



The Role of Ships Without Nationality in the Irregular Maritime Migration

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ABSTRACT

Stateless ships are means of transportation that are used in some types of the trade including certain illicit activities. Among these activities, one of the most prevalent is the irregular maritime migration in various parts of the world. These flows of migrants have resulted in the response on behalf of the maritime community. A whole series of national and international regulations focus on the particular terms that govern flagless vessels concerning the respective types of trade. Furthermore, the adoption of this maritime practice has created a set of issues ranging from the State's jurisdiction to inspect these unregistered vessels, especially in the High Seas, to the rights and obligations of vessels without nationality. Different policies regarding the extent of the State's jurisdiction are implemented by the interested parties, especially the inspecting States. The analysis of this issue will contribute to the resolution of certain issues and will raise scientific and practical questions in the academic community of shipping. This study is also expected to contribute to the scientific orientation.

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1. Introduction.

The Nationality of vessels has been one of the main features that characterize ships ever since maritime activity has evolved as business activity. At the same time the question of the determination of the criteria that define a vessel's Nationality arose. In some cases, it is not possible to establish a link between the ships and a State's Nationality. In fact, the phenomenon of stateless or flagless ships is inherent in the maritime industry often by serving clandestine activities. The international community found her in front of the dilemma of the exact definition of the ships without Nationality. Different opinions are supported by different States and parts of the academic community.

Although flagless vessels are broadly associated with the illegal trafficking of drug substances, in recent years the illicit maritime migration has evolved in many areas of the world.

Apart from the traditional areas of the Caribbean and the Mediterranean, new areas have emerged as crossroads of migratory flows. The response of the international community includes both initiatives at the transnational level and regulations established by the States. In many cases, the approaches of the stakeholders differ significantly.

2. Definition of Flagless/Stateless Ships - Evolution.

Ships without a nationality are also called flagless, stateless, or unregistered and can be subdivided into two separate categories. Some ships can be genuinely regarded as ships without nationality and there are the ships that can be assimilated that they do not have nationality under specific provisions of the international legal system. An important feature is that the proof of a vessel's Nationality does not lay on the presence of documents and other signs such as the clothing of Flag. This is because documentation is indicative of a vessel's Nationality and should not be regarded as the source of its Nationality (Dubner & Arias, 2016-2017, p. p. 125). The determination of a vessel's Nationality should not depend entirely on documentation.

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2.1. Ships without nationality or registry.

According to the United Nations Convention on the Law of the Sea of 1982 (Article 91) all ships that cannot claim nationality under the necessary provisions, imposed by the respective Flag, are deemed stateless (Guilfoyle, 2009, p. p. 16). Additionally, ships without nationality or registry are the ships that do not fly a nation's flag or do not possess the necessary documents that prove their nationality or the master or individual that is in charge of the ships does not make a verbal claim of nationality (U.S. Government Publishing Office (GPO), 2011).

Furthermore, if the master claims a registry but the Flag State whose registry is claimed rejects this claim, then the ship is not supposed to have a nationality or to be registered to a ship registry. Similarly, if the master of the ship or the person in charge refuses to claim a Nationality for the vessel or tries to obscure that the vessel is registered to a Ship Registry, then the vessel is deemed stateless (United States of America v. Matos-Luchi, 2010).

Relevant to this category of stateless vessels is the case of vessels that were initially registered in a Ship's Registry, but in the process of times, the Flag State has cancelled its authorization (Dubner & Arias, 2016-2017, p. p. 111). Wider approach of statelessness is adopted in the US Maritime Drug Law Enforcement Act (MDLEA) of 1986 according to which if the Flag State does not reply or does not affirmatively assert the nationality of the vessel, then the vessel is regarded as flagless (Kontorovich, 2009, p. p. 1228). Another case of flagless ships is when the Flag State is not recognized as an international person by the international community (Churchill & Lowe, 1999, pp. pp. 213-214) as is the case of the Ship Registry of the Republic of Somaliland.

Finally, there is the case of certain categories of vessels that are excluded from the obligation to register to a Ship Registry, as is the case of non-motor vessels with less than 16 feet in the State of Florida, USA (Johns & et al, 2014, p. 76). It should be kept in mind though that in the case of small vessels the United Nations Convention on the Law of the Sea of 1982 (Article 91) applies according to which, even if a vessel is not registered to a Ship Registry, it can be asserted that it maintains the nationality of the owner of the vessel (Guilfoyle, 2009, p. p. 16).

