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A CONCLUSIVE POLITICAL AGREEMENT ON THE NEGOTIATIONS FOR AN EU-UK TREATY ON GIBRALTAR. JOINT STATEMENT OF 11 JUNE 2025

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I. BREXIT AND THE NEGOTIATION OF THE UNITED KINGDOM-EU TREATY ON GIBRALTAR — II. THE JOINT DECLARATION OF 11 JUNE 2025 — III. REASONS FOR THE JOINT DECLARATION — IV. UNCERTAINTIES REGARDING THE PRACTICAL APPLICATION OF THE TREATY — V. THE NEED FOR DEMOCRATIC OVERSIGHT IN PARLIAMENT — VI. MEANING AND ASSESSMENT OF THE JOINT DECLARATION

ABSTRACT: Representatives of the EU, Spain, the UK, and Gibraltar issued a joint statement in June 2025 confirming an agreement on the treaty regarding Gibraltar, currently under negotiation. The background, scope, and consequences of the “Joint Statement on the Negotiations for an EU-UK Agreement in respect of Gibraltar,” of 11 June 2025, are analysed. It is unusual to announce a “conclusive political agreement” on the future treaty, the text of which is unknown because it is still being drafted at this stage of the EU-UK negotiations. In reality, the June agreement aims to resolve politically the symbolic, security, and defence issues that have been the main obstacles to the conclusion of the various strands of the negotiations. Regarding Gibraltar’s participation into the Schengen Area with the removal of the fence, an agreement was reached, among other things, on the presence of Spanish police at Gibraltar’s airport and port, as well as on the maintenance

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and autonomy of British military bases. The note also raises questions about democratic control in Spain of certain aspects of this EU treaty, which will establish an internationalised territory under the European flag, with prospects for stable cross-border cooperation and shared prosperity with the surrounding area of Campo de Gibraltar.

KEYWORDS: Gibraltar, EU, negotiation and conclusion of Treaties, Schengen, External borders control, Cross border cooperation, territorial claims, United Nations, free movement, UK Military bases, democratic control of governments.

LA DECLARACIÓN DE ACUERDO DEFINITIVO PARA EL TRATADO REINO UNIDO-UE SOBRE GIBRALTAR, DE 11 DE JUNIO DE 2025

RESUMEN: Representantes de la UE, España, el Reino Unido y Gibraltar emitieron una declaración conjunta en junio de 2025 confirmando un acuerdo sobre el tratado relativo a Gibraltar, actualmente en negociación. Se analizan los antecedentes, el alcance y las consecuencias de la “Declaración Conjunta sobre las Negociaciones para un Acuerdo UE-Reino Unido respecto a Gibraltar”, de 11 de junio de 2025. Resulta inusual anunciar un “acuerdo político concluyente” sobre el futuro tratado, cuyo texto se desconoce porque aún se encuentra en fase de redacción en las negociaciones entre la UE y el Reino Unido. En realidad, el acuerdo de junio pretende resolver las cuestiones simbólicas, de seguridad y de defensa que han sido los principales obstáculos para la conclusión de las distintas líneas de negociación. En cuanto a la participación de Gibraltar en el Espacio Schengen tras la retirada de la valla, se llegó a un acuerdo, entre otros aspectos, sobre la presencia de la policía española en el aeropuerto y el puerto de Gibraltar, así como sobre el mantenimiento y la autonomía de las bases militares británicas. La nota también plantea interrogantes sobre el control democrático en España de determinados aspectos de este tratado de la UE, que establecerá un territorio internacionalizado bajo bandera europea, con perspectivas de cooperación transfronteriza estable y prosperidad compartida con el entorno del Campo de Gibraltar.

PALABRAS CLAVE: Gibraltar, UE, negociación y proceso de celebración de Tratados, Schengen, control de Fronteras exteriores, cooperación transfronteriza, reivindicaciones territoriales, Naciones Unidas, libre circulación, bases militares del Reino Unido, control democrático de los gobiernos.

