



**A REGIONAL HIGH-SEAS BOARDING AND INSPECTION SCHEME FOR
THE INDIAN OCEAN TUNA COMMISSION**

Prepared by: IOTC Secretariat, 26 April, 2014

At its 17th Session, the Commission discussed the recommendation under paragraph 79 of the Compliance Committee report and requested the Secretariat to prepare a study on a regional high-seas boarding and inspection scheme:

79. The CoC **RECOMMENDED** that the Commission consider whether a potential best practice protocol for vessels in transit with armed guards on board and whether a formal and binding management measure on a regional high-seas boarding and inspection scheme should be developed in the future.

Following its deliberations, the Commission agreed that such a scheme should be developed:

66. The Commission **DISCUSSED** the recommendation from the CoC10 for a potential best practice protocol for vessels in transit with armed guards on board and whether a formal and binding management measure on a regional high-seas boarding and inspection scheme should be developed in the future.
67. The Commission **REQUESTED** that the Secretariat review similar practices by other RFMOs and develop a paper for the next CoC in 2014.

The purpose of this document is to present the study on the review of regional high-seas boarding and inspection schemes adopted and implemented by other RFMOs and propose a guideline for the development of a regional binding management measures for the Indian Ocean Tuna Commission (IOTC).

The study on the review of regional high-seas boarding and inspection schemes adopted and implemented by RFMOs is presented in Appendix I.

The guideline for the development of a regional binding management measures for the Indian Ocean Tuna Commission, "regional high-seas boarding and inspection scheme", is presented in Appendix II.

The documents in Appendices I and II were developed by two consultants with extensive experiences with RFMOs, under the supervision of the Secretariat.

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Appendix I

Study on a regional high-seas boarding and inspection scheme for the Indian Ocean Tuna Commission

I Introduction

International Law

The purpose of the present study is to review regional high-seas boarding and inspection schemes adopted and implemented by RFMOs and propose a guideline for the development of a regional binding management measures for the Indian Ocean Tuna Commission (IOTC).

International cooperation between Contracting and cooperating non contracting Parties (CPCs) in the framework of the IOTC in the area of fisheries enforcement on the high-seas should be based on the 1995 UN Agreement¹. The guidelines attached to the present study are based on chapter VI of the UN Agreement and consistent with the 1993 FAO Compliance Agreement².

In order to achieve the objective to ensure compliance with and enforcement of the conservation and management measures of the IOTC, Contracting Parties should cooperate through the IOTC.

To this end, CPCs, through the IOTC, shall establish procedures for boarding and inspection as well as procedures to ensure the effectiveness of a regional high-seas boarding and inspection scheme (the scheme) in pursuance of the above objective. Such procedures shall be consistent with the 1995 UN Agreement and shall not discriminate against non-members of the organization or non-participants in the arrangement. Boarding and inspection as well as any subsequent enforcement action shall be conducted in accordance with such procedures.

CPCs, through the IOTC, shall give due publicity to procedures established under the scheme.

The scheme should empower CPCs competent authorities to carry out inspection and surveillance on the high-seas in the IOTC area of competence in relation to all relevant vessels flying the flag of CPCs of the IOTC and non-cooperating parties, in accordance with the provisions of the scheme. Where these inspection and surveillance activities under the scheme result in citation of infringements, investigation and prosecution of these cases should be carried out by the competent authorities of the flag State of the vessel concerned. However, where the flag State has either failed to respond or failed to take action, in accordance with the scheme, the inspecting State may take measure to ensure the security and continuity of evidence and direct the vessel concerned to the nearest port.

On the high-seas the responsibilities for ensuring inspection and surveillance on the one hand and compliance with enforcement of the conservation and management measures of the IOTC on the other hand are shared between inspecting States and flag States. Successful prosecution will therefore depend on inspection and surveillance activities by inspectors from the inspecting State. Therefore, the scheme should clearly define functions, roles and responsibilities of CPC and the IOTC secretariat as well as forms to be used by inspectors under the scheme. In fact, the scheme has to ensure compatibility between national Jurisdictions of Contracting Parties as far as policing of fishing activities on the high seas and compliance with and enforcement of the conservation and management measures adopted by the IOTC is concerned.

Against this background, it is assumed that the power to police fishing activities has been laid down in the legislation of all CPC of the IOTC. CPC domestic legislation would typically identify the obligations and duties of the authorities

¹ AGREEMENT FOR THE IMPLEMENTATION OF THE PROVISIONS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA OF 10 DECEMBER 1982 RELATING TO THE CONSERVATION AND MANAGEMENT OF STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS

² Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, approved on 24 November 1993 by Resolution 15/93 of the Twenty-Seventh Session of the FAO Conference.

invested with the power to police fishing activities (Inspection and surveillance) as well as the officers assigned to carry out police duties (fishery inspectors).

In respect to economical operators carrying fishing activities, it is assumed that CPC's law would stipulate that any operator shall cooperate with inspections but may require identification of any inspection and surveillance means as well as inspectors as to ascertain that inspectors and means are duly authorized to carry out their police duties.

Moreover, it is assumed that each CPC established the rules applicable in the event where fishery inspectors have grounds to believe that economical operators did not respect fisheries legislation or other pertinent legislation. Authorities, invested by the Government with powers of investigation and sanction, shall ensure that any apparent infringements are acted upon in accordance with the applicable rules and procedures which may result in administrative or criminal sanctions.

Finally, it is assumed that CPC's law offers economical operators the right to appeal to the decisions of administrative or judicial authorities imposing the sanctions and thus may invoke any issues including related to boarding and inspection.

Scope

The geographical boundaries of the scheme can be defined as the areas beyond EEZ of Coastal States in the IOTC area of competence.

The Scheme should apply to all fishing vessels flying the flag of CPC and where applicable to fishing vessels flying the flag of cooperating non-contracting parties. Fishing vessel should be defined to include transport and associated vessels such as in the 1993 FAO Compliance Agreement "fishing vessel" means any vessel used or intended for use for the purposes of the commercial exploitation of living marine resources, including mother ships and any other vessels directly engaged in such fishing operations³.

Actors and basic responsibilities

IOTC and Contracting Parties

Adoption of the regional high-seas boarding and inspection scheme shall include rules and procedures on boarding and inspection but also on the follow up of any activities which undermine the effectiveness of or otherwise violate the conservation and management measures of the IOTC. These rules should include common definitions and a list of serious violations.

CPC shall designate an appropriate authority to receive notifications under the scheme and, through the IOTC, shall give due publicity of such designation. The IOTC should designate the secretariat as an appropriate body to receive and dispatch notifications under the scheme and to provide information on fishing activities and inspection and surveillance activities to inspecting States when deploying means of surveillance and inspection on the high-seas.

CPC of the IOTC may take action, in accordance with international law, through recourse to regional procedures established for this purpose, to deter vessels which have engaged in activities which undermine the effectiveness of or otherwise violate the conservation and management measures established by the IOTC from fishing on the high seas in the region until such time as appropriate action is taken by the flag State.

The IOTC should designate the Compliance Committee as the body to evaluate annually the effectiveness of the measures taken by the CPC to ensure compliance with and enforcement of the conservation and management

³ Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, approved on 24 November 1993 by Resolution 15/93 of the Twenty-Seventh Session of the FAO Conference.

measures of the IOTC on the basis of country reports. The Compliance Committee should report its findings to the Commission.

Inspecting State; powers and duties

Duly authorized inspectors of the inspecting State may carry out inspection and surveillance on the high-seas in the IOTC area of competence in relation to all relevant vessels flying the flag of CPC of the IOTC and non-contracting parties, in accordance with the provisions of the scheme.

The duly authorized inspectors of an inspecting State shall have the authority to inspect the vessel, its license, gear, equipment, records, facilities, fish and fish products and any relevant documents necessary to verify compliance with the relevant conservation and management measures.

Where, following a boarding and inspection, there are clear grounds for believing that a vessel has engaged in any activity contrary to the conservation and management measures of the IOTC, the inspecting State shall, where appropriate, secure evidence and shall promptly notify the flag State of the alleged violation.

Where the flag State authorizes the inspecting State to investigate an alleged violation, the inspecting State shall, without delay, communicate the results of that investigation to the flag State.

Where the flag State has either failed to respond or failed to take action as required under the scheme, the inspectors may remain on board and secure evidence and may require the master to assist in further investigation including, where appropriate, by bringing the vessel without delay to the nearest appropriate port, or to such other port as may be specified in the scheme. The inspecting State shall immediately inform the flag State of the name of the port to which the vessel is to proceed.

Where there are reasonable grounds for suspecting that a fishing vessel on the high seas is without nationality, a State may board and inspect the vessel. Where evidence so warrants, the State may take such action as may be appropriate in accordance with international law.

States shall be liable for damage or loss attributable to them arising from action taken pursuant the scheme when such action is unlawful or exceeds that reasonably required in the light of available information to implement the provisions of the scheme.

The inspecting States shall ensure that:

- through the IOTC, all States whose vessels fish on the high seas in the IOTC area of competence, are informed of the form of identification issued to their duly authorized inspectors;
- the vessels used for boarding and inspection are clearly marked and identifiable in accordance with the scheme as being on government service in the IOTC area of competence;
- action taken in respect of vessels having engaged in activities contrary to IOTC conservation and management measures shall be proportionate to the seriousness of the violation;
- their inspectors observe generally accepted international regulations, procedures and practices relating to the safety of the vessel and the crew, minimize interference with fishing operations and, to the extent practicable, avoid action which would adversely affect the quality of the catch on board;
- boarding and inspection is not conducted in a manner that would constitute harassment of any fishing vessel.

