

Explaining the European Union's Changing Position towards the Gibraltar Question after the Brexit Referendum

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Abstract

Having previously remained impartial on the Gibraltar question between Spain and Britain since both were member states, the European Union suddenly changed its position after the Brexit referendum in favor of the Spanish government at the expense of breaching international law. In doing so, the European Union, for the first time, created a foreign policy on the long-standing Gibraltar question. This article explores the reasons behind the creation of this foreign policy in support of Spain. The European Union feared that the idea of Euroscepticism may escalate among remaining member states after the Brexit referendum because of wide-spread claims that it would dissolve in the near future, fuelled by far-right political parties. The European Union therefore created a foreign policy regarding Gibraltar in Spain's favor in order to promote a "sense of community" for thwarting a further rise in Euroscepticism. While making its analysis, the article applies the assumption of social constructivism that ideas shape interests, which then determine the foreign policy choices of actors.

Keywords: Gibraltar, European Union, Britain, Spain, Euroscepticism, Social Constructivism

1. Introduction

It is recognized under international law that Britain has undisputed sovereignty over Gibraltar. In conformity with this, the EU recognizes in its treaties that Britain is responsible for regulating Gibraltar's foreign relations. In addition, regarding its political position on solving the long-standing Gibraltar question, the EU has previously adopted an impartial position since both Spain and Britain are member states. However, the EU changed its position in Spain's favor following the Brexit referendum by giving a veto right to Spain on the future Gibraltar- EU relations, which is a clear breach of international law by the EU.

In recent years, due to immigration, terrorism and unemployment, Euroscepticism has reached unprecedentedly high levels. In particular, far-right populist parties have played an important role in the rise of Euroscepticism by claiming that the EU is unable to solve these problems. By manipulating people's concerns regarding these problems, they have also managed to increase their power in several leading EU countries, such as the Netherlands, France, Germany and Austria. After the Brexit referendum, the far-right parties gained a new opportunity to promote their negative propaganda. They claim that the British people's decision to leave the EU is only the first and that other countries' citizens will follow their lead, meaning that the EU may collapse in the near future. Fearing that this propaganda could further increase Euroscepticism, the EU has wanted to promote a sense of community by changing its position on the Gibraltar question in Spain's favor at the expense of breaching international law. The EU's message is actually very obvious: we are still here and we protect our members. The EU's aim of preventing a further rise in Euroscepticism by siding with Spain on the Gibraltar question also supports the assumptions of social constructivism, which posits that ideas play a major role in determining actors' foreign policy choices.

The first section of this article draws on the theoretical framework under social constructivism. The second section outlines the impact of the Brexit referendum on the EU's position on the Gibraltar question. The third section first analyzes the status of Gibraltar under international law

before explaining why the EU has changed its position on the Gibraltar question in favor of Spain despite breaching international law. The conclusion provides an overview of the article.

2. Theoretical Framework

While varying in importance over time, federalism, functionalism, neo-functionalism and intergovernmentalism remained the dominant theories of EU integration until the end of 1980s (see, Rosamond, 2000). However, by explaining the EU integration through these theoretical frameworks, scholars paid insufficient attention to the foreign policy dimension of the European integration project. This was firstly because EU members focused on economic cooperation and technical harmonization rather than political integration. Secondly, the failure of the European Defense Community and thus the European Political Cooperation in 1954 caused significant damage to scholars' expectations that cooperation in foreign and security policy is possible. However, the Single European Act (1986), which codified European Political Cooperation, and later the Maastricht Treaty (1992), which introduced the Common Foreign and Security Policy as the second pillar of the EU, triggered theoretical applications for EU foreign policy. In particular, liberal intergovernmentalism, new institutionalism, the governance approach and social constructivism, which all developed in the 1990s, started contributing to a new theoretical analysis of EU foreign policy (Bergmann & Niemann, 2013, p. 2).

