

12 December 2018

## IOTC CIRCULAR 2018-47b

Dear Sir/Madam

### A RESPONSE TO JAPANS CONCERNS ON THE MANAGEMENT OF TRANSSHIPMENT OBSERVER DATA

In IOTC Circular 2018-47 [[click here](#)] Japan expressed a range of concerns regarding the use and reporting of Regional Observer Programme (ROP) observer data. As requested by Japan, please find the results of the IOTC Secretariat's investigation to the matter.

#### **Background — a request to receive and analyse data from the Regional Observer Programme**

In April 2017 the ABNJ Tuna Project (in collaboration with BirdLife International and the IOTC Working Party on Ecosystems and Bycatch Chair and vice Chair) submitted a request to the IOTC Secretariat to receive and analyse data from the Regional Observer Programme.

In accordance with due process, a data users application was sent out to ROP fleets for comments and approval.

Upon receiving approval from ROP fleets, in July 2017 the IOTC Secretariat and ABNJ Tuna Project signed an agreement [[click here](#)]. The agreement included: a project outline, specifications of the data required, intentions with respect to the publication of the results of the proposed work and a range of specific conditions pertaining to the request. The specific conditions included:

1. the results from this work will be reported only to the WPEB (e.g. in an annual report) and in work related to the ABNJ Tuna Project (presented to the project steering committee).
2. the draft project report (and any other document to be published) will be provided to the IOTC Secretariat for circulation to all relevant CPCs to provide the opportunity for comment before the report is finalised;
3. no photographs of vessels shall be published and information on the fishing operations of individual vessels (such as the specific position and specification of fishing gears) shall also not be published;
4. any reference to the Taiwanese fleet in any report or document shall be referred to as the "Taiwanese Longline Fishing Fleet";
5. since the main tasks of ROP observers in accordance with paragraph 5 of Annex III of Resolution 14/06 do not contain the inspection of the implementation of seabird bycatch mitigation measures, the photos shall be used only for scientific purposes and not be perceived as the evidence indicating any possible infraction about seabird bycatch mitigation measures unless any future resolution requiring so is adopted.

#### **The data provided**

In accordance with data extraction procedures, the analysts received excerpts of data from the databases held by the ROP consortium. The data extracted from the databases matched the specifications in the users agreement, and the data was extracted away from the presence of the users and provided via a secure link in the cloud and on USB keys.

#### 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.

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The data excerpt comprised images taken by observers from 48 observer deployments which amounted to 861 transshipment events, constituting just under 10% of the deployment and transshipment records held in the ROP database. Of the latter, around 66% of the transshipments were related to Taiwanese vessels, 14 % were related to Chinese vessels, 10 % were related to Seychelles vessels, 6 % were related to Japanese vessels, with lesser amounts related to Malaysia, Korea and Oman. In total, 5631 images out of the 1,097,576 available images were supplied.

The files for each deployment/transshipment/vessel included images of vessels and logbooks. No images other than those approved by the ROP fleets were provided.

### ***Tabling of the report of the data analysis***

On 4 September 2018 BirdLife International provided the IOTC Secretariat with a draft paper for submission to the IOTC Working Party on Ecosystems and bycatch (WPEB), which was set to commence 10 September. The Secretariat accepted the draft paper on the basis that it could receive preliminary technical comments and guidance from the WPEB before being sent to ROP members before being finalised. The Secretariat did this after interpreting point 2 (above) as being a penultimate step in the development of the report. According to meeting protocols the paper was also posted on the WPEB meeting page of the IOTC website.

The WPEB noted the paper and acknowledged the formal objection by the Japanese participant to the presentation and proposal of the paper at the meeting. Consequently, the Secretariat informed the authors that they should remove all references to compliance in the paper; and BirdLife International indicated they would do this and provide a modified draft for submission to the ROP fleets. Subsequently the paper was removed from the IOTC website.