The inspecting State shall ensure that its duly authorized inspectors:

- present credentials to the master of the vessel and produce a copy of the text of the relevant conservation and management measures or rules and regulations in force in the high seas area in question pursuant to those measures;
- initiate notice to the flag State at the time of the boarding and inspection;

- do not interfere with the master's ability to communicate with the authorities of the flag State during the boarding and inspection;
- provide a copy of a report on the boarding and inspection to the master and to the authorities of the flag State, noting therein any objection or statement which the master wishes to have included in the report;
- promptly leave the vessel following completion of the inspection if they find no evidence of a serious violation; and
- avoid the use of force except when and to the degree necessary to ensure the safety of the inspectors and where the inspectors are obstructed in the execution of their duties. The degree of force used shall not exceed that reasonably required in the circumstances.

Where, following boarding and inspection, there are clear grounds for believing that a vessel has engaged in any activity contrary to the conservation and management measures of the IOTC, the inspecting State shall ensure that:

- where appropriate, its inspectors secure evidence and ensure its continuity;
- any activity contrary to the conservation and management measures of the IOTC observed by its inspectors is promptly notified to the flag State of the vessel involved in the alleged violation;
- where so authorized by the flag State, the alleged violation is investigated and appropriate enforcement action is taken in accordance with the scheme;
- to the extent permitted by its legislation, establish arrangements for making available to prosecuting authorities in other States evidence relating to alleged violations of such measures.

Flag State; powers and duties

Flag States shall ensure compliance with and enforcement of the conservation and management measures of the IOTC in relation to the vessels flying their flag. The provisions of the scheme are without prejudice to the right of the flag State to take any measures, including proceedings to impose penalties, according to its laws.

To this end, the flag State shall ensure that vessel masters:

- accept and facilitate prompt and safe boarding by the inspectors;
- cooperate with and assist in the inspection of the vessel conducted pursuant to these procedures;
- do not obstruct, intimidate or interfere with the inspectors in the performance of their duties;
- allow the inspectors to communicate with the authorities of the flag State and the inspecting State during the boarding and inspection;
- provide reasonable facilities, including, where appropriate, food and accommodation, to the inspectors; and
- facilitate safe disembarkation by the inspectors.

In the event that the master of a vessel refuses unduly to accept boarding and inspection, the flag State shall direct the master of the vessel to submit immediately to boarding and inspection and, if the master does not comply with such direction, shall suspend the vessel's authorization to fish and order the vessel to return immediately to port. The flag State shall advise the inspecting State of the action it has taken when the circumstances referred to in this paragraph arise.

Where there are clear grounds for believing that a vessel flying its flag has engaged in any activity contrary to the conservation and management measures of the IOTC in accordance with the rules and procedures laid down in the scheme that the flag State shall:

- enforce such measures irrespective of where violations occur;
- investigate immediately and fully any alleged violation of conservation and management measures of the IOTC, which may include the physical inspection of the vessels concerned;
- require any vessel flying its flag to give information to the investigating authority regarding vessel position, catches, fishing gear, fishing operations and related activities in the area of an alleged violation;

- if satisfied that sufficient evidence is available in respect of an alleged violation, refer the case to its authorities with a view to instituting proceedings without delay in accordance with its laws and, where appropriate, detain the vessel concerned; and
- ensure that, where it has been established, in accordance with its laws, a vessel has been involved in the commission of a serious violation of such measures, the vessel does not engage in fishing operations on the high seas until such time as all outstanding sanctions imposed by the flag State in respect of the violation have been complied with.

Sanctions applicable in respect of violations shall be adequate in severity to be effective in securing compliance and to discourage violations wherever they occur and shall deprive offenders of the benefits accruing from their illegal activities. Measures applicable in respect of masters and other officers of fishing vessels shall include provisions which may permit, inter alia, refusal, withdrawal or suspension of authorizations to serve as masters or officers on such vessels.

Flag States shall provide Information on the progress and outcome of the investigations to the IOTC and all States having an interest in, or affected by, the alleged violation.

Where there are reasonable grounds for believing that a vessel on the high seas has been engaged in unauthorized fishing within an area under the jurisdiction of a coastal State, the flag State of that vessel, at the request of the coastal State concerned, shall immediately and fully investigate the matter.

Notwithstanding other provisions under the scheme, the flag State may, at any time, take action to fulfil its obligations under international rules with respect to an alleged violation committed by a vessel flying its flag on the high-seas in the IOTC area of competence. Where the vessel is under the direction of the inspecting State, the inspecting State shall, at the request of the flag State, release the vessel to the flag State along with full information on the progress and outcome of its investigation.

Port State duties

A port State has the right and the duty to take measures, in accordance with international law, to promote the effectiveness of regional and global conservation and management measures. When taking such measures a port State shall not discriminate in form or in fact against the vessels of any State.

A port State may, inter alia, inspect documents, fishing gear and catch on board fishing vessels, when such vessels are voluntarily in its ports or at its offshore terminals.

Duty to cooperate

Boarding and inspection schemes are based on cooperation between the inspecting State and the flag State and where appropriate the port State and the coastal State in pursuance of the objective to ensure compliance with and enforcement of conservation and management measures agreed by States. All sovereign States involved are expected to cooperate in good faith so as to ensure effectiveness of each other's efforts in pursuance of the above objective.

Nothing in the scheme will affect the capacity of sovereign States, in accordance with their legislation, to authorize inspecting States to carry out investigation and enforcement in relation to vessels flying the flag of that State operating on the high-seas. Port States and coastal States will act under their own jurisdiction.

The flag State shall cooperate with the coastal State in taking appropriate enforcement action in such cases and may authorize the relevant authorities of the coastal State to board and inspect the vessel on the high seas.

All States shall endeavor to meet reasonable requests made by a flag State in connection with investigations.

States may adopt regulations empowering the relevant national authorities to prohibit landings and transshipments where it has been established that the catch has been taken in a manner which undermines the effectiveness of sub-regional, regional or global conservation and management measures on the high seas.

States shall assist each other, including through the IOTC, in identifying vessels reported to have engaged in activities undermining the effectiveness of regional or global conservation and management measures.

Use of force

In accordance with the 1995 UN agreement, the use of arms is limited to self-defense. Inspecting States cannot use arms on the high-seas to force vessels which appear unwilling to cooperate with inspection and surveillance. In the event where an inspecting State is confronted with vessels unwilling to cooperate with boarding and inspection it shall immediately inform the flag State which should immediately summon the owner and the master to cooperate with inspection and surveillance. Failure to cooperate with inspection and surveillance should be cited as a serious violation.

A flag State, in accordance with its legislation, may use force against vessels flying its own flag operating on the high-seas. To this end, in accordance with their legislation, Flag States may request assistance from other States.

The experience with boarding and inspection schemes of RFMO's has shown that the effectiveness of the scheme does not depend on the use of force but rather on cooperation between Contracting Parties. As regards boarding and inspection of vessels flying the flag of non-contracting parties, the level of cooperation by the flag States may not live up to the expectations of CPC. Nevertheless such problems should be resolved in the first place through cooperation between States and not by unilateral action.

States may also use force against stateless vessels as long as such force is proportionate. In the event a vessel flying the flag of another State which is operating in the waters of a coastal State and does not cooperate with inspectors but instead steams out of the waters of the coastal State, the last State has the right of hot pursuit which may include the use of force on the high seas. However, both above cases are falling under national law of the State in question.

In relation to the Indian Ocean, the presence of armed guards on board of fishing vessels will be a complicating factor for boarding under the scheme. In the event that armed guards are on board, inspections should be announced and acknowledged by the master of the fishing vessel concerned. Under other high sea boarding and inspection schemes, inspectors shall announce an inspection to the master but have not to wait for his answer. However, the risk that armed guards are confusing a team of IOTC inspectors with a potential attack by pirates has to be neutralized. To this end, procedures should be established under the scheme excluding any risk for inspectors. Such procedures could be inspired by the ongoing work on this issue in the framework of the IMO.

Compatibility between inspection and surveillance in EEZ's and the high sea

The aim of boarding, inspection and surveillance in the waters of the coastal State is the same as on the high sea for the enforcement of conservation and management measures applicable to the exploitation of highly migratory species.

However, the legal system applicable on the high sea is very distinct from the legal system in the waters of the coastal state. Any confusion between the two legal systems should be avoided.

Having said this, against the background of the costs of inspection and surveillance at sea, there is a growing number of pragmatic examples of cooperation between States which are compatible with legal systems applicable in EEZ's and the high sea schemes.

When inspectors from different countries are on board of an inspection vessel, the vessel may switch from the high seas to the waters of coastal states as long as inspectors from this coastal State are on board. The inspections on the high sea shall be carried out in accordance with high sea boarding and inspection schemes whilst inspections in the waters of the coastal state shall be carried out by inspectors authorized by this State in accordance with the legislation applicable to these waters.

In the South West Pacific, agreements have been concluded on the basis of which coastal States authorize foreign inspectors and means to carry out inspections in their waters and, where appropriate, to detain vessels and to reroute these vessels to their ports. Such agreements are laid down in the proper legal context so as not to confuse with multilateral arrangements concerning the high sea.

II Regional high-seas boarding and inspection schemes

Please find attached the comparative table reviewing the boarding and inspection schemes of NAFO, NEAFC, ICCAT, WCPFC and CCAMLR. The main conclusions of the review may be summarized as follows.

The scope and definitions of the different schemes follow the same pattern. The scope is based on mutual boarding, inspection and surveillance by Contracting Parties on the high seas which is defined as areas beyond coastal State zones within the Convention area. All schemes apply to vessels flying the flag of Contracting Parties. No reference is made to vessels flying flags of non-contracting parties but boarding and inspection of these vessels may be carried out on a voluntary basis (only when the master of the vessel concerned accepts).

The definitions included in the schemes are variable and do not follow a clear line as to the choices of the subject matter to be defined and how it is defined. Each RFMO has adopted the definitions which it deemed fit in its own context. Most definitions are tailor made and not copied from FAO or UN documents.

All schemes describe the conditions under which boarding, inspection and surveillance may be carried out on the high seas (authorization, identification, prior notification of means and inspectors). The WCPFC scheme includes specific requirements relating to training of inspectors.