Social constructivism is an excellent theory for studying international relations, despite a continued debate as to whether it is a theory. Simply put, it claims that international relations are 'socially constructed.' It was first applied to international relations by Nicholas Greenwood Onuf in 1989 in his book, *World of Our Making: Rules and Rule in Social Theory and International Relations*, published by University of South Carolina Press. Later, Alexander Wendt's influential works, such as "Anarchy is What States Make of it: The Social Construction of International Relations", published in the *International Organization* journal in 1992, and *Social Theory of International Relations*, published by Cambridge University Press in 1999, significantly contributed to applying social constructivism theory to international relations issues. In addition to these prominent publications, important contributions to the development of the theory were made by many scholars belonging to the Copenhagen School in the Copenhagen Peace Research Institute and the English School of International Relations (Karacasulu & Uzgören, 2007, p. 29).

Social constructivists reject the realists' argument that states only have material interests, such as military force and economic power. Instead, they claim that the world of international relations does not lie outside human consciousness. Thus, while not ignoring the role of material interests, they assert that the study of international relations must focus on ideas, identities, culture, social norms and perceptions because these shape the interests and international actions of actors within this context (Jackson & Sorensen, 2007, p. 162). This approach is very instructive when analyzing the EU's foreign policy choices. A valuable identity-based example is the EU's acceptance of Greece as a member state in 1981. Former French President Valéry Giscard d'Estaing frankly confessed many years later that although Greece was clearly insufficiently developed economically compared to EU member states, it was nevertheless made a member because the vast majority of Europeans believe that ancient Greek civilization made a very significant contribution to shaping European identity (Angelos, 2015).

Another good example supporting the idea-based approach of social constructivists concerns the recently re-emerging Gibraltar question. When the dispute between the Spanish and British governments over the status of Gibraltar restarted after the Brexit referendum, the EU, which had previously remained impartial, unexpectedly supported the Spanish government. In its guidelines for the Brexit negotiations, the EU included the requirement that, after Britain exits the EU, agreements between the EU and Britain on Gibraltar can only be enforced with the consent of both Spain and Britain. In doing so, the EU has obviously given Spain the right of veto over the future of Gibraltar-EU relations. However, the EU's changed position breaches international law, which recognizes Britain's sovereignty over Gibraltar. The EU appears to have sided with Spain on the Gibraltar question in order to counter any further rise in the idea of Euroscepticism. To respond the growing feeling since the Brexit referendum that the Union could dissolve, which has been

significantly promoted by far-right parties, who have already been able to spread Euroscepticism significantly due to the EU's inability to deal with immigration, terrorism and unemployment, the EU wanted to send a message to its citizens that it still exists and will protect its members' interests. Thus, the EU wanted to promote a sense of community during these difficult times for EU integration. The next section explains Brexit referendum's implications for the Gibraltar question.

3. The Brexit Referendum and the Gibraltar Question

Britain has always been a problematic partner for the EU since gaining membership in 1973. While other EU members were struggling to ensure 'an ever closer union', Britain preferred not to participate in the EU's most important policies to promote further integration, such as the Economic and Monetary Union, introduced by the Maastricht Treaty in 1992, and the Schengen Convention. Britain's most important general concern for remaining outside these initiatives stemmed from its traditional desire for flexible EU integration based on intergovernmentalism rather than any supranationalist transfer of national powers to EU institutions in Brussels. In the face of the financial crisis in European markets and increasing concerns in Britain over immigration, Prime Minister (PM) David Cameron announced in 2013 that he would hold a referendum on the country's EU membership if he became PM again after the 2015 elections (Euronews, 2013). It has been claimed that domestic political calculations were actually the main reasons for this decision in that Cameron offered a referendum because he wanted to gain the votes of Eurosceptics in the UK Independent Party and reconcile factions within the Conservative Party before the 2015 general election (Stanley, 2016; Glencross, 2016, p. 2). In the May 2015 election, Cameron's party received 36.9 percent of the votes to earn parliamentary 331 seats, which enabled Cameron to keep his post in 10 Downing Street. The victory was attributed to the Tories' good economy performance and Cameron's promise of an EU referendum (CBC News, 2015). The latter was extremely important for Eurosceptics, who were obsessed with protecting Britain's national sovereignty against Brussels-based policy-making.

