

COMMERCIAL FISHING AND THE CONSERVATION OF MARINE LIFE IN THE WATERS AROUND GIBRALTAR

An Informed Analysis

The Gibraltar Ornithological & Natural History Society
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INTRODUCTION

On 13th March 1998 a Spanish fishing vessel was challenged by the Royal Gibraltar Police launch for fishing in waters under Gibraltar jurisdiction with methods prohibited under Gibraltar law. The vessel refused to leave the waters and a Spanish police helicopter, in support of the vessel, attacked the Police launch. This triggered off a number of incidents and protests which culminated in Spanish fishermen questioning Gibraltar's laws and jurisdiction. Following this a meeting was held at the office of the Chief Minister of Gibraltar. This was attended by representatives of the Gibraltar Government, with the Gibraltar Ornithological & Natural History Society (G.O.N.H.S.) as advisers, the Mayor of La Linea, representatives of the Andalucian federation of fishermen and the Cofradias of La Linea and Algeciras.

It was agreed then that meetings to explore the situation and way ahead should be held between the G.O.N.H.S. and representatives of the Spanish fishermen. Three such meetings were held, one in Gibraltar and two in La Linea. There were a total of approximately 12 hours of discussions between the parties. In addition many more hours were spent by G.O.N.H.S. in internal discussions and in consultation with the Chief Minister, the Governor, Convent officials and heads of law enforcement agencies in Gibraltar.

At the meetings with Spanish fishermen representation from the Spanish side did not include a representative of the Andalusian Federation. At the first two meetings there was representation from the La Linea and Algeciras Cofradias, at the third meeting only the Secretary of the La Linea Cofradia was present. Following this, for four months from April 1998 fishing in Gibraltar waters was virtually non-existent.

These discussions were treated as confidential. Both sides put forward their views of the situation and agreed to make no statement to the public that would reveal the content of their discussions.

G.O.N.H.S. has so far kept to its word. Over recent weeks many new players have emerged making often uninformed statements on the situation, and G.O.N.H.S., maintaining its commitment to confidentiality has made no comment. However, of late the Cofradias of La Linea and Algeciras have once again made public statements, covering ground already covered extensively in our discussions and making points that the media and public, unaware of the many counter arguments may not be able to interpret correctly.

For this reason, G.O.N.H.S. wishes to make an extensive analysis of the situation concerning commercial fishing in the waters around Gibraltar.

THE BACKGROUND

The Nature Protection Ordinance 1991

In the later 1980s it became clear that Gibraltar's nature protection legislation, in the form of the Animals and Birds Ordinance was archaic. Without radical reform Gibraltar would fall even further behind the rest of the world in environmental protection and would fail to implement conventions which Britain had applied to Gibraltar. G.O.N.H.S. therefore advised Government that a review of the law was necessary. This was accepted by the Government of the time in 1986, but little progress was made for a number of years.

The EC Birds Directive had come into force in 1982 and despite Gibraltar's importance for birds, had not been incorporated into Gibraltar law. The EC Habitats Directive was also being drafted at the time, and G.O.N.H.S. was being consulted on its drafts by NGOs in the UK. These events acted as catalysts to move the matter forward. In view of the fact that the law had to be totally revised it was proposed to Government that the marine issues should be included also. To date there had been minimal protection of the sea. Spanish fishing boats were taking excessive amounts of fish from inshore waters, with a clear drop in their numbers and in the numbers of the Western Mediterranean Shag (or Green Cormorant), an endangered bird considered still to be threatened with extinction. Local fishermen were constantly complaining about how our fish stocks were being depleted and the public was complaining about Spanish fishermen coming right up to our shores..

A series of meetings was held with the Gibraltar Federation of Sea Anglers who endorsed the provisions of the Ordinance as drafted. The Governor was consulted on the possible implications and did not object and a meeting was held with an FCO official who was visiting Gibraltar at the time. Likewise, no objections were raised, although the possibility of problems with Spanish fishermen was raised by G.O.N.H.S. The Government also supported the law. This was presented to the House of Assembly, passed unanimously, and became effective on 1 April 1991.

At the time of its implementation and during the run-up to this there were no comments from any Spanish organisation or Government body, and to date there has still not been any substantiated official Spanish objection to the law that is now the Nature Protection Ordinance.

In 1995 Regulations were published, to become effective on 1 January 1996, governing procedures in the Gibraltar Marine Reserve. This includes provision for the issuing of fishing licences.

WHAT THE LAW SAYS

The Nature Protection Ordinance 1991 prohibits, under Section 10, certain methods of catching wild animals, which biologically clearly and undisputedly includes fish, molluscs, crustaceans and other marine creatures. These methods include:

"any seine or gill net, any pot or device for raking of sea-bed,...any form of artificial light".

In addition, Schedule 1 to the Ordinance lists species which are protected. These do not include commercially important fish, but do include a variety of creatures of the sea bed which are destroyed or removed during dragging of the seabed.

In combination, Section 10 and Schedule 1 make illegal the use of all types of nets and activities which damage the sea bed. Long line fishing is not prohibited.

The Marine Nature Reserve Regulations 1995, which are not being enforced, further restrict activities within Gibraltar waters, and includes provision for the issuing of licences for fishing, angling, and other activities in the sea.

Both the Ordinance and the Regulations apply to the whole of the territorial waters of Gibraltar.

It is only in the last 24 months that the arrest of Spanish fishermen in Gibraltar's territorial waters has become an issue. These arrests have been on-going since the implementation of this new Ordinance. The number of arrests have been limited and on each occasion the fishermen have been found guilty of illegal methods of fishing in Gibraltar's territorial waters. On each occasion the defendants were given every opportunity to present their case and make points with reference to EU law and international law. On no occasion did any representative from any authoritative body come forward and plead their case. On each occasion the defendants were told, and accepted, they would have to face the consequences of the laws of Gibraltar. In short, our right in Gibraltar to implement laws and uphold those laws was not questioned. Quite the contrary, on one occasion it was pointed out in Court that Gibraltar had every right to implement laws that were above the baseline laid down by the European Union, but on no account could Gibraltar pass laws that fall below that baseline. To date nothing has been put forward to the European Courts claiming the contrary.

THE TERRITORIAL WATERS

British territorial waters around Gibraltar were defined by the Geneva Convention of 1958. Spain is a signatory to this Convention. The waters in question are three miles off the Rock to east and south and a median line in the Bay to the west.

G.O.N.H.S. maintains that marine life has to be protected in the waters around Gibraltar. The issue of territorial waters has no bearing on this basic principle. If the waters were Spanish (which they are not), the G.O.N.H.S. contention would be that the area would have to be designated a protected area by the Government of Spain.

THE REASONS, AND THE STRENGTH OF GIBRALTAR'S CASE

Gibraltar's law is based on sound environmental conservation arguments.

Gibraltar's territorial waters cover only a small area of the coast of the Iberian Peninsula. The waters therefore cannot sustain regular fishing using commercial methods such as nets, nor can its seabed sustain regular raking.

