

## REMNANTS, RELICS and SHADOWS OF EMPIRES IN THE GIBRALTAR REGION

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### ABSTRACT

This paper focuses on continuing impacts of 'old' empires and newer geopolitical players on unfolding histories in the Gibraltar region, especially narratives related to the British Overseas Territory of Gibraltar (BOT), and Spain's presence in Ceuta and Melilla in Morocco. Tensions remain between state-centric and evolving people-centric interpretations of international law and decolonization; populations in the respective territories do not wish 'decolonization' of 'their' territories by the states that control them, but rather greater self-determination and democratic relationships with the international community.

*Key words: Strait, Gibraltar (BOT), Ceuta, Melilla, decolonization, UK, Spain, Morocco, state-centric, people-centric, UN Resolutions.*

### INTRODUCTION

Throughout recorded history peoples inside the Strait of Gibraltar region have tried to control territories and adjoining seas of this pivotal zone, but with regional, extra-regional, and world powers attempting to gain footholds. Spain continued to reinforce its power in Morocco from the 16<sup>th</sup> on and Great Britain established its presence in Gibraltar in 1704. Resultant competition reached its apogee with splitting of territory between 1881 and 1956, into micro-areas and zones under numerous legal regimes including the Tangier International Zone, and several Spanish and French jurisdictional areas. When Morocco regained independence (1956), several territories remained under Spanish rule; Ceuta and Melilla and minor Plazas continue to be 'integral parts of the Spanish state' which Morocco lays claim to. Spain lays sovereign claim to the British Overseas Territory of Gibraltar. The Spanish-UK and Moroccan-Spanish sovereignty disputes are completely separate issues in terms of international law, yet they are united by their locational factors within the overall history of the Strait region.

In order to appreciate the colonial intricacies of the Strait region, Tangier provides a salient illustration with its location at the Strait's western entrance which made it a focus for international rivalry in Morocco. Ousting Muslim Berber-Arab powers, the city was occupied and controlled many times by Portugal (1471, 1640), Spain (1580), and also England (1861-84) significantly just 20 years prior to the British landing on the Gibraltar peninsula. In line with British geo-strategy, Lord Nelson of Battle of Trafalgar fame once stated: "Tangier must either remain in the hands of a neutral Power, like Morocco, or England must own it."<sup>i</sup> Despite

Spanish and French attempts to gain Tangier, Britain and the US pursued policies upholding the Moroccan Sultan's sovereignty there in the 19<sup>th</sup> century. During a period of diplomatic crisis in 1871, with vying European powers including Britain, the Sultan offered Tangier as a protectorate to the USA to ward them off; the USA declined.<sup>ii</sup> Nonetheless, Morocco and the USA have always enjoyed a special relationship, as Morocco was the first state to recognize the US Declaration of Independence (1776), and in 1786 the US established a Legation in Tangier, when the city was becoming the unofficial Moroccan capital to the European powers. The Tangier American Legation Museum and Institute was the first property acquired abroad by the US government outside the USA and housed the US Legation and consulate for 140 years, the longest period of any building abroad used for US diplomatic posts. It is symbolic of the 1786 Moroccan-American Treaty of Friendship which still exists today.<sup>iii</sup>

Here, in 1905, the German Kaiser triggered an international crisis almost leading to war with France by pronouncing in favor of Morocco's continued independence, attempting to block French strategies in linking Morocco with its Algerian colony. In 1912, Morocco was partitioned between France and Spain; the latter occupying Morocco's far north and far south including territories such as Ceuta and Melilla occupied by Spain prior to 1912, and France declared a protectorate over the remaining territory. Tangier was made an international neutral zone (area of 373 km<sup>2</sup>) in 1923 under joint France, Spain, and UK administration in a convention signed in Paris and registered in the League of Nations in 1924.<sup>iv</sup> It provided for permanent neutrality, demilitarization and adherence to free trade principles. Belgium, Italy, Portugal and Netherlands adhered to the convention in 1928-29. Spain occupied Tangier in 1940 stating that this was a temporary wartime measure and abolished the city's international institutions, but it regained its pre-war International Zone status in 1945 with the US occupying its three allocated seats in the city's Administrative authorities, while the USSR left their three seats vacant; Tangier was reintegrated into the rest of Morocco following independence in 1956 (Stuart, 1955; Pounds, 1952).<sup>v</sup>

Some 14 km from Tangier city but once enclaved within the International Zone is Cape Spartel Lighthouse which was constructed and made neutral under the 1865 International Treaty signed by Austria, Belgium, France, Great Britain, Netherlands, Italy, Portugal, Sweden, Norway, Russia, USA and Morocco (Bruel, 1947, p.157; Rouard de Card, 1925).<sup>vi</sup> Echoing the above narrative of Tangier, we have the remnants, relics and shadows of empires in the Gibraltar region.