On February 20, 2016, Cameron managed to win very important concessions from the EU with the signing of the Britain-EU Agreement, which provided that Britain would not be bound to participate in any future federal Europe. The agreement stipulated that "It is recognized that the United Kingdom, in the light of the specific situation it has under Treaties, is not committed to further political integration into the European Union. The substance of this will be incorporated into Treaties at the time of their next revision." This clearly meant a 'never closer union' for Britain. Cameron claimed that the agreement gave Britain a "special status" in the EU and called on the British people to decide whether to remain in the EU after this move or leave (BBC, 2016). During the referendum campaign, Cameron sided with the 'no' campaigners, repeatedly reminding voters that the February 2016 Agreement meant that Britain no longer had to participate in EU-led policies. However, the referendum, which took place on June 23, 2016, resulted in majority supporting Britain's exit from the EU with 51.8 percent of the vote. Soon after the referendum, Cameron resigned, having undoubtedly sealed his place in history as a politician who gambled the future of Britain for his own domestic political calculations.

Brexit will have wide-ranging and varied consequences for Britain and the EU. The most important questions for Britain are as follows: What kind of economic cooperation model will be preferred by Britain to replace the common market? How will British people use the right of free movement of people? Will Scotland and Northern Ireland want independence from the UK? (Glencross, pp. 49-58) While discussions have focused on these uncertainties, Spanish Foreign Minister José Manuel García-Margallo's proposal to Britain to hold negotiations on joint control of Gibraltar reignited the long-standing dispute (Reuters, 2016). Meanwhile, in late March 2017, the EU surprisingly sided with Spain, having previously remained impartial on the Gibraltar question, by incorporating the following article in its draft guidelines for the Brexit negotiations: "After the United Kingdom leaves the Union, no agreement between the EU and the United Kingdom may apply to the territory of Gibraltar without the agreement between the Kingdom of Spain and the United Kingdom" (Article 24) (The Guardian, 2017a). In doing so, the EU has given Spain a veto right over Gibraltar's future relations with the Union.

Spain's claims and the EU's attitude annoyed Britain. For example, Michael Howard, a former Tory leader, reminisced about PM Margaret Thatcher's war against Argentina to defend the freedom of English-speaking people in the Falkland Islands, and continued by stating that he was absolutely sure that current PM Theresa May "would show the same resolve in standing by the people of Gibraltar" (Financial Times, 2017). Michael Fallon, British Defense Secretary implied the same threat: "We are going to look after Gibraltar – it is going to be protected all the way because the sovereignty of Gibraltar cannot be changed without the people of Gibraltar" (Daily Mail, 2017). While the seriousness of such statements is debatable, as a result of the escalating row, Spanish Foreign Minister Alfonso Dastis, who took office in November 2016, had to ask Britain to calm down (Euronews, 2017a).

The EU's Brexit negotiation guidelines, which it approved on April 29, 2017, (European Council, 2017) fully satisfied the Spanish government, which has long sought shared sovereignty over Gibraltar. As Inigo Mendez de Vigo, a spokesman for the Spanish government, put it, "It is what we wanted and what we have said from the beginning ... The recognition by the European Union of the legal and political situation that Spain has defended fully satisfied us" (Reuters, 2017a). The next section demonstrates why the EU's policy as set out in Article 24 breaches international law and explains why the EU has made this policy change on Gibraltar despite acting against international law.