We were clearly ahead of our time. In 1992 the Habitats Directive (Council Directive 92/43/EEC) came into force requiring Europe to protect certain priority habitats and species. Our sea grass meadows, in Gibraltar Bay, were thus already protected, as were all whales and dolphins (cetaceans) and all but one of the marine invertebrates (subsequently covered in the amendment of 1997). Currently, under the Habitats Directive, The United Kingdom, on Gibraltar's behalf, is in the process of proposing its waters (as well as terrestrial habitats) as a Special Area of Conservation Importance under the Natura 2000 programme. This is possible because of our waters' protected status.

Gibraltar's waters are also in the process of being proposed as a wetland of international importance under the Ramsar Convention.

Gibraltar's action in 1991 to protect marine wildlife was - and is - consistent with international thinking in the field of fisheries conservation. Spain itself has, as we shall see later, recognised the need for taking strict measures, and so has the Government of Andalucia.

European Union Policy

Earlier this year (1998) the Council of European fisheries ministers from the fifteen members of the European Union adopted, on a proposal from the Commission, a new regulation introducing measures to preserve fish stocks in European Union waters. These are aimed first, at preserving young, immature fish, giving them a chance to develop and survive in sufficient

numbers to spawning age, and secondly to reduce the discarding of undersized fish at sea. The European Commissioner with responsibility for Fisheries has stated:

"We are continuing to overfish and take fish that are too small. The Union is acting on several fronts at the same time: reduction of capacity and fishing effort, protection for juveniles, better implementation of the rules and responsibilities. Only in this way can the future of the European fishing industry be assured".

Gibraltar's Nature Protection Ordinance achieves all of these and is therefore clearly in keeping with developing European fisheries policy. In fact it is leading the way.

Mediterranean Protocol

Following the 1976 Barcelona Convention for the Protection of the Mediterranean Sea against Pollution, a protocol was agreed at the Conference of Plenipotentiaries on the Protocol concerning Mediterranean Specially Protected Areas in Geneva in April 1982. The instruments of ratification, acceptance or approval of the protocol were deposited with the Government of Spain, which assumed the functions of Depositary.

This protocol states, among its provisions:

The Contracting Parties to the present Protocol...

Conscious of the danger threatening the environment of the Mediterranean Sea Area as a whole, in view of the increasing human activities of the region....

Stressing the importance of protecting and, as appropriate, improving the state of the natural resources and natural sites of the Mediterranean Sea, as well as of their cultural heritage in the region, among other means by the establishment of specially protected areas including marine areas and their environment.

Desirous of establishing close co-operation among themselves in order to achieve that objective,

Have agreed as follows:

Article 3

1. The Parties shall, to the extent possible, establish protected areas and shall endeavour to undertake the action necessary in order to protect those areas and, as appropriate, restore them, as rapidly as possible....

Article 7

The Parties ... shall, in conformity with the rules of international law, progressively take the measures required, which may include:

- ... d) the regulation of fishing and hunting and of the capture of animals and harvesting of plants;
- e) the prohibition of the destruction of plant life or animals ...
- ... f) the regulation of any act likely to harm or disturb the fauna or flora...
- ...g) the regulation of any activity involving the exploration or exploitation of the sea-bed...
- ...j) the regulation of ... import and export of animals ... which originate in protected areas...
- ...k) any other measure aimed at safeguarding ecological and biological processes in protected areas.

The Nature Protection Ordinance is clearly perfectly legitimate with reference to the terms of this international protocol. Indeed, it could go further and regulate over the exportation of any fish caught in the protected area - namely Gibraltar's waters - which at present are exported without any payments being made to Gibraltar. We will not even suggest any such measures at this time, but it would be legitimate to introduce them.

Watery wastelands

The effect of fishing methods that drag nets or rakes along the seabed are causing concern throughout the world. A recent article in the journal *New Scientist* (Levy, 1998) (Appendix I) reveals how the often ignored seabed habitat has been devastated by fishing and how this threatens fisheries in general.

Following computer models on regeneration in depleted fishing banks, *New Scientist* reports how the North West Shelf in Australia was closed to trawl fishing in 1985, following which populations of small marine organisms and of emperor bream and snappers rose steadily in the closed area, while they continued to decline in the trawled area. This provided strong evidence that the abundance of the most highly valued fish in the area depends on the health of the community of small benthic organisms that could only survive in undisturbed areas. Jeremy Collie of the University of Rhode Island Graduate School of Oceanography (URIGSO) is quoted as saying, "I think Australia is out ahead of the rest of the world on this. They've had a habitat perspective in their management for five or ten years". Gibraltar has had this law for seven and a half.

Fishing interests are calling for some of the protected areas to be re-opened, but at the same time for example, a continuing decline in cod numbers in the Gulf of Maine has prompted calls for a closure there.

Peter Auster, science director of the National Undersea Research Center at the University of Connecticut stated "Right now our fishery management is based only on variations in fish populations. It is not based on managing habitat impacts. Protected areas can play an important role".

THE DANGERS

The use of nets has devastating effects on fisheries and consequently on other marine life including seabirds. Directly drift nets in particular catch dolphins, turtles and seabirds. Indirectly decline of fish has adverse effects on populations of fish-eating species.

Both of these are particularly relevant. Only last year the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean and Contiguous Atlantic Area (ACCOBAMS) was endorsed by the UK on advice from Gibraltar, which made reference to the fact that already in Gibraltar waters there are ample measures to protect dolphins and whales. In fact Gibraltar is one of the few territories that offers protection to these animals by measures that include the banning of nets dangerous to them. It is not beyond the bounds of possibility that as fish stocks decrease, as has happened in many other parts of the world, the fishermen may come to consider dolphins as competitors and begin deliberately to eliminate them.

The raking of the seabed devastates this essential marine habitat. It destroys sessile organisms like corals and cup corals and leaves behind a desolate landscape, sadly not appreciated by those who view the sea from the surface. There is a growing international movement to ban this sort of fishing in other parts of the world. Once again Gibraltar has been ahead of the rest of the world.

Today with the great demand for fish from the ever-expanding areas of which La Linea is just one, with a population of 60 000, fishing methods have been upgraded to match the demand. However a small number of these fishermen from time to time try to take a catch from Gibraltar's waters. Under the most perfect conditions one would still expect a small number of incursions to continue. However today the fishermen of La Linea are being led to believe that there is an over-abundance of fish in Gibraltar's waters waiting to be taken. The fact is that the average tramallo (bottom laid net) can be anything up to 1250 metres long while Gibraltar's coastline is only some 14 kilometres in length. 64% of that coastline is taken up for commercial purposes, leaving only 36% natural coastline where such fishing if allowed could realistically take place. A single net is equivalent to 11% of our overall coastline. It therefore follows that these waters could be overfished by the La Atunara fleet alone. How can these people be led to believe that their livelihood rests on so small an area ? The fishing is neither sustainable nor sufficient.

EU FISHING LAWS

The Spanish Government, in its response to the British protest over the events of 13th March questioned British jurisdiction of the area. They also questioned the Gibraltar law's relevance to "EU norms on fishing". The Cofradias have on occasion said they will respect EU fishing laws. Firstly what is always overlooked is that the Common Fisheries Policy does not apply to Gibraltar. Secondly "EU norms" only set minimum standards. Thirdly EU Member States are free to declare nature reserves and protected areas and legislate within them. Spain does this itself, even though its record in nature conservation is far from satisfactory.

THE SITUATION IN SPAIN

Spain is criticised in conservation circles (MRAG, 1991) for its lack of adequate protection of fisheries. But even they have restrictions.

