

#### 4.117 Flag State responsibility regarding Illegal, Unreported and Unregulated (IUU) fishing

NOTING that while the freedom to fish on the high seas is not unconditional, there is a concomitant duty to cooperate in order to ensure the conservation and the sustainable management of the high-seas fishing resources;

FURTHER NOTING that the duty to cooperate is, *inter alia*, incumbent upon the Flag State of vessels operating on the high seas;

AWARE that for the Flag State, this obligation implies an effective and consistent control of the vessels to which the State grants its flag in order to conduct fishing activities on the high seas; and

ALSO AWARE that certain Flag States fail to deliver on their duties, that in some cases States may have sufficient capacity to exercise diligent control over their vessels but lack the political will to do so, while in other cases, States lack the capacity and the will to develop such control;

#### **The World Conservation Congress at its 4th Session in Barcelona, Spain, 5-14 October 2008:**

1. ENCOURAGES states to:
  - (a) cooperate in the work underway to define criteria allowing an evaluation of the degree to which Flag States meet their obligations, as requested by the UN Food and Agriculture Organization (FAO) Committee on Fisheries at its 27th session in 2007 and supported by the UN General Assembly in its Resolution 62/177;
  - (b) consider actions that could be taken in cases where States clearly and consistently fail to fulfil their obligation to exercise effective control over vessels flying their flags and where it can consequently be determined that there is no genuine link between the State and such vessels;
  - (c) enhance their efforts to exchange information relating to fishing activities on the high seas (including, *inter alia*, catches, landings, trans-shipments) through the FAO, the various Regional Fisheries Management Organizations (RFMOs), and the organizations in charge of monitoring, control and surveillance, in order to improve the fight against Illegal, Unreported and Unregulated (IUU) fishing carried out, in particular, by vessels using flags of convenience and flags of non-compliance; and
  - (d) make publicly available, in accordance with national and international law, assessments of vessels flying their flags, including *inter alia* in response to the requirements of sub-paragraphs 1(a) to 1(c) above;
2. SUPPORTS work underway to clarify actions that could be taken against vessels and Flag States that do not satisfy these criteria whether in the framework of RFMOs or under other international fisheries instruments or agreements;
3. URGES states to develop and adopt, individually or collectively through FAO and RFMOs, effective Port State measures directed at vessels flying the flags of states that do not fulfil the criteria as defined and banning access to markets for the fishing products caught and/or transported by these vessels;
4. ENCOURAGES states, without prejudice to the primary responsibility of Flag States, to adopt measures against their nationals engaged in or supporting IUU fishing, including beneficial owners; and
5. INVITES states, intergovernmental and nongovernmental organizations and international financial institutions specialized in development aid, to provide assistance for capacity building and increased technical assistance for developing countries, so that they can set up effective mechanisms to ensure that their flagged vessels are duly authorized to fish, that appropriate databases are established to collect and process

data pertaining to their activities and that other management obligations are duly implemented in respect of such vessels.