The NAFO and NEAFC schemes fix a threshold when Contracting Parties are obliged to deploy means of inspection and surveillance on the high seas (depending on the number of fishing vessels flying their flag which operate simultaneously on the high seas). ICCAT offers the possibility of joint deployment plans agreed between Contracting Parties.

All schemes describe also in more or less detail how boarding, inspection and surveillance should be carried out and what are the responsibilities of the master of the fishing vessel and of the inspection party. Some schemes are more specific on interference with fishing operations and others with use photographic equipment and of language. WCPFC and CCAMLR are specific on refusal of the master to cooperate with inspection.

The NAFO scheme is the most specific on the responsibilities of Flag states as well as the requirement to ensure non-discriminatory inspection and surveillance activities. The NEAFC scheme requires flag States to adopt measures obliging masters to permit access by inspectors.

The NAFO and NEAFC schemes define specifically serious infringements together with the procedures clarifying the responses expected from the inspecting State and the Flag State. Other schemes define serious infringements but not what should be done.

As regards the different forms to be used by inspectors, the NAFO and NEAFC scheme define in great detail each form including electronic forms whilst other schemes are less specific. All schemes dictate the notification of forms to the RFMO secretariat and the flag State of the vessel concerned. The NAFO scheme defines also how reports are to be used by flag States.

None of the schemes is very specific on the issue of coordination of inspections and in particular the role of the secretariat of the RFMO. The NAFO, NEAFC and ICCAT schemes describe in detail at what point an inspecting State gets access to monitoring data received by the RFMO secretariat.

All schemes provide for annual reporting by the inspecting State and the flag State and detail which information must be made available to the secretariat or Compliance Committee.

The NAFO and NEAFC scheme prohibit carrying of arms by inspectors. Other schemes take a broader position and allow the use of side arms when proportionate to the perceived risk.

All schemes set out an escalating dispute settlement procedure.

It can be concluded that all boarding and inspection schemes which have been reviewed show many similarities and cover broadly the same ground. All schemes offer the similar legal solutions for international inspection and surveillance activities on the high sea as well as the procedures requiring flag States to follow up international inspection and surveillance. However, many differences between the schemes have been observed in form, drafting and terminology. The drafters of the schemes have started from UNCLOS and the UN Agreement referred to above but continued to use existing regional definitions and practices. Only a minor part of the differences in the schemes can be attributed to differences in the fishing context in each region.

III Guidelines for a regional high-seas boarding and inspection scheme for the IOTC

The guidelines follow the terminology and definitions set out in the UN Agreement and the FAO Compliance Agreement both referred to above.

The UN Agreement refers to high sea boarding and inspection scheme. However, it is advised to include surveillance. Surveillance was defined as a positive sighting of a vessel/activity by an inspector but should be widened up to include monitoring technologies such as VMS, AIS and possibly others in the future.

The guidelines would apply to the high sea and cover all fishing vessels and associated vessels targeting the species listed in the Agreement. As regards the scope the question should be raised whether to include explicitly vessels flying flags of non-contracting parties. It would not be contrary to international law to do so but when doing so the Contracting Parties, through IOTC, should give due publicity to this measure and, beforehand, inform potential flag States by notifying the scheme.

The guidelines rather copy from the schemes reviewed the conditions under which boarding, inspection and surveillance may be carried out on the high seas (authorization, identification, prior notification of means and inspectors) and how boarding, inspection and surveillance should be carried out as well as what are the responsibilities of the master of the fishing vessel and of the inspection party.

The end product of an inspection by an inspecting State is an inspection report or a surveillance report. The flag State has to act on the basis of such reports, where appropriate, by investigating and sanctioning infringements. Therefore, forms should be clear and guide inspectors to include only factual information. Indeed, inspectors from different background will carry out inspections on the high sea and, therefore, the forms should guide inspectors through the process of inspection. The collection of evidence may be crucial for the success of prosecution. Therefore, it is important to regulate how inspectors shall collect evidence and how to ensure continuity and security of evidence.

The guidelines describe in detail what is expected from the flag State in terms of follow up of inspection. The level of commitment of flag States may be less than expected by the inspecting State incurring the expenditures for ensuring inspection and surveillance on the high sea. Clear and detailed rules will leave less room for conflicts.

Appendix II

IOTC High-seas Inspection and Surveillance Scheme Guidelines

Part 1

General Provisions

1. Use of terms

For the purposes of this Scheme, the following definitions apply;

- a) "Commission" means the Indian Ocean Tuna Commission commonly known as IOTC;
- b) "IOTC Executive Secretary" means the IOTC Executive Secretary of the Indian Ocean Tuna Commission
- c) "High Seas" means the High seas of the Area of Competence of sea lying outside of the EEZ's of the surrounding coastal states;
- d) "authorities of the Inspection Vessel" means the authorities of the CPC under whose jurisdiction the inspection vessel is operating;
- e) "authorised inspection vessel" means any vessel included in the Commission register of vessels as authorised by a CPC to engage in boarding and inspection activities pursuant to these procedures;
- f) "authorised inspector" means an inspector employed by the authorities responsible for boarding and inspection included in the Commission Register and authorised to conduct boarding and inspection activities pursuant to these procedures.
- g) "authorities of the Fishing Vessel" means the authorities of the Member of the Commission under whose jurisdiction the fishing vessel is operating;
- h) "authorised Fishing Vessel" means a fishing vessel registered on the IOTC Record of Fishing Vessels.
- i) "vessel" means any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities;
- j) "illegal, unreported and unregulated fishing" refers to the activities set out in paragraph 1 of Resolution 11/03;
- k) "fish" means all species of highly migratory fish stocks covered by the IOTC Agreement;
- l) "fishing" means searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish;
- m) "fishing related activities" means any operation in support of, or in preparation for, fishing, including deploying FAD's, landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea.

2. Objectives

To prevent, deter and eliminate IUU fishing through the implementation of an effective Scheme of High Seas Inspections and Surveillance to monitor and control the catching of highly migratory species of fish in the High seas of the IOTC Area of Competence, and thereby to ensure the long-term conservation and sustainable use of these resources and marine ecosystems.

3. High seas of the Area of Competence

The High Seas of the IOTC Area of Competence, comprising the Indian Ocean and adjacent seas.

Part 2

Authorisations and Obligations

4. Registration of authorised government departments, inspection vessels and aircraft.

4.1 CPC Obligations

- a) Each CPC intending to carry out boarding and inspection activities pursuant to these procedures shall notify the IOTC Executive Secretary and shall provide the following information using the templates detailed in Annex I:
 - i) the name of the authorising national authority with contact details, along with similar details for the national Fisheries Monitoring Centre (FMC) or a responsible person;
 - ii) details of all inspection vessels including name, call sign, port of registry, communication contact details and a recent photograph of the vessel;
 - iii) details of all surveillance aircraft including registration, call sign, any communication contact details and a recent photograph of the aircraft;
 - iv) the name of each inspector authorised to undertake boarding and inspections under this Scheme.
- b) CPC's shall transmit electronically the information in paragraph 4.1a annually to the Commission by the 1st of December using the format provided in Annex I.
- c) When the information provided in i) to iv) of paragraph 4.1.a) is modified, these changes shall be promptly notified to the IOTC Executive Secretary.
- d) CPC's shall ensure that all authorised authorities, inspection vessel and surveillance aircraft crews and inspectors attached to the Scheme are familiar with the Scheme and have received training in undertaking their respective duties safely and effectively under the Scheme. Guidance on the appropriate level of training of inspectors is available in Annex IIIa. In order to ensure the safety of all those involved in boarding and inspections at sea, crews of inspection vessels shall be familiar with operating in the vicinity of fishing vessels and undertaking transfers of inspectors to and from fishing vessels. Guidance on the appropriate level of training of inspectors is available in Annex III b.
- e) Inspectors shall be nationals of the CPC which designates them and, while carrying out inspection activities, shall be subject solely to the jurisdiction of that CPC.
- f) Each CPC shall ensure that IOTC inspectors from another CPC shall be allowed to carry out inspections on board those of its fishing vessels to which this Scheme applies. Furthermore, it shall adopt measures obliging the masters of the fishing vessels to co-operate with the IOTC inspectors and to ensure their safety throughout the inspection.
- g) For the purposes of these procedures, the authorities of the fishing vessels shall regard interference by their fishing vessels, captains or crew with an authorised inspector or an authorised inspection vessel in the same manner as any such interference occurring within its exclusive jurisdiction.

4.2 Commission Obligations

- a) The Commission shall maintain a register of all authorised national authorities, inspection vessels, surveillance aircraft and inspectors. Only vessels and authorities or inspectors listed on the Commission's register are authorised under these procedures to board and inspect foreign flagged fishing vessels on the high seas within the High seas of the Area of Competence.
- b) The Commission shall publish the lists of authorised authorities, inspection vessels, surveillance aircraft and inspectors on the IOTC website and shall ensure any amendments are included as soon as possible after receipt.

5. Identification of inspection vessels and inspectors

CPC's shall ensure that:

- a) Authorised inspection vessels and any boats used to transfer inspectors to fishing vessels are equipped with inspection pennants as detailed at Annex II;
- b) Authorised Inspectors are equipped with identification cards as detailed at Annex III.

6. Coordination of inspection vessels or inspectors

6.1. CPC's shall ensure that

- a) CPC's shall maintain an inspection presence in the High seas of the Area of Competence proportional to the number of flag state authorised fishing vessels operating in the area. In complying with this obligation and to enhance the effectiveness of this Scheme CPC's may deploy authorised inspectors on board an inspection vessel of another CPC deployed to the High seas of the Area of Competence.
- b) In order to maximise the use and effectiveness of available inspection vessels, CPC's are encouraged to inform the IOTC Executive Secretary of their operating plans for the forthcoming year in compliance with the Scheme by 31st December. This requirement shall not prevent CPC's from amending their annual operating plans during the period in question in order to address operational issues arising or in order to coordinate activities with other CPC's individually or as part of a Joint Deployment Plan.
- c) Inspection vessels shall notify the IOTC Executive Secretary of the date, time and position of entering the High seas of the Area of Competence to commence operations and the anticipated departure date. Similarly the IOTC Executive Secretary shall be notified when the inspection vessel concludes operations and departs the High seas of the Area of Competence (see Article 15 and Annex V).
- d) Authorized inspection vessels in the same operational area should seek to establish regular contact for the purpose of sharing information on High seas of the Area of Competences in which they are patrolling, on sightings and on boarding and inspections they have carried out, as well as other operational information relevant to carrying out their responsibilities under these procedures.