The legislation controlling fishing activity in Spanish waters (Royal Decree 681/1980) establishes the right to fish for all the relevant registered vessels (*i.e.* Gibraltar vessels could not fish in Spanish waters if not registered in Spain).

Access to quota fishing grounds is controlled by fishing licence, when the following conditions are met:

- a) the existence of a closed list of vessels in a census of fishing gears for a specific fishing ground.
- b) no existence of a closed list, but the number of licences permitted is equal to, or less than the number of boats present in the fishing ground.

The Order of 30th January 1989 requires vessels to be registered. The registration form used to collect census data is 11 pages long and includes detailed information on the type of vessel including the gear type to be used. Failure to complete such a form theoretically results in expulsion from the fishery.

Legislation in Spain allows the General Directorate of Fisheries Management to reduce the number of boats licensed to fish, establish temporary bans, and close certain areas.

Restrictions, for example, under the Real Decreto 632/1993 prohibit "arrastre de fondo", (one of the methods of "raking the seabed" covered in the Nature Protection Ordinance) in waters less than 50 m deep in the Bay of Cadiz. The use of "artes de Cerco" (seine nets principally) is forbidden in waters less than 35m deep anywhere in Spanish waters under the Real Decreto 2349/1984. There are additional restrictions on which species and sizes can be taken.

Locally, fishing in the Bay is forbidden near Algeciras and the refinery. In all the cases described Spanish fishermen would be facing challenge from the Guardia Civil in case of infraction. Ironically, in Gibraltar waters they are

protected from such challenges, and in addition, have the luxury of not acknowledging and indeed mocking the Gibraltar Police authorities.

SOME SPANISH FISHING RESTRICTIONS

Despite criticisms of Gibraltar's marine protection laws, Spain also has them:

- Real Decreto 632/1993 prohibits "arrastre de fondo", (one of the methods of "raking the seabed" covered in the Nature Protection Ordinance) in waters less than 50 m deep in the Bay of Cadiz. The use of "artes de Cerco" (seine nets) is forbidden in waters less than 35m deep anywhere in Spanish waters under the Real Decreto 2349/1984.
- Real Decreto 681/1980 Allows "for the protection of living resources":
- "Prohibition of fishing methods, arts and atefacts, prejuducial instruments and equipment, establishing of seasonal or zonal bans, regulation of meshes, minimum sixes of species and designation of exclusion zones for certain fishing methods".
- One mile fishing exclusion zones are found in:
 - Canos de Meca (Barbate, Cadiz)
 - Estuary of Rio Guadalhorce (Malaga)
 - Cliffs of Nerja (Malaga)
- Total prohibition is the case in:
 - Waters off Parque Nacional del Coto de Donana (Huelva)
 - Waters off Parque Nacional Cabo de Gata (Almeria)
 - Bahia de Palma (Balears)
 - Islas Medas (Cataluna)
 - Punta de Sonabia-Isla de Mouro-Peninsula de la Magdalena (Cantabria)

There is a proposal for a protected zone off Isla de Tarifa (Cadiz)

OTHER COUNTRIES

European countries have a wide range of different legislation applying to them. There is a plethora of national regulations controlling the use of nets within Europe, but few Community regulations which apply.

In Denmark, for example, along certain coastlines the use of gill nets is prohibited in order to protect local stocks of salmon and trout. In other areas all fishing activities are prohibited.

The Salmon Act of 1986 prohibits the use of set gillnets in England and Wales within 6 miles of shore except where they have been specifically exempted. The same Act gives the Sea Fishery Committees power to prohibit other gears where they interfere with salmon migration.

In Scotland, Statutory Instrument 1986 No 60 bans the carrying of monofilament nets in Scottish waters (*i.e.* inside 6 miles). Further legislation applies in the Foyle area (jointly administered with the Republic of Ireland), where monofilament nets are illegal, night fishing is illegal, and a minimum twine diameter of 0.83mm is specified.

In Italy gillnets for non-professional fisheries and for recreational fisheries are not permitted. Time closures are enforced in Sicily for all gear types used in professional fisheries. The use of polyamide monofilament is forbidden in Greece.

Our legislation simplifies and facilitates enforcement. This is in view of the absence of any significant commercial interest locally and our inability to enforce a more complicated system of rules and regulations. It is in keeping with other international conservation obligations which many other States are failing to effectively comply with. Gibraltar, one of the best protectors of wildlife, is being asked by Spain, one of the worst enforcers of conservation commitments, to dilute its conservation provisions. Irony yet again in view of the many criticisms by Spain, even at United Nations level, of the alleged infractions of environmental law by Gibraltar.

SUPPORT FROM SPAIN AND UK

Early on in the current controversy, Dr Francisco Blanco, President of the Consejo Iberico para la Defensa de la Naturaleza wrote to Spanish, Gibraltar and British authorities in support of Gibraltar's nature protection laws (Appendix II). Other than that public support for the Gibraltar position from environmental organisations in Spain has been totally lacking. AGADEN and VERDEMAR, who are quick to criticise any act of environmental abuse, especially in Gibraltar, have been silent. Greenpeace Spain did not even acknowledge receipt of the letter requesting their support. However, this is not taken as support of fishing, but more of as a fear of offending Spanish sensitivities. Indeed in private well known Biologists who advise Spanish fishing interests have stated to G.O.N.H.S. that they fully support the setting up of exclusion zones throughout the region of a similar type to that designated in Gibraltar. And the Aula del Mar in Malaga, which is a prime mover in marine conservation in Andalucia has likewise expressed its full support for the Gibraltar law.

TEXT OF G.O.N.H.S. PRESS RELEASE:

22 March 1998

IBERIAN COUNCIL BACKS GIBRALTAR LAW

G.O.N.H.S. releases evidence of the danger of nets

The Iberian Council for the Defence of Nature (CIDN), one of the largest conservation organisations in the Iberian Peninsula, with 30 000 members in Spain, Portugal and Gibraltar, has come up fully in support of Gibraltar's stand in the fishing dispute with Spain. In a letter to Isabel Tocino, Spain's environment Minister, sent also to the Mayor of La Linea, and the Governor and Chief Minister of Gibraltar, Dr Francisco Blanco Coronado, President of the Iberian Council, states the motto of CIDN "la naturaleza no tiene fronteras" ("nature has no frontiers", and fully supports the protection of Gibraltar's waters stressing the prohibition from fishing here will not have any effect of significance on Spanish fishermen.

Dr Blanco, himself a Spaniard, ends his letter to the Spanish environment Minister with the words :

"Being Spanish, and very proud to be so, as president of the Iberian Council, and in representation of the nine entities and more than 30 000 members, I believe it is essential to recognise the value of the exemplary legal measures operating in Gibraltar in nature protection and I ask for your co-operation so that our common marine heritage is not prejudiced by precipitous actions that lack common sense."

And in his letter to the Chief Minister and the Governor, Dr Blanco states:

"I express my total support for the exemplary legal measures operating in Gibraltar in nature conservation, urging you not to give way to any type of pressure, including political pressure".

G.O.N.H.S. feels this is the first time that a predominantly Spanish organisation has come out so clearly and strongly in support of Gibraltar.

