

The Issue of Gibraltar's Sovereignty and Spain's Territorial Integrity. What could Spain do to Resolve the Gibraltar Problem?

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Abstract

The maintenance of Spain's territorial integrity strongly depends on the integration of Gibraltar into the Kingdom of Spain. Spain has repeatedly tried to regain control over the Rock - a British Overseas Territory - by both military and diplomatic means. The decline of Spanish imperial power and the British preeminence during the 19th century made any recovery attempt by Spain futile. Following World War II, Spain reactivated its claim over Gibraltar and Gibraltar's integration into the kingdom of Spain has remained a stated objective of successive Spanish governments. Negotiations between Spanish and British authorities remain unproductive and the issue of Gibraltar remains unresolved. Spanish national unity rules out the right to self-determination on which the Gibraltarians themselves insist and the Spanish government continues to treat the Gibraltarian problem as a bilateral matter between United Kingdom and Spain, thereby ignoring the economic, social, and political interests of Gibraltarians. This analysis questions the strategies and policies employed by the Spanish government when addressing the current Gibraltarian crisis.

Keywords: Anglo-Spanish conflict, Spanish national unity, territorial integrity, the status of Gibraltar, the right to self-determination

Introduction

Spain has never given up its claim to Gibraltar. Gibraltar has remained a thorny issue in British-Spanish relations since 1713, when Spain lost control of this area and ceded it to England under the terms of the treaty of Utrecht. The treaty of Utrecht ended the war of Spanish succession, which began after the death of childless Charles II, in 1701 and continued till 1713. According to this treaty Bourbon dynasty succeeded the Habsburg dynasty and European states recognized Prince Philip of France (Philip V) as King of Spain. Spain lost vast territories in Europe: Spanish Netherlands, Sardinia, Sicily, Milan and the Kingdom of Naples. In addition, Spain lost Gibraltar and Minorca, which was ceded to Britain. Since this period Gibraltar belongs to U.K. Spaniards are irritated by the fact that they cannot control part of their territory. Gibraltar, which is in reality a tiny rock, remains a very sensitive and emotive issue in Spain, as well as in the United Kingdom. Because of its small size Gibraltar is not a necessity to Spain, nor does it have a great economic or strategic significance. Instead, Gibraltar represents a strong symbolic significance for Spain. It is a banderilla, or a thorn in the side of Spanish pride, and the return of Gibraltar is a matter of principle. The intractable nature of the conflict over the rock derives precisely from the basic assumption of any state: the indivisible nature of its sovereignty and territory.

The Emergence of Multi-ethnic Society in Gibraltar

Gibraltar is 6.5 square kilometer rock located at the southern tip of Spain. The name Gibraltar is derived from the Arabic word "Jebel Tariq" which can be translated as "mountain of Tariq" Tariq Ibn-Ziyad was a famous Arab general of Berber origin, who led the Arab conquest of Spain in 711. He landed an army that consisted largely of Berbers at Gibraltar, brutally crushed the resistance of Visigoths, conquered the Iberian Peninsula and became the ruler of Spain. Since then Gibraltar bears the name of famous Arab commander. In the antiquity it was known as Mons Calpe, which is a Latin term and means "Mountain of Calpe." (Dodd J. S., 2012) Gibraltar is one of the most densely populated areas of the world. Population density is 4,959 inhabitants per square kilometer. The total population in Gibraltar was estimated at 29,752 in 2011. Its population is ethnically very diverse. A multiethnic and multicultural society emerged through the fusion of different ethnic groups that came to the Rock as immigrants from the European and Non-European countries. As it is revealed from the origin of surnames, among the newcomers were many Genoese and Maltese. The present-day Gibraltarians are descendants of these different ethnic groups and people. The main ethnic groups, according to the origin of surnames are Britons, Spanish, Genoese, Portuguese, Maltese, and Jews. On its territory also reside Moroccans, Indians,