6.2. The Commission shall

- a) place notifications received from CPC's on the IOTC website as soon as possible after receipt;
- b) when appropriate, liaise with the CPC's to coordinate the operations of inspection vessels or the exchange of inspectors;
- c) ensure that surveillance and inspection operations on the high seas are fully integrated with the other monitoring, compliance and surveillance tools available pursuant to the CMM's;
- d) keep under continuous review the implementation and operation of these procedures, including review of annual reports relating to these procedures provided by Members.

6.3 Application

In applying these procedures, CPC's shall seek to promote optimum use of the authorized inspection vessels and authorized inspectors by:

- a) identifying priorities for surveillance and inspection operations pursuant to these procedures by utilising risk assessment and data analysis methodologies to identify and prioritise target fishing vessels for inspection, to facilitate effective and efficient use of inspection vessels and to provide transparency and consistency to the selection of vessels for inspection;
- b) ensuring non-discriminatory distribution of boarding and inspections on the high seas among fishing vessels of Members of the Commission without compromising the opportunity of CPC's to investigate possible serious violations;
- c) taking into account high seas enforcement resources assigned by CPC's to monitor and ensure compliance by their own fishing vessels, particularly for small boat fisheries whose operations extend onto the high seas of the High seas of the Area of Competence adjacent to waters under their jurisdiction.

Part 3

Conduct of Inspections

7. *Obligations of CPC's.*

When authorising Boarding and Inspections operations at sea, CPC's shall ensure that authorised inspectors:

- a) are properly trained in undertaking boarding and inspection operations at sea taking into account the guidelines for the training of inspectors;
- b) remain under its operational control except when inspecting a fishing vessel entitled to fly its own flag and in accordance with domestic law;
- c) apply the provisions of this Scheme;
- d) refrain from enforcing laws and regulations relating to its own exclusive economic zone;
- e) undertake inspections in a non-discriminatory manner and in accordance with the Scheme to ensure equal treatment between all CPC's with fishing vessels operating in the High seas of the Area of Competence through an equitable distribution of inspections.

8. *Obligations of Authorised inspection vessels and Inspectors.*

- a) Inspection vessels and inspectors shall observe generally accepted international regulations, procedures and practices relating to the safety of the vessel being inspected and its crew.
- b) No boarding shall be conducted without prior notice by radio being sent to the fishing vessel or without the fishing vessel being given the appropriate signal using the International Code of Signals, including the identity of the inspection platform, whether or not such notice is acknowledged as received.
- c) All inspection vessels shall fly in a conspicuous position the IOTC inspection pennant at all times when operating in the High seas of the Area of Competence. Boarding boats used in the transfer of inspectors to fishing vessels shall also fly the pennant.
- d) All authorised inspectors must show their IOTC identity cards to the master of the fishing vessel or his representative immediately on boarding the fishing vessel.
- e) The size and composition of the inspection party and the level of personal protective equipment carried by inspectors shall be determined by the master of the inspection vessel taking into account the circumstances in place at the time.
- f) Generally inspections shall be completed as quickly as is possible while avoiding undue interference with the normal operations of the fishing vessel. In the case of an infringement being detected the inspectors may stay on board for the time necessary for the completion of measures provided for in Articles 12 and 13.
- g) Inspectors have the authority to examine all relevant areas, decks and rooms of the fishing vessels, catch (whether processed or not), nets or other gear, equipment including VMS equipment and any relevant documents which the inspector deems necessary to verify the compliance with the measures established by IOTC and to question the master or a person designated by the master.
- h) Without limiting the capability of inspectors to carry out their mandates, inspections shall be made so that the fishing vessel, its activities and the catch retained on board do not suffer undue interference and inconvenience.
- i) The fishing vessel to be boarded shall not be required to stop or manoeuvre when fishing, shooting or hauling. The inspectors may order the interruption or delay in the hauling of the fishing gear until they have boarded the fishing vessel and in any event no more than 30 minutes after receiving the signal.
- j) The use of force shall be avoided except when and to the degree necessary to ensure the safety of the inspectors and where the inspectors are obstructed in the execution of their duties. The degree of force used shall not exceed that reasonably required in the circumstances. Any incident involving the use of force shall be immediately reported to the authorities of the fishing vessel and to the IOTC Secretariat.

- k) Inspectors shall not interfere with the master's ability to communicate with the authorities of the flag State during the boarding and inspection.
- l) Inspectors may photograph or video the gears, equipment, documentation and any other element considered necessary in such a way as to reveal those features which in their opinion are not in conformity with the IOTC CMM's in which case the subjects photographed should be listed in the report and copies of the photographs should be attached to the copy of the report to the flag State.
- m) The authorised inspection vessel and authorised inspectors shall make their best efforts to communicate with the master of the fishing vessels in a language that the master can understand using, if necessary the relevant part of the standardized multi-language cards to be prepared by the IOTC Executive Secretary.

9. Obligations of Masters of Fishing Vessels

During the conduct of a boarding and inspection, the master of the fishing vessel shall:

- a) follow internationally accepted principles and normal practices of good seamanship to avoid risks to the safety of authorised inspection vessels and inspectors;
- b) facilitate prompt and safe embarkation and disembarkation by the inspectors by manoeuvring the fishing vessel according to the prevailing conditions and by providing a boarding ladder to the specification prescribed at Annex IX;
- c) cooperate with the inspectors and assist in the inspection of the vessel pursuant to these procedures;
- d) not assault, resist, intimidate, interfere with, or unduly obstruct or delay the inspectors in the performance of their duties;
- e) allow the inspectors to communicate with the crew of the inspection vessel, the authorities of the inspection vessel, as well as with the authorities of the fishing vessel being inspected;
- f) provide them with reasonable facilities, including, where appropriate, food and accommodation;
- g) If the master of a fishing vessel refuses to allow an authorised inspector to carry out a boarding and inspection in accordance with these procedures, such master shall offer an explanation of the reason for such refusal. The authorities of the inspection vessel shall immediately notify the authorities of the fishing vessel and the IOTC Executive Secretary of the masters refusal and any explanation.

Part 4

Inspections

10. Duties of Inspectors

10.1 When undertaking inspections of fishing vessels at sea and considering the stipulations laid down in the relevant CMM's, inspectors shall:

- a) verify that the vessel identification documentation and information relating to the owner, operator or charterer of the vessel is true, complete and correct;
- b) verify that the vessel's flag and markings (e.g. name, external registration number, International Maritime Organisation (IMO) ship identification number, international radio call sign and other markings) as well as main dimensions are consistent with information contained in the documentation;
- c) verify that the authorisations for fishing and fishing related activities are true, complete, correct and consistent with the information provided in accordance with information available to the CPC or IOTC;
- d) review all other relevant documentation and records held onboard, including those in electronic format from the flag State or IOTC Executive Secretary or other relevant Regional Fisheries Management Organisations (RFMOs). Relevant documentation may include logbooks, catch, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;

- e) verify the correct operations and condition of the onboard VMS equipment; if the VMS equipment is not functioning correctly, verify the correct manual submission of position reports;
- f) examine all relevant fishing gear onboard, including any gear stowed out of sight as well as related devices, and to the extent possible, verify that they are in conformity with the conditions of the authorisations. The fishing gear shall, to the extent possible, also be checked to ensure that features such as the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorised for the vessel;
- g) Determine whether the fish on board was harvested in accordance with the applicable authorisations to fish issued by the Flag State;
- h) examine the fish, including by sampling, to determine its quantity and composition. In doing so, inspectors may open containers where the fish has been pre-packed and move the catch or containers to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight;
- i) Evaluate whether there is any evidence for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing;
- j) complete a report on each inspection undertaken.

10.2 In order to ensure a level of consistence and transparency when undertaking inspections at sea, a checklist for use by inspectors during inspections at sea is available at Annex VII. The IOTC Executive Secretary shall ensure the checklist is amended as necessary to incorporate the adoption of new CMM's.

11. Inspection Report

11.1 Inspectors Obligations.

- a) Authorised inspectors shall prepare a report on every inspection they carry out at sea in pursuant to these procedures using the report format detailed in Annex IV. The template of the sea inspection report in paper and electronic format is available from the IOTC IOTC Executive Secretary.
- b) Inspectors should invite the master of the fishing vessel to review, comment on and sign the paper copy of the inspection report and a copy of the report shall be left onboard the fishing vessel.
- c) Inspectors should submit an electronic copy of the inspection report to their national authority and to the IOTC Executive Secretary within 12 hours of the completion of the inspection.

11.2 Authority of Inspection Vessel Obligations

- a) The authorities of the inspection vessel from which the boarding and inspection was carried out shall transmit an electronic copy of the inspection report to the authorities of the fishing vessel being inspected, as well as the IOTC Executive Secretary, within 3 full working days of the completion of the boarding and inspection.
- b) Each CPC shall ensure that inspection and surveillance reports prepared by IOTC inspectors have equivalent evidentiary status for establishing facts as inspection and surveillance reports of its own inspectors. However, nothing in this Article requires a CPC to accord greater evidentiary weight to an inspection report of an inspector of another CPC than would be accorded to it in similar proceedings by the inspector's own State.

11.3 IOTC Executive Secretary Obligations

- a) The IOTC Executive Secretary shall place a copy of the report on the IOTC website within 5 working days of receipt.