And G.O.N.H.S. has released photographs taken in December last year of a dolphin dead on Sandy Bay clearly as a result of being caught in a Spanish fishing net. G.O.N.H.S. says this in a clear example of the danger of nets in our waters rich in marine life.

In an exchange of correspondence between the UK Committee of the World Conservation Union (IUCN) on which G.O.N.H.S. is represented, and the Foreign and Commonwealth Office, Paul Goriup, Head of the IUCN-UK Committee Secretariat asked "if HMG has taken, or (is) intending to take, steps to safeguard the Gibraltar Marine Nature Reserve". A Foreign and Commonwealth Office spokesman in the Energy, Science and Environment Department replied on 21 April 1998 referring to the Governor of Gibraltar's statement "assuring the Gibraltar authorities that their actions in implementing local law would continue to enjoy the full support of Her Majesty's Government" and added, " We will continue to support measures needed to ensure the conservation of marine life in the Bay of Gibraltar" (Appendix III).

THE SPANISH FISHERMEN

The atmosphere throughout the discussions was cordial and even friendly. Most of the information was exchanged at the first two meetings, held at the John Mackintosh Hall, Gibraltar and in La Linea between 3rd and 22nd April 1998, .

The main outcome of the meetings was that the following was established:

A. The first two meetings

Background information

The following information was provided by the fishermen's organisations at the meetings or immediately afterwards:

Methods used in fishing the area are conch raking, gill netting, seine netting and long line. These predominantly catch a number of species which are both migratory and resident. The methods can be used at certain times of year and within certain size limits.

THE FORBIDDEN METHODS

It may be useful to know the Spanish translation for the methods banned in Gibraltar waters. A gill net is any net that catches fish by the gills and therefore can include all nets as, depending on size of mesh, different sizes will be caught, but nevertheless caught they will be. The term is usually used to refer to drift nets or barrier nets and will possibly be described in Spanish as a "barrera". However, the point that it refers to *any* net that catches by the gills must be made.

A seine net is normally one that encircles fish and is usually referred to as "cerco". In addition there is prohibition of "arrastre", or raking of the sea bed. The seabed can be raked either by a trawl or by a conch rake, both of which are therefore forbidden. The use of pots (as for lobsters) or "canastas" and the use of artificial light is also forbidden.

The use of "palangre" or multi-hook lines is not illegal under the main Ordinance, although the intention is that once the 1995 Marine Reserve Regulations are enforced a licence will be required for this and any other method of taking marine life. This is not inconsistent with the law in Spain when all fishermen, including recreational anglers, need a licence.

On occasions Spanish fishermen using drift nets (gill nets allowed to drift) exceed the EU length limit even within their own waters. We must guard however against accepting EU norms as overriding our own laws. We will then in effect de-protect most of our wildlife, including not only the rabbit and the fox and many of our reptiles, but also among others the Barbary Ape and most of our plants, including the endemic and almost extinct Gibraltar Champion *Silene tomentosa*.

The La Linea fishing fleet consists of 75 small boats which are conch rakers or gill netters, according to the season. One vessel in La Linea uses seine nets. The annual income from fishing for the fleet is about 400 000 000 pesetas.

Algeciras has 18 seine netters plus three from Ceuta that are based there. The income from fishing is "thousands of millions of pesetas a year", but that includes the ocean going fisheries which do not come into Gibraltar.

In a good year the vessels can fish on 200 days. The average is more like 140 days. Of these from 10% to 30% of days are fished in Gibraltar waters. They clearly stated that being unable to fish in Gibraltar waters was not a "life and death issue" and that no-one will die of starvation as a result. They consider these waters a "qualitative", not a quantitative option from the point of view of having it as an extra area where they can fish when they want to do so. They want to be able to fish in our waters because they have always done so, not because of an overriding need to do so.

Suggestions

At the first meeting the fishermen proposed the following possibilities:

1. Their acceptance of certain exclusion zones near Gibraltar, namely:
 - The entrances to the harbour (north and south of the Detached mole)
 - The proximity of the airport
 - The proximity of reefs, including artificial reefs
 - The proximity of beaches during days and times they are being used by bathers.
2. A reduction in the number of boats using Gibraltar waters. No numbers specified, but more or less governed by the fact that only a limited number fit in these waters in any case - *i.e.* as many as can be fitted in.
3. Definition of methods used by zone, for example no raking on the western side (where little is carried out in any case) and no gill nets on western side.
4. The reaching of an agreement as to the species that can be captured.
5. Keeping within EU specified limits of mesh size, fish size, *etc.*
6. Policing to be carried out by Gibraltar Police in collaboration with Guardia Civil, as happens with smuggling, *etc.*
7. Licencing by Gibraltar would not be acceptable (other than for shore-based anglers) but was offered as a bottom line if it was the only way by which they could continue to fish.
8. The territorial waters matter is not an issue to them and they would accept Gibraltar Police jurisdiction.
9. The creation of a management plan for fish stocks in the Bay.

There was no indication that the fishermen would settle for a considerably reduced presence (say two or three seine netters several hundred metres off the western side after prolonged periods of easterlies) that would allow just occasional tellings off and requests to depart by the Gibraltar Police.

Comments

G.O.N.H.S. at the time made the following comments:

On the proposals:

1. Exclusion zones near Gibraltar:

This "concession" is not as great as it seems. They are agreeing not to fish in areas where they have problems anyway, like the entrance to the port, where ships might be a problem, or the proximity of reefs where nets regularly get snagged. Beaches would only be avoided when there were numbers of people there. There seemed to be no acceptance of the concept of protection of nature other than where it suited them.

2. A reduction in the number of boats using Gibraltar waters:

No indication was given of what this reduction would be nor of guarantees of enforcement, except to say that the Cofradias would assist in internal regulation. The impression was that the restrictions would coincide with about the maximum number of boats that can realistically be in the area at any one time anyway.

3. Definition of methods used by zone:

Once more very little was conceded. Raking and gill netting (alternative methods employed by the same boats) is mainly on the east side anyway, and by La Linea fishermen who because of their geographical location prefer the east side. Algeciras fishermen, who use seine nets, prefer the area off the Detached Mole. By reasons of preferred depths, they want to be within about 40m of the Mole.

4. The reaching an agreement as to the species that can be captured:

They are looking at implementing Spanish law in Gibraltar waters. Spain has a list of species that can be captured at different times of year. Unfortunately the methods used are non-selective and there cannot be control as to what species are caught in practice. While they target a number of migratory species, they also target residents and concede that the migratory species probably have resident populations in the Bay anyway.

5. Keeping within EU specified limits of mesh size, fish size, etc.:

EU sizes have been set largely according to the demands of European *fishing* (not conservation) interests. They are not good limits from a conservation point of view, which is a reason why many European countries (including Spain) have had to resort to stricter measures including areas of total protection. EU limits are not binding on Gibraltar which is outside the Common Fisheries Policy and are in any case inadequate.

6. Policing to be carried out by Gibraltar Police in collaboration with Guardia Civil:

This appeared a positive proposal. However, the Gibraltar Police have not got the expertise nor resources to police a full fisheries policy. Enforcement agencies would need to be improved, which would be costly, and resources provided to allow regular inspection and weighing of catches, including an enhancement of the present arrangements with Police, Customs and the Helping Hand Trust which is contracted to supervise conservation issues in the marine area.

