

BACKGROUND

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Self-Determination and National Security: Why the U.S. Should Back British Sovereignty over Gibraltar

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Abstract

The more than three-centuries-long dispute between Spain and the United Kingdom over the status of Gibraltar has been heating up again. The U.S. has interests at stake in the dispute: It benefits from its close relationship with Gibraltar as a British Overseas Territory. The Anglo-American Special Relationship means that the U.S. enjoys access to British overseas military bases unlike any other country in the world. From America's first overseas military intervention in 1801 against the Barbary States to the most recent military overseas intervention in 2011 against Qadhafi's regime in Libya, the U.S. has often relied on Gibraltar's military facilities. An important part of the Gibraltar dispute between the U.K. and Spain is the right of self-determination of the Gibraltarians—a right on which America was founded, and a right that Spain regularly ignores. Spain is an important NATO ally, and home to several U.S. military installations, but its behavior has a direct impact on the effectiveness of U.S. military operations in the Mediterranean. The U.S. should support the Gibraltarians' right to self-determination and should cooperate with the U.K. to ensure that the American armed forces continue to have access to the military facilities in Gibraltar.

The more than three-centuries-long dispute between Spain and the United Kingdom over the status of Gibraltar has been heating up again. The United States has interests at stake in the dispute. The U.S. benefits from its close relationship with Gibraltar as a British Overseas Territory in a way that would not be possible if Gibraltarians' right to self-determination and should cooperate with the U.K. to ensure that the American armed forces continue to have access to the military facilities in Gibraltar.

KEY POINTS

- Gibraltar's history is important, and the 1713 Treaty of Utrecht is clear that Gibraltar is British today, but most important is the right of the Gibraltarians to self-determination.
- Since 1801, the U.S. has benefited from its relationship with Gibraltar as a British Overseas Territory in a way that would not be possible with Gibraltar under Spanish control. British control of Gibraltar ensures virtually guaranteed U.S. access to the military facilities there.
- Spain is an important NATO ally, and home to U.S. military installations, but its disregard for the choices of Gibraltarians—and its use of intimidating tactics—is unbecoming of a NATO ally.
- As North Africa becomes more of a security issue due to a growing terrorist presence, Gibraltar will become even more important.
- The U.S. should support the Gibraltarians' right to self-determination and should cooperate with the U.K. to ensure that U.S. armed forces have continued access to Gibraltar.

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tar was under the control of Spain. The Anglo–American Special Relationship means that the U.S. enjoys access to British overseas military bases unlike any other country in the world. From America’s first overseas military intervention in 1801 against the Barbary States to the most recent military overseas intervention in 2011 against Muammar Qadhafi’s regime in Libya, the U.S. has often used Gibraltar’s military facilities to achieve its objectives.

An important part of the Gibraltar dispute between the U.K. and Spain is the right of self-determination of the Gibraltarians—a right on which America was founded in 1776 and a right that Spain regularly ignores. Spain is an important NATO ally and home to several U.S. military installations, and its disregard for the wishes of the Gibraltarians is unbecoming of a NATO ally. Spain’s behavior in the region has a direct impact on the effectiveness of the U.S. military operating in the Mediterranean. The U.S. should support the Gibraltarians’ right to self-determination and should cooperate with the U.K. to ensure that the American armed forces continue to have access to the military facilities there. Finally, the U.S. should condemn Spain’s intimidation of the citizens of Gibraltar.

The Rock: British for More than 300 Years

Gibraltar is one of 14 British Overseas Territories. Like all other British Overseas Territories, Gibraltar has chosen to be self-governing while maintaining the British monarch as its head of state. Gibraltar is economically self-supporting, the sole exception being its defense, which is provided by Britain. There is a local defense force, the Royal Gibraltar Regiment, which has even deployed troops to Afghanistan and Iraq alongside U.S. forces.¹

Gibraltar, commonly referred to simply as “the Rock,” is a rocky headland covering just over 2.7

square miles on the southern coast of the Iberian Peninsula. It has a small land border with Spain and is strategically located at the western entrance to the Mediterranean, where the strait between Europe and Africa spans a mere 7.7 nautical miles at its narrowest point. Its 30,000 inhabitants, the overwhelming majority of whom are British citizens, do not want to be part of Spain;² they are British subjects and travel with British passports.

Gibraltar has been under British control for more than 300 years. Many parties have long considered Gibraltar militarily important, and the possession of the Rock has changed hands on a number of occasions since it was first fortified and captured by Moors from North Africa in the eighth century.³

As part of the War of the Spanish Succession in 1704, a joint Anglo–Dutch force captured Gibraltar from the Spanish. Under the terms of Article 10 of the 1713 Treaty of Utrecht, which ended the war, Spain handed over Gibraltar to the British. The first paragraph of Article 10 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.⁴

It is worth pointing out that Britain’s claim on Gibraltar was subsequently reconfirmed in the 1729 Treaty of Seville, the 1731 Treaty of Vienna, the 1756 Treaty of Aix-le-Chapelle, the 1763 Treaty of Paris, and the 1783 Treaty of Versailles.⁵ According to the U.S. State Department, the “U.S. recognizes Gibralt-

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 foreign officer to have led a U.S. Marine Corps unit in Iraq. News release, “Royal Gibraltar Regiment Officers Recognised in Operational Honours,” U.K. Ministry of Defence, September 8, 2005, http://webarchive.nationalarchives.gov.uk/+http://www.operations.mod.uk/telic/newsItem_id=3524.htm (accessed January 22, 2014).

