



DEBATE PACK

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Effect of the EU Referendum on Gibraltar

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1. Summary

Gibraltar is a British Overseas Territory for whose international relations the UK is responsible. It has a high level of internal self-government under its [2006 Constitution](#).

In the referendum on whether to leave or stay in the EU, with a turnout of 84%, 96% of the Gibraltarian electorate voted to remain in the EU.

The 1972 UK Act of Accession to the then European Economic Community (EEC) applied the EEC Treaties to Gibraltar, with the exception of the Customs Union, Common Commercial Policy, Common Agriculture Policy/Common Fisheries Policy and requirement to levy VAT. Gibraltar has been in the EU since 1973 as part of the UK's membership and applies EU law except in these four areas.

Spain has maintained a sovereignty claim on Gibraltar at various times since ceding it to Britain in 1713 under the Treaty of Utrecht. Bilateral and trilateral talks have started and stalled in recent decades. Immediately after the referendum the Spanish Government said it would revive an earlier proposal for joint sovereignty of Gibraltar, with the promise of continued EU membership for the Rock.

Successive UK governments have maintained the position that they will never transfer the sovereignty of Gibraltar against the wishes of the people of Gibraltar. But neither can the UK Government guarantee EU membership for Gibraltar if the UK leaves the EU.

Brexit will not alter Gibraltar's constitutional status in relation to the UK, but it will have implications for Gibraltar's economy and its relations with Spain.

The border between Spain and Gibraltar was closed between 1969 and 1985, shortly before Spain joined the EEC. EU free movement rules have meant that the border has remained open ever since, in spite of Spanish obstructions (over-zealous border checks and regular incursions into the waters around Gibraltar). If the UK leaves the EU and does not apply to stay in the European Economic Area, free movement will no longer apply. Spain will be able to close the border and establish border and passport controls, and the Spanish Government indicated in May 2016 that it might do so if the UK voted to leave the EU.

The Gibraltar Chief Minister, Fabian Picardo, has held talks with the Scottish First Minister, Nicola Sturgeon, to discuss possible options for the future. One suggestion is that they (and perhaps Northern Ireland, which also voted to remain) could maintain the UK's membership of the EU while England and Wales leave. However, this raises difficult constitutional and legal problems in domestic and international law.

2. Press Articles

[Rock Out](#)

The Economist, 16 July 2016

[Boris knows Spain's game on Gibraltar](#)

Gibraltar Chronicle

Brian Reyes

15 July 2016

[Chief Minister Fabian Picardo meets new British PM Theresa May](#)

The Olive Press

Joe Duggan

13 July 2016

[Spain summons UK ambassador over Gibraltar disputed waters incident](#)

El País

13 July 2016

[Gibraltar calls for second Brexit vote](#)

Financial Times

Tobias Buck

10 July 2016

[Brexit: Gibraltar in talks with Scotland to stay in EU](#)

BBC News

27 June 2016

[Philip Hammond admits Gibraltar will be tougher to protect after Brexit referendum](#)

The Sun

Tom Michael

27 June 2016

[British submarine sent to Gibraltar in message to Spain over sovereignty](#)

The Olive Press

Laurence Dollimore

26 June 2016

[Spain says 'closer to' controlling Gibraltar after Brexit vote](#)

Daily Telegraph

James Badcock

24 June 2016

[Spain to press for joint sovereignty of Gibraltar following Brexit vote](#)

The Independent

24 June 2016

[A Brexit? Why Gibraltar says no thanks](#)

El País

23 June 2016

3. Press Releases

Foreign Secretary reaffirms UK commitment to Gibraltar

Foreign and Commonwealth Office

16 July 2016

Foreign Secretary Boris Johnson met Chief Minister of Gibraltar, Fabian Picardo, in London this evening.

Following the meeting Boris Johnson said:

I was delighted to meet Chief Minister Picardo. I reassured him of both our steadfast commitment to Gibraltar, and our intention to fully involve Gibraltar in discussions on our future relationship with the EU.

The people of Gibraltar have repeatedly and overwhelmingly expressed their wish to remain under British sovereignty and we will respect their wishes. We will never enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their wishes. Furthermore, the UK will not enter into any process of sovereignty negotiations with which Gibraltar is not content. We will continue to take whatever action is necessary to safeguard Gibraltar, its people and its economy including maintaining a well-functioning Gibraltar-Spain border.

4. PQs

Gibraltar: Spain
11 Jul 2016 | 42024

Asked by: Philip Hollobone | Party: Conservative Party

To ask the Secretary of State for Foreign and Commonwealth Affairs, what steps he is taking to ensure (a) the territorial integrity and (b) improved border arrangements with Spain of Gibraltar.

Answering member: David Lidington | Department: Foreign and Commonwealth Office

The United Kingdom will continue to stand by Gibraltar. We are confident of the United Kingdom's sovereignty over the whole of Gibraltar, including British Gibraltar Territorial Waters, and have been firm in our commitment to the double lock. We will continue to protect the rights of the people of Gibraltar to remain British, for as long as they wish to do so.

Maintaining a well-functioning Gibraltar-Spain border is one of our top priorities. We welcome the overall downward trend in border delays since their height in 2013, but we are alive to the risk of a return to disproportionate delays at any time. Her Majesty's Government is working closely with Her Majesty's Government of Gibraltar and European partners ahead of proposed changes to the Schengen Border Code later this year to ensure that delays due to security checks are not disproportionate. As we prepare for the process to exit the EU, we will fully involve Gibraltar to ensure that its interests are taken properly into account.