2.2. Ships assimilated to ships without nationality.

According to the Convention on the High Seas (Article 6, Paragraph 2) which is part of the United Nations Convention on the Law of the Sea (UNCLOS I) of 1958, if a ship flies more than one flags and uses them according to convenience then she cannot claim any nationality and may be assimilated to a ship without nationality (United Nations Office of Legal Affairs (OLA), 1958). Similarly, when a vessel flies one flag but at the same time claims the nationality of another State, then it is regarded as a stateless vessel (Brendel, 1983, p. p. 316).

Another case of vessels that are assimilated to flagless are the ships that have changed nationality during a voyage or a port of call as stated in the United Nations Convention on the Law of the Sea of 1982 (Article 92, Paragraph 1). It is not necessary to receive the verification or rejection of the claim

of nationality by the Flag State in case of vessels that fly one Flag but at the same time claim nationality of another. The mere action of change of Nationality during a voyage renders the vessel stateless (United States of America v. Dominguez, 1979).

3. Trades with Flagless Ships ? Reasoning.

Flagless ships are active in the trade of Illegal, Unreported and Unregulated fishing (IUU fishing) causing the reaction of the Food and Agriculture Organization (FAO) (Shaver & Yozell, 2018, p. p. 6). The extensive activities of stateless vessels in various parts of the world along with the fact that their actions are not regulated and controlled by any Flag State have resulted in the response of the international community. In particular, all unregistered vessels that compete in the fishing industry are not allowed to land or tranship fish or products of fish as well as to reach any port facilities, except in case of emergency connected to the safety of the personnel or the vessel itself (Food and Agriculture Organization (FAO) - Indian Ocean Tuna Commission (IOTC), 2016). In other cases, such as the Mexican-Guatemalan Imbroglia of 1958, flagless ships involved in fishing activities have caused the escalation of regional conflicts among the riparian States, including the inspecting State and the State of the Nationality of the fishermen (Wolff, 1981, p. p. 235).

Another illicit conduct that is facilitated by the use of flagless vessels is terrorism and the transportation of weapons of mass destruction. As stated in the Drug Trafficking Vessels Interdiction Act of 2008, § 101, 18 U.S.C.A. § 2285, stateless submersible and semi-submersible vessels mostly used in drug trafficking can be used for the implementation of various illegal transnational actions including terrorism (U.S. Government Publishing Office (GPO), 2008).

In close connection with terrorism and the transportation of weapons of mass destruction is the use of unregistered vessels to serve the arms trade and more specifically the smuggling of weapons. A typical example is the application of vessels without nationality in the transportation of weapons of Iranian origin around the Arabian Peninsula onboard unregistered vessels, most probably heading to the Houthi fighters in Yemen (Williams & Shaikh, 2020, p. p. 38). These flagless vessels were intercepted by the naval forces of various Arabian States. In the wider geographic area of the Sea of Arabia, the use of unregistered vessels that smuggle weapons to the Horn of Africa is a common practice mainly due to the war of Yemen (Shaver & Yozell, 2018, p. p. 15).

One of the main illegal uses of flagless vessels is narcotics trafficking. Either by directly distributing drug substances to the mainland or by acting as mother ships for other smaller ships that will distribute the merchandise to the local markets, stateless vessels are broadly used in this type of trade (Brendel, 1983, p. p. 325). Consequently, many regulations and laws concerning vessels without Nationality are connected to the transportation of drug substances (Dubner & Arias, 2016-2017, p. p. 102). Contrary to a common belief, especially

popular in the USA, drug trafficking is not regarded as a universal crime. For this reason, national sets of laws and regulations do not automatically apply to flagless vessels and their crew (Tousley, 1990, p. p. 384).

There is a close connection between the stateless vessels and the migratory flows. In many cases, networks that participate in the illicit movement of immigrants choose to use vessels that are not registered to a Flag State. In the modern era, this method of maritime migration has appeared in the flows of refugees from various European countries, with Jewish ancestry, heading to then Palestine, modern Israel (Moyn, 2015, p. p. 1).

4. Who Is Authorized To Inspect Flagless Ships.

The issue of the jurisdiction over stateless vessels is a matter of concern mainly on the high seas where the rights of the inspecting States faces significant limitations as opposed to the territorial sea, the contiguous zone, the Exclusive Economic Zone and the continental shelf (Guilfoyle, 2009, pp. pp. 10-16). Although the use of stateless vessels is not a universal crime, it should be kept in mind that this shipping practice is involved in various types of illicit activities by threatening the public order. (Bennett, 2012, p. p. 461) For this reason, it raises questions concerning statelessness's real impact on the States and the maritime sector as a whole.