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French, Austrians, Chinese, Japanese, Poles and Danes. The Rock's multi-ethnicity is also reflected in its language. The main language of Gibraltar is Llanito (or Yanito), a form of Andalusian Spanish, mixed with English, Arabic, and many other languages. (Levey D., 2008)

Gibraltar's Economic and Political Significance

Because of low taxes Gibraltar is a "tax haven" for its residents and for the companies registered on its territory. Gibraltar's economy is booming and the Rock has fifth highest standard of living in the world. Gibraltar is a "porto franco" and one of the world's most important financial and touring centers. As such because of its high standard of living, Gibraltar attracts Spaniards like a magnet and thousands cross into Gibraltar every day to work in low-level jobs. (Daley S., 2011)

As it has been mentioned above the Rock has been ruled by Britain since 1713, when Spain was forced under the terms of the Utrecht treaty to cede this territory to England. Throughout much of the XIX and XX century, Gibraltar performed the function of a strategic military base for Britain's armed forces, but it is now primarily a commercial outpost. Because Gibraltar is classified as the "British Overseas territory," it is exempt from many European Union regulations. It does not pay value added tax or turnover taxes. It is not part of the EU Customs Union, the European Tax Policy, the European Statistics Zone or the Common Agriculture Policy and does not contribute to the EU budget. (Hyland J., 1999) The population of Gibraltar enjoys local democratic self-government and an increasingly higher standard of living than that prevailing in Spain. Moreover, Gibraltar enjoys a wide scope of autonomy. The new constitution, which came into effect in 2007, grants Gibraltar much greater control over its internal affairs, only defense and foreign policy remains under the UK responsibility. In addition, the status of Gibraltar has been changed and it is no longer regarded as the colony of the United Kingdom and is classified as the "British Overseas territory." This is the reason why 30.000 Gibraltarians - mostly ethnic Mediterraneans are carrying British passports – remain adamantly opposed to becoming Spanish.

The Anglo-Spanish Conflict over the Status of Gibraltar

Spain has never accepted British sovereignty and has never given up its claim to the "Rock." The return of Gibraltar always was and will remain one of the main objectives of Spanish foreign policy. In the XIX century, when Spain experienced decline, and when Britain's imperial supremacy among imperial states was undeniable, the return of Gibraltar seemed an unrealistic and impossible goal. Claim over the return of Gibraltar resurfaced again in 1950s and 1960s, during Franco's rule. When the 1967 referendum revealed

that the vast majority of Gibraltarians wanted to remain under British rule, Franco decided to close the border with Gibraltar. (Solsten E. & Meditz S. W., 1988) He said that the Rock would eventually "fall like a ripe fruit." In reality his decision to close the border and impose a blockade on Gibraltar turned out to be a disastrous mistake, for it froze the division between Gibraltar and Spain, and hardened the attitudes of Gibraltarians. Gibraltarians lost connections with their relatives in Spain and many families were separated from each other. Spanish families that moved from La Linea to Gibraltar were cut off from their relatives only half a kilometre away. Many Spaniards lost jobs because of the closure of the border. In 1969, approximately 5000 Spanish workers from La Linea were employed in Gibraltar, but lost their jobs because of the blockade. The 1969 blockade did not help Spain to regain control over the Rock and solve the issue of Gibraltar, on the contrary, it only served to aggravate the problem. Any Negotiations and attempts to solve the Gibraltar issue were unproductive until Spain returned to democracy. Since then, reclaiming the territory by peaceful means remains the stated objective of successive Spanish governments and any political force that comes to power, puts the return of Gibraltar on the agenda.

