

Forum: Political Committee

Issue: Regulation of trade and the status of dependency in and through Gibraltar

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Position:

Introduction

Despite having no springs or rivers, barely adding up to 7 km^2 , and holding a mere population of 33,000 inhabitants, Gibraltar suffices to apprehensively raise international contention due to its geopolitical location. What exactly makes a 7 km^2 sized piece of territory so precious that it became a topic of international discussion over centuries? Hosting a variety of civilizations across ages, Gibraltar is situated on the Iberian Peninsula's southernmost point. The Strait of Gibraltar shown in *Figure 1* is the **only** entrance to the Mediterranean Sea from the Atlantic Ocean. Today, it holds the status of being a British overseas territory. As the peninsula borders Spain yet is not a Spanish territory, it causes tension in Anglo-Spanish relations reaching today. During the Napoleonic Wars and World War II, in particular, it became a crucial Royal Navy base. As the Strait of Gibraltar is relatively short —14.3 km to be exact— it has been enabling solid militaristic and economic advantages to the rules of authority.

Figure 1: Satellite Image of Gibraltar



In ancient times, Gibraltar was known as one of the Pillars of Hercules and was considered a key location for maritime trade and military strategy. It was successively ruled by the Phoenicians, Carthaginians, and Romans before falling into the hands of the Visigoths in the 5th century.

In the 8th century, the Moors invaded and took control of Gibraltar, ruling it for more than seven centuries. During this time, the area became an important center of trade and culture, and the strategic location of Gibraltar made it a valuable prize for various conquerors.

In 1462, the Spanish took control of Gibraltar and established a fortress on the rock. The fortress was reinforced over the following centuries, and it played a significant role in many military conflicts, including the Anglo-Dutch War, the War of the Spanish Succession, and the Napoleonic Wars.

In 1713, Gibraltar was ceded to Britain under the Treaty of Utrecht, which ended the War of the Spanish Succession. Since then, Gibraltar has been a British territory, with the exception of a short period during the Spanish Civil War when it was occupied by Spain.

Today, Gibraltar is a thriving community with a unique blend of British, Spanish, and North African cultures. Its strategic location has made it an important center of commerce and tourism, and it continues to be a valuable asset for the British government.

Gibraltar is a British Overseas Territory, which means it is under the jurisdiction and sovereignty of the United Kingdom. However, Gibraltar has a degree of self-government and its own parliament, which is responsible for most internal affairs. The UK is responsible for defense, foreign relations, and other matters related to the territory's status as a British Overseas Territory.

Definition of Key Terms

A priori: referring to or signifying knowledge or reasoning that derives from theoretical deduction as opposed to observation or experience.

De facto states: refers to a circumstance in which two countries are engaged in aggressive military action against one another

Choke point: a strategic narrow route providing passage through or to another region

Overseas Territory: An overseas territory is a geographic area that is under the jurisdiction and sovereignty of a country, but is located outside its mainland or continental boundaries. The term is typically used to describe territories that are not part of the country's integral territory but are instead dependent territories, colonies, or other similar political arrangements.

Border dispute: A disagreement between two or more countries over the location or ownership of a border.

Colonialism: The policy or practice of acquiring and controlling a territory as colonies, often for economic exploitation.

Treaty of Utrecht: A treaty signed in 1713 that granted Gibraltar to Britain in perpetuity, sparking a longstanding dispute with Spain over the territory's sovereignty.

Self-determination: The right of a people to determine their own political status and government, usually through a democratic process.

Joint sovereignty: A proposed arrangement under which two or more countries would share the

sovereignty of a territory or state.

General Overview

Gibraltar is a strategic location for trade, with its location at the entrance to the Mediterranean Sea and its proximity to both Africa and Europe. The territory has a highly developed economy, with a strong focus on services such as finance, shipping, and tourism.

Gibraltar's port is one of the busiest in the Mediterranean, and it is a key center for shipping and logistics. The territory also has a well-developed financial sector, with a number of banks and investment firms operating there. Gibraltar's tourism industry is also a significant contributor to the economy, with visitors attracted by the territory's natural beauty, cultural heritage, and duty-free shopping.

As a British Overseas Territory, Gibraltar is not part of the European Union, although it does participate in the EU's Customs Union and Single Market through its relationship with the United Kingdom. In recent years, the status of Gibraltar has been a point of contention between the UK and Spain, with Spain claiming sovereignty over the territory.

