

Azopardi, Keith, *Sovereignty and the Stateless Nation, Gibraltar in the Modern Legal Context*, Oregon, Hart Publishing, Oxford and Portland, 2009, ISBN: 978-1-84113-916-6, 417 pp.

Gibraltar has become a mandatory reference in the topic of sovereignty. Azopardi's book locates the topic questioning traditional concepts such as popular power, non-self-governing territories, sub-State constitutionalism, nation and others. The author is a lawyer and politician born in Gibraltar who participated in the constitutional negotiations between the United Kingdom and the government of Gibraltar that resulted in the drafting of Gibraltar's Constitution in 2006.

The book is divided into seven chapters. Chapters 1 and 2 present the historical review of the case from the Treaty of Utrecht of 1713, coming through the 1964 constitutional development of Gibraltar and arriving to 1986, year in which Gibraltar's constitutional gains were paralyzed with the insertion of Spain in the European Community.

Chapter 3 examines the concept of sovereignty under the view of the different actors. Chapters 4 and 5 tackle the period between 1986-2004. Gibraltar is presented as a sub-State. The incapability of solution of sovereignty matters is due in big part to the bilateralism with which it is treated.

Chapter 6 presents the concept of sovereignty in a modern legal context. For the author sovereignty must be more flexible and independent even with possibilities of divisibility.

Finally chapter 7 refers the self governance as the result of a tripartite solution that would give Gibraltar in a future a legal decolonized legal status.

Gibraltar is a (self-perceived) nation (with peculiar characteristics due to the diversity of its population), governed by a "special government". It obtained its own Constitution with permission by the British Crown without involvement by Spain, even though it is the subject of a

territorial dispute between Spain and the United Kingdom, which makes it impossible to consider Gibraltar as a new State. It is instead considered as an overseas territory with “autonomy” under shared sovereignty held by the United Kingdom and Spain. Both of these States, of course, are part of the EU system which also challenges the concept of sovereignty.

As is appropriate under these circumstances, Azopardi points out the different actors’ views on Gibraltar, not limiting himself to views of the United Kingdom and Spain but including those of Gibraltar and the European Union. The different points of view show the defects of a bilateral approach between the UK and Spain in the case. A reconsideration of concepts of democracy, self-determination and devolution in a tripartite evaluation of the case is needed instead.

Throughout the seven chapters the author presents past, present and possible future of Gibraltar. He follows an interdisciplinary approach including psychological, economic, financial and demographic considerations. This approach enriches the perspective presented. Moreover, by way of comparison he also clarifies the situation of other stateless nations such as Wales and Scotland, Catalunya and the Basque Country.

As to the larger debate on sovereignty, the author maintains that the State-centric version of sovereignty can no longer be sustained. He hence modifies the term sovereignty with an adjective in many cases, such as: functional sovereignty (p. 284), true sovereignty (p. 286), co-operative sovereignty (p. 288), territorial sovereignty (introduction). The value of such modifications can certainly be questioned, just as the (eurocentric) view that the existence of the European Union demands a reevaluation of the concept of sovereignty. But literature is rife with disagreement on sovereignty and none of this should distract from the value of Azopardi’s study.

The author presents a very thorough study of the topic covering a variety of the important issues that form part of the debate. His book is mandatory reading for anyone wanting to explore the situation of Gibraltar in-depth.

Evelyn Téllez