7. Licencing by Gibraltar authorities could be ultimately acceptable as a last resort:

Licencing to use forbidden methods would require an amendment to the principal ordinance. If this were allowed a number of things have to be considered, for example, would the Spanish authorities accept Gibraltar's jurisdiction in issuing licences ? Would there be Gibraltarian applicants for licences ? How many licences could/would be issued ? Enforcement (again) ? Would the fish have to be landed in Gibraltar ? Are there, indeed, resources for a *Gibraltar* based fishing industry ?

8. The territorial waters matter is not an issue to them and they would accept Gibraltar Police jurisdiction:

This point was clearly welcomed, but we could not be certain that it would be sustained publicly, nor that it would have had the support of local, regional, or national Spanish government. Clearly they do not mind whose waters they are as long as they can fish there, but the politicians might feel differently.

9. The creation of a management plan for fish stocks in the Bay:

This point was raised simultaneously by both sides but expanded further as a possibility only by G.O.N.H.S. (see below).

Other comments:

Points made to the fishermen included the argument that "historical rights" and "traditional methods" do not apply to strong lights that attract fish nor to fish detection sonar.

We sensed no real concern for preserving fisheries nor understanding the need to have protected zones. The interests that emerged were very short term.

They do not seem to have a problem with recognising British waters - so long as they can fish in them. If they cannot, then the trump card of non-recognition is played. They were however worried about being arrested in Gibraltar. This worry however is principally on the part of the La Linea fleet which is made up of much smaller boats than Algeciras.

In general we could not be convinced that the Cofradias would be able to control individual fishermen and boats to keep to any understanding.

At the second meeting the fishermen once again stated their objectives. They were now even more restrictive, having gone back on many of the areas

previously explored, and they would now for example accept only exclusion from the immediate accesses to the harbour (north and south) and the airfield. They presented substantial documentation on conservation aims for Andalusian coastal areas and this was used as an opportunity by G.O.N.H.S. to once again suggest the possibility of a ban on fishing one mile off shore throughout the region which would effectively increase protection and could with time lead to a decrease in the extent of protected sea off Gibraltar. Once more this did not appear to attract much interest and was not developed further.

B. The third meeting

This was attended on the Spanish side only by the La Linea Secretary. It was brief and inconclusive and finished without a clear view to the future.

At both the second and third meeting the fishermen were informed that their proposals as they stood were not acceptable to the Gibraltar Government, a fact which we had ascertained beforehand.

THE PROBABILITY OF CONFRONTATION

It was clearly impossible to accept the Spanish proposals as they stood. They added up to an almost total rejection of the provisions of the Nature Protection Ordinance and a re-drafting of the laws of Gibraltar by the fishermen. G.O.N.H.S. needed to know whether in the view of the Government there was any point in continuing discussions on these points to arrive at a more favourable situation. Success was in any case unlikely as the fishermen's position appeared intransigent on the main issues.

Both sides agreed that a written agreement would not be prudent. A verbal understanding would be a possibility if more common ground were found, but we believed it extremely likely that the Cofradias would be unable to implement it on their side. Again enforcement would be extremely difficult and would end up in a blind eye being turned to virtually everything.

Incidents at sea were therefore likely whether or not an informal verbal agreement to flexibility was agreed. It was likely that a verbal flexible agreement would both in essence and enforcement be weighed in favour of the fishermen. This was not acceptable from a conservation point of view and, we suspected, equally unacceptable from a political viewpoint.

The reality of the situation was that unless a regional strategy were developed or some compensation deal worked out, both as longer term solutions, further incidents, mainly arrests of fishing vessels, were very likely.

Two possible ways forward were therefore identified to the Government and the Convent, neither of which was fully explored before discussions ceased, although the first was clearly not attractive to the fishermen. The second was never mentioned to them:

THE CREATION OF A MANAGEMENT PLAN FOR FISH STOCKS IN THE REGION

There is no question at all that Gibraltar's laws are legitimate, backed by international commitment and in fact years ahead of their time.

Regeneration of fish stocks and a decrease in the sizes of fishing fleets and fishing pressure is recognised in Andalucía by many organisations, including the Junta de Andalucía and fishing interests. The need for protected areas is likewise accepted. We sense a fear on the part of the fishermen that their fishing grounds will inevitably sooner or later be reduced further, in Spanish waters, and it is easier for them to argue with Gibraltar as there will always be at least a hint of support due to the political situation. They will have the same fight with their own authorities soon enough.

G.O.N.H.S. therefore proposed, as a longer term way forward, the setting up of a trans-border commission, with EU involvement and funding, to look at the regeneration of fish stocks for the whole region, including Gibraltar, the Bay of Gibraltar/Algeciras, the Straits and the Mediterranean coastline up to the area of Estepona. This should have representation from G.O.N.H.S., Spanish fishermen, Junta de Andalucía's Consejería de Medio Ambiente, the Ports of Algeciras and Gibraltar and Government officials/agencies in the area. The aim would be to obtain funding from the EU, Spain and the United Kingdom to set up Fishing Aid Devices (FADS) including artificial reefs and to regulate fishing throughout the area. This would include setting up of exclusion zones in selected parts of the whole region (including Gibraltar waters which are already protected) but could in a medium/long term result in reducing the total exclusion around Gibraltar to perhaps one mile if and when fish stocks increased generally in the area. It would also have to include an agreed plan to reduce the fishing fleets in the area and include re-training of fishermen and diversification of the economy to re-employ these. Among the points to be discussed would be that no new fishing boats should be permitted so that there would be an element of natural wastage in the reduction of the fleet.

The sense and significance of this proposal seemed to be largely lost on the fishermen's representatives and they would not be drawn into discussing it. Nor has it been even mentioned by any of their representatives since the situation resurfaced earlier this month.

THE POSSIBILITY OF COMPENSATION

The Government of Spain prohibits fishing of certain species at certain times of year. Other (regional/local/port) authorities prohibit fishing in certain specific areas. Thus for example fishing is forbidden at the entrances to Algeciras harbour and the refinery area. This is accepted by the fishermen on the grounds of safety and respect of the Guardia Civil. The fishermen have no plans, intention nor willingness to argue these points with the relevant Spanish authorities. They probably know they would get nowhere. No compensation is paid for not fishing in these areas, but the Spanish (National) Government does compensate the fishermen (through the boat owners) for lack of catch during the "biological closed season".

The financial importance of Gibraltar waters:

Based on the fishermen's own statements, one could assume that an average of 28 days (20%) are fished in Gibraltar waters by each vessel, or an equivalent of $28 \times 75 = 2100$ "vessel-days" by the La Linea fleet. The Algeciras fleet would fish in Gibraltar $21 \times 28 = 588$ "vessel days". This clearly represents a heavy and unsustainable burden on the fish and shellfish resources of Gibraltar's limited area of waters, substantiating once again Gibraltar's concerns for its marine wildlife that led to the Nature Protection Ordinance.

If the percentage holds for income in pesetas, then for the La Linea fleet an average of 20% of the income would come from Gibraltar, that is a total of 80 million pesetas or £320 000 or about £4300 p.a. per vessel, or about £1500 p.a. per fisherman.

Assuming (and we have no figures for this) an Algeciras seine-netter catches about twice the value of what a La Linea conch raker catches, the Algeciras share from Gibraltar waters would be about £8 600 per vessel per annum or a total of £180 600 for the 21 boats affected.

