

**DECLARATION OF JUDGE NDIAYE**

[*Translation*]

I wish to place on record that I do not share the views of the majority with regard to the determination of the amount of the bond.

In my view, the provisions of the Convention providing for prompt release of vessels and crews upon the posting of a reasonable bond or other financial security pertain to the application of laws and regulations of the coastal State. It is therefore to those laws and regulations that one must turn in order to determine the bond or financial security in the most realistic manner, absent prescribed standards of determination.

It is domestic legislation which can supply information regarding fines incurred in respect of charges lodged against the captain or legal persons, or regarding appearance in court. Moreover, the administrative authority in charge of maritime fisheries and aquaculture is equipped to determine the value of a fishing vessel or that of an illegal catch. It is on the basis of those elements that one can arrive at objective criteria for determining the amount of the reasonable bond or other financial security, without venturing into extra-legal considerations.

(*Signed*) Tafsir Malick Ndiaye