

TECHNICAL AND COMPLIANCE COMMITTEE

Third Regular Session

27 September – 02 October 2007 Pohnpei, Federated States of Micronesia

HIGH SEAS BOARDING AND INSPECTION PROCEDURES (REVISED)

WCPFC-TCC3-2007/11 (Rev.1) 6 September 2007

Paper prepared by the Secretariat

I INTRODUCTION

- 1. The Third Regular Session of the Commission (WCPFC3) adopted Conservation and Management Measure-2006-08 (CMM-2006-08) 'Western and Central Pacific Fisheries Commission Boarding and Inspection Procedures'. WCPFC3 recognised that the practical implementation of the High Seas Boarding and Inspection Procedures (Procedures) would require additional operational elements to be developed by the Secretariat.
- 2. Accordingly, WCPFC3 requested the Executive Director to begin developing the information necessary for the implementation of the Procedures (para. 155 of the WCPFC3 Summary Report). WCPFC3 also tasked the Executive Director, in consultation with Members, Cooperating Non-Members and Participating Territories (CCMs), to make arrangements for the design of the WCPFC Inspection Flag (paragraph 18), an approved identity card (paragraph 19), and the preparation of a multi-language questionnaire (paragraph 21).
- 3. TCC3 therefore provides an appropriate opportunity to consult with CCMs on the following issues:
 - i. the design of the WCPFC High Seas Boarding and Inspection Flag (para.18);
 - ii. approving an identity card identifying an authorized inspector (para.19); and
- iii. the content of the Standardized Multi-Lingual Questionnaire (para.21).
- 4. In addition, the TCC is afforded the opportunity to provide advice and comments to the Secretariat on its administrative arrangements to implement the Procedures, as provided for in paragraphs 11-15, in relation to:
 - i. establishing a High Seas Boarding and Inspection Register (pursuant to para. 12); and
 - ii. establishing a list of Contracting Parties that have provided the required notifications regarding their authorized inspection vessels (para.13(a)(ii)) and crew and inspector training (para. 13(a)(iii); para. 13(b)(ii) and (iii)).

- 5. This paper also brings to the attention of TCC3 three additional issues, for its consideration:
 - i. Whether to establish a standard format for inspection reports (paras.24 and 30);
 - ii. Whether to modify the current Part 2 template of the Annual Report;
 - iii. Whether to elaborate standards and procedures related to training for authorized inspection vessel crew and authorities' inspectors (para.13(a)(iii)) and para. 13(b)(iii); and
 - iv. How to post the register of authorized inspection vessels and authorities or inspectors on the Commission website (para. 17).

II WCPFC HIGH SEAS BOARDING AND INSPECTION REGISTER

- 6. Paragraph 12 of the Procedures requires the Commission to "maintain a register of all authorized inspection vessels and authorities or inspectors" (the WCPFC High Seas Boarding and Inspection Register). This paragraph also stipulates that, "only vessels and authorities or inspectors listed on the Commission's Register are authorized under the Procedures to board and inspect foreign flagged fishing vessels on the high seas within the Convention Area".
- 7. In respect of the Register, WCPFC3 agreed that "boarding and inspection operations pursuant to the Procedures would be authorized to begin 60 days after the circulation to CCMs by the Executive Director of the register of authorized inspection vessels in accordance with paragraph 17 of the Procedures" (para.155 of the WCPFC3 Summary Report).
- 8. Paragraph 13 of the Procedures provides that Contracting Parties:¹
 - (a)with respect to each inspection vessel they assign to boarding and inspection activities under the procedures, provide details of the vessel (name, description, photograph, registration number, port of registry (and, if different from the port of registry, port marked on the vessel hull), international radio call sign and communication capability); and
 - (b) with respect to inspectors they assign pursuant to the procedures, provide the names of the authorities responsible for boarding and inspection.
- 9. This information is to be provided to the Executive Director. The Secretariat has prepared a form based on existing WCPFC Register information requirements that will serve as the basis for an electronic database maintained by the Secretariat. This form is appended at **Attachment A**.
- 10. In addition, paragraph 13 requires that Contracting Parties notify the Commission of the following:
 - (a)that the inspection vessel is clearly marked and identifiable as being on government service;
 - (b)that the crew has received and completed training in carrying out boarding and inspection activities at sea in accordance with any standards and procedures as may be adopted by the Commission;

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¹ Paragraph 6 of the Procedures provides that unless otherwise decided by the Commission, the Procedures shall also apply in their entirety as between a Contracting Party and a Fishing Entity, subject to a notification to that effect to the Commission from the Contracting Party concerned. It follows that when a Contracting Party notifies the Commission that the High Seas Boarding and Inspection Procedures apply in their entirety as between that Contracting Party and a Fishing Entity, the operational guidelines for implementing the Procedures will also apply to the Fishing Entity concerned.