## **THE GEOSTRATEGIC STRAIT: GEOGRAPHY and HISTORIES**

The Strait of Gibraltar is the only natural ingress and egress point to semi-enclosed Mediterranean and Black Sea water systems linking the Atlantic and world oceans and is 58 km (36 nautical miles) long, narrowing to 12.5 km (or 7.6 nm) between Spain and Morocco. This choke-point has played key roles in the rise of great maritime powers from the 16<sup>th</sup> century on and especially that of Spain and Portugal; Britain on the route to its jewel in the crown India, and followed by Russia/USSR and the USA in the 20<sup>th</sup> century. The British Overseas Territory is essentially the Gibraltar peninsula located at the eastern end of the Strait, and is comprised of an area of 6.5 km<sup>2</sup> consisting of the Rock and sandy isthmus joining it to rest of Spain. At

the northern end of the isthmus, the ‘Fence’ between Gibraltar and Spain is only 800 meters long constituting the international boundary from which maritime boundaries can be projected.

Located south of BOT Gibraltar across the Strait is the Ceuta peninsula (19 km<sup>2</sup>) with 20 km of coastline and 8 km of land boundaries; 200km east of Ceuta lies Melilla (12 km<sup>2</sup>) with 3.9 km of coastline and 10 km of land boundaries. The three other minor Spanish territories, commonly called Plazas de Soberanía are much smaller with Peñón de Vélez de la Gomera (19,000 m<sup>2</sup> or 1.9 ha) with a length of 400 meters NW-SE and width of 100 meters and is located 119 km SE of Ceuta, originally a rock surrounded by water and an evolving tombolo peninsula since the 1930s and is connected to the Moroccan coast by an 85 meters long sandy isthmus.

Peñón de Alhucemas, together with the islets of Isla de Mar and Isla de Tierra to the west, form the Alhucemas Islands located 300 meters off the Moroccan town of Al Hoceima, some 146 km east of Ceuta and 84 km west of Melilla. The total land area is 4.6 ha or 0.046 square kilometers. The Chafarinas Islands (2.5 km<sup>2</sup>) are a group of three small islets located 3.5 km offshore.

The physical, historical and political geography of the Strait area has necessitated much work in relation to catering for delimitation of jurisdictional maritime space relating to the riparian states, and international community with codification of the United Nations Convention on the Law of the Sea (UNCLOS 1982) regulating the Transit Passage Regime for vessels and aircraft, along with rights and duties in territorial waters, contiguous seas and exclusive economic zones including exploitation of resources (O’Reilly, 1987; 1999).

Though not a Plaza, Isla de Perejil or Parsley island (area: 15 ha or 0.15 km<sup>2</sup>) is an uninhabited rocky area located some 250 meters from the Moroccan coast whose sovereignty is also contested by Spain and Morocco, and was the subject of tensions between the two countries in 2002 when 6 Moroccan police landed on the island on July 11 and after a stand off were ejected by Spanish Special Forces after seven days. To the relief of the international community, there were no casualties. All Arab League states with the exception of Algeria supported the Moroccan claim, and EU states supported Spanish objections to Morocco’s actions, with the governments of Portugal and France issues statements regretting the incident. The island lies 8 kilometers from Ceuta and 13.5 kilometers from mainland Spain. Its history is sometimes linked to that of Ceuta, as in 1415 Ceuta was captured by Portuguese forces from its Muslim rulers, who formally ceded Ceuta to Spain in 1668, however Morocco rejects that Perejil formed any part of such a cession. Uninhabited Perejil is essentially coveted by Spain and Morocco; preceding the 2002 incident Morocco claimed that the island was being used by traffickers of drugs and illegal immigrants. Interestingly in June 2014, Spain requested that the Moroccan forces enter the Island to expel sub-Saharan migrants.<sup>vii</sup>

### **SOVEREIGN CLAIMS: THE SPANISH PLAZAS and BOTG GIBRALTAR**

Concerning the Plazas, Spain argues UN territorial integrity of the state principles (UN Res. 1514, XV) and that the majority of citizens there do not want decolonization of their territory, so invoking self-determination principles (UN Res. 1541).<sup>viii</sup> The Spanish Constitution (1978)

asserts the status of the Plazas with the army's duty to defend them. The same constitutional position applies to three minor, largely uninhabited territories just off the Moroccan coast. Sovereignty over these entitles Spain to legal maritime zones (UNCLOS, 1982)<sup>ix</sup> affording power and possible economic benefits.

