

ASIA-PACIFIC FISHERY COMMISSION (APFIC)

IMPLEMENTATION OF PORT STATE MEASURES

# Technical Guide to Port Inspection of Fishing Vessels Volume 1





**ASIA-PACIFIC FISHERY COMMISSION (APFIC)**

**IMPLEMENTATION OF PORT STATE MEASURES**

# **Technical Guide to Port Inspection of Fishing Vessels**

## **Volume 1**

**Steve Dunn**

Director, IC Independent Consulting, Australia

**Simon Funge-Smith**

Secretary, Asia-Pacific Fishery Commission

**Robert Lee**

Fishery Industry Officer, FAO

The designations employed and the presentation of material in this information product do not imply the expression of any opinion whatsoever on the part of the Food and Agriculture Organization of the United Nations (FAO) concerning the legal or development status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. The mention of specific companies or products of manufacturers, whether or not these have been patented, does not imply that these have been endorsed or recommended by FAO in preference to others of a similar nature that are not mentioned.

The views expressed in this information product are those of the author(s) and do not necessarily reflect the views or policies of FAO.

ISBN 978-92-5-108022-1 (print)  
E-ISBN 978-92-5-108023-8 (PDF)

© FAO 2013

FAO encourages the use, reproduction and dissemination of material in this information product. Except where otherwise indicated, material may be copied, downloaded and printed for private study, research and teaching purposes, or for use in non-commercial products or services, provided that appropriate acknowledgement of FAO as the source and copyright holder is given and that FAO's endorsement of users' views, products or services is not implied in any way.

All requests for translation and adaptation rights, and for resale and other commercial use rights should be addressed to <[www.fao.org/contact-us/licence-request](http://www.fao.org/contact-us/licence-request)> or to [copyright@fao.org](mailto:copyright@fao.org).

**For copies write to:** Simon Funge-Smith  
Senior Fishery Officer  
FAO Regional Office for Asia and the Pacific  
39 Phra Athit Road  
Bangkok 10200  
Thailand  
Tel: (+66) 2 697 4000  
Fax: (+66) 2 697 4445  
E-mail: [FAO-RAP@fao.org](mailto:FAO-RAP@fao.org)

## FOREWORD


Illegal, Unreported and Unregulated (IUU) Fishing is a global threat to sustainable fisheries and to the management and conservation of fisheries resources and marine biodiversity. Port State Controls are now recognized as an effective tool to combat IUU fishing and this has been reinforced with the development of the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

The Asia-Pacific Fishery Commission (APFIC) has been requested by its member countries to assist in developing regional guidance and capacity building in the implementation of Port State Measures. As part of this commitment, APFIC and the FAO Regional Office for Asia and the Pacific, with the assistance of the Department of Fisheries Thailand, have developed a "Port Inspection Training Course". The target organizations for port inspection training come from a cross-section of national agencies responsible for various aspects of enforcement. These may include staff from fisheries, customs, immigration, coast guard, police, navy, port authorities, and maritime officers. The course has been developed based on the training requirements for inspectors, as detailed in the 2009 FAO Port State Measures Agreement.

This publication is a three-volume set of training materials to build skills and capacity of fisheries, maritime, customs and port staff in undertaking port state inspections. The three volumes are intended to be used in conjunction with the other volumes. This volume, the "Technical guide to port inspection of fishing vessels", aims to provide inspectors with relevant skills and expertise in enforcement practices and procedures, sufficient to participate in port inspections. It also will assist in developing knowledge to ensure effective port inspections and encourage compliance with relevant national and international laws.

Successful trainees are expected to gain confidence to participate as part of a team in port inspections, both independently, and in concert with other competent authorities for Port Control. The other two volumes in the series provide supporting background information and training activities as part of the training course programme.

This port inspection training course is an important first step in building the institutional capacity and confidence to use Port Controls effectively as a measure to combat illegal, unreported and unregulated fishing in the Asian and Pacific regions.



Hiroyuki Konuma  
Assistant Director-General and Regional Representative  
FAO Regional Office for Asia and the Pacific



# CONTENTS

	<i>Page</i>
Foreword .....	iii
Other relevant reading materials .....	ix
Acknowledgements .....	ix
Terms and abbreviations .....	xi
Overview of this port inspection technical guide .....	1
Objectives of this technical guide .....	1
Learning outcomes from use of this technical guide .....	1
Key learning indicators .....	1
Knowledge .....	1
Skills .....	2
Target groups .....	2
Course organization and delivery methodology .....	2
Preamble – International law framework for fisheries enforcement .....	3
International law .....	3
Boundaries, territorial waters and the exclusive economic zone .....	3
Rights and sovereignty .....	4
The emergence of international fishery agreements .....	4
Why do we need port state measures? .....	4
Examples of RFMOs/RFBs in the Asia-Pacific region .....	5
UNIT 1 Fisheries management .....	12
Why manage our oceans and their fisheries? .....	12
The tuna fisheries of the Indian Ocean and the Western and Central Pacific Ocean (WCPO) ..	12
Rationale for an ecosystem approach to management .....	13
Management strategies .....	14
Problems in management .....	15
Fisheries management generally .....	15
Industrial fishing .....	15
UNIT 2 Concepts of monitoring, control and surveillance (MCS) .....	19
The role of MCS in fisheries .....	19
The elements of MCS .....	19
MCS spatial components .....	20
UNIT 3 Understanding port state measures (PSMs) .....	21
How Port State Measures fit into international law .....	21
The objective of the Port State Measures Agreement .....	21
Who must apply the Port State Measures Agreement? .....	22
Who must apply the IOTC resolution 10/11 on Port State Measures? .....	22
Are fisheries Port State Measures the only port state controls? .....	22
What does the Port State Measures Agreement say about cooperation? .....	23
What ports do Port State Measures apply to? .....	23
What do vessels have to do? .....	23

## CONTENTS (continued)

	<i>Page</i>
Can a port deny entry? .....	23
What If a vessel is in distress? .....	24
Do the FAO and RFMOs have inspectors? .....	24
How does the FAO PSMA relate to other instruments? .....	24
UNIT 4 Ethics .....	26
Ethics are the moral principles that guide our behaviour .....	26
Model code of conduct .....	26
Honesty .....	27
Integrity .....	27
Impartiality .....	27
Accountability and transparency .....	27
Probity .....	27
Openness and confidentiality .....	27
Respect .....	27
Leadership .....	27
Without self-interest .....	28
Safety .....	28
Reporting .....	28
Conflicts of Interest .....	28
Personal benefit .....	28
Complaints .....	28
UNIT 5 Health, safety and security during port/vessel inspections .....	29
The health, safety and security (HSS) of everyone involved in port inspections are of paramount importance .....	29
The risk assessment .....	29
Older fishing vessels can present a range of HSS risks to inspectors .....	30
UNIT 6 Authority and powers of inspectors .....	31
Fisheries legislation tells authorized officers what they can do, and under what circumstances .....	31
The powers of authorized officers are usually comprehensive and can usually be exercised with or without a warrant .....	31
UNIT 7 The IOTC Port State Measures Resolution .....	33
Preamble .....	33
Part 1 General provisions .....	33
Part 2 Entry into port .....	34
Part 3 Use of ports .....	40
Part 4 Inspections and follow-up actions .....	41
Part 5 Role of flag state .....	49
Part 6 Requirements of developing states .....	49
Part 7 Duties of the IOTC Secretariat .....	49
UNIT 8 Initial vessel boarding and interviews .....	50
Your role on board is for the purpose of making sure the vessel and crew have not been involved in IUU fishing .....	50



## CONTENTS (continued)

	<i>Page</i>
A golden rule is for inspection teams is to always work in pairs .....	50
Prepare and plan your inspection .....	50
Prepare the boarding equipment .....	51
Engage with the master and crew .....	51
Conduct the inspection and ask questions .....	51
Completing the inspection .....	52
Debriefing and next steps .....	52
Preparing for interviews .....	52
Interviews and statements .....	53
<b>UNIT 9 Offences, evidence and statements .....</b>	<b>54</b>
Fisheries offences .....	54
Evidence .....	55
Chain of evidence/chain of custody .....	56
Legislation .....	56
Gathering evidence .....	57
Note taking .....	58
Statement of interview .....	58
Report writing .....	59
Communications .....	60
<b>UNIT 10 More on information, inspections and evidence – fish ID and gear inspection .....</b>	<b>61</b>
Information .....	61
Identification of vessels .....	62
Bridge inspections .....	62
Hold inspections .....	63
Estimating hold size .....	63
Estimating how much fish is in a hold .....	63
Example: Allowing for airspaces/stacking .....	64
Adjusting for the form of fish to compare with the whole weight in logbook estimates .....	64
Offloading inspection .....	65
Identification and measurement of fish species .....	67
Measuring fish .....	74
Measurement of fishing gear .....	74
Electronic equipment .....	77
After the port inspection – what happens next? .....	77
Can you now undertake port state inspections .....	79



---

## OTHER RELEVANT READING MATERIALS

This technical guide should be used in conjunction with other relevant materials including:

- 1) FAO 2007–2013. Port State Measures – Web site.<sup>1</sup> Port State Measures. FI Institutional Web sites. Text by Skonhofs, A. In: FAO Fisheries and Aquaculture Department [online]. Rome. Updated 7 July 2012.
- 2) IOTC Resolution 10/11 on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.
- 3) IOTC. 2013. Procedures for the implementation of the Indian Ocean Tuna Commission Port State Measures. IOTC, *Seychelles*. 167 pp.
- 4) Pew Trusts (2010). A Methodology for Capacity Needs Assessments Towards Implementation of the Port State Measures Agreement.

---

## ACKNOWLEDGEMENTS

In its first form, this guide was prepared to assist Thailand's Department of Fisheries to meet its obligations to implement the IOTC's Port State Measures Resolution. A successful training workshop was undertaken involving fisheries, maritime, customs and port staff in August 2013. Based on lessons learned from the workshop this version has been prepared to support any state that wishes to develop the skills and capacity to undertake port state inspections.

There is little that is new or original in this document or in any other such document prepared for similar training or capacity-building purposes. It is not an academic text, but rather one prepared to assist in improving technical and trade skills. In a very general sense this document comprises a summary of the extensive amount of publicly available information on the topic. We hope it is accurate and good enough to provide shoulders for others to stand on in the future.

To prepare this document, publicly available written material and written and verbal advice and documents provided directly were relied on. Those agencies which assisted included the Indian Ocean Tuna Commission (IOTC), the Pacific Islands Forum Fisheries Agency (FFA), the Secretariat to the Pacific Community (SPC), the Western and Central Pacific Fisheries Commission (WCPFC), the Australian Fisheries Management Authority (AFMA), NSW Fisheries, and other Australian fisheries agencies. Staff members from these agencies were helpful, and their support is acknowledged. Some material is referenced directly in footnotes. If we have forgotten to mention an organization whose material has been used, we apologize. An acknowledgement will be provided if we are notified.

---

<sup>1</sup> <http://www.fao.org/fishery/psm/en>



## TERMS AND ABBREVIATIONS

AIS	automatic identification system (vessel)
APFIC	Asia-Pacific Fishery Commission
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CCRF	1995 FAO Code of Conduct for Responsible Fisheries
CDS	catch documentation schemes
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CLL	1966/1988 International Convention on Load Lines
CMM	conservation and management measure
CPCs	Cooperating Parties and Cooperating Non-contracting Parties
DWFN	distant water fishing nation
EEZ	exclusive economic zone
Emonitoring	electronic monitoring
EPIRB	emergency position indicating radio beacon
Ereporting	electronic reporting
FAO	Food and Agriculture Organization of the United Nations
FFA	Pacific Islands Forum Fisheries Agency
Force majeure	An extraordinary event or circumstance beyond the control of the parties, such as a war, strike, riot, crime, or an event described by the legal term “act of God” (such as hurricane, flooding, earthquake, or volcanic eruption)
GMDSS	Global Maritime Distress and Safety System
GPS	global positioning system
HF	high frequency radio
HSS	health, safety and security
IMO	International Maritime Organization
Inter alia	among other things
IOTC	Indian Ocean Tuna Commission
IPOA-IUU	2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
IPTP	Indo-Pacific Tuna Development and Management Programme
IUU	illegal, unreported and unregulated (fishing)
MARPOL	International Convention for the Prevention of Pollution from Ships
MCS	monitoring, control and surveillance
MLC	2006 Maritime Labour Convention
Mutatis mutandis	changing only those things which need to be changed
nm	nautical mile
NPOA	national plan of action

PAN-PAN	possible assistance needed
PSC	port state control
PSI	port state inspection
PSMs	port state measures
PSMA	2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
RFB	regional fisheries body
RFMO	regional fisheries management organization
RSW	refrigerated seawater
SOLAS	International Convention for the Safety of Life at Sea
UHF	ultra high frequency radio
UN	United Nations
UNCLOS	1982 United Nations Convention on the Law of the Sea
UNFSA	1995 UN Fish Stocks Agreement
VHF	very high frequency radio
VMS	vessel monitoring system
WCPFC	Western and Central Pacific Fisheries Commission
WCPO	Western and Central Pacific Ocean

# OVERVIEW OF THIS PORT INSPECTION TECHNICAL GUIDE

## OBJECTIVES OF THIS TECHNICAL GUIDE

This technical guide has been developed to support the Asia-Pacific Fishery Commission and FAO's practical training course for port inspection of fishing vessels. This technical guide should be read in conjunction with the *Port Inspection Workshop Workbook*, the *Port Inspection Tasks Activities Guide*, and the associated presentations.

## LEARNING OUTCOMES FROM USE OF THIS TECHNICAL GUIDE

Successful completion of workshop training will equip participants with the required knowledge and skills to meet the following objectives, specifically to provide inspectors with:

- relevant skills and expertise in enforcement practices and procedures, sufficient to participate in port inspections;
- knowledge to ensure effective port inspections and encourage compliance with relevant national and international laws; and
- confidence to participate as part of a team in port inspections, both independently, and in concert with MCS partners.

## KEY LEARNING INDICATORS

Key learning indicators are presented at the beginning of each unit of this technical guide.

## KNOWLEDGE

The training will give participants an understanding of:

- relevant international and national laws and instruments
- MCS
- regional fisheries management organizations (RFMOs)
- PSM
- ethics
- health, safety and security issues
- vessel boarding and inspection
- hold/well calculations
- estimating catch-in-hold, and offload weights
- identifying, gathering and preserving evidence
- inspections, investigations, report preparation, interview techniques, and post-inspection actions
- identification of fish species
- identification of fishing vessels and fishing gear
- vessel electronic equipment

---

## SKILLS

The training will develop skills to:

- understand why port inspections are important;
- undertake port inspections as a team member;
- understand the importance of effective communication with the vessel master;
- evaluate the outcomes of port inspections;
- prepare reports both of compliance and non-compliance; and
- identify, collect and protect evidence.

It is envisaged that senior inspectors will receive additional training and instruction to lead port inspections.

---

## TARGET GROUPS

The target organizations for port inspection training come from a cross-section of national agencies responsible for various aspects of enforcement. These may include staff from fisheries, customs, immigration, coastguard, police, navy, port authorities, and maritime officers.

---

## COURSE ORGANIZATION AND DELIVERY METHODOLOGY

The course comprises ten related units designed to support the development and implementation of an effective port inspection programme. The ten units and the practical inspection component are designed to be conducted over a minimum period of four days. It is envisaged that training will be delivered in a workshop format with:

- short presentations followed by discussions;
- breakout group activities with feedback in plenary sessions; and
- port inspections of fishing vessels.

Port inspections of fishing vessels will involve:

- classroom briefings and discussion;
- dockside briefings;
- vessel inspections;
- completion of forms; and
- dockside debriefings.

Private study time should be provided to workshop participants to encourage reading of this technical guide and to complete breakout group activities.

Safety is a key focus of this training, especially during pre-inspection briefings.

A certificate of attendance may be provided to attendees by the organizing or lead agency, or by the delivery entity.



# PREAMBLE – INTERNATIONAL LAW FRAMEWORK FOR FISHERIES ENFORCEMENT

## KEY LEARNING INDICATOR

### GENERAL UNDERSTANDING OF THE ROLE AND IMPORTANCE OF INTERNATIONAL LAW IN FISHERIES

#### INTERNATIONAL LAW

Managing fisheries and eliminating illegal, unreported and unregulated (IUU) fishing is a worldwide challenge. A number of important international instruments underpin efforts to address IUU fishing. These include:

- 1982 United Nations Convention on the Law of the Sea (UNCLOS).
- 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas.
- 1995 FAO Code of Conduct for Responsible Fisheries (CCRF).
- 1995 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 (UNFSA).
- 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU).
- 2005 FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing.
- 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA).
- Various establishing conventions for regional fisheries management organizations (RFMOs) and related bodies.

#### BOUNDARIES, TERRITORIAL WATERS AND THE EXCLUSIVE ECONOMIC ZONE

The depletion of many major fish stocks led to a growing need to take global action to limit exploitation of the oceans. This led to UNCLOS in 1982, a comprehensive regime for governance of the oceans covering all aspects of ocean space from boundary delimitation of exclusive economic zones (EEZs), to environmental control, scientific research, fishing and other economic and commercial activities, technology, and the settlement of disputes relating to ocean matters. UNCLOS establishes a legal right for coastal states to manage fisheries off their coasts, and a framework for coastal states to control access to their fisheries.

The standard arrangements for defining jurisdiction over ocean waters adjacent to a coastal state start with defined coastal baselines. These are usually the shoreline, or lines drawn from prominent headlands (or between islands in the case of archipelagic states). From here a line is drawn 12 nautical miles (nm)<sup>2</sup>

<sup>2</sup> 1 nautical mile = 1.151 miles or 1.852 kilometres

offshore that defines the state's territorial waters. From this line a further line is often drawn including another 12 nm defining what is called the contiguous zone. From this line a further line is drawn including a further 176 nm defining what is called the EEZ – a total distance from coastal baselines of 200 nm.

By the time UNCLOS was agreed in 1982, more than 80 coastal states had declared EEZs, mostly of 200 nm claiming sovereign rights for the purpose of exploring, exploiting, conserving, and managing living and non-living natural resources.

This is an area of international law that is constantly being refined. A great number of EEZs have not been finalized, particularly those between states where the distance between baselines is less than 400 miles, and where there are disputed territories.

---

## RIGHTS AND SOVEREIGNTY

Within territorial waters, states exercise sovereignty – that is absolute control over the water in the same way as they exercise absolute control over land.

Within a contiguous zone, states can exercise limited control for the purpose of preventing and/or punishing breaches of certain laws, for example customs, immigration and pollution laws, and enjoy the same sovereign rights as they do in their EEZs.

Within the EEZ, a state has sovereign rights (as opposed to sovereignty). These sovereign rights are over all the economic resources, and the activities to exploit them. Specifically the state has “sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living.” This includes fish, minerals, and oil.

For fish, a state has the right to set catch limits on the basis of the best scientific evidence available to it. The state also exercises control over pollution. The state cannot prohibit free passage within the EEZ (and this includes loitering vessels) above, on, or under the surface of the sea, which complies with the state's laws and in accordance with the provisions of UNCLOS.