- (c)that the responsible authorities' inspectors are fully familiar with the fishing activities to be inspected, and the provisions of the Convention and conservation and management measures in force; and
- (d)that the responsible authorities' inspectors have received and completed training in carrying out boarding and inspection activities at sea in accordance with any standards and procedures as may be adopted by the Commission.
- 11. Paragraph 15 of the Procedures stipulate that authorized inspection vessels and inspectors of a Contracting Party may only be included on the Commission Register once the Contracting Party has met the requirements of paragraph 13 of the Procedures, including the notifications identified in paragraph 10 above.
- 12. Furthermore, paragraph 14 of the Procedures requires that Contracting Parties ensure that where military vessels are used as a platform for the conduct of boarding and inspection, the authorities of the inspection vessel shall ensure that the boarding and inspection is carried out by inspectors fully trained in fisheries enforcement procedures, or duly authorized for this purpose under national laws, and that such inspectors meet the requirements established in the Procedures.
- 13. The Secretariat intends to establish a list of Contracting Parties that have provided the notifications called for in paragraph 13 of the Procedures, for circulation to all CCMs.

For TCC Consideration

- 14. TCC3 is invited to provide advice to the Secretariat on the form it has prepared using existing WCPFC Register information requirements, which will serve as the basis for an electronic database maintained by the Secretariat (Attachment A).
- 15. TCC3 is further invited to provide advice to the Secretariat regarding its plan to compile the required notifications regarding authorized inspection vessels and crew, and inspector training (Para. 13(a)(ii) and (iii)); Para. 13(b)(ii) and (iii)), and the assurances in accordance with paragraph 14, and establish a list of Contracting Parties that have provided this information, for circulation to all CCMs.

III THE WCPFC INSPECTION FLAG

16. Paragraph 18 of the Procedures provides that "Authorized inspection vessels shall fly, in clearly visible fashion, the WCPFC inspection flag as designed by the Commission."

For TCC Consideration

17. The Secretariat has produced a draft design² of the WCPFC inspection flag, which is appended at **Attachment B** for consideration by TCC3.

IV APPROVED IDENTITY CARD

18. Paragraph 19 of the Procedures provides that "Authorized inspectors shall carry an approved identity card identifying the inspector as authorized to carry out boarding and inspection procedures under the auspices of the Commission and in accordance with these procedures."

² This draft flag is adapted from that of NEAFC and CCAMLR.

For TCC Consideration

19. To implement this provision, the most efficient approach would appear to be that each Contracting Party provide a detailed copy of the identity card issued by the authorities responsible for boarding and inspection to its authorized inspectors. TCC3 is invited to comment on this way of proceeding.

V STANDARDIZED MULTI-LANGUAGE QUESTIONNAIRE

- 20. Paragraph 21 of the Procedures provides that: "In carrying out boarding and inspection pursuant to these procedures, the authorized inspection vessel and authorized inspectors shall make their best efforts to communicate with the master of the fishing vessels in a language that the master can understand. If necessary to facilitate communications between the inspectors and the master of the vessel, the inspectors shall use the relevant part of the standardized multi-language questionnaire to be prepared by the Secretariat and circulated to all Contracting Parties with authorized inspection vessels."
- 21. The Secretariat has prepared the standardized Multilanguage questionnaire, which is appended at **Attachment C**.

For TCC Consideration

- 22. TCC3 is invited to:
 - (i) provide comments to the Secretariat on the questionnaire (Attachment C); and
- (ii) recommend to the Commission that each Contracting Party whose official language is not English, be requested to translate the questionnaire into their own language and to provide copies to the Secretariat for posting on the WCPFC website.