Morocco has never renounced its claims to the Plazas arguing UN decolonization principles, and that the Spanish military bases could pose a security threat to Morocco; and emphasizes UN territorial integrity principles. All Arab, Muslim, and African organizations support Moroccan claims for decolonization. Despite the Gibraltarians geographical proximity to the Spanish Plazas, there is no maritime, trade or social communications between them. Nonetheless, any change in their national or international political status would be closely monitored by the Gibraltarians.

Concerning BOT Gibraltar, Britain argues that the territory was ceded by Spain to the English Crown in the Treaty of Utrecht (Article X, 1713) and that longevity of British occupation must also be considered. The UK's major argument today is that the UN principle of territorial integrity (UN Res. 1514 (XV)) does not override the principle of self-determination in Gibraltar (UN Res. 1541). Hence, the democratically expressed wish of the people of Gibraltar is to remain under British rule.

Spain argues that Territorial Integrity of the State - UN Resolution 1514 (XV), and UN Principles of Decolonisation substantiate its claims to BOT Gibraltar. Until recently Spain continued to disregard the emerging voice of the Gibraltarians.

From the perspective of international law, the UK and Spain are somewhat blocked in their rhetorical arguments of UN Resolutions related to state-centric territorial integrity, versus self-determination principles relating to BOT Gibraltar, while the Gibraltarians are now becoming a third force within their own rights in this bilateral dispute. In somewhat similar manner both Morocco and Spain are also impeded in making progress in solving the Ceuta and Melilla issues, but here the majority of people identify themselves as Spanish, and not quite as a distinctive ethnic cultural group.

### **CEUTA, MELILLA and THE MINOR PLAZAS**

For historical and security reasons, Spain acquired these territories in the 15<sup>th</sup> Century *Reconquista* Crusade during its nation-state building project. Spain's security imperative remained with Ceuta facing British Gibraltar. When Spain joined NATO (1982) and the EU (1986), Ceuta and Melilla became part of these security areas. Today Ceuta and Melilla (area: 32 km<sup>2</sup>) are constitutionally Autonomous Cities, garrison towns, ferry, and were free-ports till Spain joined the EU; they are also fishing, trading and smuggling centers, having a civilian population of 146,000 people, and military forces of 20,000-27,000. Ceuta (19 km<sup>2</sup>) ranks among Spain's major ports, with a population of 76,000 citizens, including 15,000 Muslims, and large number of asylum seekers. Melilla (12 km<sup>2</sup>) lies 200 km east of Ceuta, with an official population of 69,440 people, with estimates of 80,000.<sup>x</sup>

In 1415, Ceuta was captured by the Portuguese from its Muslim rulers and from 1580 to 1640 the Spanish kings of Portugal governed Ceuta in the context of the Iberian Union when many Spanish people moved to Ceuta. Portugal regained its independence in 1640, and in the 1668 Treaty of Lisbon, the King of Portugal recognized the formal allegiance of Ceuta to Spain and formally ceded it to the Spanish Crown. Ceuta remains firmly rooted in the historical consciousness of Spain not only due to its land borders with the Muslim world, but also as it was from here that in 1936, General Franco took command of the Spanish Army of Africa rebelling against the democratically elected republican government leading to the Spanish Civil War (1936-39). Franco's nationalist forces repressed the citizens of Ceuta, and at the same time it came under fire from republican government air and sea forces.

During the Middle Ages, Melilla was part of the Muslim Kingdom of Fez and the territory was captured in 1497 without a fight in the name of the Catholic Monarchs Isabelle I and Ferdinand II. Melilla was threatened with re-conquest was besieged during 1694–96 and 1774-75. The boundaries of Melilla around the fortress were fixed by treaties with Morocco in 1859, 1860, 1861, and 1894. In the late 19th century, Spanish influence expanded, Melilla became the only authorized center of trade on the Rif coast between Tetuan and the Algerian frontier. Between 1893 and 1926 two major Rif wars and several uprisings effected Melilla, until 1926 when the Spanish Protectorate finally managed to control the area again. The Spanish Protectorate was established in November 1912 by a French-Spanish Treaty converting the Spanish sphere of influence into a formal protectorate, while France held a protectorate over the entire country since March 1912, it also held the prerogative to delegate a zone to Spanish protection. As with Ceuta, General Franco used Melilla as a launching ground for his nationalist rebellion in 1936; both cities have statues of him in prominent places (Rezette, 1976).

Historically the ethnicity, cultures and administration of Ceuta and Melilla have been close to that of Andalucía but with a certain Moroccan input. Both exclaves were visited by the Spanish King and Queen in 2007, and in 2010 the Muslim feast of Eid was recognized as an official public holiday.<sup>xi</sup>

Peñón de Vélez de la Gomera: As of 1508, Spain attempted to capture Vélez several times and succeeded in 1564 when it was taken from a 150 strong Ottoman battalion. Spain has retained control of it ever since, despite having been besieged in 1680, 1701, 1755, 1781 and 1790. Vélez is largely uninhabited.