2. This has been demonstrated through two referenda on British sovereignty in 1967 and 2002.

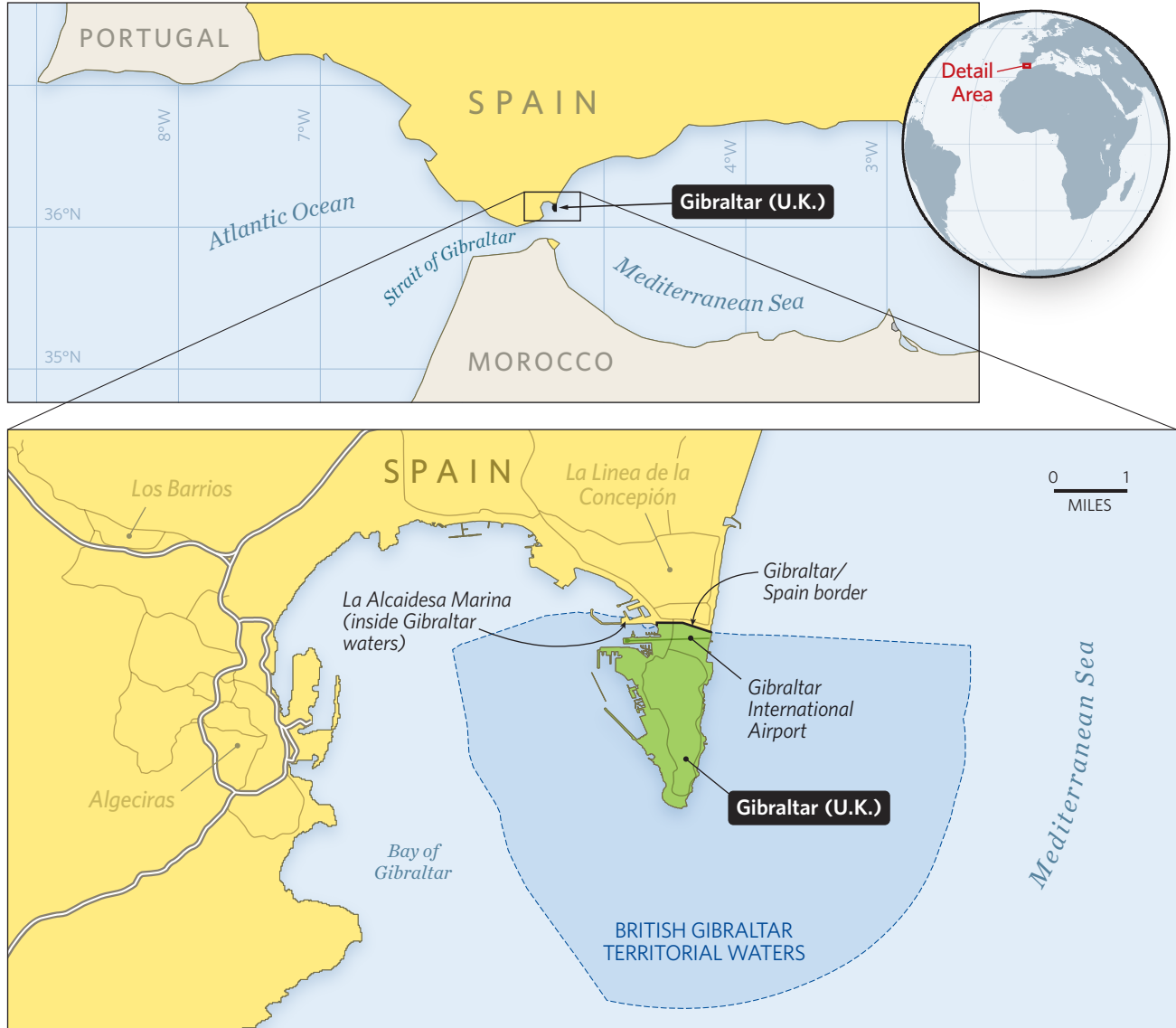
3. The name Gibraltar is thought to be a corruption of *jebel tarik*, which is Arabic for “Tarik’s mountain,” named after the Arab warrior Tarik ibn Zeyad who landed there in the eighth century.


4. For a full English translation of Article 10 of the 1713 Treaty of Utrecht, see Gibraltar Broadcasting Cooperation, “Article X of the Treaty of Utrecht of 1713 (English Translation),” <http://www.gbc.gi/upload/pdf/Treaty%20of%20Utrecht.pdf> (accessed January 22, 2014).

5. Ewan W. Anderson, *International Boundaries: A Geopolitical Atlas* (New York: Routledge, 2003), p. 330.

MAP 1

Gibraltar and Spain



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tar as an overseas territory of the United Kingdom based on the 1713 Treaty of Utrecht.”⁶

Although the Treaty of Utrecht did not specify who owns the waters around Gibraltar, at the time that the treaty was agreed the “cannon shot” rule

was customary practice.⁷ Therefore, the waters around Gibraltar within the range of British artillery were tacitly yielded at the same time as Gibraltar’s land was given to the British under the Treaty of Utrecht. By the end of the Napoleonic wars in

6. U.S. Department of State, “Press Briefing in Spanish,” special briefing, March 8, 2012, <http://www.state.gov/r/pa/prs/ps/2012/03/185546.htm> (accessed January 23, 2014).

7. One of the earliest examples of the cannon shot rule was published by Dutch legal theorist Cornelis van Bijnkershoek in his 1703 book (10 years before the Treaty of Utrecht) *De Dominio Maris Dissertatio*. For more information, see Thomas Wemyss Fulton, *The Sovereignty of the Sea* (Edinburgh and London: William Blackwood and Sons, 1911), pp. 555–556.

Europe the cannon shot rule evolved to mean three nautical miles of territorial sea.⁸ During the 1970s, some coastal states began to claim a territorial sea of 12 nautical miles in breadth, which later became the new international standard maximum breadth, as codified in the United Nations Convention on the Law of the Sea (UNCLOS). Today, British Gibraltar Territorial Waters (BGTW) officially extends three nautical miles from the coast of Gibraltar. The British government has said that it reserves the right to extend the BGTW to 12 nautical miles if it so chooses.⁹

Since losing Gibraltar in 1704, the Spanish have used a combination of military, diplomatic, economic, and plain harassing tactics in an attempt to retake Gibraltar from the British. The Spanish also laid siege to Gibraltar on three separate occasions (1704–1705, 1727, and 1779–1783, known as the Great Siege) since.¹⁰ None of these sieges were successful in removing British control of the Rock.

The Spanish have used economic and diplomatic pressure, too. After the Gibraltarians approved a new constitution in 1969, Spain's fascist dictator Francisco Franco closed the land border and blocked telecommunications between Spain and Gibraltar until the border was reopened in 1985. The closure had a devastating impact on the local economies of Gibraltar and La Línea de la Concepción (the Spanish city just across the border). During this period, thousands of Spaniards who worked in Gibraltar were denied their source of employment. Families consisting of Gibraltarians and Spaniards were separated, forcing family members to communicate through the fence erected by Spain during

this time. Although there was no military aspect to the border closure under Franco, many Gibraltarians consider the border closure from 1969 to 1985 to be another Spanish siege.¹¹ In the late 1980s Spain even went so far as to reclaim land from the sea that is clearly inside BGTW in order to expand a marina. Today, part of Spain's La Alcaidesa Marina is located partially inside BGTW. (See Map 1.)¹²

While the historical background of Gibraltar is important, and the Treaty of Utrecht is clear about who rightfully possesses Gibraltar today, ultimately, those facts are secondary to the inherent right of the Gibraltarians to decide how they want to be governed and to whom they owe their allegiance.

The citizens of Gibraltar have expressed their desire to remain British on two separate occasions. First, in 1967, when 99.6 percent of Gibraltarians voted in a popular referendum to remain British.¹³ Most recently, in 2002, the Gibraltarians held a second sovereignty referendum. In this case 98.48 percent of voters rejected the idea of Spanish sovereignty.¹⁴ The right to self-determination is guaranteed by the United Nations Charter and the International Covenant on Civil and Political Rights—and Spain is a party to both.

