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Bartłomiej H. Toszek
University of Szczecin
clermont@wp.pl
ORCID ID: http://orcid.org/ 0000-0003-2989-7168

Brexit Referendum in Gibraltar. Result and Effect

Abstract: Almost complete unanimity of the small Gibraltar community during 2016 referendum on Brexit remained nearly unnoticed because of including this British Overseas Territory into "combined electoral region" with South West England where most of people were in favour of the United Kingdom withdrawing from the European Union. No political differences with the UK (i.e. England and Wales) but concern about future possibilities of economic development outside the Single Market stimulated an intense discussion among the Gibraltarians. The vision of being non-subject of the EU's four freedoms (i.e. damage or lost present prosperity basis) would force Gibraltar to re-orientate its economic relations especially by creating and developing new trade links which could gradually replace the existing ones. Despite that Gibraltarians have consequently rejected Spanish proposals of remaining inside the Single Market for the price of sharing sovereignty between the UK and Spain. It is therefore beyond doubt that the people of Gibraltar can be characterised as more British than European.
Keywords: Brexit, European Union, Gibraltar, United Kingdom

The specificity of Gibraltar's referendum on Brexit expressed itself not only because it was the first time for any British Overseas Territory (BOT) to participate in the United Kingdom-wide referendum but also because the Gibraltarians were straight included in the decision-making process related to one of the most important question in the UK's modern history. Gibraltar's position in the British dilemma "to be or not to be" in the European Union structures was determined by geographical and economic factors. Being "almost entirely surrounded by water but still connected to mainland by Spain"[1] this small territory (located in area of 6,7 km^2 with population of ca. 35.000 inhabitants[2]) remains almost entirely dependent on free inflow of external (i.e. European) workers, products and services. "Access to the EU Single Market, and

1 BBC News, Gibraltar: What's it Got to do with Brexit?, http://www.bbc.com/news/news-beat-46316965 (access 5.01.2019).

2 HM Government of Gibraltar, Census of Gibraltar 2012, Gibraltar 2013, p. 3.

the pool of over 10.000 workers who cross daily (…) over the border of Spain, has underpinned the development of Gibraltar's vibrant, service-based economy over recent decades. While Gibraltar's most important economic relationship is with the UK itself, any loss of access to the Single Market in services, or to its cross-border workforce, could significantly harm Gibraltar's economy"[3]. Taking into account these circumstances the vast majority of the Gibraltarians considered that continuation of the UK's membership in the EU was a clear need. Paradoxically, under rules of law making by the British Parliament, i.e. European Union Referendum Act 2015 as well as by the Gibraltar Parliament, i.e. European Union (Referendum) Act 2016 (Gibraltar) inhabitants of this BOT voted in the referendum within "combined electoral region" which included also South West England (SWE)[4] where more than 50% people were in favour of removing the UK from the EU. After the referendum the Gibraltarians were placed therefore in a situation very similar to the one in Scotland or Northern Ireland where the majority of votes (respectively 62% and almost 56%[5]) were cast for the UK's remaining in the EU. In this paper the Brexit referendum results in Gibraltar is presented against the background of the results in other districts being parts of "combined electoral region". The main objective is to analyse foreseeable impact (in short- and long-term perspective) of the referendum for social, economic and political situation of this "Britain (…) at the bottom of Spain"[6].

1. Result of the referendum

The United Kingdom European Union membership referendum took place in the whole UK (i.e. England, Wales, Scotland and Northern Ireland) and Gibraltar (as the only BOT located inside the EU) on 23 June 2016. Out of the total number of 24.119 people entitled to vote in Gibraltar in the referendum 20.172 (83,6%) took part. This indicator was the highest in the whole "combined electoral region" because the turnout oscillated in other districts between 69,4% (in Bournemouth) and 81,4% (in East Dorset). It was also higher than analogical indicators for other English electoral regions (i.e. East, East Midlands, London, North East, North West, South East, West Midlands, Yorkshire and the Humber), Wales, Scotland and

3 House of Lords. European Union Committee, Brexit: Gibraltar. 13th Report of Session 2016-17, London 2017, p. 3.

4 European Union Referendum Act 2015, c. 36, section 2(1)(c)(i); European Union (Referendum) Act 2016 (Gibraltar), L.N. 2016/034, 1st schedule, section 2(a).