4. Why does the EU Breach International Law on Gibraltar?

For Britain, Gibraltar, a promontory overlooking Algeciras Bay that controls the Gibraltar Strait at the entrance of the Mediterranean, is an indispensable piece of territory. Indeed, Gibraltar has long been a strategic focal point historically. With the Moors, led by Tarik al-Ziyad, captured it from the Visigoth king, Roderic, in 711, (Levie, 1983, p. 3) Gibraltar remained under Muslim rule for 600 years. After the Spaniards occupied Gibraltar in 1462, Queen Isabella of Spain declared that Gibraltar was "the key to Spain," (Jordine, 2007, p. 125) as it was believed that Spain's acquisition of Gibraltar ensured the territorial integrity of the Castilian kingdom. It is still believed that, without Gibraltar, Spain's territorial integrity remains incomplete. Following over 200 years of Spanish rule, Britain gained sovereignty over Gibraltar itself, not the whole isthmus, under Article X of the 1713 Utrecht Peace Treaty.¹ While Spain and Britain disagree over the exact interpretation of this article, it is widely acknowledged that Britain has undoubtedly gained legal sovereignty over Gibraltar, although Spain will regain sovereignty if Britain would renounce its claim.

Regarding disagreements between the two powers over the treaty, Spain claims, according to its interpretation under Spanish civil law, that the phrase "propriety" in Article X, gives Britain less than full sovereignty over Gibraltar, (Levie, pp. 30-35; Waibel, 2010, paragraph 9) although this is contradicted by the other phrases, such as "full and entire propriety", "be held and enjoyed absolutely with all manner of right forever" and "without any exception or impediment whatsoever", as well as the intent of the parties at that time. Spain also questions the phrase "without any territorial jurisdiction", in the second paragraph of the article. However, this phrase actually refers to the surrounding areas rather than directly to Gibraltar itself. In reality, the two sides never defined the frontier of Gibraltar because they wanted to prevent smuggling (Jordine, pp. 125-126). Although a fence has been erected between Gibraltar and Spain that currently constitutes the frontier, it is not an officially determined one (Ibid.).

¹ Article 10 of the Utrecht Treaty reads as follows: "The Catholic King does hereby, for himself, his heirs and successors 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 he gives up the said propriety to be held and enjoyed absolutely with all manner of right for ever, without any exception or impediment whatsoever. But that abuses and frauds may be avoided by importing any kind of goods, the Catholic King wills, and takes it to be understood, that the above named propriety be yielded to Great Britain without any territorial jurisdiction, and without any open communication by land with the country round about. And in case it shall hereafter seem meet to the crown of Great Britain to grant, sell, or by any means to alienate there from the propriety of the said town of Gibraltar, it is hereby agreed and concluded, that the preference of having the same shall always be given to the crown of Spain before any others."

It should be noted that Article X of the Utrecht Treaty restricted British sovereignty to Gibraltar and its fortifications so the isthmus was not covered by this article. However, Britain gradually expanded its jurisdiction or sovereignty by occupying surrounding areas belonging to the isthmus. Today, therefore Britain depends on the prescription doctrine to justify its sovereignty over these areas on the isthmus (Lowe, 2007, pp. 144-145).

Interestingly, despite signing the Utrecht Treaty, Spain repeatedly tried to regain sovereignty over Gibraltar, whether by force or diplomacy (Verzijl, 1970, pp. 482-483). However, the 1815 Vienna Conference seemed to reduce the sovereignty impasse. This de-escalation continued after the 1950s, with Spain revoking its claims, notably before the United Nations General Assembly (Zaidi, pp. 153-155).

The establishment of the United Nations after World War II introduced a new era. One of the most spectacular transformations in the world order, guided by the United Nations, was decolonization under the principle of self-determination. When Britain tried to initiate this process regarding Gibraltar, Spain objected on the basis of its territorial integrity. The United Nations sided with Spain, implying that Gibraltar was not a colony that needed to be freed from a colonial power (Franck & Hoffman, 1976, pp. 371-379). The United Nations General Assembly decided that the Gibraltarians did not constitute a people so Spain's claim over Gibraltar prevailed (see, Bossano, 1994; Lincoln, 1994; Duursma, 1996). That is, the principle of territorial integrity outweighed self-determination. To defend the rights of Gibraltarians, Britain held a referendum on whether they wanted to become part of Spain. Out of 12,182 votes cast, 12,138 supported continued links with Britain while only 44 supported Spanish sovereignty (Franck & Hoffman, p. 373). Meanwhile, Spain increased restrictions over Gibraltar and Gibraltarians, from sanctions on travel and trade through prohibiting Spanish labor from working in Gibraltar and severing telephone links to completely closing the border in 1969. However, most of these restrictions were lifted after Spain joined the EU.

