

Original: English

Appendix 5

LETTER FROM GIBRALTAR ON BFT CATCHES
ICCAT Circular 5536/16

INTERNATIONAL COMMISSION FOR THE
CONSERVATION OF ATLANTIC TUNAS



COMISIÓN INTERNACIONAL PARA LA
CONSERVACIÓN DEL ATÚN ATLÁNTICO

COMMISSION INTERNATIONALE POUR LA
CONSERVATION DES THONIDES DE L'ATLANTIQUE



Madrid, 23 August 2016

ICCAT CIRCULAR # 05536 / 2016

SUBJECT: CATCHES OF BLUEFIN TUNA BY GIBRALTAR

Please find attached a letter received from the Minister of State for Europe and the Americas of the United Kingdom in response to the letter sent by the Commission Chair. It was agreed at the 24th Regular Meeting of the Commission that the Chair should request explanations regarding the "Tuna Preservation Regulations" through which Gibraltar had set itself an autonomous total allowable catch for East Atlantic and Mediterranean bluefin tuna.

The letter has been translated into French and Spanish by the Secretariat.

Please accept the assurances of my highest consideration.


Driss Meski
Executive Secretary



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– **Commission Officers:**

Commission Chairman:	M. Tsamenyi	COC Chairman:	D. Campbell
First Vice Chair:	S. Depypere	PWG Chair:	F. Donatella
Second Vice Chair:	R. Delgado	STACFAD Chair:	S. Lapointe
SCRS Chairman:	D. Die		

– **Head Delegates**

– **Cooperating Parties, Entities, or Fishing Entities**

Attach.: Letter from the Minister of State for Europe and the Americas of the United Kingdom [ICCAT entrada # 9389/16 of 22 August 2016].



Foreign &
Commonwealth
Office



9389

Minister for Europe and the Americas
King Charles Street
London SW1A 2AH

19 August 2016

Mr Martin Tsamenyi
Commission Chair
International Commission for the Conservation of Atlantic Tunas
Corazon de Maria, 8
28002, Madrid
Spain

By email: info@iccat.int

Dear Mr Tsamenyi,

I am writing in response to the Note Verbale that you sent on 02 February 2016 about catches of bluefin tuna taken in British Gibraltar Territorial Waters (BGTW).

The UK Government is clear that neither the provisions of the International Convention for the Conservation of Atlantic Tunas (the Convention) nor measures and rules established by the International Commission for the Conservation of Atlantic Tunas (ICCAT) apply to BGTW. Additionally, according to the relevant legal framework, we do not consider that HM Government of Gibraltar's actions constitute illegal, unreported, and unregulated activity (IUU). The UK Government and HM Government of Gibraltar are committed to the sustainable management of tuna and tuna-like species, and I hope that the additional information below is sufficient to reassure you of our position.

The Convention's provisions and ICCAT's quotas, measures and procedures do not apply to BGTW as neither the UK's nor the EU's ratification of ICCAT extends to the territory of Gibraltar. HM Government of Gibraltar has taken steps to voluntarily implement effective conservation and management of bluefin tuna in BGTW, and whilst these steps are in line with ICCAT standards, they are independent of ICCAT's formal remit.

The UK's ratification of the UN Convention on the Law of the Seas (UNCLOS) does extend to the territory of Gibraltar. We therefore consider it to be the applicable legal framework here. According to UNCLOS a coastal state (here, the United Kingdom) is free to set laws for the conservation and use of marine resources in its territorial seas. HM Government of

Gibraltar therefore is entitled to undertake the measures that they have, which they set out in detail in their letter of 19 April 2016.

Therefore, as the Convention obligations and ICCAT rules do not apply to BGTW, and given that HM Government of Gibraltar has a mandate to pursue conservation measures under UNCLOS, we do not consider HM Government of Gibraltar's activities to constitute IUU.

I hope that this information provides reassurance that HM Government of Gibraltar is acting in accordance with international law and in a way which ensures effective conservation and sustainable use of bluefin tuna.

A handwritten signature in black ink, appearing to read "Alan Duncan". The signature is written in a cursive, slightly slanted style.

**RT HON SIR ALAN DUNCAN MP
Minister of State for Europe and the Americas**