

STATEMENT BY THE GSLP/LIBERAL OPPOSITION

27/2010

4 March 2010

The Opposition considers that the response from the Council of the European Union to Liberal Democrat MEP Graham Watson regarding the Guardia Civil incursion into Gibraltar last December confirms that it was an illegal act. This latest information only serves to underline the very serious nature of the incursion for which nobody was taken to court and tried.

It will be recalled that four civil guards entered the Port of Gibraltar and disembarked in the area of Harbour Views to continue chasing suspects on foot. They were detained by the Royal Gibraltar Police and taken New Mole House. The Spanish Interior Minister declared in Spain that he would do his utmost to ensure that the Civil Guards would not have to spend a night in Gibraltar away from their families. Mr Rubalcaba also telephoned Mr Caruana and after that conversation took place the Civil Guards were released in a couple of hours without being charged for any offence.

In his question, Mr Watson had asked the Council and the Commission of the EU to condemn this "illegal act" and whether they agreed that cross-border pursuits require clear procedures "so that Member States' sovereignty is not infringed." The Commission has not yet replied. However, the Council, of which Spain has the rotating presidency, has said that it was not informed of the Guardia Civil's intervention in Gibraltar. It is obvious that the Council was not informed because the United Kingdom chose not to complain.

The response from the European Union also says that the "legal basis can be Article 41 of the 1990 Schengen Convention, Article 20 of the Naples II Convention (which is limited to infringements of customs provisions) or bilateral agreements." Given that Article 41 of the Schengen Convention does not apply to Gibraltar and that Article 20 of the Naples II Convention does not apply either, it therefore follows that there is no legal basis for the incursion and that therefore it had to be an illegal act.

Therefore the claims made by politicians in Spain that the act was covered by international obligations in relation to hot-pursuit of suspects is complete nonsense, given that those specific international obligations do not apply to Gibraltar. Moreover, this latest information will only serve to fuel the angry reaction which existed at the time at the fact that those who invaded our Port and our land were then let off scot-free as if nothing had happened.

ENDS

