

MEMORANDUM

TO: All WCPFC Members and Cooperating Non-Members

FROM: William Gibbons-Fly
Convener, Working Group on Boarding and Inspection Procedures

SUBJECT: Revised Draft Boarding and Inspection Procedures for Discussion at
TCC2

In advance of TCC2, the Executive Director is circulating the latest version of the draft boarding and inspection procedures, along with a short background paper on the issue prepared by the Secretariat. This explanatory note provides some additional information for TCC2 participants with respect to the nature and extent of the revisions to the draft text.

First, I would like to thank all delegations that provided comments on the draft texts, in two separate iterations. In all, comments were received from Australia, China (PRC), the European Commission, the FFA Secretariat, Japan, Korea, New Zealand, Chinese Taipei and the United States. In general, the comments were helpful and constructive and have served, in my view, to strengthen the text in important ways. At the same time, it was not possible to incorporate into the text all of the comments received. I believe the basis on which certain comments were included and other not incorporated merits some explanation.

As a general matter, a number of the comments received fell into one of two categories: many comment sought to expand the boarding and inspection authority provided for in the procedures, while other comments sought to further limit and circumscribe that authority. Achieving a consensus of all Members of the Commission on a set of boarding and inspection procedures will require an important and crucial balance among the interests of all Members, while at the same time ensuring full consistency with the Convention and, by extension, Articles 21 and 22 of the UN Fish Stocks Agreement. That balance has, to a greater or lesser degree, been incorporated into the text through a number of previous iterations. As a result, I was hesitant to incorporate into the text certain comments that in my view would have altered the existing balance of interests. Thus, many of the comments to expand or to circumscribe authority for boarding and inspection served to balance each other out and were not incorporated into the revised text.

As a result, the majority of the comments that have been included in the text are those that advance the text in one of three important ways: 1) they strengthen the drafting of the text; 2) they clarify or expand on key points; or 3) they enhance the operational effectiveness or efficiency of the procedures themselves.

As requested, the Executive Director will also circulate to all Members copies of each set of comments received. The fact that any comment has not been included in the current

text does not prejudice the right of any delegation to raise an issue and seek discussion among the Members. That said, we are very late in the negotiating process and we are charged at TCC2 with agreeing on a set of procedures to recommend for adoption at WCPFC3. As a result, I urge all delegations to consider their comments carefully and to raise only those issues that are the highest priority.

I look forward to seeing all of you at TCC2 and count on your support and constructive participation to arrive at an agreed set of procedures for high-seas boarding and inspection that TCC2 can recommend for adoption by the Commission in December.