



Foreign and Commonwealth Office

London SW1A 2AH

11 February, 1983

*John Selvon*

*[Handwritten mark]*

Prime Minister

A.S.C. 1/2

Gibraltar

In your letter of 8 February you said that the Prime Minister had asked about our title to the land on which Gibraltar Airport is situated.

/ Article 10 of the Treaty of Utrecht (copy attached) which forms the main basis of our title to the Rock of Gibraltar, cedes 'the full and entire propriety of the Town and Castle of Gibraltar, together with the port, fortifications, and forts thereunto belonging .....'. It does not refer in specific terms to the land between the foot of the Rock and existing frontier fence, ie the part of the Isthmus on which the airport now stands (see sketch map attached).

Our title to the land on the Isthmus rests primarily on prescription. We have occupied the present area continuously since at least 1838, initially as the 'British' section of the Neutral Ground between Gibraltar and La Linea. In 1966, during exchanges with the Spanish Government which were later made public in a White Paper, the British Government of the time stated that they were 'confident that, whatever the territorial limitations of the cession made by the Treaty of Utrecht, they have in any case acquired a prescriptive title to the territory at Gibraltar between the northern foot of the Rock and the existing frontier fence'.

Our title to the land on the Isthmus has never been accepted by the Spaniards who claim that the area is explicitly excluded by the Treaty of Utrecht. They reacted sharply to the 1966 statement of the British view and shortly afterwards imposed a 'Prohibited Airspace' in the region of Gibraltar.

/ The matter is thus complex. I enclose a note which explains the issue in slightly more detail.

