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## If Spain wants Gibraltar, when it planning to give up Olivença?

Posted By: [Daniel Hannan](#) at Mar 13, 2009 at 00:12:21 [General]  
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What if it had been the other way around? What if Spain had helped itself to a slice of someone else's territory, forced the defeated nation to cede it in a subsequent treaty, and hung on to it? Would Madrid behave as it wants Britain to behave over Gibraltar? *iNi pensarlo!*

How can I be so sure? Because there is precisely such a case. In 1801, France and Spain, then allies, demanded that Portugal abandon her ancient friendship with England and close her ports to British ships. The Portuguese staunchly refused, whereupon Bonaparte and his Spanish confederates marched on the little kingdom. Portugal was overrun and, by the Treaty of Badajoz, forced to give up the town of Olivença, on the left bank of the Guadiana.

When Boney was eventually defeated, the European powers met at the Congress of Vienna to produce a comprehensive settlement of Europe's borders. The ensuing treaty urged a return to the pre-1801 Hispano-Portuguese (or, if you prefer, Luso-Spanish) frontier. Spain, after some hesitation, eventually signed up in 1817. But it made no move to return Olivença. On the contrary, it worked vigorously to extirpate Portuguese culture in the province, first prohibiting teaching in Portuguese, then banning the language outright.

Portugal has never dropped its claim to Olivença, though it has made no move to force the issue (it toyed with the idea of snatching the town during the Spanish Civil War, but eventually backed off). Although Portuguese maps continue to show an undemarcated frontier at Olivença, the dispute has not been allowed to stand in the way of excellent relations between Lisbon and Madrid.

Now let's consider the parallels with Gib. Gibraltar was ceded to Great Britain by the Treaty of Utrecht (1713), just as Olivença was ceded to Spain by the Treaty of Badajoz (1801). In both cases, the defeated power might reasonably claim that it signed under duress, but this is what happens in all peace settlements.

Spain complains that some of the provisions of the Treaty of Utrecht have been violated: that Britain has extended the frontier beyond that originally laid down; that it has bestowed a measure of self-government on Gibraltar incompatible with the outright British jurisdiction specified by the Treaty; and (although this point is rarely pressed) that it has failed to prevent Jewish and Muslim settlement on the Rock. With how much more force, though, might Portugal argue that the Treaty of Badajoz has been abrogated. It was annulled in 1807 when, in violation of its terms, French and Spanish troops marched on Portugal in the Peninsular War. A few years later, it was superseded by the Treaty of Vienna.

Of course, the Spanish might reasonably retort that, whatever the legal niceties, the population of Olivença is loyal to the Spanish Crown. While the issue has never been tested in a referendum, it certainly seems that most residents are happy as they are. The Portuguese language has all but died out except among the very elderly. The town (Olivenza in Spanish) hosts one of the most important bullfighting ferias of the season, attracting breeds and matadors beyond the dreams of any similarly sized pueblo. Portuguese rule would mean an end to Spanish-style bullfighting, and a return to provincial obscurity.

I'm sure you can see where this is going. This blog has always made the cause of [national self-determination](#) its own cause. Spain's claim to Olivença (and Ceuta and Melilla) rests on the knock-down argument that the people living there want to be Spanish. But the same principle surely

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applies to Gibraltar, whose inhabitants, in 2002, voted by 17,900 to 187 to remain under British sovereignty.

Britain, by the way, has every right to link the two issues. The only reason the Portuguese lost Olivença is that they were honouring the terms of their league with us. They are our oldest and most reliable allies, having fought alongside us for 700 years - most recently, and at terrible cost, when they joined the First World War for our sake. Our 1810 treaty of alliance and friendship explicitly commits Britain to work for the restoration of Olivença to Portugal.

My real point, though, is that these issues ought not to prejudice good relations between the rival claimants. While Portugal has no intention of renouncing its formal claim to Olivença, it accepts that, as long as the people there want to remain Spanish, there is no point in pushing the issue. It is surely not too much to expect Spain to take a similar line *vis-à-vis* Gibraltar.

Since this post is likely to attract some crotchety comments from Spaniards, I ought to place on the record that you're not likely to find a more convinced Hispanophile than me. I like everything about your country: its people, *its festivals*, its cuisine, *its music*, its literature, *its fiesta nacional*. Tomorrow night, you will find me in Sadler's Wells, transported to a nobler and more sublime place by the voice of Estrella Morente. Believe me, *señores*, it's nothing personal: it's just that you can't have it both ways.

[ 37 comments ]

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### Comments



#### Johan de Meulemeester

The Treay of Utrecht was not implemented by referendum; the Spanish people never voted on this referendum and therefore its illegal; the Spanish people should be given a referendum on this issue and vote wether they agree to give their territory of Gibraltar to the English.