Peñón de Alhucemas: Spanish rule there dates to 1559, when several territories belonging to a Moroccan dynasty were given to Spain in exchange for help in defending it against Ottoman forces (Rezette, 1976). In 1673, Spain sent a garrison to the island of Peñón de Alhucemas, and it has been permanently occupied since, with an infantry force of 25-30 men plus a small marine personnel group there in 2012 but no civilians. Twice in 2012, illegal immigrants from sub-Saharan Africa crossed the short expanse of water between Morocco and the Isla de Tierra trying to gain entrance into Spain and the EU but were escorted back to Morocco which sent them on to Algeria.

Los Islas Chafarinas including Isla del Congreso (25.6 ha), Isla Isabel II (15.3 ha) (with garrison) and Isla del Rey (11.6 ha) have been under Spanish control since 1847, there is a 190 person military garrison on Isla Isabel II, the only stable population on the small archipelago, down from 426 people in 1900 and 736 people in 1910. The islands are relevant in environmentalist circles since the 1980s due to the existence there of endangered species of marine invertebrates and gulls.

## **CHALLENGES FOR SPAIN AND MOROCCO**

Today and in the foreseeable future it is difficult to believe that the three Minor Plazas are of any strategic importance to Spanish or Western security, and also are of little or no economic importance to Spain. Due to proximity to the Moroccan mainland, if hydrocarbon or other resource exploration were to take place in these areas, it would be extremely difficult for Spain to call for implementation of the United Nations Convention on the Law of the Sea (1982) to which both Spain and Morocco are signatories. Similar arguments could be made relating to Perejil Island; nonetheless its proximity to Ceuta must be kept in mind. Spain's refusal to cede the Minor Plazas to Morocco must be viewed within the context of setting a precedent that could be interpreted by Morocco as creating the stage for ceding Ceuta and Melilla also. A similar argument could be made regarding Spain's reaction to the Moroccan police entering Perejil in 2002. Nonetheless Perejil and possibly the Minor Plazas could become problems for the EU and Morocco from the perspective of their usage by traffickers of drugs and illegal immigrants trying to reach Europe.

The Plazas are subject to EU laws, and UN conventions to which Spain is party including asylum seekers and refugees, with inflation of humanitarian and security budgets. Due to location, the EU has land and maritime boundaries with Morocco and greater MENA illegal migration routes. Ever-developing security fences around the Major Plazas have not stemmed flows of people trying to enter Europe. For Jihadist organizations, the Plazas offer a possible opportunity in penetrating mainland Spain and EU. Among other atrocities, Spain and the international community remember the 2004 Madrid bombings. Nonetheless, Spanish control of Ceuta and Melilla offer enhanced international security for transit of the Strait.

While positive cooperation and relations exist between Spain and Morocco, these have been under strain due to increasing humanitarian and security incidents with immigrants trying to get through the Spanish Ceuta and Melilla security fences at the Moroccan boundary. No Moroccan monarch or political party can renounce Moroccan claims to the Plazas due to the fact that the Moroccan state is possibly the oldest in the world, and has existed in different guises with shifting boundaries since the 7<sup>th</sup> century with its king being both political leader and religious Sultan, descendant of the Prophet Mohammed.

Though certain areas of Morocco were under European colonial control before the 20<sup>th</sup> century, the core territories of the Moroccan state were the last in the Arab-Muslim world to formally become a Protectorate of France in 1912, which only lasted till 1956. Morocco's French colonial experience is in sharp contrast to that of Algeria's annexation and conquest starting in 1830, and ending with the bloody liberation war from 1954 and to 1962. Little by little, since

1956, the Moroccan monarchy with the support of the nationalist *Istiqlal* party has managed to recoup territories taken by the European powers prior to the 1912 Protectorate, with the exception of the Spanish Plazas to date.<sup>xii</sup> Morocco has made it clear that a change in the sovereign of the BOT Gibraltar such as retrocession to Spain would automatically necessitate the incorporation of the plazas into Morocco.

### **BOT GIBRALTAR: CHALLENGES FOR SPAIN, THE GIBRALTARIANS AND UK**

In 711 AD Moorish Islamic forces crossed the Strait from North Africa and took the Gibraltar peninsula before advancing into the rest of Iberia, perceived in Christendom as part of the Muslim *Jihad* for territorial control. It was re-occupied by the Spanish in 1462 during the *Reconquista* Crusade in the drive to create a Spanish nation-state. In 1704 combined Anglo-Dutch forces occupied the peninsula in the context of a Spanish dynastic dispute with the War of Spanish Succession (1701-14). With the ending of the War, the Dutch forces left, and the British remained due to the signing of the international Treaty of Utrecht between the European powers. Article X of this treaty ceded the Gibraltar territory to the English Crown; the Rock, castle, fortifications and town were specified in the Treaty text but there were no accompanying maps or appendices giving specific geographical details. In the following centuries, the British moved northwards of the Rock area along the isthmus until the Spanish erected a blockage Fence in the early 20<sup>th</sup> century to stop British encroachment. Spain argues that no rights to territorial waters were included in the Treaty (O'Reilly, 1999, 2000; Gold, 2005).