Part 5

Infringements and Serious Infringements.

12. Infringements

12.1 Inspector Actions

In the event of inspectors finding clear grounds for believing that a fishing vessel flying the flag of another CPC has engaged in any activity contrary to this Scheme they shall:

- a) note the infringement in the inspection report referring to the CMM infringed ;
- b) take all necessary measures to ensure security and continuity of the evidence for subsequent dockside inspection. An identification mark may be affixed securely to any part of the fishing gear which appears to the inspector to have been in contravention of applicable measures;
- c) in order to facilitate CPC action on the infringement, immediately attempt to communicate with an inspector or designated authority of the flag State of the inspected fishing vessel.

12.2 CPC actions

- a) the authorised authorities of the CPC inspecting the fishing vessel shall communicate the details of an infringement to the designated authorities of the CPC of the inspected vessel within the working day following the inspection;
- b) an original of the inspection report with any supporting documentation, shall be forwarded without delay to the appropriate authorities of the CPC of the inspected fishing vessel as well as a copy to the IOTC Executive Secretary;
- c) the appropriate authorities of a CPC notified of an infringement committed by a fishing vessel of that CPC shall take prompt action to receive and consider the evidence of the infringement and conduct any further investigation necessary for the follow up to the infringement and, whenever possible, inspect the fishing vessel concerned;
- d) each CPC shall designate the appropriate authorities mandated for receiving evidence of infringement and shall inform the IOTC Executive Secretary of the address of those authorities; the IOTC Executive Secretary shall subsequently inform all other CPC's;
- e) each CPC shall consider and act on reports from inspectors of other CPC's under the Scheme on the same basis as reports from its own inspectors. CPC's shall co-operate in order to facilitate judicial or other proceedings arising from a report submitted by an inspector under the Scheme.

12.3 Reporting and Follow Up Actions

Procedures for reporting of infringements and follow up actions are detailed in Art 13.5.

13. Serious Infringements

13.1 Definitions

For the purposes of the Scheme, a serious infringement means the following infringements of the provisions of the IOTC conservation and management measures by the vessels, the masters or crew members that:

- a) harvest tuna or tuna-like species in the IOTC High seas of the Area of Competence of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC High seas of the Area of Competence;
- b) harvest tuna or tuna-like species in the IOTC High seas of the Area of Competence when their flag State is without sufficient quotas, catch limit or effort allocation under IOTC Conservation and Management Measures where applicable;

- c) do not record or report their catches made in the IOTC High seas of the Area of Competence in accordance with IOTC reporting requirements, or make false reports;
- d) take or land undersized fish in contravention of IOTC Conservation and Management Measures;
- e) fish during closed fishing periods or in closed High seas of the Area of Competences in contravention of IOTC Conservation and Management Measures;
- f) use prohibited fishing gear in contravention of IOTC Conservation and Management Measures;
- g) tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List;
- h) harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC Area of Competence without authorisation and/or infringe the coastal State's laws and regulations;
- i) are without nationality and harvest tuna or tuna-like species in the IOTC High seas of the Area of Competence;
- j) engage in fishing, including transshipping, re-supplying or re-fuelling, contrary to any other IOTC Conservation and Management Measures;
- k) fail to maintain sufficient records of catch and catch-related data in accordance with the Commission's reporting requirements or where the live weight figure recorded in the logbook varies by more than 10% from the actual live weight of retained species;
- l) falsify or intentionally conceal its markings, identity or registration;
- m) conceal, tamper with or dispose of evidence relating to investigation of a violation;
- n) assault, resist, intimidate, sexually harass, interfere with, or unduly obstruct or delay an authorised inspector or observer;
- o) refuse to accept a boarding and inspection by authorised IOTC inspectors;
- p) interfere with the satellite monitoring system and/or operate without a VMS system.

13.2 Duties and Authority of the Inspectors

- a) If an inspector considers there are clear grounds for believing the master of a fishing vessel has committed a serious infringement, he shall promptly notify the IOTC Executive Secretary, the flag CPC of the vessel, and the flag CPC or Parties of donor vessels where the inspected vessel has engaged in transshipment operations;
- b) In order to preserve the evidence, the inspector shall take all necessary measures to ensure security and continuity of the evidence whilst minimising interference with and inconvenience to the operation of the vessel
- c) The inspector is entitled to remain on board the fishing vessel for the period necessary to provide information to the duly authorised inspector concerning the infringement or until the response of the flag CPC is to require the inspector to leave the fishing vessel.

13.3 Duties of the flag CPC

- a) the flag CPC shall respond to the notification without delay and shall ensure that the fishing vessel concerned is inspected within 72 hours by an inspector duly authorised by that CPC;
- b) the flag CPC shall, if evidence so warrants, require the fishing vessel to proceed immediately to a port designated by that CPC for a thorough inspection under its authority;
- c) the flag CPC may authorise the inspecting CPC to bring the fishing vessel without delay to a port designated by the flag CPC;
- d) if the fishing vessel is not called to port, the flag CPC must provide due justification in a timely manner to the IOTC Executive Secretary and to the inspecting CPC. The IOTC Executive Secretary shall make such justification available on request to any CPC.

13.4 Flag CPC Follow up actions

A flag State Contracting Party that has been notified of an infringement committed by a fishing vessel entitled to fly its flag shall:

- a) investigate the alleged infringement immediately including as appropriate, by physically inspecting the fishing vessel at the earliest opportunity;
- b) cooperate with the inspecting Contracting Party to preserve the evidence in a form that will facilitate proceedings in accordance with its laws;
- c) take immediate judicial or administrative action in conformity with its national legislation against the persons responsible for the vessel flying its flag where the regulations have not been respected;
- d) each CPC shall ensure that in proceedings it has instituted, it treats a notice of an infringement issued pursuant to this Scheme as if the infringement was reported by its own inspector.

13.5 Reporting of infringements and follow up actions

- a) the flag CPC shall, as soon as practicable but no later than four months following the notification, submit a report to the IOTC Executive Secretary setting out the progress of the investigation, including details of any action it has taken or has initiated in relation to the infringement;
- b) each CPC shall report to the IOTC Executive Secretary by 1 March each year for the previous calendar year the status of the proceedings relative to infringements of IOTC measures. The infringements shall continue to be listed on each subsequent report until the action is concluded in accordance with the relevant provisions of national laws;
- c) the report stipulated above shall indicate the current status of each case (i.e. case pending, under appeal, still under investigation, etc) and any sanctions or penalties imposed shall be described in specific terms (i.e. level of fines, value of forfeited fish and/or gear, written warning given, etc.) and shall include an explanation if no action has been taken.

13.6 Sanctions

- a) each Contracting Party shall ensure that the appropriate measures be taken, including administrative action or criminal proceedings in conformity with their national law, against the natural or legal persons responsible where IOTC measures have not been respected;
- b) the proceedings initiated shall, in accordance with the relevant provisions of national law, be capable of effectively depriving those responsible of the economic benefit of the infringements or of providing sanctions proportionate to the seriousness of such infringements, thus effectively discouraging future infringements.

13.7 IOTC Executive Secretary Duties

In the case where an inspection has detected an activity or condition that would constitute a serious infringement, the vessel should be reviewed under the procedures described in the CMM's on establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC High seas of the Area of Competence of competence and taking into account any response actions and other follow up.

Part 7

Surveillance and Coordination

14. Surveillance Objectives

In order to facilitate efforts by all CPC's and the Commission to combat IUU activities, particularly regarding measures to improve the collection and exchange of MCS related information and to coordinate MCS operations undertaken by CPC's, authorised inspection vessels, surveillance aircraft and fishing vessels shall routinely submit surveillance information.

15. Surveillance Report

15.1 Authorised inspection vessels and aircraft

- a) authorised inspection vessels and surveillance aircraft shall submit surveillance reports to the national FMC and the IOTC Executive Secretary. A report should be submitted every 24 hours, commencing with entry into the High seas of the Area of Competence and concluding when exiting the High seas of the Area of Competence using the format included in Annex V.
- b) Surveillance shall be based on sightings of fishing vessels by assigned inspectors from an inspection vessel or aircraft assigned to the Scheme:
 1. the inspector shall complete the surveillance report in the form set out in Annex V;
 2. a copy of each surveillance report shall be forwarded without delay by electronic transmission to the CPC of the vessel concerned or a designated authority of that CPC and to the IOTC Executive Secretary. A hard copy of each surveillance report and any photographs shall be forwarded on request to the CPC of the vessel concerned;
 3. the IOTC Executive Secretary shall make available as soon as possible the information received under this Article to other CPC's with an active inspection presence in the High seas of the Area of Competence and to coordinate operation of inspection vessels and surveillance aircraft in the High seas of the Area of Competence. All reports and messages communicated shall be treated in a confidential manner.

15.2 Sightings of vessels by authorised fishing vessels

- a) In the event that the master of an authorised fishing vessel sights any other fishing vessel operating in contradiction of IOTC CMMs and engaged in IUU fishing operations within the High seas of the Area of Competence, the master shall document as much information as possible on each such sighting, including:
 - i) name and description of the vessel
 - ii) vessel call sign
 - iii) registration number and the Lloyds/IMO number of the vessel
 - iv) Flag State of the vessel
 - v) photographs of the vessel to support the report
 - vi) any other relevant information regarding the observed activities of the sighted vessel.
- b) The master conducting the sighting shall forward this information to their Flag State as soon as possible. The Flag State shall submit to the IOTC Executive Secretary any such reports upon receipt.
- c) The IOTC Executive Secretary may place such reports on the IOTC website and shall use such reports to monitor and record suspected IUU activity and to coordinate operations of authorised patrol vessel and aircraft in High seas of the Area of Competence.

