

## **STATEMENT BY THE GSLP/LIBERAL OPPOSITION 72/2007**

16 July 2007

The Opposition totally reject the claim made by the Spanish Foreign Ministry, in response to the UK Government, that Gibraltar has no territorial waters other than those inside the Port. Spain has also said that the Ocean Alert was arrested in Spanish waters, something that we also reject.

The incident with the Ocean Alert confirms the long-held view of the Opposition that at the heart of the controversy surrounding the Odyssey exploration for undersea treasure in this area lay the question of sovereignty, jurisdiction and control over the waters surrounding the Rock. The judgement of the Opposition has proved to be correct.

It will be recalled that the Gibraltar Government described as untrue a statement issued last week which said that the Opposition understood that Spain wanted to use the tripartite agenda to pursue their case over the Odyssey explorations if this was not resolved before the next meeting takes place. It is obvious that the Opposition is not privy to the agenda of the forum. However, our sources maintain that this was indeed Spain's position until the arrest last week of the ship. It is important to note that subsequent events have proved that much else in our press release of last week was absolutely spot on and this information comes from the same source.

The initial reports on the arrest of the Ocean Alert quoted Civil Guard sources and gave the position of the vessel as two miles off Europa Point when it was boarded. For reasons that are unknown, this was subsequently changed in later news reports to 3.5 miles. It is important to note that if the vessel been boarded within the three mile limit of territorial sea that Gibraltar claims at present, then the incident would have been even more serious than it is already.

As far as the Opposition is concerned, this is not a matter than can be simply brushed aside as being one for the Government of Panama to deal with because the Odyssey vessel is registered in Panama.

It is well known that under the UN law of the sea, every territory is entitled to claim sovereignty over twelve miles of sea, with a median line taken as the dividing line when two neighbouring states are closer than twelve miles. However, the United Kingdom has never claimed the twelve miles for Gibraltar, in all probability in order not to upset Spain. At present, under international law Gibraltar is entitled to three miles of territorial sea except in the Bay where there is a median line.

The Spanish Government, for its part, considers that all waters outside the Port of Gibraltar are Spanish, that the law that applies there is the law of Spain, and that for this reason the Civil Guard vessel was perfectly entitled to arrest the Ocean Alert on the basis of a warrant issued by a Spanish judge.

This sets a very dangerous precedent. It will be recalled that when the negotiations were underway for the exploration of the site of a wreck believed to be that of HMS Sussex, very similar issues arose. The Sussex is believed to be located in international waters, outside Gibraltar's present 3 mile limit, but within the 12 mile limit that we are entitled to claim.

The Spanish Government insisted at the time that the law that applied in the site where the Sussex is believed to lie was the law of Spain, that the relevant authority was the Junta de Andalucia, and that a Spanish expert should be sent by the Junta to ensure that the investigation and exploration was done in accordance with Spanish law. The Opposition in Gibraltar expressed serious reservations at the time.

The boarding of the Ocean Alert and the arrest of the vessel is the logical extension of Spanish policy that was voiced last year when the exploration for HMS Sussex became an issue. The Opposition consider that the United Kingdom cannot allow this to go by unchallenged and the best response to Spain is to claim twelve miles of territorial sea for Gibraltar as a matter of urgency.

**ENDS**