The calculations above suggest that a subsidy to the fishermen of La Linea and Algeciras in the region of £ 320 000 and £ 180 000 respectively, say a total of

£ 500 000 per annum could solve the problem. This is a sum that could be taken up at a European level and, if agreed, could be shared between the EU (which should encourage this sort of regional cross-frontier understanding), Spain (whose fishermen they are and which by denying them access to large areas of the Spanish side of the Bay also "deprive them of livelihood") and the United Kingdom (which is keen to see the problem go away and whose territorial waters they are).

These subsidies could be tied in to the management plan and reduced as stocks improve.

THE FISHING PROBLEM - AN ANDALUCIAN PERSPECTIVE

The fishing industry in Andalucia is in decline. This has concerned the authorities to such an extent that the Junta de Andalucia recently commissioned a study into the problems and the future of fishing in the Region. The conclusions of this study were published in 1997 in the Plan de Modernizacion del Sector Pesquero Andaluz (Junta de Andalucia, 1997). Section three of this extensive report is reproduced in Appendix IV.

Under the heading "Main constraining factors detected", the Junta's report states:

" The progressive deterioration of the fishing grounds of Andalucia is directly related to total production of the activities which are way below their potential.

" This decline is due to various causes, among which the following should be highlighted: lack of adherence to measures of organisation and control, the large number of vessels dedicated to illegal fishing and poaching and the difficulties encountered in eliminating these, the loss of important fishing areas due to environmental problems and, finally, the strong increase in extraction pressure on the fishing grounds closest to the shore produced by the increase in the fleet of small vessels using traditional methods.

"The protection of the coastline to guarantee regeneration and exploitation of the fishing grounds and, in this way, to sustain fishing in Andalucia in the long term, requires a solution to these problems."

The report highlights also the problems encountered in achieving discipline within the fishing fleets, which results in considerable overfishing. It recommends the establishment of artificial reefs to provide shelter for fish and other measures including creation of a body of fisheries inspectors. And yet in the face of this, politicians in the Campo de Gibraltar continue to state that there are no ecological reasons for controlling fishing.

The report shows clearly the difficulties of enforcement, that we have alluded to, that would be encountered in Gibraltar waters if Spanish fishermen were to be allowed in. They are clearly, by their own admission unable to self-regulate even in their own waters. It is more important to note, however, that Gibraltar has been carrying out some of the most crucial activities recommended by the Junta de Andalucia, namely the creation of artificial reefs (Shaw 1995) and the establishment of a protected zone which can act as a nursery. The Junta's plans have not yet been implemented, and it would therefore be logical for it to support the measures taken in Gibraltar to protect Andalucia's fishing industry. The authors of the report, which evidently include representatives of fishing interests, refer indirectly only to fishing exclusion zones, but the sentiment of the whole publication clearly points to the need for these.

If Andalucia lacks the courage to take such steps, it should welcome Gibraltar's initiative. Whether or not it does it is clear from the problems faced

by fishermen throughout the region, that the claims that their fishing is "ecological" or "takes the environment into consideration" or is "never going to adversely affect fish stocks significantly" are not based on fact and fly in the face of this major report to which the fishermen's representatives have themselves contributed.

It is ironic that in future, Spanish regional and local governments are going to be faced with similar pressures to those Gibraltar is being subjected to, as they find themselves forced to protect areas of their coastline and their own fishermen try to force them to let them fish.

RENEWED ACTIVITY

There were few incidents of Spanish fishing vessels in Gibraltar waters between April and the beginning of September. Following the discussions involving G.O.N.H.S., the Governor's statement, and incidents when the resolve of the Gibraltar and UK Governments became evident, infractions of the Ordinance dropped dramatically. In early September incidents once again commenced with the attendance of about 20 vessels, apparently from Algeciras in the area of the detached mole, within Gibraltar and Admiralty waters.

H E the Governor, who throughout the incidents has stood out in support of Gibraltar's laws once again made a public statement to the effect. However, press reports indicate that there are intense discussions in many sectors, in Gibraltar, but mainly in Spain and perhaps in London on the matter. G.O.N.H.S. is concerned that many of these statements are repeating past points already answered in our discussions and are using misinformation to make points that are easily refuted and have been in the past.

WHERE WE ARE COMING FROM

G.O.N.H.S. supports the Spanish fishermen in their attempts to find a livelihood. G.O.N.H.S. differs with the leaders of the fishermen in their methods and in trying to suggest to them that their problems will all be solved if they can fish in Gibraltar waters. Their problems are much, much wider than that and need to be addressed by *their* authorities, and we predict may in the long term well require many more fishing exclusion zones in the region. If Gibraltar were to say "OK, you can fish", their problems will most definitely not be resolved.

Spain, at all levels of Government needs to invest in improving the lot of the fishermen by diversifying and introducing such measures as fish refuges, farms, and other economic activity. They must stop using a political stick to hit Gibraltar over an environmental problem which is theirs.

KEY POINTS

G.O.N.H.S. summarises the main points, making use of its knowledge of the issues involved, which is greater than any other organisation's, as follows:

- Fishing with nets and rakes, and use of artificial light to attract fish is illegal in the waters of Gibraltar. Long line fishing is permitted but should be licensed under the 1995 Regulations.
- The waters of Gibraltar are defined by the Geneva Convention to which Spain is a party.
- The methods are prohibited under nature conservation laws and the issue is therefore not political.
- Gibraltar has a legitimate and constitutional right to legislate in matters of nature conservation. The laws are legitimate and well justified:
 - Gibraltar's waters are a small area and cannot sustain commercial fishing
 - Fishing stocks in the area are in decline
 - Gibraltar has an international obligation to conserve its marine species
 - The measures have been seen to be effective in Gibraltar as well as in Spain.
- Vessels fishing in these waters are breaking the law and committing a criminal offence.
- Gibraltar's law enforcement agencies have to take action when criminal offences are committed, by person or persons of whatever nationality.
- Spanish fishermen, on their own admission do not NEED to fish in Gibraltar waters for survival: they like to have it as an option.
- They are not allowed to fish near the port of Algeciras nor in the approaches to the petrochemical works on the north and north-west of the Bay.
- They move into Gibraltar waters because they are quick to exhaust stocks in their own
- Fish living in and/or reproducing in Gibraltar waters will swim into Spanish waters.
- Spanish biologists close to the fishermen have stated that marine protected areas of the type found in Gibraltar's waters are essential.

- The Spanish fishing fleets of Algeciras and La Linea are in decline as fish stocks in general fall : there is a need for the Spanish authorities to diversify the occupation of present fishermen.
- The Junta de Andalucia itself recognises the need to stabilise the fishing fleet.
- Spain has itself designated many areas where fishing is prohibited for reasons of nature conservation.
- There seems a failure on the part of Spanish fishing interests to understand the true issues, despite these having been explained to them at length. There may be an unwillingness to understand the issues. Issues such as the right to declare nature protection areas are repeatedly ignored.
- The long term solution must include recognition of the value of protection of marine life and extensive measures to protect this in waters adjacent to Gibraltar.
- A respect for nature protection laws and a regional approach to improve fish stocks must be achieved.
- Any move to licence Spanish fishermen will be followed by Gibraltarians wishing to be given priority for such licences
- Concessions which appear to accept Spanish claims on the sovereignty of Gibraltar waters could be followed by Spanish claims for bunkering fees to be payable in the Bay, with negative consequences for both Gibraltar and Spain.