Spain's Strategy: Distraction Through Intimidation

To this day, Spain has not given up on its claim to Gibraltar. Many observers see Spain's increasingly aggressive stance on Gibraltar as being more about a struggling government reeling from economic woes and a brewing political scandal than about

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8. Steven Groves, "Accession to the U.N. Convention on the Law of the Sea Is Unnecessary to Secure U.S. Navigational Rights and Freedoms," Heritage Foundation *Backgrounder* No. 2599, August 24, 2011, <http://www.heritage.org/research/reports/2011/08/accession-to-un-convention-law-of-the-sea-is-unnecessary-to-secure-us-navigational-rights-freedoms>.
 9. House of Commons, Daily Hansard–Written Answers, "Foreign and Commonwealth Office: Gibraltar," May 20, 2013, Vol. 563, Col. 510W, <http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm130520/text/130520w0004.htm> (accessed on October 23, 2013).
 10. Throughout its history, Gibraltar has experienced 14 sieges. Seven, between Catholic and Muslim factions; four, between the UK and Spain; two, between rival Catholic factions; and one, between rival Muslim factions. This string and variety of sieges demonstrates the strategic and military importance of the Rock.
 11. William G. F. Jackson, *The Rock of the Gibraltarians: A History of Gibraltar* (Cranbury, New Jersey: Associated University Press, 1987), pp. 317–327.
 12. "La Linea Marina in Gibraltar Waters, According to UN Chart," Gibraltar Broadcasting Cooperation, January 6, 2014, <http://www.gbc.gi/news/3004/la-linea-marina-in-gibraltar-waters,-according-to-un-chart> (accessed January 27, 2014).
 13. "ITN Archive: Gibraltar Votes to Remain British (1967)," Channel 4 News, August 16, 2013, <http://www.channel4.com/news/gibraltar-britain-spain-referendum-1967-itn-archive> (accessed December 4, 2013).
 14. "Q&A: Gibraltar's Referendum," BBC, November 8, 2002, <http://news.bbc.co.uk/2/hi/europe/2400673.stm> (accessed December 4, 2013).

Gibraltar being British.¹⁵ Spanish Prime Minister Mariano Rajoy is currently embroiled in a scandal in which he and senior members of his Popular Party are accused of accepting kickback payments from construction companies. Although Rajoy denies receipt of any kickbacks, a recent poll found that 72 percent of Spaniards believe Rajoy is “not telling the truth.”¹⁶

Adding to Rajoy’s political problems are Spain’s economic woes. The 2008 global economic crisis hit Spain hard, and the country is still feeling the effects. Although Spain has finally emerged from its double-dip recession, growth remains stagnant. Madrid already received a multibillion-euro bailout last year from the European Union and the International Monetary Fund. Unemployment for October 2013 stood at 26.7 percent overall and 57.4 percent for those under age 25.¹⁷ Needless to say, Gibraltar offers a convenient distraction from both the political and economic problems facing the government in Madrid.

Lately, Spain’s behavior toward Gibraltar has been nothing short of harassment, and is unbecoming of a NATO ally in 21st-century Europe. The most recent confrontation between Spain and Gibraltar stems from Gibraltar extending an artificial reef system inside its territorial waters.¹⁸ The reef was extended by dropping concrete blocks into an area where Spanish fishing vessels were fishing illegally.

Spanish fishermen complained that the concrete blocks were ripping their fishing nets.¹⁹ As British Foreign Secretary William Hague pointed out:

[T]he creation of the reef was legal and is part of the Government of Gibraltar’s long term marine environmental management plan designed to improve fish stocks and regenerate habitat. The use of inert concrete blocks to create artificial reefs is consistent with international best practice and with the Government of Spain’s own approach to artificial reefs.²⁰

Spain has long been vocal in its disdain for British control over territory it considers to be Spanish. Worryingly, Spain has turned this rhetoric into action and has demonstrated a complete disregard for Gibraltar’s sovereignty. There have been hundreds of incursions into Gibraltar’s territorial waters by Spanish naval and law enforcement ships. In 2013 alone there were 446 unlawful incursions by Spanish state vessels.²¹ By comparison, there were fewer than half, nearly 200, in 2012; 23 in 2011; and 67 in 2010.²²

In fact, many recent actions taken by the Rajoy government have seemed reminiscent of Franco’s Spain:

15. Eyleen Sheil, “MEPs Angered by Spanish Aggression,” *Gibraltar Chronicle*, August 6, 2013, http://www.chronicle.gi/headlines_details.php?id=30357 (accessed October 13, 2013); “Gibraltar: A Real Distraction,” *The Guardian*, August 5, 2013, <http://www.theguardian.com/commentisfree/2013/aug/05/gibraltar-a-real-distraction> (accessed October 13, 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 October 13, 2013).
16. “Spaniards Overwhelmingly Believe Prime Minister Mariano Rajoy Lied About Not Taking Kickbacks,” *News.Com.au*, 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 October 17, 2013).
17. News release, “Euro Area Unemployment Rate at 12.1% EU27 at 10.9%,” European Commission, November 29, 2013, http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/3-29112013-AP/EN/3-29112013-AP-EN.PDF (accessed December 18, 2013).
18. House of Commons, Daily Hansard–Written Answers, “Gibraltar.”
19. Anna Cuenca, “Spanish Fishermen Say Gibraltar Reef Ruins Catch,” *Fox News*, August 17, 2013, <http://www.foxnews.com/world/2013/08/17/spanish-fishermen-say-gibraltar-reef-ruins-catch/> (accessed December 3, 2013).
20. William Hague, “UK Action Regarding Situation in Gibraltar,” written statement to Parliament, Foreign & Commonwealth Office, September 2, 2013, <https://www.gov.uk/government/speeches/uk-action-regarding-situation-in-gibraltar> (accessed December 3, 2013).
21. Harriet Alexander, “Worst Year Ever for Spanish Incursions into Gibraltar’s Waters,” *The Telegraph*, January 4, 2014, <http://www.telegraph.co.uk/news/worldnews/europe/gibraltar/10550677/Worst-year-ever-for-Spanish-incursions-into-Gibraltars-waters.html> (accessed January 27, 2014).
22. “Royal Navy Shows the Flag in Gibraltar Waters; 197 Spanish Unlawful Incursions this Year,” *MercoPress*, 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 October 17, 2013).

- In June 2013, the Guardia Civil vessel *Rio Cedeña* chased after a Gibraltarian jet skier in BGTW while Spanish police fired shots at him.²³
- In July 2013, Spanish air force jets allegedly violated Gibraltarian airspace causing a delay to a British Airways flight to London.²⁴
- In August 2013, long delays at the Gibraltar–Spain border of up to seven hours become a renewed problem due to disproportionate checks introduced by the Spanish authorities on vehicles leaving and entering Gibraltar.²⁵ The waiting time for pedestrians to cross the border regularly reaches 90 minutes.²⁶ This has had a severe impact on the 7,000 Spaniards who commute to jobs in Gibraltar.²⁷
- In September 2013, Spain announced that it will sell 16 Mirage fighter jets to Argentina.²⁸ This is a concern for the U.K. in light of recent saber-rattling from Buenos Aires regarding future sovereignty over the Falkland Islands.
- On October 31, 2013, the Spanish Guardia Civil’s *Rio Tormes* and a Gibraltarian police boat collided while a Royal Navy tanker was conducting resupplying operations in BGTW.²⁹
- In November 2013, a Spanish surveying ship illegally entered BGTW for 20 hours, at one point getting as close as 250 meters from the entrance to the Port of Gibraltar. This violation of British sovereignty resulted in an emergency debate in the House of Commons and the British Foreign Office summoning the Spanish Ambassador.³⁰
- In November 2013, Spanish police opened a British diplomatic bag at the border in direct violation of 1961 Vienna Convention on Diplomatic Relations.³¹