5 The Electoral Commission, EU Referendum results, https://www.electoralcommission.org.uk/find-information-by-subject/elections-and-referendums/past-elections-and-referendums/eu-referendum/electorate-and-count-information (access 5.01.2019).

6 BBC News, *op. cit*.

Northern Ireland[7] with the average turnout of 70,9%. In favour of continuing the UK's membership in the EU voted overwhelming majority i.e. 19.322 (95,91%) of the Gibraltarians and against mere 823 (4,09%). That remained in stark contrast with the rest of "combined electoral region" where in 28 of 37 SWE districts most voters (from 51,03% to 63,16%) opted for Brexit[8].

Table 1. Brexit referendum results in SWE "combined electoral region" districts

No.	Electoral District	Turnout %	Votes "remain"		Votes "leave"	
			No.	%	No.	%
1.	Bath and North East Somerset	77,2	60.878	57,9	44.352	42,1
2.	Bournemouth	69,4	41.473	45,1	50.453	54,9
3.	Bristol, City of	73,2	141.027	61,7	87.418	38,3
4.	Cheltenham	75,9	37.081	56,2	28.932	43,8
5.	Christchurch	79,3	12.782	41,2	18.268	58,8
6.	Cornwall	77,1	140.540	43,5	182.665	56,5
7.	Cotswold	79,8	28.015	51,1	26.806	48,9
8.	East Devon	79,0	40.743	45,9	48.040	54,1
9.	East Dorset	81,4	24.786	42,4	33.762	57,6
10.	Exeter	74,0	35.270	55,3	28.533	44,7
11.	Forest of Dean	77,5	21.392	41,4	30.251	58,6
12.	Gibraltar	83,6	19.322	95,9	823	4,1
13.	Gloucester	72,1	26.801	41,5	37.776	58,5
14.	Isles of Scilly	79,2	803	56,4	621	43,6
15.	Mendip	77,1	33.427	51,1	32.028	48,9
16.	Mid Devon	79,4	22.400	46,7	25.606	53,3
17.	North Devon	76,9	24.931	43,0	33.100	57,0
18.	North Dorset	79,7	18.399	43,6	23.802	56,4
19.	North Somerset	77,5	59.572	47,8	64.976	52,2
20.	Plymouth	71,5	53.458	40,1	79.997	59,9

7 Turnout rates for East, East Midlands, London, North East, North West, South East, West Midlands, Yorkshire and the Humber, Wales, Scotland and Northern Ireland electoral regions were respectively: 75,7%, 74,2%, 69,7%, 69,3%, 70%, 76,8%, 72%, 70,7%, 71,7%, 67,2% and 62,7%.

8 The Electoral Commission, *op. cit.*

21.	Poole	75,4	35.741	41,8	49.707	58,2
22.	Purbeck	79,0	11.754	40,9	16.966	59,1
23.	Sedgemoor	76,3	26.545	38,8	41.869	61,2
24.	South Gloucestershire	76,3	74.928	47,3	83.405	52,7
25.	South Hams	80,3	29.308	52,9	26.142	47,1
26.	South Somerset	78,7	42.527	42,8	56.940	57,2
27.	Stroud	80,1	40.446	54,6	33.618	45,4
28.	Swindon	75,9	51.220	45,3	61.745	54,7
29.	Taunton Deane	78,2	30.944	47,1	34.789	52,9
30.	Teignbridge	79,5	37.949	46,1	44.363	53,9
31.	Tewkesbury	79,2	25.084	46,8	28.568	53,2
32.	Torbay	73,7	27.935	36,8	47.889	63,2
33.	Torridge	78,5	16.229	39,2	25.200	60,8
34.	West Devon	81,3	16.658	46,8	18.937	53,2
35.	West Dorset	79,5	31.924	49,0	33.267	51,0
36.	West Somerset	79,2	8.566	39,4	13.168	60,6
37.	Weymouth and Portland	75,9	14.903	39,0	23.352	61,0
38.	Wiltshire	78,9	137.258	47,5	151.637	52,5
TOTAL		76,7	1.503.019	47,4	1.669.711	52,6

Source: The Electoral Commission, EU Referendum results, https://www.electoralcommission.org.uk/find-information-by-subject/elections-and-referendums/past-elections-and-referendums/eu-referendum/electorate-and-count-information (6.01.2019).

