

STATEMENT BY THE GSLP/LIBERAL OPPOSITION

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The Opposition considers that Gibraltar must be vigilant that a new Guardia Civil sub-aqua unit created recently in Algeciras is not used politically to infringe upon the sovereignty of the territorial waters of Gibraltar. In the present climate of tension and hostility surrounding the waters issue, it would be totally unacceptable for the unit to be utilised as another weapon in Spain's armoury to advance its claim over the seas that surround the Rock.

The new group of eight divers will be based in Algeciras and is expected to have mainly a search and rescue function. They are equipped with two semi-rigid inflatable launches. It is already known, for instance, that they were involved in the search for the body of a passenger who jumped into the straits from a ferry last week. There are several of these units based in different parts of Spain.

However, the list of six published terms of reference of these units show that their remit is actually wider than it might appear at first sight. The description of their function includes the reconnaissance of the sea-bed, of hulls of ships, of objects or underwater items for security, anti-terrorism or fiscal purposes. This is in order to exercise the powers of a judicial police force in respect of any event which takes place in their specific area of operations.

It has already been pointed out in the Spanish media that this function extends to the protection of any items on the sea-bed in Spanish waters like treasure or ship-wrecks. This obviously includes on-going saga with the Odyssey marine exploration of the wreck believed to be that of the treasure-laden HMS Sussex which lies in waters to the east side of Gibraltar. The wreck is located in between the three mile limit of territorial waters that Gibraltar claims at present and the twelve mile limit that we are entitled to claim as our own. The position in international law is that these are international waters until claimed by Gibraltar. However, the Spanish Government considers that all the waters around Gibraltar belong to Spain, including the international waters beyond our existing three-mile limit.

It will be recalled that patrol boats of the Spanish civil guard constantly harassed the exploration vessels on the basis that they were in Spanish waters and subject to the laws of Spain. Indeed, one such vessel was arrested in international waters and taken to Algeciras. In fact, in its own website the company states that "due to interference by various Spanish entities Odyssey has postponed further work on the project to allow diplomatic issues to be resolved."

It is obvious that the establishment of the Civil Guard sub-aqua unit near Gibraltar potentially opens a new dimension to this problem, all the more so when part of their remit is to protect the coffers of the Spanish Government. Given that the issue has already been flagged in Spain, it is important that we ensure that the status of our waters and of the international sea that surrounds them is fully safeguarded.

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