

Observer Programmes in RFMOs: a perspective from the BirdLife International Global Seabird Programme

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Summary

As of 2011, all five tuna commissions (tRFMOs) have established some form of 'regional observer program' (ROP) covering both purse seine and longline fleets. However, significant differences exist between the tRFMO ROPs, and major elements of the IOTC Resolution need to be strengthened if this program is to be effective.

In particular:

- (i) No raw data from the IOTC ROP are currently being submitted to the IOTC Secretariat. In contrast, submission of ROP data (as opposed to Trip Reports) is mandatory by WCPFC (and IATTC, in relation large purse seine vessels).
- (ii) IOTC CPCs should establish that in general there are few practical confidentiality impediments to the submission of data collected through the ROP to the Secretariat. Data confidentiality standards are well established within the framework of IOTC resolutions. These should be reiterated and clarified in terms of how the Secretariat and subsidiary bodies of the Commission can make use of ROP data, and when data from an individual vessel legitimately represents a concern to national or commercial interests.
- (iii) Resolution 11/04 should be revised to include a requirement for mandatory submission of data collected under the auspices of the Resolution, as is currently required in other tRFMOs. The role of the Secretariat in managing the implementation of this resolution must be strengthened.
- (iv) Progress in implementation of the ROPs, and in data reporting, will fundamentally require a funded program of capacity building work with CPCs.

Introduction

There is near-universal agreement that observer programmes offer one of the best opportunities to collect quantitative and reliable bycatch, discard and catch composition data, as well as other scientific information vital for input to species stock assessments. The duties of States and RFMOs to collaborate to develop data collection programs, and share data, is firmly established across a range of international instruments, including UNCLOS (Article 118), the UN Fish Stocks Agreement (Annex 1), the Code of Conduct for Responsible Fisheries (Article 7.7.3), and Agenda 21 of the United Nations Conference on Environment and Development (e.g. Article 17.57). In 2009, the IOTC Performance Review recommended that *"12. A regional scientific observer programme to enhance data collection (also for non-target species) and ensure a unified approach be established, building on the experience of other RFMOs, Regional standards on data collection, data exchanged and training should be developed."*

A recent positive development is that all five tuna commissions now have requirements for observer programs across both the purse seine and longline fleets (e.g. CCSBT 2001,

WCPFC CMM 2007/01, IOTC Resolution 11/04 (superseding Resolutions 09/04 and 10/04), ICCAT Recommendation 10/10, IATTC Resolution C-11-08). This represents a major step forward in tRFMO progress: it addresses the needs identified by tRFMO external performance reviews, and creates the potential for more effective assessment of both target and non-target species.

In most cases, the target coverage rate for the observer programs is limited to an initial 5% coverage, reflecting concerns on the cost and capacity to implement. This contrasts with the 100% observer coverage being implemented in, for example, the large purse seine vessels in IATTC, WCPFC and the ICCAT bluefin tuna fishery. However, the 5% coverage target will still represent a significant increase on the current observer coverage rates in some tRFMO fisheries (some currently <1%).

However, in addition to coverage, key issues remain to be resolved if these ROPs are to deliver their objectives.

(i) Lack of data submission

As recognized by IOTC WPEB and other IOTC subsidiary bodies, lack of data currently severely hampers the ability of IOTC subsidiary bodies to undertake the assessments required of them. At the IOTC 2010 meeting of the Working Party on Ecosystems and Bycatch, *“The WPEB expressed strong concern about the lack of implementation of IOTC measures concerning bycatch data collection and reporting by most IOTC CPCs, noting that it is impossible for the WPEB to fulfil its mandate without appropriate data. Therefore the WPEB urged all countries concerned to address the issues identified ... as soon as possible, requesting the IOTC Secretariat to assist countries in the implementation of these activities, where required and possible”*.