16. Non CPC fishing vessels

- a) Authorized inspection vessels, while carrying out activities to implement these procedures, shall engage in surveillance aimed at identifying fishing vessels of non-CPC undertaking fishing activities on the high seas in the High seas of the Area of Competence. Any such vessels identified shall be immediately reported to the IOTC Executive Secretary.
- b) The authorized inspection vessel shall attempt to inform any fishing vessel identified that has been sighted or identified as engaging in fishing activities that are undermining the effectiveness of Commission and that this information will be distributed to the Members of the Commission and the flag state of the vessel in question.
- c) If possible, the authorized inspectors may request permission from the fishing vessel and/or the flag state of the vessel to board a vessel identified. If the vessel master or the vessel's flag state consents to a boarding, the findings of any subsequent inspection shall be transmitted to the IOTC Executive Secretary.
- d) The IOTC Executive Secretary shall distribute this information to all CPC's as well as to the flag State of the fishing vessel.

17. Coordination of Surveillance and Inspection Operations

17.1 Joint Deployment Plans

CPC's shall cooperate at an operational level, including by seeking reciprocal and cooperative arrangements for exchange of information, for the purpose of implementing this Scheme. To this end, CPC's should develop in conjunction with other appropriate CPC's and the IOTC Executive Secretary, Joint Deployment Plans in order to better deploy inspection and surveillance resources and to agree structures and processes for the control of assets and the exchange of operational information. Further guidance on JDP's is available in Annex VII.

18. Emerging Surveillance Technologies

- a) Nothing within this Scheme should discourage or prevent CPC's from developing and deploying surveillance systems using emerging technologies such as Satellite AIS, VTMISS, VDS satellite imagery, next generation VMS systems, electronic recording and reporting of logbook data (ERS) and automated cross checking of data inputs that may offer significant improvements in the quantity and quality of surveillance information available to CPC's and the Commission. Similar advances in data analysis and data exchange systems should also be explored.
- b) Furthermore CPC's are encouraged to collaborate with other IOTC Members and the IOTC Executive Secretary in identifying emerging technologies and developing systems that may potentially offer enhanced surveillance coverage and cost savings.

Part 8

Notification and communication with the IOTC Executive Secretary

19. Notifications

In addition to the annual report stipulated in article 13.5, each CPC shall submit an annual report to the IOTC Executive Secretary by 1st March with the following information:

- a) the number of days spent in the High seas of the Area of Competence by inspection vessels and surveillance aircraft in the previous year;
- b) the number of inspectors and inspector days spent in the High seas of the Area of Competence in the previous year;
- c) the number of inspections of AFV's completed;
- d) the number of infringements and serious infringements detected in the course of these inspections;

- e) the status of the national VMS along with details of the number of days when the system was not operational, an explanation of the reason for the downtime and measures taken to resolve the issues.

Part 9

Dispute Resolution

20. Disputes

- a) In the event of a disagreement concerning the interpretation, application or implementation of these procedures, the parties concerned shall consult in an attempt to resolve the disagreement.
- b) If the disagreement remains unresolved following the consultations, the Executive Secretary of the IOTC shall, at the request of the parties concerned, and with the consent of Commission, refer the disagreement to the Compliance Committee (CoC). The CoC shall establish a panel of representatives, acceptable to the parties to the disagreement, to consider the matter.
- c) A report on the disagreement shall be drawn up by the panel and forwarded through the CoC Chair to the Commission within two months of the CoC meeting at which the case is reviewed.
- d) Upon receipt of such report, the Commission may provide appropriate advice with respect to any such disagreement for the consideration of the CPC's concerned.
- e) Application of these provisions for the settlement of disagreements shall be nonbinding.

Annex I: Information on national authority and FMC, inspection vessels, surveillance aircraft and fisheries inspectors

A. Authorising Authority

Name of the authority:	
Name of contact person:	
Address:	
Tel:	
Fax:	
Email:	
Remarks:	

B. Fisheries Monitoring Centre

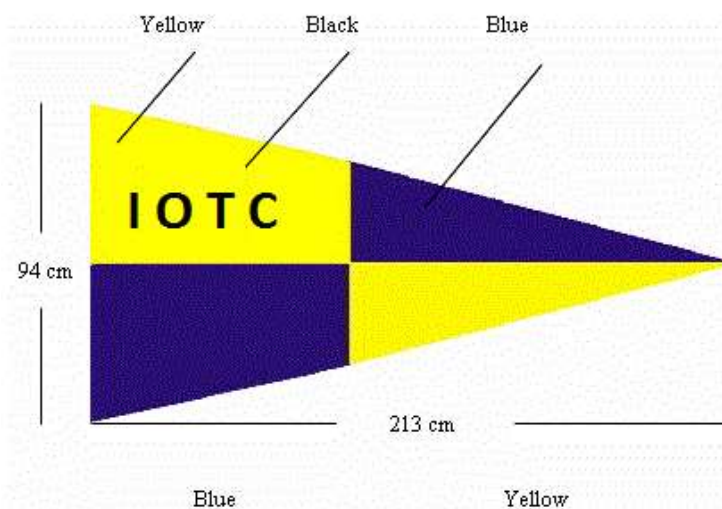
Name of the FMC:	
Name of contact person:	
Address:	
Tel:	
Fax:	
Email:	
Remarks:	

C. Inspection Vessels

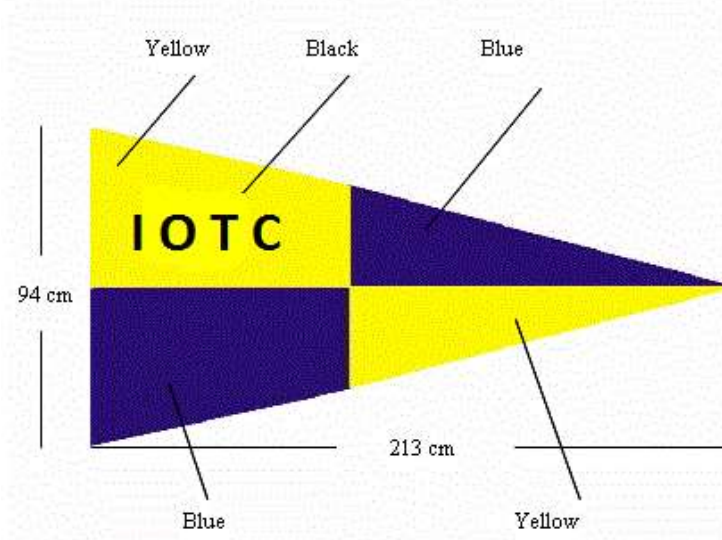
Name:	
Call sign:	
Port of registry:	
MMSI No:	
Primary Tel No:	
Secondary Tel No:	
Fax:	
Email:	

Annex II: Inspection vessel pennant

1. To be flown during daylight and in conditions of normal visibility.










Distance between the pennants shall not exceed 1 meter



2. Boarding Craft shall display one inspection pennant as indicated below. The Pennant may be half scale. The pennant may be painted on the hull or any vertical sides of the craft. When painted, the black letters "IOTC" may be left out.

Annex III: Inspectors identity card

	INDIAN OCEAN TUNA COMMISSION	
 <p>Photograph</p>	Inspector Identity Card (Contracting Party)	
	(Inspectors name)	
	Card No.:	

	I O T C	
<p>The holder of this document is a I O T C inspector duly appointed under the terms of the Scheme of High Seas Inspection and Surveillance of the Commission and has the authority to act under the provision of the Scheme.</p>		
<hr/>		
	Signature	

The size should be 10 x 7 cm and may be plastic laminated.

Annex IV: Training of Inspectors and Inspection Vessel Crews

A. Guidelines for the training of inspectors

Elements of a training programme for inspectors undertaking inspections of fishing vessels at sea should include at least the following:

1. Ethics;
2. Health, safety and security issues including safe embarkation and disembarkation from fishing vessels at sea;
3. Applicable national laws and regulations, high seas of the Area of Competences and Conservation and Management Resolutions of the IOTC, and applicable international law;
4. Collection, evaluation and preservation of evidence;
5. General inspection procedures such as completing sea inspection report, report writing and interview techniques;
6. Analysis of information, such as logbooks, electronic documentation and vessel history (name, ownership and flag State), required for the validation of information given by the master of the vessel;
7. Vessel inspection, including hold inspections and calculation of vessel hold volumes;
8. Verification and validation of information related to landings, transshipments, processing and fish remaining onboard, including utilising conversion factors for the various species and products;
9. Identification of fish species and the measurement of length and other biological parameters;
10. Identification of vessels and gear, and techniques for the inspection and measurement of gear;
11. Equipment and operation of VMS and other electronic tracking systems;
12. Actions to be taken following an inspection.


B. Guidelines for training inspection vessel crews

Before participating in surveillance and inspection operations, inspection vessel crews, particularly those involved in transfer of inspectors should be familiar with:

1. Operating characteristics of fishing vessels found in the High seas of the Area of Competence including shooting and hauling operations, distance of fishing gear extending from the fishing vessel, fishing gear marking requirements and movements of fishing vessels during fishing operations.
2. The potential impact of inspection vessel generated wash and wake on fishing vessel movement and the need to reduce speed when manoeuvring in proximity of fishing vessels.
3. The safe operation of transfer boats including launching and recovery, appropriate manoeuvring of the inspection vessel during launch and recovery, approaching the fishing vessel, safe embarkation and disembarkation of inspection party.

Annex V: IOTC Sea Inspection Report and field description

Sea Inspection Report

	AT SEA INSPECTION REPORT All Times UTC	1. Inspection report no	2. CPC

Inspection Details

3 Date of Inspection		4 Time On		Time Off	
5 Position (Start)	Lat.		Long.		
Inspection Vessel		IRCS			
6 Senior Inspector			IOTC No.		
Second Inspector			IOTC No.		