VI INSPECTION REPORT TEMPLATES

- 23. Paragraph 24(e) of the Procedures provides that in the conduct of a boarding and inspection, the authorized inspectors shall provide to the master prior to leaving the vessel a copy of an interim report on the boarding and inspection, including any objection or statement which the master wishes to include in the report." The content of the "interim report" is not specified under paragraph 24(e) of the Procedures.
- 24. Additionally, paragraph 30 of the Procedures requires that authorized inspectors prepare a full report on each boarding and inspection they carry out pursuant to the Procedures in accordance with a format that may be specified by the Commission. Paragraph 31 of the Procedures outlines that a full report shall include:
- a) the names and authority of the inspectors;
- b) clear identification of any observed activity or condition that the authorized inspectors believe to be a violation of the Convention or conservation and management measures in force; and
- c) an indication of the nature of specific factual evidence of such violation.

For TCC Consideration

- 25. TCC3 is invited to provide advice to the Commission on:
 - i. whether it is desirable to have a standard form for an Interim Report required by paragraph 24 of the Procedures; and

- ii. whether it is desirable to have a standard form for the Final Report required by paragraph 30 of the Procedures .
- 26. Should TCC3 determine that standard forms are required for either or both the Interim Report and the Final Report, TCC3 is invited to consider establishing a working group at the margins of TCC3 to develop draft report templates for TCC3's consideration.

VII MEMBERS' ANNUAL REPORT TO THE COMMISSION

27. Paragraph 40 of the HSB&I Procedures requires that each Contracting Party that authorizes its inspection vessels to operate under the Procedures report annually to the Commission on the boarding and inspections carried out by its authorized inspection vessels, as well as upon possible violations observed. Under paragraph 41 of the Procedures, "Members of the Commission shall include in their annual statement of compliance within their Annual Report to the Commission under Article 25(8) of the Convention, action that they have taken in response to boarding and inspections of their fishing vessels that resulted in observation of alleged violations, including any proceedings instituted and sanctions applied."

For TCC Consideration

28. In respect of Members' annual reports to the Commission, TCC3 may wish to revise the current Part 2 Template for reporting to include inspection reports pursuant to paragraph 41 of the Procedures. To assist TCC3 in making its recommendations to the Commission, a revised Part 2 Reporting Template, reflecting the requirements under paragraph 41 of the Procedures, is appended at **Attachment D** for TCC3's consideration.

VIII TRAINING REQUIREMENTS

- 29. Paragraph 13 of the Procedures stipulates that any Contracting Party that intends to carry out boarding and inspection activities pursuant to the procedures shall so notify the Commission, through the Executive Director, and shall provide the following information:
- a) with respect to each inspection vessel it assigns to boarding and inspection activities under these procedures:
- iii. notification that the crew has received and completed training in carrying out boarding and inspection activities at sea in accordance with any standards and procedures as may be adopted by the Commission.
- iv. with respect to inspectors it assigns pursuant to these procedures:
- iii. notification that such authorities' inspectors have received and completed training in carrying out boarding and inspection activities at sea in accordance with any standards and procedures as may be adopted by the Commission.

For TCC Consideration

30. TCC3 is invited to provide comments and advice to the Commission regarding "any standards and procedures as may be adopted by the Commission." In particular, TCC3 is invited to consider whether the elaboration by the Commission of minimum standards, or other procedures, for training in carrying out boarding and inspection activities is desirable; or, alternatively, if the Commission should require that each Contracting Party report to the Commission the details of their training requirements, which will be made available to all CCMs.

IX WEB PRESENTATION OF INFORMATION ASSOCIATED WITH THE WCPFC HSB& I PROCEDURES

31. Paragraph 17 of the Procedures requires that the Executive Director ensure that the register of authorized inspection vessels and authorities or inspectors is at all times available to all Members of the Commission, and that changes are circulated immediately. It further provides that updated lists shall be posted on the Commission website. Publication of the Register on the WCPFC website would facilitate wide and timely distribution of this information.

