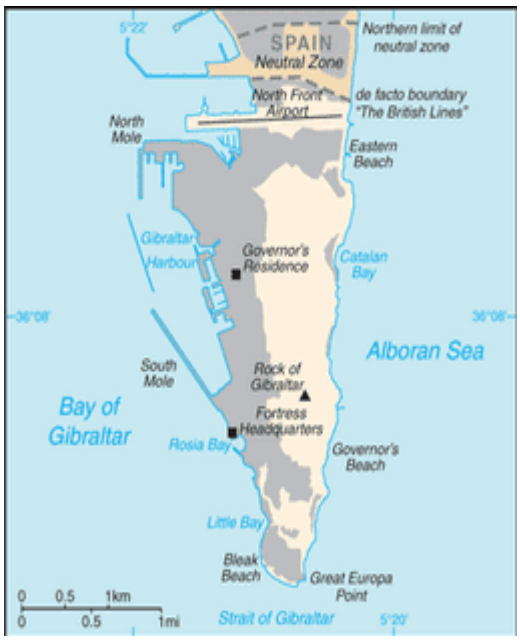
Committee/Council: Political Committee
Issue: The situation in Gibraltar
Student Officer: Myrsini Karamanli
Position: Co-Chair

Introduction

The situation in Gibraltar is an issue that has for many decades been a object of debate, negotiation and friction between its three mainly involved parties – Gibraltar, United Kingdom and Spain. The root of this long conflict lies on Gibraltar's sovereignty, since for almost three centuries the region has been a part of United Kingdom with its own government. Since 1963 the Kingdom of Spain has taken a series of actions questioning this political status, focusing on its rights on sovereignty of the area according to the 1713's Treaty of Utrecht – the treaty that passed Gibraltar to the United Kingdom.

This long-lasting debate can in a way be considered as justified, especially when thinking about the region's position of high strategic importance. Located in Southwestern Europe, on the southern coast of Spain, Gibraltar has for many years been a very important naval base as it borders the Strait of Gibraltar, a narrow channel that connects the Mediterranean Sea and the North Atlantic Ocean. Gibraltar's population map consists of a variety of ethnic groups such as Spanish, Italian, English, Maltese, Portuguese, German and North Africans who have all been granted a British citizenship since 1981.
As stated above, Gibraltar has its own democratically elected government represented by the House of Assembly and a governor appointed by the United Kingdom. The government is responsible for regulating all sectors apart from matters of defence and foreign policy, which are under the jurisdiction of the U.K.

Since Spain's proposal for negotiations with U.K. on Gibraltar in 1963 at the United Nations Special Committee on Decolonisation, little progress has been made on the issue since all three parties stick to their policy and defend their own interests in the best possible way.



Definition of Key-Terms

Autonomous State

A state that has the freedom to govern and control itself (Source: Longman Dictionary)

Self Determination

The right of the people of a particular country to govern themselves and to choose the type of government they will have (Source: Longman Dictionary)

Non Self-Governing Territory

The United Nations list of Non-Self-Governing Territories is a list of countries that, according to the United Nations, are non-decolonized. The list was initially prepared in 1946 pursuant to Chapter XI of the United Nations Charter, and has been updated by the General Assembly on recommendation of the Special Committee on Decolonization and its predecessors. (Source: UN.org)

Crown Colony

A country or area that is under the political control of the British government (Source: Longman Dictionary)

Decolonization

To make a former colony politically independent(Source: Longman Dictionary)

Sovereignty

The power that an independent country has to govern itself(Source: Longman Dictionary)

Territorial Integrity

(a country's) state of being united as one complete thing (Source: Longman Dictionary)

Background Information

Early History

Gibraltar's strategically important position has made it the "apple of discord" for over ten centuries. The efforts for conquest of the region started quite early in the Rock's history. It was in 711 A.D. that the Arab leader Tarik Ibn Zeyad captured the area after the Moorish invasion of Spain. In the following eight centuries, during the time of the Arab occupation, Gibraltar changed hands many times until 1462 when it returned to Spanish ownership under the lead of Duke of Medina Sidonia. In 1501, Gibraltar was annexed to the Spanish crown by Queen Isabella I.

During the War of the Spanish Succession in the early 18th century Gibraltar was captured by combined English and Dutch forces of the Grand Alliance leading to England taking possession of the area. In 1713 Great Britain, France, Savoy, Portugal, Prussia, the Dutch Republic and Spain, looking for a way to end the War, reached a common agreement known as the Treaty of Utrecht which among others ceded Gibraltar to England ,formalizing in that way the British conquest.

During the European phase of the American War of Independence, Spain imposed a blockade against Gibraltar as part of an unsuccessful siege which lasted for over three years. In 1830, Gibraltar was declared a crown colony and a British overseas territory.