I. BREXIT AND THE NEGOTIATION OF THE UNITED KINGDOM–EU TREATY ON GIBRALTAR

The Joint Declaration of 11 June 2025, discussed in this Note, forms part of the lengthy post-Brexit negotiation between the United Kingdom (UK) and the European Union (EU). Following the formal announcement of the United Kingdom’s decision to withdraw from the international organisation that is the EU, it was decided that Gibraltar’s relationship with the EU would be negotiated separately, through a specific United Kingdom–European Union Treaty. The Withdrawal Agreement has since 2020 allowed for a peculiar *modus vivendi* with Spain and the EU², pending the Treaty on Gibraltar. Negotiations

² DEL VALLE, A., “Consolidar a la UE en el área del Estrecho (2): Gibraltar”, *Análisis del Real Instituto Elcano – ARI* 67, 15 July 2021, <https://www.realinstitutoelcano.org/analisis/consolidar-a-la-ue-en-el-area-del-estrecho-2-gibraltar>

for this Agreement formally began in October 2021 and are still ongoing. Undoubtedly, the decision to regulate the various situations through an extensive set of provisions has contributed to the delay and, in particular, to the blockage of certain issues owing to their highly symbolic nature or essential relevance for the interests of the parties.

These thorny matters are unquestionably linked to a long-standing dispute overseen by the United Nations, in which any negotiation soon encounters sharp questions of sovereignty, borders, decolonisation, and territorial claims over land and maritime areas, sometimes tinged with heightened nationalism and strong symbolism.

Such highly sensitive issues have slowed down and hindered the UK-EU negotiation, which, conditioned by Spain and with Gibraltar forming part of the British delegation, has continued for four years. It is within this context that representatives of the EU, Spain, the United Kingdom, and Gibraltar made public, in June 2025, a Joint Declaration recording a “conclusive political agreement” on the Treaty concerning Gibraltar, which remains under negotiation.

The context and significance of the Joint Declaration on the negotiations for an EU-United Kingdom Agreement in relation to Gibraltar will be briefly addressed. Although the wording of the articles is not yet known, the unusual announcement of a “conclusive political agreement on the core aspects” of the future Treaty has, in my view, a basic political meaning, *ad intra* within the negotiation and *ad extra* towards civil society, institutions, and public opinion: to communicate that an agreement has been reached to unblock the symbolic, security, and defence-related issues, which were essentially the main obstacles to concluding the various aspects of the negotiations. This, in turn, announces the imminent adoption and signature of a written text and the swift celebration and entry into force of the Treaty.

As will be seen, particularly in relation to the issue of Gibraltar’s incorporation into the Schengen area with the removal or dismantling of the Fence, an agreement has been reached concerning the presence of Spanish police at Gibraltar’s airport and port, and regarding the continuation and autonomous operation of the British military bases. This Note also raises questions regarding democratic control in Spain of certain aspects of this EU Treaty, which will establish an internationalised territory under the European

flag, with prospects for cross-border cooperation guaranteed by the EU; a cooperation based on the underlying idea of “shared prosperity” with the Campo de Gibraltar.

II. THE JOINT DECLARATION OF 11 JUNE 2025

It was at this stage of negotiation of the EU-UK Treaty that, in June 2025, the Joint Declaration on the negotiations for an EU-United Kingdom Agreement in relation to Gibraltar was announced³.

The expression “a conclusive political agreement” may come as a surprise, insofar as it would seem more logical for a Joint Declaration to be issued upon the formal closure of negotiations ending with the adoption of the final text of a Treaty or Convention. The fact is that the text is still unknown, as the process remains within the negotiation stage, which constitutes the first phase in the making of an international treaty. The complete and final text of the articles is expected to become public in the autumn, according to official statements (it is even striking that, throughout four years of formal negotiation involving so many parties, there have been no leaks of the draft text). Once the definitive text is formally adopted by the UK and the EU, the next step will be authentication in all languages, followed by approval by the British Parliament and the European Parliament, with the final decision by the EU Council (Article 218 TFEU)⁴. Ratification would then follow, over

³ Ministry of Foreign Affairs, European Union and Cooperation (MAEC), Press Release No. 57, 11 June 2025, <https://www.exteriores.gob.es/es/Comunicacion/Comunicados/Paginas/2025-COMUNICADOS/Declaracion-conjunta-sobre-las-negociaciones-para-un-acuerdo-ue-reino-unido-gibraltar.aspx>. The English version (“Joint Statement on the negotiations for an EU–UK Agreement in respect of Gibraltar”) is available at <https://www.exteriores.gob.es/es/Comunicacion/Comunicados/Documents/Joint%20statement%20on%20the%20negotiations%20for%20an%20EU.pdf>, https://ec.europa.eu/commission/presscorner/detail/en/statement_25_1481, and <https://www.gov.uk/government/news/uk-eu-agreement-in-respect-of-gibraltar-joint-statement>. The Declaration, in both Spanish and English, is also reproduced in BELLIDO LORA, M. A. and DEL ÁLAMO MARCHENA, E., “Documentación II. Joint Statement – Declaración conjunta sobre las negociaciones para un Acuerdo UE-Reino Unido en relación con Gibraltar, de 11 de junio de 2025”, *Cuadernos de Gibraltar – Gibraltar Reports*, No. 6, 2024-2025, <https://revistasuca.es/index.php/cdg/article/view/12118>.

