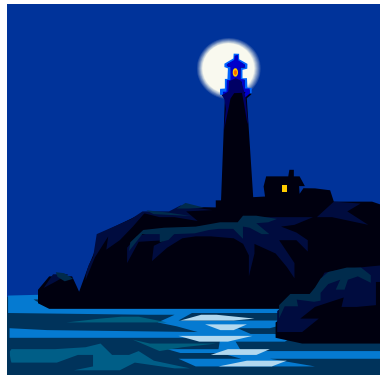




# FOCUS ON GIBRALTAR

## *A ROLLING SURVEY 2005*



*PUBLISHED BY*  
**MORTEN RAND**

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## INTERNATIONAL JUSTICE FOUNDATION GIBRALTAR SURVEY 2004-2005

### **Background**

International Justice Foundation (IJF) believes that significant improvement of legal and regulatory standards may be achievable as a result of private intervention. To further its central objective of promoting justice defined as due process and fairness, IJF has developed and funded six permanent institutions<sup>1</sup> that, individually and collectively, analyze international legal and regulatory issues of varying scope and complexity:

- LEGAL OBSERVATORY assists the Advocate-General by continuously monitoring legal developments and by pointing out potential weaknesses;
- COURT OF ETHICS issues findings on matters of particular concern;
- ADVOCATE-GENERAL issues reports, legal opinions and recommendations;
- QUALITY-OF-REGULATION INSTITUTE assists the Advocate-General by conducting quality-of- regulation evaluations;
- LEGAL ADVOCACY CENTER conducts research and publishes reports etc. on issue advocacy, including identification of issues that deserve more attention or where issue advocacy could be carried out more forcefully and effectively;
- INTERNATIONAL LEGAL ASSOCIATION offers networking capabilities and professional membership services, which generate valuable feedback from attorneys and jurists around the world.

Our fundamental approach to legal research is one of neutrality, balance, and pragmatism. We remain confident that a diligent, constructive, and practical approach to identifying legal shortcomings may contribute to improving the quality of regulations and to promoting justice.

### **Gibraltar Research**

Firstly, the issue concerning Gibraltar's future sovereignty status represents an academic challenge. Legal Observatory has been monitoring Gibraltar's situation for well over three years, as the Blair government's possible rapprochement with Spain had brought the Gibraltar sovereignty issue up to the surface. From a legal analyst's perspective, it was evident that Gibraltar was standing at a crossroad; which remains the situation to this day.

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<sup>1</sup> International Justice Foundation: Permanent Institutions 2002



## INTERNATIONAL JUSTICE FOUNDATION GIBRALTAR SURVEY 2004-2005

The Advocate-General recently spoke out on the subject in an interview in *Nobility*<sup>2</sup>, during which he was asked what made him take an interest in Gibraltar's problems in the first place. The Advocate-General replied as follows: "Legal Observatory, which is one of International Justice Foundation's five core divisions, brought to my attention that Gibraltar was having some problems holding onto its status as a British crown colony. This seemed to me perplexing in view of the perpetuity clause of the 1713 Utrecht Treaty, so we decided to take a closer look."

Secondly, Gibraltar's legal quagmire has real-life implications. It has not escaped our attention that Gibraltar has its problems in spite of its proud history, traditions, economical self-sufficiency and so forth. "I'd dare call it a logistical nightmare," says our Rapporteur as part of his initial observations stemming from four brief visits to Gibraltar, which were carried out over a measure of a few days and which took place in different time intervals, namely early morning, early afternoon, and late afternoon with returns a few hours later. "Once you finally manage to get in, you may not want to leave. When finally you manage to leave, you may not want to return."<sup>3</sup>

Thirdly, Gibraltar's future may have far-reaching legal ramifications. The Advocate-General has recently issued a preliminary legal opinion<sup>4</sup> and the Court of Ethics<sup>5</sup> has issued preliminary findings according to which the Gibraltar sovereignty issue as well as the various other outstanding issues concerning the isthmus may be viewed within a global context. In other words, how Gibraltar's legal problems are dealt with may set a good or bad example for resolving similar conflicts in jurisdictions elsewhere around the world.

### **Gibraltar Rolling Survey 2004-2005**

International Justice Foundation is funding a major survey on Gibraltar, which will provide a refreshing look upon Gibraltar's current volatile political and legal situation from the world's and a neutral observer's perspective. The survey will be marketed in Gibraltar, in Britain, in Spain, across Europe and beyond, focusing first and foremost on politicians, attorneys, financial advisors, corporations and organizations with direct interest in Gibraltar's future sovereignty status. Launched on 1 January 2004, the survey will begin to reach our subscribers and networks immediately, with circulation expected to reach 500-1,000 copies at year's end.