The distinctive evidence of the Gibraltarians' almost total unanimity on continuing the UK's membership in the EU matter was coherent and a consistent position in this question of all (i.e. 17) local parliamentarians. As well as forming governing coalition Gibraltar Socialist Labour Party and Liberal Party of Gibraltar as the opposition Gibraltar Social Democrats and the only independent MP Marlene Hassan Nahon were strongly advocated voting "remain" and formally supported the referendum campaign group Gibraltar Stronger in Europe (equivalent to operating in the UK group Britain Stronger in Europe) that brings together the UK membership in the EU proponents. For comparison Vote Leave group of Brexit advocates was composed and supported by only private persons. Widespread awareness of absolutely essential for social and economic development of Gibraltar need to remain inside the Single Market induced Gibraltarian Chief Minister Fabian Picardo to warn the UK Government that "even the most rabid anti-Europeans do not want to sever

all economic ties with Europe. (...) Everybody who is serious about the subject (...) talk about retaining access to Europe as a member of the European economic area"[9]. Alarmist tone of his utterances was modified somewhat as the referendum deadline approached with becoming increasingly probable Brexit perspective. Nevertheless the position of F. Picardo (and thereby the whole Government of Gibraltar) remained unchanged when he pointed: "if we were no longer to have that access, if the United Kingdom were to leave the European Union and the European Economic Area, and if we were not able to renegotiate EFTA, then we would have to carefully reconsider what the economic prospects for Gibraltar are and how we would be positioned"[10]. There were therefore no doubt inhabitants of this small BOT were the most pro-Europeans of all the referendum on Brexit participants.

2. The economic implications

On the assumption that Gibraltar will be excluded from the Single Market (i.e. it will not be covered by free movement of persons, capitals, services and goods between the EU member states) it already seems clear that the local economy will have to change substantially. As a part of the European Economic Community (since 1973) and especially after accession of Spain to the EEC (in 1986) Gibraltar economy has been driven by geographical factors, "which left no room for manufacturing or heavy industry, and had been underpinned by access to the EU Single Market in services"[11]. Services have provided work not only for citizens of Gibraltar but also many people from the surrounding area (who have made up ca. 40% of the total workforce). If then Brexit leads to introducing restrictions in the free movement of frontier workers this will seriously weaken or even damage several key sectors of Gibraltar's economy including port, tourism, financial services and aviation[12]. Negative features may occur with particular intensity in tourism industry contributing each year ca. £ 200 million of revenues. Almost 95% of tourists "arrived through the frontier, which the Government of Gibraltar described as the 'vital artery of Gibraltar tourism sector'. Any restrictions on people's ability to visit Gibraltar via the border would therefore have a significant impact on the sector"[13]. A related question is the weakening of Gibraltar's position as one of the Mediterranean's leading bunker ports operating in the EU's area but outside the EU's VAT jurisdiction, which allows it to offer low-cost

9 The Telegraph, Gibraltar suggest it wants to stay In EU in the event of Brexit, https://www.telegraph.co.uk/news/worldnews/europe/gibraltar/11534580/Gibraltar-suggests-it-wants-to-stay-in-EU-in-the-event-of-Brexit.html (access 5.01.2019).

10 The Guardian, Gibraltar: Profile of chief minister Fabian Picardo, https://www.theguardian.com/the-report-company/2015/oct/08/profile-of-chief-minister-fabian-picardo (access 5.01.2019).

11 House of Lords. European Union Committee, *op. cit.*, p. 7.

12 *Ibidem*, p. 12.

13 *Ibidem*, p. 8.