The situation in the 20th and 21st century

In 1950 United Kingdom initiated the formation of a Legislative Council, passing the legislative authority from Gibraltar's Governor to elected members.

In 1963, Spain chose to start its efforts for repossesion of Gibraltar by submitting a proposal for discussions between Spain and Britain about the region during the session of the United Nations Special Committee on Decolonisation. In 1964, the Committee concluded that Britain and Spain should entertain further conversations so as to come up with a solution to the issues raised by Spain.

In 1969, Spain initiated a series of restrictive measures against Gibraltar – mainly closing the border and cutting off all communication links . The measures intensified and Britain was led to state that negotiations would not be possible as long as Spain held such a position against Gibraltar.
The border finally re-opened in 1982 and communication restrictions were lifted in 2007 .

Between 1997 and 2002 several talks and negotiations on joint sovereignty took place. Gibraltar responded to them with a referendum, the results of which showed that its people were against the idea of a shared sovereignty, putting an end to negotiations.

In 2006 Gibraltar's new constitution was established. According to it, "Gibraltar governs its own affairs" apart from the issues of defence and foreign relations which are are still under the control and the responsibility of the United Kingdom. Finally, in 2008, Gibraltar was also granted the right to regulating its own tax regime, further liberating itself from the British way of governing.

Major Countries and Organizations Involved

Kingdom of Spain

Spain's argument on Gibraltar's sovereignty lies on the idea of territorial integrity which is justified through the UN Resolution 1514 of 1960 on the right to self-determination. As stated in the resolution:

"Any attempt aimed at the partial or total disruption of national unity and the territorial integrity of a country is incompatible with the purposes and principles of the United Nations Charter"

The Kingdom of Spain also refuses to accept the opinion that the wishes of the Gibraltar people should play a great role in the situation. Instead of that, Spain supports that the only other party involved in Gibraltar's situation is the United Kingdom and therefore does not recognise the policy of Gibraltar as a contributing factor to the final result.

Gibraltar

Gibraltar does not accept Spain's arguments and focuses on its basic right to selfdetermination as it is expressed by Article One of the UN and Resolution 1514:

"All people have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development".

Furthermore, as Gibraltar's chief minister stated in 2006 at the Special Committee on Decolonization:

"Any proper interpretation of the principle of territorial integrity simply did not apply to the facts of Gibraltar because no one was attempting to disrupt the territorial integrity of Spain, since it did not include Gibraltar. General Assembly Resolution 2526 made it crystal clear that the facts of the Gibraltar case fell well outside of the situations in which the principle of territorial integrity could properly apply. That resolution clearly said that for the principle of territorial integrity to exclude the right to self-determination, the country whose territorial integrity was allegedly being disrupted must be 'possessed of a government representing the whole people belonging to the territory exercising self-determination'. Not even Spain claimed or pretended that its Government represented the people of Gibraltar"

United Kingdom

In 2008, Jim Murphy MP, British Minister of State for Europe restated United Kingdom's position on Gibraltar:

"The UK Government will never - "never" is a seldom-used word in politics - enter into an agreement on sovereignty without the agreement of the Government of Gibraltar and their people. In fact, we will never even enter into a process without that agreement. The word "never" sends a substantial and clear commitment and has been used for a purpose. We have delivered that message with confidence to the peoples and the Governments of Gibraltar and Spain. It is a sign of the maturity of our relationship now that that is accepted as the UK's position"

This position is also legally supported by Gibraltar latest Constitution since it states that:

"Her Majesty's Government will never enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another state against their freely and democratically expressed wishes".

Timeline of Events

Date	Description of event
711	Capture of the region by Muslim commander Tariq Ibn-Ziyad
1462	Spanish repossesion from the Moors
1501	Queen Isabella I adds Gibraltar to the Spanish territory
1704	English Capture during War of Spanish Succession
1713	Treaty of Utrecht: Spain yields Gibraltar to Britain
1830	Gibraltar becomes British crown colony
1950	First Legislative Council assembles
1963	Beginning of a spanish campaign for the repossesion of Gibraltar by Spain through the United Nations Special Committee on Decolonisation
1967	Gibraltarians vote in favour of continued British sovereignty
1969	Britain: Gives full internal self-government under a new constitution Spain: Protests by closing the borders with Gibraltar, removing its labour force and cutting links of transport and communication

1973	Gibraltar joins the European Economic Community
1980	Lisbon agreement: Re-establishment of negotiations over Gibraltar
1981	Gibraltarians given full British citizenship
1984	Brussels Process: Equal rights for Spaniards in Gibraltar and for Gibraltarians in Spain.
2002	Gibraltarian opposition proposal to British government for joint British-Spanish sovereignty.
2004	Establishment of the Tripartite Forum
2010	Gibraltar announces it is ending tax-free offshore status for locally-registered companies operating outside Gibraltar from January 2011.
2011	Elections won by Gibraltar Socialist Labour Party putting and end to the 15-year run in office of the Gibraltar Social Democrats.