Under Article 355/3 of the Consolidated Version of the Treaty on the Functioning of the European Union and the provisions in Britain's act of accession to the European Communities, Gibraltar is included within the European Community (Waibel, paragraph 27). In the EU context, Gibraltar is a territory with one member state, Britain, responsible for regulating its foreign relations. That is, Gibraltar is a European Territory, but with a few exceptions. It is excluded from four areas of Community policy: the Community Customs Territory and Commercial Policy, the Common Agricultural Policy, the Common Fisheries Policy and the requirement to levy value added tax (Waibel, paragraph 27). Since June 2000, relations between the Gibraltarian authorities and EU authorities have been regulated by the United Kingdom Government/ Gibraltar Liaison Unit for EU Affairs in the Foreign and Commonwealth Office (Waibel, paragraph 31).

During the 1980s, various treaties that concerned Gibraltar were signed, particularly the Lisbon Treaty of 1980 and the Brussels Agreement of 1984. These were followed by another interesting treaty relating to usage of airport, which the British constructed on the isthmus in 1938. This treaty aimed to give Spain the right to use the airport alongside Britain. However, Gibraltarians blocked its implementation, which led to the exclusion of Gibraltar from the European Commission's Air Services Directive of July 18, 1989 (Lincoln, pp. 302-306).

In 2002, the foreign ministers of the two countries negotiated a deal based on shared sovereignty over Gibraltar, but it was opposed by both the House of Commons and Gibraltarians themselves. Most MPs in the House of Commons believed that it would have paved the way for the transfer of complete sovereignty to Spain (Waibel, paragraphs: 14-15). Meanwhile, Gibraltar held a referendum on the proposal, which predictably overwhelmingly rejected shared sovereignty with 98.5 percent of the votes.

Since 2004, there has been technical cooperation between Britain, Spain and Gibraltar in the form of a trilateral forum and a Joint Commission, which aims to improve cross-border relations. Several agreements have been concluded with positive results on technical matters, such as "lifting Gibraltar's exclusion from EU aviation legislation, ending Spanish airspace restrictions, joint use of the airport, eased border traffic flows and controls, interoperability of fixed and mobile networks and recognition of Gibraltar's direct dialling code, a lump-sum settlement of British pension obligations to former Spanish workers in Gibraltar, and opening a Cervantes Institute in Gibraltar" (Waibel,

paragraphs: 32-33).

Over the years, or more appropriately centuries, the Gibraltar issue has intensified, which has introduced various new dimensions that have widened the sovereignty impasse. The Brexit referendum and resulting process appear to be the latest in this respect due to the EU's unnecessary interference.

After the Brexit referendum, the EU effectively gave Spain a veto right on the future Gibraltar-EU relations. This was an outrageous political move given the EU's supposedly impartial political stance. By acting like this, the EU is not only breaching international law but also ignoring the rights of Gibraltarians. In this respect, as a follower and guardian of the rule of law, the EU should have acted impartially. Thus, apart from EU affairs, the EU should remain impartial in the Gibraltar controversy. Giving Spain a veto right, even in EU affairs, damages the EU's credibility and constitutes a clear breach of international law.

In light of this discussion, one might ask why the EU changed its position on the Gibraltar question after the Brexit referendum. One reasonable explanation is that it fears Euroscepticism, which is already high due to recent immigration, terrorism and unemployment problems, may spread further in member states, particularly fueled by far-right parties. The EU's concern is that after the Brexit referendum the discourses of far-right parties have become so wide-spread that the Union will dissolve in the near future. In response, the EU has sided with Spain on the Gibraltar question to promote a sense of community to prevent a further rise in Euroscepticism. The EU's attitude on this issue clearly supports the arguments of social constructivists that ideas shape interests so that foreign policy actors then act according to these interests. Here, the aim of preventing the further rise of Euroscepticism determined the EU's Spanish-sided foreign policy on the Gibraltar question.