⁴ According to Minister J. M. Albares: “As for the next steps, the bases of the agreement reached in June have since been translated into final legal texts. The European Commission must now complete the legal review and translation process. The Commission foresees that these legal texts will be ready this autumn and subsequently, as the Commission recently

a period of several months, prior to the Treaty's definitive entry into force, which is envisaged for early 2026⁵.

Within this process of negotiation and conclusion of the Treaty, the final procedure is clearly facilitated by the fact that the Treaty is not to be considered a mixed agreement (which would require the participation of every national parliament of the EU Member States), just as neither the Withdrawal Agreement (in force since February 2020) nor the Trade and Cooperation Agreement between the EU and the UK (in force since May 2021) were considered mixed agreements. Legal and political certainty are further reinforced by the absence of any intention to hold a referendum in Gibraltar on this Treaty⁶.

III. REASONS FOR THE JOINT DECLARATION

The importance of the “conclusive political agreement on the core aspects” of the future Agreement lies in the fact that it unblocks the symbolic, security, and defence issues that had prevented any significant progress, whether sectoral or in the overall negotiation.

In particular, it was, in my view, a matter of reaching, at the highest level, agreements on questions of principle, especially regarding two issues heavily charged with symbolism and national interests: the presence of Spanish police officers at Gibraltar's airport and port; and the possible implications for the United Kingdom's naval, air, and intelligence bases in Gibraltar.

In my opinion, what ultimately unlocked the negotiation was the British conviction that they could maintain the bases, essential for their national

informed the European Parliament, will proceed through the EU's own ratification process before the Council and European Parliament. I hope all political groups represented here will vote in favour in the European Parliament and move the process forward as soon as possible. Of course, it must also be ratified through the United Kingdom's internal procedures.” *Diario de Sesiones del Congreso de los Diputados. Pleno y Diputación Permanente, XV Legislature, 2025, No. 141, 8 October 2025, pp. 60 et seq., p. 69.*

⁵ By way of comparison, the UK Withdrawal Agreement was formally adopted in October 2019 and entered into force in February 2020.

⁶ “Mr Picardo remained firm that the treaty will not be put to a referendum in Gibraltar”, Treaty will offer new opportunities for Gib, but also a need to adapt, *Gibraltar Chronicle*, 17 June 2025, <https://www.chronicle.gi/treaty-will-offer-new-opportunities-for-gib-but-also-a-need-to-adapt/>.

security, with absolute independence⁷. At the same time, this forms part of a gradual trend towards a normalisation of the United Kingdom's position within Europe. It would appear as though the new geopolitical era, which fully emerged during the Trump presidency, has led to a better accommodation of the UK's place within Europe, as a European nation not integrated into the EU as an international organisation, yet possessing a clear will to engage in close cooperation with the EU and its Member States. This approach may also be reflected in the European Council agreements of 19 May 2025, among which is one on security cooperation⁸, as well as in the publication of the *Strategic Defence Review 2025*, which identifies the military Gibraltar as playing an absolutely essential role for the United Kingdom⁹.

In any case, the significant role of this military and security dimension is confirmed by the enigmatic phrase contained in the Declaration: "Today's agreement has been reached in a shared commitment to European security".

Moreover, the Gibraltarian and British opposition to the presence — whether in uniform or not— of the *Guardia Civil* and the *Policía Nacional* within the territory under British jurisdiction has been progressively redefined and nuanced. Objectively, with the incorporation (not "integration") of the City of

⁷ On the military, security and defence aspects of the United Kingdom in Gibraltar in the context of Brexit, see especially: ROMERO BARTUMEUS, L., "El acceso a Gibraltar de militares británicos tras el Brexit", in GONZÁLEZ GARCÍA, I. (ed.), *El Brexit en la cooperación transfronteriza entre Gibraltar, Campo de Gibraltar y Andalucía*, Dykinson, Madrid, 2023; and *idem*, "Los aspectos de defensa tras el Brexit: la cuestión de Gibraltar", in ACOSTA SÁNCHEZ, M. A. (dir.) and DEL ÁLAMO MARCHENA, E. (coord.), *Inmigración marítima y estrategias de seguridad Su impacto en los valores europeos en la región del Estrecho de Gibraltar*, Dykinson, Madrid, 2025, pp. 57-78. Also in this issue of *Cuadernos de Gibraltar Gibraltar Reports*, ROMERO BARTUMEUS, L., "La vertiente estratégicomilitar del acuerdo UEReino Unido de 2025 sobre Gibraltar", 2025, <https://revistas.uca.es/index.php/cdg/article/view/12297>.