Despite these political tensions, Gibraltar has continued to thrive as a center for trade and commerce. The territory's strategic location and business-friendly environment have helped to attract a wide range of companies and investors, making it an important economic hub in the region.

Major Parties Involved and Their Views

United Kingdom

The historical relationship between the UK and Gibraltar is a long and complex one, dating back to the early 18th century when Gibraltar was ceded to Britain under the Treaty of Utrecht in 1713. Since then, Gibraltar has been a British territory, with the exception of a brief period during the Spanish Civil War when it was occupied by Spain. The Treaty of Utrecht was signed in 1713 to end the War of the Spanish Succession. The treaty was signed between several European powers, including Britain and Spain, and contained several provisions regarding the territorial boundaries and political relationships of the signatories.

Under the terms of the treaty, Spain ceded the territory of Gibraltar to Britain "in perpetuity". The treaty also granted Britain the right to maintain a military garrison in Gibraltar and to control the waters surrounding the

territory.

The UK's relationship with Gibraltar has been characterized by a strong military presence, with the territory serving as an important strategic base for the Royal Navy and other branches of the armed forces. The UK has also been responsible for the defense and security of Gibraltar and has provided significant economic and social support to the territory over the years.

Despite this support, the relationship between the UK and Gibraltar has not always been smooth. Spain has long claimed sovereignty over the territory, and there have been several instances of tension and conflict between the UK and Spain over Gibraltar's status. For example, in 1969, Spain closed the border with Gibraltar, effectively isolating the territory from the surrounding region. The border was not fully reopened until 1985.

More recently, the UK's decision to leave the European Union has raised concerns about the impact on Gibraltar's economy and status. Gibraltar voted overwhelmingly to remain in the EU in the 2016 Brexit referendum, and there have been fears that leaving the EU could lead to increased isolation and economic uncertainty for the territory. Despite these challenges, the UK and Gibraltar have maintained a close and cooperative relationship over the years. The UK remains committed to the defense and security of Gibraltar, and the two sides continue to work together on a wide range of issues, including trade, tourism, and infrastructure development.

Spain

Gibraltar is not governed by Spain because it was ceded to Britain under the Treaty of Utrecht in 1713. The treaty ended the War of the Spanish Succession and was signed between Britain and several European powers, including Spain. As part of the treaty, Spain ceded Gibraltar to Britain "in perpetuity", meaning that the territory would remain under British control indefinitely.

Since then, Spain has made several attempts to regain control of Gibraltar, but these efforts have been unsuccessful. The people of Gibraltar have consistently expressed their desire to remain under British sovereignty, and the UK has maintained a strong military and diplomatic presence in the territory to ensure its defense and security.

The dispute over Gibraltar's sovereignty remains a point of tension between the UK and Spain, and the two sides have engaged in a long-standing diplomatic dispute over the issue. However, Gibraltar continues to be governed by Britain, with a degree of self-government and its own parliament, while Spain has limited influence over the territory.

One example of Spain's attempt to take over Gibraltar is the closure of the border between Spain and

Gibraltar in 1969. The closure was part of a wider campaign by the Spanish government to assert its claim over Gibraltar and to pressure the UK into negotiating the transfer of sovereignty over the territory to Spain.

The closure of the border had a significant impact on the people of Gibraltar, as it cut off the territory from the surrounding region and caused significant economic hardship. Many Gibraltarians were unable to travel to Spain to work or visit family members, and the territory became isolated from the rest of the world.

The border remained closed for over 13 years until it was partially reopened in 1982 and fully reopened in 1985. The reopening of the border was a significant moment in the history of Gibraltar, as it marked the end of a period of isolation and signaled a renewed commitment to the territory's status as a British Overseas Territory. Since then, Spain has continued to assert its claim over Gibraltar, but the border has remained open and the territory has continued to thrive as a center for trade, finance, and tourism. The dispute over Gibraltar's sovereignty remains unresolved, however, and continues to be a source of tension between the UK and Spain.

