



Gibraltar: Alternative Diplomacy

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Theme: The so-called population policy, implemented by the municipalities of the Spanish region neighbouring Gibraltar, is aimed at helping to resolve the dispute.

Summary: The Spanish Government's new policy on Gibraltar implies once again lending importance to the idea, based on proximity, cooperation and dialogue with all parties involved (including the Gibraltarians and their leaders), of aiming to remove distrust and create an adequate climate for reaching agreements, without impositions, but also without relinquishing the notion of recovering sovereignty.

Analysis: What for some has been a radical turnaround in Spanish foreign policy with regard to Gibraltar, for others, specifically those who are experiencing the day-to-day reality of this dispute from the physical proximity of daily life neighbouring the Rock, signifies no more than restoring to the forefront of political action an idea that is at least twenty years old and that has long been known as population policy.

It is worth analysing two of the assertions made in the joint statement by the Spanish and British Foreign Affairs Ministers on October 27, 2004 outlining the objectives behind the new situation: first, the establishment of a new forum for dialogue with an open agenda in which Gibraltar will have a voice of its own and, secondly, the express mention and approval by both Governments of the formation of a joint committee (*Comisión Mixta*) between the Gibraltarian Government and the municipal authorities (*Mancomunidad de Municipios*) of the Campo de Gibraltar area to develop local cooperation.

Neither of the two assertions, however, are absolute novelties. Although the first, affecting both States and the authorities of Gibraltar, may be more eye-catching because of the expressions 'open agenda' and 'voice of its own', it is worth recalling that the 'two flags three voices' formula (another way to define the second of the above expressions) had already been offered to Gibraltar by Spanish and UK authorities and was not accepted at the time for reasons purely relating to the political agenda. The open agenda, on the other hand, means no more and no less than the necessary semantic formula to unblock an obstinate and repetitive reality: without the participation and indeed the approval of the local Gibraltarian authorities, none of what might be discussed by the two States has any hope of prospering. The most recent evidence of this –and there have been many in the past– was the failure of talks which tended towards a pact for shared sovereignty over the Rock, on which both Ministries seemed to agree as recently as two years ago.

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On December 16, 2004, the Spanish and British Foreign Affairs Ministers, plus the Chief Minister of Gibraltar, issued their first joint communiqué in this regard (as a result of their meeting in Kent a few days previously), which confirmed what they had already asserted: a new forum of dialogue was established, based on an open agenda, with three voices, and with the aim of reaching agreements that are acceptable to all sides, with ministerial level meetings every two months, with the possibility of setting up specific working groups and taking into account the activity of the Joint Committee of the Gibraltar Government–*Mancomunidad* to ensure coordination of all actions. As a result, all three parties affirm that they will 'endeavour to create a constructive atmosphere of mutual confidence and cooperation' for the benefit of Gibraltar and the Campo de Gibraltar.

If the idea was not to achieve any progress whatsoever, it would no doubt have been better to continue as hitherto. If the idea was to actually make headway, albeit only in the area of mutual trust, then it was necessary to have dialogue and cooperation between the players, including the people of Gibraltar. To insist on the opposite is to insist on failure. At heart, the new situation does not signify a change of policy, but simply aims at taking a different approach, based on direct contact and dialogue. Evidence of this are the two meetings which, so far and as far as we know, have been held by the Spanish Foreign Affairs Ministry's Director General for Europe and North America, José Pons Irazazábal, with Peter Caruana, Chief Minister of Gibraltar, on August 28 and October 14, 2004, in addition to the three-way meeting on December 8 and 9 in Kent.

But in the joint communiqué issued on October 27, there was a second part (as mentioned above) referring to strictly local cooperation between Gibraltar and the neighbouring Spanish communities of Campo de Gibraltar. This cooperative action policy, to enhance relationships between local authorities in specific issues (in short, what has been known for twenty years as population policy), was already implicit in the Brussels Agreement in 1984 and also in the Preamble (a true declaration of principles) of the Statutes of the Joint Community of Municipalities of Campo de Gibraltar (*Estatutos de la Mancomunidad de Municipios del Campo de Gibraltar*), which, as of early 1985, reads:

'...in the future, a role for the citizens of this region (Campo de Gibraltar) must include the acquisition of a degree of protagonism yet to be determined, embedded in the new doctrine which is being drafted in regard to Gibraltar and which must necessarily entail a reversal of positions: a move from dependence upon the Rock towards the integration of the people of Gibraltar in their natural environment, through the necessary integral development of Campo de Gibraltar and the implementation of a population policy which, steering clear of conflict, seeks cooperation between the two communities.'¹

For political leaders and for the citizens of Campo de Gibraltar, the dispute has always been (in addition to what it has been for the rest of Spaniards) a question of strictly local politics. All those living in communities close to the Rock are affected almost daily by any act or omission in regard to Gibraltar and even by some decisions taken by the Gibraltarian Government itself. The Mayor and citizens of La Línea are separated from Gibraltar by just one street, with the resulting problem, to name but one of the many, of traffic around the border area. For the residents of Algeciras, only the waters of the Bay separate their beaches from the port of Gibraltar. It is well known that in the sea there are no physical obstacles and that any incidents involving the sadly infamous floating petrol tankers operating from waters controlled by Gibraltar affect all the surrounding area without distinction. And then there are the thousands of Spanish citizens (there are figures to meet all tastes, but none is sufficiently reliable to quote confidently), mostly from La Línea, who every day enter Gibraltar to work, whatever their type of contract or

¹ *Estatutos de la Mancomunidad de Municipios de la Comarca del Campo de Gibraltar*, MMCG, Algeciras, p. 7.

agreement. Consequently, when there are traffic jams or bottlenecks at the entrance to Gibraltar, the first to be affected are Spanish citizens on their way to work. When, some years ago, Gibraltar was permissive with the smugglers using speedboats to offload vast amounts of contraband tobacco along the beaches of La Atunara, it was unthinkable to plan any future urban development in that area of La Línea. Not to mention when the rubbish dump (recently replaced by a joint environmental complex) was not used to eliminate waste from the Rock which, having been tipped directly into the sea, washed up on Spanish beaches, with the consequent cost of cleaning operations and the pitiful image for the coastal municipalities. And there is no shortage of further examples.

In the past –and now that it is being reinstated– the population policy was a policy of State. And, indeed, it was to such an extent that it was linked to the creation of the *Mancomunidad* itself. The five Presidents which the local institution has so far had, including the four-year period in which the Popular Party governed, maintained official relations with the Gibraltarian Government to a greater or lesser degree of intensity and also developed joint activities which were more or less success depending on the political conditions affecting the institutions on both sides of the barrier (or *verja*).

An example of cooperation between the *Mancomunidad* and Gibraltar is their shared use of the aforementioned ‘Sur de Europa’ joint environmental complex, which recycles and eliminates municipal solid waste generated daily by the seven municipalities of Campo de Gibraltar and the Rock itself,² based on a new agreement signed by the local authorities and the company owning the public concession in Gibraltar for the provision of this service. Naturally, this agreement was signed only after it received approval, following the necessary political consultations. The lorries comply with the procedures required for their daily passage through customs and the company meets its obligations faultlessly in terms of paying for the service, just like any other user. This effort, which began almost a decade ago but which has consolidated over time, is the most noteworthy example of local cooperation but is far from being the only one. In culture, youth activities, sports and tourism there are past and present initiatives which have borne fruit or are in the process of doing so.

The Spanish Foreign Affairs Ministry’s Director General for Europe, José Pons, following a meeting on October 13, 2004 with the members of the *Mancomunidad*’s Special Committee for Matters Relating to Gibraltar (comprising the President, the Mayors of the seven municipalities and the spokesmen for the political parties with representation at the local-authority level) told the media that the Spanish Government had informed the Government of Gibraltar that it was empowering the *Mancomunidad* to develop local cooperation. Later on, he added that this was not independent, but rather autonomous, of the three-sided talks with the British and Gibraltarian Governments.

In the wake of the meeting, and of recognition by both Ministers in their statement of October 27 of the *Mancomunidad* as interlocutor to deal with local cooperation with Gibraltar, , the President and Chief Minister signed (on November 18 in Los Barrios) an accord to set up the so-called Joint Committee for Cooperation and Collaboration between Gibraltar and the *Mancomunidad*, aimed at ‘identifying, determining, promoting, developing and exercising joint action for the mutual benefit of both parties and their populations and for the benefit of good cooperation and neighbourly relations’.³

² In 2003 Gibraltar eliminated 24,786 tonnes of solid urban waste at the shared facilities of Campo de Gibraltar.