Selective Sovereignty Claims. It is also worth pointing out that Spanish disdain for Britain’s control over Gibraltar is hypocritical. For example, Spain has two similar sovereign enclaves—Ceuta and Melilla—bordering Morocco. Ceuta is a city of 79,000 people roughly twice the size of Gibraltar. Melilla is a city of 73,000 and is also larger than Gibraltar. Both cities are located in North Africa in the same way Gibraltar is located on the Iberian Peninsula. They are legally part of Spain, and Ceuta and Melilla are the only two EU cities located in mainland Africa. They are also part of the Schengen Agreement and the eurozone. According to a 2007 poll, 87.9 percent of Spaniards view Ceuta and

23. News release, “‘I Was Very Shaken and Furious,’ Says Gibraltar Jet Skier Dale Villa Shot At by Guardia Civil,” *The Olive Press*, June 26, 2013, <http://www.theolivepress.es/spain-news/2013/06/26/i-was-very-shaken-and-furious-says-jet-skier-dale-villa-shot-at-by-guardia-civil/> (accessed December 3, 2013).

24. James Bryce, “Gibraltar Fury as Four Spanish Military Jets Fly Through Its Airspace and Delay British Airways Plane Waiting to Take Off for London,” *Daily Mail*, July 4, 2013, <http://www.dailymail.co.uk/news/article-2355814/Gibraltar-fury-Spanish-military-jets-fly-airspace-delay-British-Airways-plane-waiting-London.html> (accessed December 3, 2013).

25. Hague, “UK Action Regarding Situation in Gibraltar.”

26. Eyleen Sheil, “Cross-Border Life Adjusts to Relentless Queues,” *Gibraltar Chronicle*, November 9, 2013, http://www.chronicle.gi/headlines_details.php?id=31550 (accessed December 4, 2013).

27. Alberto Pradilla, “Spanish Workers Hit Hard by Madrid-Gibraltar Row,” Inter Press Service, August 12, 2013, <http://www.ipsnews.net/2013/08/spanish-workers-hit-hard-by-madrid-gibraltar-row/> (accessed December 4, 2013).

28. News release, “Argentina Buys 16 Mirage F 1 from Spain; Half Have Air-Refuelling Capacity,” MercoPress, October 1, 2013, <http://en.mercopress.com/2013/10/01/argentina-buys-16-mirage-f-1-from-spain-half-have-air-refuelling-capacity> (accessed December 4, 2013).

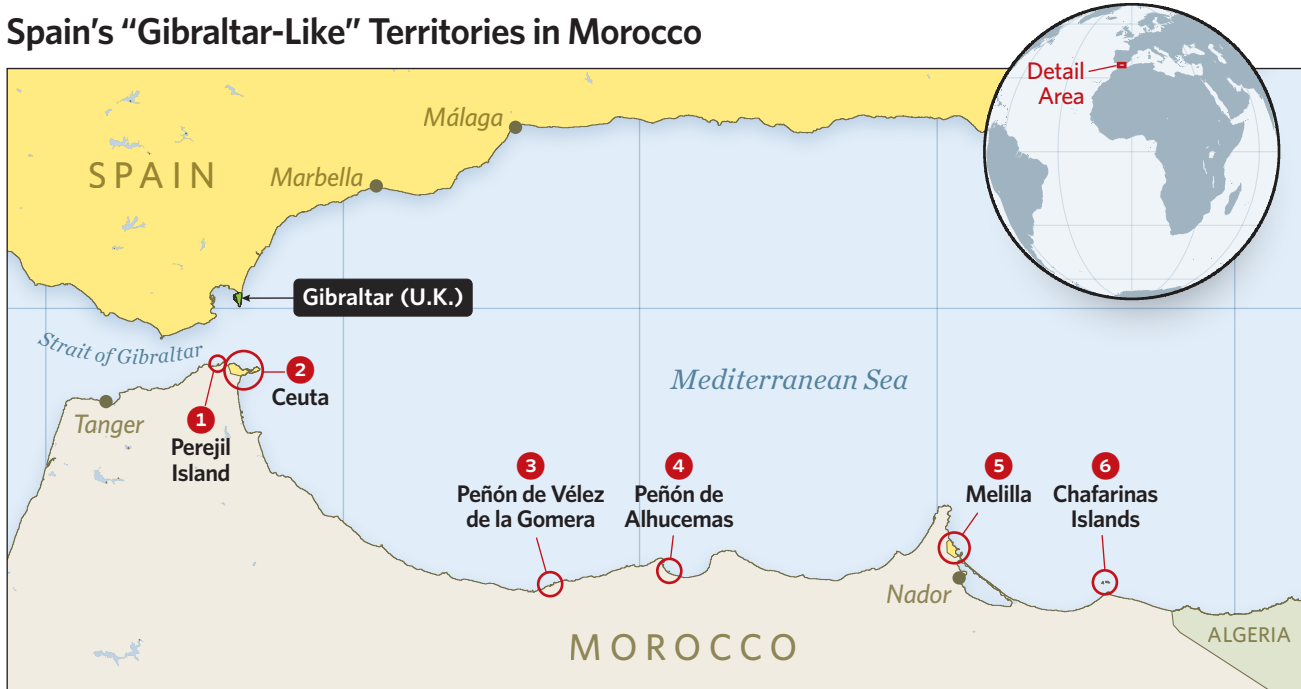
29. “Oct 31-Collision Between GDP Launch and Guardia Civil,” Your Gibraltar TV, October 31, 2013, <http://www.yourgibraltar.tv.com/ygtv-news/written-news/politics/5417-oct-31-collision-between-gdp-launch-and-guardia-civil> (accessed December 4, 2013).

30. “Gibraltar: Spanish Ship Leaves After Standoff,” Sky News, November 19, 2013, <http://news.sky.com/story/1170810/gibraltar-spanish-ship-leaves-after-standoff> (accessed December 4, 2013).

31. “UK Protest at Gibraltar Diplomatic Bag Opening,” BBC, November 26, 2013, <http://www.bbc.co.uk/news/uk-25100083> (accessed December 4, 2013).

MAP 2

Spain's "Gibraltar-Like" Territories in Morocco



Spain has long claimed Gibraltar, the tiny British Overseas Territory strategically located at the entrance of the Mediterranean Sea, to be part of its territory despite the 1713 Treaty of Utrecht which ceded the land to Great Britain “forever, without any exception or impediment whatsoever.” Meanwhile, Spain possesses two cities and several other “places of sovereignty” in or just off the coast of North Africa while rejecting Morocco’s claims to these territories.