---

## THE EMERGENCE OF INTERNATIONAL FISHERY AGREEMENTS

Agreement among states that the general provisions of the Convention needed strengthening led to the 1995 Agreement for the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks also known as the United Nations Fish Stocks Agreement (UNFSA). This Agreement builds on UNCLOS and requires states to ensure their nationals comply with conservation measures adopted for high seas stocks, as well as giving states jurisdiction over vessels flying their flag on the high seas. The Agreement provides for the establishment of RFMOs and sets out what such organizations can do in scientific research, stock assessment, monitoring, surveillance, control and enforcement.

Other agreements, such as the 1995 FAO Code of Conduct for Responsible Fisheries (CCRF), spell out flag state responsibilities for the activities of fishing vessels flying its flag and seek to advance management measures, by agreement among states, that improve the sustainable use of fisheries resources.

---

## WHY DO WE NEED PORT STATE MEASURES?

Port State Measures (PSMs) are a significant tool in the battle to combat IUU fishing. No matter where a vessel fishes, sooner or later that catch has to come ashore, either directly or from a carrier vessel after transshipment. Carefully designed plans and instruments, for both random and targeted inspection of

fishing vessels, make IUU fishing more difficult to achieve, and raises the costs of IUU fishing, making it less attractive. Port inspections to implement PSMs are a critical long-term strategy in the eradication of IUU fishing.

Most coastal states already have existing powers to allow them to board and inspect fishing vessels they suspect have been fishing in their waters. But proving illegal fishing is often hard, especially if the boat is registered in another country.

To understand how we can make port inspections work for us we need to understand that coastal states and flag states generally work within an international law framework of cooperation and collaboration. That framework is underpinned by conventions and agreements that place obligations on the parties.

FAO PSMA obligations involve:

- prior notification of port entry;
- use of designated ports;
- restrictions on port entry and landing/transshipment of fish;
- restrictions on supplies and services;
- documentation requirements;
- port inspections; and
- post-inspection notifications.

PSMs are part of a progressive plan that involves changes to legislation and changes to the roles and functions of port officials and fisheries officers. To give full effect to PSMs, RFMOs need to implement measures and national legal frameworks need to give effect to them, and to empower officers either to take enforcement action against vessels involved in IUU fishing that occurred anywhere, based on inspections undertaken in ports, or to enable reporting of alleged IUU fishing for action by a flag state or other coastal state.

Fishing activities that are illegal either in your state's waters or in the waters of a neighbouring state or on the high seas (i.e. that are not carried out in accordance with your laws, or the neighbouring state's laws, or in accordance with conservation and management measures adopted by an RFMO) must be enforceable through evidence gained from a port state inspection (PSI).

---

## EXAMPLES OF RFMOs/RFBs IN THE ASIA-PACIFIC REGION<sup>3</sup>

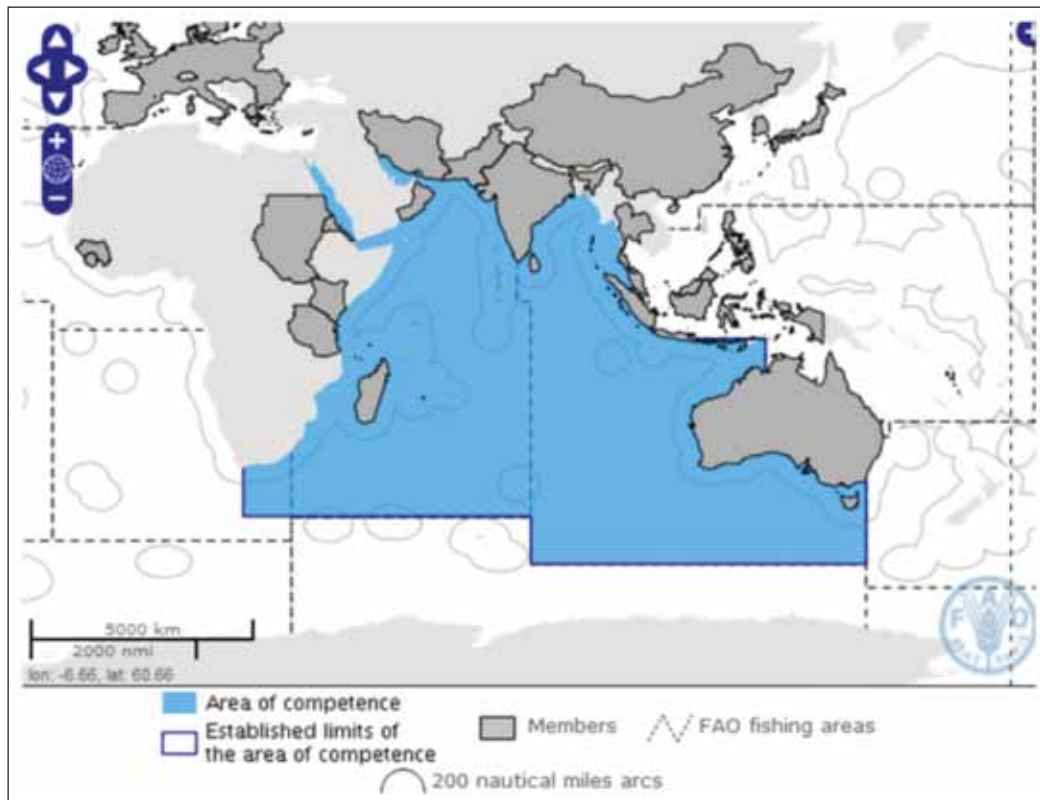
### THE INDIAN OCEAN TUNA COMMISSION (IOTC)<sup>4</sup>

The Indian Ocean Tuna Commission (IOTC) is an intergovernmental organization established under the 1993 IOTC Agreement. Its mandate is to manage tuna and tuna-like species in the Indian Ocean and adjacent seas. Its objective is to promote cooperation among its members with a view to ensuring, through appropriate management, the conservation and optimum utilization of stocks and encouraging sustainable development of fisheries based on such stocks. The 1993 IOTC agreement came into effect in 1996.

---

<sup>3</sup> Additional information is available from the RFMO Web sites, and the FAO regional fisheries body (RFB) Web site (<http://www.fao.org/fishery/rfb/search/en>)

<sup>4</sup> <http://www.iotc.org>



**Figure 1.** The IOTC's geographic area of competence (area of responsibility)

Membership of the IOTC is open to Indian Ocean coastal countries and to countries or regional economic integration organizations that are members of the UN or one of its specialized agencies and are fishing for tunas in this ocean.

The member countries of IOTC are: Australia, Belize, China (the People's Republic of), Comoros (the Union of the), the European Union, Eritrea (the State of), Guinea (the Republic of), India (the Republic of), Indonesia (the Republic of), Iran (the Islamic Republic of), Japan, Kenya (the Republic of), Madagascar (the Republic of), Malaysia, Maldives (the Republic of), Mauritius (the Republic of), Oman (the Sultanate of), Pakistan (the Islamic Republic of), Philippines (the Republic of), Korea (the Republic of), Seychelles (the Republic of), Sierra Leone (the Republic of), Sri Lanka (the Democratic Socialist Republic of), Sudan (the Republic of), Thailand (the Kingdom of), Tanzania (the United Republic of), Vanuatu (the Republic of), Senegal (the Republic of) and South Africa (the Republic of) are Cooperating Non-contracting Parties.

Membership of IOTC brings obligations with respect to compliance with conservation and management measures (CMMs) adopted by the IOTC. Some of the IOTC CMMs relate to monitoring, control and surveillance (MCS). Specifically, and of relevance to this guide is IOTC Resolution 10/11 on Port State Measures (PSMs) to Prevent, Deter And Eliminate Illegal, Unreported and Unregulated (IUU) Fishing.

The objective of this resolution is to prevent, deter and eliminate IUU fishing through the implementation of effective PSMs. If these are effective, and globally applied, they will help to control the illegal harvest of fish caught in the IOTC area, thereby helping to ensure the long-term conservation and sustainable use of these resources and marine ecosystems.

A coastal state IOTC member is therefore obliged to:

- apply this resolution to vessels not entitled to fly its flag that are seeking entry to its ports, or are in one of its ports, except for vessels of a neighbouring state engaged in artisanal fishing

for subsistence, provided that the port state and the flag state cooperate to ensure that such vessels do not engage in IUU fishing or fishing-related activities in support of such fishing; and container vessels that are not carrying fish or, if carrying fish, only fish that have been previously landed, provided that there are no clear grounds for suspecting that such vessels have engaged in fishing-related activities in support of IUU fishing;

- designate and publicize the ports to which vessels may request entry;
- require certain information to be provided before granting entry;
- deny landing and transshipping under certain circumstances;
- inspect a minimum 5 percent of landings;
- conduct inspections to an established standard; and
- take certain actions if IUU fishing is suspected.

The IOTC is currently the only RFMO with a CMM related to PSMs.

## **WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION (WCPFC)<sup>5</sup>**

The Western and Central Pacific Fisheries Commission (WCPFC) was established under the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPF Convention). The Convention was concluded after six years of negotiations that commenced in 1994.

The objective of the Convention is to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the Western and Central Pacific Ocean in accordance with the 1982 UNCLOS and the 1995 UNFSA.

The WCPF Convention draws on many of the provisions of the UNFSA and, at the same time, reflects the special political, socio-economic, geographical and environmental characteristics of the Western and Central Pacific Ocean (WCPO) region. The WCPF Convention seeks to address problems in the management of high seas fisheries resulting from unregulated fishing, over-capitalization, excessive fleet capacity, vessel re-flagging to escape controls, insufficiently selective gear, unreliable databases and insufficient multilateral cooperation in respect to conservation and management of highly migratory fish stocks.

The framework for the participation of fishing entities in the Commission:

- legally binds fishing entities to the provisions of the Convention;
- ensures participation by territories and possessions in the work of the Commission;
- recognizes the special requirements of developing states;
- ensures cooperation with other RFMOs whose respective areas of competence overlap with the WCPFC.

These provisions reflect the unique geo-political environment in which the Commission operates.

The Commission supports three subsidiary bodies, namely the Scientific Committee, the Technical and Compliance Committee, and the Northern Committee. Each committee meets once each year. The meetings of the subsidiary bodies are followed by a full session of the Commission.

Membership is dictated by the Convention, which was open for signature for 12 months from 5 September 2000 by the states that participated in the Multilateral High-Level Conference on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific.

---

<sup>5</sup> <http://www.wcpfc.int/>

These states are Australia, Canada, China (the People’s Republic of), the Cook Islands, Fiji Islands (the Republic of), the French Republic, Indonesia (the Republic of), Japan, Kiribati (the Republic of), Korea (the Republic of), Marshall Islands (the Republic of the), Micronesia (the Federated States of), Nauru (the Republic of), New Zealand, Niue, Palau (the Republic of), Papua New Guinea (the Independent State of), Philippines (the Republic of), Samoa (the Independent State of), Solomon Islands, Tonga (the Kingdom of), Tuvalu, United Kingdom of Great Britain and Northern Ireland (in respect of Pitcairn, Henderson, Ducie and Oeno Islands), United States of America

The Convention contains special arrangements for participation by fishing entities and by territories situated within the Convention area, for example Chinese Taipei (fishing entity) and Tokelau (territory).

In addition to members, participating territories are: American Samoa, Commonwealth of the Northern Mariana Islands, French Polynesia, Guam, New Caledonia, Tokelau, Wallis and Futuna. The cooperating non-members are: Belize, Ecuador (the Republic of), El Salvador (the Republic of), Indonesia (the Republic of), Korea (the Democratic People’s Republic of), Panama (the Republic of), Saint Kitts and Nevis, Senegal (the Republic of), Thailand (the Kingdom of), the United Mexican States, Viet Nam (the Socialist Republic of).

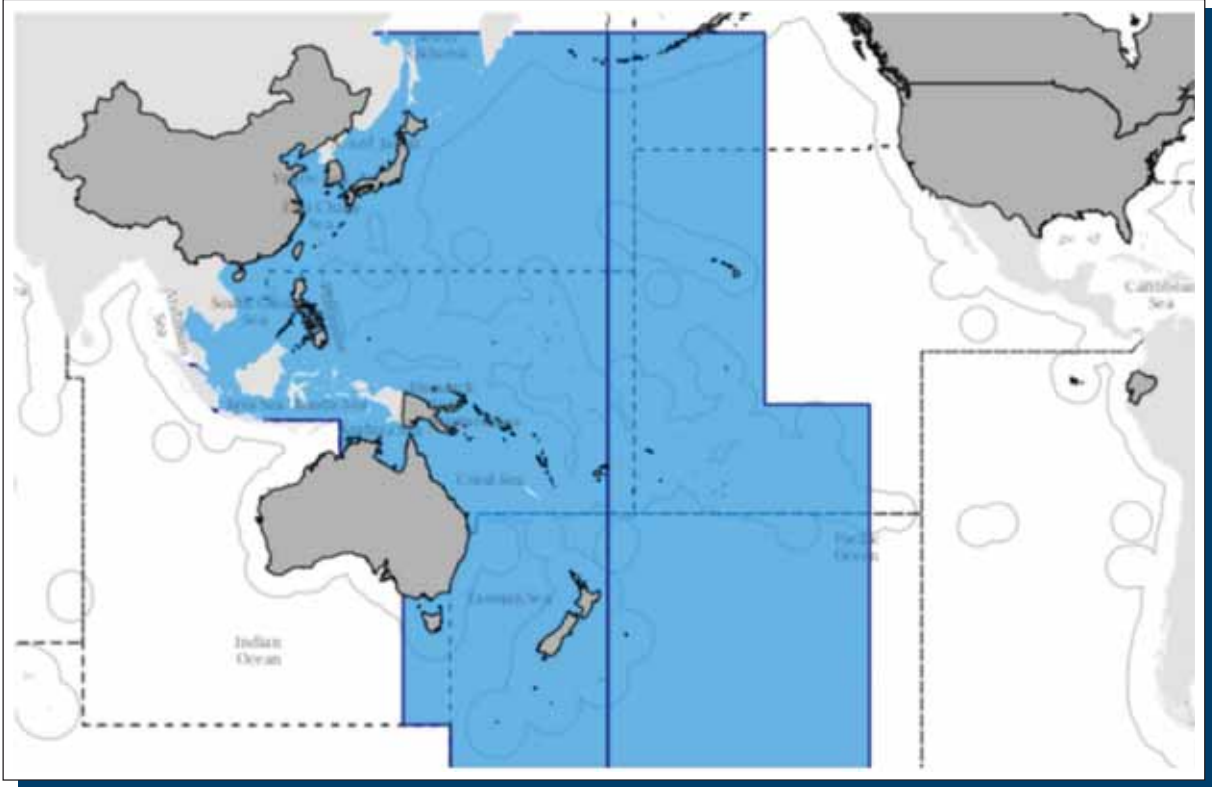


Figure 2. The WCPFC geographic area of competence

**COMMISSION FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES (CCAMLR)<sup>6</sup>**

The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) was established by an international convention in 1982 with the objective of conserving Antarctic marine life. CCAMLR was established in response to increasing commercial interest in Antarctic krill resources, a keystone component of the Antarctic ecosystem.

<sup>6</sup> <http://www.ccamlr.org/>

Being responsible for the conservation of Antarctic marine ecosystems, CCAMLR practices an ecosystem-based management approach. This does not exclude harvesting as long as such harvesting is carried out in a sustainable manner and takes account of the effects of fishing on other components of the ecosystem.



**Figure 3.** The CCAMLR geographic area of competence

CCAMLR is an international commission with 25 members: the Argentine Republic, Australia, Belgium (The Kingdom of), Brazil (the Federative Republic of), Chile (the Republic of), China (the People's Republic of), European Union, the French Republic, Germany (the Federal Republic of), India (the Republic of), Italy (the Republic of), Japan, Namibia (the Republic of), New Zealand, Norway (the Kingdom of), Poland (the Republic of), Korea (the Republic of), the Russian Federation, South Africa (the Republic of), Spain (the Kingdom of), Sweden (the Kingdom of), Ukraine, the United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay (the Eastern Republic of). A further 11 countries have acceded to the convention. Based on the best available scientific information, the Commission agrees a set of conservation measures that determine the use of marine living resources in the Antarctic.

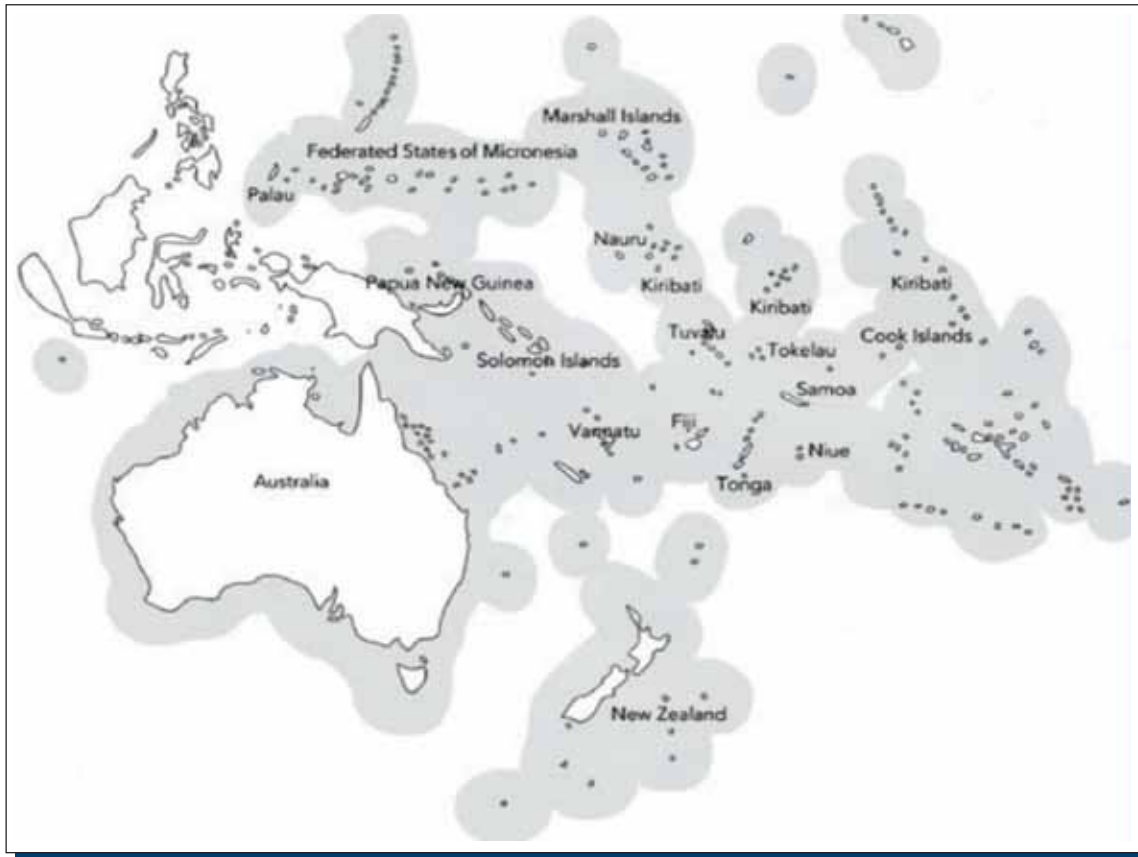
### **PACIFIC ISLANDS FORUM FISHERIES AGENCY (FFA)<sup>7</sup>**

The Pacific Islands Forum Fisheries Agency (FFA) was established in 1979 when ten Pacific nations signed the FFA Convention.

