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El Ministro británico para Europa confirma que España se excusó por la violación el viernes de una valija diplomática en la frontera de Gibraltar debida al error de un funcionario subalterno

Contradice las explicaciones del Ministerio de Exteriores español

Gibraltar, 27 de noviembre de 2013:

El Ministro David Lidington contestó hoy a varias preguntas en el parlamento británico sobre la violación por parte de España de una valija diplomática.

Su explicación de las excusas proferidas por el Ministerio de Asuntos Exteriores español por la inspección equivocada contradicen la versión del Ministro García-Margallo, que había insistido a los medios españoles que la valija no era diplomática y que no había incidente:

Extracto del Hansard (boletín parlamentario británico) de hoy [traducción del texto resaltado en el original]:

"John Spellar (Parlamentario por Warley) (Laborista):

Ayer conocimos de la apertura de dos valijas diplomáticas por parte de la policía española en la frontera con Gibraltar. Se ha informado de que las valijas fueron trasladadas desde Gibraltar al aeropuerto de Sevilla en España. Como el Ministro [Lidington] ha comentado con razón, esto representa una interferencia muy grave con la correspondencia oficial del Gobierno [británico], además de una violación de los principios de la Convención de Viena sobre relaciones diplomáticas y los principios de la inmunidad de los Estados.

En unas declaraciones por escrito presentadas hoy ante la Cámara, el Ministro comenta que ha recibido una explicación por parte del Gobierno español - lo cual acaba de reiterar. Estoy seguro de que a los Miembros de ambos grupos de la Cámara les gustaría conocer más detalles acerca de esa explicación, los cuales no figuraban en las declaraciones por escrito del Ministro. Por lo tanto, ¿podría exponer los detalles de esa explicación y comentar si figuraban por escrito?

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¿Podría también explicar cuanto tiempo se demoró la explicación del gobierno español una vez que fue consciente del suceso? ¿Podría aclarar a la Cámara si el Gobierno británico ha adoptado una postura acerca de si la explicación fue satisfactoria? De no ser satisfactoria, ¿podría exponer que otras medidas buscará obtener de España el Gobierno en este asunto, y como se podría evitar que vuelvan a suceder incidentes como éste en el futuro?

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¿Podría el Ministro decir a la Cámara si el Primer Ministro se ha puesto en contacto con su homólogo español para discutir no solamente esta cuestión sino también la serie de incidentes

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acaecidos recientemente en la frontera de Gibraltar? ¿Podría también el Ministro aclarar si el Gobierno británico considera que este suceso fue causado por funcionarios locales españoles que no siguieron el proceso adecuado o si fue una provocación intencionada autorizada por las autoridades españolas?

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[Ministro] Lidington:

Agradezco al Parlamentario su apoyo general con respecto a la postura del Gobierno. Intentaré dar respuesta a sus preguntas.

Como ya he manifestado, se nos informó del incidente a lo largo del fin de semana y lo denunciamos a los más altos cargos con los que nos pudimos poner en contacto en Madrid durante el fin de semana. También nos aseguramos de que las autoridades españolas, a todos los niveles, fuesen plenamente conscientes de nuestra profunda preocupación por el incidente

La explicación que hemos recibido de España -llegó ayer tarde- fue que se produjo un error a nivel operativo subalterno en la frontera entre Gibraltar y España, y que el funcionario de mayor rango que se encontraba presente puso fin a esta interferencia con nuestra correspondencia oficial tan pronto como fue consciente de lo que estaba sucediendo.

Como ya he manifestado, se nos ha asegurado que estas acciones no volverán a repetirse. Confiamos en que España cumplirá por completo con sus obligaciones en virtud de la Convención de Viena y la legislación internacional."

Varios medios españoles habían citado al Ministro español de Exteriores García-Margallo y fuentes del Ministerio de Exteriores acerca del incidente de la valija diplomática británica abierta el viernes por agentes de la aduana española de la frontera con Gibraltar. El Ministro aseguró que "no hay incidente" con el Reino Unido porque, ha recalcado, "no se trata de una valija diplomática, según el Convenio de Viena. La valija no ha salido de una embajada o un Ministerio." (EFE 26 de noviembre 18.04h). El País afirma hoy que el Gobierno de España no le reconoce estatus diplomático al Gobernador de Gibraltar y que por tanto sus comunicaciones no son protegidas.

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Para cualquier ampliación de esta información, rogamos contacte con
Oficina de Información de Gibraltar

Miguel Vermehren, Madrid, miguel@infogibraltar.com, Tel 609 004 166

Sandra Balvín, Campo de Gibraltar, sandra@infogibraltar.com, Tel 661 547 573

Diplomatic Relations (Spain)

12.34 pm

[Mr Nigel Evans \(Ribble Valley\) \(Ind\)](#)

(Urgent Question): To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on diplomatic relations between the United Kingdom and Spain in the light of recent escalating events concerning Gibraltar, most recently the searching of a diplomatic bag as it was leaving the Rock.