- 1 The small but contested **Perejil Island** is located 820 feet off the coast of Morocco. It was the scene of an armed confrontation in 2002 between the two countries when Spanish commandos were sent to liberate the island from Moroccan naval cadets. Nobody was injured. Peace was brokered by then-U.S. Secretary of State Colin Powell after both sides agreed to return to the status quo ante.
- 2 **Ceuta**, located 16 miles south of Gibraltar across the Mediterranean Sea, is an autonomous city that has been under Spanish control since 1668. It has a population of 79,000, roughly twice the size of Gibraltar.

- 3 The **Peñón de Vélez de la Gomera** is located at the tip of a small peninsula connected to Morocco by a 280-foot-long isthmus, making it one of the world’s shortest international land borders. A small Spanish military garrison is based there.
- 4 The **Peñón de Alhucemas** is an island located 1,150 feet off the Moroccan coast. This island has a perimeter slightly smaller than London’s Olympic stadium. As of 2012 it was home to 30 soldiers of Spain’s 32nd Mixed Artillery Regiment.

- 5 **Melilla**, under Spanish control since the late 15th century, is an autonomous city that is slightly larger than Gibraltar and has a population of 73,000.
- 6 The **Chafarinas Islands** is a group of three small islands located two miles off the coast of Morocco. Its only permanent population is a Spanish military garrison consisting of 190 soldiers. Last summer the Spanish Interior minister suggested Spain might deploy additional security forces to the islands.

Melilla as part of Spain,³² while 50 percent said that they did not understand the claim Morocco has on the two cities.

In addition to Ceuta and Melilla, Spain also controls three smaller areas called the *Plazas de Soberanía* (Places of Sovereignty) in, or just off the coast of, Morocco.³³ (See Map 2.) The legality or righteousness of Spain's numerous possessions in Morocco is not a topic for this *Background*, but Spain's disdain toward Gibraltar is based on a double standard when viewed through the wider lens of Spanish possessions in Morocco.

Separate from these three *Plazas de Soberanía* is the small but contested Perejil Island. A mere 820 feet from the Moroccan mainland, this island was the scene of an armed though bloodless confrontation in 2002. Spanish commandos were sent to liberate the island from Moroccan naval cadets, who had seized the island on behalf of the Moroccan government. Peace was brokered by then-U.S. Secretary of State Colin Powell after both sides agreed to return to the status quo ante.³⁴

It appears that some Spaniards do recognize the double standard. Recently declassified documents from 1983 from the British Foreign Office claim that King Juan Carlos of Spain admitted privately to the British ambassador, Sir Richard Parsons, that it was "not in Spain's interest to recover Gibraltar in the near future." The Spanish king reportedly added that if Spain did gain sovereignty over Gibraltar, Morocco's "King Hassan would immediately reactivate the Moroccan claim to Ceuta and Melilla."³⁵

Yes, Gibraltar Matters to the United States

For the United States there is even more at stake than the principles of sovereignty and self-determination. A serious concern for the United States relates to Gibraltar's role in regional security. One of the benefits of the Anglo-American Special Relationship is the use of British military facilities around the world by the U.S. Armed Forces. In fact, this particular aspect of the relationship was mentioned by Winston Churchill during his *Sinews of Peace* speech delivered in Fulton, Missouri, in 1946.³⁶ Churchill said about the U.S.-U.K. military relationship:

It should carry with it the continuance of the present facilities for mutual security by the joint use of all Naval and Air Force bases in the possession of either country all over the world. This would perhaps double the mobility of the American Navy and Air Force. It would greatly expand that of the British Empire Forces and it might well lead, if and as the world calms down, to important financial savings.³⁷

The U.S. has greatly benefited from access to British military installations around the world. Perhaps the best example is Gibraltar, where the U.S. has a long history of accessing the port and airfield.

Gibraltar's utility as a military base derives principally from its geographical location and topography. Sir John "Jackie" Fisher, former Admiral of the Fleet of the Royal Navy, described Gibraltar in 1904 as "one of the five keys that lock up the world."³⁸ All maritime vessels entering or leaving the Mediterranean from the Atlantic Ocean must pass through

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32. "Spaniards Review Ceuta and Melilla Situation," Angus Reid Global Monitor, November 21, 2007, http://www.angusreidglobal.com/polls/29196/spaniards_review_ceuta_and_melilla_situation/ (accessed December 4, 2013).
 33. "Ceuta, Melilla Profile," BBC, October 5, 2013, <http://www.bbc.co.uk/news/world-africa-14114627> (accessed December 4, 2013).
 34. Mike Wooldridge, "Small Island, Big Problem," BBC, July 18, 2002, <http://news.bbc.co.uk/2/hi/europe/2136501.stm> (accessed December 4, 2013).
 35. Fiona Govan, "Spain's King Juan Carlos Told Britain: 'We Don't Want Gibraltar Back,'" *The Telegraph*, January 6, 2014, <http://www.telegraph.co.uk/news/worldnews/europe/gibraltar/10554172/Spains-King-Juan-Carlos-told-Britain-we-dont-want-Gibraltar-back.html> (accessed January 27, 2014).
 36. Also known as the iron curtain speech.
 37. Winston Churchill, "The Sinews of Peace," speech at Westminster College, Fulton, MO, March 5, 1946, http://www.nato.int/docu/speech/1946/s460305a_e.htm (accessed December 4, 2013).
 38. Angus K. Ross, "Four Lessons that the U.S. Navy Must Learn from the Dreadnought Revolution," *Naval War College Review*, September 22, 2010, <http://www.thefreelibrary.com/Four+lessons+that+the+U.S.+Navy+must+learn+from+the+Dreadnought...-a0241412620> (accessed December 4, 2013).

the Strait of Gibraltar. Gibraltar is one of the U.K.'s Permanent Joint Operating Bases³⁹ and serves as an important forward operating base for the British military, which affords a supply location for aircraft and ships destined for Africa and the Middle East for the U.K. and her allies.⁴⁰ The Port of Gibraltar provides a secure docking area for nuclear-powered submarines. The deepwater harbor provides vast amounts of safe anchorage. The topography of Gibraltar makes intelligence gathering a core function.⁴¹

The U.S. Navy made use of Gibraltar for the first time during the First Barbary War between 1801 and 1805, where it was the U.S. Navy's first port of call in the Mediterranean to prepare for its operations off the coast of North Africa against the Barbary states. Gibraltar was used throughout the campaign as a staging and resupply point. According to a plaque located today in Gibraltar at the American War Memorial marking this historic event, "the first documented gun salute fired by the U.S. Navy in the Mediterranean was to Lieutenant-General O'Hara, Governor of Gibraltar."⁴²

Other early examples of the U.S. using the military facilities at Gibraltar are:

- In 1818, during the Second Barbary War against the Regency of Algiers, another U.S. Navy task force was assembled at Gibraltar under the command of Commodore Stephen Decatur.⁴³

- In 1899, U.S. Admiral George Dewey stopped in Gibraltar to resupply his ships after his defeat of the Spanish in the Battle of Manila Bay, which was part of the Spanish–American War.⁴⁴

