

**REQUEST FOR AN ADVISORY OPINION FROM THE  
COUNCIL OF THE INTERNATIONAL SEABED AUTHORITY,  
attached:**

- Decision of the Council of the International Seabed Authority requesting an advisory opinion pursuant to Article 191 of the United Nations Convention on the Law of the Sea (ISBA/16/C/13, 6 May 2010)**
- Décision du Conseil de l'Autorité internationale des fonds marins tendant à demander un avis consultatif conformément à l'article 191 de la Convention des Nations Unies sur le droit de la mer (ISBA/16/C/13, 6 mai 2010)**



## INTERNATIONAL SEABED AUTHORITY

THE SECRETARY-GENERAL

11 May 2010

Excellency,

I have the honour to inform you that the Council of the International Seabed Authority, at its 161st meeting held on 6 May 2010, under its agenda item 7, decided to request the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea, pursuant to Article 191 of the United Nations Convention on the Law of the Sea and Article 131 of the Rules of the Tribunal, to render an advisory opinion on the following questions:

1. What are the legal responsibilities and obligations of States Parties to the Convention with respect to the sponsorship of activities in the Area in accordance with the Convention, in particular Part XI, and the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982?
2. What is the extent of liability of a State Party for any failure to comply with the provisions of the Convention, in particular Part XI, and the 1994 Agreement, by an entity whom it has sponsored under Article 153, paragraph 2(b), of the Convention?
3. What are the necessary and appropriate measures that a sponsoring State must take in order to fulfil its responsibility under the Convention, in particular Article 139 and Annex III, and the 1994 Agreement?

Please find enclosed herewith the aforementioned decision of the Council, in English and French, as set out in document ISBA/16/C/13

I have the honour further to inform you that pursuant to Article 131 of the Rules of the Tribunal, the Secretariat has begun to prepare a dossier containing all documents likely to throw light upon the questions. The dossier will be transmitted to the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea as soon as possible.

H.E. Judge Tullio Treves  
President of the Seabed Disputes Chamber

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I have appointed Mr. Michael Lodge, Legal Counsel to the Authority, as my representative for the further proceedings.

Finally, I would like to inform the Chamber that the next meeting of the Council of the Authority will take place on 25 April 2011.

Please accept the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in black ink that reads "Nii Allotey Odunton".

Nii Allotey Odunton

H.E. Judge Tullio Treves  
President of the Seabed Disputes Chamber  
International Tribunal for the Law of the Sea  
Am Internationalen Seegerichtshof 1 - 22609  
Hamburg - Germany

International Seabed Authority

ISBA/16/C/13

**Council**Distr.: General  
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Kingston, Jamaica  
26 April-7 May 2010

**Decision of the Council of the International Seabed Authority requesting an advisory opinion pursuant to Article 191 of the United Nations Convention on the Law of the Sea**

*The Council of the International Seabed Authority,*

Considering the fact that developmental activities in the Area have already commenced,

*Bearing in mind* the exchange of views on legal questions arising within the scope of activities of the Council,

*Decides*, in accordance with Article 191 of the United Nations Convention on the Law of the Sea ("the Convention"), to request the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea, pursuant to Article 131 of the Rules of the Tribunal,<sup>1</sup> to render an advisory opinion on the following questions:

1. What are the legal responsibilities and obligations of States Parties to the Convention with respect to the sponsorship of activities in the Area in accordance with the Convention, in particular Part XI, and the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982?
2. What is the extent of liability of a State Party for any failure to comply with the provisions of the Convention, in particular Part XI, and the 1994 Agreement, by an entity whom it has sponsored under Article 153, paragraph 2 (b), of the Convention?
3. What are the necessary and appropriate measures that a sponsoring State must take in order to fulfil its responsibility under the Convention, in particular Article 139 and Annex III, and the 1994 Agreement?

*161st Meeting  
6 May 2010*

<sup>1</sup> ITLOS/8, 17 March 2009