(i.e. VAT-free) fuel. Most of the stocks are frequently stored on the Spanish side (in Algeciras) but it would have to change in case of implementing border restrictions. Readily foreseeable result of uncertainty over the movement of parts, provisions and labour would be the port of Gibraltar's losing attractiveness to visiting ships. Moreover the necessity of importing more goods by sea would involve the need of reconfiguration or even reconstruction of the port[14].

Another important consequence of leaving the EU by the UK will be cutting off Gibraltar from European funds. Between 1990 (since the first location of the EU funds) and 2017 the Gibraltarians received almost € 60 million which (in chief of the local government opinion) "might not sound like much (…) but for Gibraltar it has meant kick-starting a lot of businesses and giving them opportunities they might not otherwise have had"[15]. Another source of financing was the Konver Programme (in the 1990s) which was generally focused on "areas particularly hard hit by reductions in defence-related activities including the decline in the industries and the closure or run down of military bases"[16] but in case of this BOT (as well as the UK) it was rather a form of compensation for non-satisfactory amount of the EU's Structural Funds assistance for degraded (but not only post-military) areas. During present (i.e. 2014-2020) the EU's financial perspective Gibraltar receives resources of the European Regional Development Fund, the European Social Fund and the interregional programmes of South West Europe (SUDOE) and Mediterranean Sea (MED)[17]. Gibraltarian projects gains financial assistance of ca £ 5,16 million in the ERDF frames only[18]. Providing discontinuation of those undertakings financing after Brexit, the UK Government announced that "all European structural investment fund projects signed or with funding agreements in place (…) would be fully funded, even where those projects continue beyond the UK's departure from the EU. (…) Those guarantees cover funding awarded to participants from Gibraltar as part of the European territorial cooperation programmes"[19]. However, the UK Government promises' value in that matter could be verified only as from the date of Brexit implementation or yet longer perspective.

Undisputable, the Gibraltar exclusion of the Single Market will give even worse effects (in both economic and social dimension) for surrounding Spanish region (autonomous community) of Andalusia and especially for bordering county Campo

14 *Ibidem*.

15 *Ibidem*, p. 9.

16 European Commission, Press Release Database (1993), http://europa.eu/rapid/press-release_IP-93-1015_en.htm (access 5.01.2019).

17 HM Government of Gibraltar, EU Funding, https://www.gibraltar.gov.gi/new/eu-funding (access 5.01.2019).

18 Gibraltar EU Programmes Secretariat Website, Beneficiaries ERDF-ESF-ETC, http://www.eufunding.gi/index.php?url=beneficiaries (access 5.01.2019).

19 House of Lords. European Union Committee, *op. cit*., p. 9.

de Gibraltar. The BOT is the basic place of employment for ca 25% of people living in entire Campo (which indicates one of the highest levels of structural unemployment in Spain) and contributes ca € 800 million to Andalusian GDP through trade and visitor spending. For example the Gibraltarians imported almost £ 381 million in goods and services and spend £ 73 million on shopping, food and other goods and services in Andalusia (of which £ 46 million was within the Campo) due to 2013 data[20].

Table 2. GDP created by Gibraltar spending in Campo de Gibraltar (2013)

Source	Gross Domestic Product			
	direct (Ł million)	indirect (Ł million)	induced (Ł million)	total (Ł million)
Gibraltar business imports	151.639	95.215	102.470	349.324
Spanish frontier workers spending	102.569	45.797	64.803	213.169
Other frontier workers spending	83.745	37.392	52.910	174.047
Gibraltar residents spending	26.054	12.360	15.565	53.979
Gibraltarians with 2nd homes in Spain spending	27.644	12.343	16.050	56.037
Total GDP effect	391.651	203.107	251.798	846.556

Source: J. Fletcher, Y. Morakabati, K. Male, An Economic impact study and analysis of the economies of Gibraltar and the Campo de Gibraltar, Gibraltar 2015, p. 26.

Any restriction of the movement of people and goods over the frontier could therefore affect the normal development of Andalusia and might upset the base of Campo de Gibraltar economy.