CONCLUSIONS

This is a complex but interesting problem that calls for imaginative and courageous solutions. Once again Gibraltar has taken its international responsibilities in conservation seriously and made them more than just a "paper tiger". Its position is sound and reasonable. This position should be reinforced by the immediate enforcement of the totality of the 1995 Marine Reserve Regulations, which cover many more areas than the question of net fishing and raking.

G.O.N.H.S. feels the impetus of the moment needs to be channelled towards long term benefits for the fish and their exploiters, both Man and wildlife.

Its main recommendations are, therefore:

Removal of the issue from the political arena by the setting up of a Commission to regulate fishing the Bay and Straits of Gibraltar with the aim of maintaining marine biodiversity in the region and achieving sustainable exploitation of fish on a regional basis as follows:

1. Recognition of the legitimacy of the laws of Gibraltar and Spain in their respective waters.
2. Improved conservation of marine resources in the Straits area by:
 - Increasing protected coastal zones in Spanish waters
 - Provision of fishing aid devices
 - Policing of commercial fishing boats
 - Implementing a licencing system for legal methods in Gibraltar waters (nets and rakes excluded).
3. Recognition of the fall in fish resource and consequent re-directing of economy in La Linea and Algeciras by re-training and incentives to reduce number of people dependent on fishing.
4. Consideration of a level of compensation for not fishing in certain waters of the Bay (Gibraltar and Spanish ~ Algeciras port and refinery) met by UK and Spanish Governments
5. Once 1-3 achieved, considering a possible reduction in the protected zone east of Gibraltar allowing a small number of licensed fishing boats.

Above all, it is imperative that the whole issue be brought back to what it is - legitimate measures to conserve nature and to allow a recovery of fish stocks for the long term benefits of wildlife and of the fishermen in our neighbouring cities. The fishermen need to realise that they are being used for political gains by persons who are looking at the problem in the shortest term.

Questions of territoriality, politics, frontier queues and neighbourly relations, good or deteriorating have no place in the discussions. Nor have those players who have their own interests and not those of nature, and the children of the fishing communities, at heart.

FREQUENT MISCONCEPTIONS

Repeatedly the following points are made by Spanish media:

"We have always fished here"

TRUE.

But this is no justification. The area was not protected before and they overfished for so long that the activity is no longer sustainable.

"Our fishing methods are perfectly legal"

WRONG

This refers to methods allowed by the European Union's Common Fisheries Policy, which does not apply to Gibraltar. Even if it did Gibraltar, like many other European countries, has legitimately decided to designate an area of protection for marine life. And so ALL METHODS OF NET FISHING OR SEA BED DRAGGING ARE ILLEGAL IN GIBRALTAR WATERS, no matter how legal they may be elsewhere.

"We only use traditional methods"

WRONG

The so-called "traditional methods" involve the use of nylon nets to catch fish located by sonar devices and attracted by extremely powerful artificial light.

These methods are clearly not traditional. Only conch-raking still follows tradition.

"Traditional methods do not harm the environment"

WRONG

Conch raking, the only true traditional method still used by Spanish fishermen in the area, is extremely destructive of the sea bed as it is indiscriminate and can devastate areas of the sea floor, including protected species.

"We respect Gibraltar's environment"

WRONG

The fishermen show no consideration for the particularly sensitive areas off the southwest of Gibraltar, such as Seven Sisters or the G.O.N.H.S. Artificial Reef. Not only does dragging harm these habitats directly, but cast-off nets keep on killing fish and other marine life for months or years after they have been abandoned. Their intentions are for short-term gain only.

"We respect the Gibraltar authorities"

WRONG

Respect exists so long as they are allowed to do what they want. Otherwise they would not enter our waters and break our laws.

"We are harassed by the Gibraltar authorities"

WRONG

Enforcement of the legitimate laws of a territory by its police cannot be considered harassment. Gibraltar police forces are carrying out their legitimate duties, using maximum restraint, despite being subjected to considerable abuse.

"We need to fish in Gibraltar waters in order to feed our families"

WRONG

By their own admission, made at a meeting with G.O.N.H.S., they do not. It is a convenient extra, especially during leaner conditions, but not essential. The long-term benefits of having a well protected nursery in Gibraltar's waters are much greater and are an investment in favour of the future of their livelihood. They mention 600 families. No way does the small extent of Gibraltar waters hold that many fish nor would exploitation on such a scale be sustainable.

OTHER PROBLEMS AT SEA

There are other problems faced by marine life in Gibraltar waters. These include overfishing fishing with spearguns, fishing with and aqualungs, fishing with many rods at once (usually by Spanish shore anglers), spillages of oil by ships at sea and from shore-based installations.

Most of these problems could be solved by the implementation once and for all of the 1995 Marine Nature Reserve Regulations which are meant to introduce a licencing regime *for those activities permitted by the Nature Protection Ordinance*.

This means that long line and rod fishermen, of whatever nationality, would need licences in order to carry out their activities. These would be easily obtained and inexpensive, but would serve to control the abuse of our coastline, often by visiting anglers.

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SPANISH FISHERMEN & GIBRALTAR - THE KEY PLAYERS

Much of what has happened over the past six months has shown an increasing element of intrigue, with many players in many corridors, each with their own agenda.

The Players and non-players

It now becomes increasingly evident that orchestration by many parties is now clouding the issue completely. We will attempt to clear the air by noting what, in our view, some of these key players could be trying to achieve:

The key parties as we see them are as follows;

The Cofradia de Pescadores of La Linea
The Cofradia de Pescadores of Algeciras
The Director General de Pesca de La Junta de Andalucia
The Gibraltar Government
The Convent FO desk
The Governor of Gibraltar
The UK Foreign Office
The Spanish Foreign Office
The Mayors of La Linea and Algeciras
G.O.N.H.S.
Iberian Council for the Defence of Nature
Political Parties

Here are some thoughts on each of them:

The Cofradia de Pescadores of La Linea

Historically the la Linea fishermen have always made incursions into the territorial waters of Gibraltar to fish. This is well documented right up to the beginning of this century. Historically and to date these incursions have usually ceased when they have been approached by Gibraltar authorities.

How can the fishermen be led to believe by their leaders that their livelihood rests on so small an area that makes up Gibraltar's waters? It would appear that the leaders of the cofradia are manipulating the simple fishermen whose life is hard enough without giving him the dream of believing it could be easier by fishing in so little an area as Gibraltar.

The conclusion that we and no doubt some of the fishermen, privately, come to is that someone is gaining prominence by using these hard-working people as a big stick to hit their neighbour with, a stick that can only create financial difficulties for people on both sides of the border who are not related in any way to the commercial industry of fishing.

The Secretary of the Cofradia de Pescadores de la Linea has openly confessed on several occasions in meetings with G.O.N.H.S. that fishing Gibraltar's waters gives no big advantage to their commercial industry. They state that there is a qualitative, not quantitative value to fishing our waters. We interpret this as meaning it is merely convenient to the few that will encroach on Gibraltar's waters. So only a few will have this privilege - the rest can suffer as only fishermen do.