From 1713 to 1830, Gibraltar was British by right of conquest and 'ceded' by Treaty. Between 1830 and 1981 it was legally designated the Crown Colony of Gibraltar, and listed as such by the UN. Under the 1981 British Nationality Act, it became a British Overseas Territory. While a civilian town council and trade unions were created in the decades following WWII, essentially the Crown Colony was under the direct control of the Governor and colonial administration appointed by London. In 1969 a House of Assembly was created which became the Gibraltar Parliament in 2006, when the term 'Colony' was removed from Constitution (Haig and Morris, 2002; Gold, 2005; O'Reilly, 1992, 1993).<sup>xiii</sup>

The civilian population of Gibraltar is estimated at 29,000.<sup>xiv</sup> The Census breakdown is 83.22% Gibraltarian, 9.56% Other British, 3.50% Moroccan, 1.19% Spanish and 1.00% Other EU. With Roman Catholic 78.1%, Anglican 7%, other Christian 3.2%, Muslim 4%, Jewish 2.1%, Hindu 1.8%, other 3.8% (Government of Gibraltar, 2001). The majority speak English and Spanish. The Gibraltarians originate from British, Genoa and other northern Italian regions, Portuguese, Maltese, Jewish (Sephardi mostly), and in recent decades Moroccan, and Indian people (Archer, 2013). Essentially, from 1704 to the 1980s, Gibraltar was used as a naval-military base with repair works and shipbuilding. By the end of the 18<sup>th</sup> century the Colonial administration facilitated in-migration of traders from the West Mediterranean region hoping to make Gibraltar the Hong Kong of the Mediterranean on the route to British India via Malta, Cyprus and Suez. The tradition of Spanish women marrying into the male-dominated Rock continues to this day. In 1955, the Census classification used 'Gibraltarian' for first time as opposed to British. By 1970, 18,873 people were enumerated as Gibraltarian with other British

being 3,001; in 1991: 20,022 Gibraltarian and other British: 3,706; in 2001: 22,882 Gibraltarian and other British: 2,627, with an estimated 29,000 Gibraltarians in 2013 (Archer, 2013).

Gibraltar's multi-ethnic origins is now portrayed with pride by many Gibraltarians writing 'their' narrative, but historically this has been challenging on two levels: in relation to Spain, and to the UK, especially during the Franco era (1939-75) and his regimes closure of the border (1969-82) with Gibraltar. The Gibraltarians rapport with the British colonial elites has left them with ambiguous attitudes to their layers of identity – Gibraltarian at home speaking Spanish, and Gibraltarian-British while in public sphere speaking English. This was reinforced by the educational system where English has remained the official language.

Spain argues that it has never relinquished its claim to Gibraltar, and promotes UN Resolution 1514 (XV) the Territorial Integrity of the State, along with UN Principles of Decolonisation, with Gibraltar on the official UN list of territories to be decolonized. Concerning the Treaty of Utrecht (Article X, 1713) when the territory was ceded by the Spanish Crown to the English Crown, every clause in that Treaty has been broken except the Retrocession clause, in which it was agreed that if the English Crown ever decided to relinquish sovereignty that Spain would have first option on recouping the territory.<sup>xv</sup>

Essentially official Spain viewed the population of Gibraltar as artificially created by colonial processes up to the 1990s, not fulfilling criteria for any form of self-determination that could be interpreted as giving a right to UN 'national' self-determination principles. However since 2002 Spain has been willing to offer the Gibraltarians the Constitutional status of an autonomous region or community within the Spanish state.

Britain has always argued that the territory was ceded to Britain in the 1713 Treaty of Utrecht. In more recent decades, the UK has been arguing that the UN principle of territorial integrity (UN Res. 1514 (XV) does not override the principle of self-determination in Gibraltar (UN Res. 1541) and the democratically expressed wish of the people of Gibraltar to remain under British rule. In general countries that have undergone the colonial experience in whatever guise are cautious of self-determination for small populations that continue to maintain strong links former imperial powers.

