

**STATEMENT BY THE GSLP/LIBERAL OPPOSITION 155/2006**  
**4 December 2006**

Given that flights between Madrid and Gibraltar are set to commence with Iberia airlines next week, the Opposition wishes to make clear that far as it is concerned Iberia will be landing at a British regional airport, on British soil and that the Spanish aircraft will be leaving Spanish airspace the moment it enters the airspace of Gibraltar, in exactly the same way as if it were flying to an airport in the United Kingdom.

We do not accept the validity of any alleged dispute between the UK and Spain over the sovereignty and jurisdiction of the territory on which the airport is situated.

As far as we are concerned, the territorial integrity of our country extends from Europa Point up to the frontier with Spain. We make no distinction between the territory ceded under Utrecht and the territory not covered by Utrecht.

The distinction between the territory ceded at Utrecht and that not included in the Treaty was reflected in the Brussels agreement by the use of the plural in the commitment to discuss “issues” of sovereignty where the UK conceded for the first time that there was a qualitative distinction between the nature of Spain’s claim under Utrecht and of Spain’s claim over the isthmus.

Indeed, when the European Court of Justice considered the complaint by the Gibraltar Development Corporation as the owner of the air terminal in respect of the 1987 airport agreement, one of the questions which the court considered in a manner favourable to Spain was that UK itself had admitted that there was a dispute between the two countries over the sovereignty and jurisdiction over the territory in which the airport is situated.

The existence of this dispute was the entire foundation of Spain’s case for the need for an airport agreement and for their insistence that flights from Spanish airports to and from Gibraltar were deemed to be internal.

It is important, therefore, to consider the Ministerial statement issued by the three participants in Cordoba, in the context of what has gone before.

This would explain why Mr Moratinos argued that for the first time in the presence of the Chief Minister of Gibraltar, the Utrecht position has been reinforced and the validity of the Treaty recognised.

This is because the Cordoba agreement recognises that the jurisdiction and the sovereignty over the isthmus is under dispute between the two countries, and that the Gibraltar Government understands and accepts that these references relate to the respective position of the UK and Spain, both of whom have already in the past agreed that such a dispute exists between them.

The way this has been presented in Spain is that by this agreement Spain does not recognise either British sovereignty or British jurisdiction over the airport which the text recognises is matter of dispute and a bilateral issue.

The statement declares that the terms of the arrangement are acceptable to the three participants. The arrangements therefore constitute a political understanding reflecting the policy of the three participants.

Clearly, a change of Government in Gibraltar cannot and will not prevent a Government with a different policy expressing a different view from the one contained in the statement accompanying the arrangements.

As we have made clear from the beginning, our position would be to inform the two other parties that we neither understand nor accept that the references to sovereignty contained in the ministerial statements are bilateral to the UK and Spain. This is so because we have never accepted that there is any dispute over sovereignty and jurisdiction over the territory which we consider to be an integral and inseparable part of the national territory of Gibraltar.

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