Timeline of Events

711	The Islamic Moors conquered Gibraltar, which became part of the Umayyad Caliphate.
1462	The Spanish Crown formally acquires Gibraltar.
1704	During the War of the Spanish Succession, a combined Anglo-Dutch force captures Gibraltar from Spain.
1713	The Treaty of Utrecht grants Gibraltar to Britain in perpetuity, sparking the longstanding dispute between the UK and Spain over the territory's sovereignty.
1727	The first civilian inhabitants of Gibraltar settle on the territory.
1779-1783	During the American Revolutionary War, Spain launches a siege of Gibraltar but fails to retake the territory.
1830s	Gibraltar becomes an important coaling and refueling station for British ships bound for India and the Far East.

1939-1945	During World War II, Gibraltar served as a strategic base for the Allies, playing a key role in the Battle of the Atlantic.
1969	Spain closes the border with Gibraltar, leading to a period of isolation and economic hardship for the territory.
1985	The border between Gibraltar and Spain is reopened, leading to a period of increased trade and tourism.
2002	The people of Gibraltar vote overwhelmingly in a referendum to remain a British Overseas Territory.
2019	Spain proposes a joint sovereignty arrangement with the UK as a way of resolving the dispute over Gibraltar's sovereignty.
2020	The UK and Spain hold talks on the future of Gibraltar's relationship with the EU after Brexit, with both sides expressing a willingness to work together to address the territory's unique situation.

UN Involvement

The United Nations has been involved in the dispute over Gibraltar's sovereignty since the early 1960s when Spain first brought the issue before the UN General Assembly. Since then, the General Assembly has adopted several resolutions calling for the UK and Spain to engage in dialogue to resolve the issue of Gibraltar's sovereignty. One of the key resolutions adopted by the General Assembly was Resolution 2353, which was passed in 1967. The resolution called on the UK and Spain to negotiate a solution to the dispute over Gibraltar's sovereignty, taking into account the interests of the people of Gibraltar.

Since then, the General Assembly has continued to call for dialogue between the UK and Spain to resolve the issue. In 2013, the General Assembly adopted Resolution 67/147, which reaffirmed the right of the people of Gibraltar to self-determination and called on the UK and Spain to reach a peaceful and lasting solution to the dispute.

However, the resolutions adopted by the General Assembly are not legally binding, and the dispute over Gibraltar's sovereignty remains unresolved. While the UN has played a role in raising awareness of the issue and calling for dialogue between the UK and Spain, the ultimate resolution of the dispute remains a

matter for the two countries to negotiate.

In recent years, the European Union has also been involved in the dispute over Gibraltar, particularly in the context of the Brexit negotiations. Gibraltar voted overwhelmingly to remain in the EU in the 2016 Brexit referendum, and the EU has been keen to ensure that the territory's interests are protected during the negotiations. However, as the dispute over Gibraltar's sovereignty is a matter between the UK and Spain, the EU's involvement has been limited to ensuring that any agreement reached between the UK and the EU does not negatively impact Gibraltar's economy or status.

Relevant UN Documents

Resolution 2353 (1967): Called on the UK and Spain to begin negotiations to resolve the dispute over Gibraltar's sovereignty.

Resolution 2429 (1971): Passed by the General Assembly, reiterated the call for negotiations between the UK and Spain and requested a report from the Secretary-General on the situation in Gibraltar.

Resolution 3160 (1973): This resolution reaffirmed the need for negotiations and expressed concern about the closure of the border between Gibraltar and Spain.

Resolution 31/49 (1976): Called for the UK and Spain to resume negotiations and reaffirmed the right of the people of Gibraltar to self-determination. (pdf not available for this resolution, yet there are articles evaluating the validity and the controversy of the document.)

Resolution 49/4 (1994): Reiterated the call for negotiations and urged the UK and Spain to explore ways to establish cooperation in the region.

It's worth noting that these resolutions are not legally binding and have not led to a resolution of the dispute over Gibraltar's sovereignty.

Treaties and Events

1. **Treaty of Utrecht (1713):** This treaty granted Gibraltar to Britain in perpetuity, sparking a longstanding dispute with Spain over the territory's sovereignty.
2. **Brussels Agreement (1984):** This agreement between the UK and Spain laid the groundwork for closer cooperation and dialogue on issues related to Gibraltar, including cross-border traffic, telecommunications, and environmental protection.
3. **Joint Declaration (1987):** This declaration affirmed the UK and Spain's commitment to resolving the dispute over Gibraltar's sovereignty through dialogue and cooperation.

