



**INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA
TRIBUNAL INTERNATIONAL DU DROIT DE LA MER**

Press Release

**THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA RECEIVES A
REQUEST FOR AN ADVISORY OPINION FROM THE SUB-REGIONAL
FISHERIES COMMISSION**

On 28 March 2013, the International Tribunal for the Law of the Sea received a request from the Sub-Regional Fisheries Commission (SRFC) to render an Advisory Opinion.

The SRFC is located in Dakar, Senegal and comprises seven member states: Cape Verde, the Gambia, Guinea, Guinea-Bissau, Mauritania, Senegal and Sierra Leone. In a resolution adopted during its fourteenth extraordinary session (25-29 March 2013), the Conference of Ministers of the SRFC authorized the Permanent Secretary of the SRFC “to seize the International Tribunal for the Law of the Sea [...] in order to obtain its advisory opinion on the following matters:

1. What are the obligations of the flag State in cases where illegal, unreported and unregulated (IUU) fishing activities are conducted within the Exclusive Economic Zone of third party States?
2. To what extent shall the flag State be held liable for IUU fishing activities conducted by vessels sailing under its flag?
3. Where a fishing license is issued to a vessel within the framework of an international agreement with the flag State or with an international agency, shall the State or international agency be held liable for the violation of the fisheries legislation of the coastal State by the vessel in question?
4. What are the rights and obligations of the coastal State in ensuring the sustainable management of shared stocks and stocks of common interest, especially the small pelagic species and tuna?”

The resolution was adopted pursuant to article 33 of the 2012 Convention on the Determination of the Minimal Conditions for Access and Exploitation of Marine Resources within the Maritime Areas under Jurisdiction of the Member States of the Sub-Regional Fisheries Commission (CMAC), according to which the Conference of Ministers may authorize the Permanent Secretary of the SRFC to seize the Tribunal

on a specific legal matter for its advisory opinion. By letter dated 27 March 2013 the Permanent Secretary of the SRFC, Mr Kane Ciré Amadou, transmitted the request for an advisory opinion to the President of the Tribunal.

The Advisory Opinion has been entered in the List of cases of the International Tribunal for the Law of the Sea as Case No. 21.

Pursuant to article 138 of its Rules, the Tribunal may give an advisory opinion on a legal question if an international agreement related to the purposes of the Convention specifically provides for the submission to the Tribunal of a request for such an opinion. A request for an advisory opinion shall be transmitted to the Tribunal by whatever body is authorized by or in accordance with the agreement to make the request to the Tribunal.

The text of the Request for an Advisory Opinion will be available shortly on the Tribunal's website.

Note: The press releases of the Tribunal do not constitute official documents and are issued for information purposes only.

The press releases of the Tribunal, documents and other information are available on the Tribunal's websites (<http://www.itlos.org> and <http://www.tidm.org>) and from the Registry of the Tribunal. Please contact Ms Julia Ritter at: Am Internationalen Seegerichtshof 1, 22609 Hamburg, Germany, Tel.: +49 (40) 35607-227; Fax: +49 (40) 35607-245; E-mail: press@itlos.org