The FFA was established at a time when the international legal framework for oceanic fisheries was undergoing dramatic change. In particular, UNCLOS secured for coastal states sovereign rights to manage the living resources within an EEZ that extended 200 miles seawards from coastal baselines.

Members of the then South Pacific Forum recognized that their individual capacities to respond to these changes were limited and so decided to pool their resources to promote intraregional coordination and cooperation through harmonization of fisheries management policies and cooperation in the areas of fisheries development, access and enforcement.

<sup>7</sup> <http://www.ffa.int/>



**Figure 4.** The EEZs of the FFA membership

Since that time, the membership of the FFA has increased to seventeen, namely Australia, the Cook Islands, Micronesia (the Federated States of), Fiji (the Republic of), Kiribati (the Republic of), Marshall Islands (the Republic of), Nauru (the Republic of), New Zealand, Niue, Palau (the Republic of), Papua New Guinea (the Independent State of), Samoa (the Independent State of), Solomon Islands, Tokelau, Tonga (the Kingdom of), Tuvalu, and Vanuatu (the Republic of).

The FFA consists of the Forum Fisheries Committee (FFC), the governing body comprising a representative from each member country and territory, and the FFA Secretariat based in Honiara in the Solomon Islands. FFA Ministers meet annually to provide oversight of regional fisheries matters. The FFA vision is to “...enjoy the highest level of economic and social benefits that is compatible with sustainable use of our tuna resources.”

The FFA has an unparalleled and proud record of achievement over its 34 years as an RFB and has actively pursued activities to support its members, including:

- fostering fisheries management expertise among its members;
- developing cooperative alliances with other fishery management and science organizations;
- providing assistance in negotiating bilateral, as well as negotiating and managing multilateral, access treaties;
- developing harmonized minimum terms and conditions for access, licensing and resource management;
- setting up and operating a regional register of foreign fishing vessels;
- creating a secure communications network and satellite-based vessel monitoring system (VMS);
- developing and managing subregional fishery management arrangements; and
- helping members to take a lead role in the WCPFC.



In the context of global fishery management, the FFA has responded to a range of international instruments including the 1995 UN Fish Stocks Agreement (UNFSA), the 1995 FAO Code of Conduct on Responsible Fisheries (CCRF), and the establishment of the WCPFC. These changes, along with an increased international focus on sustainable development, reinforce the important roles played by the FFA that are still critical in assisting members to meet new challenges.

The highly migratory fish stocks of the WCPO include the greatest tuna fishery in the world, with the greatest potential for sustainable development. The bulk of these tuna are caught within the EEZs of FFA members.

---

**WORKSHOP BREAKOUT GROUP ACTIVITY 1 – SEE VOLUME 2: PORT  
INSPECTION WORKSHOP – WORKBOOK FOR TRAINERS, PAGE 1**

---

# UNIT 1 FISHERIES MANAGEMENT

## KEY LEARNING INDICATORS

### **BASIC UNDERSTANDING OF WHY WE NEED TO MANAGE OUR FISHERIES AND WHY SUSTAINABLE FISHERIES ARE IMPORTANT**

#### WHY MANAGE OUR OCEANS AND THEIR FISHERIES?

The world's oceans are under threat from natural and human impacts. Unless properly managed our oceans are unlikely to continue to provide the quantity and types of resources they provide now. For thousands of years the world's oceans have been used for transport and communication between communities, as a form of defence against disease, invasion and attack, as a source of food, drugs, building materials and for recreation.

The oceans are a source of tremendous biodiversity and not only provide renewable resources such as fish, but also provide the space for fish farming, mining, gas, renewable energy, and much of the waste we produce. The oceans are a carbon sink and the foundation of the water and phosphorous cycles that provide for life on earth. The oceans are therefore critical to our survival and need to be managed sustainably.

Our part in this is to help manage our fisheries sustainably, and our specific part in this as MCS officers is to make sure that when laws are made, they are observed.

#### THE TUNA FISHERIES OF THE INDIAN OCEAN AND THE WESTERN AND CENTRAL PACIFIC OCEAN (WCPO)

The catch of the sixteen tuna and tuna-like species covered by the IOTC Agreement have repeatedly exceeded 1 million tonnes since 1993. Tuna represents 85 percent of this total. These figures only partially cover the catches of the fleets.<sup>8</sup>

The value is estimated to be between USD2 billion and USD3 billion annually not taking into account the value added from support industries and processing, or social benefits such as employment and nutrition.

The Indian Ocean differs from other oceans in that the catch of artisanal fisheries is estimated to be as much as industrial fisheries. In coastal country catches (except for Maldives, Sri Lanka and Indonesia) shallow water species predominate, whereas the distant water fishing nations (DWFNs) target tropical and temperate oceanic tuna and, to a lesser extent, swordfish.

---

<sup>8</sup> IOTC Web site

Fishing gear/type	Characteristics
<b>Artisanal fisheries</b>	Use gill nets, troll lines and pole-and-line gears to target tuna and tuna-like species. Their importance has increased significantly in recent years and artisanal craft are travelling farther and covering larger areas.
<b>Longlining</b>	Produces about 250 000 tonnes annually of the highest value fish, much of which goes to the high priced sashimi market.
<b>Purse seining</b>	Produces nearly 360 000 tonnes with most of the catch canned at lower prices.

Tuna canning is an important economic and job creating activity in a number of countries including Madagascar, Mauritius, Seychelles and Thailand.

For centuries, tuna in the WCPO have provided an important source of food for the Pacific Islands and throughout Southeast Asia. The traditional fishing techniques and equipment involved are part of the region's cultural heritage.

Tuna fisheries are an important source of employment and income for many Pacific island states in particular. For some, tuna resources represent their only significant renewable resource and their best opportunity for economic development.

The WCPO tuna fishery is the largest in the world. It is a diverse fishery ranging from small artisanal operations in coastal waters, to large industrial purse-seine, pole-and-line and longline operations in coastal waters and on the high seas. Pacific island states, Australia, New Zealand, Southeast Asian countries (particularly Indonesia, Philippines and Viet Nam), and the DWFNs are all exploiting the same stocks of the same tuna species, principally skipjack, yellowfin, bigeye, and albacore.

Catches each year are estimated to be about 2.5 million tonnes valued at over USD5 billion.<sup>9</sup>

All this needs managing to make sure the fish are not overfished and habitats and the broader ecosystem are protected.

## RATIONALE FOR AN ECOSYSTEM APPROACH TO MANAGEMENT

The management of marine resources needs to go beyond just the fish and include marine habitats and ecosystems and the linked land-based habitats and ecosystems. Coral and other coastal reefs, mangrove forests, and coastal wetlands provide coastal protection, as well as habitats and nutrients for a massive variety of living organisms, all of which are sensitive to man's activities. If we fail badly in our management efforts, the risks to the health and wellbeing of marine resources and their environments can flow on to all life on the planet.

The many, often conflicting, uses of ocean resources require that we plan our human activities. For example the dumping of rubbish in coastal areas close to fishing grounds threatens the fisheries resources as well as the tourist industry and the wellbeing of local communities. Coastal development has impacts on critical fish habitats, often nursery grounds and deforestation and catchment clearing often result in erosion and sedimentation.

The management of our fisheries must go beyond the state ministries and departments that oversee their use and management because those entities have to follow national jurisdiction and boundaries, but the fish simply do not. So we need to work collaboratively and place a high value on national and international cooperation.

<sup>9</sup> WCPFC Tuna Fishery Yearbook (<http://www.wcpfc.int/statistical-bulletins>)

---

## MANAGEMENT STRATEGIES

Marine resource management rules and regulations have been developed to ensure the sustainable use of marine resources. Although often these rules have been developed in isolation, often to resolve disputes, or just because something seems a sensible thing to do, ideally they should be part of an overarching strategy, supported by environmental impact assessments, risk assessments, and be part of an ecosystem approach to fisheries.

Although strategies can be developed before fishing takes place, mostly they are developed after fishing has already started. Nevertheless, they are always better late than never!

Strategies should contain goals so we know what we are trying to achieve, and performance measures so we know whether we have achieved them.

Strategies can be used to make sure activities such as fishing are undertaken in a sustainable way. This usually means having a limit on effort and/or catch, and looking at our fishing methods to ensure they do not do long-term or irreversible harm. As a general rule, we should be cautious when we are making fisheries policy decisions, especially when we do not have a lot of information. We should take a precautionary approach.

Fisheries management can occur at a local level where individual communities manage the harvest from islands, bays or reefs; at a state level where government regulates who can fish, how, and when in the state's waters; and at an international level where collaboration occurs to manage fishing in EEZs and on the high seas.

All this requires us to use the best available information. We get that information from whatever sources are available - from records of catches and their composition, from research and monitoring programmes addressing the fish, their habitats and ecosystems, and the social and economic aspects of the fishery.

We need to understand whether the benefits that come from fishing are worth the effort. In particular to ensure that we do not always decide to sacrifice long-term sustainability for short-term profits, although that issue is probably one of the hardest to manage.

We also need to understand what sharing mechanisms are in place to share the resource between the different groups, such as artisanal fisheries, local commercial fisheries, and industrial fisheries. In many countries, recreational fisheries also have value - not for food, but for sport and tourism, and these also need to be taken into account. We have to decide how we are going to share the resource between these different sectors in a fair way.

We also have to focus on making the most of what we have got. Maximizing the value we can add to the fish we have caught, employing the most people, developing new markets, and making sure we do not waste it. We will always use our fishery resources, but we must use them in a way that makes sure we look after them, and makes sure we get the best use, the most employment, the most value and profit, and the least waste and damage to the broader ecosystem.

We must understand the impacts of fishing gear, use the best available information on fish catches and composition, and take a precautionary approach when data are poor.

---

## PROBLEMS IN MANAGEMENT

The ocean's surface is a mirror that hides all the bad things we are doing to it. When we look at the ocean's surface, all we see is a reflection of the sky. That reflection hides things like pollution, overfishing and damage to reefs and other habitats. Effective management is difficult because the oceans are complicated and because there are many users doing many different things. What we do not know outweighs what we do know, and there are probably really important things we have yet to discover.

But we have lots of specific management problems requiring law, policy and strategy that we know about and can work on. These include:

- target fish;
- non-target fish and other species;
- their geographic distribution and transboundary nature;
- habitats;
- the range of fishing methods;
- the range of users and other stakeholders;
- our current knowledge and understanding;
- conflicts between the fishery, the environment, and other development;
- ownership disputes;
- managing limited resources and funds for management;
- decision-making based on the best advice; and
- making sure that when we do set rules, we achieve compliance.

Sustainable development is a really important concept defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”<sup>10</sup>

When you think about it, it makes absolute sense and it is a critical goal that puts long-term planning and long-term outcomes for resource sustainability and economic development ahead of short-term financial gain. But it is a very complex goal with many elements.

---

## FISHERIES MANAGEMENT GENERALLY

Fisheries management has three major points of focus: the fisheries resource, the human interaction with that resource, and the broader ecosystem context.

Fisheries management is about ensuring the human activity, specifically harvesting, is controlled so the fish stocks are used sustainably and in a way that maximizes economic and social benefits.

Of all the human activities that concern the fisheries resource, such as fishing, processing, trade, or export, the fishing activity itself is arguably the most important. Without regulation, fishing activity can destroy resources and habitats, but proper management can make sure the fishery is still there for future generations.

---

## INDUSTRIAL FISHING

The main fishing methods used by industrial fishers in the Indian Ocean and Western and Central Pacific Ocean are: purse-seine, longline, troll, and pole-and-line. Figure 5 summarizes gear and vessel types:<sup>11</sup>

---

<sup>10</sup> World Bank Web site (<http://www.worldbank.org/depweb/english/sd.html>)

<sup>11</sup> Adapted with permission from Gillett, R. 2004. Tuna for tomorrow.

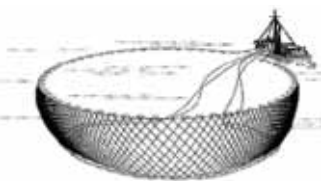
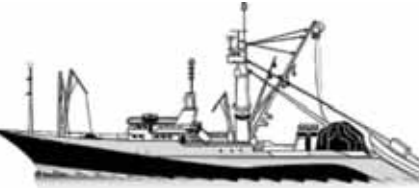


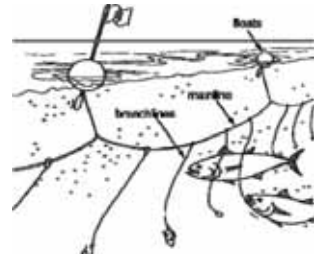



Gear type	Vessel	Target species
<b>PURSE SEINE</b>		
		<p>Mainly skipjack are caught by purse seine gear.</p> <p>Most catch is for canning.</p> <p>Yellowfin and bigeye are also caught.</p>
		<p>Purse seine fishing vessels Cape Cod and Solomon Pearl.</p>
<b>LOGLINE</b>		
		<p>Most tuna caught are large size yellowfin, bigeye, and albacore.</p> <p>The prime yellowfin and bigeye often are exported fresh to overseas markets.</p> <p>Most of the albacore is for canning.</p>
		<p>Longline vessels come in many designs.</p> <p>They are distinguished by: (a) the Dhan buoys used to mark the line position and suspend it in the water; and (b) the large line reels.</p>

Figure 5. Summary of tuna fishing gear types, fishing vessels, and reefer carriers


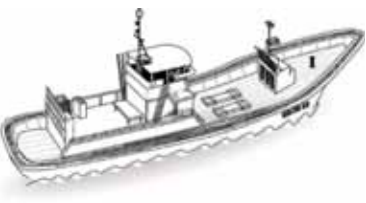



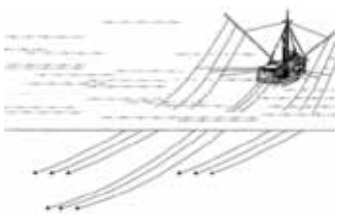

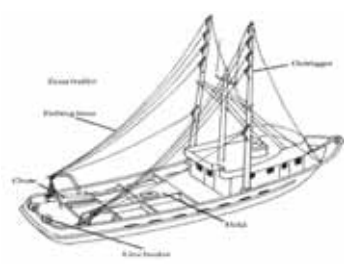





Gear type	Vessel	Target species
<b>POLE-AND-LINE</b>		
		<p>Mainly skipjack and small yellowfin are caught by pole-and-line gear.</p> <p>Most of the catch is for canning.</p>
		 <p>Pole-and-line vessels Solomon endeavour and Soltai 105.</p>
<b>TROLLING</b>		
		<p>Large-scale trolling targets albacore for canning.</p>
		<p>Trolling vessels come in many designs and sizes.</p> <p>They are distinguished by the large outriggers used to deploy their lines.</p>

Figure 5. Summary of tuna fishing gear types, fishing vessels, and reefer carriers (continued)

Gear type	Vessel	Target species
<b>REEFER CARRIERS FOR TRANSSHIPMENT</b>		
		Tri Marine reefer carriers (www.trimarinegroup.com)  Frio Canarias, Kai Cheng
		New Hayatsuki, Salgir

**Figure 5.** Summary of tuna fishing gear types, fishing vessels, and reefer carriers (*continued*)

---

**WORKSHOP BREAKOUT GROUP ACTIVITY 2 – SEE VOLUME 2: PORT INSPECTION WORKSHOP – WORKBOOK FOR TRAINERS, PAGE 2**

---



## UNIT 2 CONCEPTS OF MONITORING, CONTROL AND SURVEILLANCE (MCS)

### KEY LEARNING INDICATORS

### UNDERSTANDING WHAT MCS MEANS AND UNDERSTANDING THE AVAILABLE MCS TOOLS

#### THE ROLE OF MCS IN FISHERIES

The FAO Code of Conduct for Responsible Fisheries encourages states to establish, within their respective competences and capacities, effective mechanisms for fisheries MCS and enforcement to ensure compliance with their conservation and management measures.

MCS activities are an essential component of all fisheries management programmes.

The components of MCS are defined as:

- **Monitoring** includes the collection, measurement and analysis of information about fishing activity, including but not limited to catches, species composition, fishing effort, discards, and area of operations. This information is the primary data that fisheries managers use to develop management strategies. If this information is unavailable, inaccurate or incomplete, managers are handicapped when developing and implementing management measures.
- **Control** involves the specification of the terms and conditions under which resources can be harvested. These specifications are underpinned by national fisheries legislation, international law, and other arrangements such as conventions and treaties that might apply to a region. Legislation provides the foundation for MCS activities.
- **Surveillance** involves checking and supervising fishing and fishing related activities to ensure compliance with legislation, including terms and conditions of access, and management measures. This activity helps ensure laws to protect fisheries resources are enforced and that IUU fishing is minimized.

The purpose of MCS is to ensure that fishery policy, legislation, and strategy is given the best chance of working and of achieving its goals.

#### THE ELEMENTS OF MCS

There are many potential elements of an MCS programme, including:

- stakeholder involvement in management planning;
- effective supporting legislation;
- data collection systems including observers, logbooks, and port inspections;
- surveillance, monitoring and inspecting fishing fleets, and their operations - vessels, gear, and fish aggregating devices (FADs), at sea and in port using
  - o fishery patrol boats
  - o aerial patrols

- gathering information that relates to the operations of fishing vessels through
  - o observers
  - o VMS
  - o vessel automatic identification system (AIS)
  - o electronic monitoring
  - o log books
- monitoring and validating catches through
  - o monitoring of transshipments
  - o port inspection of catches
  - o monitoring catch offloads
  - o monitoring processor data
- integrated reporting that harmonizes national and regional standards and requirements; and
- auditing of industry information.

---

## MCS SPATIAL COMPONENTS

There are three main spatial components to MCS, in particular for monitoring and surveillance. These are land, sea and air. Exactly what mix is used in a given situation will depend on the specific challenge, and the resources available. The key components are:

<b>On land:</b>	Operations base
	Data collection (e.g. VMS/AIS)
	Data analysis (e.g. catch, transshipment, observer logs)
	Port inspections of catch
	Monitoring offloading
	Dockside monitoring of vessel and gear
	Monitoring of processing and trade in fish and fish products
<b>At sea:</b>	Observer activities at sea
	Patrol activities in state waters
	Patrol activities in high seas
	Monitoring of transshipments
<b>In the air:</b>	Aerial patrols and surveys:
	planes
	drones
	Satellite imagery

MCS trends are towards the use of technology with VMS now commonplace. Electronic monitoring with camera and winch and engine sensors, and real time electronic reporting of catch from vessels and by observers are the next generation of MCS tools.

---

**CASE STUDIES DISCUSSION ON INTERNATIONAL FISHERIES MCS – SEE VOLUME 2: PORT INSPECTION WORKSHOP – WORKBOOK FOR TRAINERS, PAGE 3**

---



---

**WORKSHOP BREAKOUT GROUP ACTIVITY 3 – SEE VOLUME 2: PORT INSPECTION WORKSHOP – WORKBOOK FOR TRAINERS, PAGE 5**

---

## UNIT 3 UNDERSTANDING PORT STATE MEASURES (PSMs)

### KEY LEARNING INDICATOR

### AN UNDERSTANDING BY PARTICIPANTS OF PORT STATE MEASURES, THEIR BACKGROUND AND PURPOSE

#### HOW PORT STATE MEASURES FIT INTO INTERNATIONAL LAW

To get PSMs into context we need to understand what they are and to know their place within the international law framework.

PSMs are requirements or conditions placed on visiting vessels by a port state. Those requirements can be dictated by a direct legal requirement of the port state, or they can be measures delivered by the port state through an intervention in accordance with an international instrument to which the state is a signatory.

