



INTERNATIONAL

Gibraltar: What Could Have Been and What Still Could Be

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Fifteen years have passed (10th May) since the last **“Draft Joint Spanish-British Declaration on Gibraltar,”** which resulted from the last meeting between the two sides in London the day before.

This draft still contained a number of differences which, although not minor exactly, were certainly resolvable in my opinion and essentially related to the “long-lasting” or “definitive” character of the agreement, to the nature of an eventual binding referendum in Gibraltar and to the legal and operational status of the naval base and other military installations.

I am not going to go into these points or any other substantial aspects already agreed in the draft (such as the status of the isthmus or the airport), given that these are strictly confidential, but I would like to highlight the extremely extensive basis of agreement that was achieved and, above all, both parties’ clear willingness to resolve a disagreement that has lasted three centuries. In former times, the two countries’ interests were often opposed, since this was an historical moment characterised by Spain’s progressive decadence and the clear ambition of the United Kingdom (the Act of Union took place in 1707) to become an imperial power, based on its command of the seas and its possession of the bases required to support this ambition. In this respect, Gibraltar (and control of the Straits) were essential when it came to controlling the Mediterranean (in the same way as temporarily occurred with Menorca or, until quite recently, Malta and Cyprus).

Whatever the case may be, **the most interesting new aspect of this clear willingness to reach agreement was the idea of “co-sovereignty,”** in accordance with the countries’ respective constitutional frameworks. In the case of Spain, this would require the explicit approval of the Spanish Parliament for the corresponding Bilateral Treaty between two sovereign nations, in compliance with the principles of international law.

And I believe it would only be possible to implement this idea in accordance with two perspectives.

First perspective: based on a friendly relationship between equals, one in which the two nations share values and interests and they both belong to supranational organisations (such as the European Union and the Atlantic Alliance), which entails mutual loyalty and solidarity. This was the context in which the negotiations took place throughout an entire year and which entailed **two meetings between the countries’ Prime Ministers (Blair and Aznar,** who gave their approval in spite of the risks of the process) **and ten meetings between the Spanish and British Foreign Ministers (Straw and Piqué).** Both sides expressed their need to resolve their differences based on the idea of friendship and shared support for the European political project and collective defence and security of the Western World.

In this sense, **the negotiations took place within an atmosphere of sincerity and honesty, outlining the “red lines” that needed to be resolved.** It is true that we are talking about two partner States, countries that are both friends and allies. But it is



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also true that the good personal relationship (in spite of their ideological differences) between the representatives of both Governments was also a key factor. This was not always (or rather, had virtually never been) the case in relation to the question we are dealing with here. In fact, it would have been quite impossible to tackle the matter with the previous British Foreign Minister. In this respect, I would like to recognise the human and political qualities of **Jack Straw**, who **clearly understood the need to offer Gibraltar a stable, secure and prosperous future**, something that would only be possible in the medium and long term through an agreement with Spain. Straw was prepared to forget the absurd and outdated ‘imperial’ posturing that has now made a somewhat pathetic come-back amongst certain British politicians.

Just one example of the political courage demonstrated by Foreign Minister Straw: up until that time, the British position – one invested with a high degree of hypocrisy – had been that the responsibility of **convincing the Gibraltarians to accept a change in status** actually corresponded to Spain. Straw understood that this responsibility corresponded, first and foremost, to the British Government. And he attempted to convince them, even though the disloyal and opportunistic response of the Gibraltar authorities was to stage a referendum, whose main negative consequence was that of portraying the idea that the key to any agreement between the two sovereign States resided in satisfying the interests (often spurious interests) of just tens of thousands of people whose ultimate goal was simply to leave things as they were. They argued that they wanted to continue being British. In fact, they just wanted to continue being Gibraltarian, in their own manner and enjoying all of their current privileges.

If only the spirit that Straw introduced could be resumed, with discretion and without any unnecessary fuss. In fact, the significant progress that was made during our negotiations was only made possible because **there was a shared commitment between the two sides to ensure maximum discretion**, conveying to public opinion a common desire to reach an agreement and respect the legitimate interests of the Gibraltarians, but based on a series of negotiations that corresponded strictly to two sovereign States, in accordance with the principles of international law.

Second perspective: the current situation that derives from the prospect of Brexit. **The United Kingdom is still a friendly country and a counterpart in the Atlantic Alliance**. And this must be preserved at all costs. What is more, for Spain, which is strategically interested in Europe’s Atlantic vocation and in defending the advantages of free trade and the effective operation of a free and competitive market, good relations with the United Kingdom are essential, over and above any specific interests of an economic, commercial or financial nature or the respective interests of the countries’ citizens, all matters that must be tackled rigorously and responsibly.



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However, it is true that **Brexit** means that, although Gibraltar does not belong to the United Kingdom, **Gibraltar ceases to be a territory that is subject to the Treaties**, to the extent that its international representation inevitably corresponds to the United Kingdom. And Europe's institutions have explicitly recognised that any agreement in this respect will necessarily entail negotiations and an eventual Bilateral Agreement between Spain and the United Kingdom. That is to say, **Spain has the right to veto any possible circumstance that may affect the future status of Gibraltar.**

Here we are faced with a different scenario. We are no longer talking about a friendly agreement between equals, partners, allies and friends. We are dealing with a **State that has decided to leave the European Union** (which means it will not be a partner, or at least not in the same way) and this decision has dragged in a territory that will be seriously affected unless it agrees to form an active part of an ultimately satisfactory solution for all sides.

Historically, Gibraltar's situation was based on British superiority and the exploitation of Spain's weakness (the last example was the occupation of the isthmus and the creation of the airport during the troubled Civil War years). Fifteen years ago, both sides were willing to negotiate and agree terms based on the principle of equality. Now we are once again faced with a potential (and real) status of inequality. But this time, **the stronger hand is held by Spain, thanks to our membership of the European Union.**

And we must play this hand with intelligence, discretion and generosity, controlling the timeframe. And knowing that, as has always been the case, good and effective diplomacy involves counterbalancing the negative effects of not reaching an agreement with the positive effects of a reasonable agreement.

The **idea of co-sovereignty**, in spite of the Gibraltarians' initial rejection, continues to be the best option in the absence of any real alternatives. It is unimaginable to expect the United Kingdom to accept a process of decolonisation against the wishes of the Gibraltarians themselves, whilst Spain cannot accept an ongoing situation that only makes sense within the framework of the Union Treaties that both States were subject to. We are, therefore, faced with a **golden opportunity** to resolve an outdated and somewhat anachronistic legacy of the past. **Our two countries deserve a solution.** And the Gibraltarians, although they might not believe it or know it yet, also deserve a solution.

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