Fishing Vessel Details

7 Vessel Name		8 IRCS	
9 Port of registry		10 IMO No.	
11 NRN		12 Flag State	
13 Type of vessel		14 Gear type	
15 Length Overall		Beam	
16 Gross Tonnage	On IOTC RAV		On document(s)
Masters Name		Nationality	
Address			
Fishing Master Name		Nationality	
17 Owners Details			
18 Operators Details			
19 Charterers Details			

20. Marking of Fishing Vessel

Marks on the fishing vessel	<input type="checkbox"/> Vessel name <input type="checkbox"/> NRN <input type="checkbox"/> IRCS <input type="checkbox"/> Port of registration <input type="checkbox"/> Flag State ATF <input type="checkbox"/> Other mark (specify):				
Type of marking	Marking displayed on vessel	Same as IOTC Record		Same as documents onboard	
Vessel name		Stern	Y <input type="checkbox"/> N <input type="checkbox"/>	Stern	Y <input type="checkbox"/> N <input type="checkbox"/>
		Port Side	Y <input type="checkbox"/> N <input type="checkbox"/>	Port Side	Y <input type="checkbox"/> N <input type="checkbox"/>
		Starboard Side	Y <input type="checkbox"/> N <input type="checkbox"/>	Starboard Side	Y <input type="checkbox"/> N <input type="checkbox"/>
NRN		Port Side	Y <input type="checkbox"/> N <input type="checkbox"/>	Port Side	Y <input type="checkbox"/> N <input type="checkbox"/>
		Starboard Side	Y <input type="checkbox"/> N <input type="checkbox"/>	Starboard Side	Y <input type="checkbox"/> N <input type="checkbox"/>
IRCS		Port Side	Y <input type="checkbox"/> N <input type="checkbox"/>	Port Side	Y <input type="checkbox"/> N <input type="checkbox"/>
		Starboard Side	Y <input type="checkbox"/> N <input type="checkbox"/>	Starboard Side	Y <input type="checkbox"/> N <input type="checkbox"/>
Other mark (specify):		Stern	Y <input type="checkbox"/> N <input type="checkbox"/>	Stern	Y <input type="checkbox"/> N <input type="checkbox"/>
		Port Side	Y <input type="checkbox"/> N <input type="checkbox"/>	Port Side	Y <input type="checkbox"/> N <input type="checkbox"/>
		Starboard Side	Y <input type="checkbox"/> N <input type="checkbox"/>	Starboard Side	Y <input type="checkbox"/> N <input type="checkbox"/>
External Markings Compliant?	Y <input type="checkbox"/> N <input type="checkbox"/>				
Inspector Comments					

21. Flag State Authorisation to Fish (ATF)

Status in IOTC including any IUU vessel listing			
IOTC No.		Flag State Status	CP <input type="checkbox"/> CnCP <input type="checkbox"/> non-CPC <input type="checkbox"/>
Vessel on authorised list	Y <input type="checkbox"/> N <input type="checkbox"/>	Vessel on IUU list	Y <input type="checkbox"/> N <input type="checkbox"/>
Identifier Number			Issuing Authority
Valid from/to			Area authorised
Inspector Comments			

Fishing Logbook Information

22 Logbook is onboard	Y <input type="checkbox"/> N <input type="checkbox"/>	23 Logbook Page Numbers of fishing trip	
24 Departure Date		25 Departure Port	
26 Historical Logbooks onboard	Y <input type="checkbox"/> N <input type="checkbox"/>	27 Logbooks are bound with numbered pages	Y <input type="checkbox"/> N <input type="checkbox"/>
28 Production Logbook	Y <input type="checkbox"/> N <input type="checkbox"/>	29 Stowage Plan	Y <input type="checkbox"/> N <input type="checkbox"/>

30. Record of Fishing Gear

Purse Seine	Length of Net		Height of Net		FADS used	Y <input type="checkbox"/> N <input type="checkbox"/>	Supply Vessel	Y <input type="checkbox"/> N <input type="checkbox"/>	
Long Line	Number of hooks		Tori Lines	Y <input type="checkbox"/> N <input type="checkbox"/>	Line Weights	Y <input type="checkbox"/> N <input type="checkbox"/>	Deck Lighting	Y <input type="checkbox"/> N <input type="checkbox"/>	Type of Bait
Gill Net	Length of Net		Height of Net		Mesh Size		Material		
Pole & Line	No. of Poles								
Handline/Trolling	No. of Fishermen		Type of Bait						
Fishing logbook Compliant?			Y <input type="checkbox"/> N <input type="checkbox"/>						
Inspector Comments									

31. Examination of Fishing Gear

Gear Type			
Dimensions			
Attachments			
Gear Markings			
FAD's	Marked with letter/number of vessel identification Y <input type="checkbox"/> N <input type="checkbox"/> Specify:		
Driftnets	Vessel found operating on the high seas in the IOTC Area and configured to use large-scale driftnets Y <input type="checkbox"/> N <input type="checkbox"/>		
	Position:		Length of driftnet (m):
Inspector Comments			

Catch Details

32. Species (FAO)	33. Declared live weight/ number of fish	34. Verified live weight/number of fish	35. Difference %	36. Conversion Factor	37. Discards
Inspector Comments					

38. VMS Equipment

Type	<input type="checkbox"/> Argos <input type="checkbox"/> Inmarsat <input type="checkbox"/> Iridium <input type="checkbox"/> Others :	Model		Serial No	
Type	<input type="checkbox"/> Argos <input type="checkbox"/> Inmarsat <input type="checkbox"/> Iridium <input type="checkbox"/> Others :	Model		Serial No	
Functioning	Y <input type="checkbox"/> N <input type="checkbox"/>	Manual reporting if required		Y <input type="checkbox"/> N <input type="checkbox"/>	
Tamper Proof Condition	The device is located in a sealed unit and protected by official seals Y <input type="checkbox"/> N <input type="checkbox"/>				
Power supply	Interrupted Y <input type="checkbox"/> N <input type="checkbox"/> Specify:				
Technical failure	Manual position sent to flag State FMC every 4 hours: Y <input type="checkbox"/> N <input type="checkbox"/>				
Inspector Comments					

39. Conservation Measures/Equipment

Line cutters onboard	Y <input type="checkbox"/> N <input type="checkbox"/>	De-hookers onboard	Y <input type="checkbox"/> N <input type="checkbox"/>	Dip-nets	Y <input type="checkbox"/> N <input type="checkbox"/>
Shark fins onboard more than 5%	Y <input type="checkbox"/> N <input type="checkbox"/>	Weight of shark (kg):		Weight of fins (kg):	
Protected species onboard	Y <input type="checkbox"/> N <input type="checkbox"/>	Family/Species		Quantity	
Inspector Comments					

Compliance with other IOTC CMM

CMM Ref	Description	Finding of the inspectors
Inspector Comments		

39. Infringements/Serious Infringements

CMM Ref	Details	Actions/ measures to preserve evidence
Inspector Comments		

DATE AND SIGNATURE OF FISHERIES INSPECTOR(S)					
COMMENTS BY THE MASTER					
ACKNOWLEDGEMENT AND RECEIPT OF REPORT	I, the undersigned, Master of the vessel....., hereby confirm that a copy of this report has been delivered to me on this date. My signature does not constitute acceptance of any part of the contents of the report.				
	<table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 50%;">Name</th> <th style="width: 50%;">Date, signature and stamp</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Name	Date, signature and stamp		
	Name	Date, signature and stamp			

Fields description

FIELD NO.	Data Field Description	Field Information
1.	Inspection report Number	Serial number of the report: [Country code]/[0001]/[Date]. Example: MOZ/0001/20/03/2013.
2	CPC	Name of the CPC of the inspection vessel (ISO 3166 3-alpha country/territory codes). Example: FRA
3	Date of Inspection	Date format: DDMMYYYY
4	Time on / off	Time format HH.MM (24hrs)
5	Position	At the start of the inspection 000degs 00.00mns
6	IOTC Number	The inspectors IOTC Identity Card Number
7	Vessel name	Name of the vessel as registered in relevant flag State documents
8	IRCS	Vessel's international radio call sign (IRCS) Example: TTFC, MD66G, UDSF, CHDS.
9	Port of registry	The Port of registry of the vessel as displayed on the vessel
10	IMO ship I/D	IMO/Lloyds Register identification number for vessels. "IMO" followed by the seven-digit number. Example: IMO1234567
11	NRN	The fishing number or other registration number displayed by the vessel
12	Flag State	ISO 3166 3-alpha country/territory codes Example: NZL for New Zealand.
13	Type of Vessel	International Standard Statistical Classification of Fishery Vessels (ISSCFV) codes, also known as FAO vessel type codes. Example:, TO = trawler, LL = longliner.
14	Type of Gear	International Standard Statistical Classification of Fishing Gears (ISSCFG) codes, also known as FAO gear type codes. Example:, PS = purse seine, LL = longline
15	Length	The length of the vessel in metres
16	GT	Gross Tonnage as recorded on the IOTC Record of Authorised Vessels and the vessels official documentation, for example the Certificate of Registry
17	Owner(s) details	Name of individual(s) or company(ies) that own the vessel, address, tel, fax, email.
18	Operator(s) details	Name of individual(s) or company(ies) that operate the vessel, if different from the Owners.
19	Charterers details	Name of the charterer of the vessel if not the owner of operator
20	External I/D	The external markings on the vessel, record as seen, should be clearly visible
21	Authorisations	Vessel Identifier - Numeric or alphanumeric identification of the fishing license/permit/authorisation. Issued by - Name of the relevant authority/agency/government department from flag State, coastal State and/or RFMO issuing the fishing license/permit/authorisation. Validity - Date by which the fishing license/permit/authorisation starts and expires (date format: DDMMYYYY). Fishing area(s) - Relevant geographical/statistical area where the vessel is authorised to operate (e.g. FAO 77, NAFO 3M, ICES 11b). Species - ASFIS 3-alpha codes (also known as FAO species codes) (e.g., BET Bigeye tuna, SWO for swordfisf). Gear - ISSCFG code (also known as FAO gear codes) for the gear authorised/licensed to be used by the vessel (e.g. PS for Purse seine).Details of the record of the fishing vessels authorisation to fish as issued by the authorising authority and as registered on the IOTC website
22	Logbook onboard	Is a fishing logbook being maintained for the current voyage.
23	Logbook page numbers	The page numbers as recorded on the logbook page for the current fishing voyage
24	Departure date	The date of departure from port for the current voyage
25	Departure Port	The port of departure for the current voyage
26	Historical Logbook	Fishing logbook details for previous voyages on board
27	Logbooks are bound with numbered	The fishing logbook should be correctly bound with pages number sequentially

