

**Contribution to the report of the Secretary-General
on oceans and the law of the sea**

Judicial work

1. The International Tribunal for the Law of the Sea delivered its advisory opinion in the *Request for an advisory opinion submitted by the Sub-Regional Fisheries Commission (SRFC), (Request for Advisory Opinion submitted to the Tribunal)* (Case No. 21) on 2 April 2015. On 25 April 2015, the

by vessels flying its flag. The flag State is not liable if it has taken all necessary and appropriate

In response to the third question, the Tribunal found that, in cases where an international organization, in the exercise of its exclusive competence in fisheries matters, concludes a fisheries access agreement with an SRFC Member State, which provides for access by vessels flying the flag of its member States to fish in the exclusive economic zone of that State, the obligations of the flag State become the obligations of the international organization. In the case before it, the Tribunal observed that such international organization was the European Union. According to the Tribunal, only the international organization may be held liable for any breach of its obligations arising from the fisheries access agreement, and not its member States. Therefore, if the international organization

the international organization liable for the violation of their fisheries laws and regulations by a vessel flying the flag of a member State of that organization and fishing in the exclusive economic zones of the SRFC Member States within the framework of a fisheries access agreement between that organization and such Member States. In response to the fourth question, the Tribunal identified a number of obligations of the SRFC Member States in ensuring the sustainable management of shared stocks. Concerning shared stocks occurring in the exclusive economic zones of the SRFC Member States, these obligations include the obligation to cooperate with the competent international to ensure that the maintenance of those stocks is not endangered by overexploitation, as well as the obligation to seek to agree upon the measures necessary to coordinate and ensure the conservation and development of such shared stocks. In relation to tuna species, the Tribunal referred to the obligation of the SRFC Member States to cooperate directly or through the SRFC with a view to ensuring conservation and promoting the objective of optimum utilization of such species in their exclusive economic zones.

3. *Case No. 23.* The case relates to the dispute between Ghana and Côte d'Ivoire concerning the delimitation of their maritime boundary. It was submitted to a special chamber of the Tribunal by notification of a special agreement concluded between the Parties on 3 December 2014. At the request of the Parties, the Tribunal, by Order of 12 January 2015, formed a

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disputed area, before a decision on the merits is given by the Special Chamber, and that the risk of such prejudice was imminent. It considered however that an order suspending all exploration or exploitation activities conducted by or on behalf of Ghana in the disputed area, including activities in respect of which drilling had already taken place, would cause prejudice to the rights claimed by Ghana, would create an undue burden on that State and could also cause harm to the marine environment. The Special Chamber found it appropriate, in order to preserve the rights of Ghana to take all the necessary steps to ensure that no new drilling either by Ghana or under its control takes place in the disputed area. It also ordered