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<sup>2</sup> *Nobility*: Diplomatic Dispatch, March 2005 issue

<sup>3</sup> *Nobility*: Diplomatic Dispatch, March 2005 issue

<sup>4</sup> Advocate General: Gibraltar Report 2004

<sup>5</sup> Court of Ethics: Gibraltar Findings 2004



**INTERNATIONAL JUSTICE FOUNDATION**  
**GIBRALTAR SURVEY 2004-2005**

**✠ Publishing Schedule and Price List**

Publication Number & Title	Publication Date	Cost, non-subscriber	Cost, subscriber
<input type="checkbox"/> 01) Gibraltar Rolling Survey 2005	Monthly, 2005	N/A	£250 / €375 / \$500
<input type="checkbox"/> 02) Advocate General's Gibraltar Opinion 2004	January, 2005	£75 / €100 / \$150	INCLUDED
<input type="checkbox"/> 03) Court of Ethics' Gibraltar Findings 2004	February, 2005	£75 / €100 / \$150	INCLUDED
<input type="checkbox"/> 04) <i>Nobility</i> : Special Report I	March, 2005	£50 / €75 / \$100	INCLUDED
<input type="checkbox"/> 05) <i>Nobility</i> : Special Report II	April, 2005	£50 / €75 / \$100	INCLUDED
<input type="checkbox"/> 06) <i>Nobility</i> : Special Report III	May, 2005	£50 / €75 / \$100	INCLUDED
<input type="checkbox"/> 07) <i>Nobility</i> : Special Report IV	June, 2005	£50 / €75 / \$100	INCLUDED
<input type="checkbox"/> 08) <i>Nobility</i> : Special Report V	July, 2005	£50 / €75 / \$100	INCLUDED
<input type="checkbox"/> 09) <i>Nobility</i> : Special Report VI	August, 2005	£50 / €75 / \$100	INCLUDED
<input type="checkbox"/> 10) <i>Nobility</i> : Special Report VII	September, 2005	£50 / €75 / \$100	INCLUDED
<input type="checkbox"/> 11) <i>Nobility</i> : Special Report VIII	October, 2005	£50 / €75 / \$100	INCLUDED
<input type="checkbox"/> 12) <i>Nobility</i> : Special Report IX	November, 2005	£50 / €75 / \$100	INCLUDED
<input type="checkbox"/> 13) <i>Novelty</i> Special Issue: Gibraltar Fiction	December, 2005	£50 / €75 / \$100	INCLUDED
<input type="checkbox"/> 14) Quality-of-Regulation Institute: Gibraltar's Legal and Regulatory Environment	November, 2005	£150 / €225 / \$300	INCLUDED
<input type="checkbox"/> 15) Legal Advocacy Center: Gibraltar Advisory 2005	November, 2005	£100 / €150 / \$200	INCLUDED
<input type="checkbox"/> 16) Advocate General's Gibraltar Opinion 2005	December, 2005	£150 / €225 / \$300	INCLUDED
<input type="checkbox"/> 17) Court of Ethics' Gibraltar Findings 2005	December, 2005	£150 / €225 / \$300	INCLUDED
<input type="checkbox"/> 18) Newsletters, communications	Monthly, 2005	N/A	INCLUDED
<input type="checkbox"/> 19) Updates, amendments	Monthly, 2005	N/A	INCLUDED

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- 2) Send an email to [randintl@justice.com](mailto:randintl@justice.com) with your selection(s) to receive an electronic invoice.



**INTERNATIONAL JUSTICE FOUNDATION**  
**GIBRALTAR SURVEY 2004-2005**

April 30, 2005

**✦ Subscription terms and conditions**

- ◆ *First to know:* Subscribers will receive each part of the Survey automatically as soon as it becomes available;
- ◆ *Lowest rates, guaranteed:* As a special introductory offer, new subscribers pay just £250 / €375 / \$500 for all the titles included in the Survey (priced at £1,200 / €1,800 / \$2,600 if purchased individually);
- ◆ *Free updates and amendments:* Subscribers will automatically receive quarterly updates and amendments at no additional charge;
- ◆ *Free newsletters and progress reports:* We keep our Subscribers updated on current developments and send them analyses, progress reports, and communications from time to time, at no additional charge;
- ◆ *Exclusivity:* Subscribers will receive selected titles that are available to subscribers only, at no additional charge;
- ◆ *Interactivity:* Material provided by a subscriber will be shared among other subscribers upon request, subject to editorial review. This interactive element makes our “rolling Survey” an invaluable tool for decision-makers, experts, and others who seek exposure or who simply wish to have their say in the ongoing debate;
- ◆ *Advertisement opportunities:* Subscribers enjoy free advertisement opportunities and special discounts on advertisement space in our Survey.