³ *Acta de constitución de la Comisión Mixta de cooperación y colaboración entre Gibraltar y la Mancomunidad de Municipios de la Comarca del Campo de Gibraltar*, Los Barrios, October 27, 2004, (First Agreement).

The same accord indicated the framework of cooperation in which the Committee will operate, listing aspects such as environment, civil protection and the coordination of emergencies, tourism, sport, education, culture, transport, telephone and other communications, promoting trade relations and a wide range of 'other' items, making this working group a forum in which to discuss and assess joint proposals which, although they might exceed their respective competencies or those of either party, may later be brought before the corresponding bodies. According to representatives of both the *Mancomunidad* and the Gibraltar Government, this mixed bag includes the issue of the airport, whose joint use, despite being agreed by the Spanish and British Governments since 1987, has not been possible because of the refusal of the Gibraltar authorities. Although the accord of October 27 does not say so, on October 13, 2004 José Pons did mention two issues which were outside the scope of the Committee: all matters relating to taxation and to the border.

The newly-launched process regarding more neighbourly or closer cooperation is not, however, without pitfalls or misunderstandings, from near and far. That is precisely why its development, which is doubtless a bold move by the authorities on both sides of the *verja*, has not been left to improvisation. Preliminary informal meetings between leaders of the *Mancomunidad* (its President, Juan Montedeoca, and its Special Delegate for Matters Relating to Gibraltar and Mayor of Los Barrios, Alonso Rojas) and the Chief Minister of Gibraltar, Peter Caruana, have taken place over many months, and on both sides of the border. It can be said that since the current Spanish local governmental team began its mandate on July 31, 2003, the meetings have been regular. Once the new central Government took office in Spain, following the electoral victory in March 2004, and the Foreign Affairs Ministry devised its new approach to the problem, events gathered pace.

On August 3, Minister Miguel Ángel Moratinos published an article⁴ which has since become an essential reference document, in which he asserts that the Government 'wants to work calmly towards the attainment of a global and satisfactory agreement for all the parties involved', including Gibraltar and Campo de Gibraltar. Later, he affirmed that in the negotiating process 'the people of Gibraltar must participate, with whatever formula proves adequate, if negotiation is really to serve any practical purpose'. At the III Ambassador's Conference, held in Madrid on September 6, the Minister said that 'we propose to advance through a policy seeking to generate a dynamic of joint interests shared with the people of Gibraltar'.⁵

Prime Minister Rodríguez Zapatero, in his appearance before the United Nations General Assembly on September 21, added that Spain's will was to negotiate with respect to the issue of Gibraltar and that he hoped to 'reach a solution which benefits the region as a whole and that the voice of that non-autonomous territory is heard'.⁶

For those who, from Campo de Gibraltar, and more specifically from Socialist circles, have spent years working on the matter of relations with the Rock, the new Government's position has come as no surprise. The efforts in influence and explanation by some regional leaders, with the support of notable parliamentarians at the party headquarters in Madrid, was significant in the Socialists' change of tack.

⁴ Miguel Ángel Moratinos, 'Gibraltar: más allá del 4 de agosto', *El País*, August 3, 2004.

⁵ *Discurso del Ministro de Asuntos Exteriores y de Cooperación en la inauguración de la III Conferencia de Embajadores*, Madrid, November 6, 2004, available in Spanish at <http://www.nuevo.maec.es/turcana/es/declaracion.jsp?id=21810>.

⁶ *Speech by the Prime Minister of Spain before the United Nations General Assembly*, New York, November 21, 2004, available in Spanish at <http://www.la-moncloa.es/web/asp/nuestraDoc.asp?Codigo=p2109041>.

