

CC-05-11

5th Compliance Committee of the Southern Indian Ocean Fisheries Agreement
(CC5)
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[Draft High seas boarding and inspection (HSBI) questionnaire]

Relates to agenda item: 4 (revision of CMM 2019/14)

Working paper Info paper

Delegation of [France-Overseas Territories]

Abstract

Paragraph 22 of CMM 2019/14 states that “[i]n order to facilitate communications between the Authorised Inspectors and the master of the vessel wherever possible, the Meeting of the Parties shall develop a standardised questionnaire [...], which once adopted shall be translated into multiple languages and circulated to all CCPs and published on the SIOFA website”.

As recalled in paragraphs 43 and 44 of the final MOP7 report, France-OT has offered to lead the intersessional work on the HSBI questionnaire. Therefore, this document presents the outcome of the intersessional consultation led by FR(OT) on the development of a HSBI questionnaire.

Recommendations *(working papers only)*

1. The Compliance Committee to review and agree on the draft HSBI questionnaire, and forward it to the MOP for adoption.

SIOFA HIGH SEAS BOARDING QUESTIONNAIRE

In accordance with paragraph 22 of CMM 2019/14, this questionnaire is provided as a guide only, to assist inspectors and facilitate a safe and transparent boarding when communicating with the master and/or crew of a fishing vessel encountered in the SIOFA Convention Area.

For that reason, the questionnaire will be translated into multiple languages. To facilitate communication based on a translated version of the questionnaire, each question has been numbered. In the case where crewmembers do not understand English, inspectors may ask the crew to use the questionnaire translated in their own language. Inspectors can use the translated versions of the questionnaire by referring to each question number, to ensure the master of the vessel clearly understands which question is under consideration.

The questionnaire is also divided into three distinctive parts, to distinguish between the actions prior to boarding, the conduct of the onboard inspection and finally the conclusion of the inspection.

Inspectors are not required to ask all of the questions presented below, nor to fill in or sign this questionnaire. Likewise, masters and crew are not required to fill in or sign this questionnaire. The requirement lies in the preparation and transmission of a full report on each boarding and inspection carried out under CMM 2019/14, including any supporting information, using the data fields in the Boarding and Inspection Reporting Form at Annex 1 of CMM 2019/14. Therefore, the inspector and the master of the vessel shall sign the boarding and inspection report only.

More generally, inspectors shall use their discretion and inspections shall be guided by physical surroundings and the actions of the fishing vessel that is targeted.

PART 1 : Prior to boarding

Note to inspectors : The following questions are provided to assist inspectors in establishing the *bona fides* of the vessel and to prepare the boarding crew and fishing vessel crew with information to accept and facilitate a safe and transparent boarding.

1. ESTABLISH RADIO CONTACT		
<p>1.1. "This is (name of Patrol Vessel) :....., (flag state of PV) :.....(international call sign) :..... patrolling international seas in accordance with the Southern Indian Ocean Fisheries Agreement conservation and management measure on High Seas Boarding and Inspection. (CMM 2019-14).</p>		
1.2. "Can you understand me?"	Yes	No
<p>1.3. If not : "Can you or any of your crew speak the following languages ?" :</p> <p>Note to inspectors : if crewmembers do not speak English, refer to each question</p>	<p>a) English b) French c) Chinese d) Spanish</p>	

number for correspondence with the translated version of the questionnaire	e) <i>Other (Korean, Japanese, Thai, or other) :</i>	
1.4. What is your flag State?		
1.5. "Your country has agreed to apply the SIOFA high seas boarding and inspection procedures between, (flag state of inspected Vessel) and (flag state of patrol vessel)"		
1.6. Do you agree to cooperate?	Yes	No
1.7. If yes, notify intent to board.		