4.1. Jurisdiction on the high seas.

The United Nations Convention on the Law of the Sea of 1982 (Article 92, Paragraph 1), which resulted from UNCLOS III, clearly defines that on the high seas, or else called international waters, only the Flag State can exercise jurisdiction on ships that fly its Flag, save in exceptional cases (United Nations Division for Ocean Affairs and the Law of the Sea, 1982). This is also known as the law-of-the-flag regime. In the case that that the ships are unregistered, the Article 110, Paragraphs 1 & 2, apply to allow warships to inspect all vessels that are suspected not to have a nationality, for the reason of verifying their nationality. This authorization is granted regardless of the conduct of possible illegal trading on behalf of the inspected vessel.

The interpretation of Article 110 has led to the split of the academic community regarding the scope and the extent of a State's jurisdiction towards flagless vessels on the high seas. Some States and part of the academia preserve that there are only allowed to inspect vessels to verify their nationality and check the necessary documents (Kontorovich, 2009, p. p. 1128) as is the case in Australia (Australian Government, 1991). The main argument supporting this opinion is that although according to UNCLOS Article 110 States are authorized to conduct surveys on stateless vessels, there are no equivalent treaty base analogous authorizing States to enforce full jurisdiction on the High Seas. For example, in the case of piracy, there is UNCLOS Article 110 that provides the States with the right to board a vessel and there is Article 105 that clearly defines the right of the States to exert enforcement jurisdiction, such as to seize this vessel (Papastavridis, 2009, p. p. 162).

On the other hand, other scholars move a step forward by supporting that States have the right to substitute the absent Flag State in its role of safeguarding vessels seaworthiness and application of the international regulations (Papastavridis, 2009, pp. pp. 160-161) or even seize the vessels as is the common procedure in the USA and some occasions in the UK (Guilfoyle, 2009, p. p. 17). It should be kept in mind that US Coast Guard vessels actually exercise their authority over stateless ships in various parts of the world in many cases distant from the USA territory (Dubner & Arias, 2016-2017, p. p. 112). If a vessel does not enjoy the protection of any State then it is subject to the jurisdiction of all States.

Another aspect, which is aspired by States like Norway, is that although stateless ships are not to be excluded from sailing, they should be governed by the national laws of the State that conducts the survey, for example, the Norwegian laws (Fife, 2007, p. p.301).

The question of jurisdiction over flagless vessels can be assessed by the point of view of the genuine link too. Members of the academic community argue that a State can exercise its authority over an unregistered vessel as long as it can establish a relationship with the respective vessel similar to the genuine link (Brendel, 1983, p. p. 333). This opinion is based on the Convention on the High Seas (Article 6) which is part of the United Nations Convention on the Law of the Sea (UNCLOS I) of 1958, requiring for a State to "effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag". In this case, the State is obliged to discharge its duties concerning the other States.

Stateless ships are not under the regulatory control of any Flag State, thus having no restrictions concerning the seaworthiness, the protection of the environment and the application of both national and international laws. For this reason, it could be assumed that flagless ships are more prone to illegal actions such as involvement in piracy, drug trafficking, maritime migration (Moreno-Lax, 2017, p. p. 5), etc (Papastavridis, 2016, p. p. 468). If the international community wishes to address this issue, it is possible to achieve this goal by allowing all Flag States to inspect any unregistered vessels and to detain them until they register to a Ship Registry (Papastavridis, 2009, pp. 161-162).

The jurisdiction over unregistered vessels has been addressed on behalf of the international community on grounds concerning various illicit activities such the drug trafficking. The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, also known as the 1988 UN Narcotics Convention, Article 17, Paragraph 2, proclaims the right of all States to inspect flagless ships with the intention to suppress the illicit drug trafficking (United Nations Office on Drugs and Crime (ODC), 1988). Nevertheless, the right of the inspecting States to seize unregistered vessels remains ambiguous, under the provisions of this Convention and there is not a clear statement concerning the right of the inspecting States to seize flagless vessels.

According to the US Courts, any ship without nationality that sails on the high seas is expected to be inspected by national authorities under both customary and treaty international

law. A typical example is the case of *United States v Ibarquen-Mosquera* where the Court ruled that any State can inspect flagless vessels as a consequence of their statelessness (Wilson, 2011, p. p. 27). It should be taken into consideration that a limited list of States actually performs inspections to unregistered vessels, namely the USA, UK, Norway and Italy (Bennett, 2012, p. p. 460).

