

Advisory Opinion of the International Tribunal for the Law of the Sea; Manifestation of Flag State Obligations on Illegal Fishing by Vessels Flying its Flag in the Exclusive Economic Zone of Third State

Salehi, Javad*

Assistant Professor, Department of Law, Payam-e-Noor University, Tehran, Iran. Email: javadsalehi@pnu.ac.ir

Received Date: July 5, 2015

**Corresponding Author*

Accepted Date: December 31, 2016

Abstract

Exclusive Economic Zones are under the jurisdiction of the coastal states, but with certain conditions set forth in the Convention of the Law of the Sea, have rights and freedoms of exploiting their living resources. Fishing Vessels under the jurisdiction of the Flag State are to catch marine living resources in the Exclusive Economic Zone of third country. Meanwhile, the Flag State is obligated to prevent illegal fishing activities of the vessels flying their flag. Coastal states also rely on the mechanisms of International Tribunal for the Law of the Sea for determining the obligations of Flag States. One of these mechanisms is requesting for an Advisory Opinion from the International Tribunal for the Law of the Sea.

African Coastal States Fisheries Commission in an emergency meeting of ministers of its member states issued a resolution and requested International Tribunal for the Law of the Sea for an Advisory Opinion about the obligations of the flag State in cases where illegal fishing activities are conducted by vessels flying their flag within the Exclusive Economic Zone of the coastal states that are members of the commission. International Tribunal for the Law of the Sea has issued its Advisory Opinion on 2 March 2015 that was about the obligations of flag state towards illegal fishing by vessels flying the flag of the member states in the exclusive economic zone based on provisions of the Convention of the law of the Sea and Convention on the Determination of the Minimal Conditions for Access and Exploitation of Mineral Resources Within the Maritime Areas under the Jurisdiction of the Member States. This Opinion was impacted by the achievements of Disputes Chamber of the ITLOS's Advisory Opinion and Jurisprudence of International Court of Justice which has been the subject of this article.

Keywords: International Tribunal for the Law of the Sea, Convention of the Law of the Sea, Sub-Regional Fisheries Commission, Advisory Opinion, Illegal Fishing.