CLOSED UNDER THE  
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ACT 2000

*[Handwritten signature]*

(R B Bone)  
Private Secretary

A J Coles Esq  
10 Downing Street

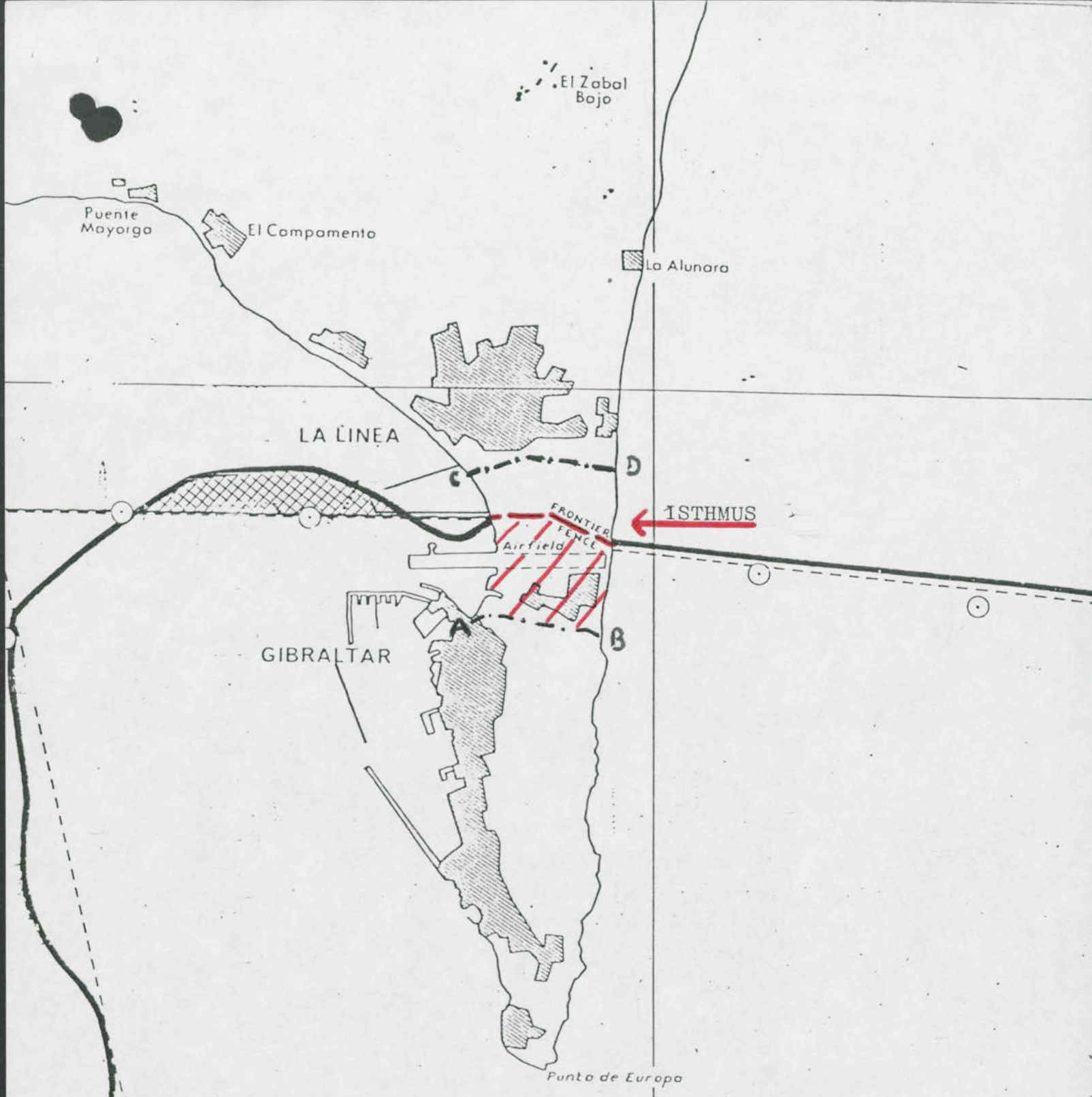


## APPENDIX 17

## THE TREATY OF PEACE AND FRIENDSHIP BETWEEN GREAT BRITAIN AND SPAIN, SIGNED AT UTRECHT, 2/13 JULY, 1713: EXTRACT FROM ARTICLE X (TRANSLATED FROM THE LATIN)

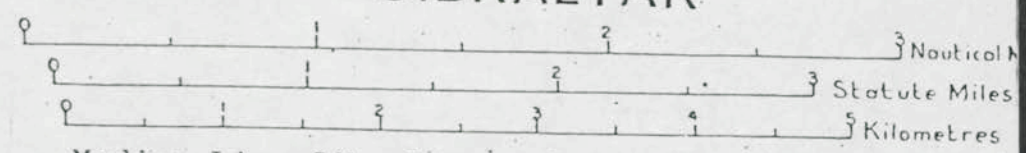
X. The Catholic King does hereby, for Himself, His heirs and successors, yield to the Crown of Great Britain the full and intire propriety of the Town and Castle of Gibraltar, together with the port, fortifications, and forts thereunto belonging; and He gives up the said propriety, to be held and enjoyed absolutely with all manner of right for ever, without any exception or impediment whatsoever. But that abuses and frauds may be avoided by importing any kinds of goods, the Catholic King wills, and takes it to be understood, that the above-named propriety be yielded to Great Britain without any territorial jurisdiction, and without any open communication by land with the country round about. Yet whereas the communication by sea with the coast of Spain may not at all times be safe or open, and thereby it may happen that the garrison, and other inhabitants of Gibraltar may be brought to great straits; and as it is the intention of the Catholic King, only that fraudulent importations of goods should, as is abovesaid, be hindred by an inland communication, it is therefore provided that in such cases it may be lawful to purchase, for ready money, in the neighbouring territories of Spain, provisions, and other things necessary for the use of the garrison, the inhabitants and the ships which lie in the harbour. But if any goods be found imported by Gibraltar, either by way of barter for purchasing provisions, or under any other pretence, the same shall be confiscated, and complaint being made thereof, those persons who have acted contrary to the faith of this Treaty shall be severely punished. And Her Britannic Majesty, at the request of the Catholic King, does consent and agree, that no leave shall be given under any pretence whatsoever, either to Jews or Moors, to reside or have their dwellings in the said town of Gibraltar; and that no refuge or shelter shall be allowed to any Moorish ships of war in the harbour of the said town, whereby the communication between Spain and Ceuta may be obstructed, or the coasts of Spain be infested by the excursions of the Moors. But whereas Treaties of friendship, and a liberty and intercourse of commerce are between the British and certain territories situate on the coast of Africa, it is always to be understood, that the British subjects cannot refuse the Moors and their ships entry into the port of Gibraltar purely upon the account of merchandising. Her Majesty the Queen of Great Britain does further promise, that the free exercise of their religion shall be indulged to the Roman Catholic inhabitants of the aforesaid town. And in case it shall hereafter seem meet to the Crown of Great Britain to grant, sell, or by any means to alienate therefrom the propriety of the said town of Gibraltar, it is hereby agreed and concluded, that the Preference of having the same shall always be given to the Crown of Spain before any others.