4. **Cordoba Agreement (2006):** This agreement between the UK, Spain, and Gibraltar established a framework for cooperation in a variety of areas, including the environment, tourism, and telecommunications.
5. **Brexit Negotiations (2016-2020):** The UK's withdrawal from the European Union raised concerns about the impact on Gibraltar's economy and relationship with the EU. The UK and Spain agreed on a Memorandum of Understanding in 2018 that provided for continued cooperation on issues related to Gibraltar, and a separate agreement was reached between the UK and EU in 2020 that included provisions for Gibraltar's relationship with the EU.

Evaluation of Previous Attempts to Resolve the Issue

There have been several attempts over the years to resolve the dispute over Gibraltar's sovereignty between the UK and Spain. One notable attempt was the Brussels Agreement, which was signed in 1984. The Brussels Agreement was a framework agreement that aimed to establish a process for resolving the issue of Gibraltar's sovereignty through bilateral negotiations between the UK and Spain. Under the terms of the agreement, the two countries agreed to establish a Joint Ministerial Council, which would meet regularly to discuss issues related to Gibraltar.

The agreement also included provisions for the opening of the border between Gibraltar and Spain, which had been closed since 1969. The border was reopened in 1985, and since then, there has been a significant increase in trade and tourism between Gibraltar and Spain. However, despite the signing of the Brussels Agreement and the establishment of the Joint Ministerial Council, the issue of Gibraltar's sovereignty remained unresolved. The two countries have held several rounds of talks over the years, but they have been unable to reach a mutually acceptable solution to the dispute. In recent years, there have been renewed calls for dialogue between the UK and Spain to resolve the issue of Gibraltar's sovereignty, and both countries have expressed a willingness to engage in negotiations. However, the issue remains highly complex and politically sensitive, and it is unclear whether a resolution can be reached in the near future.

In addition to the Brussels Agreement, there have been other attempts to resolve the dispute over Gibraltar's sovereignty between the UK and Spain. One notable attempt was the Cordoba Agreement, which was signed in 2006. The agreement was a bilateral agreement between the UK and Spain that aimed to improve relations between the two countries and address issues related to Gibraltar, including the sovereignty dispute. Under the terms of the Cordoba Agreement, the two countries agreed to establish a forum for dialogue on Gibraltar, which would meet regularly to discuss issues related to the territory. The agreement also included provisions for the opening of the border between Gibraltar and Spain and the establishment of a new air link between Gibraltar and Madrid.

However, like the Brussels Agreement, the Cordoba Agreement did not resolve the issue of Gibraltar's sovereignty. Despite the establishment of the dialogue forum and the opening of the border, tensions between the UK and Spain over the issue of sovereignty remained high. In recent years, there have been renewed calls for dialogue between the UK and Spain to resolve the issue of Gibraltar's sovereignty. The two countries have held several rounds of talks, including most recently in 2020, but they have yet to reach a mutually acceptable solution to the dispute.

Possible Solutions

The issue of Gibraltar's sovereignty is a complex and politically sensitive matter, and there is no easy or straightforward solution to the dispute. However, there have been various proposals over the years for how the issue could be resolved. One possible solution is a shared sovereignty arrangement, under which Gibraltar would be governed jointly by the UK and Spain. This proposal has been floated by both the UK and Spanish governments in the past, and it has been suggested that it could involve a system of dual nationality for the people of Gibraltar.

Another possible solution is a transfer of sovereignty from the UK to Spain, with guarantees for the rights and autonomy of the people of Gibraltar. This proposal has been supported by the Spanish government and some advocates of Gibraltar's integration with Spain, but it has been rejected by the UK and the people of Gibraltar, who have consistently expressed their desire to remain a British Overseas Territory. A third possible solution is a continuation of the status quo, with Gibraltar remaining a British Overseas Territory but with increased cooperation and dialogue between the UK and Spain. This approach has been supported by some in Gibraltar and the UK, who argue that the territory's unique status allows it to maintain its distinct identity while benefiting from its links to both the UK and the EU.

Ultimately, any solution to the dispute over Gibraltar's sovereignty will require a willingness on the part of both the UK and Spain to engage in dialogue and compromise. It is likely that any solution will involve some form of creative and innovative thinking, as well as a deep understanding of the historical, political, and cultural factors that have contributed to the current situation.

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