For TCC Consideration

32. TCC3 is invited to discuss whether the Register should be on a secure or public access section of the WCPFC website.

WCPFC HIGH SEAS BOARDING AND INSPECTION REGISTER

Attachment A

	DETAILS OF	VESSELS (AS DE	PICTED	IN THE ATTACE	IED PHOTOGRAPI	Submission Date:/_/(DD/MM/YY) HS)
Vessel						
	Vessel Name	Vessel Flag	Call Sign	Registration No.	Port of Registry	Port Marked on Vessel's Hull (if different than Port of Registry)
1.						of Hegistry)
2.						
3.						
4.						
5.						
Vessel (Contact Details Vessel Name	Phone Nun	nher	Fax Number	Inmarsat Mobile	E-mail Address
	v esser rume	Thone Ivan	1001	T ux T umoci	Number	D man radiess
1.						
2.						
3.						
4.						
5.						
Vessel I	Description					
	Vessel Name	(Leng		ength l/Registered en Perpendiculars)	Length specified as metres/feet	Hull Material (Aluminium/Fibreglass/ Wood/Steel/Other)
1.			,	· · · · · · · · · · · · · · · · · · ·		,
2.						
3.						
4.						
5.						

WCPFC HIGH SEAS BOARDING AND INSPECTION REGISTER

Attachment A

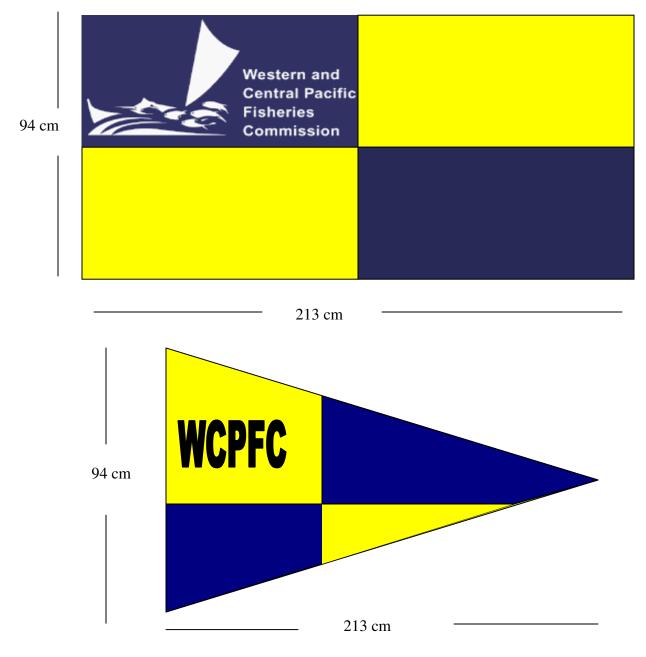
DETAILS OF AUTHORITY OR INSPECTORS

AUTHORI	AUTHORITY			
Name of A	Name of Authority:			
AUTHORI	TY CONTAC	T DETAILS		
Phone Nun	nber:			
Fax Numbe	er:			
E-mail Address:				
Website:				
INSPECTORS (OPTIONAL)				
No.	Title	Family Name		

No.	Title Mrs/Ms/Mr/Dr	Family Name	Other Names

DRAFT WCPFC INSPECTION FLAG

- 1. To be flown from inspection vessels during daylight and in conditions of normal visibility. The distance between the pennants shall not exceed 1 metre.
- 2. Boarding vessel shall display one inspection flag indicated below. The flag may be half-scale. The flag may be painted on the hull or on any vertical sides of the vessel. When painted, the black letters "WCPFC" can be left out.
- 3. Aircraft supporting any boarding and inspection procedures shall have their call sign clearly painted on the both sides of the fuselage.



STANDARDIZED MULTI-LANGUAGE QUESTIONNAIRE

BOARDING QUESTIONS

1.	(a)VESSEL(b)THIS IS THE(c)
	CALLING YOU ON CHANNEL 16 VHF-FMOVER.
	 (a) FISHING, CARRIER, or BUNKER (b) FISHING, CARRIER, or BUNKER VESSEL'S NAME (c) PATROL VESSEL (United States Coast Guard Cutter, Her Majesty's Australian Ship, etc.)
2.	REQUEST YOU SWITCH YOUR COMMUNICATIONS TO CHANNEL
3.	FISHING VESSEL (NAME), THIS IS PATROL VESSEL (NAME) WE ARE HERE ON BEHALF OF THE WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION AND ARE AUTHORIZED TO ENSURE YOU ARE COMPLYING WITH ALL APPLICABLE CONSERVATION AND MANAGEMENT MEASURES. WE INTEND TO BOARD AND INSPECT YOUR VESSEL. PRIOR TO OUR BOARDING OF YOUR VESSEL, WE NEED TO ASK YOU A FEW QUESTIONS.
4.	IS YOUR VESSEL REGISTERED WITH THE WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION?
5.	UNDER WHICH COUNTRY'S FLAG ARE YOU REGISTERED?
6.	WHAT IS YOUR INTERNATIONAL RADIO CALL SIGN?
7.	WHAT IS YOUR HOMEPORT?
8.	HOW MUCH(a-c) DO YOU HAVE ONBOARD? IF FISH, WHAT TYPE?
	 a. FISH (Fishing Vessel) b. FISH and/or SUPPLIES (Carrier Vessel) c. FUEL (Bunker Vessel)
9.	WHAT WAS YOUR LAST PORT OF CALL?

