

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

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The Opposition reject the continuing claims made by Spanish politicians that Gibraltar has no territorial waters and that the sea around the Rock is Spanish. The Spanish position demonstrates a complete ignorance of international law and a desire to confuse and mislead public opinion in Spain.

The Spanish Foreign Minister Miguel Angel Moratinos has restated the position of his Government that Gibraltar has no territorial waters because none were explicitly ceded under the 1713 Treaty of Utrecht. He was responding to questions about an incident where it was claimed that the Royal Navy were using the Spanish flag as target practice. It later emerged, despite the UK Ambassador's premature and unnecessary apology, that it was not the Spanish flag after all but a standard NATO marker buoy which is used for these purposes and which bear the same colours as the flag of Spain.

Meanwhile, Spanish Senator Jose Carracao, who belongs to the governing PSOE party, has subsequently declared that the Guardia Civil will continue to be active in the waters around Gibraltar whenever they like.

For its part, the Partido Popular announced that it intends to table a motion on Gibraltar in the Parliament of Andalucia which will reject what they call Gibraltar's expansionism by reclaiming land from Spanish waters.

The view expressed by Spanish politicians have no basis in law. It is ridiculous for them to claim that Gibraltar has no waters because a Treaty which was signed in 1713 refers to the cession only of the Port of Gibraltar and not the waters around it. This Treaty has been superceded by the UN Convention on the Law of the Sea which was agreed in 1982 and came into force in 1995. The Convention allows states and territories to claim up to 12 nautical miles of territorial sea where this is geographically possible. The United Kingdom has so far claimed three miles for Gibraltar and the median line in the Bay.

Spain did make a statement and declaration regarding her view on the waters of Gibraltar when this Convention was signed, however, it is simply the statement of a political position and has no legal effect whatsoever. This means that Madrid is bound to recognise the territorial waters of Gibraltar whether these are the three miles that we have at present or the twelve miles that we are entitled to claim. The views on this issue expressed by Spanish politicians are therefore complete nonsense.

The Opposition consider that the escalation of the dispute over Gibraltar's territorial waters makes it imperative that we firmly reject the pretensions of Spain that our waters belong to them, each and every time that their sovereignty is questioned. Gibraltar has international law on its side. Spain must be made to respect the rule of law. This is why the continuous incursions by their patrol boats can never be allowed to go unchallenged.

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