According to Antonio Tajani, President of the European Parliament, immigration, terrorism and unemployment are currently the EU's three biggest problems, and the main causes of rising Euroscepticism (Euronews, March 20, 2017). Since the beginning of the Syrian crisis in 2011, the number of people seeking asylum in EU states has increased considerably. According to Eurostat, the EU's statistical agency, the number of asylum applicants in EU member states reached a record 1.26 million in 2015, which is almost double the number after the collapse of the Soviet Union (Eurostat, 2017a). The majority of recent asylum seekers come from Muslim populated countries, particularly Syria, Iraq and Afghanistan in rank order (Pew Research Center, 2016a). In 2016, 2015's record level only decreased by 53,000 (Eurostat, 2017). The Pew Research Center's Spring 2016 survey revealed that EU citizens are highly dissatisfied with the EU's handling of immigration crisis. The highest rate was recorded in Greece (94 percent), followed by Sweden (88 percent), Italy (77 percent), Spain (75 percent), Hungary (72 percent), Poland (71 percent), Britain (70 percent), France (70 percent), Germany (67 percent) and the Netherlands (63 percent) (Pew Research Center, 2016b).

Terrorist attacks and fatalities have also risen significantly in EU states in recent years, with the most deadly being the January 2015 Charlie Hebdo shooting in Paris, which killed 17, the November 2015 Paris attacks, which killed 130 and wounded many more, the March 2016 Brussels bombings, which killed 34 and wounded 190, the July 2016 Nice truck attack, which killed 84 and wounded more, 10 terrorist stabbing attacks recorded across Europe in 2016, (Time, 2016) and the March 2017 London car attack, which killed 6. All these attacks were perpetrated by ISIS militants. According to a Pew Research Center survey, 59 percent of EU citizens in 10 member states believe that immigration increases terrorism, with more country-specific figures as follows: Hungary (76 percent), Poland (71 percent), Germany (61 percent), the Netherlands (61 percent), Italy (60 percent), Sweden (57 percent), Greece (55 percent), Britain (52 percent), France (46 percent) and Spain (40 percent) (Pew Research Center, 2016c).

Turning to unemployment rates, Eurostat estimated in March 2017 that unemployment was 8 percent in the EU, with 19.7 million people unemployed. This is high compared to the United States, where unemployment was 4.5 percent in March 2017. What is striking, however, is the uneven distribution across member states. While the lowest rates were recorded in Czechia (3.2 percent), Germany (3.9 percent) and Malta (4.1 percent), the highest levels were in Greece (23.5 percent), Spain (18.2 percent), Southern Cyprus (12.5 percent), Italy (11.7 percent), Croatia (11.3 percent)

and France (10.1 percent). Much more worrying is the very high level of youth unemployment (under 25 years old), which was almost double the EU's overall average in March 2017 at 17.7 percent. The highest levels were in those countries most severely affected by Europe's financial crisis: Greece (48 percent), Spain (40.5 percent) and Italy (34.1 percent). Thus, the crisis has disproportionately affected Europe's younger citizens (Eurostat, 2017b).

