



**SIXTH REGULAR SESSION**  
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**CONSERVATION AND MANAGEMENT MEASURE FOR VESSELS WITHOUT  
NATIONALITY**

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**WCPFC6-2009/DP15 (Rev.1)**  
**9 December 2009**

**Submitted by the U.S.**

*The Western and Central Pacific Fisheries Commission:*

*Recognizing* that fishing vessels without nationality operate without governance and oversight;

*Concerned* that the operations of fishing vessels without nationality undermine the objectives of the Convention and the work of the Commission;

*Recalling* that the FAO Council adopted an International Plan of Action to prevent, deter and eliminate **Illegal Unregulated and Unreported** fishing and recommended that States take measures consistent with international law in relation to fishing vessels without nationality involved in IUU fishing on the high seas;

*Determined* to continue to deter all facets of IUU fishing activities in the Convention Area;

*Adopts the following conservation and management measure in accordance with Article 10 of the Convention:*

1. Declare that fishing vessels determined to be vessels without nationality under the relevant provisions of international law that are used to fish on the high seas of the Convention Area are presumed to be operating in contravention of the **WCPF**-Convention and the conservation and management measures adopted thereunder.
2. Further declare that any fishing activities by a fishing vessel without nationality on the high seas of the Convention Area shall be deemed to undermine the **WCPF**-Convention and Commission conservation and management measures and shall constitute a serious violation in accordance with Article 25 of the Convention.
3. For the purpose of this measure, vessels without nationality means vessels not flying the flag of any state, **vessels not registered on the shipping registry of any state**, or vessels flying the flag of two or more states in accordance with Article 92(2) of UNCLOS.

4. Encourages CCMs to take all necessary measures, including enacting domestic legislation if appropriate, to prevent vessels without nationality from undermining conservation and management measures adopted by the Commission.

~~5. In accordance with domestic and international law, where there are reasonable grounds for suspecting that a fishing vessel targeting species covered by the WCPF Convention on the high seas in the Convention Area is without nationality, CCMs are encouraged to board and inspect that vessel and when the evidence warrants, take such action as may be appropriate.~~

65. Any sightings of fishing vessels that appear to be without nationality that may be fishing in the high seas of the Convention Area for species covered by the WCPF Convention shall be reported to the Secretariat as soon as possible by the appropriate authorities of the CCM whose vessel or aircraft made the sighting.