Gibraltar: Sovereignty
08 Jul 2016 | 41451

Asked by: Andrew Rosindell | Party: Conservative Party

To ask the Secretary of State for Foreign and Commonwealth Affairs, if the Government will reaffirm its commitment to ensuring Gibraltar remains British sovereign territory as long as it is the will of the inhabitants of Gibraltar.

Answering member: David Lidington | Department: Foreign and Commonwealth Office

The outcome of the EU referendum does not affect the United Kingdom's steadfast and longstanding commitment to Gibraltar. We will never enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their wishes. Furthermore, the UK will not enter into a process of sovereignty negotiations with which Gibraltar is not content.

Gibraltar: Spain

06 Jul 2016 | 41409

Asked by: Andrew Rosindell | Party: Conservative Party

To ask the Secretary of State for Foreign and Commonwealth Affairs, what steps his Department is taking in response to the outcome of the EU referendum to maintain the existing border between Gibraltar and Spain.

Answering member: David Lidington | Department: Foreign and Commonwealth Office

The outcome of the EU referendum does not affect the United Kingdom's steadfast and longstanding commitment to Gibraltar. We will never enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their wishes. Furthermore, the UK will not enter into a process of sovereignty negotiations with which Gibraltar is not content.

Ensuring a well functioning Gibraltar-Spain border is one of our top priorities. This has not changed. It will take some time for our future relationship with the EU to become clear, but there will be no immediate changes in Gibraltar's circumstances. There will be no initial changes in the way people can travel or the way services can be sold. Over 12,000 people will still be able to commute across the Gibraltar-Spain border every day, including a significant number of Spanish workers. As we move forward in negotiating the United Kingdom's withdrawal from the EU, we will work in partnership with the Government of Gibraltar to ensure Gibraltar's interests are protected and advanced.

EU: British Nationals Resident Overseas

28 Jun 2016 | 773 c1473

Asked by: Lord Collins of Highbury | Party: Labour Party

My Lords, I want to pick up on exactly that point. It is not only the markets that are extremely worried by the uncertainty.

People's lives are affected; people who have lived in this country for 20 years—like my husband, who woke up on Friday morning thinking that his country had rejected him. That creates a fear, and we need to ensure that we respond to that fear. There is another point: British people who live in mainland Spain in Gibraltar are going to be even more worried. We need clear guidance to ensure that people are not anxious and can get on with their lives and work.

Answered by: Baroness Anelay of St Johns

I entirely agree with the noble lord and that will be the thrust of the work to be done by the unit being set up. I feel sure it will be at the forefront of the minds of those who carry out the negotiations later this autumn.

With regard to Gibraltar, my colleagues in the Foreign Office have of course been in contact throughout with the Gibraltar Administration, and we have given every indication of full support for their sovereignty and that we will not let them down.

Commonwealth Countries and Overseas Territories: European Union

14 Jun 2016 | 773 c1096

Asked by: Lord Luce | Party: Crossbench

My Lords, I declare an interest as a former Governor of Gibraltar. Does the Minister agree that Gibraltar has gained enormously from the economic point of view, as has the Spanish neighbourhood, from unfettered access to the single market over the last few decades? Secondly, will she bear in mind that the current Spanish Foreign Minister, Margallo, has said that although he would like the United Kingdom to stay in the EU, in the event of Brexit he would plan to close the frontier with Gibraltar and revive the original proposals for joint sovereignty over Gibraltar which were overwhelmingly opposed by the people of Gibraltar? Can she say in what way the British Government will support Gibraltar in the event of Brexit?

Answered by: Baroness Anelay of St Johns

The noble Lord is right to draw attention to the concerns that Gibraltarians would justifiably have if the UK were to leave the European Union. On defending sovereignty, the UK has made a commitment to defend and support Gibraltar's interests, including upholding British sovereignty. The men and women of the British Armed Forces have worked tirelessly to do this prior to the referendum and will continue to do so after it. However, the noble Lord rings a warning bell.

Gibraltar: UK Membership of EU

21 Mar 2016 | HL6776

Asked by: Lord Luce | Party: Crossbench

To ask Her Majesty's Government what assessment they have made of the consequences for Gibraltar of the UK's withdrawal from the EU, and what action they intend to take in relation to Gibraltar in the event of such a withdrawal.

Answering member: Baroness Anelay of St Johns Department: Foreign and Commonwealth Office

Gibraltar's economy is strengthened by the UK's EU membership. As the Chief Minister of Gibraltar has clearly stated, an UK exit from the EU would pose "an existential threat in economic terms" to the territory.

The UK will continue to defend and support Gibraltar's interests, and uphold British sovereignty. The UK will never enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their wishes. Furthermore, the UK will not enter into any process of sovereignty negotiations with which Gibraltar is not content.

5. Further reading

All-Party Parliamentary Group for Gibraltar

<http://www.publications.parliament.uk/pa/cm/cmallparty/register/gibraltar.htm>

2010 to 2015 government policy: UK Overseas Territories

<https://www.gov.uk/government/publications/2010-to-2015-government-policy-uk-overseas-territories/2010-to-2015-government-policy-uk-overseas-territories>

UK and Gibraltar (Gov.uk)

<https://www.gov.uk/government/world/gibraltar>

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