The governments of both countries have tried many times to start negotiations aimed at resolving the dispute over Gibraltar. But the negotiations between Spanish and British governments are always unproductive and the issue of Gibraltar remains unresolved because Spanish government continues to treat the Gibraltarian problem as the bilateral matter between United Kingdom and Spain and does not take into account the interests of Gibraltarians. Spanish government wants to re-establish the territorial integrity of the kingdom of Spain. For the Rock's government Spain's national unity is unacceptable, because Gibraltarians do not want to lose their privileged status. Furthermore, Spanish territorial integrity and national unity rules out the self-determination on which the Gibraltarians themselves insist. (Minet G., Siotis J., Tsakaloyannis P., 1981)

None of the political parties in Gibraltar supports union with Spain. Gibraltarians have also rejected a proposal on "joint sovereignty" on which governments of Spain and the UK reached an agreement. "Shared sovereignty" would have allowed them to have double citizenship and become citizens of both countries, United Kingdom and Spain. On 18th of March 2002 massive demonstration was held in Gibraltar, in which 25.000 people participated. They unanimously rejected the concept of "joint sovereignty," but at the same time expressed their desire to improve relations with Spain and establish good neighborly relations with this country. In November 2002 a referendum was held in Gibraltar, an overwhelming majority of the population (98.97 percent) rejected the proposal of "shared sovereignty". (United Nations, 2005) Following referendum negotiations on Gibraltar's future reached a

deadlock. The British government holds the position that inhabitants of the area should determine Gibraltar's fate and has committed itself to respecting the Gibraltarians' wishes. A referendum was held twice in Gibraltar in 1967 and 2002, and in both referendums Gibraltarians voted almost unanimously to remain under British rule. Gibraltarians run their own domestic affairs, enjoy local democratic self-government and an increasingly higher standard of living than prevailing in Spain; therefore it was not a surprise that they rejected proposals for Spanish sovereignty and refused to join the Spanish Kingdom in both referendums.

The British government always attached great importance to the Rock, as it was seen as a means to establish military control over the strait of Gibraltar and in this way the Britain's trade routes to the East were maximally protected. Gibraltar was the gateway to the Mediterranean Sea, which allowed Britain to retain the status of World Power. The rock became the bastion of British naval power and one of the most important British possessions in the Mediterranean. (Weitz R., 2000) In the XVIII century Gibraltar served as a Royal Navy base from which Nelson launched an attack against the French forces and defeated them at the Nile in 1798, and destroyed joint Spanish-French fleet at the battle of Trafalgar in 1805. During the Napoleonic Wars, Gibraltar became a major military and supply base for supporting the Spanish uprising against the French forces. Gibraltar did not lose its strategic significance even in the twentieth century. During the Falklands War it was a vital staging post for British armed forces on the way to the Falklands.

The military importance of Gibraltar declined during the Cold War. However, it remains a strategic area because it is a very important maritime passage for the world's maritime navigation, which connects the Mediterranean Sea with the Atlantic Ocean. More than one quarter of the global maritime traffic transits through the strait every year. Controlling the strait is of vital importance to NATO. The task of controlling the strait has been traditionally assigned by NATO to the UK, but since Spain joined NATO a new candidate has emerged which can also perform this function. However, the tense relations that the Kingdom of Spain had with the Bush administration and the special relationship of the United States with the United Kingdom has caused NATO to take a more favorable position towards the UK and Morocco for control of the strait.

Gibraltar has a great strategic significance because it is "the British military base on Spanish soil" as the foreign minister of Franco, Castiella used to call it. In military terms, the Rock – no longer vital in peacetime – would be useful in conflict. Spain's most immediate security interest consists of not facilitating the operational capacity of the English military based on the Rock, given that there is a risk that Great Britain might involve in a military action which would endanger not only Gibraltar, but also the entire Southern Spain. According to Spanish public opinion

the British naval base which was forcefully imposed on Spaniards against their will, constitutes a threat to the Kingdom of Spain as a whole. This fear towards the British military base is somewhat exaggerated because neither major military ships nor military aircraft are now regularly based there by Britain, and the Royal Navy dockyard has been transformed into a commercial facility for civilian purposes. (Treverton G. F., 1986) However, the military headquarters remain inside the Rock and could be activated in wartime, as could the facilities for berthing ships and submarines. Spaniards are especially afraid that Britain might use Gibraltar as a base for its nuclear arsenals. Spain is interested in strengthening its military control over the straits in order to minimize the threat coming from the British military base.