2. NOTIFY INTENT TO BOARD		
2.1. "We must board to check the accuracy of your declarations. Do you accept that a visiting team of 4 inspectors maximum can come on board?"	Yes	No (capture the reason)
<p>2.2. If acceptance :</p> <p><i>"We will be sending over a boarding party in (five/fifteen/thirty) minutes; please assist them in getting onboard and by complying with all of their instructions.</i></p> <p><i>To assist our boarding party in boarding your vessel, could you please :</i></p> <ul style="list-style-type: none"> - <i>[stop your vessel] or [slow your vessel to ... knots], and</i> - <i>[continue your present course and speed] or [turn to (Port/Starboard)], and</i> - <i>Lower a ladder on the (Port/Starboard) side.</i> <p><i>To conduct this inspection in a timely manner, please make available to our boarding officer all of your vessel's document."</i></p>		
<p>2.3. If opposition :</p> <p><i>"In the absence of cooperation, I shall immediately notify your flag Authorities and the Executive Secretary of the SIOFA of your refusal.</i></p> <p><i>In such case, and without an explanation of this refusal, your flag CCP might suspend your authorization to fish and request the vessel to return immediately to port."</i></p>		

PART 2 : Conduct of the inspection

3. INTRODUCTION OF THE INSPECTION				
3.1. <i>"Good morning/ afternoon/ evening. Are you the master of the fishing vessel?"</i>				
3.2. <i>"I am an authorized SIOFA inspector, my name is..... Here is my identification. I am authorized to inspect your vessel for compliance with SIOFA conservation and management measures. This provides me and my party with the authority to board and inspect your vessel."</i>				
3.3. <i>"I am using this questionnaire. Please slowly answer my questions and use yes or no whenever possible."</i>				
3.4. Have you been informed of CMM 2019-14 by your flag State?	Yes	No		
3.5. How many crew members and passengers on board ?				
3.6. Security team on board ?	Yes / No	3.7. Weapons on board ?	3.7.1. If yes, where are they located ?	No
3.8. Fishery observer on board ?			3.8.1. If yes, what is his/her name and nationality ?	No
3.9. <i>"I will use the High Sea Boarding and Inspection Report (hereinafter the Inspection report) to document my inspection of your vessel".</i>				
3.10. <i>"Photographs may be taken as evidence to supplement the Inspection Report".</i>				

4. IDENTIFICATION OF THE FISHING VESSEL
<p><i>"I request the following information regarding your vessel. Please show me your vessel's equipment and documents, including valid fishing license/permit/authorization, certificate of nationality and any other documents that contain information about the fishing vessel."</i></p> <p>Note to inspectors : If necessary because this information could not be acquired from the aforementioned documents, the following information can also be requested from the master.</p>
4.1. Type of fishing vessel ? / Fishing method ?

4.2. Position of the vessel at the time of boarding (by fishing master)? :	
a) Time (UTC) ?	
b) Latitude (Deg./Min.) ?	
c) Longitude (Deg./Min.) ?	
4.3. Equipment used in determining position (e.g. GPS) ?	
4.4. <i>“Please show me the passports or seaman book of the master, crewmembers and passengers so that I can fill in the inspection report and compare with the crew list.”</i>	
4.5. Length of the fishing vessel (meters) ?	4.6. Tonnage (GT or GTR) ?
4.7. IMO Number ? (if issued)	4.8. Maritime Mobile Service Identity (MMSI)? (if any)
4.9. IOTC number ? (if any)	4.10. Call sign ?(if any)
4.11. Port of registry?	4.12. Number of registration?
4.13. If different from the port of registry, what is the port marked on your vessel hull ?	
4.14. Name and address of the owner (natural person or legal entity) of your vessel?	
4.15. Name and address of your employer (natural or legal person) or whose interests you represent?	

5. ACTIVITY OF THE FISHING VESSEL

“I request the following information regarding your fishing activities.”

5.1. Do you carry a functioning vessel monitoring system (VMS) ?		Yes	No			
5.2. Type of activity when notified of intent to board ? (suggestions below)						
a) Steaming	b) Setting gear	c) Hauling gear	d) Towing gear	e) Stationary	f) Transshipping	g) Other
5.2.1. If other, description ?						