March 13, 2009  
12:51 AM GMT

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#### baldyjohn

Dear MuleHead

"The Treay of Utrecht was not implemented by referendum; the Spanish people never voted on this referendum and therefore its illegal; the Spanish people should be given a referendum on this issue and vote wether they agree to give their territory of Gibraltar to the English."

For once I agree with you and therefore that we in the UK can finally have our Referendum on leaving the EU according to your logic which , once we do also means, we can be shot of you too ! We will promise never ever to go to war again just because you have been invaded.

Brilliant ! Of course, the Spaniards are only very recently aware of the voting concept so the results may be a bit difficult to interpret - March on Moscow, Buy new shoes, Withdraw from NATO operations, difficult to determine. But then, why worry ? Neither Spanish, Italian, Greek or Belgium troops (does Belgium have an Army ? Will account for much, such is the EU way.

March 13, 2009  
01:02 AM GMT

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pp  
JdeM

Great idea - the british public were never asked about giving up the empire, lets take it all back...

Oh.. no.. Dan supports the choice of the /residents/ not the choice of external parties who say they have a claim...

Sorry JdM - your being silly again.

March 13, 2009  
01:30 AM GMT

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### Johan de Meulemeester

There are many precedents for returning Gibraltar; Spain can implement the same system as China did with England for the English colony of Hong Kong ; Spain can promise not to evict the residents from the rock and Spain could agree not to change the financial system in Gibraltar for a certain number of yrs.

This system worked very well in Hong Kong and Macau ; there's no reason why it should not be implemented in Gibraltar - its about time now for the English regime to stop this illegal occupation of Spanish territory.

March 13, 2009  
01:34 AM GMT

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### The Huntsman

One might add, though it is perhaps unnecessary in the light of what you write, that Spain's claim is, in terms of the time it held Gibraltar in the past, very weak.

After the collapse of Rome-in-The-West c. 410 Gibraltar came under the suzerainty of the Visigoths for some three hundred years. Then the Moors held it for 781 years. From 1492 to 1715 it was Spain who held it, for a mere 224 years. The UK has held it for 294 years.

This puts them in fourth place, fifth if one adds the Roman Empire's occupation from 19 BC to 410.

Not exactly strong ground....

March 13, 2009  
02:01 AM GMT

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### Owen\_Morgan

Moules-Frites says, "The Treaty of Utrecht was not implemented by referendum; the Spanish people never voted on this referendum and therefore its illegal; the Spanish people should be given a referendum on this issue and vote whether they agree to give their territory of Gibraltar to the English."

It's not "their territory" - that's the whole point.

March 13, 2009  
02:14 AM GMT

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The Treaty of Utrecht is an anachronistic bit of paper.. that should be consigned to the dustbin of history and no longer has any validity in the 21st century!

The people of Gibraltar have consistently and emphatically

**Cybernest** own freely expressed wishes for self determination... and always in the best most democratic manner... and we didn't need any bombs under our asses to do so!

The UK Government has accepted that our referendum in 2006, approving our new Constitution, was de facto, an act of self determination on our part, which in effect decolonised Gibraltar.

In any case... THE only factor that should be important to all is simply this...

**Gibraltar belongs to the People of Gibraltar! It is neither Spain's to claim nor Britain's to give away!**

A Gibo's Tale... on Sovereignty of Gibraltar

March 13, 2009  
02:30 AM GMT

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**parabellum**

Great blog Daniel.

Why does anyone bother replying to what the ignorant Ameriphobic Jew-hating moron, Jackass the Mule writes? The only way to answer him is to ridicule him - he has no points to make, and it is like taking candy from a baby.

Here are a few touchy subjects.

Heavily armed American attack troops  
Attack radar  
The Euro  
The Jews who run the world  
Mental home

All you need to do is light any of his blue touchpapers, and stand back, then point him in the direction of No5.

March 13, 2009  
02:36 AM GMT

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**alex123**

Of course Johann is right, as always. The people of Central Africa chose in a referendum to be colonial subjects of Belgium as in the same way there should have been a referendum of the Belgian people before independence was granted to the Congo, etc, etc.

March 13, 2009  
04:38 AM GMT

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**JohnT**

Huntsman has a point: given our long occupation we have a good claim, apart from the obvious one of possession by a Peace Treaty.