	pages	
28	Production logbook	A record of all fish retained on board and subject to some form of processing
29	Stowage plan	A plan of the fish holds showing the location of individual species
30	Record of Fishing Gear	Details of the fishing gear in use for the current voyage as recorded in the fishing logbook
31	Examination of fishing gear	Record the outcomes of the inspection of fishing gear in use and any other fishing gear found on board
32	Species (FAO)	Species recorded in the fishing logbook listed by ASFIS 3-alpha codes (also known as FAO species codes)
33	Declared Live weight or number of fish	The recorded live weight or number of fish retained of that species
34	Determined live weight or number of fish	The actual live weight or number of fish retained on board as determined by the inspectors
35	Difference %	The difference between the declared and assessed figures express as a percentage of the declared figure
36	Conversion Factor	The Conversion Factor used to convert processed weight to live weight if applicable
37	Discards	A record of any discards required by CMM's
38	VMS	Complete this section for ALL VMS equipments carried on board.
39	Conservation Measures	Details of equipment carried and records of any protected species retained on board.
39	Infringements	Description of violation(s) found as perceived by inspector(s). Clear mention of the relevant legal instrument and measures taken to preserve evidence

Annex VI: Surveillance Report- IOTC Inspection Vessel

Entry and Exit Report to be transmitted on each entry and exit by Inspection Vessel or Surveillance Aircraft

Inspection Vessel:			Senior Inspector:	
Entry AoC	Date:	Time UTC:	Lat:	Long:
Exit AoC	Date:	Time UTC:	Lat:	Long:

Sightings Report- IOTC Inspection Vessel

To be submitted DAILY (including NIL reports) while in the High seas of the Area of Competence

Date	Time UTC	Name	Reg. No	IMO No	Position Lat/Long	Activity*

- *Activity:
- On Passage
 - Fishing
 - Transshipping
 - Other

Annex VII: Inspectors Checklist

Item		CMM Ref	Check
Pre Inspection			
Identify priority targets using RA model		Res #	
Identify priority targets from JDP documentation		Res#	
Access VMS position reports where possible		Res #	
Access historic inspection reports on IOTC website		Res #	
Check fishing authorisations on IOTC website		Res 13/02	
Check IOTC IUU list		Res 11/03	
Visually check fishing vessel markings		Res 13/02	
Agree composition of inspection party		Res #	
Inspection vessel flying IOTC pennant		Res #	
Transfer boat flying IOTC pennant			
Inspection			
Contact target vessel by VHF or other means		Res #	
Check condition and position of pilot ladder		Res #	
Confirm safe access available		Res #	
Identify the Master of the vessel		Res #	
Present Inspectors identity cards		Res #	
Note owner/charterer/agent details		Res #	
Note Masters details (name, nationality, address)		Res #	
Note position of vessel (latitude and longitude)		Res #	
Surveillance Reports submitted?		Res #	
Observer onboard?		Res 11/04	
VMS Compliant		Res 06/03	
Documentation			
Check vessel registration documents		Res 13/02	
Check fishing authorisations		Res 13/02	
Check fishing logbook	Correct for current voyage	Res 13/03	
	Previous voyage records submitted to CPC	Res 13/03	
Check production logbook (if available)			
Check stowage plan (if available)			
Fishing Gear Inspection			
Compare gear type in use with logbook gear type		Res 13/03	
Compliance of fishing gear	Length of Driftnets	Res 12/12	
	Markings	Res 13/02	
Attachments	Tori Lines	Res 12/06	
	FAD's	Res 13/08	
Catch Inspection			
Check species retained onboard		Res 13/03	
Check weights of species retained onboard		Res 13/03	
Correct use of Conversion Factors?		Res 13/03	
Check minimum sizes of retained species			
Check Labelling of processed catch			
Compare retained catch with logbook figures		Res 13/03	
Check catch for	Thresher Sharks	Res 12/09	

Banned species	Oceanic Whitetip Sharks	Res 13/06	
	Shark Fins	Res 05/05	
	Turtles	Res 12/04	
Discards Ban observed		Res 13/11	
Turtle Conservation	De-hooking equipment	Res 12/04	
	Crew training	Res 12/04	
	Logbook records	Res 12/04	
Infringements			
Infringements/Serious Infringements	Investigate	Res #	
	Record	Res #	
	Report to CPC, IOTC and flag CPC	Res #	
	Photographs/Video	Res #	
	Preserve evidence	Res #	
Inspection Report			
Complete inspection Report	Master's signature	Res #	
	Copy left with Master	Res #	
	Record infringements	Res #	
Post Inspection			
Complete electronic copy of inspection report		Res #	
Transmit to CPC and IOTC		Res #	

Annex VIII: Joint Deployment Plans

Joint Deployment Plan

1. A JDP is a plan under which participating CPC's agree to coordinate their surveillance and inspection operations over an agreed period of time, to monitor and inspect fishing activities that fall under the rules of the Commission. The JDP gives effect to an agreed surveillance and inspection programme which sets out the objectives, priorities and benchmarks for surveillance and inspection operations by the participating CPC's.
2. The objective is to improve efforts to detect and deter IUU fishing by adopting a collective approach to surveillance and inspection operations in the High seas of the Area of Competence through the efficient, coordinated and cost effective deployment of inspections vessels and inspectors.
3. JDP's may be established to address a single high priority issue over a relatively short timescale, for example 2 weeks or alternatively can be more general in operational focus but lasting for a considerable period of time and may even be open ended. JDP's can be particularly effective when operations at sea and in port are combined under a single plan, using this approach encourages dialogue between different national authorities who normally do not communicate directly or participate in collaborative operations.
4. There are considerable advantages to operating in such a collective manner, particularly in situations where CPC's have access to differing types and quantities of assets, including suitably resourced FMC's and where sharing of limited assets can result in much improved outcomes and cost effective use of resources.
5. JDP's demonstrate CPC's commitment to the aims and objectives of the IOTC and in doing so encourage the development of a culture of compliance amongst the fishing industry.
6. JDP's operate most effectively under the direction of a suitably empowered Working Group consisting of representatives from each participating CPC and the IOTC Executive Secretary. The working group sets the operational agenda and objectives of the JDP.
7. The Terms of Reference for the JDP Working Group should include requirement to:
 - a) Establish communication between FMC's
 - b) Appoint a Control Centre In Charge (CCIC)
 - c) Adopt models for Risk Assessment for data collection and analysis
 - d) Identify and agree objectives and priorities
 - e) Develop a coordinated operational plan
 - f) Allocate identified CPC's resources including FMC's, inspection vessels and inspectors and surveillance aircraft, identify opportunities for placement or exchange inspectors
 - g) Agree protocols for the exchange of VMS and other surveillance data
8. Generally, participating CPC's are required to commit nominated resources to the JDP and to agree to exchange VMS and other data for the duration of the JDP. JDP's are an excellent forum for the exchange of IOTC inspectors between CPC's to the benefit of all parties. Also the presence of mixed groups of IOTC inspectors delivers a powerful message to fishermen regarding the determination of CPC's to enforce the Commission CMM's in an efficient and professional manner.

Annex IX: Construction and use of boarding ladders.

1. The provisions of this Annex shall apply to safe and convenient access to fishing vessels which require a climb of 1,5 metres or more.
2. A boarding ladder shall be provided which shall be efficient for the purpose of enabling inspectors to embark and disembark safely at sea. The boarding ladder shall be kept clean and in good order.
3. The ladder shall be positioned and secured so that:
 - (a) it is clear of any possible discharges from the fishing vessel;
 - (b) it is clear of the finer lines and as far as practicable in the middle length of the fishing vessel;
 - (c) each step rests firmly against the fishing vessel's side.
4. The steps of the boarding ladder shall:
 - (a) be of hardwood or other material of equivalent properties, made in one piece free of knots; the four lowest steps may be made of rubber of sufficient strength and stiffness, or of other suitable material of equivalent characteristics;
 - (b) have an efficient non-slip surface;
 - (c) be not less than 480 mm long, 115 mm wide, and 23 mm in thickness, excluding any non-slip device or grooving;
 - (d) be equally spaced not less than 300 mm or more than 380 mm apart;
 - (e) be secured in such a manner that they will remain horizontal.
5. No boarding ladder shall have more than two replacement steps which are secured in position by a method different from that used in the original construction of the ladder and any steps so secured shall be replaced, as soon as reasonably practicable, by steps secured in position by the method used in the original construction of the ladder.

When any replacement step is secured to the side ropes of the boarding ladder by means of grooves in the side of the step, such grooves shall be in the longer sides of the steps.
6. The side ropes of the ladder shall consist of two uncovered manila or equivalent ropes not less than 60 mm in circumference on each side; each rope shall be left uncovered by any other material and be continuous with no joints below the top step; two main ropes, properly secured to the fishing vessel and not less than 65 mm in circumference, and a safety line shall be kept at hand ready for use if required.
7. Battens made of hardwood, or other material of equivalent properties, in one piece, free of knots and between 1,8 and 2 m long, shall be provided at such intervals as will prevent the boarding ladder from twisting. The lowest batten shall be on the fifth step from the bottom of the ladder and the interval between any batten and the next shall not exceed nine steps.
11. Means shall be provided to enable the boarding ladder to be used on either side of the fishing vessel. The inspector in charge may indicate which side he would like the boarding ladder to be positioned.

12. The rigging of the ladder and the embarkation and disembarkation of an inspector shall be supervised by a responsible officer of the fishing vessel.

Example of authorised boarding ladder



Annex X: IOTC seal

