

# ISSUE BRIEF

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## U.S. Should Condemn Spain's Bullying Tactics over Gibraltar

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Spain's recent antagonistic behavior toward Gibraltar, a British Overseas Territory on the Iberian Peninsula, for recently constructing an artificial reef inside the limits of its territorial waters is unbecoming of a NATO ally in 21st-century Europe.

Gibraltar has been under the sovereign control of the United Kingdom for 300 years. However, Madrid has recently pursued a campaign of intimidation toward Gibraltarians. The U.K. is America's number one ally, and Spain is an important NATO ally. The U.S. should encourage Spain to cease its insolent behavior toward the people of Gibraltar and the U.K.

**British for More Than 300 Years.** Gibraltar, commonly referred to simply as "the Rock," is a rocky headland on the southern coast of Spain that covers just over 2.7 square miles. It is strategically located at the western entrance to the Mediterranean Sea, where the straits between Europe and Africa are only 8.6 miles wide. Its 30,000 inhabitants, the overwhelming majority of whom are British citizens, have no wish to be part of Spain.

British forces, with the help of Dutch forces, first captured Gibraltar from the Spanish in 1704 during the War of the Spanish Succession. However, it was not until the 1713 Treaty of Utrecht, which brought

an end to the war, that the Spanish crown formally ceded Gibraltar to the U.K.

Regarding the status of Gibraltar, Article X of the 1713 Treaty of Utrecht states:

The Catholic King does hereby, for himself, his heirs and successors, yield to the Crown of Great Britain the full and entire 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.

Like all British Overseas Territories, Gibraltar is economically self-supporting, the sole exception being its defense, which is provided by Britain. However, there is a local defense force, the Royal Gibraltar Regiment, which has deployed troops to Afghanistan and Iraq alongside U.S. forces.<sup>1</sup>

**Gibraltar Has Spoken.** The status and future of Gibraltar is a matter of self-determination for the people living there. On this issue, the people of Gibraltar have made their feelings known for some time. In a 1967 referendum, 99.6 percent voted to remain British. This was followed up in November 2002 with a referendum on whether Gibraltarians wanted the U.K. and Spain to share sovereignty over the territory. This referendum was overwhelmingly rejected by 98.9 percent of voters.<sup>2</sup>

Consequently, it is the official position of the U.K. government that it will never begin negotiations or enter into an agreement on sovereignty without the consent of the government of Gibraltar and its people.

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This paper, in its entirety, can be found at  
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**Looking for a Distraction?** Spain's disdain for British control of Gibraltar is hypocritical, since Spain has two similar exclaves—Ceuta and Melilla—in Morocco. Many see Spain's increasingly aggressive stance on Gibraltar as being more about a struggling government that is reeling from economic woes and a brewing political scandal than it is about Gibraltar being a British Overseas Territory.<sup>3</sup>

Spanish Prime Minister Mariano Rajoy is currently embroiled in a scandal in which his name and the names of other well-placed members of his Popular Party were published by Spanish media as having received kickback payments from construction companies. Although Rajoy has claimed not to have received any kickbacks, a recent poll in Spain found that 72 percent of Spaniards believe Rajoy is “not telling the truth.”<sup>4</sup>

To add to Rajoy's political problems are Spain's economic woes. Spain already received a €100 billion bailout last year from the European Union and the International Monetary Fund. It is still stuck in a recession, and unemployment for June 2013 stood at 26.3 percent overall and 56.1 percent for youth (under 25).<sup>5</sup> Gibraltar offers a convenient distraction.

**Spain's Campaign of Intimidation.** As a response to Gibraltar's building an artificial reef in its territorial waters, Spain has resorted to bullying tactics against the Gibraltarians. Long delays at the Gibraltar–Spain border of up to seven hours

have become a recent problem due to disproportionate checks introduced by the Spanish authorities on vehicles both leaving and entering Gibraltar. Officials in Madrid have recently suggested that a €50 (\$66.29) tax could be imposed on every vehicle entering or leaving Gibraltar. Spain is also considering closing its airspace to flights heading to Gibraltar, and it has been hinted that Spanish tax authorities might launch an investigation into property owned by about 6,000 Gibraltarians in neighboring parts of Spain to determine whether there are any “fiscal irregularities.”

There have also been numerous incursions into Gibraltar's territorial waters by Spanish naval law enforcement ships. In 2012, there were around 200 unlawful incursions into Gibraltar's territorial waters by Spanish state vessels, a nearly tenfold increase from 2011.<sup>6</sup> These incursions are a clear infringement on British sovereignty.

Spain announced this week that it will sell 20 Mirage fighter jets to Argentina. In light of recent saber-rattling coming from Buenos Aires regarding the future of the Falkland Islands, this will likely be another irritant in Madrid's relationship with the U.K.