Spain's relations with the United Kingdom have worsened considerably in the last years. The attitude of the Spanish government towards Gibraltarians is becoming more and more negative, which is also reflected in Spanish mass media. According to Fabian Picardo Spanish government uses mass media to incite hatred against Gibraltarians. The government of Gibraltar has decided to prepare a report in order to sue Spain for inciting hatred. A team of eight lawyers has gathered thousands of pages of newspapers and hundreds of hours of television and radio programs which have made offensive remarks against Gibraltarians and have argued that Gibraltar is a criminal place that must be destroyed. The authors of the report highlight the use of abusive and threatening language towards Gibraltarians. According to this report Spanish mass media often portrays Gibraltar as an outdated colony and a nest of "smugglers", "parasites," and "money launderers". (Gomez L., 2013) The video of a school play in which a group of students carried out a mock execution of Gibraltarians is the latest example of the hatred campaign that has been generated in Spain over the last years. Anti-Gibraltar campaign in Spain is getting so intensive that it can easily get out of control. (Olivero L., 2013)

Current dispute between Spain and the United Kingdom over the status of Gibraltar has manifested itself in the form of a clash over fishing rights. Spain claims jurisdiction over the territorial waters of Gibraltar and considers it part of its national territory. Tensions between Spain and Gibraltar increased considerably when Gibraltar decided to break the agreement of 1999 with the Spanish fishermen's guilds which allowed Spanish fishing boats to operate in Gibraltar's territorial waters. Gibraltar's government decided to drop concrete blocks into the sea in order to stop "deliberate" incursions by Spanish fishing boats and protect its waters from overfishing. Spanish government was angered by this decision and protested that the creation of the artificial underwater reef was illegal and was the violation of the treaty of Utrecht. Spain claims the waters surrounding the Rock and refuses to recognize Gibraltar's jurisdiction beyond the bounds set forth in the Treaty of Utrecht. Spanish side argues that

the Treaty of Utrecht limits British maritime control to the port of Gibraltar. (Fox News, 2012) Gibraltarians reject this argument and believe that territorial waters have to be defined according to the International law. Spanish government decided to punish Gibraltarians because of the creation of the artificial reef and introduced extra border checks for people crossing the border between Spain and Gibraltar. This led to extremely long traffic queues. Spanish border guards deliberately slow frontier traffic and sometimes people have to wait for several hours to cross the border. (The Economist, 2013) Spanish government plans to complicate the lives of Gibraltarians even more by imposing a 50 euro border crossing fee for people going to and from Gibraltar. In addition, Spain could close its airspace to flights heading to Gibraltar and Spanish tax authorities could start an investigation into property owned by around 6,000 Gibraltarians in neighboring parts of Spain. (BBC News, 2013) Spanish government's decision to impose sanctions on Gibraltar could have negative consequences also for Spaniards and could increase the unemployment rate in Southern Spain. Thus, such actions could harm not only Gibraltarians, but also Spanish citizens because thousands of Spaniards work in Gibraltar.

Conquest Approach: How not to Resolve the Crisis

The current diplomatic strategies employed by the Spanish government do not allow for negotiation. Rather, when dealing with the Gibraltarian issue Spanish authorities are intent on pursuing a "conquest approach." Such an approach emphasizes too much "stick" and not enough "carrots" when encouraging Gibraltarians to cooperate with Spaniards. Scoring a victory, defeating the opponent, proving how right you are and how wrong the other party is – these are the goals of the conqueror. The conqueror often uses coercion to obtain his goal. Overture Coercion is the use of threats. The threat may be verbal, written, or implied in actions underway such as the threat of military intervention or the implementation of economic sanctions. Conquest approach polarizes positions and greatly restricts options for resolving conflict. Gibraltar Chief Minister Fabian Picardo accused Spain before the United Nations Fourth Committee of inciting racial hatred and employing a strategy designed to demonize the Gibraltarians. According to him negative image of Gibraltar is deliberately created in order to manipulate Spain's vulnerable people caught in economic woes. (MercoPress, 2013) Former head of the Royal Navy Lord West believes that Spanish rhetoric and Spain's ongoing "incursions" into territorial waters of Gibraltar is "extremely provocative" and "highly dangerous". He believes that tensions between Spain and Gibraltar can very easily escalate into an armed conflict. According to him Spain has lots of socio-economic problems and the government is trying to divert attention of Spanish population from domestic problems. There