Relevant UN Treaties, Resolutions and Events

UN list of non-self-governing territories
This list includes Gibraltar, among other non-decolonized regions. Since the 1967 Referendum that clearly showed the preferance of the Gibraltarians towards British sovereignty, the UK is strongly supporting that Gibraltar should not be included in the list.

UN General Assembly Resolution 1514 [A/RES/1514] of 14 December 1960
The Resolution defined principles on future decolonization for territories and recognized the right of self-determination. However as mentioned in it “any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations”.

UN General Assembly Resolution 2070 [A/RES/2070] of 16 December 1965
The Resolution invited Spain and the UK to conduct further negotiations so as to find a solution. However, the two countries failed to fullfill this request since shorty after, Spain took various restrictive measures against Gibraltar (such as border blockade) and as a result the United Kingdom refused to proceed into any further negotiations.

UN General Assembly Resolution 2231 [A/RES/2231] of 20 December 1966
The Resolution reaffirmed the need for negotiations which began shortly after it.

Previous Attempts to solve the Issue

The first attempt for a solution on Gibraltar was the Treaty of Utrecht in 1713, following the War of the Spanish Succession. Although the Treaty ceded the region to the United Kingdom, Spain questioned it years later with the argument of territorial integrity.

In 2002 the United Kingdom and Spain agreed on discussing about a joint sovereignty. However the 2002 referendum on the question of Gibraltar canceled such plans.

Finally, in 2004 the Tripartite Forum was established, replacing the Brussels Process. The Forum concentrated on the technical problems that came from the question of Gibraltar.

Possible Solutions

When it comes to finding solutions to the issue, delegates should first of all focus on forming a specific policy concerning the sovereignty of Gibraltar.
That means that they should decide between possible plans of action such as joint sovereignty between Spain and the United Kingdom, keeping the current political status, handing total sovereignty to Spain or creating an autonomous independent. Nevertheless, they should keep in mind that the suggestions should be as realistic as possible. In a situation like this, it might even be right to say that one does not need to come up with the right solution –if there is one- but with the most easily applicable one.

Furthermore, the delegates should concentrate on the various unspecific points that cause the tension in the sovereignty claims of all three sides.
For instance, Gibraltar's 1969 contitution clearly states that its sovereignty cannot be transferred to Spain without the consent of its citizens. As a result, this makes it impossible for Spain to gain control of the region because of the 1967 Referendum that expressed the Gibraltarians' disapproval.
Apart from that, another unstable point of the case is the fact that the United Nations have not yet recognised Gibraltar's right to self-determination despite protests from Gibraltar's side.

Bibliography

Cia world factbook: Gibraltar
https://www.cia.gov/library/publications/the-world-factbook/geos/gi.html

BBC News: Gibraltar Profile
http://www.bbc.co.uk/news/world-europe-18219307

New York Times: Introduction to Gibraltar
http://travel.nytimes.com/frommers/travel/guides/europe/gibraltar/frm_gibraltar_3590010001.html

Encyclopedia Britannica: Treaties of Utrecht
http://www.britannica.com/EBchecked/topic/859832/treaties-of-Utrecht

British Monarchy: Queen and overseas territories
http://www.royal.gov.uk/MonarchAndCommonwealth/Queen%20and%20overseas%20territories/Queen%20and%20overseas%20territories.aspx

The Gibraltar Parliament: Introduction
http://www.parliament.gi/

Government of Gibraltar: Political Development
http://www.gibraltar.gov.gi/political-development

Lincoln, Simon J. 'The Legal Status of Gibraltar: Whose Rock Is It Anyway?'.

United Kingdom Parliament : House of Commons - Minutes of Evidence.
http://www.publications.parliament.uk/pa/cm200708/cmselect/cmfaff/147/8030502.htm

Wikisource, the Free Library: United Nations General Assembly Resolution 2231
http://en.wikisource.org/wiki/United_Nations_General_Assembly_Resolution_2231

UK Parliament: Publications and records
http://www.publications.parliament.uk/pa/cm200708/cmselect/cmfaff/147/8032602.htm

United Nations : Special Committee On Decolonization considers Question of Gibraltar
http://www.un.org/News/Press/docs/2006/gacol3135.doc.htm

UN General Assembly Resolution 1514 [A/RES/1514] of 14 December 1960
http://www2.ohchr.org/english/law/independence.htm

UN General Assembly Resolution 2070 [A/RES/2070] of 16 December 1965
http://www.unhcr.org/refworld/docid/3b00f1c860.html

UN General Assembly Resolution 2231 [A/RES/2231] of 20 December 1966
http://www.unhcr.org/refworld/docid/3b00f05a3a.html