

30 November 2018

**IOTC CIRCULAR**  
**2018-47**

Dear Sir/Madam

**COMMUNICATION FROM JAPAN REGARDING THE MANAGEMENT OF TRANSSHIPMENT OBSERVER DATA**

Please find attached a communication from Japan regarding the management of transshipment observer data from the IOTC regional observer programme.

In response to this letter I am initiating an investigation into the matter, and I will report back to CPCs in the near future.

Yours sincerely



Christopher O'Brien  
Executive Secretary

**Attachments:**

- Letter from Japan

Distribution

**IOTC Contracting Parties:** Australia, Bangladesh, China, Comoros, Eritrea, European Union, France (Territories), Guinea, India, Indonesia, Iran (Islamic Rep of), Japan, Kenya, Rep. of Korea, Madagascar, Malaysia, Maldives, Mauritius, Mozambique, Oman, Pakistan, Philippines, Seychelles, Sierra Leone, Somalia, South Africa, Sri Lanka, Sudan, United Rep. of Tanzania, Thailand, United Kingdom (OT), Yemen. **Cooperating Non-Contracting Parties:** Liberia, Senegal.  
**Intergovernmental Organisations, Non-Governmental Organisations. Chairperson IOTC. Copy to:** FAO Headquarters, FAO Representatives to CPCs.

This message has been transmitted by email only



## FISHERIES AGENCY

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November 30, 2018

Mr. Christopher O'Brien  
Executive Secretary  
Indian Ocean Tuna Commission

Dear Mr. O'Brien

I am writing regarding your response letter (IOTC REF: 4073) to Mr. Ara, which explains how to improve the process of data from the regional observer program. While I appreciate your response to the questions, I am still unclear about the actions taken by the IOTC secretariat against Birdlife's request and the current practice in collection and management of transshipment observer data.

First, according to the agreement made in advance between Birdlife and the IOTC (Transshipment Data Users Application Form, approved 14/07/2017), the Secretariat had to circulate the draft project report to all relevant CPCs in order to provide the opportunity for comments before the report was finalized. It was unfortunate that the IOTC secretariat did not follow this procedure and allowed Birdlife to make a presentation at WPEB. It was regrettable that the Secretariat posted this presentation report on the IOTC homepage after the WPEB. Although the report has been recently deleted from the homepage, it was open to the public for several months.

Another problematic point is that this report ignored the agreed condition that no photographs of vessels shall be published, and that all photos, including photos of logbook pages, shall be used only for scientific purposes and not be perceived as the evidence indicating any infraction about seabird bycatch mitigation measures. We see this case very seriously since the Secretariat did not follow the agreed procedure.

Secondly, some of the data collected by transshipment observers and used to publish the report are outside the duty of observers. The duty of observers is clearly set by Annex III of Resolutions 17/06 and we cannot overlook violation thereto. In this regard, we are concerned about your response letter (IOTC REF: 4073), which said that there were some ROP observers collecting and submitting unpermitted

information on the logbook and as an unfortunate consequence those data can be released to Birdlife together with permitted information. As you know, the logbook data are confidential information. It would be a serious problem if: (i) the Secretariat allowed the collection of unpermitted data by observers; (ii) the Secretariat released those data to others without proper check; and (iii) the Secretariat or the Consortium still holds such data.

You may be already aware that at the CCSBT annual meeting last October, Birdlife made a presentation, exactly the same as the one made in WPEB. Birdlife is now publishing reports and making presentations even in other international organizations, as if their reports and presentations were officially permitted and allowed by IOTC. Although they withdrew this report and presentation afterwards, Japan cannot accept this kind of inappropriate methods to spread reports and presentations that use unpermitted data and that are not shared beforehand to all relevant CPCs.

We believe that this case concerns not only longline countries but also other CPCs in terms of how to handle data. Therefore, I would like to request the Secretariat to investigate the case and explain the results to all CPCs. Such explanation should include, in particular, (i) what happened; (ii) why happened; (iii) what responsive actions have been taken; and (iv) what have been done or will be done to prevent the same thing from happening in the future.

I would appreciate it if you could circulate this letter to CPCs.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'Shingo Ota', written in a cursive style.

Shingo Ota  
Japanese Commissioner to IOTC