Written Statement of the Swiss Confederation

Dear Mr. Gautier

Switzerland would like to take the opportunity to respond to your request for an advisory opinion as submitted by the Sub-Regional Fisheries Commission (SRFC).

Although Switzerland has neither a coast line nor are there any fishing vessels flying the flag of Switzerland, we would like to issue a clear statement regarding illegal fishing activities within maritime areas under the jurisdiction of Member States. As a member of UNLOS we feel obliged to answer the questions contained in the order concerning Case No. 21, issued on May 24, 2013.

1. The Flag State is obliged to combat IUU-Fishing activities of its vessels as the exploitation of resources in the EEZ is reserved for the coastal state.

2. The Flag State should be fully liable for such illegal activities.

3. If the domestic legislation of the coastal state is part of the agreement or at least known to the Flag State, the respective State or agency should be held liable.

4. The pertinent provisions of UNCLOS constitute a sufficient legal basis for a sustainable management.

Yours faithfully,

Dr. Reto Dürfer

Swiss Maritime Navigation Office
Head