The key to this is that the port state must agree to the measures. A port state that does not have legislation that empowers it to inspect vessels, or does not have laws that recognize an international agreement should be very careful about undertaking inspections.

PSMs typically include requirements related to:

- prior notification of entry into port;
- use of designated ports;
- restrictions on port entry;
- landing or transshipment of fish;
- restrictions on supplies of goods and services;
- documentation requirements; and
- port inspections.

Other related measures include IUU vessel listing, trade-related measures, and sanctions.

The overarching international agreement on PSMs is the *FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA)*. The PSMA was approved by the FAO Conference in 2009.

#### THE OBJECTIVE OF THE PORT STATE MEASURES AGREEMENT

The object of the PSMA is to:

- prevent, deter and eliminate IUU fishing through the implementation of effective port state measures; and
- ensure the long-term conservation and sustainable use of living marine resources and marine ecosystems.

The Agreement aims to prevent illegally caught fish from entering international markets through ports. Under the terms of the treaty, foreign vessels will provide advance notice and request permission for port

entry, countries will conduct regular inspections in accordance with universal minimum standards, offending vessels will be denied use of port or certain port services and information sharing networks will be created. As of August 2013 there were 23 port states that were signatories to the Agreement and who therefore have an obligation to implement it.

As of August 2013 the FAO Database on Port State Measures<sup>12</sup> provides details of a range of PSMs in place for 51 port states. This includes details of statutory powers in place to enable inspections.

Only one RFMO has implemented a supporting measure. The IOTC's Resolution 10/11 largely reflects the FAO agreement and places an obligation on all Cooperating Parties and Cooperating Non-contracting Parties (CPCs) to apply the Resolution.

A large amount of work has been undertaken by the WCPFC to try to agree on measures to address IUU fishing through Port State controls, but as yet no resolution is in place. Several of the contracting parties have ratified the PSM agreement.

---

## WHO MUST APPLY THE PORT STATE MEASURES AGREEMENT?

Only signatories are obliged to apply the Agreement and they must have legislation that enables them to do that.

---

## WHO MUST APPLY THE IOTC RESOLUTION 10/11 ON PORT STATE MEASURES?

Every CPC must apply this Resolution to any vessel not flying its flag that wants to access its ports, other than:

- artisanal subsistence fishing vessels of a neighbouring state as long as they don't engage in IUU fishing;
- container vessels not carrying fish; and
- containers carrying fish that have been previously landed – as long as there are no clear grounds for suspecting they have been supporting IUU fishing.

---

## ARE FISHERIES PORT STATE MEASURES THE ONLY PORT STATE CONTROLS?

No, there are many PSCs that are exercised by customs, quarantine and maritime shipping officials, which is why it is important to cooperate with other government agencies.

For example, UNCLOS provides every nation with rights and obligations with regard to ship registration and freedom of passage both over the high seas and through coastal waters of any other nation. Some of these responsibilities are further detailed in international conventions developed and amended by the International Maritime Organization (IMO). Some common conventions are:

- International Convention for the Safety of Life at Sea (SOLAS).
- International Convention for the Prevention of Pollution from Ships (MARPOL).
- 1966/1988 International Convention on Load Lines (CLL).
- 2006 Maritime Labour Convention (MLC).

---

<sup>12</sup> FAO Database on Port State Measures: <http://www.fao.org/fishery/psm/search/en>

For example, IMO uses PSC inspections of foreign ships in national ports to verify the condition of the ship and that its equipment complies with international regulations, and that it is properly manned and operated.

IMO experience is that inspections can be extremely effective if organized on a regional basis. A ship going to a port in one country will normally visit other countries in the region before embarking on its return voyage and it is to everybody's advantage if inspections can be closely coordinated to ensure as many ships as possible are inspected. Primary responsibility for standards rests with the flag state – but PSC provides a “safety net” to catch substandard ships.

An agreement called the “Tokyo Memorandum” (Tokyo MOU) has operated across the Asia-Pacific region since 1993 to give effect to the IMO regulatory framework. The Tokyo MOU has 18 member authorities with the aims to establish an effective PSC regime in the Asia-Pacific region through cooperation of its members and harmonization of their activities, to eliminate substandard shipping so as to promote maritime safety, to protect the marine environment and to safeguard working and living conditions on-board ships. In 2012, about 31 000 inspections were undertaken under the Tokyo MOU with about 1 400 vessel detained (<5%).

---

## WHAT DOES THE PORT STATE MEASURES AGREEMENT SAY ABOUT COOPERATION?

Parties are to the greatest extent possible to integrate fisheries-related PSMs within the broader system of PSC as well as with other MCS measures.

They must take into account as appropriate the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) and take measures to exchange information with other agencies to coordinate all these activities.

That means all agencies have an obligation to work together.

---

## WHAT PORTS DO PORT STATE MEASURES APPLY TO?

PSMs only apply to designated ports. Parties are to publicize the designated ports. This means vessels can only enter designated ports.

---

## WHAT DO VESSELS HAVE TO DO?

Vessels have to seek advance approval to enter a port, sufficient to allow adequate time for the port state to examine the information provided. The information to be provided is laid out in Table 1 in the Workbook.

In the case of the IOTC Resolution the minimum pre-entry notification period is 24 hours.

---

## CAN A PORT DENY ENTRY?

Once a request has been received, and the information provided has been assessed, a decision has to be made whether or not to deny or grant entry.

If an authorization is given, either the master or the vessel's representative can present the authorization to the authorities when the vessel arrives in port.

If a decision is made to deny entry, the decision must be communicated to the flag state, and as appropriate and to the extent possible relevant coastal states, RFMOs, and other international organizations. In the case of a denial under the IOTC Resolution, the IOTC secretariat must be notified.

It is important that the reasons for denial are justified and documented but it is likely to be because there is proof the vessel has engaged either in IUU fishing or fishing-related activities in support of IUU fishing. This proof may be that the vessel is included on a list of IUU vessels maintained by an RFMO.

Port access can still be granted as long as it is exclusively for the purpose of inspecting it and taking other action which is at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing and related activities.

Where port access is granted for inspection the vessel must be denied the use of the port for landing, transshipping, packaging, and processing of fish, as well as other port services including refuelling and resupplying, maintenance and dry-docking.

---

## WHAT IF A VESSEL IS IN DISTRESS?

Nothing in the Resolution affects the entry of vessels to port for reasons of *force majeure* or distress, or prevents assistance to persons, or ships in danger or distress.

---

## DO THE FAO AND RFMOs HAVE INSPECTORS?

Neither the FAO nor RFMOs have inspectors. It is the responsibility of flag and coastal states to enforce these measures. To do this they need to have appropriate laws that recognize or “call up” the relevant international laws and agreements so that national inspectors can do their job.

---

## HOW DOES THE FAO PSMA RELATE TO OTHER INSTRUMENTS?

**Specifically the FAO Compliance Agreement, the UN Fish Stocks Agreement, and the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU)**

The PSMA follows on from the FAO Compliance Agreement, the UN Fish Stocks Agreement, and the IPOA-IUU.

The 1993 FAO Compliance Agreement intended to improve the regulation of fishing vessels on the high seas by strengthening “flag-state responsibility”. Parties to the Agreement must ensure that they maintain an authorization and recording system for high seas fishing vessels and that these vessels do not undermine international conservation and management measures. The Agreement aims to deter the practice of “re-flagging” vessels with the flags of states that are unable or unwilling to enforce such measures. Provisions are made for international cooperation and exchange of information in implementing the Agreement, particularly through the FAO.

The 1995 UN Fish Stocks Agreement sets out principles for the conservation and management of straddling and highly migratory fish stocks and requires that management be based on the precautionary approach and the best available scientific information. The Agreement elaborates on the fundamental principle that states should cooperate to ensure conservation and promote the objective of the optimum utilization of fisheries resources both within and beyond the EEZ. The Agreement attempts to achieve this objective by providing a framework for cooperation in the conservation and management of those resources. It promotes good order in the oceans through the effective management and conservation of high seas resources by establishing, among other things, detailed

minimum international standards for the conservation and management of straddling fish stocks and highly migratory fish stocks; ensuring that measures taken for the conservation and management of those stocks in areas under national jurisdiction and in the adjacent high seas are compatible and coherent; ensuring that there are effective mechanisms for compliance and enforcement of those measures on the high seas; and recognizing the special requirements of developing states in relation to conservation and management as well as the development and participation in fisheries for the two types of stocks mentioned above.

The objective of the 2001 IPOA-IUU is to prevent, deter and eliminate IUU fishing by providing all states with comprehensive, effective and transparent measures by which to act, including through appropriate regional fisheries management organizations established in accordance with international law. States are required by the IPOA-IUU to develop National Plans of Action (NPOA) to further achieve IPOA objectives.

---

**WORKSHOP BREAKOUT GROUP ACTIVITY 4 – SEE VOLUME 2: PORT  
INSPECTION WORKSHOP – WORKBOOK FOR TRAINERS, PAGE 6**

---

## UNIT 4 ETHICS

### KEY LEARNING INDICATORS

### UNDERSTANDING ETHICAL PRINCIPLES AND WHY THEY ARE IMPORTANT

#### ETHICS ARE THE MORAL PRINCIPLES THAT GUIDE OUR BEHAVIOUR

As fisheries compliance officers, the fishing community expects us to behave in a certain way. It wants us to be:

- fair
- honest
- impartial

It expects us to:

- operate within the law
- treat them as equals
- be consistent in our approach

Typically, a code of conduct is based on an ethical framework that is transparent.

Most organizations have a code of conduct that outlines how they expect employees or members to conduct themselves. They often look very similar but may be customized for specific situations, for example to guide the way inspectors access boats and interact with crew who speak a different language. An example of a model code of conduct is provided below.

#### MODEL CODE OF CONDUCT

This code of conduct sets out standards of conduct applicable to all staff. It must be read along with any law, and any customary practice.

- You must always conduct yourself in a way that does not bring your agency into disrepute.
- In undertaking your duties you must not deliberately contravene the law or relevant administrative requirements, policies and procedures.
- You must not act in any way to intimidate, harass, verbally abuse, discriminate against, or take advantage of anyone.
- You must exercise a high degree of care and diligence in carrying out your functions.
- You must show fairness and equity in all your dealings.
- You must consider issues consistently, promptly and fairly with due regard to milestones and deadlines.
- You must deal with matters in accordance with established procedures, and in a non-discriminatory manner.
- You must not harass, discriminate against, or support others who harass and discriminate against any person because of his or her race, religion, disability, medical condition, sex, sexual preference, pregnancy, age, or marital status.



---

## HONESTY

You have a duty to act honestly, to declare any interests that may affect your duties, and to take steps to resolve any potential or actual conflicts. You must obey the law; follow policies and procedures; observe this code of conduct; disclose actual or potential conflict of interests; and exercise delegated power strictly in accordance with the reasons and the limits conferred.

---

## INTEGRITY

You must conduct yourself with the utmost integrity and never place yourself under any financial or other obligation to any individual or organization that might influence you in the performance of your role.

---

## IMPARTIALITY

You have a duty to make decisions and provide recommendations and advice in an impartial way, considering only relevant matters.

---

## ACCOUNTABILITY AND TRANSPARENCY

You are accountable for any decisions or recommendations you make and any advice you provide. You are required to conduct your role in a transparent way within the limitations of your role, terms of employment, and the law.

---

## PROBITY

In all matters you must act with due probity showing the qualities of strong moral principles, honesty and decency, ensuring all processes are fair and transparent to the fullest extent.

---

## OPENNESS AND CONFIDENTIALITY

You have a duty to be as open as possible when going about your work, within the constraints of any contract or agreement whether written or verbal, including explaining reasons for any decision, advice or recommendation, cooperating to the fullest extent possible with the employing organization or agency, and providing information and communications clearly. You are required to keep information that is not in the public domain confidential, other than when required to make it known by law.

---

## RESPECT

You must treat others with respect at all times. You must not use derogatory terms towards others, and you must observe the rights of other people. You must treat all people with courtesy when undertaking your role.

---

## LEADERSHIP

You must observe legitimate direction from leaders and promote and support leadership through examples of ethical behaviour.

---

## WITHOUT SELF-INTEREST

You have a duty to make decisions and provide recommendations and advice in the interest of the government and the broader community. You must not act to gain future financial or other benefits for yourself, your family, friends or business interests.

---

## SAFETY

You have a duty to act at all times in a manner that ensures your health and safety and the health and safety of others with whom you are working. Actions that might cause either physical or emotional harm are not to be tolerated.

---

## REPORTING

You have a duty to report any breach of this code, or any other behaviour you may believe is inappropriate or unlawful to your supervisor, or to the appropriate law enforcement agency.

---

## CONFLICTS OF INTEREST

It is your duty to avoid or appropriately manage any actual, potential, or perceived conflicts of interest as soon as they arise. The onus is on you to identify these circumstances and to take the appropriate action to manage the situation.

A conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a particular set of circumstances in the exercise of your duties, in particular where a potential pecuniary interest can be identified to you, a partner, spouse, friend or family member, no matter how remote.

---

## PERSONAL BENEFIT

A gift or benefit includes any item greater than the cost of a simple non-alcoholic beverage. For example, free meals or other valuable refreshments, invitations to attend concerts, social, cultural or sporting events, and gifts of alcohol, ties, scarves, hats, and of course payments of cash or other property.

No gift or benefit is too small to be considered inappropriate. You are required to inform your manager by e-mail (so as to create a record) and to enter into the gifts and benefits register, any such gift or benefit if there is any potential for a conflict of interest to be perceived.

---

## COMPLAINTS

Complaints about behaviour in contravention of this code should be notified to a nominated person.

---

**WORKSHOP BREAKOUT GROUP ACTIVITY 5 – SEE VOLUME 2: PORT INSPECTION WORKSHOP – WORKBOOK FOR TRAINERS, PAGE 7**

---

# UNIT 5 HEALTH, SAFETY AND SECURITY DURING PORT/VESSEL INSPECTIONS

## KEY LEARNING INDICATORS

### UNDERSTAND YOUR OBLIGATIONS TO HEALTH, SAFETY AND SECURITY, AND HOW TO ASSESS RISK AND TO MITIGATE THOSE RISKS

#### THE HEALTH, SAFETY AND SECURITY (HSS) OF EVERYONE INVOLVED IN PORT INSPECTIONS ARE OF PARAMOUNT IMPORTANCE

This includes every member of government staff involved in the inspection, any observers or participants from other CPCs or RFMOs, and the master, crew and other parties such as agents.

Responsibility for the HSS of staff lies primarily with the senior officer in charge of the boarding party.

It is the responsibility of the senior officer to undertake a risk assessment, establish the potential risks, their likelihood, the potential consequence, and then to take the necessary steps to mitigate those risks – to minimize the risk of occurrence, and any consequences.

#### THE RISK ASSESSMENT

The risk assessment is an essential part of a pre-inspection briefing so that everyone in the boarding party knows their responsibilities. As well as being responsible for each other, the boarding party also has a responsibility to the master and crew not to do anything that creates a potential HSS issue.

The risk assessment should cover:

- Boarding and disembarking the vessel
- Moving around the vessel
- Slips, trips and falls
- Communication with the crew
- Conflict with crew
- Confined space entry and exit
- Searching activities
- Firearms or other weapons on-board
- Deck machinery
- Electricity
- Fire
- Weather
- Evacuation
- Administering first aid
- Calling for assistance
- Communications



---

## OLDER FISHING VESSELS CAN PRESENT A RANGE OF HSS RISKS TO INSPECTORS

The risk assessment should be carried out by the whole boarding party and everyone should be invited to identify potential risks. The risk assessment should identify safety equipment requirements for the inspection.

---

WORKSHOP BREAKOUT GROUP ACTIVITY 6 – SEE VOLUME 2: PORT INSPECTION WORKSHOP – WORKBOOK FOR TRAINERS, PAGE 8

---

## UNIT 6 AUTHORITY AND POWERS OF INSPECTORS

### KEY LEARNING INDICATORS

#### UNDERSTAND THE AUTHORITY AND POWERS OF FISHERIES OFFICERS

##### FISHERIES LEGISLATION TELLS AUTHORIZED OFFICERS WHAT THEY CAN DO, AND UNDER WHAT CIRCUMSTANCES

Fishery legislation provides officers with specified powers that enable them to investigate activities, gather evidence, and detect and report breaches of legislation, as well as describing potential penalties.

Sometimes these powers include search, entry, detention, arrest, seizure and the power to require certain information.

Authorized officers must always operate within the limits of their powers at all times. If officers operate outside their powers, evidence obtained cannot be used, and in some situations officers and/or their organizations can be sued for financial damages.

If you are ever in doubt about your powers you should check. If you cannot check and you are not sure, then the best advice is to withdraw until the doubt has been cleared up.

It is common for fisheries legislation to list other officials who are able to exercise the powers of fisheries officers. This can include officers from the maritime, police, and customs agencies. You need to know who is authorized when you undertake joint inspections, and to make sure anyone who is not, does not jeopardize the inspection.

##### THE POWERS OF AUTHORIZED OFFICERS ARE USUALLY COMPREHENSIVE AND CAN USUALLY BE EXERCISED WITH OR WITHOUT A WARRANT

The powers can allow the authorized officer to:

- stop, board, enter, and search any fishing vessel in the territorial sea and the state's EEZ
- stop, board, enter, and search any state flagged fishing vessel beyond the EEZ
- inspect any fishing vessel in any state port
- enter and search premises
- inspect documents and other information from any vessel or premises
- examine gear, equipment, records or other documents found in or on any vessel or premises
- inspect any fish and other catch, and seize, take, detain and secure any fish, or other catch, fishing equipment, documents and other evidence that may reasonably be used as evidence of an offence
- arrest any person believed to have committed an offence

Authorized officers must be clear not only about their powers, but also where those powers may be exercised. This might include, within waters under national jurisdiction, and/or beyond those waters in the high seas.

Moreover, the power to stop, board, and inspect your own flagged fishing vessels can be exercised within waters under national jurisdiction and beyond because the flag state has primary jurisdiction over its vessels, if the legislation makes this clear.

However, the power to stop, board, search and inspect foreign fishing vessels when they are fishing can usually only be exercised within waters under national jurisdiction. Exceptions to this include the doctrine of "hot pursuit", i.e. where you have commenced a pursuit within state waters but continue the pursuit into the high seas without losing sight of the vessel before it is stopped.

Foreign fishing vessels in the high seas can only be boarded and inspected following a "hot pursuit" that commences in state waters, or when a coastal state is authorized to conduct high seas boarding and inspections under an agreement or rules of an RFMO.

---

**WORKSHOP BREAKOUT GROUP ACTIVITY 7 – SEE VOLUME 2: PORT INSPECTION WORKSHOP – WORKBOOK FOR TRAINERS, PAGE 9**

---

# UNIT 7 THE IOTC PORT STATE MEASURES RESOLUTION

## KEY LEARNING INDICATORS

### UNDERSTANDING OF THE IOTC PORT STATE MEASURES RESOLUTION 10/11

#### PREAMBLE

#### TERMS TO BE FAMILIAR WITH FROM THE IOTC PORT STATE MEASURES RESOLUTION

*Inter alia*: Among other things.

*Mutatis mutandis*: Changing only those things that need to be changed.