### **GIBRALTAR: SELF-DETERMINATION**

The British government sponsored a referendum in Gibraltar in 1967, arguing that this was consistent with UN Resolution 2231, which called on both Spain and UK to take into account the interests of the people of Gibraltar. In it 12,138 of the 12,237 voters chose: "*voluntarily to retain their links with the UK*". The referendum was condemned by the UN General Assembly, and not recognized by any international body or state. Ignoring this, the UK continued to promulgate the Gibraltar Constitution Order in 1969, in which it was stated that: "*Her Majesty's government will never enter into negotiations under which the people of Gibraltar would pass under the sovereignty of another state against their democratically expressed wishes.*"<sup>xvi</sup>

The UK and Spanish governments have worked to resolve sovereignty issues since the mid-1980s seeking solutions with Spain offering autonomy within the Spanish state, and in 2002

the UK willing to share sovereignty with Spain, provided that the Gibraltarians consented. In response to the UK, and Spain, the Government of Gibraltar organized a referendum in 2002 asking the 18,176 voters - *Do you approve of the principle that Britain and Spain should share sovereignty over Gibraltar?* 98.48% voted no. Consequently, the Gibraltar authorities sent a delegation to the UN Annual Regional Seminar on Decolonization, presenting a case for self-determination and urging a recommendation be adopted telling Britain and Spain that they should not enter into an agreement of principles about Gibraltar's sovereignty or other rights against the wishes of the Government and people of Gibraltar.

Gibraltar representatives urged that the Colony be allowed to exercise the right to self-determination under the terms set out in UNGA Res. 2625/XXV of 1970, arguing that: *"if there were a conflict between the principles of the UN Charter and any other international treaty or agreement, the UN Charter prevails. ... (as it) ... enshrines the right to self-determination of all colonial peoples. So therefore, even if, upon a proper interpretation, the Treaty of Utrecht ever did, at some point in the past, (as Spain claims) deny Gibraltar the right to self-determination, it would, in that respect now be nullified and over-ridden by the UN Charter."*<sup>xvii</sup>

#### GIBRALTAR: POLITICAL ECONOMY

BOT Gibraltar's geographical area is larger than that of such micro-states as Vatican City and Monaco. Historically, it was essentially a free port with tax and duty free exemptions that greatly interacted on the wider regional economy of Andalucía and Morocco. Since the 1960s Spain has repeatedly protested the loss of revenue as a major source of grievance in relation to Gibraltar's status, and issues of smuggling by land and sea.<sup>xviii</sup> The Gibraltar authorities refute such accusations; while Spain rebuts such Moroccan grievances in relation to Ceuta and Melilla.

In 2008 in a land mark decision the European Court of Justice ruled that: *"The Court finds that the competent Gibraltar authorities which have devised the tax reform have, from a constitutional point of view, a political and administrative status separate from that of the central government of the UK."*<sup>xix</sup> This allowed for the implementation of a new low tax system which came into effect in 2010. Up to the 1980s, Gibraltar's GDP was heavily dependent on British ministry of defence activities, and bureaucracy. This colonial dependency was dismantled due to changing UK defence policies and neoliberal economics. The military now represents 7% of the local economy.

Gibraltar is largely economically self-sufficient with shipping, offshore banking, and international conference centre business. Tax rates are low and Gibraltar attracts major FDI (foreign direct investment). Concerning GDP, the financial sector represents 30% of income, with tourism at 30%, and shipping 25%. Approximately 11 million visitors per year, usually day-trippers, visit Gibraltar; the attractions are strengthened by the special fiscal regime for consumer goods, alcohol and tobacco products. Telecommunications, e-commerce, and e-gaming represent 15% of the GDP (CIA Factbook – Gibraltar, 2014). Despite major economic structural reforms moving from a public to private sector economy, it remains unlikely that Gibraltar could establish sustainable economic independence without its close UK relationship.

Feeding into the development of Gibraltarian cultural ethnicity, significantly in the past 20 years, 18 Gibraltar sports associations have received official recognition from international governing bodies. In 2013, Gibraltar was confirmed as a UEFA member. Here we can see reinforcing of cultural-ethnic identity, and blurring of the lines between ethnic and national in the Gibraltar context which will have greater impact on international perceptions of the Gibraltarians. Significantly, on 10th September 1992, the Gibraltar National Day was created, celebrating the anniversary of the 1967 referendum.

## **UK – SPANISH CHALLENGES**

In 2002 the UK offered to share sovereignty with Spain. In response to the UK, and Spain, the Government of Gibraltar organized a referendum asking voters – *Do you approve of the principle that Britain and Spain should share sovereignty over Gibraltar?* Some 98.48% voted No. This galvanized the Gibraltarians into taking a more robust ‘self-determination’ stance with the UK and UN authorities. In 2006, the Gibraltar Constitution (specifying ‘non-colonial’) gave Gibraltar government over its own affairs, with defence and foreign relations remaining the responsibility of the UK. It provided for the: Renaming of the House of Assembly to the Gibraltar Parliament; renaming "Members of the House of Assembly" to "Members of Parliament" (MPs); and decreasing Her Majesty’s Governor's powers, and transferring some of these to elected officials.