are fears that the Spanish government is seeking to ramp up tensions because the Spanish warship Tornado entered British waters near Gibraltar where it was confronted by the Navy and asked to leave. The current situation resembles very much the recent crisis around the Falkland Islands where an unpopular government in Argentina has tried to use territorial dispute as a tool for deflecting attention away from domestic problems. (Howarth, M., 2013) Fabian Picardo compares Spain's provocative actions to that of North Korea. Fabian Picardo accused Spanish Foreign Minister, Mr. Garcia-Margallo of using the "threatening" language and deliberately raising tensions between the two nations. Spanish government is repeating the same mistakes that Franco committed in 1960s, when he decided to seal of Gibraltar and imposed an economic blockade on the Rock.

Spanish government should change its style of dealing with conflict. Spain has a lot of leverage to deal effectively with the Gibraltarian problem. Instead of using "sticks" Government should use more "carrots" and a combination of rewards and inducements. Historical experience has demonstrated that sanctions such as closing the border and imposing an economic blockade do not solve the problem, on the contrary such actions harden the attitude of Gibraltarians. Although conflict resolution is a very timeconsuming process, the problem can be handled effectively if Spanish government will start using a combination of rewards and inducements such as the intensification of trade, economic and commercial links with Gibraltar, the introduction of fellowship programs for Gibraltarian students at the Spanish universities, the increase in cultural relations, etc. If Spain dropped all the restrictions and sanctions against Gibraltar, more business could be done between Gibraltar and the neighboring part of Spain. Spanish companies and businessmen would gain a chance to invest in Gibraltar. Such actions would intensify interethnic relations between two nations and would contribute greatly to the peaceful resolution of the problem.

Conclusion

Resolving the current crisis in Gibraltar will require a more diplomatic strategy on behalf of the Spanish government. Threats and sanctions against the Gibraltarians do not encourage dialogue nor healthy bilateral relations with the United Kingdom. Therefore, it is not a surprise that Gibraltarians are opposed to the integration of the Rock into the Spanish Kingdom. Referendums that were held in Gibraltar in 1967 and 2002 clearly revealed that Gibraltarians are unwilling to pass under Spanish sovereignty. Gibraltarians have also rejected the principle of "Shared Sovereignty" which would have allowed them to have dual citizenship. Gibraltarians stress their right of self-determination and therefore, adamantly oppose the Rock's unification with Spain. (Lincoln S. J., 1994) Negotiations over the status of Gibraltar still remain unproductive because Gibraltarians seem to remain mistrustful of

Spain. The “threatening” language and harsh rhetoric increase tensions and mistrust. In order to start a new relationship between Gibraltar and Spain, Spanish government has to change its aggressive rhetoric, modify negative public opinion, and build greater mutual respect, confidence and trust. Spanish government should use a different strategy when trying to resolve the issue of Gibraltar. Instead of using “sticks” Government should use more “carrots” and a combination of rewards and inducements.

A lasting resolution of Gibraltar problem can only be achieved through dialogue and negotiation process. Spanish government should not ignore the interests of Gibraltarians during the negotiation process. On the contrary, the wishes of the Gibraltarian people should be taken into account. The Gibraltarians should be able to determine their future and therefore it is crucial to take into account their interests, wishes and aspirations.

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