⁸ Security and Defence Partnership between the European Union and the United Kingdom of Great Britain and Northern Ireland, 19 May 2025, https://www.consilium.europa.eu/media/3w3hhlxz/eu-uk-summit_sdp.pdf.

⁹ "Maintaining the UK military presence in Gibraltar, including for maritime force protection operations, upholding the sovereignty of British Gibraltar Territorial Waters, as well as providing a base at a strategic location at the western entrance to the Mediterranean to provide critical support to UK —and allied— military objectives". The Strategic Defence Review 2025—Making Britain Safer: Secure at Home, Strong Abroad, p. 79, https://assets.publishing.service.gov.uk/media/683d89f181deb72cce2680a5/The_Strategic_Defence_Review_2025_-_Making_Britain_Safer-secure_at_home_strong_abroad.pdf.

Gibraltar into the Schengen area, a new situation has arisen in which Spain not only maintains an international claim within the United Nations decolonisation framework and, at the very least, a *droit de regard* over this territory, but also acquires direct participation, as an EU Member State, in decisions on immigration, foreigners' affairs, and border control within an area of British jurisdiction (the airport) and sovereignty (the port). This includes the presence of officers of the Spanish National Police, thereby excluding the original idea—initially agreed upon—of a Frontex operation to carry out controls at these new Schengen external borders.

The presence of control officers from other countries is by no means a novelty in the international context of border management¹⁰; this is the case for the Brussels-Paris-London train, with controls carried out at train stations or *en route* by France, the United Kingdom, and Belgium, from which the model of dual controls at London's St Pancras International Station has been taken as a reference¹¹. However, it is an unprecedented development in the Gibraltarian context. Once the initial proposal for a temporary Frontex mission was abandoned, it became clear that, regardless of whether Spanish security force interventions are in uniform or not, decisions concerning Schengen external border control will be taken by Spain within Gibraltar's territory, on behalf of the EU. Spain will thus be the EU Member State responsible for the Gibraltarian territory within Schengen; for while control will be exercised jointly by the Gibraltarian and Spanish police forces, the substantive day-to-day decisions on matters of immigration and aliens within Gibraltar, incorporated into the Schengen area, will rest with Spain. Spain will therefore bear the responsibility of safeguarding three pillars of the European project: the Schengen area, the Customs Union, and the European internal market¹².

¹⁰ See the author's "Control de fronteras y Unión Europea", *Anuario de la Facultad de Derecho de la Universidad Autónoma de Madrid*, No. 7, 2003, pp. 67-92.

¹¹ "This is how the dual border controls in Gibraltar will operate: the St Pancras model as a reference – the Spanish police will be responsible for carrying out Schengen controls, while the Gibraltarian authorities will maintain their own controls to manage immigration and internal security on the Rock", *EuropaSur*, 14 June 2025.

¹² "Spain will have a police presence at Gibraltar's port and airport and will exercise full customs control", *EuropaSur*, 8 October 2025.

In this way, a rare convergence of the parties' core interests has occurred: the United Kingdom retains its bases with full independence; the Gibraltarians resolve their greatest political and economic dilemma since the closure of the Fence in 1969; and Spain attains a position of privilege regarding the territory of Gibraltar within Schengen. In a certain sense, Spain "returns" (in some manner) to Gibraltar —the legendary lost City of the Realm in the Spanish collective imagination. Naturally, all this is made possible through the European Union and with the mutual understanding that territorial sovereignty claims remain frozen.

To this structural convergence of interests, additional circumstantial factors have been added, such as the immediate implementation by the EU of the Entry/Exit System (EES)¹³ and subsequently of ETIAS in external border controls throughout Europe¹⁴, including at the La Línea/Gibraltar crossing point; or the United Kingdom's explicit wish to join EU security and defence cooperation programmes¹⁵.

These factors, occurring simultaneously and reinforcing one another, have spurred the declaration supported by all the parties involved, with the proclamation of the "conclusive political agreement". This agreement must henceforth allow progress in drafting the articles by unblocking issues entangled in the symbolic web —primarily those concerning police and security matters— together with the technical questions posed by an extensive Treaty, in which, directly or indirectly, questions related to the historic dispute reappear, such as the control in Gibraltar by Spanish agents over British or American military personnel¹⁶.