[The Minister for Europe \(Mr David Lidington\):](#)

On Friday 22 November, two British Government bags containing official correspondence and communications, and clearly marked as such, were opened by Spanish officials while the bags were in transit. That represents a serious interference with the official correspondence and property of Her Majesty's Government, and therefore a breach of the principles underlying the Vienna convention on diplomatic relations, and the principle of state immunity. We take any infringement of those principles very seriously.

Following reports of the incident, the Foreign and Commonwealth Office made representations to the Spanish Ministry of Foreign Affairs and Cooperation at senior level over the weekend of 23 and 24 November, and the British Embassy in Madrid submitted a formal written protest to the Ministry on Monday 25 November. In our protests we requested an urgent explanation of the incident from the Spanish Government, and sought assurances that there will be no further interference with the UK's official correspondence. The unauthorised opening of UK official communications, including diplomatic bags, is a matter of grave concern and we made that clear to the Spanish Government. If the Spanish authorities had concerns about the contents of our bags, internationally accepted practice would require them to contact the British authorities.

We have now received an explanation from the Spanish Government and been assured that we will not see a repeat of those actions. As the Spanish authorities know, overriding international principles provide for both state immunity and the freedom of official communication between a state and its representatives. Tampering with the bags was a breach of the principles embodied in the Vienna convention on diplomatic relations. The UK strictly adheres to those principles, and expects other states to do the same.

We are maintaining strong pressure on the Spanish Government to de-escalate current tensions and work with us to manage our differences through diplomatic and political routes. A major escalation could harm all parties, not least the many thousands of Spanish families who benefit, directly or indirectly, from the economic prosperity of Gibraltar. The UK wants to maintain a strong bilateral relationship with Spain across a range of policy areas, and such a relationship benefits the interests of this country, Gibraltar and Spain alike. We have reiterated to the Spanish Government the Foreign Secretary's proposal of April 2012 for ad hoc talks involving all relevant parties, and there have been constructive discussions with the Spanish about these proposals.

[Mr Evans:](#)

I am grateful to the Minister of State for that response. As he said, the serious incident last Friday goes against the 1961 Vienna convention on diplomatic relations. Official correspondence and diplomatic bags should simply not be tampered with. Last time anything such as this happened was 13 years ago with the Zimbabwean regime of Robert Mugabe—not the best company to be associated with. This is the first time that an EU state or NATO ally has opened a UK diplomatic bag, violating the 1961 Vienna convention. That enormously serious breach comes on top of tedious and spiteful delays at the Gibraltar-Spanish border, and the incursion of a Spanish vessel into waters off Gibraltar. The deterioration of relations between the United Kingdom, Gibraltar and Spain serves nobody well.

The Spanish ambassador was summoned to the Foreign Office last week but clearly that has not had the desired effect. Nobody wants a further escalation of events or further deterioration in relations, but at the same time Spain must be made to know that its actions are intolerable, unwarranted, and will be met with an appropriate response, defending the rights of the people of Gibraltar and respecting international conventions. What actions will Her Majesty's Government take to ensure that once and for all Spain gets the message? Hands off the Rock!

Mr Lidington:

I think the Spanish authorities are in no doubt about the Government's resolve and, I believe, the resolve of the House as a whole that there should be no transfer of the sovereignty of Gibraltar to any other country, unless that were freely consented to by the people of Gibraltar. I reiterate that we will not engage in any process of talks or negotiations about sovereignty with which Gibraltar is not content. I hope that that reiteration will be some assurance to my hon. Friend.

Mr John Spellar (Warley) (Lab):

I congratulate the hon. Member for Ribble Valley (Mr Evans) on securing the urgent question. I reiterate the Opposition's growing concerns, and those on both sides of the House, about this latest event in a series of events around Gibraltar's borders.

We heard yesterday that two diplomatic bags were opened by Spanish police at the Gibraltar border. It has been reported that the bags were taken from Gibraltar to Seville airport in Spain. As the Minister has rightly said, that represents a serious interference with the official correspondence of Her Majesty's Government, and a serious breach of both the principles underlying the Vienna convention on diplomatic relations and the principles of state immunity.