However, although national authorities are allowed to inspect any ship without nationality on the high seas, this does not necessarily imply that the use of ships without nationality on the high seas is illegal and therefore it should not be treated as a universal crime. Some scholars even argue that a vessel's registration in a Ship's Registry is more of a necessity than a requirement, for the vessel to be active in the maritime sector (Dubner & Arias, 2016-2017, p. p. 109). It does not pose the same threat to both the national and international community as the other categories of crimes (Bennett, 2012, p. p. 435). Furthermore, in the case of flagless ships that are used in operations involving maritime migration, if the theory that the sailing of ships without nationality is illegal was adopted, then there would be serious consequences in terms of other areas of the international law, such as the refugee law.

It is important to bear in mind though, that a State's jurisdiction over stateless ships is not unlimited. In particular, when a State asserts jurisdiction over a flagless vessel, then a full range of domestic regulation applies to this vessel. Furthermore, since this State does not apply its Nationality over this vessel, then it is can be regarded stateless by the rest of the international community. Consequently, the domestic regulations of other States apply too. For this reason, no State can assume exclusive jurisdiction over stateless vessels in the High Seas (McDorman, 1994, p. p. 540). Instead, it can be argued that a State can only apply prescriptive jurisdiction on stateless vessels.

Another interesting aspect of the State's jurisdiction on unregistered vessels is the connection between the State which intends to perform an inspection of flagless vessels and the individuals on board these vessels. All States are authorized to perform inspections on stateless vessels with individuals onboard that share the same nationality with the inspecting State (Churchill & Lowe, 1999, p. p. 214).

In case that the individuals on board the unregistered vessel are not citizens of the State which inspects the vessel, then a series of international treaties (Treves, 2010, p. p. 6) apply especially concerning the refugee law. It remains broadly unclear whether the boarding State is entitled to exercise jurisdiction over citizens of other States that are onboard flagless vessels (*United States of America v Cesar James-Robinson*, et al., 1981). It appears that it has to rely on a positive basis to apply its regulations to these persons. This controversy reflects the split between the approach of the jurisdiction in rem, which focuses on the stateless vessel and the jurisdiction in personam, which focuses on the citizens (Papastavridis, 2009, p. p. 162).

4.2. *Right and obligations of flagless ships.*

Statelessness status implies certain rights and obligations for the involved vessels. One such differentiation of the flagless

vessels, when compared to the rest of the vessels, is that the former does not have the right to enter territorial waters and ports (Brendel, 1983, p. p. 332). One important outcome of the status of statelessness is its impact on the level of protection that this vessel enjoys on behalf of a State. Normally, a vessel is under the diplomatic protection of the Flag State. Consequently, the lack of a Flag State deprives the stateless vessel of the protection, diplomatic or other, of a Flag State (Dubner & Arias, 2016-2017, p. p. 122).

5. **Connection with Irregular Maritime Migration.**

Irregular maritime migration generally uses flagless vessels as opposed to registered vessels in order to achieve the movement of migrants, refugees and asylum seekers from place to place (Council of Europe - Parliamentary Assembly, 2011). Illicit movement of people includes smuggling, trafficking and slavery (Guilfoyle, 2009, p. p. 180).

5.1. *The evolution of irregular maritime migration and its connection with unregistered ships.*

In the history of irregular maritime migration, there are cases where flagless ships were used to facilitate the illegal movement of people. One such case is the vessel *Exodus 1947*, initially flying the Honduran flag, which turned into a flagless vessel in 1947. This vessel contributed to the flow of immigrants, with Jewish ancestry, fleeing Europe heading to then Palestine, modern Israel, after the end of World War II (Thomas, 2010).

The Mediterranean Sea is one of the most widely used sea corridors for the movement of immigrants originating from Syria, Iraq, Iran, Afghanistan, Pakistan, Bangladesh as well as the sub-Saharan African States. Certain circumstances, such as the ongoing humanitarian crisis that resulted from the civil war in Syria since 2011, have led to significant flows of immigrants to neighboring countries (Heisbourg, 2015, p. p. 7). A large proportion of this population aimed to transit through the southern and northern banks of the Mediterranean Sea, in order to reach their final destination in European Union countries. Among the transit countries, the most prevalent is Turkey, which is also a destination country, Libya and Morocco (Mann, 2018, p. 355). It is important to keep in mind that in the case of the flows from the Turkish and North African coasts there are organized smuggler networks (Pastore, et al., 2006, p. p. 10) that assist the immigrants in their efforts (United Nations Office on Drugs and Crime (ODC), 2010, p. p. 14).

