

Original: English

DRAFT RECOMMENDATION ON VESSELS WITHOUT NATIONALITY

(Proposal submitted by the IMM Working Group)

RECOGNIZING that, consistent with Article 92 of the United Nations Convention on the Law of the Sea (UNCLOS), any vessel not flying the flag of a CPC or non-CPC, or vessels flying the flag of two or more CPCs or non-CPCs shall be considered a vessel without nationality;

FURTHER RECOGNIZING that vessels without nationality operate without governance and oversight, contrary to international law;

CONCERNED that vessels without nationality fishing or supporting fishing activities in the ICCAT Convention area undermine the objective of the ICCAT Convention and the conservation and management work of the Commission;

RECALLING that the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unregulated, and Unreported (IUU) Fishing recommends that CPCs take measures consistent with international law in relation to fishing vessels without nationality involved in IUU fishing;

NOTING that paragraph 1 of the *Recommendation by ICCAT on Establishing a List of Vessels Presumed to have Carried Out IUU Fishing Activities* (Rec. 18-08) creates a presumption that vessels without nationality that harvest ICCAT species in the Convention area are engaging in IUU fishing activities;

FURTHER NOTING that *Recommendation by ICCAT on Vessel Sightings* (Rec. 19-09) establishes the reporting protocol for the sighting of suspicious vessels and steps that may be taken under international law to confirm a vessel's flag, if it is suspected to be without nationality;

ACKNOWLEDGING the obligations set forth in the *Recommendation by ICCAT to Promote Compliance by Nationals of Contracting Parties, Cooperating Non-Contracting Parties, Entities, or Fishing Entities with ICCAT Conservation and Management Measures* (Rec. 06-14);

DETERMINED to continue to deter all facets of IUU fishing activities in the Convention area;

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

1. Vessels without nationality fishing or supporting fishing operations in the ICCAT Convention Area are deemed to be operating in contravention of the ICCAT Convention and undermining ICCAT's conservation and management measures.
2. Any fishing or related support activities in the ICCAT Convention area by vessels without nationality are deemed to be IUU fishing, are a serious violation of ICCAT conservation and management measures, and shall be subject to action consistent with relevant national and international law, including as provided for in Article IX of the ICCAT Convention and pursuant to measures adopted by the Commission.