3. The Spanish factor and the question of sovereignty

The British sovereignty over Gibraltar began with the capture of this territory during the War of Spanish Succession (1701-1714), i.e. in 1704. After several failed attempts of recapture Spain finally "yield to the Crown of Great Britain the full and entire propriety of the town and castle of Gibraltar, together with the port, fortifications and forts thereunto belonging; and (...) gives up the said propriety to be held and enjoyed absolutely with all manner of right for ever, without any exception or impediment whatsoever"[21] under the Treaty of Utrecht in 1713 and confirmed that statement in subsequent treaties. However, in the next 300 years Spain tried

20 *Ibidem*, p. 10-12.

21 V. Miller, Gibraltar, "House of Commons Research Papers", London, 1995, no. 80, p. 35.

multiple times to regain control over Gibraltar using different methods (from military actions to political pressure). In response the UK strengthened its position through fivefold enlargement of local garrison and allowing non-British citizens to settle down (which caused the civilian population growth from 1.113 in 1725 to 20.355 in 1901)[22]. However, the perception of the sovereignty over Gibraltar changed after the "self determination principle" formulating in the United Nations General Assembly resolution no. 1541 in 1960. On that bases the UK Government formulated conception of possible transferring sovereignty due to the will of the Gibraltarians expressed explicitly in local referendum only. Such referendums were held in 1967 and 2002. In both of them an overwhelming majority (respectively 99,64% and 98,84%) of voters rejected possibilities of as well cancellation the Treaty of Utrecht and subsequent returning Gibraltar to Spain (1967) as sharing the sovereignty over Gibraltar by the UK and Spain (2002).

Table 3. Gibraltar sovereignty referendums in 1967 and 2002 results

Year of the Referendum	Question		Votes		Turnout %
			No.	%	
1967	"to pass under Spanish sovereignty (...)		44	0,36	
	or voluntary to retain their link with the United Kingdom with democratic local institutions and with the United Kingdom retaining its present responsibilities"[1]		12.138	99,64	95,80
2002	"Do you approve of the principle that Britain and Spain should share sovereignty over Gibraltar?"[2]	yes	187	1,03	87,9
		no	17.900	98,48	

1. HM Government of Gibraltar, 50th Anniversary of the Referendum, http://www.nationalarchives.gi/gna/Ref50_main.aspx (access 5.01.2019).
2. C. Grocott, G. Stockey, op. cit., p. 116.
Source: own study based on V. Miller, Gibraltar, "House of Commons Research Papers", London, 1995, no. 80, p. 5; Committee of Observers, Gibraltar Referendum Observers Report, Gibraltar 2002, p. 10.

In the run-up to the Brexit referendum (when differences of opinion about positive and negative points of the EU membership between the British and the Gibraltarians gradually increased) Spain returned to the joint-sovereignty proposal "as the only avenue for Gibraltar to maintain free trade and free movement with the EU"[23]. Following the referendum results the Spanish Government renewed its offer as involving "at least five advantages (…): (1) it takes into account the will

22 C. Grocott, G. Stockey, Gibraltar. A Modern History, Chippenham 2012, p. 14 and 45.
23 House of Lords. European Union Committee, *op. cit.*, p. 20.

of the Gibraltarians; (2) the positive economic potential for the inhabitants of the Campo de Gibraltar and the Gibraltarians is enormous; (3) the alternative scenario of isolation would be extremely damaging to Gibraltar; (4) it would put an end to a quarrel between allies and friends; and (5) it would enable Gibraltar's specific but definitive integration into the EU"[24]. Reacting to the Spanish proposal F. Picardo in a speech on 10 September 2016 (Gibraltar's national day) said: "If anyone thinks we are going to sell our homeland for access to Europe, they don't know the Gibraltarians. (…) If Brexit means Brexit, then British means British. No means no. Never means never. Gibraltar is British for ever"[25]. In the same vein was his address to the Special Political and Decolonization Committee (Fourth Committee) of the UN General Assembly pointing that despite of leaving the EU the Gibraltarians will seek a strong future relationship with Spain (as well as other European states and regions) based on mutual respect and economic benefits for all sides. Readiness for creating and enhancing economic (and social) links could not be interpreted, however, as an openness for changing present Gibraltar political status. "What we do like is our peaceful, Gibraltarian way of life. We like our deep human relationships with neighbours north and south of us. We like British respect for our right to choose, for our democracy and for the rule of law. That is why we will never surrender our nation. We will never surrender our right to choose. We will never surrender our children's right to our land. (…) British we are and British we stay. That spirit will never die"[26].