*Force majeure*: An extraordinary event or circumstance beyond the control of the parties, such as a war, strike, riot, crime, or an event described by the legal term "Act of God" (such as hurricane, flooding, earthquake, or volcanic eruption).

#### EXCEPTIONS

Inspectors need to be aware of exceptions that may be important to the outcome of an inspection.

Exceptions are provisions that say for example "the following rules apply, except in the following circumstances...."

The following notes guide us through the key provisions of the measure, but the full document must be used if you are planning an inspection or other enforcement action. When reviewing the Resolution look out for words like "except" and "unless".

#### STATUS

The PSM Resolution entered into force on 1 March 2011 and applies to the ports of CPCs within the IOTC area of competence. The CPCs situated outside the IOTC area of competence must also endeavour to apply the Resolution.

#### PART 1 GENERAL PROVISIONS

This part provides definitions, and sets the scene for the application of PSMs.

Definitions are broad and all-encompassing and include:

- "Fish" means all species of highly migratory fish stocks covered by the IOTC Agreement.
- "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.
- "Fishing-related activities" means any operation in support of, or in preparation for, fishing, including the 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.

- “Port” includes offshore terminals and other installations for landing, transshipping, packaging, processing, refuelling or resupplying.
- “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.

Every CPC must apply this Resolution.

Every CPC must integrate the fishery PSMs with broader port state control, and with other MCS activities.

---

## PART 2 ENTRY INTO PORT

This part outlines the requirements for entry into ports.

The PSM Resolution requires each CPC to:

- designate the ports into which vessels can enter;
- provide the list of ports to the IOTC; and
- make sure there are trained inspectors to undertake inspections.

Each CPC must require information to be provided before the vessel can enter port at least 24 hours beforehand (see Table 1 below).

### THE INFORMATION IS STANDARD AND CANNOT BE CHANGED

Once the information has been reviewed a decision has to be made whether to allow or deny entry to the port.

When making that decision you have to assess everything you know and can find out about the vessel, especially whether you have enough evidence to suspect that it has been engaged in IUU fishing, or in support of IUU fishing.

Once a decision on whether or not to allow entry to port has been made, the vessel or the vessel's agent must be notified.

- The vessel has to present its authorization when it enters port.
- If entry is refused, that decision must be communicated to the vessel, the flag state, and to other coastal states and the IOTC.
- Even if a vessel is suspected of IUU fishing you can still let it into port if you want to take action against it.
- If you do allow the vessel to enter port and you have knowledge that it has been engaged in IUU fishing, you must not allow the boat to do things such as landing or transshipping fish or refuelling, resupplying, maintenance or dry-docking.



---

#### How would it work?

A fishing vessel wishing to offload its catch in a port would look up the port contact information and notify the port of its intention.

The port would state it requires a pre-entry form to be completed a minimum of 24 hours before arrival (sometimes, ports may require more than 24 hours notice).

The form would be provided to an officer for assessment who would decide whether to allow entry, and whether a port inspection is going to be conducted.

The decision whether to allow entry would be made based on the information contained in the form and an assessment whether the vessel has been involved in IUU fishing.

Note: There are other international law obligations such as the sickness of crew or *force majeure* that you need to take account of if planning to deny entry.

TABLE 1

## ANNEX 1 – PRE-ENTRY FORM

## INFORMATION TO BE PROVIDED IN ADVANCE BY VESSELS REQUESTING PORT ENTRY

1. Intended port of call							
2. Port state							
3. Estimated date and time of arrival							
4. Purpose(s)							
5. Port and date of last port call							
6. Name of the vessel							
7. Flag state							
8. Type of vessel							
9. International radio call sign							
10. Vessel contact information							
11. Vessel owner(s)							
12. Certificate of registry ID							
13. IMO ship ID, if available							
14. External ID, if available							
15. IOTC ID							
16. VMS	<i>No</i>	<i>Yes: National</i>	<i>Yes: RFMO(s)</i>			<i>Type:</i>	
17. Vessel dimensions	<i>Length</i>		<i>Beam</i>		<i>Draft</i>		
18. Vessel master name and nationality							


<b>19. Relevant fishing authorization(s)</b>								
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing area(s)</i>	<i>Species</i>	<i>Gear</i>			
<b>20. Relevant transshipment authorization(s)</b>								
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>				
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>				
<b>21. Transshipment information concerning donor vessels</b>								
<i>Date</i>	<i>Location</i>	<i>Name</i>	<i>Flag State</i>	<i>ID no.</i>	<i>Species</i>	<i>Product form</i>	<i>Catch area</i>	<i>Quantity</i>
<b>22. Total catch on-board</b>						<b>23. Catch to be offloaded</b>		
<i>Species</i>	<i>Product form</i>	<i>Catch area</i>	<i>Quantity</i>	<i>Quantity</i>				

## CHECK THE VESSEL REGISTRATION

A lot of the information provided on the pre-entry form can be checked from the IOTC Web site. The first piece of information to be checked is the vessel registration details. This shows if the vessel is authorized to operate in the RFMO area.

For the IOTC this is at: [www.iotc.org/English/record/record/search3.php#.php](http://www.iotc.org/English/record/record/search3.php#.php). This allows you to search by vessel name, or a range of other criteria.

The details of each vessel can be viewed and compared with the information on the pre-entry form.



### record of authorised vessels

IOTC RECORD OF VESSELS AUTHORISED TO OPERATE IN THE IOTC AREA

display current vessels
statistics
about
submit data
display vessels by date
vessels no longer authorised

→ data on: 1 TAIKEI MARU (Japan)

**this vessel is currently authorised**

vessel identification

vessel name:	1 TAIKEI MARU
IOTC record n°:	IOTC001238
flag:	Japan
national record n°:	MG1-1857
radio call sign:	JRTG

vessel characteristics

type:	Purse seiners
tonnage:	1096 GT 349 GRT
length:	64.21 m
gear used:	Purse seines

administrative details

owner:	TAIKEI FISHERY CO., LTD. Address: 3-13-7, SAKANA-MACHI, ISHINOMAKI-SHI, MIYAGI-KEN
--------	---

vessel history (click on a name to display matching historical record)

	National Reg	authorised from	authorised to
<a href="#">→ Name: 1 TAIKEI MARU</a> Flag: Japan	MG1-1857	2007-11-19	2012-07-31
Name: <a href="#">1 TAIKEI MARU</a> Flag: Japan	MG1-1857	2003-08-18	2007-11-18

If you want to make an inquiry about a vessel with the IOTC you can make contact through the general e-mail address at [authorised.vessels@iotc.org](mailto:authorised.vessels@iotc.org). As port state inspections become routine, close working relationships will be developed with IOTC staff.

## RFMOs MAINTAIN LISTS OF KNOWN IUU VESSELS

Lists of known IUU fishing vessels are maintained by RFMOs on their Web sites. The latest lists should be held by a nominated officer in your port. These lists are often referred to as “**IUU blacklists**”.

<b>WCPFC IUU VESSEL LIST FOR 2013</b> (Effective from 6 February 2013, 60 days after WCPFC9)							
Note: Information provided in this list is in accordance with CMM 2010-06 para 19							
Current name of vessel (previous names)	Current flag (previous flags)	Date first included on WCPFC IUU Vessel List	Flag State Registration Number/ IMO Number	Call Sign (previous call signs)	Owner/beneficial owners (previous owners)	Notifying CCM	IUU activities
Neptune	Georgia	10 Dec. 2010	C-00545	4LOG	Space Energy Enterprises Co. Ltd.	France	Fishing on the high seas of the WCPFC Convention Area without being on the WCPFC Record of Fishing Vessels (CMM 2007-03, para 3a)
Fu Lien No 1	Georgia	10 Dec. 2010	IMO No 7355662	4LIN2	Fu Lien Fishery Co., Georgia	United States	Is without nationality and harvested species covered by the WCPFC Convention in the Convention Area (CMM 2007-03, para 3h)
Fu Fong 168	Chinese Taipei	11 Dec. 2009		BJ4786	Chang Lin Pao-Chun, 161 Sanmin Rd., Liouciuo Township, Pingtung County 929 Chinese Taipei	Marshall Islands	Fishing in the Exclusive Economic Zone of the Republic of the Marshall Islands without permission and in contravention of Republic of the Marshall Islands's laws and regulations. (CMM 2007-03, para 3b)

<b>IOTC IUU VESSELS LIST (APRIL 2012)</b>								
Current name of vessel (previous names)	Current flag (previous flags)	Date first included on IOTC IUU Vessels List	Lloyds/IMO number	Photo	Call sign (previous call signs)	Owner/beneficial owners (previous owners)	Operator (previous operators)	Summary of IUU activities
Ocean Lion	Unknown (Equatorial Guinea)	June 2005	7826233					Contravention of IOTC Resolution 02/04, 02/05, 03/05
Yu Maan Won	Unknown (Georgia)	May 2007						
Gunuar Melyan 21	Unknown	June 2008						
Hoom Xiang 11	Unknown (Malaysia)	March 2010		Yes. Refer to report IOTC-S14-CoC13-add1 [E]		Hoom Xiang Industries Sdn. Bhd.		Contravention of IOTC Resolution 09/03

---

## PART 3 USE OF PORTS

This part outlines the specific reasons you can deny either entry to, or use of, the port.

Those reasons include:

- the vessel does not have a valid authorization for fishing or fishing-related activities required by either its flag state, or a coastal state;
- there is clear evidence that fish on-board were taken illegally; and
- when you ask the flag state to confirm the vessel was fishing or supporting fishing legally, it does not do so within a reasonable period of time.

If you do deny entry you must notify the flag state and, as appropriate, relevant coastal states, the IOTC, other RFMOs, and other relevant international organizations.

Once a decision has been made, you can only withdraw the refusal if there is sufficient proof the reasons were inadequate or wrong or that they no longer apply. If you do change your mind you must notify all the same people.

---

**WORKSHOP BREAKOUT GROUP ACTIVITY 8 – SEE VOLUME 2: PORT INSPECTION WORKSHOP – WORKBOOK FOR TRAINERS, PAGE 10**

---

---

## PART 4 INSPECTIONS AND FOLLOW-UP ACTIONS

This part outlines inspection requirements including the conduct of inspections and the training of inspectors. The inspection requirements are:

- At least 5 percent of landings or transshipments must be inspected each year.
- The entire landing or transshipping must be monitored from beginning to end.
- The inspection must include a crosscheck that the species and quantity recorded in the prior notice of landing match the species and quantity landed or transshipped.
- When the landing or transshipment is completed, the inspector must check and note the species and quantity left on board.
- The inspection must not delay the vessel more than necessary to conduct the inspection, and care must be taken to look after the quality of the fish.

The standards for inspections are shown in Table 2.

The inspection must be reported on the port inspection report form, shown in Table 3.

A lot of the information is the same as that included in the pre-entry form. This can be checked against the original documents held on the vessel.

### FISHING LICENSES

The inspection team will also check fishing authorities (licences) and it is worth making a copy of these with your digital camera. These can be printed out and kept with the inspection file. Use the date and time stamp settings on your camera and validate the series of pictures with a photograph of a newspaper with the vessel in the background at both the beginning and end of the series. Downloading them to your computer, or e-mailing copies, creates a digital date stamp that can be certified as evidence if necessary.

### TRANSSHIPMENT AUTHORIZATIONS, OFFLOADED AND RETAINED CATCH

Other information to be completed includes details of transshipment authorizations, and details of catch offloaded and retained on-board.

### CATCH CERTIFICATION AND LOGBOOKS

Logbooks are examined and you are asked to state whether the catch and trade information scheme documentation is compliant.

### FISHING GEAR

All gear on-board (including anything stowed or stored) must be inspected to make sure it is legal. Measure mesh and twine size, check devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers, as well as gear identification markings.

**ANNEX 2 (IOTC RESOLUTION 10/11)****PORT STATE INSPECTION PROCEDURES**

Inspectors shall:

- a) verify, to the extent possible, that the vessel identification documentation onboard and information relating to the owner of the vessel is true, complete and correct, including through appropriate contacts with the flag State or international records of vessels if necessary;
- b) verify that the vessel's flag and markings (e.g. name, external registration number, International Maritime Organization (IMO) ship identification number, international radio call sign and other markings, main dimensions) are consistent with information contained in the documentation;
- c) verify, to the extent possible, that the authorizations for fishing and fishing related activities are true, complete, correct and consistent with the information provided in accordance with Annex 1;
- d) review all other relevant documentation and records held onboard, including, to the extent possible, those in electronic format and vessel monitoring system (VMS) data from the flag State or IOTC Secretariat or other relevant regional fisheries management organizations (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) examine, to the extent possible, 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 authorizations. 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 authorized for the vessel;
- f) determine, to the extent possible, whether the fish on board was harvested in accordance with the applicable authorizations;
- g) 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;
- h) evaluate whether there is clear evidence for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing;
- i) provide the master of the vessel with the report containing the result of the inspection, including possible measures that could be taken, to be signed by the inspector and the master. The master's signature on the report shall serve only as acknowledgment of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and, as appropriate, to contact the relevant authorities of the flag State in particular where the master has serious difficulties in understanding the content of the report. A copy of the report shall be provided to the master; and
- j) arrange, where necessary and possible, for translation of relevant documentation.



TABLE 3

## IOTC PORT INSPECTION REPORT FORM

1. Inspection report No.		2. Port state	
3. Inspecting authority			
4. Name of principal inspector		ID	
5. Port of inspection			
6. Commencement of inspection	yyyy	mm	dd hh
7. Completion of inspection	yyyy	mm	dd hh
8. Advanced notification received			Yes No
9. Purpose(s)	LAN	TTX	PRO Other (specify)
10. Port and state and date of last port call			yyyy mm dd
11. Vessel name			
12. Flag state			
13. Type of vessel			
14. International radio call sign			
15. Certificate of registry ID			
16. IMO ship ID, if available			
17. External ID, if available			
18. Port of registry			
19. Vessel owner(s)			
20. Vessel beneficial owner(s), if known and different from vessel owner			

21. Vessel operator(s), if different from vessel owner						
22. Vessel master name and nationality						
23. Fishing master name and nationality						
24. Vessel agent						
25. VMS	No	Yes: National	Yes: RFMOs	Type:		
26. Status in IOTC, including any IUU vessel listing						
<i>Vessel identifier</i>	<i>RFMO</i>	<i>Flag state status</i>	<i>Vessel on authorized list</i>	<i>Vessel on IUU list</i>		
27. Relevant fishing authorization(s)						
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing area(s)</i>	<i>Species</i>	<i>Gear</i>	
28. Relevant transshipment authorizations						
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>		
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>		
29. Transshipment information concerning donor vessels						
<i>Name</i>	<i>Flag state</i>	<i>ID no.</i>	<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity</i>

<b>30. Evaluation of offloaded catch (quantity)</b>					
<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity declared</i>	<i>Quantity offloaded</i>	<i>Difference between quantity declared and quantity determined, if any</i>
<b>31. Catch retained on-board (quantity)</b>					
<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity declared</i>	<i>Quantity offloaded</i>	<i>Difference between quantity declared and quantity determined, if any</i>
<b>32. Examination of logbook(s) and other documentation</b>		Yes	No	<i>Comments</i>	
<b>33. Compliance with applicable catch documentation scheme(s)</b>		Yes	No	<i>Comments</i>	
<b>34. Compliance with applicable trade information scheme (s)</b>		Yes	No	<i>Comments</i>	
<b>35. Type of gear used</b>					
<b>36. Gear examined in accordance with paragraph E of Annex 2</b>		Yes	No	<i>Comments</i>	

**37. Findings by inspector(s)**

**38. Apparent infringement(s) noted including reference to relevant legal instruments**

**39. Comments by the master**

**40. Action taken**

**41. Master's signature**

**42. Inspector's signature**

## SHORT GUIDE TO A VESSEL INSPECTION

Prior to an inspection, inspectors should present their “authority” to the vessel master.

Although there are no hard rules for this process, at the very least the master should be shown an official photo identity card that shows the details of the organization you represent.

Remembering that there may be language barriers it is useful to have a document or letter prepared that explains who you are, and what you are going to do. If you do not properly identify yourself and show the proper authority you could jeopardize any future prosecution.

If you know the master does not speak your language, or you have no shared second language, it is worthwhile thinking about preparing a written letter that is translated into the master’s language. It is good to ask the master to sign a copy of the letter indicating he or she has understood what is occurring. A copy should be given to the master.

It is also worth having language cards that ask questions or make statements, such as “show me your catch logs;” “show me your VMS;” and “show me your fish holds.” Remember, if you detect an offence you will have to involve a translator for formal interviews, but in the early stages of an inspection language cards can be very helpful.

It is also worth trying to establish whether a member of the crew can speak your language or if you have a shared second language.

Inspectors must examine:

- all relevant areas of the vessel;
- the fish on board;
- the nets and any other gear or equipment; and
- any documents or records on-board that are relevant.

The master is required to give inspectors all necessary assistance and information, and to present relevant material and documents as may be required.

It is important to avoid undue delay to the vessel, including minimizing interference and inconvenience, the unnecessary presence of inspectors on-board, and actions that might affect the quality of any fish on-board.

Work hard to communicate effectively with the master or senior crew members of the vessel, including using an interpreter whenever necessary and possible.

Conduct inspections in a fair, transparent and non-discriminatory manner.

Do not interfere with the master’s ability to communicate with the authorities of the flag state or his company, local agent, or legal adviser.

Inspectors must complete an inspection report for every inspection with as much information and detail as possible. This requirement must include a port inspection report form (see Table 3), but may also include more detailed written reports about the inspection, in particular if an offence is detected.

Within three days, but preferably sooner, a copy of the inspection report form must be provided to:

- The master
- The flag state
- The IOTC Secretariat

If necessary, a copy of the inspection report should also be provided to:

- the flag state of any vessel that has transhipped catch to the inspected vessel;
- the state of which the vessel's master is a national; and
- the relevant CPCs and other states.

This includes those CPCs and other states where the inspection has revealed the vessel has engaged in IUU fishing or related activities and the state of which the vessel's master is a national.

If the inspection shows there are clear grounds for believing that a vessel has engaged in IUU fishing or related activities the findings must be notified to:

- the flag state;
- the IOTC Secretariat;
- relevant coastal states;
- other RFMOs; and
- the state of which the master is a national.

Moreover, you must deny the vessel the use of the port for landing, transshipping, packaging and processing of fish and for other port services, including refuelling and resupplying, maintenance and dry-docking.

Note: The use of port services essential for the safety or health of the crew or the safety of the vessel **must not** be denied.

## TRAINING PROGRAMME FOR INSPECTORS

Inspectors must be properly qualified and authorized to undertake inspections. The IOTC PSMs Resolution describes the elements of a training programme for port state inspectors and states that training should include at least the following areas:

1. ethics;
2. health, safety and security issues;
3. applicable national laws and regulations, areas of competence 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 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 boarding and inspection, including hold inspections and calculation of vessel hold volumes;
8. verification and validation of information related to landings, transshipments, processing and fish remaining on-board, including utilizing 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; and
12. actions to be taken following an inspection.

---

## PART 5 ROLE OF FLAG STATE

This part lays out the role of flag states, in particular in ensuring that their vessels cooperate with port state inspections. If there are clear grounds to believe a vessel has engaged in IUU fishing or related activities and is seeking entry to or is in the port of another state, the flag state must request an inspection.

If a port state inspection shows there are clear grounds to believe a vessel has engaged in IUU fishing or related activities the flag state must investigate the matter and take appropriate enforcement action. It must also report to other CPCs, port states, RFMOs and FAO on actions taken.