In the written statement before the House today, the Minister says he has received an explanation from the Spanish Government—he reiterated that just now. I am sure Members on both sides of the House would welcome hearing the specific details of that explanation, which were missing from the Minister's written statement. Will he therefore set out the details of that explanation and say whether they came in writing? Will he agree to lay them before the House by placing them in the House of Commons Library? Will he also set out how long it took to receive the explanation from the Spanish Government once he had become aware of the incident? Will he be clear for the House on whether the British Government have taken a view that the explanation was sufficient? If it was not sufficient,

will he set out what further assurances the Government will seek from Spain on the matter, and how such incidents can be prevented from happening in future?

Will the Minister tell the House whether the Prime Minister has been in touch with his counterpart in Spain to discuss not just this matter but the series of recent incidents at the Gibraltar border? Will the Minister also make it clear whether it is the British Government's view that this was a case of Spanish officials locally failing to follow due process, or whether it was an intentional provocation authorised by the Spanish authorities?

Following the EU Commission's observation mission to Gibraltar in September, from which it concluded that there was "no evidence" of Spain's infringing rules of the border controls, will the Minister call on the Commission to carry out an urgent further mission and investigate any further incidents as they arise?

Finally, it is vital that the Spanish Government today hear a united statement from the House that such provocative and unlawful acts are not acceptable to this Parliament or to the British people. They cannot be ignored.

Mr Lidington:

I thank the right hon. Gentleman for his overall support for the Government's position. I shall try to answer his questions.

As I have said, we were alerted to the incident over the weekend, and we made representations to the most senior officials we could reach in Madrid over the weekend. We also ensured that the Spanish authorities at all levels were well aware of the gravity of our concern about the incident.

The explanation that the Spanish have given to us—it arrived late yesterday—was that there was an error at junior operational level at the crossing point between Gibraltar and Spain, and that the more senior Spanish official present put a stop to that interference with our official correspondence as soon as he realised what was happening.

As I have said, we have had assurance that such action will not be repeated. We trust that Spain will live fully up to its obligations under the Vienna conventions and international law.

Sir Menzies Campbell (North East Fife) (LD):

It is rather an easy explanation—is it not?—to say that the decision was taken at junior operational level. If I may say so, I think we are entitled to press the Spanish Government further on the protocol and the understanding of those who have responsibility for these matters at the border. The House will be united in condemnation of any breach of the Vienna convention. Have we had an unequivocal apology for the incident from the Spanish Government at the necessarily highest level, and an equally unequivocal assurance that steps will be taken to ensure that it never happens again?

Mr Lidington:

The protocol that should be observed, not simply at the border between Gibraltar and Spain but at any international crossing point, is that containers that are clearly marked as diplomatic

and official correspondence are inviolate under the terms of the Vienna convention. It is true that, from time to time, people at operational level make mistakes. I trust that the Spanish authorities will now show, by their actions, that they will adhere fully to their international obligations.

[Sir Gerald Kaufman \(Manchester, Gorton\) \(Lab\):](#)

I am grateful to the hon. Member for Ribble Valley (Mr Evans) for putting this question. If this alleged error by a jobsworth was the only act of interference and aggression by the Spanish authorities on the frontier with Gibraltar, it might just get by, but it is part of a succession of harassment after harassment after harassment, and it will not do. The Government's softly, softly approach is simply not working. May I put it to the Minister that if anything like this ever happens again, the Spanish ambassador should be expelled from this country?

[Mr Lidington:](#)

Clearly, any repetition, in the light of the weekend's events, would be a matter of the utmost seriousness. The right hon. Gentleman decries the Government's approach, but last week we had evidence that it worked in the case of the Spanish oceanographic survey vessel, which mounted an incursion into Gibraltar waters and sought to carry out survey work. Following the Government's vigorous protests, including summoning the Spanish ambassador, and the strong views expressed in this House, notably in questions put to the Under-Secretary of State for Foreign and Commonwealth Affairs, my hon. Friend the Member for Boston and Skegness (Mark Simmonds) following his oral statement last week, the Spanish vessel pursued its survey work but did not mount any further incursion into British Gibraltar waters. The vessel carried out its survey work within Spanish waters. That shows that we should not write off the Government's approach.

[Andrew Rosindell \(Romford\) \(Con\):](#)

The Minister of State must surely now realise that this is a long series of acts of aggression by the Spanish Government against the loyal subjects of Gibraltar, and that the time has come to take firm and decisive action. Is it not time to send the Spanish ambassador back to Madrid?

[Mr Lidington:](#)

No.

[Mr Peter Hain \(Neath\) \(Lab\):](#)

I endorse the strong criticism across the House of the serious breach of an international treaty in opening the bag, but may I probe the Minister's diplomatic strategy to resolve the escalating tension of the past few months? Will he revisit the work done by Lord Howe and Lord Garel-Jones under his party's leadership in government, and by my right hon. Friend the Member for Blackburn (Mr Straw) and I under the previous Labour Government, which respects the paramount rights of Gibraltarians but recognises that Spain, currently one of our closest friends, has an historic grievance? Until we bring people together for proper negotiations, we will not resolve these matters.

