

## **STATEMENT BY THE GSLP/LIBERAL OPPOSITION 66/2007**

**14 June 2007**

The Opposition has received representations from a UK couple living on a boat that has been berthed in what used to be Shepherd's Marina for some thirteen years. The couple are facing eviction from the area as a result of the Ocean Village development.

There have been many previous instances of people being asked to move to other marinas at prohibitively higher berthing fees than they used to pay, making it impossible for them to live within their particular economic circumstances.

In this case, the affected party claim that they have been threatened with being towed out of their location and towed into Spanish waters.

If such threats have indeed been made in order to persuade them to move, as far as the Opposition is concerned this is totally unacceptable and incompatible with the situation where in 2006 the then House of Assembly accepted the Government's proposal that the right to self-determination and to vote in the Referendum on the new Constitution should be extended to all UK nationals who have been resident for ten consecutive years and intended to remain in Gibraltar indefinitely.

This family have been here thirteen years, want to remain in Gibraltar indefinitely and do not want to be towed away from Gibraltar waters and dumped in Spanish waters.

The UK citizens in question are a retired person and his wife who works in the Social Services Department. They are in the process of buying a property in Cumberland Terraces but clearly they cannot move ashore until the buildings are finished and ready for occupation. When they have resisted being made to leave the area on the grounds that they are outside the area of waters that was demarcated as having been leased to Ocean Village, they claim to have been told that all the water up to the edge of the tip of the airstrip belonged to the Ocean Village Marina.

This again appears to have been a misrepresentation in order to induce them to leave voluntarily. Although Mr Greg Butcher seems to have acquired a great deal of Gibraltar's land and is involved in a large number of developments, the waters around the Rock are Gibraltar's territorial waters and not his own.

Indeed, the sea in question is apparently on a temporary lease for a license fee of £5.60 a day to a temporary berthing company registered in the same address as the other companies in the Ocean Village group. Under this agreement, which dates from July 2005, the lease covers Port controlled

waters which are identified and from which the boat in question has already been moved.

The only right that the licensee has is to erect temporary pontoons for the purpose of re-berthing small boats that were there before the redevelopment started. There is nothing in that original agreement to indicate that Ocean Village has any other rights whatsoever. Presumably they may refuse permission to anybody that they do not see fit to tie up their boats to one of their pontoons, but what they cannot do is expel them from the area on the basis that the water belongs to them.

Indeed, it would be extremely worrying and totally unacceptable if the luxury and highly expensive building projects on our coastline were to carry rights to the seafront which allowed such developers to exercise control as to who could use those waters.

One would have thought that a developer that has found Gibraltar society so welcoming and thinks that the Gibraltarian way of life makes Gibraltar an attractive home for investors, ought to consider giving this couple some breathing space until their new home is ready for occupation, which would be consistent with Gibraltarian values. It would not be beyond his capacity to behave as a good neighbour or beyond his economic means to do so.

The Government, for its part, should make sure that nobody tells people what they can and cannot do in what are ultimately Gibraltar waters under the jurisdiction of the Port and nobody else.

**ENDS**