As Japan noted in its letter, the report contained images of vessels. These were included to illustrate various aspects of the results of the work. While the images were edited to remove vessel identification marks and faces, this was a clear contravention with the Agreement. The Secretariat expected that these and other elements of the report would be addressed in the next iteration of the report, and thus the next draft of the report would conform with the Agreement.

Without receiving clearance, Birdlife presented the WPEB paper (i.e. including the compliance material) to the CCSBT<sup>1</sup> Compliance Committee on 11-13 October 2018. The paper was subsequently withdrawn from that meeting. During its investigation, the Secretariat found out that BirdLife International had also presented the paper to the WCPFC<sup>2</sup> Technical and Compliance Committee in September 2018, again, in contravention with the Agreement.

### ***Contraventions of the data users agreement***

The report from the data users was tabled at meetings of the CCSBT and the WCPFC in contravention of the Agreement, point 1 above; the report was not circulated to ROP fleets before it was tabled at the WPEB and this contravened point 2; and by including photographs of vessels the report also contravened point 3.

### ***On Japans concerns about observers collecting unpermitted data***

Japan also noted in its letter, its concern that some of the data and information collected by transshipment observers (images in particular) are outside the duty of the observers. The Secretariat has examined this matter and found that IOTC's ROP related resolutions (Resolution 18/06, previously Res17/06 etc.) provide little direct guidance on the information or number of images an observer may or may not attach to his/her report. However, the following information is provided in the IOTC Transshipment Observer Manual.

#### **Boarding photos**

Photographs are to be taken of all of the articles listed above for verification. Photographs required before and during boardings are:

- The FV, its bow, stern and stack insignia (if present);
- Authorisation/licence to fish;
- VMS unit (and if required the outside aerial unit);
- A minimum of five most recent pages of the fishing logbook;
- Any other relevant documentation, for example prior transshipment declarations relevant to catch on board;
- and

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<sup>1</sup> Commission for the Conservation of Southern Bluefin Tuna

<sup>2</sup> Western & Central Pacific Fisheries Commission

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- Any interesting features (such as shark fins or former names painted over but still visible, or other identifying characteristic).

From the Secretariat's perspective, it appears that the data currently collected by observers (and held in the ROP databases) relate to the observer tasks outlined in paragraph 5 Annex II of Res18/06 and the nature and quantities of photographs in the database are consistent with the instructions in the IOTC Transshipment observer manual. Furthermore, the data that the data users received were in conformity with the specifications in the agreement. Notwithstanding this, there are some situations when observers submit multiple pages from the logbooks to illustrate issues and a possible infraction. This results in multiple images of the logbook pages being uploaded into the ROP database. The unfortunate consequence of this is that when a request for a logbook photograph is made, more than one logbook page can be released. This has been addressed in the section below.

***Steps to improve the agreed use of ROP data***

Of the requests for ROP data since 2009, the above case has been the most problematic. The Secretariat acknowledges that the above series of events warrants a more strict monitoring of the activities and behavior of data users, and improved clarity in the current data management processes. Therefore, the following steps will be included into the data users process in the future:

- The IOTC Secretariat will inform the consortium that manages the ROP databases about this case in order to make them aware of the issues and remind them of the sensitivities surrounding the use of the ROP data.
- Each logbook image collected by observers is to be given a descriptive label, and the data users agreement will specify which logbook images are being requested. Only those logbook images agreed by ROP fleets will be extracted and provided to a data user.
- The data users agreement will clearly state that a draft report is to be sent to the ROP fleets for approval, before it can be sent to any IOTC body or external forum.
- Each ROP fleet will have to provide written approval for the report to be made available to any other IOTC body or external forum.
- The ROP data use rules do not appear to be aligned with the IOTC data confidentiality rules as specified in IOTC Resolution 12/02. The Secretariat is in the process of examining the effectiveness of Res 12/02 and will also examine ROP data management and use procedures for consistency.

Yours sincerely



Christopher O'Brien  
Executive Secretary

**Attachments:**

- None