

APPENDIX A

Scope of Work

Legal and Policy Research on the Potential for an International Tribunal for the Law of the Sea Advisory Opinion on Unregulated Fishing

I. Background

The Pew Charitable Trusts is exploring options to promote stronger governance of unregulated fishing on the high seas. While illegal, unreported, and unregulated (IUU) fishing is a widely accepted concept, addressed in several international agreements, the ‘unregulated’ component has received comparatively little attention in international law and practice, particularly in areas beyond national jurisdiction.

The International Tribunal for the Law of the Sea (ITLOS) has jurisdiction to issue advisory opinions upon request by certain authorized bodies¹. Pew is seeking expert analysis on the potential value of such an opinion, and the most effective legal, procedural, and diplomatic pathways to advocate for competent bodies to request such an opinion. Pew is seeking an analysis to inform future strategy on improvements to high seas governance, covering the following aspects of potential ITLOS action:

Legal framework analysis

- Clarify ITLOS’ jurisdiction to issue advisory opinions under ITLOS Rules of Procedure, Article 138, and any other related agreements.
- Review relevant precedents, including the Sub-Regional Fisheries Commission Opinion 2015 and Commission of Small Island States Opinion 2024².

Procedural Pathways

- Outline viable mechanisms for initiating an advisory opinion request, including an assessment of the political and diplomatic feasibility of each option.
- Assess political feasibility, risks, and timelines for each route.
- Provide a summary table comparing procedural options.

Legal Questions for ITLOS

- Recommend clear, admissible, and impactful legal questions on measures to combat unregulated high seas fishing, and the responsibilities of states and multilateral bodies under existing international law and agreements.
- Map connections with the United Nations Convention on the Law of the Sea (UNCLOS), the United Nations Fish Stocks Agreement, United Nations Food and Agriculture Organization (FAO) instruments, World Trade Organization Agreement on Fish Subsidies, and the Agreement under the United Nations Convention on the Law of the Sea on the

¹ As referenced in Article 138 of the [ITLOS Rules of the Tribunal](#).

² See <https://www.itlos.org/index.php?id=252> and https://www.itlos.org/fileadmin/itlos/documents/cases/31/Advisory_Opinion/C31_Adv_Op_21.05.2024_orig.pdf

Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement).

Impact of the opinion

- Identify how an advisory opinion could influence coastal states, flag states, regional fisheries management organizations, international government organizations (including the International Maritime Organization and the FAO), and domestic law, in the context of enhancing governance of unregulated fishing.

II. Timeline

The work should be completed by April 12, 2026.

III. Deliverables

- Short scoping note;
- Written analysis; and
- Presentation of work to Pew, and to other external parties as mutually agreed by Pew and the selected Respondent.

IV. Required expertise

- Demonstrated policy, and legal experience and expertise in law of the sea frameworks, policies, and current issues; as well as international IUU fishing frameworks;
- Experience advising non-governmental organizations, intergovernmental organizations, or governments on ITLOS or similar processes (such as the International Court of Justice), including proven success in relation to this advice.