- In 1909, the Great White Fleet made its final stop in Gibraltar to resupply coal before heading back to the U.S. during its famous around-the-world trip.⁴⁵ Each ship required between 1,200 and 1,600 tons of coal to make it home during this last leg of its journey; therefore Gibraltar's location at the mouth of the Mediterranean Sea proved to be very useful.⁴⁶

It was not until World War I that the use of Gibraltar really demonstrated its strategic value for the United States. The Royal Navy used Gibraltar as a base for its Mediterranean operations from the beginning of the war, and continued when the U.S. entered the war in 1917. Gibraltar was a meeting point for many Allied convoys before crossing the Atlantic. The U.S. Navy and the U.S. Coast Guard joined British forces at Gibraltar and operated together as part of the so-called Gibraltar Barrage.⁴⁷ The Gibraltar Barrage was an Anglo–American naval squadron tasked with keeping German submarines from passing from the Mediterranean to the Atlantic after the surrender of Austria and Turkey.⁴⁸ Gibraltar was also used as a location to refit and resupply U.S. Navy and Coast Guard ships throughout the war.

39. The U.K. operates four Permanent Joint Operating Bases: Gibraltar, Cyprus, British Indian Ocean Territory, and South Atlantic Islands. For further information, see U.K. Ministry of Defence, "Joint Forces Command," <https://www.gov.uk/government/organisations/joint-forces-command> (accessed December 3, 2013).

40. U.K. Foreign & Commonwealth Office, "The Overseas Territory: Security, Success, and Sustainability," June 2012, p. 23, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/32952/ot-wp-0612.pdf (accessed December 3, 2013).

41. Joe Garcia, "Gibraltar Military Strategy," Panorama, http://www.panorama.gi/localnews/headlines.php?action=view_article&article=3544 (accessed December 4, 2013).

42. "'Operation Torch' Commemorative Tablet, Gibraltar," The Second World War blog, October 13, 2013, <http://2ndww.blogspot.com/2013/10/the-operation-torch-commemoration.html> (accessed December 4, 2013).

43. Spencer Tucker, *Stephen Decatur: A Life Most Bold and Daring* (Annapolis, MD: Naval Institute Press, 2005), p. 156.

44. "Admiral Dewey Landing at Gibraltar," video, Library of Congress, <http://www.loc.gov/item/98501263> (accessed December 4, 2013).

45. Mike McKinley, "The Cruise of the Great White Fleet," Navy Department Library, April 1987, http://www.history.navy.mil/library/online/gwf_cruise.htm (accessed December 4, 2013).

46. U.S. Navy, "The Great White Fleet at Gibraltar," <http://www.navy.mil/gwf/gibraltar.htm> (accessed December 4, 2013).

47. Alex Larzelere, *Coast Guard in World War One* (Annapolis, MD: Naval Institute Press, 2003), pp. 116–117.

48. Anti-submarine warfare was in its infancy during this period, so the Gibraltar Barrage and other anti-submarine efforts were not very successful. For more information on the use of Gibraltar during WWI, see William G. F. Jackson, *The Rock of the Gibraltarians: A History of Gibraltar* (Cranberry, New Jersey: Associated University Press, 1987), pp. 255–267.

During World War II, Gibraltar played an even more important role for the United States and United Kingdom. During the war, the Rock became an impregnable fortress: More than 16,000 civilians living in Gibraltar were relocated, an airfield was constructed, the port was filled with Allied ships, and at its peak 37,000 American and British troops were based there.⁴⁹ Gibraltar's proximity to the strait leading to and from the Mediterranean frustrated German and Italian naval operations in the region. The harbor continued to operate dry docks and supply depots for the convoy routes through the Mediterranean until 1945.

Most important, General Dwight Eisenhower used Gibraltar as his headquarters to plan Operation Torch, the 1942 Allied invasion of North Africa. In his book *Crusade in Europe*, Eisenhower best explains Gibraltar's importance to the overall war effort:

There was no other place to use. In November 1942 the Allied nations possessed, except for the Gibraltar Fortress, not a single spot of ground in all the region of western Europe, and in the Mediterranean area, nothing west of Malta. Britain's Gibraltar made possible the invasion of north-west Africa. Without it the vital air cover would not have been quickly established on the North African fields. In the early phases of the invasion the small airdrome there had necessarily to serve both as an operational field and as a staging point for aircraft making the passage from England to the African mainland. Even several weeks before D-day it became jammed with fighter aircraft. Every inch was taken up by either a Spitfire or a can of gasoline.⁵⁰

The use of Gibraltar during World War II was only possible because it was not under Spanish control. Spanish dictator Francisco Franco proclaimed

Spain to be neutral. However, during the war, British intelligence uncovered numerous examples of Spanish cooperation with Germans and Italians to carry out espionage and sabotage against Allied interests in Gibraltar.⁵¹ Spain's neutrality was also questioned by General Eisenhower:

All this [the preparations for Operation Torch] was exposed to the enemy's reconnaissance planes and not even an attempt at camouflage could be made. Worse, the airfield itself lay on the Spanish border, separated from Spanish territory only by a barbed-wire fence. Politically, Spain was leaning toward the Axis, and, almost physically, leaning against the barbed-wire fence were any number of Axis agents. Every day we expected a major attack by hostile bombers; as each day went by without such an attack we went to bed puzzled, even astonished.⁵²

Without British control over Gibraltar the invasion of North Africa would likely have been more difficult, and Allied maritime and convoy operations in the region would surely have been more dangerous.

During the Cold War and into the 21st century, Gibraltar's strategic position continued to provide an important facility for the Royal Navy and Britain's allies. Recent use of Gibraltar by the U.S. has included:

- Operation El Dorado Canyon, the 1986 U.S. air strikes on Libya; U.S. Navy assets supporting the operations used the port at Gibraltar.⁵³
- In 1990 and 1991, an estimated 193 U.S. Navy ships used BGTW in support of operations Desert Storm and Desert Shield.⁵⁴ Crucially, Gibraltar was used by the U.S. Ready Reserve Fleet to refuel en route to the Middle East.⁵⁵

49. Ibid., p. 293.

50. Dwight D. Eisenhower, *Crusade in Europe* (Garden City, NY: Doubleday & Company, 1949), pp. 95–96.

51. Megan E. Cokely, "British Counter-Intelligence in Gibraltar: Deciphering Spanish 'Neutrality' During the Second World War," *International Journal for Iberian Studies*, Vol. 20, No 2 (2007).

52. Eisenhower, *Crusade in Europe*, pp. 95–96.

53. E-mail from Michael Sanchez to Luke Coffey on December 12, 2013.

54. Ibid.

55. Ready Reserve Fleet is a part of the National Defense Reserve Fleet whose ships are kept in a state of advanced readiness. The Ready Reserve Fleet ensures timely delivery of fuel, tanks, ammunition, food, and other supplies to the combat zone.