¹³ "Spain will decide how to implement the Entry/Exit System at the Gibraltar fence – Although the Treaty agreed between the EU and the United Kingdom provides for the elimination of the physical border, there will be an interim period before its ratification during which the EES will already be in operation", *EuropaSur*, 29 July 2025.

¹⁴ "EU Finalizes Preparations as Entry/Exit System Launches October 12", <https://etias.com/articles/eu-finalizes-preparations-as-entry/exit-system-launches-october-12>. See also the broader framework in *UK Parliament – House of Commons Library*, "The EU Entry/Exit System and EU Travel Authorisation System", 13 October 2025, <https://commonslibrary.parliament.uk/the-eu-entry-exit-system-and-eu-travel-authorisation-system/>.

¹⁵ "The Gibraltar agreement: the key for Spain to unlock the United Kingdom's access to European defence projects – The British would align with EU policy in exchange for access to the European market and to funding of up to 150 billion euros", *EuropaSur*, 23 July 2025.

¹⁶ See ROMERO BARTUMEUS, L., in the works cited above, note 7.

It should be emphasised that the Joint Declaration involves four participants: the United Kingdom, the European Union, Spain, and Gibraltar; whereas the parties formally engaged in the negotiation of the EU Treaty are solely the United Kingdom and the EU. The Declaration, issued jointly by all participants with a recognised special legal status in this negotiation (including Spain and Gibraltar), underscores the importance of the “conclusive political agreement” reached by all concerned, enabling the ongoing negotiations to conclude successfully with the formal adoption of the Treaty.

IV. UNCERTAINTIES REGARDING THE PRACTICAL APPLICATION OF THE TREATY

Naturally, there remain many issues to be decided and resolved within this intricate framework. The Joint Declaration announces commitments in various areas: cooperation on state aid, taxation, labour, trade and sustainable development, the fight against money laundering, transport and the airport (to be jointly managed through a Spanish–British mixed company)¹⁷, the rights of cross-border workers, and coordination on social security. Specific cooperation in environmental matters will also be included.

However, the practical application and all potential consequences of these commitments are, for now, unknown and may give rise to unforeseen situations¹⁸. At this stage, in my view, two major uncertainties can be highlighted:

¹⁷ “Another historical aspect of the agreement that will help to improve connectivity in the Campo de Gibraltar is the use of the airport, which will now be linked with other Spanish airports and those in the rest of the European Union. A joint management system will be established through the creation of a mixed company with 50 per cent Spanish participation,” statement by Minister J. M. Albares, *Diario de Sesiones*, cited, p. 62; see also “A company with 50 per cent Spanish capital will manage Gibraltar Airport”, *El País*, 13 June 2025.

¹⁸ As an example, there was a sudden surge in residence applications in Gibraltar following the Joint Declaration of 11 June 2025: “Gibraltar temporarily suspends new residence applications amid an ‘unprecedented increase’ in applicants – The government justifies the measure as necessary to protect the Rock’s resources after applications tripled since June, when the conclusion of a political agreement for the territory was announced”, *EuropaSur*, 8 October 2025, https://www.europasur.es/gibraltar/suspende-temporalmente-nuevas-solicitudes-residencia-aumento-demandantes_0_2004973391.html; also “Gibraltar tightens criteria for obtaining residence and Gibraltarian status after population surge – The period required to obtain ‘llanito’ status rises from 10 to 20 years, and for legal residence from 5 to 10 years”, *EuropaSur*, 31 October 2025. Meanwhile, the City Council of La Línea has prepared a “Memorandum on the possible impact of the postBrexit agreement on Gibraltar for

the external border control at the port and airport, and the question of economic convergence and shared prosperity with the surrounding area.

First, one of the most decisive points will concern the location and *modus operandi* of the dual Spanish-Gibraltarian control at the port and airport. Another key issue, determining the overall viability of the Treaty, relates to the timing and means of the so-called dismantling, removal, or demolition of the Fence (“removing the physical barriers”), as the Declaration states that “all physical barriers, checks and controls on persons and goods moving between Spain and Gibraltar shall be removed”¹⁹.

At this stage, it is worth considering whether the removal of the “last wall of Europe” refers to the entire protective fencing surrounding the RAF’s military and airport facilities along the Fence (erected unilaterally by the United Kingdom in 1909), or merely to the short section that serves as the “gate” or barrier at the border crossing, whose unobstructed passage would ensure the daily smooth flow of traffic²⁰. In fact, the unhindered movement of persons and goods across the border lies at the very core of the agreement²¹.