A framework of IOTC data sheets has been developed, putting the flesh on the bones of the Resolution 11/04. Minimum data fields have been established (<http://www.iotc.org/English/ros.php>), and the data sheets ensure that data will be collected in a consistent and systematic manner. However, the only reporting obligation in Resolution (11/04) is for an Observer Trip Report.

Observer trip reports, if submitted, will provide a summary of data. However, without submission of raw observer data to the Secretariat, the ability of IOTC to make use of the data collected by the ROP will be severely limited: raw data is crucial to enable cross-fleet analysis, which is vital for effective assessment of target stocks and bycatch impacts, including analysis of spatial and temporal trends. With the precedent now set for data submission within the WCPFC (Box 1), there is a need for strengthening of IOTC Resolution 11/04 to clearly establish the duty to submit raw ROP data to the IOTC Secretariat.

Box 1. Excerpt from WCPFC Resolution CMM 2007/01, Annex C, page 9.

4. No later than 31 December 2008:

- Existing sub-regional programmes and national programmes shall be regarded as a part of the ROP, and shall continue unless otherwise determined by the Commission.
- Data obtained through these observer programmes shall be submitted to the Commission and shall be considered Commission data.

(ii) **Data confidentiality**

Resolution 98/02 (On Data Confidentiality Policy and Procedures) and Resolution 08/01 (Mandatory Statistical Requirements) provide a strong framework allowing the IOTC Secretariat to curate commercially sensitive data, and Resolution 11/04 is specifically subject to the provisions of Resolution 98/02. Resolution 98/02 requires that *“Catch-and-effort and length-frequency data grouped by 5° longitude by 5° latitude by month for longline and 1° longitude by 1° latitude by month for surface fisheries stratified by fishing nation are considered to be in the public domain, provided that the catch of no individual vessel can be identified within a time/area stratum. In cases when an individual vessel can be identified, the data will be aggregated by time, area or flag to preclude such identification, and will then be in the public domain.”* Resolution 08/01 and 98/02 now need to be updated to clarify how ROP data are to be handled, including in relation to data confidentiality.

Under UNCLOS, an exemption from disclosing information is found in Article 302 (Disclosure of information), allowing exemptions only when “the disclosure of which [information] is contrary to the essential interests of [national] security.” Clarity is urgently needed on when data from an individual vessel might legitimately constitute information of national or commercial sensitivity in relation to catch, effort, fishing positions, gear configurations and operational characteristics, and other data as collected by observers. The presumption must be established that all other data collected by the ROP should be considered non-confidential. In all cases, data confidentiality should not be used as grounds for non-submission to the IOTC Secretariat, which has well-established systems for curating sensitive data.

(iii) **Recommendations**

Despite repeated calls for data submission from the WPEB (and other IOTC subsidiary bodies), and despite the establishment of a ROP resolution by the IOTC Commission, the effectiveness of Resolution 11/04 is constrained by its reliance on trip reports and voluntary submission of observer data. This resolution should be revised and brought in line with that of the WCPFC, such that all data collected through the ROP should be submitted to the Secretariat and made available, within the constraints and provisions of Resolutions 98/02 and 08/01 (or appropriately amended versions thereof), to scientists at IOTC working parties. A revised ROP resolution should mandate the Secretariat to play a coordinating role in the functioning of the ROP.

(iv) **Capacity building**

To be effective and reliable, the IOTC needs to develop and implement a program to build capacity for the ROP. This will require the provision of resources to the Secretariat so as to ensure

- (a) consistent application of the resolution
- (b) data collection and reporting standards are maintained
- (c) assistance to developing states can be assessed and provided, as appropriate
- (d) censure can be brought against nations that fail to meet their obligations under a revised ROP Resolution

Training observers to consistent, minimum standards, developing identification guides, translating materials and providing tools and resources for national fisheries authorities to collate and submit raw data are some areas where, without support and despite the best intentions, many CPCs may struggle to meet their obligations under Resolution 11/04.