



DECLARATION OF SPAIN AT THE 41st STANDING COMMITTEE OF THE BERN CONVENTION (29 November - 3 December 2021)

Agenda item 5.8.1.d. Draft updated list of adopted Emerald Network sites and draft updated list of candidate Emerald Network sites

The Kingdom of Spain wishes to express its disagreement with the inclusion in the “Emerald Network” of the site registered by the United Kingdom under the name “Southern Waters of Gibraltar”.

The Kingdom of Spain wishes to recall that it does not recognize the United Kingdom any rights or situations relating to the spaces of Gibraltar that are not included in Article X of the Treaty of Utrecht of 13 July 1713 between the Spanish and British crowns. In particular, Spain has never recognized, nor does it recognize, any sovereignty or jurisdiction of the United Kingdom over the so-called “British territorial waters of Gibraltar”. All the waters adjacent to the Rock of Gibraltar are Spanish territorial waters, as can be seen from the declaration made in this regard by the Kingdom of Spain at the time of adhering to the United Nations Convention on the Law of the Sea.

Consequently, Spain considers that the delimitation by the United Kingdom of an area of environmental protection in the Spanish territorial waters adjacent to the Rock of Gibraltar is illegitimate and contrary to international law.

In addition, Spain wishes to underline that these same waters are the subject of special environmental protection by Spain, as a Site of Community Importance of the Mediterranean biogeographic region of the Natura 2000 Network, through Royal Decree 1620/2012, of 30 November, by which the Site of Community Importance “Estrecho Oriental” is declared a Special Conservation Zone and its corresponding conservation measures are approved.

We request the Secretariat that this Declaration is added to the meeting report.