Far-right parties have strongly benefited from immigration, terrorism and unemployment by focusing their discourses heavily on these issues. Among them, however, Muslim immigration has been their leitmotif for many years (Wilson & Hainsworth, 2012). They first aim to convince Europeans that the recent increase in terrorist attacks and unemployment is due to Muslim immigration. They also suggest that Muslim immigrants pose a severe danger to western culture, identity and values, and to Europe's distinct way of life, because such immigrants are impossible to assimilate (Guibernau, 2010). Moreover, they claim that Europeans will benefit far less from social services in the coming years due to immigration. Regarding these three major problems, far-right parties accuse both their national governments and the EU of remaining unable to solve them. They claim that the EU's corrupt elites and technocrats spend European citizens' money for their own ambitions without caring about their problems (Grabow and Hartleb, 2013) due to immigration, terrorism and unemployment. Given the EU's passivity in the face of the citizens' problems, they claim, it is completely absurd to transfer national powers to the EU, which is simply a dysfunctional organization. Through such criticisms of the EU, far-right parties have significantly contributed to the rise of Euroscepticism, which has become an existential threat for the EU, as Jyrki Katainen, Vice President of the European Commission, warned (The Guardian, 2017b). Indeed, the Pew Research Center's Spring 2016 survey on Euroscepticism in 10 EU countries clearly justifies Katainen's concern in that the most unfavorable views of the EU were measured in Greece (71 percent), followed by France (61 percent), Spain (49 percent), Britain (48 percent), Germany (48 percent), the Netherlands (46 percent), Sweden (44 percent), Italy (39 percent), Hungary (37 percent) and Poland (22 percent). On average, 47 percent viewed the EU unfavorably as against 51 percent who viewed it favorably (Pew Research Center, 2016d).

Since the Brexit referendum, there have been wide-spread claims that the EU will break up, with many other member countries, especially France, Greece, Italy, Czechia, Austria, the Netherlands, Denmark, Finland, Slovakia and Portugal, seeking to leave the Union. Even Donald Trump, the US president-elect, did not hide his belief in this claim by saying: "People, countries, want their own identity, and the UK wanted its own identity ... Other countries will leave the EU," because the bloc was put under serious pressure following mass immigration (The Telegraph, 2017). In Europe, this argument has been particularly fuelled by far-right populist parties, who have found this a good opportunity to massively boost their Eurosceptic discourses (Polyakova, 2016). Beyond their promises to leave the EU if they win elections, they have presented the British people's decision to EU citizens as a logical choice and a sign of the EU's dissolution. For example, Marine Le Pen, leader of the National Front Party in France, claimed that "The European Union will die because the people do not want it anymore ... arrogant and hegemonic empires are destined to perish" (Reuters, 2017b). Geert Wilders, leader of the Party for Freedom in the Netherlands, said "Both the Eurozone and European Union is like the end of the Roman Empire. It's already started. In a few years' time it will not be there anymore. Don't ask me if it will be two years or ten years but the end is near. Like the Roman Empire, it's gone" (Daily Express, 2017). The EU fears that the Brexit referendum has further increased the already very high level of Euroscepticism because other EU citizens have been influenced by such pessimistic arguments about the EU's future, particularly triggered by far-right parties.

5. Conclusion

Under the clear terms of the 1713 Utrecht Peace Treaty, sovereignty over Gibraltar undoubtedly belongs to Britain. In this respect, the EU could act impartially regarding the long-running Gibraltar question. However, in the guidelines issued by the European Commission for the Brexit negotiations, the EU has given Spain a veto right regarding future EU-Gibraltar relations, which is a clear breach of international law. The EU could also take into account the wishes of Gibraltarians,

who overwhelmingly chose to preserve their link to Britain in the 1967 referendum and rejected shared sovereignty in the 2002 referendum.

Since its establishment, the EU has claimed that it is a protector and promoter of the rule of law, yet its shifting position over Gibraltar in favor of Spain raises questions about its sincerity. Social constructivism is an appropriate theory to explain the EU's changing attitude. According to social constructivists, material interests, such as military force and economic power, are not sufficient to explain the behaviors of foreign policy makers. Ideas are also very important in shaping interests so foreign policy makers consider them. Today, one of the biggest threats to EU integration is rising Euroscepticism. Its unprecedented rise has occurred due to the ability of far-right parties in major EU member states to manipulate citizens' fears over immigration, terrorism and unemployment. By claiming that the EU has failed to solve these problems, which affect the daily lives of Europeans, they can easily turn European public opinion against EU integration. Since the Brexit referendum, these political parties have also promoted the idea that the British people's decision indicates the beginning of the EU's break-up. In response, the EU, alarmed that this will further increase Euroscepticism, has sided with Spain on the Gibraltar question to promote a sense of community.

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