10. WHAT IS YOUR NEXT PORT OF CALL?

- 11. WHAT IS THE NAME AND NATIONALITY OF YOUR MASTER?
- 12. HOW MANY CREW DO YOU HAVE ONBOARD AND WHAT ARE THEIR NATIONALITIES?
- 13. DO YOU HAVE ANY WEAPONS ONBOARD? IF SO, WHERE ARE THEY LOCATED?
- 14. DO YOU HAVE A FISHERY OBSERVER ONBOARD? IF SO, WHAT IS THE OBSERVER'S NAME AND NATIONALITY?
- 15. WE WILL BE SENDING OVER A BOARDING PARTY IN (FIVE / FIFTEEN / THIRTY) MINUTES; PLEASE ASSIST THEM IN GETTING ONBOARD AND BY COMPLYING WITH ALL OF THEIR INSTURCTIONS.
- 16. TO ASSIST OUR BOARDING PARTY IN BOARDING YOUR VESSEL, WE REQUEST YOU ______(a-e)_____.
 - a. STOP YOUR VESSEL
 - b. SLOW YOUR VESSEL
 - c. CONTINUE ON YOUR PRESENT COURSE AND SPEED
 - d. TURN TO (PORT / STARBOARD)
 - e. LOWER A LADDER ON THE (PORT / STARBOARD) SIDE
- 17. TO CONDUCT THIS INSPECTION IN A TIMELY MANNER, PLEASE MAKE AVAILABLE TO OUR BOARDING OFFICER ALL OF YOUR VESSEL'S DOCUMENTS, INCLDUING YOUR CATCH LOGS AND REPORTS.

INITIAL BOARDING QUESTIONS

- 1. GOOD (MORNING / AFTERNOON / EVENING), ARE YOU THE MASTER OF THE VESSEL?
- 2. I AM HERE TO INSPECT YOUR VESSEL FOR COMPLIANCE WITH MEASURES ADOPTED BY THE WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION
- 3. DO YOU UNDERSTAND?
- 4. IS THERE ANYONE HERE WHO SPEAKS ____(a-f)____
 - (a) ENGLISH
 - (b) JAPANESE

- (c) KOREAN
- (d) CHINESE
- (e) FRENCH
- (f) SPANISH
- 5. I DO NOT HAVE ANYONE ONBOARD WHO CAN SPEAK YOUR LANGUAGE.
- 6. I AM USING BILINGUAL LANGUAGE CARDS. PLEASE ANSWER MY QUESTIONS SIMPLY AND SLOWLY, USING YES AND NO WHENEVER POSSIBLE
- 7. THESE PEOPLE WILL ASSIST ME IN MY INSPECTION
- 8. PLEASE MUSTER YOUR CREW ON THE (FANTAIL / BOW / OPEN DECK)
- 9. PLEASE INDICATE WHERE YOU KEEP YOUR WEAPONS ONBOARD
- 10. THIS IS A COPY OF THE TEXT OF THE WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION WHICH PROVIDES ME THE AUTHORITY TO BOARD YOUR VESSEL AND CONDUCT THIS INSPECTION
- 11. PLEASE REVIEW THIS DOCUMENT AND LET ME KNOW IF YOU HAVE ANY QUESTIONS
- 12. THIS IS A COPY OF THE RELEVANT COMMISSION CONSERVATION AND MANAGEMENT MEASURES WHICH APPLY TO YOUR VESSEL
- 13. WHEN WEREYOU INSPECTED LAST? WHO INSPECTED YOU?
- 14. I INTEND TO INSPECT YOUR VESSEL TO ENSURE YOUR COMPLIANCE WITH THESE CONSERVATION AND MANAGEMENT MEASURES
- 15. PLEASE SHOW ME
 - (a) YOUR VESSEL'S DOCUMENTS
 - (b) YOUR CURRENT PERMITS
 - (c) YOUR CATCH LOGS
 - (d) YOUR PLOTTING CHARTS
- 16. YOUR DOCUMENTS AND RECORDS INDICATE YOU ARE IN COMPLETE COMPLIANCE WITH ALL COMMISSION CONSERVATION AND MANAGEMENT MEASURES