The Cofradia de Pescadores Algeciras

The same applies to Algeciras, only in this case they are supplying fish for a population of 160 000, not 60 000, people which makes their demands far higher and undoubtedly at the expense, should an arrangement be reached, of the Cofradia of La Linea. It would appear to us that those who are higher up within these organisations wish these accommodations to apply solely to them and theirs and not to the whole membership of each respective cofradia.

The Director General de Pesca de La Junta de Andalucia

The Director General's organisation issues fishing permits for specific types of fishing over specific fishing grounds. These fishing licences are for specific areas and never has the area of the territorial waters of Gibraltar been part his jurisdiction. Throughout Europe the Food and Agriculture Organisation of Rome attaches fishing numbers to community members delineating their home. Gibraltar listed by the FAO which states that the area is *not* used commercially.

The Gibraltar Government

The Gibraltar Government, for its part, saw fit in 1991 to pass through its House of Assembly the Nature Protection Ordinance covering both terrestrial and marine species of flora and fauna. Within this Ordinance specific methods of fishing were no longer allowed. This came about because traditional fishing in Gibraltar had long ceased and there was no longer a commercial fishery. This they did with the full agreement and acceptance of the United Kingdom Government. The Gibraltar Government', through two administrations, has stood firm on this Ordinance.

The Governor of Cadiz

For his part the Governor of Cadiz has had little to say on the subject. This is possibly due to the fact that historically the Governor's office has kept the Campo area at the bottom end of the scale when it comes to funding administered by his office for the province of Cadiz. Cadiz has historically kept people of the Campo area looking over their shoulders at the town of some 30 000 in a place called Gibraltar while pueblos near the provincial capital have been in relative prosperity. Considering that international politics is involved, from the Cortes to London it is more than significant that Cadiz is silent. It should not go unnoticed that the problems that beset all people of the Cadiz province should be addressed in the same manner that they are addresses in Zahara, Barbate and other places much closer to the seat of provincial Government. What the Governor's feelings on the plight of these fishermen are, if plight there is, we do not know.

The Convent FO desk

The FO desk at the Convent is a difficult area to define for they in themselves are not the ultimate power. Their agenda as has been seen in the past does not necessarily take to heart the issue at hand and takes other wider interests into account. To the great part we are in the dark as to what these people think or wish to do. What accommodation they may be seeking in this present situation is anyone's guess as we do not have possession of their song sheet, and within the Foreign Office there are many musicians.

The Governor of Gibraltar

The Governor of Gibraltar, Sir Richard Luce, has stood firmly behind the laws of Gibraltar, independently of any other desk in the Convent or elsewhere. The public at large may not know how firmly he stands behind the Nature Protection Ordinance as they are unaware of his day to day activities on these issues. G.O.N.H.S. believes that the Governor of Gibraltar has stood firmer on this issue than any other Governor before. One only hopes that his wishes to uphold our law are achieved. It would no doubt take his withdrawal from Gibraltar to convince most that he emphatically defends our right to implement the laws passed by our House of Assembly.

The UK Foreign Office

To know what accommodation the UK Foreign Office may be wishing to achieve is impossible. As with the Holy Grail there is great myth and much legend. Their achievements seem always to aim at accommodation and compromise and never at the issues at hand

The Spanish Foreign Office

The Spanish Foreign Office for its part no doubt knows more of Great Grail legend than the UK Foreign Office. Their history of manipulations by using side issues is well known in Gibraltar and will no doubt continue. We do not know what the Spanish Foreign Office is trying to achieve. They are well aware of the position of the 1958 Geneva Convention on territorial waters. They were signatories to it. It was done under a Franco Government and it agreed then that Gibraltar, via the United Kingdom, had territorial waters. To cloud an issue that they could quite easily lay to rest only confirms they wish to gain on a side issue (sovereignty ?) that has nothing to do with the problems at hand. We know little more of what the Spanish Foreign Ministry may be trying to achieve. But on this issue they have never directly or indirectly made any considered statement, nor have they directly or indirectly stated that what we implement with our Ordinance is wrong or illegal.

The Mayors of La Linea and Algeciras

Their part in this ongoing problem is purely an attempt to gain political capital. When they wish to buy cakes they buy them. However only when the issues are fresh. When the issue slips from the front pages and the news media their presence is obvious by its absence. The Spanish fishermen however are the ones that are always on the losing end. If the mayors of both these cities wished to help these fishing communities, they would ask that the plan to modernise the fishing fleets of Andalucia be implemented immediately, that EU funding should be sought by central government on their behalf to improve their fisheries, issues which have been well studied and presented by the Junta de Andalucia. It goes without saying that these things would take time but to date we have wasted the best part of a decade on an issue that covers an area as small as Gibraltar. If this small area were to save the day, then we would be in agreement with them. However, sustainable development with the growing populations of Andalucia does not seem to be on their respective agenda.

The Gibraltar Ornithological & Natural History Society (G.O.N.H.S.)

G.O.N.H.S. for their part were the driving force behind the implementation of the Nature Protection Ordinance. Their work on this issue spans some fifteen years, the culmination of which is today's Nature Protection Ordinance. The part that they played may be smiled on by many and despised by even more. However, in today's changing world and the depletion of global resources the need for this protection will in the future provide a baseline from which resources may still continue to flow. The point has always been made that the territorial waters of Gibraltar are a nursery for all marine species. This includes oceanic and seasonal species that enter Gibraltar's waters to spawn each year. The fingerlings of these leave Gibraltar's territorial waters to help replenish diminishing stocks outside, where they are no doubt taken or not by fishermen. These issues were part and parcel of the philosophy behind the implementation of the Nature Protection Ordinance. The greatest obstacle encountered in implementing this part was that it did not help Gibraltar in any way. Quite the contrary. It benefited the fishermen of Andalucia.

It is however, always going to be difficult to convince a fisherman at his daily labour that what we have implemented will in the future provide him and his children with a livelihood. The detrimental effect to the fisheries in this area is self-evident in regard to the tuna fishery. Japanese buyers take all the much reduced tuna stocks that are fished on this coastline preventing the inhabitants of Andalucia using a resource that historically was always theirs. Tuna now comes only in cans. It is ironic that Pacific Tuna in cans is sold to the people of Andalucia who up until recently had access to fresh tuna. Alas this is no more and those that gain from this remain silent, and the tuna fishermen from la Atunara make what little they made no more.

G.O.N.H.S. makes no excuses for the problems that arise from the implementation of the Nature Protection Ordinance. These points were made clear to the administration of the day and to the United Kingdom Foreign Office. With these problems highlighted they saw no difficulty in the implementation of the ordinance. We today and as things stand see no need for any accommodation, arrangement nor change to this ordinance which has been praised by many European organisations as an example of what can be achieved.

Iberian Council for the Defence of Nature (CIDN)

The CIDN for their part are like minded people as those in G.O.N.H.S. who see the defence of nature as the way ahead for the future. They, like G.O.N.H.S. would not like to see changes in historical professions however they too realise that dwindling stocks must be addressed by what appear to be draconian measures. These draconian measures, however, only ensure the longevity of these professions for future generations.

Political Parties

Political parties have made statements on the subject in question, taking one or the other side, but usually with only basic information and with political motives as their main considerations.