---

## PART 6 REQUIREMENTS OF DEVELOPING STATES

This part deals with the needs of developing states that may need assistance in the implementation of this measure, specifically to develop the necessary laws, and to implement the port state measures.

IOTC must also make sure the special requirements of developing CPCs are recognized and that they do not carry a disproportionate burden in implementing the measures.

---

## PART 7 DUTIES OF THE IOTC SECRETARIAT

This part lays out the duties of the IOTC Secretariat that they must post on their Web site:

- a list of designated ports;
- the prior notification periods;
- information about the designated competent authority; and
- a blank copy of the IOTC port inspection report form.

All port inspection reports transmitted by port state CPCs are to be posted in a secure area of the Web site. All inspection reports are to be provided to the relevant RFMOs.

---

**WORKSHOP BREAKOUT GROUP ACTIVITY 10 – SEE VOLUME 2: PORT INSPECTION WORKSHOP – WORKBOOK FOR TRAINERS, PAGE 12**

---

## UNIT 8 INITIAL VESSEL BOARDING AND INTERVIEWS

### KEY LEARNING INDICATORS

#### **UNDERSTAND THE IMPORTANCE OF PLANNING YOUR VESSEL INSPECTIONS; UNDERSTAND THE PEACE METHOD OF INTERVIEWING; UNDERSTAND HOW TO TAKE A STATEMENT**

#### **YOUR ROLE ON BOARD IS FOR THE PURPOSE OF MAKING SURE THE VESSEL AND CREW HAVE NOT BEEN INVOLVED IN IUU FISHING**

Once you are on board a vessel everything you say and do and everything you hear and see is for the purpose of making sure the vessel and its crew have been following the law. Your mission is to make sure the vessel has not been involved in IUU fishing or related activities.

To do this successfully you must ask questions, inspect documents, inspect gear, and inspect the vessel and catches. You have to make sure the paper records, electronic records, and the physical amount of fish by species and quantity, all match up.

All this can be complex so you need to know before you start your inspection what kinds of thing to look for and what kinds of questions you will need to ask.

#### **A GOLDEN RULE IS FOR INSPECTION TEAMS IS TO ALWAYS WORK IN PAIRS**

- one person to ask the questions; and
- another to listen and take notes, watch what's going on, and stay in touch with the shore party.

This makes sure there is someone there to back up your evidence, and also helps to ensure safety.

Whenever you enter a confined space like a freezer or fish hold always have one inspector inside and one outside, and always check whether your communications equipment works from inside the confined space.

After you have introduced yourself to the master you must establish who will be escorting you during your inspections. It need not be the master, but it should be a senior crew member and preferably one with whom you share a language. If the owner's representative or agent tries to take over the inspection remember at some point you may have to insist on talking to the master because he or she is the one most likely to be held responsible.

#### **PREPARE AND PLAN YOUR INSPECTION**

Gather as much information as you can about the boat, its history, and its fishing activity. You will have obtained a lot of information from the pre-entry form and ideally you will have checked that licences and permits are all in order, and checked other information, before boarding. You will have agreed all emergency procedures with your boarding party during the pre-briefing, including agreeing what to do



in the event of an on-board incident such as fire or machinery failure (e.g. crane or hoist), how you will communicate, and emergency evacuation and assembly points. Entering fish holds and other confined spaces can be dangerous so you need to have protocols for this task.

---

## PREPARE THE BOARDING EQUIPMENT

Once you are on-board it is too late to get something you've forgotten so preparing a boarding kit checklist of items your party needs to take with you is important. The checklist might include, for example:

- formal identification for every officer;
- copies of authority to undertake inspection;
- video and still cameras;
- clipboards, paper and pens;
- notebooks;
- copies of the pre-entry form;
- copies of the inspection report form;
- certified tape measure and other measuring devices;
- voice recording device for notes or interviews;
- fish identification material;
- radios;
- phones;
- first aid kit; and
- personal protective equipment.

---

## ENGAGE WITH THE MASTER AND CREW

Contact the master or crew by radio or phone, question them about the purpose of their port visit, and advise them you are going to undertake an inspection. The initial boarding party should include the senior boarding officer and another experienced inspector. At least one person should remain on the deck and in radio contact with the boarding party. Once on-board engage with the master and explain what you will be doing. It is important to confirm with the master that he is aware of your intentions by asking him if he understands, and whether he has any questions. If you are in doubt, use an interpreter or language cards.

Invite the master to provide a safety induction, in particular ask him to point out anything unique about the vessel that might present a safety risk. If the master or senior crew member appears agitated or nervous take a great deal of care. If the situation appears to be getting out of hand withdraw safely and seek further support and assistance.

**ONCE YOU ARE SATISFIED THE INSPECTION CAN BE SAFELY UNDERTAKEN, CALL THE REMAINDER OF YOUR TEAM ON-BOARD.**

---

## CONDUCT THE INSPECTION AND ASK QUESTIONS

Plan how you will conduct your inspection. The Port Inspections Guide contains a flow chart to help you with your inspection. You will need to inspect the bridge, the fish holds, areas of the vessel where fishing gear is stored, and anywhere where there is a likelihood fish products may be stored (such as dried shark fin). At this stage you are not conducting formal interviews but everything said should be noted because later on you will use it as a crosscheck against their records and any formal statements.

You will need to see the vessel's documents including the vessel registration, any fishing licences or other authorizations, the vessel, catch, and transshipment logs. You should ask for a copy of the vessel's manifest and loading plan, which shows hold sizes and the amount of each species in each hold. It is likely that the master will report catches daily to the owner. Ask for copies of these reports.

### **SEE THE WORKBOOK FOR ADVICE ON CONDUCTING INTERVIEWS.**

You may be checking fish that are being offloaded. If this is the case you need to know how you will estimate the weight and species. Get as much information about the master's offloading plan as possible. They will know what the species mix is in each hold, the order the holds will be offloaded, and the best way to estimate weights. Often, it is possible to video record the whole offloading. This means that if you do get confused during the offload either about amounts or species you can go back later and check, and involve an expert back at the office.

### **REMEMBER: PART OF YOUR DUTY IS TO CAUSE AS LITTLE DISRUPTION TO THE VESSEL AS POSSIBLE.**

---

## **COMPLETING THE INSPECTION**

Almost all inspections result in no offences being detected. This means you should cooperate as much as you can with the master and avoid interfering unnecessarily in the operations of the vessel. This does not mean you should cut corners, you have to do your job well.

At the end of the inspection it is important to conclude it properly. This means thanking the master and senior crew and telling them what will happen next. Specifically you will be reviewing all the information and will provide an inspection report within the next three days. You should always say you might need to contact them again.

If you have found something you believe indicated IUU fishing you have to decide what you will do next such as conducting formal interviews and preparing statements. You may need to seize evidence to protect it from being destroyed, detain a vessel, stop a vessel offloading, and you may need to give the master the opportunity to obtain legal advice and speak with the vessel owner, agent or the flag state.

---

## **DEBRIEFING AND NEXT STEPS**

You should always debrief your team directly after the inspection, evaluate all the material and information you have found, and decide on the next steps.

If there is any disagreement about what you have seen or heard this is the time to sort it out while the inspection is still fresh in everyone's minds, and while you can still get back onto the vessel to clarify any matters.

---

## **PREPARING FOR INTERVIEWS**

A common interview technique is the five-step PEACE method:

- P – Planning and preparation
- E – Engagement and explanation
- A – Account (ask questions)
- C – Closure (thank and explain what comes next)
- E – Evaluation (debrief and next steps)

The Workbook contains more information on PEACE and on conducting interviews.

---

## INTERVIEWS AND STATEMENTS

1. If you have identified a suspected breach you will need to get statements from the master and crew, as potential witnesses.
2. Once you have identified who you want to interview it is best to find a quiet place where everyone can sit down comfortably.
3. You need to make sure each witness is cautioned and advised of their rights as required by your laws before you start.
4. The lead interviewer must introduce everyone and explain the purpose of the interview.
5. Try and establish a rapport with the witness.
6. Ask the witness if they are willing to tell you what they know and to give you information about the incident you are investigating.
7. Write down the suspect's or witness's particulars such as name, age, address, phone, work, status etc.
8. Ask the witness to tell you everything about the incident and make notes against a timeline. Ask them to start at the beginning. When they have finished ask them questions to clarify information that is missing or not clear to you. Establish the sequence of events (what the witness saw or heard or experienced). Use the cognitive approach.
9. Try and avoid recording the witness's own personal opinions, unless it is important in furthering the investigation.
10. Ask the witness to go over it again and write the statement down from the beginning.
11. After writing it down, read it back to the witness, correcting it if necessary. Once the witness is satisfied with it, ask them to sign and date it.
12. You may give them a copy, depending on your laws of evidence.
13. If you are able to use recording equipment you may also prepare a written transcript.
14. Try to stick to the facts and avoid opinions in written statements. This is usually hearsay and not admissible and may demonstrate prejudice. It may however be useful to note opinions and follow up on them.
15. If at a later date your investigation requires further clarification of the witness's statement, you can arrange to record a further statement for clarification.

---

**WORKSHOP BREAKOUT GROUP ACTIVITY 11 – SEE VOLUME 2: PORT INSPECTION WORKSHOP – WORKBOOK FOR TRAINERS, PAGE 13**

---

## UNIT 9 OFFENCES, EVIDENCE AND STATEMENTS

### KEY LEARNING INDICATORS

#### UNDERSTANDING THERE ARE DIFFERENT KINDS OF OFFENCES; UNDERSTANDING THERE ARE DIFFERENT TYPES OF EVIDENCE, AND HOW IT IS GATHERED AND LOOKED AFTER; ABILITY TO PREPARE A WRITTEN STATEMENT OF THE INTERVIEW

### FISHERIES OFFENCES

We look to the fisheries legislation to find out what fishing activities are legal and what are not. This generally involves a fisheries law and fisheries regulations and/or other subordinate legislation made under the fisheries law.

To undertake effective inspections we need to know when and where a vessel can fish, what licensing or other conditions and measures it has to comply with, what species of fish it can and cannot catch or retain, what size the fish must be, how much the vessel can catch, and what gear it can use and have on-board.

Fisheries legislation should state what evidence is required to establish an offence, the range of penalties for different offences, and the types of defences that might be acceptable. This is the framework that allows fisheries officers to undertake enforcement and prosecution.

To ensure prosecutions are successful, the officer must know the elements of the offence so it can be proved beyond a reasonable doubt.

An element is a point of proof. This is like one ingredient of the offence. An officer must prove all elements before a conviction will be achieved.

Type of offence	Characteristics, evidence/proof needed for prosecution
<b>Criminal offences</b>	of <i>mens rea</i> (guilty mind) require the prosecution to prove:
	that the <i>actus reus</i> (the guilty act) occurred
	who did it, and...
	that it was done with either intention, knowledge or wilfulness
	or that it was reckless
	or that it was negligent
	<b>A defence against <i>mens rea</i> is that the accused honestly made a mistake.</b>
<b>Strict liability offences</b>	Require the prosecution to prove:
	the act occurred and...
	also disprove that the act was a result of an honest and reasonable mistake of fact
	<b>A defence against a strict liability offence is that the act was an honest and reasonable mistake of fact, duress, or necessity, along with any statutory defences.</b>

<b>Absolute liability offences</b>	Are the strictest kind of liability.
	The prosecution must only prove that the act occurred.
	The defence is very limited and there is no defence of honest and reasonable mistake of fact.
<b>From a compliance perspective an absolute liability is the most straightforward kind of offence to prosecute</b>	

## EVIDENCE

The reason for port inspections is to make sure the vessel has been operating lawfully. To do this you may be required to gather and assess evidence.

- It may seem obvious when you see something you think is evidence of an offence.
- Whether or not this will stand up in court depends on your legislation and how you gather, record and store that evidence.

Evidence can come in many forms, such as:

- documentary evidence such as a licence, logbook, charts, anything that tends to prove a fact that forms the basis of the offence;
- physical evidence such as a damaged VMS unit, shark fins, or fishing gear;
- electronic evidence, such as data from a computer, VMS or chart plotter;
- photographic evidence that illustrates the offence with evidence of date and time;
- direct evidence (also known as evidence in chief):
  - verbal (known as oral evidence and usually given in cross-examination at a court or tribunal); and
  - written (usually in the form of a statement or affidavit filed in court), such as the testimony of a witness that supports the allegation;
- expert witness evidence such as when a person who is a specialist in a subject can present an opinion on that subject without having to be a witness to the incident. They can be called by either party to the proceedings, or by the court;
- scientific evidence such as provided by an expert to either support or counter a matter in dispute; it must be empirical and based on the scientific method. Experts have a duty to the court to give that evidence impartially and to follow certain guidelines for the giving of their evidence;
- circumstantial evidence, which requires the drawing of a conclusion from one fact to another so that there is no other logical explanation from all the facts than the conclusion you are drawing;
- hearsay evidence such as someone stating what they have heard from others rather than their own experience. It is not usually admitted in court, and if admitted, is not taken as evidence of the facts of the conversation to be true, but as evidence of the existence of the conversation only; and
- opinion evidence such as when a person expresses thoughts, beliefs or inferences about a matter in dispute. This kind of evidence is generally not admissible unless the person is an expert in the field, and is giving an opinion as an expert opinion.

---

## CHAIN OF EVIDENCE/CHAIN OF CUSTODY

The terms “chain of evidence” and “chain of custody” are used interchangeably. The chain shows:

- who obtained the evidence;
- where and when the evidence was obtained;
- who secured the evidence; and
- who had control or possession of the evidence.

The chain of evidence follows this order:

- identification and collection
- analysis
- storage
- preservation
- transportation
- presentation in court
- disposal or return to owner (as appropriate)

The chain of custody shows the movement and location of physical evidence from the time it is obtained until the time it is presented in court.

Proof of chain of custody is required if:

- the item is not unique; or
- where the relevance of the evidence depends on its analysis after seizure.

To demonstrate a proper chain of custody can require three types of testimony:<sup>13</sup>

- testimony that a piece of evidence is what it purports to be (e.g. a species of fish);
- testimony of continuous possession by each individual who has had possession of the evidence from the time it was seized until the time it is presented in court; and
- testimony by each person who has had possession that the particular piece of evidence remained in substantially the same condition from the moment one person took possession until the moment that person released the evidence into the custody of another (e.g. testimony the evidence was stored securely).

It is a continuous record of the life of the evidence from the moment it was seized to the moment it is used in court. Every step must be recorded to ensure it is not tampered with, changed or lost.

---

## LEGISLATION

Before you decide to use a particular item or thing as evidence you must make sure your legislation allows the use of evidence of that type to help prove the offence. Some useful things your legislation might say are (examples in plain language):

- Fish found on board on a fishing vessel are evidence that the fish were taken (caught) from the vessel.
- Gear found on board a vessel is evidence that gear has been used for fishing.

---

<sup>13</sup> Testimony is a form of evidence that is obtained from a witness who makes a solemn statement or declaration of fact. Testimony may be oral or written, and it is usually made by oath or affirmation under penalty of perjury.

- Data from electronic equipment used to track a vessel's position is evidence of the vessel's position at a given time and date.
- Data from a vessel's global positioning system (GPS) tracker is evidence of the vessel's position at a given time and date.
- Information from a VMS unit came from the vessel to which it is registered.
- Physical damage to a VMS unit or other electronic monitoring equipment is evidence of tampering.
- Records and logs found on-board a fishing vessel may be used as evidence of fishing activity or where those records or logs conflict with other evidence, as evidence of fraudulent record keeping.

Some of these things could be challenged by alternative evidence brought by the accused/defendant, but the defendants must find this evidence to make the challenge.

It is also useful if the burden of proof is reversed for certain offences. **A very good example** is if the master is required to prove the vessel is licensed to fish or authorized for fishing-related activities such as transshipment, as opposed to the state having to prove it is not.

Certificates of evidence are required for legal proceedings. Certificates of evidence have the status of initial evidence that can be rebutted by the accused/defendant. Certificates must be in a certain form and usually served on the accused/defendant a specified time before trial.

---

## GATHERING EVIDENCE

Most offences have common elements that need to be established to prove them. These include:

- the identity of the accused;
- the date of the offence;
- the nature (or type) of offence; and
- the location of the offence.

It is important that inspectors understand the elements of offences in their legislation to ensure the necessary evidence is obtained.

For evidence to be admissible in court it generally needs:

- to be both relevant and probative (proves something);
- to be collected in a transparent way;
- to be formally recorded;
- a notice of seizure to be provided to the owner as appropriate; and
- a protected chain of custody.

For example if the allegation is that "certain fish were caught in an area where the vessel was not licensed to fish at a given time" you would need to prove:

- there are fish on-board;
- the species of those fish;
- where those fish were caught;
- the vessel was in the area;
- the vessel fished in the area; and
- the date of the offence.

Unless you were there and saw the offence, some of these are not easy to prove, no matter what you think you might know.

---

## NOTE TAKING

Field notes are critical to help you to recall what happened and what was said during an inspection, so you can write accurate reports and later on, accurately testify in court. Field notes, written in a page numbered notebook, dated, ruled, signed, and countersigned, are usually admissible as evidence.

Field notes can include, for example:

- when, where and who
- what you saw
- who you saw
- what action you took
- who you spoke with
- what you said
- what they said

Tips on note taking are as follows:

- mark each notebook page with a sequential number;
- do not leave blank pages in your notebook;
- start each entry with the date and time;
- write down what happened, where, when, who was involved, and what occurred;
- make notes brief but factual;
- include details of evidence, especially anything seized;
- if you seek legal advice, or advice from a senior person, note that advice;
- you must not erase or overwrite anything. If you need to make a change, put a line through it but not in a way that obscures the content. Initial and date the crossed out section;
- your notebook could be produced as evidence and defence lawyers can question your honesty if you erase or overwrite; and
- it is good practice to ask your supervisor to sign and date your notebook, especially on important cases.

---

## WORKSHOP BREAKOUT GROUP ACTIVITY 12 – SEE VOLUME 2: PORT INSPECTION WORKSHOP – WORKBOOK FOR TRAINERS, PAGE 14

---

---

## STATEMENT OF INTERVIEW

A statement of interview is a formal legal document. Once complete, it is evidence. It is a sworn statement by either a witness to an event, or a suspect. It is not a word for word transcript of an interview. The interview is just a way of getting the facts that you will put into a statement.

A good statement of interview contains a number of elements:

- dates, times, names, places and other details are recorded precisely;
- it is written in clear, simple language; and
- language is formal and should be understood by anyone who reads it with no technical or specialist knowledge.



The following should not be used:

- abbreviations
- acronyms
- local terms
- technical terms without an explanation

The report should be impersonal and focus on the event, the facts, and the evidence. Opinions, thoughts or feelings are not usually relevant in a statement.

Check your statement before it is finalized. Play the devil's advocate and ask yourself:

- Is it faulty in any way?
- Does it raise any questions?
- Is there anything that can be challenged?

Make sure the statement is signed by the interviewer and the witness or suspect and that it is as short as possible but as long as necessary.

---

## WORKSHOP BREAKOUT GROUP ACTIVITY 13 – SEE VOLUME 2: PORT INSPECTION WORKSHOP – WORKBOOK FOR TRAINERS, PAGE 15

---

### REPORT WRITING

Writing reports is an important part of the inspection process. Sometimes you can use forms to write your report and a good example is the port inspection report form in the IOTC PSMs. On other occasions you will need to prepare comprehensive written reports.