**What the U.S. Should Do.** According to the U.S. State Department's website, “the U.S. recognizes Gibraltar as an overseas territory of the United Kingdom based on the 1713 Treaty of Utrecht.”<sup>7</sup>

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1. In 2005, the U.S. awarded a Bronze Star for service in Iraq to a Gibraltarian officer who, up until that time, was the only British officer to have led a United States Marine Corps unit in Iraq. News release, “Royal Gibraltar Regiment Officers Recognised in Operational Honours,” U.K. Ministry of Defense, September 8, 2005, [http://webarchive.nationalarchives.gov.uk/+http://www.operations.mod.uk/telic/newsItem\\_id=3524.htm](http://webarchive.nationalarchives.gov.uk/+http://www.operations.mod.uk/telic/newsItem_id=3524.htm) (accessed August 5, 2013).
  2. Emma Daly, “Gibraltar Rejects Power-Sharing Between Britain and Spain,” *The New York Times*, November 8, 2002, <http://www.nytimes.com/2002/11/08/world/gibraltar-rejects-power-sharing-between-britain-and-spain.html?pagewanted=1> (accessed August 5, 2013).
  3. Eyleen Sheil, “MEPs Angered by Spanish Aggression,” *Gibraltar Chronicle*, August 6, 2013, [http://www.chronicle.gi/headlines\\_details.php?id=30357](http://www.chronicle.gi/headlines_details.php?id=30357) (accessed August 6, 2013); editorial, “Gibraltar: A Real Distraction,” *The Guardian*, August 5, 2013, <http://www.theguardian.com/commentisfree/2013/aug/05/gibraltar-a-real-distraction> (accessed August 6, 2013); and Daniel Hannan, “Spain Should Want a Prosperous Gibraltar,” *The Telegraph*, August 6, 2013, <http://blogs.telegraph.co.uk/news/danielhannan/100229898/spain-should-want-a-prosperous-gibraltar/> (accessed August 6, 2013).
  4. Agence France-Presse, “Spaniards Overwhelmingly Believe Prime Minister Mariano Rajoy Lied About Not Taking Kickbacks,” August 4, 2013, <http://www.news.com.au/world-news/spaniards-overwhelmingly-believe-prime-minister-mariano-rajoy-lied-about-not-taking-kickbacks/story-fndir2ev-1226690817131> (accessed August 5, 2013).
  5. News release, “Euro Area Unemployment Rate at 12.1% EU27 at 10.9%,” European Commission, July 31, 2013, [http://europa.eu/rapid/press-release\\_STAT-13-118\\_en.htm](http://europa.eu/rapid/press-release_STAT-13-118_en.htm) (accessed August 5, 2013).
  6. MercoPress, “Royal Navy Shows the Flag in Gibraltar Waters; 197 Spanish Unlawful Incursions This Year,” December 13, 2012, <http://en.mercopress.com/2012/12/13/royal-navy-shows-the-flag-in-gibraltar-waters-197-spanish-unlawful-incursions-this-year> (accessed August 5, 2013).
  7. U.S. Department of State, “Press Briefing in Spanish,” March 8, 2012, <http://www.state.gov/r/pa/prs/ps/2012/03/185546.htm> (accessed August 5, 2013).
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While the historical background of Gibraltar is important and the Treaty of Utrecht is clear on who possess Gibraltar today, it is ultimately secondary to the inherent right of the Gibraltarians to decide how they wish to be governed and to whom they owe their allegiance.

The U.S. was founded in 1776 on an assertion of this right. It should live up to this heritage by condemning Spain's recent behavior by recognizing the Gibraltarians' right to self-determination and right to choose their own government.

**It's About Self-Determination.** It is worth reminding the Spanish government that the Gibraltar issue is, above all, a matter of self-determination, just as it is for the Falkland Islanders vis-à-vis Argentina. The U.S. is wrong not to support the self-determination of the Falkland Islanders. It should not double down on its mistake by doing the same regarding the Gibraltarians. Margaret Thatcher put it well when she was asked about the future of Gibraltar at a press conference at the United Nations in June 1982, with a message that rings just as true 30 years later:

As you know, we have consistently said that the wishes of the inhabitants of Gibraltar are paramount and those would be our first consideration. That after all, and I cannot stress it too often, is what democracy is all about—not imposing something upon the peoples of a territory but consulting them about their wishes.<sup>8</sup>

Spain is an important European partner of the U.S., a significant NATO ally that contributes troops to the mission in Afghanistan and has sent forces to Iraq. But its aggressive behavior toward Gibraltar and the U.K. cannot be ignored.

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8. Margaret Thatcher, "Press Conference at the UN," Margaret Thatcher Foundation, June 23, 1982, <http://www.margaretthatcher.org/document/104975> (accessed August 5, 2013).