This is nothing new. When Felipe González's Government decided in its first Council of Ministers, on December 7, 1982, to open the border gates with Gibraltar to pedestrian traffic, it was also responding to demands by its own party in the region, whose inhabitants had personally suffered the consequence of closure for their families and jobs. In February 1985, when the *verja* was definitively opened to all traffic and the so-called Brussels Process commenced, as a result of the Agreement signed the previous year, the regional authorities (President of the *Mancomunidad* and Mayors of La Línea and San Roque) were part of the Spanish delegation which met British authorities to discuss 'all differences relating to Gibraltar, as well as to promote cooperation for mutual benefit'.⁷ It was not precisely a coincidence that on February 1 the *Mancomunidad* was formed and four days later the first round of negotiations was held under the auspices of the Brussels Agreement, in Geneva, with the attendance of the newly-appointed President of the *Mancomunidad*.⁸ Successive rounds of talks would follow until, in March 1993, Javier Solana, then Foreign Affairs Minister, held his first bilateral meeting about Gibraltar and decided to dispense with representation by local Spanish communities. The presence of local authorities at the Anglo-Spanish summits was replaced by a meeting between the Spanish Foreign Affairs Minister and members of the Special Committee for the *Mancomunidad*, in the days immediately prior to the bilateral meetings.

Joe Bossano, who had been elected Chief Minister of Gibraltar in 1988, had ceased to participate in these summits in February 1989 (his predecessor, Sir Josua Hassan, had attended in representation of the Gibraltarian Government), since he rejected their origin, namely the Brussels Agreement, which recognised that 'within the framework of this process, issues of sovereignty will be discussed'.⁹

For many years, the Spanish Foreign Affairs Ministry's doctrine has been that local cooperation could only progress adequately if at the same time there was progress in negotiations regarding sovereignty. Since in this second aspect there has been no progress in twenty years, local cooperation, despite the efforts and dedication of local authorities, could never exceed a few specific actions, with some isolated success, but devoid of an ambitious work schedule agreed and approved by consensus, like the one currently being proposed.

The new dynamic in regard to the issue of Gibraltar by Spain's current Government is not aimed at relinquishing or changing objectives or aspirations that are considered to be non-relinquishable, as manifested by the head of Spanish diplomacy in Parliament,¹⁰ but to side-step the issues that have always prevented a build-up of the level of mutual trust between both sides and their leaders. The sovereignty-for-cooperation equation has failed, and looks unlikely to work in the future, particularly following the referendum by the authorities of Gibraltar in regard to the negotiating process of joint sovereignty, where the

⁷ *Text of the Anglo-Spanish Statement approved in Brussels*, November 27, 1984, point 1 C.

⁸ Historical reference prior to this participation by local authorities in the dispute dates back to September 22, 1964, when the then Mayor of San Roque, Pedro Hidalgo Martín, accompanied by his First Deputy, Francisco Cano Villalta and by the Professor and Chair of International Law Camilo Barcia Trelles, intervened before the UN Decolonisation Committee (also known as the Committee of 24), in New York, when it had been dealing with the issue of Gibraltar since September of the previous year. The representatives of San Roque were acting on behalf of the municipalities of Algeciras, La Línea, San Roque, Los Barrios and Tarifa, which, at a meeting on June 5, had decided to seek an audience with the UN, something which had already been granted to the representatives of Gibraltar. The full text of their interventions are available in *Documentos sobre Gibraltar presentados a las Cortes Españolas por el Ministro de Asuntos Exteriores*, Imprenta del Ministerio de Asuntos Exteriores, 3ª edición, Madrid, 1966, p. 364-393.

⁹ *Text of the Anglo-Spanish Statement* point 1 C.

¹⁰ *Diario de Sesiones del Congreso de los Diputados*, Pleno y Diputación Permanente, VIII Legislatura, no. 46, 3/XI/2004, p. 2042-2044.

result was overwhelmingly against. The only solution which can be considered feasible, without relinquishing the first part of the equation, is to change the formula to allow rational development and cooperation via dialogue without exclusion, accepted by all. The maximalist positions of all or nothing, as Senator José Carracao recently recalled, paraphrasing Josep Piqué when he was Spain's Foreign Affairs Minister, 'have been the reason why this dispute has lasted for 300 years'.¹¹

Conclusions: A population policy, which could also be defined as alternative diplomacy, has never in the past been an attempt to replace the traditional policy of State in regard to Gibraltar. What it did in fact seek, and what it now seeks, is to form a part of Spain's policy of State in a definitive manner and to contribute to making cooperation between the two communities help dilute the current differences and, above all, to not waste another twenty years in sterile conflict.

¹¹ *Diario de Sesiones del Senado*, VIII Legislatura, no. 22, 30/XI/2004, p. 979.