

**4th Meeting of the Commission
Valdivia, Chile, 25 to 29 January 2016**

COMM04-WP-11_rev2

DRAFT CMM on Vessels without Nationality

Australia

(Previously discussed as CTC-03-15)

Australian Proposal
Recommendation Conservation and management measure on vessels without nationality in the
SPRFMO Convention Area
REVISION 2

The Commission of the South Pacific Regional Fisheries Management Organisation:

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 take measures consistent with international law in relation to fishing vessels without nationality involved in IUU fishing on the high seas;

Recognising that vessels without nationality operate without governance and oversight, and that there should be no legal lacuna governing vessels without nationality;

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

Adopts the following conservation and management measure recommendation in accordance with article 8 of the Convention:

1. ~~Under international law, vessels without nationality that fish in the SPRFMO Convention Area undermine the Convention and the conservation and management measures adopted by the Commission and are engaged in IUU fishing;~~ Vessels determined under international law to be without nationality that are fishing in the SPRFMO Convention Area undermine the Convention and the conservation and management measures adopted by the Commission and are engaged in IUU fishing;
2. Members, ~~and~~ Cooperating Non-Contracting Parties (CNCs) and non-parties are encouraged to take measures, including by sharing information about the activities of vessels without nationality and, where appropriate, by enacting domestic legislation, to prevent and deter vessels without nationality from engaging in fishing or fishing related activities in the Convention Area;
3. Members, ~~and~~ CNCs and non-parties are encouraged to take action, in accordance with international law, against vessels referred to in paragraph 1 of this measure ~~without nationality that have engaged in IUU fishing~~, including to prohibit the landing and transhipment of fish and fish products and access to port services by such vessels, except where such access is essential to the safety or health of the crew or the safety of the vessel.;