADVANCE OF IMPLEMENTATION OF THE LISBON AGREEMENT, BUT THE REGIME WHICH THE GIBRALTAR GOVERNMENT INTENDED TO ENFORCE THROUGH EXECUTIVE ACTION.

5. THE FOREIGN MINISTER READILY ACCEPTED THESE THREE POINTS. HE ALSO SHOWED UNDERSTANDING FOR MY COMMENT THAT IT WOULD NOT (NOT) BE ACCEPTABLE IN PRESENT CIRCUMSTANCES FOR GIBRALTAR OFFICIALS TO VISIT MADRID. IN FACT HE SHOWED NO GREAT PERSONAL INTEREST ABOUT THE MECHANISM FOR ACHIEVING THE CLARIFICATION. NOR DID CUENCA SUBSEQUENTLY DISSENT WHEN I PROPOSED THAT HE AND HIS OFFICIALS COULD DEAL DIRECTLY WITH THIS EMBASSY, ALONG THE LINES ENVISAGED IN YOUR TELEGRAM UNDER REFERENCE. WE WILL START ACCORDINGLY EARLY NEXT WEEK. IN PRACTICE WE MAY NEED THE HELP OF AN ADVISER FROM THE DEPARTMENT IF WE GET STUCK.

6. I NATURALLY MADE NO (NO) MENTION TO THE FOREIGN MINISTER OF A POSSIBLE VISIT TO GIBRALTAR BY MR BLAKER (SEE MY TELNO 416). THIS WOULD HAVE RUN COUNTER TO THE SPIRIT OF PEREZ-LLORCA'S APPROACH, AS WELL AS TO THE PERSONAL UNDERSTANDING HE BELIEVES HE HAS ACHIEVED WITH YOU TO PLAY DOWN THE GIBRALTAR ISSUE ON BOTH SIDES FOR THE TIME BEING (FIRST SENTENCE, PARAGRAPH THREE OF YOUR TELNO 237).

PARSONS

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PS/MR HURD  
PS/LORD BELSTEAD

PS/FUS  
MR GOODISON

ADDITIONAL DISTRIBUTION  
GIBRALTAR

GRS 300  
UNCLASSIFIED  
FM MADRID 221003Z JULY 82  
TO IMMEDIATE FCO  
TELEGRAM NUMBER 421 OF 22 JULY  
INFO IMMEDIATE GIBRALTAR

GIBRALTAR

1. TODAY'S EDITION OF ABC CONTAINS AN ARTICLE ABOUT GIBRALTAR UNDER THE HEADLINE "THE SPANISH GOVERNMENT SEEMS DISPOSED TO OPEN THE GIBRALTAR FRONTIER LITTLE BY LITTLE".
2. THE ARTICLE REFERS TO THE RECENT RELAXATION OF FRONTIER RESTRICTIONS FOR COMPASSIONATE CASES AND SAYS THAT PERMISSION IS BEING GIVEN TO ALLOW THE BORDER GATE TO BE OPENED ON HUMANITARIAN GROUNDS. THE ARTICLE SAYS THAT THE SPANISH AUTHORITIES HAVE DENIED THAT ANY NEGOTIATIONS ARE TAKING PLACE WITH BRITAIN ABOUT THE HALF OPENED FRONTIER; AND ARE SAYING THAT THE FRONTIER WILL REMAIN OFFICIALLY CLOSED UNTIL THERE IS A RECIPROCAL GESTURE BY BRITAIN OR THE BRITISH SHOW THEMSELVES READY TO BEGIN TALKS "ON ALL THEIR DIFFERENCES".
3. THE ARTICLE QUOTES RELIABLE SOURCES AS SAYING THAT THE MINISTRY OF FOREIGN AFFAIRS ARE RELYING ON THE PRINCIPLE OF GRADUALISM TO NORMALISE THE SITUATION; AND THAT THE OPENING ON COMPASSIONATE GROUNDS COULD BE A TRIAL BALLOON, WHICH WOULD BE FOLLOWED BY OTHER INITIATIVES TO SERVE TO RE-LAUNCH THE NEGOTIATIONS OR AT LEAST NEUTRALISE BRITISH ACCUSATIONS THAT THE CLOSED FRONTIER CONSTITUTES A GRAVE VIOLATION OF HUMAN RIGHTS. THE SOURCE IS QUOTED AS SAYING THAT THE INTENTION IS TO SAFEGUARD HUMAN RIGHTS, WHILE PREVENTING THE FRONTIER BETWEEN GIBRALTAR AND LA LINEA FROM BEING CONVERTED INTO AN IMPORTANT COMMERCIAL OR SOCIAL CROSSING POINT.
4. THE ARTICLE GOES ON TO ARGUE THAT THE APPLICATION OF THIS HUMANITARIAN PRINCIPLE IN EFFECT CONTRADICTS THE CONTENT OF ARTICLE 10 OF THE TREATY OF UTRECHT, IN THAT THAT ARTICLE PROHIBITS ANY LAND COMMUNICATION BETWEEN THE TWO COUNTRIES. THE ARTICLE SAYS THAT THE SUSPENSION OF ARTICLE 10 IN THIS UNILATERAL WAY IS OF PRIMORDIAL IMPORTANCE FROM THE JURIDICAL AND DIPLOMATIC POINT OF VIEW AND COULD FORM AN IMPORTANT PRECEDENT.

PARSONS

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