La Línea de la Concepción (September 2025)”, <https://lalineas.es/memorandum-definitivo-del-posible-impacto-del-acuerdo-post-brexite-informes-de-percepcion-ciudadana/>.

¹⁹ Objective clearly stated in the October 2021 negotiation guidelines: “The envisaged agreement should aim at removing all current physical barriers between Gibraltar and the Schengen area for the circulation of persons,” as noted in point 15 of the Annex to the Council Decision – Directives for the negotiation of an agreement with the United Kingdom of Great Britain and Northern Ireland in respect of Gibraltar, 5 October 2021; “Documentación VII. Mandato negociador para el Tratado entre el Reino Unido y la Unión Europea con respecto a Gibraltar, 5 de octubre de 2021”, *Cuadernos de Gibraltar – Gibraltar Reports*, No. 4, 2020-2021, p. 13, <https://revistas.uca.es/index.php/cdg/article/view/8394>.

²⁰ There exists both the betterknown “Fence” used for pedestrian crossings, and another gate for the passage of goods; both are small in scale compared to the longer fenced border structure. See DEL VALLE, A., “La Verja de Gibraltar”, in DEL VALLE GÁLVEZ, A. and GONZÁLEZ GARCÍA, I. (eds.), *Gibraltar: 300 años*, University of Cádiz Press, 2004, pp. 155-176.

²¹ Goods may be inspected and cleared at alternative locations: “The customs offices of Algeciras and La Línea, and a third one in Málaga or Valencia, will supervise goods bound for Gibraltar – Spain will be responsible for applying the Schengen Code at Designated Border Crossing Points, which may or may not be located within the same current customs facilities”, *EuropaSur*, 27 September 2025.

Secondly, another element of major significance is the financial mechanism designed to secure the objective of “shared prosperity” (or co-prosperity)²², and to foster economic convergence and rebalancing within the same area, particularly with the Campo de Gibraltar, which has historically suffered from neglect and institutional distance. This goal is especially relevant for La Línea de la Concepción, a city unique in Europe for its status as a border municipality²³. As stated by Minister J. M. Albares, this objective entails placing “equity as a matter of State policy”²⁴.

Indeed, the central purpose of the entire agreement and Treaty is this notion of “future prosperity.” According to the Declaration:

The main objective of the future Agreement is to secure the future prosperity of the whole region. This will be done by removing all physical barriers, checks and controls on persons and goods circulating between Spain and Gibraltar, while preserving the Schengen area, the EU Single Market and Customs Union. This will bring confidence and legal certainty to the lives and well-being of the people of the whole region by promoting shared prosperity and close and constructive relations between the Gibraltar and Spanish authorities²⁵.

However, there remain numerous questions regarding the content of these aspects of economic convergence and cohesion, since it would appear that the means to achieve prosperity in the region lies in the removal of barriers and controls on persons and goods. The same Declaration suggests the establishment of “an appropriate financial mechanism to promote cohesion and support training and employment in the region”. Although this

²² MP Mr Santos Maraver (*Grupo Sumar*) referred to the idea of *coprosperity*, stressing the need to “advance towards a financial framework that (...) allows genuine equality between the inhabitants on either side of the now defunct and forgotten Fence”, *Diario de Sesiones*, 8 October 2025, pp. 69-70.

²³ DEL VALLE GÁLVEZ, A., GONZÁLEZ GARCÍA, I., and VERDÚ BAEZA, J., “Key aspects of the singularity of La Línea de la Concepción in the light of International and European Law – Preliminary Report”, *Cuadernos de Gibraltar – Gibraltar Reports*, No. 3, 2018-2019.

²⁴ “Gibraltar and the Campo de Gibraltar: A New Era”, *El País*, 19 June 2025.

²⁵ English version: “The main objective of the future Agreement is to secure the future prosperity of the whole region. This will be done by removing all physical barriers, checks and controls on persons and goods circulating between Spain and Gibraltar, while preserving the Schengen area, the EU Single Market and Customs Union. This will bring confidence and legal certainty to the lives and well-being of the people of the whole region by promoting shared prosperity and close and constructive relations between the Gibraltar and Spanish authorities”.

prospective European structural intervention seems to prioritise training and employment—which complements the envisaged measures on social security and pensions—the legal framework and concrete objectives of this announced “appropriate financial mechanism” remain, for the moment, unspecified.

V. THE NEED FOR DEMOCRATIC OVERSIGHT IN PARLIAMENT

In this brief Note, I shall refer, by way of conclusion, to two important questions of democratic oversight for Spain which ought to be addressed either within the Treaty itself or in parallel to it.

