



North Pacific Fisheries Commission

CMM 2016-04

(Entered Into Force 16 January 2017)

**CONSERVATION AND MANAGEMENT MEASURE
ON VESSELS WITHOUT NATIONALITY**

The North Pacific Fisheries Commission (NPFC),

Recognising that vessels without nationality operate without governance and oversight;

Concerned that fishing in the NPFC Area of Application (the Area) by vessels without nationality undermines the objective of the Convention and the work of the Commission;

Noting Article 92 and 94 of the United Nation Convention on the Law of the Sea (UNCLOS) relating to the status of ships and the duties of flag States;

Recalling that the FAO Council has adopted an International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing (IUU fishing) and has recommended that States adopt measures consistent with international law in relation to fishing vessels without nationality involved in IUU fishing on the high seas;

Adopts the following conservation and management measure in accordance with Article 7 of the Convention:

1. A vessel without nationality is a vessel that, under international law, is not entitled to fly the flag of any State or, as referred to in Article 92 of UNCLOS, sails under the flag of two or more States, using them according to convenience.
2. Any fishing activities by a fishing vessel without nationality on the high seas of the Area shall be deemed to undermine the Convention and Commission conservation and management measures and shall constitute a serious violation in accordance with Article 17 of the Convention. These activities are deemed to be IUU fishing and therefore its information shall be provided by the Secretariat to the TCC according to para 5 of this CMM and shall constitute an appropriate basis for placement of such vessel on the Commissions Draft IUU List in accordance with the relevant CMM for establishing NPFC IUU Vessel List.
3. Members and Cooperating Non-Contracting Parties (CNCs) are encouraged to take effective action in accordance with international law, including, where appropriate, enforcement action, against vessels without nationality that are engaging, or have engaged, in fishing activities in the Area, and to prohibit the landing and transshipment of fish and fish products, and access to port services, by such vessels, except where such access is essential to the investigation, safety or health of the crew or the safety of the vessel.

4. Members and CNCPs are encouraged to adopt necessary measures, including, where relevant, domestic legislation, to allow them to take the effective action referred to in paragraph 3 to prevent and deter vessels without nationality from engaging in fishing activities in the Area.
5. Members and CNCPs are encouraged to share information about vessels suspected to be without nationality to assist in clarifying the status of such vessels, and about the activities of vessels without nationality to enable them to make informed decisions about action to prevent and deter such vessels from engaging in fishing activities in the Area. Any sightings of fishing vessels that are suspected of, or confirmed as being, without nationality that may be fishing in the high seas of the Area shall be reported to the Secretariat as soon as possible by the appropriate authorities of the member or CNCP whose vessel or aircraft made the sighting. The Secretariat will circulate such information to all members and CNCPs as soon as practicable, and will provide a report to the next meeting of the Technical and Compliance Committee of all such information provided.
6. For the effectiveness of this measure, the Commission shall cooperate with relevant regional organizations, especially with those regional fisheries management organizations with responsibility for fisheries in marine areas near or adjacent to the Convention Area.