Clear position of the BOT authorities with silent but explicit support of the UK Government caused Spanish irritation which expressed in Prime Minister Mariano Rajoy statement of January 2017 that "while Spain wished to be construction during the negotiations [between the UK and the EU], it would not accept any deal which jeopardised its claim to Gibraltar"[27]. Although the Spanish Government had very few (if any) possibilities to intervene in the negotiation on Brexit conditions process (which participants were the UK Government and the European Commission) but engaged actively when the final proposal of the agreement between the UK and the EU was submitted to the European Council. With the knowledge that the EU leaders were interested in achieving unanimity of all member states in the question of Brexit (despite the withdrawal agreement draft was formally the subject to a qualified majority only), Spain decided to announce a possible veto if the sovereignty over Gibraltar dispute would not be resolved to the Spanish contentment. However, that threat began to look rather for political game (directed at enhancing the Spanish

24 M.O. Carcelen, The joint sovereignty proposal for Gibraltar: benefits for all, "Analisis del Real Instituto Elcano", Madrid, 2017, no. 50, p. 1.

25 J. Carberry, J. Lis, Brexit and Gibraltar, London 2017, p. 3.

26 HM Government of Gibraltar, Address by the Chief Minister of Gibraltar: United Nations General Assembly Fourth Committee, Gibraltar 2017, p. 6.

27 J. Carberry, J. Lis, *op. cit*., p. 4.

Government position in internal relations) only after Prime Minister Pedro Sanchez (in office since June 2018) declared he is fully satisfied with the British ambassador in Madrid Tim Barrow vague statement that "the political, legal and geographical relationship of Gibraltar and the EU would pass through Spain after Brexit"[28]. In result the only tangible implication of the UK and Spain dispute have been setting of "three committees (…) to tackle tobacco smuggling, oversee cross-border worker rights and co-operate on environmental protection and border control"[29] but the main question of the joint-sovereignty over Gibraltar have remained inconclusive.

The side effects of aggressive Spanish rhetoric have been the Gibraltar Government representatives' inclusion to the British delegation in negotiations on Brexit agreement on any matter relating to this BOT. Simultaneously the UK Government have given the warranty that future agreement with the EU would not be able to have binding power unless the Gibraltar Government (or all Gibraltarian community) will express its opinion about any regulation relating to Gibraltar itself or as a part of British Realm.

4. Conclusion

In the 2016 referendum on Brexit almost 96% of the Gibraltarians voted for continuing the UK's membership in the EU however their voice went nearly unnoticed because of Gibraltar's including into "combined electoral region" with SWE where people were mostly in favour of withdrawal the UK from the EU. Not so much political disappointment of huge disparity of interests with their dominant power but rather great concern about economic development circumstances outside the Single Market have provoked among the Gibraltarians much discussions about their future. Not being covered by the EU's four freedoms (especially without regular inflow of cross-border workers and having no possibility to import and storage goods in Spain on preferential conditions as between the EU member states) Gibraltar would no doubt lose foundations of its present prosperity. In consequence it would have to define a new formula of economic relations with the EU as a whole and particular member states as well as actively look for new partners which could effectively replace existing trade links. Despite the high probability of that scenario the Gibraltarians have consequently rejected Spanish proposals of shared sovereignty (with the UK) over this BOT as a solution making possible its remaining inside the Single Market or maintain at least privileged position in relations with the

28 J. Wallen, Gibraltar will be included in post-Brexit trade deals: official, https://www.aljazeera.com/news/2018/11/gibraltar-included-post-brexit-trade-deals-official-181129232127270.html (access 5.01.2019).

29 The Week, Gibraltar and Brexit: what are the main issues?, https://www.theweek.co.uk/brexit/92166/gibraltar-and-brexit-what-are-the-main-issues (access 5.01.2019).

EU. Rebuffing pragmatic, i.e. economic arguments in favour of the political ones the people of Gibraltar have proved (just like in 2002 sovereignty referendum) they are more British than European.

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