- U.S. nuclear submarines frequently visited the Z berths at Gibraltar.⁵⁶ If there was a situation involving repair work on a U.S. submarine, Gibraltar was the best place in the Mediterranean for the work to be carried out.
- The recent intervention in Libya, when the two U.S. attack submarines USS *Florida*⁵⁷ and USS *Providence*⁵⁸ were resupplied at Gibraltar after launching their cruise missiles against Libyan targets. As North Africa becomes more of a security issue for the U.S. due to a growing terrorist presence, Gibraltar will become increasingly important.

Anglo-American defense cooperation in Gibraltar is not a matter that falls within the constitutional competence of the Gibraltar government. (It is a matter decided by the British government in London.) Nevertheless, the Chief Minister of Gibraltar, Fabian Picardo, has made it clear that he welcomes the presence of U.S. military forces: "All vessels of the Royal Navy and of allied powers invited into British Gibraltar Territorial Waters by Her Majesty's Government are very welcome on the Rock."⁵⁹

From a purely military point of view, it is in America's interest that Gibraltar remains under British control. In 2002, when Prime Minister Tony Blair's government came very close to agreeing to joint sovereignty with the Spanish over Gibraltar, officials in the United States were concerned about what this would mean for future use of Gibraltar by the U.S. military, in particular U.S. Navy submarines.⁶⁰

This issue goes back to 1976, when the U.S. nuclear-powered submarines permanently based at Rota,

Spain, were sent back to the U.S. due to Spanish opposition. This prohibition does not prevent U.S. nuclear-powered submarines from visiting Rota on a temporary basis, but Gibraltar remains the most accessible and available port for U.S. nuclear-powered submarines in the Mediterranean, due to burdensome security and administrative requirements in Spain. The mission and location of America's nuclear-powered submarines is highly classified information. At Gibraltar, U.S. submarines can dock with little or no prior notice.⁶¹ Conversely, U.S. submarines can only dock at the Spanish bases with prior notice, which requires sharing sensitive classified information.⁶²

Gibraltar has other advantages for the U.S. Navy, too. The U.S. and the U.K. have a mutual understanding about what is required to operate nuclear-powered submarines because, unlike Spain, both countries do so. Gibraltar has a type of intermediate fuel oil that is required for some U.S. Navy ships and is not available in Rota.⁶³ Obtaining permission for contractor access to Gibraltar is less cumbersome than in Spain.⁶⁴ And, the harbor at Rota is not deep enough for some U.S. Navy vessels.⁶⁵

Furthermore, there are geographical advantages for U.S. Navy assets operating in the Mediterranean to use Gibraltar instead of Rota depending on the security threat. Gibraltar is in the Mediterranean Sea. Rota is outside the Mediterranean Sea. Every time a U.S. Navy asset goes to Rota it has first to transit the narrow Strait of Gibraltar. Transiting such a narrow body of water requires a high level of force protection for the ship to ensure its safe passage. The threat is real from terrorist attacks against

56. A Z berth provides the facility for nuclear submarines to visit for operational or recreational purposes, and for non-nuclear repairs.

57. "USS Florida Visits the Naval Base," Gibraltar Port Visits, April 8, 2011, <http://gibportvisits.com/?p=168> (accessed December 4, 2013).

58. "USS Providence Visit," Gibraltar Port Visits, March 24, 2011, <http://gibportvisits.com/?p=137> (accessed December 4, 2013).

59. "British Submarine Docks in Gibraltar After Five-Year Break," *Gibraltar Chronicle*, May 9, 2013, http://www.chronicle.gi/headlines_details.php?id=29172 (accessed December 4, 2013).

60. Isambard Wilkinson, "Gibraltar Accuses US of Caving in to Spanish Pressure," *The Telegraph*, August 3, 2004, <http://www.telegraph.co.uk/news/worldnews/europe/spain/1468559/Gibraltar-accuses-US-of-caving-in-to-Spanish-pressure.html> (accessed December 4, 2013).

61. "UK to Keep Base Control, Repeats Crisis-Hit Straw," Panorama, <http://www.panorama.gi/archive/020513/updates.htm> (accessed December 4, 2013).

62. "Putting a Nice Face to Tripartite Cooperation, While Seeking to Damage Gibraltar Elsewhere," Panorama, April 21, 2011, http://www.panorama.gi/localnews/headlines.php?action=view_article&article=7319 (accessed December 4, 2013).

63. *Ibid.*

64. *Ibid.*

65. *Ibid.*

U.S. ships operating in narrow waterways. In 2000, al-Qaeda members killed 17 U.S. sailors and wounded 39 by ramming a boat laden with explosives into the USS *Cole* while in the Port of Aden.⁶⁶ In 2002, a plot by al-Qaeda to attack U.S. and U.K. naval ships in the Strait of Gibraltar using the same tactics as with the USS *Cole* attack was foiled by Moroccan security forces.⁶⁷

Over the past few decades, the U.S. use of Gibraltar has been an area of contention in Spanish–American relations. Spanish authorities have pressured the U.S. to send its submarines and other naval vessels to Rota instead of to Gibraltar.⁶⁸ In some cases, Spain has been successful: In 2004, the USS *McFaul* was due to call at Gibraltar during the celebration marking the 300th anniversary of the capture of Gibraltar, but the U.S. cancelled the visit at the last minute.⁶⁹ Similarly, last year, which marked the 300th anniversary of the Treaty of Utrecht, the U.S. did not send a single U.S. submarine to Gibraltar. It should be a matter for the U.S. to decide, in close cooperation with the British government, when and how it uses Gibraltar. The Spanish government should have no say in the matter and its concerns should be secondary to U.S. national security requirements.

Although Spain is a member of NATO, the Spanish government places restrictions on U.S. and other NATO military assets visiting Gibraltar. U.S. Navy ships that visit Gibraltar are not allowed to call into a Spanish port without first stopping somewhere else. The same is true for aircraft. For example, a U.S. military aircraft flying between Rota and Gibraltar has to detour either to Faro in Portugal, or to Tangier in Morocco, first.

In fact, this provision was formalized in NATO when Spain ensured that NATO Standardized Agreement 1100, which sets out the procedures for visits to NATO and non-NATO ports by naval ships of NATO nations, contains a reservation that prevents visits by NATO ships to or from Gibraltar directly to

MAP 3

Gibraltar Provides Port Option for U.S. Nuclear Submarines

Ships operating in narrow sea lanes are more susceptible to terrorist attacks and require greater force protection. U.S. Navy assets operating in the Mediterranean can stop at Gibraltar for repairs and resupply rather than passing through the Strait of Gibraltar—7.7 nautical miles wide at its narrowest point—to reach U.S. Naval Station Rota on Spain’s southwest coast.



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or from Spanish ports. Any request by military aircraft from NATO members that arrives or departs the Gibraltar airfield and overflies or lands in Spain is routinely denied by Spanish authorities.⁷⁰ In 2011, media reports stated that these Spanish restrictions were also placed in a 2011 defense cooperation agreement between Spain and the U.S. According to media reports the text of the so-called Gibraltar clause in the U.S.–Spain defense cooperation agreement states:

66. Wes Mayer, “Anniversary of USS Cole Terrorist Attack Saturday,” *The Newnan Times-Herald*, October 17, 2013, <http://www.times-herald.com/local/20131012-USS-Cole-anniversary> (accessed December 17, 2013).