The Gibraltarians strategy seeks ‘decolonization’ of many existing UK political structures, and a more modern ‘democratic’ relationship with the UK. It does not want decolonization of the Territory that would retrocede sovereignty to Spain. This strategy promotes cultural ethnicity, and eventual nationhood if necessitated by changing regional and global geopolitics, or a change in UK Government policy that would afford Spain any form of sovereignty over the BOTG.

## **THE EU AND NATO FACTORS**

With UK admission to the EEC/EU (1973), Gibraltar fell under Art. 227 (4) of the Treaty of Rome, relating to European Territories for whose external relations a member state has responsibility. British Dependent Territory citizens from Gibraltar “*are defined as British nationals for EU purposes*” giving them the right of free movement within the EU. Gibraltar has exemptions from Community policy in four areas - the Common Agriculture and Fisheries Policies, the Common Customs Tariff, “*the free movement of goods (but not services) and the levying of VAT*”. The Gibraltar Government is responsible for giving effect “*to European Community (EC) legislation in the territory, the UK is answerable to the European Court of Justice for the implementation and enforcement of EC obligations in Gibraltar*”. Spain is party to the EU Schengen Treaty for border transit without passport controls for EU citizens, while the UK, and consequently, Gibraltar is not.<sup>xx</sup>

The EU does not have prerogative in resolving sovereign disputes between member states, it can however facilitate discussions, and has prerogative in assuring that EU treaties and regulations are implemented by signatory members. Consequently the Gibraltarians make

much use of their EU legal status and citizenship, EU institutions and organs, since Spain joined the EU in 1986, especially in relation to border crossing issues.

Overall good relations exist between the UK and Spain in international, NATO and EU contexts, except when issues arise in relation to territorial waters and ‘border crossing issues in Gibraltar. Positive UK-Spanish relations exist within NATO, except in relation to the Gibraltar UK-NATO base. In 1982 Spain joined NATO and is recognized as a committed and active member as illustrated by usage of the ROTA naval and air bases jointly run by the US and Spain, near Cadiz at the western entrance to the Strait. However, Spain has declined joint manoeuvres connected to the UK NATO Gibraltar base. Like the EU, NATO does not hold prerogative related to territorial disputes between its member states, but can facilitate diplomacy. Here it should be noted that there are Spanish military bases in Ceuta and Melilla, technically part of the Spanish state, and consequently part of NATO territory.<sup>xxi</sup>

While the UK government does not make explicit connection between the Gibraltar problem and the Spanish-Moroccan sovereignty dispute on the African coast, Morocco supports Spain’s claim to the BOTG viewing it as a decolonization issue, and has made it clear that British retrocession of Gibraltar would necessitate the immediate decolonization of the Spanish Territories on the Moroccan coast.

Despite the UK’s changing role in its former colonies in the Mediterranean and MENA (Middle East – North Africa) since the 1950s, it has cultivated a special relationship with the USA helping facilitate US-Western security policy. Despite changes in security-related technology, weaponry and warfare, Gibraltar at the Strait's entrance has remained a valuable asset assuring maritime and air transit for the international community, and guaranteeing Anglo-American and NATO regional security. The Strait ranks among the three most geostrategic in world in relation to transit of oil, goods and military vessels; a key US-UK linkage to such NATO members as Turkey, the strategic partner Israel, and Arab allies including Saudi Arabia and Gulf States. Pipelines from southern Algerian hydrocarbon sources cross Morocco and Strait into Spain, and a trans-Strait bridge linking Morocco and Spain is feasible from geological, construction and financial perspectives, but has been delayed for over 20 years by lack of Spanish will, despite official denials to the contrary. Security has always been of paramount importance in the Strait area, but since 9/11 and the threat from terrorist activities in Spain and Morocco; this has compounded risks in the Strait region (Collier, 2002).<sup>xxii</sup>

Moroccan Government, military and security services have a long tradition of bilateral agreements, and collaboration with the USA, facilitating its policies in the Strait region, and wider Arab-Muslim world including Israel, and especially in the War on Terror launched in 2001 after the 9/11 attacks. Moroccan security agencies provide intelligence preventing terrorist threats in the Strait of Gibraltar and in 2004 was designated a major non-NATO ally by Washington. Morocco is active in combatting Al Qaeda and associated Jihadist groups in the Maghreb, playing a salient role in the Trans-Sahara Counter Terrorism initiative containing Salafist groups in the Saharan and Sahel regions of West Africa, with Casablanca being targeted in the 2003 bombings. In 2006 the Moroccan-USA Free Trade Agreement was implemented.