An example is an investigation report that summarizes all the relevant facts, evidence and analysis, so a decision can be made about how to proceed. This is generally at a high level, but should contain everything necessary for the decision-maker to make an informed judgement about how they should proceed.

If a decision is made to proceed to prosecution, another report that will need to be prepared is the prosecution report. This contains a lot more detail, in fact everything the prosecution legal team and the court will need to make sure the prosecution is successful.

A prosecution report should include:

- an index of contents;
- a summary of the prosecution file;
- the investigation report;
- the prosecution case;
- a note of any foreseeable points of law that may arise;
- copies of witness statements;
- details of any expert evidence (such as fish identification, GPS or VMS analysis);
- copies of relevant photographs, charts, or plans;
- copies of any drawings or diagrams, with measurements where appropriate;
- any other documentary evidence (e.g. logbooks);
- a transcript of any interview with the defendant;

- any correspondence with the defendant;
- a report on communications with the defendant;
- details of document verification, for example, vessel registration and ownership, identity of crew, defendant and witness checks for previous offences;
- reference to any material, whether used or unused, that might undermine the prosecution case or assist the defence;
- any documents or statements which might mitigate in favour of the defendant;
- statements from the RFMO and flag state; and
- any other information relevant to the case.

It is important to be thorough and in uncovering all relevant details **no stone should be left unturned!**

The report **must** identify the essential elements of the case, and the most reliable admissible evidence by which each element will be proved.

The report **must** include any facts or information favourable to the defendant, whether or not they may be employed by the defence, and any representations received from the defendant concerning the potential prosecution.

---

## COMMUNICATIONS

Communications with fishing vessel crews of multiple countries, using multiple languages, and with a range of customs and cultures is very challenging. It is crucial that an interpreter be used if there appears to be any misunderstanding of the questions being asked or the responses given. The interpreter must be properly qualified and if necessary accredited for use in court action. All the documentation concerning qualifications and accreditation must be provided as evidence. It is not usually acceptable to use a member of crew as an interpreter once a breach is detected and there is a chance a prosecution might occur. Remember, crew can be flown home by the vessel owner and cannot be easily brought back. You should use an interpreter you know you can bring to court.

---

**WORKSHOP BREAKOUT GROUP ACTIVITY 14 – SEE VOLUME 2: PORT INSPECTION WORKSHOP – WORKBOOK FOR TRAINERS, PAGE 16**

---

## UNIT 10 MORE ON INFORMATION, INSPECTIONS AND EVIDENCE – FISH ID AND GEAR INSPECTION

### KEY LEARNING INDICATORS

### FURTHER UNDERSTANDING OF VESSEL INSPECTION PROCEDURES, FISH IDENTIFICATION, GEAR MEASUREMENT AND EVIDENCE

#### INFORMATION

To conduct a successful port inspection we need a lot of information. Most of it will come from the vessel master and from other sources. Some of these other sources are formal organizations, such as the RFMO, but a lot of the information will come from informal sources developed over time in ports and from people in the fishing fleet who want to make sure the fishery is managed well.

A lot of the information provided can be easily validated. The more we can quickly validate the information, the easier our job becomes and the less we are likely to detect other compliance problems.

Information can be grouped into broad categories:

- information about the boat, its name, flag state and registration numbers, the licences or permits it holds to fish, the type of gear it is permitted to use, a recent photograph, its length and other dimensions and characteristics;
- information about the master, the crew, their nationalities, and their language skills;
- electronic data from the vessel GPS, VMS, and any computers on-board;
- details of any catch on-board, whether that catch was caught by that vessel or another, and where it is stored on the vessel; and
- logbook information about the vessel, and its fishing and transshipment activities.

Every piece of information is linked to something else that can be used to validate it. For example:

- Vessel registration information provided on the pre-entry form can be checked with the IOTC or other RFMO register of vessels.
- The GPS track recorded on the ships navigation system should line up with the information in the catch and vessel logs, and the VMS track from the RFMO.
- The catch on-board should match up with the catch on the pre-entry form and the catch log.

Data validation is the best way to start looking for a problem and provides us with a potential source of hard evidence.

## IDENTIFICATION OF VESSELS<sup>14</sup>

Vessels can be identified by the name, registration numbers, radio call sign, and port of registry. All this information will be displayed on the stern or the side of the vessel, as well as on the upper deck so it can be seen from the air.

It is common for IUU vessels to cover up their vessel registration numbers when fishing, using tarpaulins, fishing gear, and fenders. Often you can see names that have been painted over.

RFMO vessel registries require a recent photograph to be held on file and this should always be sought prior to a port state inspection.

When a vessel submits a pre-entry form it is important to contact the RFMO and check the vessel details.

If there is any confusion you can also contact the flag state. You then have multiple confirmations of the vessel's details that you can check against the vessel's papers when it arrives in port.



## BRIDGE INSPECTIONS

The bridge is where most of the vessel's paper and electronic records are kept. For a vessel not involved in IUU fishing you will quickly be able to validate the vessel log records against catch log records and the VMS track. Likewise, if there are big discrepancies these can often be spotted quickly. Simply make a note of dates, locations and activities from the various source documents so you can compare them. Use columns in a table for easy comparison of this information.

- Ask lots of questions about the electronic equipment on the bridge and what it is used for.
- Ask to see inside drawers and cupboards and ask for an explanation of the contents.
- Ask to see paper charts and look for handwritten markings and ask what those markings mean.
- Ask to see the vessel, catch and transshipment logs, any transshipment approvals, the cargo manifest, and any hold loading plan.

Record all this on video so even if you are not an expert, you can play it back later to someone who is, to get their opinion.

If you do not have an electronics expert as part of your boarding team, but become suspicious about something, try to get an expert involved quickly, and preferably before detaining the equipment. If you do detain the equipment remember the chain of custody requirements so you cannot be accused of

<sup>14</sup> Images used here do not in any way imply association with IUU fishing.

tampering with the data. Seal any seized electronic equipment in a bag and do not remove it other than under chain of custody procedures.

Remember that weapons are often stored in the bridge area under the control of the master. So remember to ask if there are weapons, and be vigilant.

---

## HOLD INSPECTIONS

The first thing to consider about hold inspection is safety. Holds are confined spaces with lockable doors or hatches, and often at very low temperatures. Never enter them without making sure they are well ventilated, that you have communications with your colleagues, and that one of your colleagues is right outside the door.

Check any ladders are safe and wear appropriate personal protective equipment:

- rubber soled boots to avoid slips and falls;
- hard hats as protection from falling objects; and
- freezer coats and gloves for protection in freezers.

It is generally quite easy to estimate the hold size. The general aim is to:

- measure the hold as accurately as possible to calculate the total hold space;
- estimate the area of the hold filled with fish to estimate tonnage of fish; and
- compare that with the amount of fish recorded in the fishing logbook.

---

## ESTIMATING HOLD SIZE

Ask the master if there are vessel plans or a hold plan on board. If there aren't you may need to estimate hold size – or you may wish to check the hold size against the plan. You might be looking for hidden or divided holds.

- To check the size of a hold area, calculate the length x the breadth x the height.
- Use whole and part metres to the nearest 0.1 metres.
- For example, a vessel hold: 4.5 metres x 3.2 metres x 3.8 metres = 54.7 cubic metres.

Not all fish holds are uniform in dimension so you may have to break it up into pieces for measurement purposes, and work out the size of each piece, to get a total hold size.

If a hold is an unusual shape, such as on the bow of a small vessel, try to think what part of a cube it would occupy (say 50 percent or 30 percent), then calculate its measurement as if it was a cube, and apply the percentage.

If the hold sizes appear small in comparison to the vessel it is worth checking the hold size against the overall dimensions of the vessel (the deck width and length in particular) to check for hidden hold spaces. Often hidden hold space is simply a false floor at the bottom of the hold.

---

## ESTIMATING HOW MUCH FISH IS IN A HOLD

This can be quite difficult, especially when the fish is in ice slurry or refrigerated seawater. Even when fish are frozen and stored, they are often not neatly stacked in one place. They might be stacked by species, or stacked for different offloading points. You might have to look at several separate areas of fish storage to get an estimate of total catch.

Remember at this stage you are trying to get a quick estimate so you can check it against the logbook. If you identify big discrepancies, then you can worry about taking a more accurate approach.

There are a few things to consider:

- the volume of the area occupied by fish;
- the weight of the fish per cubic metre;
- whether the fish in the logbook are entered as whole weights, or with gills, guts, or heads removed – because you need to compare like for like; and
- the space between the stored fish (whether it is filled with ice, air or water).

So looking at the hold we've already measured:

- if you estimate the hold is a quarter full this would give you 13.6 cubic metres of fish (54.7 divided by 4);
- an estimate for the average density of fish is 1 080 kg/m<sup>3</sup>; and
- 1 080 x 13.6 = 14.7 tonnes.

### EXAMPLE: ALLOWING FOR AIRSPACES/STACKING



Frozen skipjack tuna are stacked loosely and larger tuna are stacked more tightly.

Then we need to get a more detailed estimate so we make an allowance for how densely the fish are stacked:

- generally, larger fish are tightly packed to minimize the air spaces between fish to maximize the amount that can be stored;
- an allowance of between 20 percent and 30 percent is reasonable for this estimate;
- the estimate of weight with 20 percent air space is 11.7 tonnes (14.7 tonnes less 20 percent); and
- the estimate of weight with 30 percent air space is 10.2 tonnes (14.7 tonnes less 30 percent).

### ADJUSTING FOR THE FORM OF FISH TO COMPARE WITH THE WHOLE WEIGHT IN LOGBOOK ESTIMATES

Fish that are in the hold can come in a variety of *forms*. They are either:

- whole fish (the entire fish);
- gutted (the gut is removed);
- gutted and head off (the gut and head is removed).

To adjust hold weights to compare them with logbook entries conversion factors are used that reflect the *form* of the fish.

Examples of *form* conversion factors are provided in the following table.

Species	Form		
	Whole (WHL)	Gutted (GUT)	Gutted & head off (GUH)
Tunas	1.00	1.16	1.36
Marlin	1.00	1.10	1.30
Sharks	1.00	1.10	1.20

Using the previous example, when checking the vessel fishing log, we would be looking for the weight of fish caught so we could compare the weight of fish in the hold.

If the logbook estimates are for whole fish, we need to convert the hold estimates, taking into account their *form*.

- For longline catches, the catch is generally gutted with head on.
- So, if the estimated 11.7 tonnes catch in our hold was in gutted tuna form we would need to convert that back to whole fish weight to compare it with logbook weights.
- Estimated 11.7 tonnes fish x 1.16 (conversion factor for gutted) = 13.6 tonnes

That is the amount of catch we should be looking for in the logbook.

If there is a big discrepancy you should consider raising this with the master before a more comprehensive assessment – just in case there is a simple explanation.

For guidance purposes “shark fin” represents between 2 percent and 5 percent of total shark weight. The logbook may record whole shark, but only the fins are retained and the rest of the body is discarded (NOTE: Some RFMOs and some countries now have a policy that requires the whole shark to be landed – so shark-fin removal with discarding of trunks is effectively banned).

---

## WORKSHOP BREAKOUT GROUP ACTIVITY 15 – SEE VOLUME 2: PORT INSPECTION WORKSHOP – WORKBOOK FOR TRAINERS, PAGE 17

---

### OFFLOADING INSPECTION

If we need to know what the actual catch on-board a vessel is, then arguably one of the most important roles of a port state inspection is to monitor the offloading of catches.

No matter how good you are, the estimate of a catch when it is in a fish hold is always going to be only a very rough estimate.

Before an offloading inspection begins it is useful to spend sometime planning how you will go about it. If you have already undertaken a vessel inspection then you will have a relationship with the master and key crew members and can make arrangements with them about the most efficient way to be involved, in a way that minimizes disruptions and inconvenience.

When you conducted your initial bridge inspection you will have asked for the cargo manifest and the loading plan for the holds. You may also ask for copies of the catch reports that have been sent to the vessel owners. A lot of useful information can be obtained from this documentation about what species have been caught and where they are stored. This can make your job a lot easier if the master is cooperative.

Remember not to underestimate the amount of time it will take to monitor an offload. Sometimes, for example, monitoring a small longliner can take a few hours. For larger vessels, especially carriers, it can take more than a day.



### Tuna offloading on strings and in nets

#### FIRST QUESTION: HOW IS THE VESSEL GOING TO OFFLOAD?

Fish are usually brought up either in groups on strings (threaded through their tails before freezing), or in cargo nets.

#### SECOND QUESTION: HOW ARE YOU GOING TO ESTIMATE THE WEIGHT?

Both the vessel and the processing plant have a critical interest in getting the weight correct. However, these two interests conflict (one doesn't want to overpay – the other doesn't want to be underpaid) so someone, somewhere will already be doing just what you're doing, very accurately. If you can work together without conflict of interest that will make your job a lot easier.

#### THIRD QUESTION: WHERE WILL YOU STAND TO CONDUCT THE OFFLOAD INSPECTION – IN THE HOLD, ON THE DECK, OR ASHORE FROM A SUITABLE VANTAGE POINT ON THE DOCK?

A key point to consider is safety – do not put yourself in a position where you or your team are at risk of injury.

Other points include making sure you can see as much of the offloading activity as possible, and that you have effective communication with other inspectors and the crew involved in the offload.

Often a hook scale is used on the crane. If a scale is being used you can ask for access to that data in real time. Sometimes the fish aren't weighed until they enter the plant and have been sorted by species. You may also be able to access that data.

If none of the data is available you will need to spill sample the catch for average weights, and then either count the number of pieces, or the number of cargo nets in the offload, and work out your total catch weight by species, based on *number x average weight* for the species mix in the spill samples. None of this is easy, and you can expect to get it wrong when you first do it.



**REMEMBER:** Whatever method you use, check the fish holds after offloading and estimate the weight of any catch left on-board before you check your offload estimates against logbooks. By this time a lot of the fish you've seen offloaded will already be well on the way to being processed, canned, or shipped onwards. None of that can wait until you've sorted out your paperwork.

This may all seem a lot of work and the fact is that it can be very difficult to match up offload and catch log data even when it involves a single vessel. Once transshipping and carrier vessels are brought into the equation it can be virtually impossible. But things are changing rapidly. Driven by certification and market access requirements, catch documentation schemes (CDS) are now being developed. These schemes will integrate electronic logs and forms (e-logs and e-forms) for catches, transshipments, landings, and processing. This will enable port inspectors to access quickly and validate all the details of a vessel's catch.

---

## IDENTIFICATION AND MEASUREMENT OF FISH SPECIES

Identification of fish species is critical to port state inspections. You need to be 100 percent certain you have correctly identified the species of fish if you are ever to be successful in obtaining a prosecution.

At least one member of every boarding party should have expertise in fish identification sufficient to stand up and be tested in court. As an expert, this person would be required to provide a certificate of evidence the fish you have inspected are the species you believe them to be.

Frozen fish carcasses with no head, tail or fins, and white with frost can be difficult to identify so if you are serious about prosecution and there is ever any doubt, take pictures and take flesh samples which can be frozen for laboratory testing later if the evidence is likely to be challenged.

The following table provides some examples of IOTC species with clues to help identify them. The boarding party should carry a manual of fish species and fish identification.

## SKIPJACK TUNA (*KATSUWONUS PELAMIS*)



Typically 80 cm (fork length) 8 to 10 kg.

The largest specimen would be 110 cm long and weigh about 35 kg.

### IDENTIFICATION

First and second dorsal fin close together, never more than eye width apart.

Pectoral fin tips do not reach space between first and second dorsal fins.

Second dorsal and anal fins followed by 7 to 9 and 7 or 8 finlets, respectively.

Body fusiform, elongate and rounded. Small conical teeth forming a single series.

Body naked except for corselet and lateral line.

Caudal peduncle with well-developed keel, flanked on each side by a smaller keel.

Swim bladder absent.

Dark blue dorsally, sides and belly silvery.

Four to six longitudinal dark stripes along belly and sides below lateral line.

**BIGEYE TUNA** (*THUNNUS OBESUS*)



A large specimen would be 230 cm long and weigh about 200 kg.

Bigeye tuna are a metallic blue on top, whitish on the lower sides and belly, with no dark spots or stripes.

The dorsal and anal fins are yellow, and the finlets are bright yellow with a black margin

Live fish have an iridescent blue lateral band running along the sides.

**IDENTIFICATION**

Body fusiform, elongate and slightly compressed.

Deepest at middle of spinous dorsal fin.

Caudal peduncle with a well-developed keel, flanked on each side by a smaller keel.

Spinous and soft dorsal fins separated by a narrow space.

Both dorsal and anal fins are followed by 7 to 10 finlets.

Pectoral fins moderately long, 22 to 31 percent fork length.

Each jaw with a single series of small, conical teeth.

Body covered in small scales, anterior corselet of larger scales indistinct.

**YELLOWFIN TUNA** (*THUNNUS ALBACARES*)



A large specimen would be 210 cm and weigh about 176 kg.

**IDENTIFICATION**

Second dorsal and anal fins each followed by 7 to 10 finlets.

Body fusiform, elongate and slightly compressed.

Small, conical teeth forming a single series in both jaws.

Caudal peduncle with well-developed keel, flanked on each side by a smaller keel.

Dorsal fins separated by a narrow space.

Second dorsal and anal fin very long, reaching 20 percent of the fork length in larger fish (bright yellow).

Pectoral fins moderately long, reaching beyond the origin of the second dorsal fin, but not beyond the end of its base.

Body covered in small scales, corselet of larger scales indistinct.

Metallic dark-blue dorsally, silver-yellow on sides, belly silvery.

Belly often has around twenty broken, vertical white lines.

Dorsal fin, dorsal finlets, anal fin and anal finlets bright yellow, the finlets with a black margin.

**ALBACORE** (*THUNNUS ALALUNGA*)



A large specimen would be 130 cm long and weigh about 40 kg.

**IDENTIFICATION**

Dorsal fins separated by a narrow space.

Second dorsal and anal fins each followed by 7 to 10 finlets.

Body fusiform, elongate and slightly compressed.

Pectoral fins very long, at least 30 percent of fork length in fish longer than 50 cm fork length, reaching beyond origin of second dorsal fin; pectoral fins shorter in fish less than 50 cm fork length.

Small, conical teeth forming a single series in both jaws.

Body covered in small scales, corselet of larger scales indistinct.

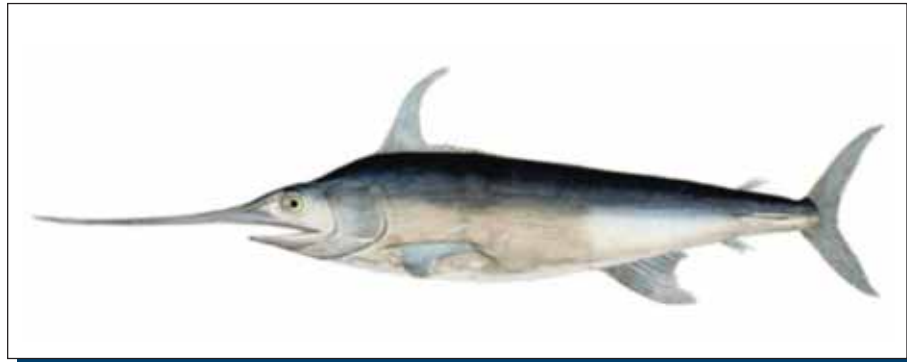
Caudal peduncle with well-developed keel, flanked on each side by a smaller keel.