- 17. YOUR DOCUMENTS AND RECORDS INDICATE YOU ARE NOT IN COMPLETE COMPLIANCE WITH ALL CONSERVATION AND MANAGEMENT MEASURES
- 18. THIS IS THE SPECIFIC CONSERVATION AND MANAGEMENT MEASURE BY WHICH YOU ARE NOT IN COMPLIANCE
- 19. THIS (IS / IS NOT) CONSIDERED BY THE COMMISSION TO BE A SERIOUS VIOLATION
- 20. I AM SEIZING THIS ITEM FOR EVIDENCE
- 21. I AM PHOTOGRAPHING THIS ITEM TO DOCUMENT THE VIOLATION
- 22. I WILL USE THIS BOARDING REPORT TO DOCUMENT MY INSPECTION OF YOUR VESSEL
- 23. THIS BOARDING REPORT INDICATES YOU (ARE / ARE NOT) IN COMPLIANCE WITH ALL COMMISSION CONSERVATION AND MANAGEMENT MEASURES
- 24. THIS IS YOUR COPY OF THE BOARDING REPORT
- 25. A COPY OF THIS BOARDING REPORT WILL BE PROVIDED TO THE FISHERIES ENFORCEMENT AUTHORITIES OF YOUR COUNTRY (FOR FURTHER ACTION)
- 26. THANK YOU FOR YOUR ASSISTANCE ON THIS BOARDING
- 27. I HAVE COMPLETED THE INSPECTION OF YOUR VESSEL
- 28. WE ARE DEPARTING YOUR VESSEL AT THIS TIME

REVISED PART 2 REPORTING TEMPLATE

ANNUAL REPORT TO THE COMMISSION

Purpose: To provide relevant information to the Commission on fishing activities of CCMs and cooperating non-CCMs including management and compliance issues. The report should include all fishing activities being undertaken within the Convention Area.

PART 2. MANAGEMENT AND COMPLIANCE

(To be submitted by July 31 each year. Part 2 to cover the period 1 January – 31 December of the previous year.)

2.1 IMPLEMENTATION OF CONSERVATION AND MANAGEMENT MEASURES

CCMs are required to report on the steps they have taken to implement the conservation and management measures established for the Convention Area. In addition, CCMs are to inform the Commission of measures they have adopted to conserve and manage highly migratory fish stocks (HMFS) in the Convention Area.

Action taken
Action taken

added	
Vessel Registration and Authorisation	
Procedures	
Control of fishing vessels	
Instruction/education/extension programs for	
industry including vessel owners, operators,	
crews and fish receivers/buyers.	
Port access and inspections (such as FAO Port	
Measures where applicable)	

2.2 MONITORING AND INSPECTION ACTIVITIES

The information is to be in a summarized form.

Activity	Frequency	Comment
VMS		
Transhipments		
Transhipment inspections		
At-sea inspections		
Port inspections		
Observer monitoring		
Monitoring of trade and domestic distribution of HMFS		
Inspections of domestic-only vessels		
High seas boardings and inspections of flag vessels		Report observation of alleged violations, including any proceedings instituted and sanctions applied.

2.3 SURVEILLANCE ACTIVITIES

The completion of this section should be in summarized form.

Activity	Frequency	Comment
Seagoing patrols		
Aerial surveillance		

2.4 INVESTIGATIONS AND PROSECUTION ACTIVITY

The completion of this section should be in summarized form to the level of detail that domestic requirements allow

Activity	Number	Reason and summary

	outcome
Investigations	
Outcomes – penalties or other action	
- No further action	

2.5 FURTHER MCS MEASURES TAKEN AND OTHER RELEVANT INFORMATION

EXAMPLES:

- Inform relevant changes to national legislation
- Trade measures (if adopted by the Commission)
- Cooperating non-CCMs annual reporting (to maintain cooperating status)
- Prompt IUU fishing activity reporting (Art 25(2,3)); estimated IUU catch within EEZ?
- NOPA reporting / IPOA actions taken through RFMO