



Foreign and Commonwealth Office

London SW1A 2AH

Prime Minister

To note

3 December 1981

Print - 4/11

M.

Letter to FICW.

Mr. Veltison M.A.

You may like to take a copy of the enclosure. This cd. come up in J. G.'s on 10 Dec.

Dear Michael,

Spain/NATO/Gibraltar

100 2/12

The Spanish Government have at last signalled their wish to be invited to become a member of NATO. Failing any last-minute hitch, a Protocol of Accession to the North Atlantic Treaty will be signed by the 15 existing Members during the meeting of the North Atlantic Council on 10 December. The publicity arising from this may well lead to questions in Parliament and the press about Gibraltar. There may be suggestions that the Government should not agree to Spain's entry to NATO if the border between Spain and Gibraltar remains shut.

When the visit to London on 8 January by the President of the Spanish Government was announced on 2 December, the Spaniards briefed the press to expect border restrictions to be lifted before long. Construction work has started on customs and other facilities on the Spanish side of the frontier. Auguries are therefore reasonably favourable, although the Spaniards might merely be acting to relieve pressure on them in connection with the London visit. There is an outside chance that a firm date for the border to be opened and negotiations started will be agreed before 8 January. But it is more likely that the Spaniards will avoid such a binding commitment and will wish to test their own public opinion following the Government reshuffle, and also to assess the outcome of the London visit.

The decision not to make the lifting the restrictions on Gibraltar a condition of British approval of Spain's entry to NATO was explained in the Foreign and Commonwealth Secretary's minute of 1 May. Your letter of 5 May to me indicated that the Prime Minister had taken note.

/Against this

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Against this background, the Foreign and Commonwealth Secretary has approved a line to be drawn upon as necessary in answer to questions from the press or in Parliament. I enclose a copy and am sending one also to David Omand and to David Wright.

Yours ever,

Francis Richards

(F N Richards)
Private Secretary

M O'D B Alexander Esq
10 Downing Street

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SPAIN/NATO/GIBRALTAR

LINE TO TAKE

SPANISH ACCESSION TO NATO

1. The Government warmly welcome the prospect of Spain's entry to NATO. It strengthens the Alliance and represents another important step in Spain's assumption of her rightful place within the Western democratic community.

GIBRALTAR RESTRICTIONS

2. It was agreed in April 1980 that the restrictions imposed by the Franco government on Gibraltar, which culminated in 1969 in closure of the border, should be lifted and negotiations started to overcome all differences on Gibraltar. Britain was ready by June 1980. Unfortunately the agreement has not yet been implemented but work has now started on the Spanish border post: hopes have again been raised.

3. The Government remain committed to the Lisbon agreement. It is in everyone's interest to open the border, get negotiations started and improve the relationship between Spain and Gibraltar.

GIBRALTAR CONDITION FOR SPANISH ACCESSION TO NATO

4. The Government have not made implementation of the Lisbon agreement a condition of Spain's accession to NATO. It would nonetheless be very odd if the border between the territory of two Allies were to be closed.

5. There is strong feeling [~~in the House, which the Government share*~~] that the Lisbon agreement should be implemented without further delay.

6. [IF NECESSARY] A closed border would not be incompatible with the provisions of the NATO Treaty, unlike the case of the EC Treaty.

/7.

*passage in brackets for Parliamentary use.

7. Spain's accession to NATO presents an opportunity to resolve differences. The preparatory work on Spain's side of the border, ahead of the Spanish Prime Minister's visit to London on 8 January, gives grounds for hope that it will be taken. Discussion can then centre on the longer-term issues, rather than the restrictions and Spain's failure to implement the Lisbon agreement.

8. The lifting of the restrictions on Gibraltar would remove difficulties which would otherwise occur in the discussions within NATO when Spain has become a full member.

PROCEDURE FOR NATO ACCESSION

9. The signature of the Protocol of Accession (which is expected on 10 December) does not make Spain a member of the Alliance. This will take place only after all the existing NATO members have ratified the Protocol and Spain has deposited her Instrument of Accession. In the case of the UK, consideration by Parliament will precede ratification.

GIBRALTAR/EC [DEFENSIVE]

10. The idea of two countries in the EC with a closed border is, of course, inconceivable. We expect the Lisbon agreement to be implemented long before Spain joins the Community.

[IF PRESSED] There is no doubt that Gibraltar is part of the EC; that is established by the Accession Treaty which the UK signed in 1972. It is clear that the Spanish measures currently in force would give problems of compatibility with certain aspects of Community law which will apply between Gibraltar and Spain after Spanish accession. The most obvious area in which such implications would arise is free movement of labour.

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Spain

7 December 1981

SPAIN/NATO/GIBRALTAR

The Prime Minister has seen your letter of 3 December to Michael Alexander and noted its contents.

A. J. COLES

Francis Richards, Esq.,
Foreign and Commonwealth Office.