A similar migratory flow takes place between transit places on the coast of West Africa, usually Moroccan ports, and the Spanish Canary Islands in the Atlantic Ocean (United Nations Office on Drugs and Crime (ODC), 2010, p. p. 13). The originating places in most cases are the sub-Saharan States of West Africa, as well as the North African States, such as Algeria and Morocco.

Another interesting factor is the interaction among the alternative transit routes. While immigrants originating from Africa would normally follow the migratory flow that leads to Europe via Spain or Italy, potential tightening of measures in these areas could lead to a shift of the flow to the route that leads to

Europe via Greece (United Nations Office on Drugs and Crime (ODC), 2010, p. p. 23).

The other region with major flows of irregular maritime migration is the Caribbean Sea. The physical proximity of the destination, which is the USA, with one of the originating States such as Mexico is a major factor in the movement of the immigrants (McAuliffe & Mence, 2017, p. p. 29). In this case, the land borders' crossing stands out as an attractive alternative. Other countries of origin include Haiti, Cuba, Ecuador and other Latin American countries. Apart from the common USA-Mexican border there also the maritime routes with the initial stream of irregular immigrants which started in the 1960s from Haiti (Klein, 2014, p. p. 429). About the same period Dominican Republic emerged as a country of origin for immigrants heading to the USA (Graziano, 2006, p. p. 2).

The use of vessels is the main method that is used by irregular migrants to enter the Australian territory, due to the relatively remote character of this island continent (McAuliffe & Mence, 2017, p. p. 26). In this case, Indonesia, which also shares limited land borders with its neighboring States, is the traditional main transit point for immigrants originating from South Asia, South-East Asia and the Far East. Only in the case of Sri Lanka the majority of immigrants sail directly from their country of origin to the final destination which is Australia (Hugo, et al., 2017, p. p. 171). Political turbulence and state repression have fueled the flow of immigrants from the Rohingya ethnic minority of Myanmar to the neighboring States and particularly to Australia since 2015 (Hugo, et al., 2017, p. p. 28). Similarly, there have been waves of maritime migration after 1975 involving the Vietnamese "boat people" following the fall of Saigon (McKay, et al., 2011, p. p. 608). Since the 1990s the bulk of irregular immigrants heading for Australia originates from Iran, Iraq, Afghanistan, Pakistan, China and Sri Lanka (McKay, et al., 2011, p. p. 609).

The Horn of Africa has evolved into an area where immigrants originating mainly from Ethiopia and Somalia transit either through the Red Sea or the Gulf of Aden, in order to reach their final destination (McAuliffe & Mence, 2017, p. p. 27) quite often the Gulf Countries (United Nations Office on Drugs and Crime (ODC), 2010, p. p. 9). Usually, they intend to arrive in Yemen and the Arabian Peninsula as a whole, though in recent years this geographic area has experienced the opposite migratory flow of Yemenis fleeing their country, to escape the civil war (Mohamud, 2016, p. p. 55).

5.2. *Legal framework affecting the irregular maritime migration by unregistered ships.*

The legal framework concerning the movement of migrants by flagless vessels constitutes of both domestic and international regulations.

5.2.1. *Domestic regulations ? Bilateral agreements.*

In the domestic legal systems, some countries have chosen to treat the unregistered vessels in the high seas as if they were registered in their own national Ship Registry. A typical example is the Italian Navigation Code as amended in 2002, Article 4, according to which all flagless vessels in the high seas

can be inspected as if they were Italian territory (Hessbruegge, 2012, p. p. 429). In addition to domestic regulations there can be bilateral agreements between countries, usually having common maritime boundaries, such as the one signed by Italy and Libya in 2007, which was renewed in 2009 concerning the clandestine maritime migration between North African and the Southern European States. Another such bilateral agreement was signed in 1997 between Italy and Albania regarding the irregular maritime migration from the latter to the former (Gallacher & David, 2014, p. p. 103).

Since irregular maritime migration is closely associated with the statelessness of vessels, it is easily understood that any regulations targeting irregular maritime migration have an impact on the flagless vessels too, even though they do not necessarily target this category of ships. In this context, one of the most influential domestic initiatives in USA are the Victims of Trafficking and Violence Protection Act of 2000, known as Trafficking Victims Protection Act (TVPA) and the Trafficking Victims Protection Reauthorization Act of 2003. Both Acts focus namely on the prevention, protection and persecution of actions related to trafficking and their validity extends beyond the US borders (Bryant & Landman, 2020, p. p. 123).

