

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

94/2009

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The statement by the Government claiming to have neutralised the Spanish designation of Gibraltar waters as if they were Spanish is complete nonsense. Nothing could be further from the truth. The plain fact is that the Government have not only failed to neutralise the issue, they have also, contrary to their previously stated position, allowed the visit by Mr Moratinos to proceed with the waters issued unresolved.

The Opposition had made it clear from the outset in relation to this controversy that there were two issues. The first was the acceptance and designation by the European Commission as a site of community importance of the proposal made by Spain known as "Estrecho Oriental". This site included within it an area which had been designated in 2006 on a proposal from the United Kingdom called "Southern Waters of Gibraltar". The Spanish site also includes all the territorial waters of Gibraltar and even international waters as if they were Spanish. The acceptance of the Spanish designation means that Spain has specific legal responsibilities in the area as a result.

The language used by the Government in what they call a neutralisation of the position is vague and ambiguous and leaves the matter open to

interpretation. The relevant clause says the following in full:

“Designations of Sites of Community Importance and EU Commission Decisions relating thereto, made pursuant to Council Directive 92/43/EEC, have no implications for, and thus do not change the sovereignty, jurisdiction and control of the waters to which they relate, which accordingly remain as they had been before.”

The word “designations” is in the plural. This means that the paragraph applies both to the designation made by Spain and to the previous designation made by the United Kingdom in 2006 as well. Therefore for Spain the waters remaining “as they had been before” means that they are and continue to be Spanish and for the United Kingdom the same phrase means that the waters continue to be British. There is no acceptance by Spain that the waters are under British sovereignty, jurisdiction and control. This is a totally unacceptable fudge.

Moreover, even if the court case is determined in Gibraltar’s favour, and the Spanish designation is removed, it means that the UK designation would remain with the new political qualification as to what it signifies now introduced by Mr Caruana, Mr Moratinos and Mr Milliband. Mr Caruana must understand that as the present Chief Minister of Gibraltar he has no right to weaken the position over our territorial waters by playing with words in this way.

The second issue is that the incursions by Spanish civil guard launches into Gibraltar waters continue and that even the day after Mr Moratinos came here

a civil guard launch refused to answer a call from the Royal Navy.

The Opposition consider that the Government have completely mishandled the issue and that this could have serious consequences in the future, the responsibility for which will rest squarely on the shoulders of the present Chief Minister and the present Government.

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