First, the way parliamentary control over the future UK–EU Treaty will be exercised in Spain has not yet been determined. A specific procedural route will need to be found, and several options appear possible to allow for some form of acceptance of this Treaty in Spain by the organ of national sovereignty. These range from a solemn political declaration to the use of one of the mechanisms provided for by Articles 93 and 94 of the Spanish Constitution concerning international treaties²⁶.

Secondly, there is the issue of parliamentary control regarding the British military bases which, according to Spain’s traditional position, are entirely surrounded by Spanish land and maritime territory. Unlike the Rota base, which is subject to negotiation and agreement under the Spain–United States framework, the British bases operate without the involvement of the democratic Chambers in their authorisation or supervision, and without the government receiving information on the movement of military personnel or armaments within them²⁷. These bases were excluded from the UK–EU post–Brexit Treaty negotiations and were instead redirected to some form of

²⁶ Several options are examined in DEL VALLE, A. and GONZÁLEZ, I., *España y Gibraltar tras el Brexit: Nuevo tratado y marco de relación con la Unión Europea*, AEDEUR–Marcial Pons, 2022, pp. 126–132.

²⁷ It appears that, following the entry into force of the Treaty on Gibraltar, some information sharing will exist: “The agreement also contains provisions relating to the military base. Spain will, for the first time, have full access to information on the persons and goods entering it, in order to ensure that the Schengen acquis and the Customs Union are also applied in relation to the base”, declared Minister for Foreign Affairs J. M. Albares in *Diario de Sesiones*, 8 October 2025, p. 63. See also *El País*, 8 October 2025: “Albares: ‘Spain will, for the first time, have information on everything entering and leaving the Gibraltar base’ – PP and Vox accuse the Government of missing a ‘historic opportunity’ by not demanding sovereignty over the Rock”.

parallel Anglo-Spanish understanding²⁸. It should be recalled that these bases pose potential risks for the 300,000 Spanish citizens of the *Campo de Gibraltar*, as they host calls by nuclear-powered submarines and even by submarines equipped with intercontinental ballistic missiles carrying nuclear warheads²⁹. There is no coordination with Spain in the event of an accident, nor do evacuation or civil emergency plans exist³⁰.

VI. MEANING AND ASSESSMENT OF THE JOINT DECLARATION

The Joint Declaration on a “definitive political agreement” reached in the negotiation of the UK-EU Treaty on Gibraltar reflects an unprecedented convergence of interests among the parties concerned.

Spain, in particular, finds an original means, under the European flag, to formally incorporate the territory of Gibraltar into the Schengen area under its authority, while simultaneously promoting a territory of shared prosperity with the Campo de Gibraltar —traditionally a victim of the long-standing Anglo-Spanish controversy.

For its part, Gibraltar secures its political and economic viability within a new framework and with farreaching prospects for the future, thereby dispelling uncertainties that had been existential and vital for its continuity as a human and political community. It is clear, however, that certain aspects will

²⁸ A Royal Decree of 2014 on the foreign trade of defence material, other goods, and dualuse products and technologies was amended in 2022 to regulate specifically the transit of such material through Gibraltar – Royal Decree 414/2022 of 31 May, amending the Regulation approved by Royal Decree 679/2014 of 1 August, *Boletín Oficial del Estado* No. 151, 25 June 2022.

²⁹ For example, port calls by the submarines *SSBN740 USS Alaska* (June 2021) and *SSBN732 USS Rhode Island* (November 2022).

³⁰ See ROMERO BARTUMEUS, L., “Las Escalas de submarinos nucleares en Gibraltar y Rota, y los Planes de Emergencia Radiológica”, *Cuadernos De Gibraltar – Gibraltar Reports*, No. 4, 2021, <https://revistas.uca.es/index.php/cdg/article/view/7356>.

not materialise as originally envisaged³¹, particularly the presence of Spanish police officers at the port and airport, which now appears entirely settled³².

As for the United Kingdom, it obtains an essential asset as a strategic power: by maintaining, with complete independence, the invaluable treasure represented by its bases at the gateway to the Mediterranean —where, in future, the Royal Navy base is expected to host aircraft carriers— it preserves its capacity to project greatpower missions. The United Kingdom is probably the clearest winner in this historic negotiation —one in which all sides stand to gain— as it secures recognition by Spain and the EU of a quasisovereign autonomy over its military and intelligence bases, in an agreement that constitutes a key element of its future strategy for cooperation with the EU in security and defence.