5.2.2. *International treaties.*

On the other side, there are international treaties that have a global effect and are concerned with the status of flagless vessels that interfere in the irregular maritime migration. The United Nations Convention on the Law of the Sea of 1982 (Article 92, Paragraph 1) defines that in the high seas any State maintains the right to exercise its jurisdiction towards unregistered vessels under certain circumstances (United Nations Division for Ocean Affairs and the Law of the Sea, 1982).

However, in the case that stateless vessel is employed in the slave trade, which is a form of maritime migration, then any State can extend jurisdiction. The exercise of State's jurisdiction is justified by the characterization of the slave trade as a universal crime. There is a universal concern for this form of maritime migration and consequently, the universality principle applies to citizens that are held in custody for committing this crime onboard flagless vessels (Tousley, 1990, p. p. 383).

The 1951 Geneva Convention relating to the Status of Refugees, Article 33, Paragraph 1, is concerned with the rule of non-refoulement, according to which rescued people are forwarded to the country where their journey has started. This International convention prohibits the refoulement under any circumstances thus including the case of vessels without nationality that are active in the irregular maritime migration (Fitzpatrick, 1996, p. p.235).

In the international legal framework there are treaties that although they do not necessarily interfere with stateless vessels, it should be noted that they provide the framework for the handling of maritime migration. One such convention is the International Convention on Maritime Search and Rescue of 1979 (SAR Convention 1979) (International Maritime Organization, 1979).

Another international initiative affecting maritime migration is the UN Protocol to Prevent, Suppress, and Punish Traf-

ficking in Persons, Especially Women and Children of 2000, known as the Palermo Protocol. In this Protocol, there has been a clear distinction in maritime migration between trafficking and smuggling. The main differences have to do with the existence or absence of the migrant's consent, border crossing and exploitation (Gozdziak & Vogel, 2020, p. p. 110). In particular, in the case of trafficking, there is no migrant's consent and border crossing is not necessary. Furthermore, there is ongoing exploitation of the migrant even after the arrival at the desired destination. In comparison, in smuggling there is always the migrant's consent, it is transnational and it terminates upon arrival of the migrant to the planned destination.

In the European area of concern, there is the 1995 Council of Europe Agreement according to which it is required by all participating countries to fight against illicit activities in the sea by eliminating the use of flagless vessels in such activities. In particular, in Article 3 (??) the involved parties are to take necessary steps to establish their jurisdiction over stateless vessels too (Guilmore, 1996, p. p. 5).

In relation, to the same subject areas in the Caribbean, the Agreement Concerning Co-operation in Suppressing Illicit Maritime and Air Trafficking in Narcotic Drugs and Psychotropic Substances was signed in 2003, known as the 2003 Caribbean Agreement. This regional agreement has emerged from the previous bilateral arrangements between the States of the Caribbean. Its main innovation is that Article 27 provides for the obligatory application of State's jurisdiction over unregistered vessels (Papistavridis, 2016, p. p. 477).

Conclusions.

The case of vessels without Nationality has preoccupied both the international community and national authorities. As an outcome, although there is a generally accepted terminology of the stateless vessels incorporated in international Treaties, there are national interpretations too. Next to the genuine definition of stateless vessels, there are vessels that can be assimilated to be stateless too. In some States, such as the USA, there is a broader definition as to which vessel can be treated as flagless thus affecting the extent of State's jurisdiction. On the other hand, in other areas of the world State's intervention in issues involving stateless vessels is much more limited. The question of the limits of State's authority over stateless vessels in the High Seas can be answered in different ways.

Certainly, flagless vessels are prone to illegal activities, although statelessness itself is not an illegal activity. Apart from the widespread use of stateless vessels for drug trafficking and other activities, there is growing use of this category of vessels in the illicit transportation of migrants. Next to the well-established migratory flows heading towards the USA and Europe, new trends have evolved reflecting challenges in the field of inequality in economic development or geopolitics such as war and civil unrest. Although generally there is an abundance of data concerning migratory flows, there are areas of the world that illicit maritime migration takes place and it remains mostly obscure, due to lack of documentation and monitoring mechanisms. State's response to the illicit maritime migration with

the use of stateless vessels either lays on the implementation of the international Treaties or the signing of bilateral agreements. Additionally, in some cases, unilateral initiatives on behalf of the States are implemented.

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