

STATEMENT BY THE GSLP/LIBERAL OPPOSITION

53/2010

27 April 2010

Spanish MP Rosa Diez (UPD), has tabled a motion in the Spanish Parliament which calls for the creation of a protocol of action which would lay down the conditions under which the law enforcement agencies of Gibraltar and Spain can cooperate with each other at sea. The aim of the motion is to improve the efficiency of the fight against drug trafficking and organised crime in the Bay and it asks the Spanish Government to submit an annual report on the matter.

Spanish PP MP Jose Ignacio Landaluce has tabled four amendments to the motion. The first calls for this cooperation “in the Spanish territorial waters that surround Gibraltar”. The second states that Spain only recognises British sovereignty over the waters inside the Port alone. The third demands that the protocol of cooperation should be commanded solely and exclusively by Spain on the basis that the waters are all Spanish and the fourth calls for the details of the motion to be presented at the next meeting of the trilateral forum.

The reference made by Mr Landaluce to cooperation “in the Spanish territorial waters that surround Gibraltar”, under international law, can only be taken to mean the waters which are Spanish in law. This is the Spanish side of the Bay of Gibraltar and those waters which are not international waters outside Gibraltar’s present three mile limit. The applicable law in this matter, as Mr Landaluce should know, is the United Nations Convention on the Law of the Sea which stipulates that every territory generates its own territorial sea of twelve miles where this is geographically possible. In the case of Gibraltar this means the median line in the Bay and three miles everywhere else, until such a time as the United Kingdom decides to claim the twelve miles.

Under this legal basis and in the context of Mr Landaluce’s first amendment, if Spain should require Gibraltar’s assistance in the fight against crime in their waters because they cannot cope, they only have to ask for help. However, under no circumstances should any co-operation which takes place in Spanish waters be taken as a defacto way of depriving Gibraltar of its own territorial waters or of the legitimate legal and political rights to which we are entitled.