Due to ill prepared decolonization strategies and Spanish withdrawal from the Western Saharan in 1975, the Moroccan invasion of the territory in opposition to the inhabitants' declaration of the Arab Sahrawi Democratic Republic (SADR) has let a legacy of conflict in this mineral and off-shore natural resource-rich territory. The 1991 UN call for a referendum on independence or integration into Morocco (UN Security Council Res. 690), agreed upon by Morocco and the Polisario Liberation Front has not taken place, with Morocco continuing to settle the territory with Moroccan citizens from outside the north, and reinforcing its state control over all aspects of life there. While supporting UN call for a referendum, essentially, the US and France has continued to support Moroccan claims, whereby self-determination for the Saharans has been somewhat overridden by state-centric perspectives, including the interests of outside powers. In the past decade the US is supporting the Moroccan proposal for autonomy within the Moroccan state (Rosenblum and Zartman, 2008).<sup>xxiii</sup>

Overall due to its excellent historical relations including security record in the Strait region over the past 50 years, Morocco was designated a major non-NATO ally by Washington in 2004, while in 1982 Spain became a NATO member along with the jointly run Spanish - US ROTA naval and air bases, near Cadiz, a major Spanish naval base since the 18<sup>th</sup> century. Melilla continues to play its historical role as a Spanish naval-military base; while Ceuta has greater civilian and trading roles today. The British Overseas Territory of Gibraltar hosts the UK naval-military base; with the UK being a founding NATO member, there is close collaboration with the US in assuring security in the Strait region.

## CONCLUSIONS

Throughout history, riparian and international powers have vied for power in the Gibraltar Strait area with no one power gaining dominance except between the 8<sup>th</sup> and 15<sup>th</sup> centuries when it was under Muslim control. Between the 16<sup>th</sup> and 19<sup>th</sup> centuries Spain established several Plazas on the southern shore, and Britain took the Gibraltar peninsula. However, attempts by European powers and the USA to establish themselves on the Strait are exemplified by the Tangier International Neutral Zone from 1923 to 1956; while from 1912 to 1956 Morocco was partitioned into France and Spain Protectorate zones. Rediscovered by tourist day-trippers holidaying in Spain, Tangier offers architectural and cultural remnants and relics of its bygone colonial days; and those visiting Gibraltar also find similar things with shadow of empire still most visible in British flags and way of life including the UK military base personnel. Ceuta and Melilla remain vibrant Spanish exclave port cities, with ever-increasing Morocco ethnic influences, and Ceuta trying to manage large scale illegal immigration from the Maghreb and Africa into Spain and the EU, despite the erection of ever more dangerous security fences between itself and Morocco. Britain continues to exert its influence over the Strait as does the USA through its bilateral agreements with Morocco and Spain, and its NATO arrangements with Spain and the UK. Spain has not made any effort to negotiate with Morocco regarding the latter's claims to the Plazas, and refuses to cede the three minor plazas in case that this would set a precedent in relation to Ceuta and Melilla. Spain wishes to retain control of at least the southern Pillar of Hercules

The main key to these relics of empire, balance of power and security arrangements in the Strait region remains the BOTG; historical arguments of both the UK and Spain relating to sovereign claims to Gibraltar, and their state-centric perspectives have been overtaken somewhat by a more people-centric interpretation of UN self-determination principles. Despite the Spanish offer of creating an autonomous regional community for Gibraltar within the Spanish state, the Gibraltarians refuse to enter any formal discussions with Spain on their sovereign status. Besides this Spanish offer, there has been lack of flexibility on Spain's part over the past 25 years concerning any form of shared sovereignty with the UK despite the opportunities offered by EU and NATO integration processes. In reaction to Spanish recuperation strategies, Britain has counteracted these by fostering a Gibraltarian self-determination strategy since 1967, being assured of a majority vote in favour of Gibraltar remaining under sovereign UK control.

Since 2002, the Gibraltarians have been resolute in fostering their ethnic distinctiveness reinforcing self-determination credentials in relation to the UK and international bodies; and in transforming their economy from a colonial public based regime to a private sector neoliberal economy. Becoming suspicious of UK and Spain collaboration over Gibraltar, the Gibraltarians increased pressure on the UK to 'decolonize' its relationship with them, but not changing sovereign British status of the Territory, as exemplified in the 2006 Constitution. While very close family and financial relations exist between Gibraltarians and Andalusia, the Gibraltarians continue to ignore any direct Spanish overtures relating to sovereignty issues, and their future in a changing Europe.

Hence, the status quo will continue relating to sovereignty in Gibraltar region, with recurring spats in the area of territorial waters, and the land crossing. These incidents pose low level security risks for the international community, being outweighed by threat from Jihadist terrorism emanating from North Africa.

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