6. FISHING PERMIT / LICENCE / AUTHORIZATION

<i>"I request the following information regarding your fishing authorization(s). Please show me the relevant documents."</i>		
Note to inspectors : Request all fishing authorizations, not only SIOFA. If necessary, the following information can also be requested from the master.		
6.1. Do you currently own a valid fishing license / permit / authorization issued by the relevant Authorities?	Yes	No
6.2. License number?	6.3. Date of validity?	
6.4. Species authorized by license?		
6.5. Fishing area(s) authorized by license?		
6.6. Gears authorized by license?	6.6.1. For longlines: number of hooks per line ?	
6.7. Authority which issued the title (license / permit / authorization)?		

7. CATCH RETAINED ON BOARD		
7.1. <i>"Do you have sea products on board ? Please show me where you record this information (catch logs)."</i>	Yes	No
7.2. <i>"Please show me the following information regarding catch retained onboard."</i>		
7.2.1. Species (FAO code if possible) ?		
7.2.2. Processed weight?		
7.2.3. Processing type (FAO code if possible)		
7.2.4. Live weight?		
7.2.5. Conversion factor ?		
7.3. If catch samples are required : <i>"I will be taking samples of this catch for DNA analysis with the purpose of identifying species. This sample will not reduce the value of the catch."</i>		

8. TRANSHIPMENT

8.1. Transhipment(s) at sea since the last departure from last port ?		Yes	No
8.2. If yes : "I require the following information on the carrier vessel(s), please show me the transhipment declaration(s) :"			
8.2.1. Carrier vessel(s):	a) Name ?	b) Flag ?	

9. RECORDS OF EFFORT, CATCH AND CATCH-RELATED DATA

9.1. Do you maintain records of effort, catch and catch-related data in accordance with SIOFA's reporting requirements?		Yes	No
9.2. Do you have [any interaction with marine mammals or] any accidental by-catch (including sharks and/or seabirds) to report ?	If yes, specify:	9.3. If applicable (longline): seabird bycatch mitigation / exclusion device ?	
9.4. Type of catch recording ?	a) Paper	b) Electronic	

Commented [FR(OT)1]: Subject to approval by MOP8 of FR-OT proposals to amend CMM 2020-15 and adopt a protocol for documenting marine mammal interactions, as recommended by SC6

PART 3 : Conclusion of the inspection

10. SUGGESTIONS FOR CONCLUDING STATEMENTS

Note to inspectors : The following are suggested concluding statements an inspector could make following completion of an inspection and provision of a boarding report/interim boarding report as per the requirements of CMM 2019/14. After inspectors fill in items 1 to 6c of the inspection report form (CMM 2019/14, Annex 1), inspectors could make the following statements and ask the following questions in order to complete the inspection report.

10.1. *Thank-you for your cooperation. The boarding and inspection report (Boarding and Inspection Reporting Form, Annex 1 of CMM 2019/14) includes observations by the*

<i>boarding party during this inspection. It will be shared with the authorities of the fishing vessel and the SIOFA Executive Secretary.</i>
10.2. <i>Your documents and records indicate you are (in complete compliance/ not in complete compliance) with all SIOFA Conservation and Management Measures.</i>
10.3. <i>This is the specific Conservation and Management Measure which you are not in compliance with.</i>
10.4. <i>This (is/ is not) considered to be a serious violation. (Note to inspectors : refer to paragraph 41 of CMM 2019/14)</i>
10.5. <i>I am photographing this item to document the violation.</i>
10.6. <i>You may make a statement here (Section 6d of the boarding and inspection report) but you are not obliged to do so.</i>
10.7. <i>You may choose to sign the boarding and inspection report (section 7 of the report) to acknowledge the inspection was completed.</i>
10.8. <i>Your signature does not necessarily constitute acceptance of any part of the contents of the report.</i>
10.9. <i>Please photocopy, scan or photograph the interim boarding and inspection report for your records.</i>
10.10. <i>This is your copy of the interim boarding and inspection report.</i>
10.11. <i>The boarding and inspection report will be provided to the Authorities of this vessel.</i>
10.12. <i>Have you understood all you have read?</i>
10.13. <i>We have completed the inspection of your vessel.</i>