[Mr Lidington:](#)

I would like to see people come together through the ad hoc talks on practical issues, which were proposed in 2012 by my right hon. Friend the Foreign Secretary. We still hope that it will be possible for such talks to take place. I am grateful to the right hon. Gentleman for his support, but may I add, as gently as I can, that I do not believe that the example he and the former Foreign Secretary set when they were in government would help? It added hugely to the sense of mistrust in Gibraltar about the intentions of the British Government.

[Sir Edward Leigh \(Gainsborough\) \(Con\):](#)

Which Royal Navy warships are currently in the waters around Gibraltar, and do not these provocations give the lie to those who have complacently argued for years that the Royal Navy was not important? The best preservation of peace is the strength of the Royal Navy.

[Mr Lidington:](#)

No one in this Government has ever decried the importance of the Royal Navy. I am sure that my hon. Friend would not expect me to comment on ship deployments.

[Mr Nigel Dodds \(Belfast North\) \(DUP\):](#)

Spain is a fellow member of the European Union and a NATO ally. What are the Government doing with the member states of both those bodies to bring pressure to bear on the Spanish Government? Surely that is an important aspect.

[Mr Lidington:](#)

The most important thing that we can do with fellow members of the European Union and other allied countries—indeed, this is what we have been seeking to do—is draw their attention to the fact that Gibraltar is not some exploited colony; it is a self-governing territory whose people have time and again freely expressed their wish to remain under the sovereignty of the United Kingdom.

[Mr Peter Bone \(Wellingborough\) \(Con\):](#)

In order to build more trust with the Gibraltarians, would not it be a good idea for some Royal Navy ships to make a good-will visit there—preferably a couple of gunboats?

[Mr Lidington:](#)

Royal Navy vessels make frequent good-will visits to Gibraltar as part of their operations, and I am sure that pattern will continue in future.

[Mike Gapes \(Ilford South\) \(Lab/Co-op\):](#)

Hundreds of thousands of British people live in Spain and large numbers of Spanish people live in this country. Many of them will be very concerned about a possible deterioration in the relationship between the two countries. What action will the Minister take to resolve the

matter by involving the European Commission again, given that we are both member states of the European Union?

[Mr Lidington:](#)

We will always consider trying to involve the European Commission where it has competence, but it does not have competence to determine sovereignty. That sovereignty was set out in the treaty of Utrecht and has been confirmed by the freely expressed vote of the people of Gibraltar many times.

[Robert Neill \(Bromley and Chislehurst\) \(Con\):](#)

Does the Minister agree that the explanation that the Spanish Government have given is extraordinary and, frankly, would not pass muster in the Bromley magistrates court, let alone anywhere else? Will he redouble his efforts to explain through our NATO allies that the behaviour of the current Spanish Government, who are stooping to the levels of Franco's Government, is not that of a NATO ally and is not acceptable? Will he consider reinforcing the naval deployments available to us in Gibraltar?

[Mr Lidington:](#)

What would be in the interests of both this country and Spain, as fellow members of NATO and the European Union, would be to take forward talks on practical issues concerning co-operation on matters that affect Gibraltar and the campo, to park the admitted irreconcilable difference over sovereignty and to focus on the wider agenda, where the UK and Spain have a great deal on which they should be able to work together constructively.

[Thomas Docherty \(Dunfermline and West Fife\) \(Lab\):](#)

Just a few days ago Members on both sides of the House warned that every time the Foreign Office summoned the ambassador there was some sort of nonsense from the Spanish in response. Will the Minister answer the specific question from my right hon. Friend the Member for Warley (Mr Spellar), which he forgot to answer? Has either the Prime Minister or the Foreign Secretary personally spoken with their counterparts in Spain?

[Mr Lidington:](#)

The contacts with the Spanish authorities have been at all appropriate senior levels. We remain ready, in the event of further serious incidents—we hope that will not happen—to make representations to Spain at whatever level we consider appropriate given the circumstances.

[Mr Ben Wallace \(Wyre and Preston North\) \(Con\):](#)

About 200 metres off the coast of Morocco lies Perejil island, a rocky and disputed outcrop in sight of the Moroccan coast. The Spanish refuse even to negotiate or discuss its position. Perhaps we could help our Spanish allies understand the frustration we feel with this type of interference if we recognised Morocco's right to the island.

[Mr Lidington:](#)

My hon. Friend makes his point very plainly.

[Several hon. Members](#)

rose—

[Mr Speaker:](#)

Order. We must move on.