I don't actually recall that vast numbers of referendums took place in the kingdoms of the early eighteenth century, but if Ivan M wants a referendum, we could have a referendum among the Moors. (And the Visigoths. Those poor Visigoths have had a raw deal, IMO.) Include Andalucia as well - no one asked the Moors if Granada, Seville and Cordoba ought to be Spanish. :-)

March 13, 2009  
04:41 AM GMT

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**alex123**

Of course, if one holds Johann's view that treaties are not valid unless approved by referendum, regardless of whether such a protocol is inscribed within a nation's constitution, or (in Spain's case) not, then where does this leave the Treaty of Lisbon?

March 13, 2009

05:24 AM GMT

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**Salty**

Sell Gibraltar To Morocco for billions allowing Spain and Morocco to dither over Gibraltar and Spanish Morocco (for which I would want the TV and movie rights). In the meantime, you have the much needed cash. Myself, I'd be most interested in buying Bermuda. Can my people talk to your people?

March 13, 2009

06:02 AM GMT

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**Britton**

The border between Spain and Portugal is one of the more stable in all European history. So, why there is a problem with Olivenza ? And only there ? Portugal was born from the Reconquista, when Christian armies from the north liberated southern territories from the Muslims occupiers. Same thing with the castilian kingdoms. Olivenza was reconquered by the king of Leon and grabbed by the Portuguese in 1297. That's why Spain reclaimed the city in 1801. When the British liberated the city from the French, Wellington refused to cede it to the Portuguese and instead kept the Spaniards in charge.

There is also a big difference between Gibraltar and Olivenza, the disputed is settled between Spain and Portugal, for instance in the treaty of 1977.

March 13, 2009

07:27 AM GMT

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**Stephen Jenner**

As Ernest said:

"Gibraltar belongs to the People of Gibraltar! It is neither Spain's to claim nor Britain's to give away!"

It is actually an example of the real world, local people want local government and the more of this they get, the more fiercely they will defend their position. To prove their determination to be self determining(??), their government actually gave their own demos a referendum... now there is a refreshing concept!

The fact that the current bunch of criminals that call themselves the UK government (Straw?) was happy to discuss handing Gibraltar to some other European government, merely proves my contention that you can...



March 13, 2009

08:01 AM GMT

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By the way, I believe some bloke from America once said that "All history is bunk", or maybe he was misquoted...

**Stephen Jenner**

As several commenter's here, including Daniel have demonstrated, it is absurd to use history to determine property rights, if one goes back far enough, the British Isles was joined to France, Belgium and The Netherlands (none of which existed, as nations) and T.Rex ran around eating cabbages or something. So, presumably all of Europe belongs to the crocodiles and the cockroaches!

The one useful thing that history can teach is that if we give politicians a choice, they will make the wrong decision, and repeat the mistakes that their antecedents have made, and they will keep doing this until we take their power away.



March 13, 2009  
08:16 AM GMT

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**DominicJ**

"They are our oldest and most reliable allies, having fought alongside us for 700 years - most recently, and at terrible cost, when they joined the First World War for our sake" The Azores were leased to us by Portugal in the second world war, an act which without the battle of the Atlantic would have been much harder fought.

JdM  
Hong Kong was leased to the UK for 99 years, after 99 years we returned it, end of story.  
Gibraltar was given to the UK forever, on the understanding that if we ever abandoned it, it would return to the Spanish.

March 13, 2009  
09:05 AM GMT

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**Bry.St Ives**

Off Topic..

Why do we have to put up with these childish distracting banners? Now Steve Jenner has got one, 'Never trust a politician' in pseudo Russian script and then there's that wobbly multicoloured snake thing which says something about the labour party. Yes it's all very ohh! you've got one so I want one too but do we really need them? What do they add to the DT blogs? I was under the impression, well, except perhaps for good old Johan, we were adults.

March 13, 2009  
09:54 AM GMT

REPORT THIS



Funnily enough Bry... I agree, I will stop using it immediately...

However, the reason for using it was to point out that one can...



Sorry, that is the last time.

Just one more point though, although I agree it has been a silly diversion, it was MY diversion which I intended to desist from anyway. I do not appreciate being told what to do by another commenter on these illustrious columns, that is fascist. And isn't this what Daniel's column is all about?...

---

**Stephen Jenner**

March 13, 2009  
10:09 AM GMT

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**DominicJ**

You should be able to get rid of them by turning off some of your functionality, but its an all or nothing trade off.

March 13, 2009  
10:10 AM GMT

REPORT  
THIS



**Bry.St Ives**  
@ Stephen

I don't see anywhere in my post where I 'told you what to do'. I merely asked if the banners were needed. To repeat, I found them childish and a distraction. Your 'fascist' remarks were disgraceful but perhaps allows an insight to your personality. I will treat any further posts by you with caution.

Please note. If you call 'fascist' again I will come round and kick your f\*\*\*\*\* head in !!

March 13, 2009  
10:36 AM GMT

REPORT  
THIS

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