In summary, the convergence of the parties' core interests —achieving their primary objectives simultaneously and in relative balance— may make possible what, throughout the long post-Brexit years, appeared to be the “squaring of the circle”: Gibraltar as an internationalised territory under the European flag, incorporated into the federal area for the circulation of goods and persons, placed under the responsibility of Spain and the EU in many respects, while preserving entirely its identity and politico-legal system as a British Overseas Territory.

For Spanish foreign policy, and for Spain more generally, the agreement and the future Treaty will entail a significant shift in the perception and treatment of Gibraltar. This is because the Treaty obliges Spain definitively to accept its juridic-international neighbourhood with a frontier territory under British jurisdiction —thereby officially adding it to France, Portugal, Andorra, and Morocco as Spain's neighbouring land borders.

³¹ “Picardo on the Gibraltar Treaty: ‘Not everything that is good is exclusively good’. Celebration of the National Day on the Rock – The Chief Minister of the colony moderates his speech and acknowledges that some aspects of the agreement with the EU and Spain will have consequences that are not entirely favourable”, *EuropaSur*, 10 October 2025.

³² “Of course, the application of Schengen to the movement of persons entails certain obligations and controls to guarantee the security of the entire Schengen area. Those entry and exit checks will be carried out by our National Police. I repeat: Schengen controls on arrivals and departures at Gibraltar's airport and port will be exercised by the Spanish Police, in accordance with the rules applied at any other Schengen external border,” statement by Minister J. M. Albares before the Plenary Session of the Congress, *Diario de Sesiones del Congreso de los Diputados*, No. 141, 8 October 2025, p. 62.

It should be underlined that the future Treaty will move the historical dispute into a new phase by engaging the EU juridically, institutionally, financially, and politically through an International Agreement signed by the Union. This involvement of the international organisation reduces the contentious dimension of the territorial claim, providing stability in relations and a daily legal and institutional framework of reference³³. In this way, a territory with an original international and European status will emerge in the Strait of Gibraltar, within a context of stable strategic understanding between Spain and the United Kingdom³⁴. Nevertheless, Spain's sovereignty claim — backed by United Nations doctrine for the past 60 years— remains unchanged.

All parties secure their respective guarantees through this political agreement, sending a powerful signal that the Treaty is a tangible reality and that its adoption and ratification are imminent. Although some stages in the process remain before the Treaty's entry into force, in the current political context of the Governments of Spain, the United Kingdom, and the European Union, no substantive obstacles should arise to finalising, adopting, and ratifying it³⁵.

This political agreement anticipates a Treaty of a singular nature, since all indications suggest that the main issues affecting the interests of Gibraltar and the Campo de Gibraltar have been addressed, negotiated, and resolved, with solutions tailored to existing and pending problems and to the need for

³³ The author had already advocated for EU involvement in DEL VALLE, A., “Consolidating the EU in the area around the Strait: Gibraltar”, Analysis – ARI 66/2021- *Elcano Royal Institute*, 23 November 2021, <https://www.realinstitutoelcano.org/en/analyses/consolidating-the-eu-in-the-area-around-the-strait-gibraltar/>, and likewise in “Gibraltar, controles en la verja y nuevo diálogo ad hoc: la UE se involucra en la controversia”, *Análisis del Real Instituto Elcano – ARI*, No. 62/2014, 19 December 2014.

³⁴ CHISLETT, W., “Spain and the UK deepen bilateral ties within a strategic framework”, *Real Instituto Elcano*, 7 October 2025. According to Minister Albares: “This agreement opens a new era. It not only creates a situation of freedom of movement between the Campo de Gibraltar and Gibraltar but also offers a new prospective framework for the development of the region as a whole and a favourable climate to address the common challenges faced by the citizens of the Campo de Gibraltar and Gibraltar, and to resolve any situations that may arise. It also opens a new era in the overall relationship with the United Kingdom, a key partner in a period marked by so many risks for European security”. *Diario de Sesiones*, cited, p. 62.

³⁵ “The path is now clear for the negotiating teams to swiftly finalise the complete legal text and proceed with their respective internal procedures leading to the signature and ratification of the future Agreement,” states the Joint Declaration.

cooperation. Such a Treaty could project, for future generations, immense potential for stability and prosperity in the region³⁶, offering —now realistically— a strategic opportunity for historic change: the regulation and consolidation, through an International Treaty of the European Union, of cross-border coexistence between citizens united by geography and history on both sides of the Fence.

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³⁶ The Declaration concludes with the following words: “The Parties are confident that this Agreement will support prosperity and bring confidence, legal certainty, and stability to the lives and wellbeing of the people of the whole region”.

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