Metallic blue dorsally, sides and belly white, no dark spots or stripes.

Dorsal and anal fins yellow, finlets darker yellow.

Live fish have a bright blue lateral band that fades quickly after death.

## SWORDFISH (*XIPHIAS GLADIUS*)



A large specimen would be 450 cm and 600 kg, although usually much smaller.

### IDENTIFICATION

Dorsal fin rays: (First) 34 to 49; dorsal fin rays: (Second) 4 to 6.

Anal fin rays: (First) 0, 13 or 14; anal fin rays: (Second) 3 or 4.

Pectoral fin rays: 16 to 18.

Pelvic fins absent.

Pectoral fins falcate, positioned low on body.

Bill is long and flat in cross section.

The lateral line is absent in adults, but visible in smaller specimens up to 1 m long.

Teeth and scales absent in adults.

Body is roughly cylindrical and elongate.

First and second dorsal fins are well separated, but continuous in juveniles, first dorsal shrinking to adult proportions as the fish grows.

Juveniles initially develop elongated upper and lower jaws, but lower jaw gradually reduces to adult shape.

Juveniles also possess scales and have teeth in both upper and lower jaws.

Blackish-brown fading to light-brown below; first dorsal fin with blackish-brown membrane, other fins brown or blackish-brown.

**STRIPED MARLIN (*TETRAPTURUS AURAX*)**



A large specimen would be 250 cm and about 100 kg.

**IDENTIFICATION**

Dorsal fin rays: 37 to 42, 5 or 6.

Anal fin rays: 13 to 18, 5 or 6.

Pectoral fin rays: 18 to 22.

Body fairly elongate and somewhat compressed.

Pectoral fins long and narrow with pointed tips.

Tallest part of first dorsal fin higher than, or at least equal to, body depth.

Pectoral fin depressible against side of body.

Scales elongated and ossified, with 1 or 2 points in adults.

Jaws and palatines possess fine, file-like teeth.

Dark blue dorsally, silver-white ventrally.

About 20 vertical stripes on sides of body, terminating short of belly.

Stripes consist of cobalt blue dots or narrow bands.

First dorsal fin dark blue, other fins usually brown.

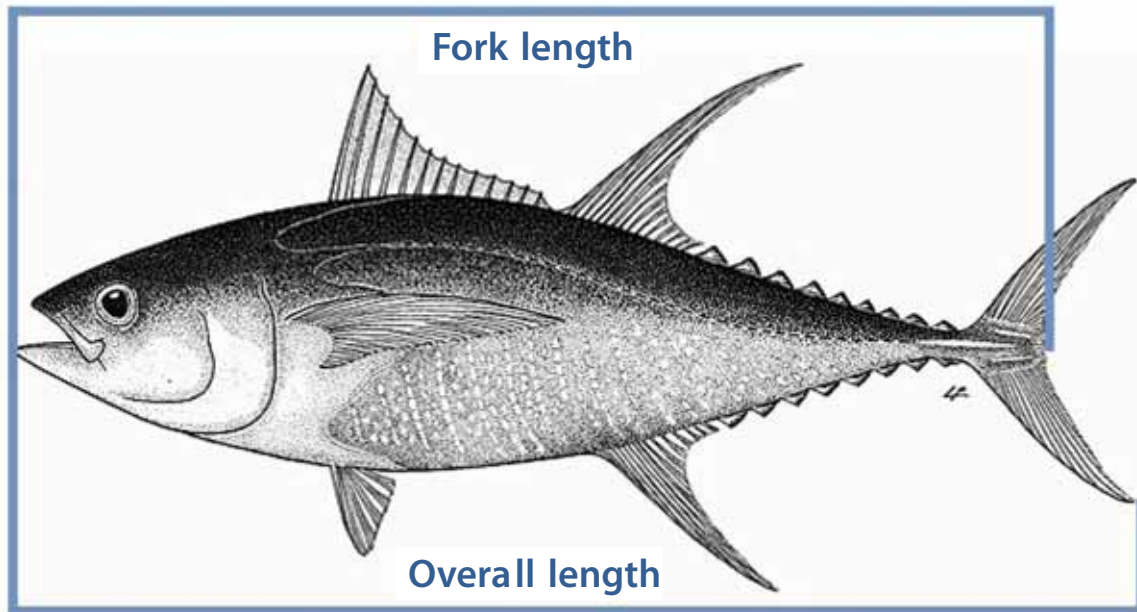
---

## MEASURING FISH

The method of measuring the length of fish can vary depending on the legislation and the purpose.

If there is a legal size limit on fish the measurement is often “length overall”. That means you measure from the tip of the snout, to the end of the tail.

If you are measuring for scientific purposes you generally measure fork length, from the tip of the snout, to the furthest part of the fork of the tail.



If you are required to measure fish make sure you check which measurement you will be using.

In many cases, fish in fish holds will have either no head and/or no tail. When measuring such carcasses there are no hard and fast rules, but you must be consistent. Options include measuring carcass length overall or from one body part (e.g. fin stump) to another.

---

## MEASUREMENT OF FISHING GEAR

It may be necessary to measure fishing gear for a number of reasons. If the amount of gear a vessel can have on-board or use is limited, or the length of net is restricted, it is a simple enforcement tool to measure or count the gear to check for compliance.

- Lines and hooks can be readily measured using drum diameter for lines and counting hooks.
- Nets can be more complicated:
  - o for example net restrictions can include both the circumference and the drop of a purse seine net;
  - o to measure these, the net needs to be laid out in a large flat area such as a playing field; and
  - o for purse seine nets, this can mean using a crane and lorry to transport it, along with several officers and even a tractor to lay it out.



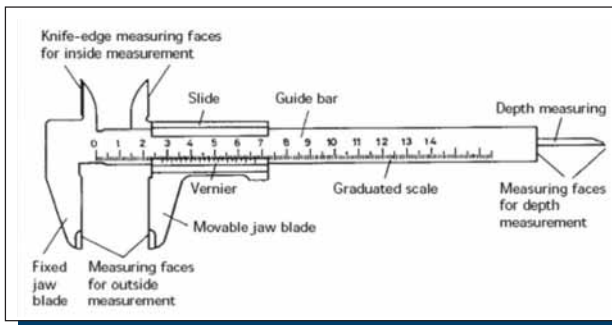
Whatever equipment you are using to measure gear or fish, whether it be weight, length or size, that equipment must be certified, your legislation must support that certification, and that certificate will be needed to be included in your evidence.

- Where the net mesh is required to be measured it is necessary to use a certified net measuring device and measurement is usually knot-to-knot.
- The procedures and specifications for net measuring often have to be placed in legislation. Examples of this are:
  - soaking the net for a fixed period before measurement so it is not too stiff; and
  - using a set of callipers with a prescribed amount of weight on it so it removes the risk of operator error.

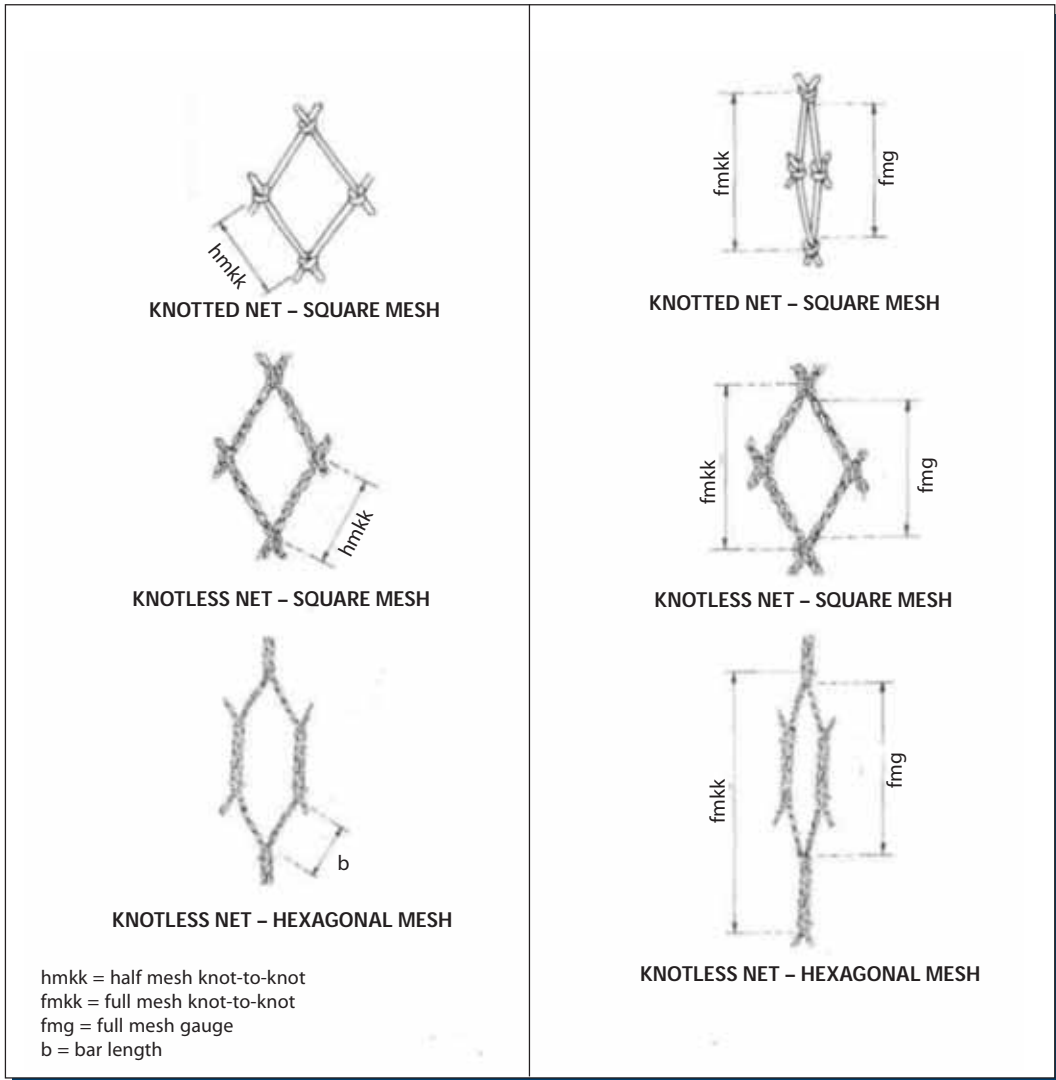
One method is to prescribe that a circular metal disc of a given diameter must be able to be pushed through the mesh, or to use a conical or tapered net measuring device with measurements along its length that you push through the net. It is usual to measure about 20 meshes in a set pattern around the net, and then to average the measurements. All this should be documented in a policy, but preferably in legislation.

It is important for industry that they know how their nets are going to be measured.

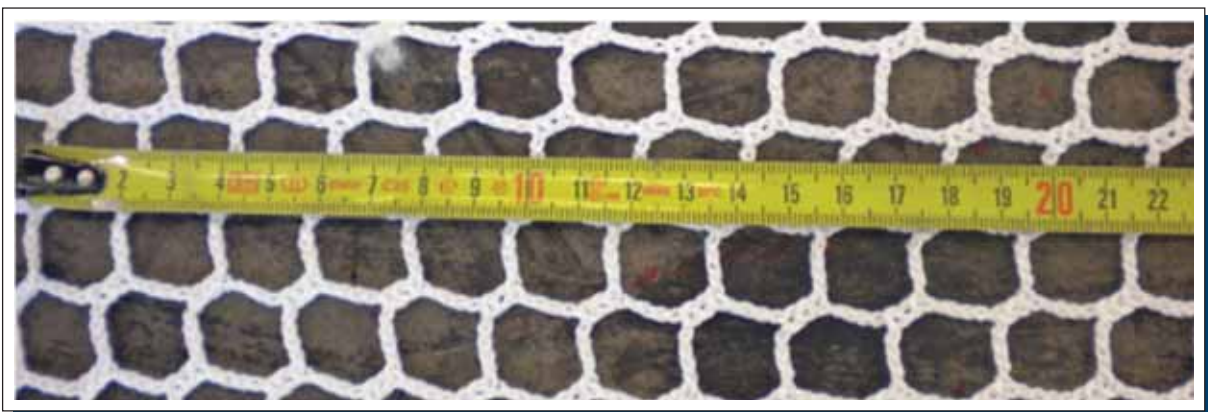
**NETS CAN BE MEASURED IN MANY DIFFERENT WAYS SO IT IS IMPORTANT YOUR LEGISLATION IS CLEAR ON THE METHOD USED.**



Vernier calipers for net measurement



MEASURING TEN MESHERS TO GET AN AVERAGE IS A QUICK WAY TO ESTIMATE MESH SIZE.



---

## ELECTRONIC EQUIPMENT

There are many types of electronic equipment used on fishing vessels. Some of the information stored on that equipment, or transmitted from that equipment, can be used as evidence, if your legislation permits it.

It is useful to think of electronic equipment as closed or open. Closed equipment includes the VMS. It is closed because the master cannot control or access it. When undertaking a port state measures inspection you should request any relevant RFMO or flag state to provide the vessel's VMS track for a nominated period and to confirm the VMS has been operational, as well as providing details of any period when it has not been operational. If you can obtain this information you can use it to check against the vessel logbook and the information from the on-board chart plotter.

Most navigation equipment like chart plotters store information that is time and date coded. This can be used to validate fishing logbook and VMS information.

In the first instance you can seek the cooperation of the master to interrogate the chart plotter. If you have reasonable grounds to believe an offence has been committed and the master is not cooperating, you should ensure the chart plotter is seized from the vessel so it cannot be interfered with, as long as your legislation allows you to seize and use as evidence data from electronic equipment of this kind.

It may not be reasonable to expect boarding party members to have all the skills necessary to access information from every brand and model of chart plotter. If data from the chart plotter is to be used, a certificate of evidence will be required and that will need to be signed by a qualified expert.

On-board computers may also contain information that can be accessed by expert analysts. There have been examples of separate log sheets being maintained on a computer, and of e-mails arranging transshipments that have been used as evidence.

---

## AFTER THE PORT INSPECTION – WHAT HAPPENS NEXT?

Whether the port inspection has revealed any suspicious findings or not, there are some follow-up actions.

Some of these actions will depend on why you are conducting the inspection. If you are undertaking an IOTC inspection for example, you have to issue a port inspection report on the prescribed form within three days. If you are inspecting under your national legislation, you should check whether there are specific notification provisions or whether you simply need to thank the master at the end of the inspection.

If you have found evidence of IUU fishing the fact you are suspicious should not be a surprise to the master. The boarding party will probably have indicated that they have concerns about certain findings, and may even have detained or seized logbooks and electronic equipment.

By this stage the senior inspector will have communicated the problems to a supervisor and sought legal advice, especially if it is planned to detain or seize the vessel, gear, or catch, or to charge the master.

It may also be appropriate for the next actions to be undertaken by more senior inspectors because of the potential implications for international relations.

In the event of evidence of IUU fishing, actions required by the IOTC PSMs are for the port state to notify the findings to:

- the flag state;
- the IOTC Secretariat;
- relevant coastal states;
- other regional fisheries management organizations; and
- the state of which the master is a national.

The port state should also deny the vessel the use of the port for landing, transshipping, packaging and processing of fish and for other port services, including refuelling and resupplying, maintenance and dry-docking.

**THESE ACTIONS SHOULD OCCUR AS SOON AS PRACTICAL, BUT THE DEADLINE IS WITHIN THREE DAYS OF THE INSPECTION.**

It is important to note that the use of port services essential for the safety or health of the crew or for the safety of the vessel must not be denied.

If the port inspection reveals nothing unusual, a copy of the inspection report should be provided to the master of the vessel as soon as possible. In the case of an IOTC inspection this is within three days of the inspection.

If you decide not to report suspicions of IUU because the evidence is weak, you should return any documents or equipment detained as soon as possible.

The use of official warning (or caution) letters need to be carefully considered. A warning letter should only be issued when you have enough evidence to prove an offence, but where you have decided to issue a warning because, for example, you believe there was an honest and genuine mistake, or the infringement was minor, or if it is policy to do so in certain circumstances. Do not issue a warning letter for an offence you are only suspicious about. In that situation it is better to simply issue a letter reminding the master of his or her obligations under the law. Remember, even a warning letter can be challenged if the master believes no offence has been committed.

---

**WORKSHOP BREAKOUT GROUP ACTIVITY 16 – SEE VOLUME 2: PORT INSPECTION WORKSHOP – WORKBOOK FOR TRAINERS, PAGE 18**

---

## CAN YOU NOW UNDERTAKE PORT STATE INSPECTIONS?

The purpose of this training is to help with the groundwork for inspections: to help make sure they are safe and to give some tips and guidance about how to conduct them. Like all MCS work, you only get good at it through training and practice. There are a large range of related skills and competencies necessary to undertake this kind of inspection in a comprehensive and thorough manner. Some of them are listed below:

Location of the operation	Knowledge, skills and competencies
<b>Navigation and bridge</b>	
Chart work	Reading a chart
	Finding a position using a given latitude and longitude
Electronics	Calculating course, time and distance
	Knowledge of chart characteristics
	Knowledge of chart symbols and other information
	Identification, reading and understanding the information from different electronic aids to navigation and safety including:
	GPS
	chart plotter
	radar
	communications equipment (satellite telephones, VHF, HF, GMDSS, Morse)
	gyro and magnetic compasses
	weather fax
	emergency position indicating radio beacon (EPIRB)
	Identification, reading and understanding the information that can be gathered from different electronic aids to fishing:
	sounders
sonar	
water temperature gauges	
instruments to measure thermocline	
radio direction finders (RDF)	
vessel monitoring systems (VMS)	
Vessel logs	Deeper understanding, familiarization, and interpretation of data from:
	vessel log
	catch log
	transshipment log
	These can be in both paper and electronic forms.
<b>Fishing operations and offloading</b>	
Understanding of different fishing operations	Fishing gear – setting and hauling different types
	Fishing areas/zones
	Ocean currents
	Moon phases

<b>Location of the operation</b>	<b>Knowledge, skills and competencies</b>
	Weather
	Types of refrigeration systems Ice slurry Refrigerated seawater (RSW) Freezers Storage on ice
	Fish storage rates
	Small, medium and large fish in various forms and storages
	Whole, gutted, headed and gutted
	Identification of different baits for longliners,
	Fish spoilage rates
	Fish quality assurance systems.
Identification of:	Other minor gears
	Different tunas
	Shark species
	Turtles
	Sea birds
<b>Ship to shore communications</b>	
Correct radio protocol and procedures including:	phonetic alphabet
	Numbers
	Mayday
	PAN-PAN (possible assistance needed)
	PAN-PAN MEDICO (possible medical assistance needed)
	Emergency messages
<b>Safety</b>	
Basic and advanced	First aid
	Safety on-board
<b>Law &amp; legislation</b>	
Comprehensive understanding	of powers under national law and international laws



**ASIA-PACIFIC FISHERY COMMISSION**  
**FAO Regional Office for Asia and the Pacific**  
**39 Phra Athit Road, Bangkok, Thailand**  
**[www.apfic.org](http://www.apfic.org)**

ISBN 978-92-5-108022-1



9 7 8 9 2 5 1 0 8 0 2 2 1

I3508E/1/11.13