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Government condemns illegal Spanish naval incursion into BGTW

The Government condemns the incursion by the Spanish navy into British Gibraltar Territorial Waters (BGTW) yesterday. This is yet another senseless provocation that achieves nothing except generating an atmosphere of mistrust and hostility which benefits nobody.

The Spanish Foreign Ministry is now itself on record as having confirmed that the communications in question were made by their naval vessel because the commercial ships in question were, according to them, inside Spanish waters. The reality is that the merchant vessels were in BGTW when they were instructed to move. In other words, the Spanish vessel sought to exert jurisdiction and control in an area of water where they are not legally entitled to exert such control.

Given that Madrid itself has confirmed that the motive behind the incursion was in pursuance to their sovereignty claim over Gibraltar's waters, the incident was therefore indisputably a breach of the United Nations Convention on the Law of the Sea (UNCLOS).

Article 19 of UNCLOS states that "Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State." It is clear that the attempt to interfere with merchant shipping by instructing the merchant vessels to move on the basis that the waters are Spanish is "prejudicial to the peace, good order and security of the coastal State". Moreover, the pictures show that the weapons on the vessel were uncovered and manned.

The Government therefore maintains that this was an illegal incursion which aimed to make a political point about the sovereignty of our waters. While this action in itself may not be a threat to sovereignty, because the waters remain British in international law, the reality is that it represented a challenge to our sovereignty and that it purported to undermine our sovereignty.

The Straits of Gibraltar are an important strategic location for western interests. There are military movements as well as illegal movements of people and goods that need to be monitored and controlled. Gibraltar plays a key role in upholding western interests in the region. It is nonsensical that Spain should deploy one of its warships to play war games in British waters at a time when there are serious threats in this area which are well known. The Spanish actions serve as a dangerous distraction to wider military and security interests in the region.

The Chief Minister, the Hon Fabian Picardo QC MP, said: "Anyone who believes in the rules based international legal order will have been shocked by the cavalier and quixotic actions of the Spanish military vessel at the weekend. Her actions outside our waters, when she sought to direct shipping outside her jurisdiction, and when she sailed through our waters with her weapons naked, was an amateurish attempt at bravado. It achieved nothing more than to provoke - whilst it was properly



ignored by the masters of the vessels at anchor. But this childish behaviour is unsatisfactory whether it is errant or directed from above. It highlights a Spain that is either unable to control its military or, conversely, that is prepared to use its military to advance a political claim in 21st Century Europe. Another key factor is the danger to safety at sea if one country pretends it can give orders to vessels that are under the lawful instructions of another country. Actions such as this just create confusion and unnecessary risk to the lives of mariners. That is the nonsense that we are dealing with. Foolish actions which achieve nothing but provoke and raise tensions. It reflects extraordinarily badly on the lack of professionalism of the Spanish navy. If they can't read the charts that show they are in British waters, they shouldn't be left in charge of a vessel. If they won't respect the rules based international order, they are pursuing a chaos that will create problems beyond BGTW. And if they play games with the safety of lives at sea they will be seen for the bullies that they are. The people of Gibraltar won't be bullied now or after the 29th of March. Incidents like this, however, are a useful reminder of why we will never agree to be Spanish."