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**INTERNATIONAL JUSTICE FOUNDATION**  
**GIBRALTAR SURVEY 2004-2005**

April 30, 2005

**✠ Invitation to participate in our Survey**

International Justice Foundation is funding a major survey on Gibraltar, which will provide a refreshing look upon Gibraltar's current volatile political and legal situation from the world's and a neutral observer's perspective. The survey will be marketed in Gibraltar, in Britain, in Spain, across Europe and beyond, focusing first and foremost on politicians, attorneys, financial advisors, corporations and organizations with direct interest in Gibraltar's future sovereignty status. Launched on 1 January 2004, the survey will begin to reach our subscribers and networks immediately, with total circulation expected to reach 500-1,000 copies at year's end.

*Focus on Gibraltar - A Rolling Survey 2005* wishes to engage with public institutions and its business community. We are encouraging subscribers and non-subscribers to contribute to our Survey by filling out the enclosed Questionnaire.

Taking the Survey should only take a few minutes and will not compromise your privacy, as we do not collect personally identifiable data. Thank you for your support.

**To participate in our Survey:**

- 1) Fill out the enclosed Questionnaire and mail it to: Morten Rand, 14293 W. Weldon Avenue, Goodyear AZ 83338, USA.



**INTERNATIONAL JUSTICE FOUNDATION**  
**GIBRALTAR SURVEY 2004-2005**

April 30, 2005

**☒ Questionnaire**

Question	Answer
1) The governments of Spain, Britain and Gibraltar recently opened preliminary talks with a view to resolving the various outstanding issues that cause friction. Further negotiations are expected to follow. In your opinion, which is the most pressing issue these three-party negotiations ought to address?	Gibraltar's sovereignty status <input type="checkbox"/> Telecommunication <input type="checkbox"/> Airport <input type="checkbox"/> Customs and border controls <input type="checkbox"/> Sea ferry links <input type="checkbox"/> Other <input type="checkbox"/> Not sure <input type="checkbox"/>
2) In your judgment, are the negotiations likely to resolve these issues?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure <input type="checkbox"/>
3) How long do you expect these negotiations to last?	Less than 6 months <input type="checkbox"/> ; 6-12 months <input type="checkbox"/> ; 12-24 months <input type="checkbox"/> ; More than 24 months <input type="checkbox"/>
4) Gibraltar will be represented by its own delegation in these negotiations, which is a somewhat new approach. In your view, is the Gibraltarian government likely to be treated fairly by the other two parties?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure <input type="checkbox"/>
5) Were the planned talks to fail, would you expect Gibraltar's relationship with Britain to deteriorate?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure <input type="checkbox"/>
6) Were the planned talks to fail, would you expect Gibraltar's relationship with Spain to deteriorate?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure <input type="checkbox"/>
7) Were the planned talks to fail and the various outstanding issues to remain unresolved, would this have a significant adverse effect on Gibraltar's international image?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure <input type="checkbox"/>
8) Were the planned talks to fail and the various outstanding issues to remain unresolved, would this have a significant adverse effect on Britain's international image?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure <input type="checkbox"/>
9) Were the planned talks to fail and the various outstanding issues to remain unresolved, would this have a significant adverse effect on Spain's international image?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure <input type="checkbox"/>



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- 10) Were the planned talks to fail and the various outstanding issues to remain unresolved, would this have a significant adverse effect on Gibraltar's international competitiveness and its future economical development? Yes  No  Not sure
- 11) Were the planned talks to fail and the various outstanding issues to remain unresolved, would this make it more difficult to find a peaceful solution to similar international conflicts elsewhere? Yes  No  Not sure
- 12) In your opinion, is the 1713 Utrecht Treaty still valid and legally binding upon Britain and Spain? Yes  No  Not sure
- 13) In your view, is the concept of "shared sovereignty" – as envisaged under previous negotiations between Britain and Spain - a workable model if properly implemented? Yes  No  Not sure
- 14) In your judgment, does Gibraltar presently enjoy the right of self-determination under the UN charter? Yes  No  Not sure
- 15) In your judgment, is the government of Gibraltar legally entitled to declare full independence from Britain and form a sovereign state? Yes  No  Not sure
- 16) To your knowledge, does Gibraltar have a significant separatist movement, i.e. a political movement whose ultimate goal it is to work for statehood and succession from Britain? Yes  No  Not sure
- 17) Were the planned talks to fail, would this be likely to produce or strengthen a separatist movement in Gibraltar? Yes  No  Not sure

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