E D I T E R R A N E A N

# GIBRALTAR



- Median Line Gibraltar - Spain .....
- A to B Approx line of foot of Rock .....
- C to D Site of Spanish Fortified Line (1731-1810) .....

- Boundary of prohibited area of Algeciras (SPA) .....
- Actual position of Spanish buoys .....
- The "Loop" .....





10 DOWNING STREET

*From the Private Secretary*

14 February, 1983

Gibraltar

Thank you for your letter of 11 February about our title to the land on which Gibraltar Airport is situated. The Prime Minister has noted its contents.

A. J. COLES

R. B. Bone, Esq.,  
Foreign and Commonwealth Office

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10 DOWNING STREET

*From the Private Secretary*

8 February, 1983

Gibraltar

The Prime Minister has seen Madrid Telegram Number 70 of 4 February.

Mrs. Thatcher has asked whether it is correct that, as suggested in paragraph 3, Gibraltar Airport is not on land ceded under the Treaty of Utrecht. If that is correct, the Prime Minister would be grateful to know what our title to the land is.

BT

A. J. COLES

R. B. Bone, Esq.,  
Foreign and Commonwealth Office

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GRS 250  
UNCLASSIFIED  
DESKBY 041500Z  
FM MADRID 041355Z FEB 83  
TO IMMEDIATE FCO  
TELEGRAM NUMBER 70 OF 04 FEBRUARY  
INFO IMMEDIATE GIBRALTAR

*mf*

*Lead in line.*

GIBRALTAR

1. AS PART OF A WIDE RANGING ADDRESS TO THE FOREIGN AFFAIRS COMMITTEE OF THE SENATE ON 3 FEBRUARY, WHICH COVERED RELATIONS WITH FRANCE, THE MAGHREB AND PORTUGAL, MORAN ALSO TOUCHED ON GIBRALTAR. HE DEFENDED THE DECISION TO OPEN THE GATE FOR PEDESTRIANS ONLY ON THE GROUNDS THAT THE YEARS OF ISOLATION HAD FERMENTED AMONG GIBRALTARIANS NOT SO MUCH A WISH TO REMAIN BRITISH AS A TREND TOWARDS INDEPENDENT NATIONALISM. THE PEDESTRIAN OPENING HAD BEEN A HUMANITARIAN MEASURE TO "ENCOURAGE OSMOSIS BETWEEN THE TWO SIDES".

2. AS REGARDS THE FUTURE HE SAID THAT NO SPANISH MINISTER WOULD START NEGOTIATIONS WITH THE UK WITHOUT PUTTING ON THE AGENDA THE SOVEREIGNTY OF THE ROCK. WITHOUT THIS, THERE COULD BE CONVERSATIONS, BUT NOT (NOT) A NEGOTIATION: NOR COULD THERE BE A FULL OPENING OF THE FRONTIER. HE ADDED THAT IT WAS A PITY THAT THE FLOOD WATERS OF THE FALKLANDS HAD ERODED MUCH OF THE PROGRESS MADE OVER GIBRALTAR.

←

*Is this correct?  
Remember  
Our file?*

3. MORAN ALSO MENTIONED GIBRALTAR AIRPORT SAYING THAT THIS WAS ON LAND NOT CEDED UNDER THE TREATY OF UTRECHT, BUT TAKEN OVER LATER. IN THE ABSENCE OF A NEGOTIATION WITH THE UK, HE COULD NOT ACCEPT THAT IT SHOULD BE USED TO BRING TOURISTS TO SPAIN AT PRICES AGREED OUTSIDE THE FRAMEWORK OF IATA SINCE THIS WOULD BE DISADVANTAGEOUS FOR SPAIN.

4. NO TEXT OF MORAN'S STATEMENT WILL BE AVAILABLE UNTIL THE LOCAL VERSION OF HANSARD IS PUBLISHED IN ABOUT A WEEK. TEXT WILL BE SENT WHEN AVAILABLE. THE ABOVE ACCOUNT HAS BEEN TAKEN FROM PRESS REPORTS WHICH THE MFA HAVE CONFIRMED ARE BROADLY CORRECT.  
PARSONS

GIBRALTAR LTD

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