67. “Morocco ‘Uncovers al-Qaeda Plot,’” BBC, June 11, 2002, <http://news.bbc.co.uk/2/hi/africa/2037391.stm> (accessed December 17, 2013).

68. “Keep Nukes Off the Rock,” *The Olive Press*, April 25, 2011, <http://www.theolivepress.es/spain-news/2011/04/25/gibraltar-nuclear-submarines/> (accessed December 4, 2013).

69. Wilkinson, “Gibraltar Accuses US of Caving in to Spanish Pressure.”

70. U.K. House of Commons Foreign Affairs Committee, “Overseas Territories: Seventh Report of Session 2007–08,” p. 122, <http://www.publications.parliament.uk/pa/cm200708/cmselect/cmfa/147/147i.pdf> (accessed December 4, 2013).

Aircraft departing from or heading to Gibraltar are forbidden to overfly Spanish airspace or to land in Spain. They cannot even file a flight plan which includes a Spanish airport as their alternative destination. The only exception [*sic*] are humanitarian missions which have been previously authorized and emergencies.⁷¹

There have also been cases of intimidation and hostile behavior from Spanish police boats toward U.S. Navy vessels accessing the Port of Gibraltar. This was the case when an American submarine, the USS *Providence*, entered the port at Gibraltar after launching cruise missiles into Libya. As the *Providence* transited BGTW, an unauthorized Spanish Guardia Civil boat approached so close to the submarine that the Royal Navy was forced to issue a radio warning and block the passage of the Guardia Civil boat.⁷²

The U.S. military is very active in the Mediterranean and operates from a string of naval bases between the Strait of Gibraltar and the Suez Canal. The U.S. presence in the region is more important now due to deteriorating security in North Africa. Spain, like other southern European members of NATO, benefits greatly from the security offered by the presence of the U.S. Navy and Air Force in the region. Therefore, Madrid should remove anachronistic restrictions of the movement of U.S. military assets.

Acting in America's Interest—Not Spain's

Spain is an important ally in NATO. It has sent troops to Iraq and Afghanistan. It played a role, albeit a minor one, during the 2011 NATO operation in Libya. Spain is home to several U.S. military bases, including the future home of four U.S. Navy Aegis Class destroyers that will play an important role in NATO's ballistic missile defense system. Nevertheless, Spain's conduct toward the residents of Gibraltar, and America's top ally the United Kingdom, is unbecoming of a NATO partner. The U.S. should support policies that advance American interests in the region by:

- **Recognizing British sovereignty over Gibraltar.** The United States should acknowledge the wishes of the Rock's almost 30,000 inhabitants and officially recognize British sovereignty over Gibraltar. Since 1801, British sovereignty has greatly benefited the U.S. by helping it achieve its regional security aims in southern Europe and the Mediterranean.
- **Continuing to use the port facilities at Gibraltar.** The hassle-free use of Gibraltar for U.S. Navy assets, especially nuclear-powered submarines, offers huge advantages to the U.S. military. Spanish concerns about Gibraltar should be secondary to U.S. national security needs. In close cooperation with the U.K., the U.S. should continue to use the facilities at Gibraltar.
- **Collaborating with the British to determine the best way that Gibraltar can be used to improve security in the region.** It goes without saying that the strategic location of Gibraltar makes the military facilities located there a huge asset for the U.S. The use of Gibraltar, in close cooperation with the British, adds resilience to contingency planning in North Africa. After the terrorist attack on the U.S. consulate in Benghazi, Libya, on September 11, 2012, this is as important as ever before.
- **Persuading Spain to loosen restrictions on NATO Standardized Agreement 1100.** Spain benefits greatly from the presence of U.S. forces in the region. It is in the U.S. interest that its aircraft and military vessels can travel freely between all friendly ports and bases in the region—including Gibraltar's. It is astonishing that Spain should impose such burdensome restrictions on a NATO ally.
- **Urging NATO to include the use of Gibraltar in its training exercises in the region.** In 2015, NATO will hold its next major training exercise in Spain, Portugal, and Italy. The focus of the collective defense exercise will be the southern Europe/

71. "'No Fly' Zone Is Part of Spain's Policy of Eroding Gibraltar's Position, Says Opposition," Panorama, March 31, 2011, http://www.panorama.gi/localnews/headlines.php?action=view_article&article=7237&offset (accessed December 4, 2013).

72. "Keep Nukes Off the Rock," *The Olive Press*.

Mediterranean region. Failing to include the use of Gibraltar as part of this training event will not serve the NATO alliance well. The uninhibited use of Gibraltar by NATO would require a change to NATO Standardized Agreement 1100.

- **Calling for an end to Spanish provocations.** The outbursts of anti-British actions in Spain and Madrid's tactics of intimidation run contrary to norms of behavior for democratic governments. The U.S. should condemn Spain's intimidating behavior toward a NATO ally.
- **Supporting the right of self-determination for the Gibraltarians.** The U.S. is a country founded on the fundamental principle of self-determination. The U.S. should recognize the 1967 and 2002 referenda on self-determination (and any subsequent referenda) as an official and legitimate expression of the will of the Gibraltarians and of their right to choose their own government.
- **Promoting economic freedom in Europe.** Increased economic freedom in the eurozone will make Spain a better partner for the region and the U.S. Spain seems to be rattling its sabers over Gibraltar because it is in the midst of a political and economic crisis. In a prosperous and stable Spain, politicians would not need to distract the public by attacking their country's neighbors.⁷³

Conclusion

Since 1801, the U.S. has benefited from its relationship with a Gibraltar that is part of the United Kingdom in a way it would not be possible with a Gibraltar under control of the Spanish. As a British Overseas Territory, U.S. access to the military facilities at Gibraltar is all but guaranteed.

While the historical background to Gibraltar is important, and the 1713 Treaty of Utrecht is clear on who possesses 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 just such a right—it should live up to this heritage by condemning Spain's recent behavior by recognizing the Gibraltarians' right to choose their own government.

The Gibraltar issue is, above all, a matter of self-determination, just as it is for the residents of the Falkland Islands *vis-à-vis* Argentina, and the U.S. is wrong not to support their choice of allegiance to the U.K. The U.S. should not double down on this fault by doing the same regarding the Gibraltarians. Spain is an important European partner of the U.S. but its aggressive behavior toward Gibraltar and the U.K. cannot be ignored.

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73. In the *2014 Index of Economic Freedom*, published by The Heritage Foundation and *The Wall Street Journal*, Spain ranked 49 (of 178) in the world, just behind Oman and just ahead of Poland. Terry Miller, Anthony B. Kim, and Kim R. Holmes, *2014 Index of Economic Freedom* (Washington, DC: The Heritage Foundation and Dow Jones & Company, Inc., 2014), p. 399, <http://www.heritage.org/index/>.