

Discussion Paper by Japan:
Regarding the operation of Working Party of Ecosystem and Bycatch

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Background:

The 20th Working Party on Ecosystem and Bycatch (WPEB20) held in September 2024 in the Seychelles encountered a series of confusions in relation to the way of operation of the Working Party, including a serious discrepancy in views regarding the treatment of the recommendations developed by the “Bycatch Mitigation Workshop” that was held in April as a part of data preparatory meeting for the stock assessment of shortfin mako shark.

This document describes the processes actually occurred based on the records together with Japan's recognition in order to identify the source of confusions and suggests possible ways of preventing the similar confusions in the future.

The document focuses solely on the operational aspects of WPEB20 and would not cover the Japan's position on the technical aspects relating with the mitigation measures for shark bycatch and their mortalities.

Sequence of events:

The Commission, at its 2023 Session, made the following request (IOTC 2023a):

“70. The Commission NOTED the discussions on the issues of shark lines, wire leaders and fins naturally attached to reduce the impacts of IOTC fisheries on elasmobranchs, especially vulnerable species. The Commission also NOTED there is no clear advice from the IOTC Scientific Committee regarding the conservation and management of these elasmobranch populations in the IOTC area of competence.

71. The Commission REQUESTED the relevant Working Parties and IOTC Scientific Committee, at its 26th session, to review the latest science and best practices in other oceans and, in collaboration with the Compliance Committee as appropriate, provide advice to the Commission at S28 on technical and mitigation measures to strengthen the conservation of sharks. In particular advice on vulnerable species such as oceanic whitetip sharks, whale sharks and thresher sharks, and how to reduce the impact of tuna fisheries, including the following:

- the use of wire trace as branch lines or leaders and the use of branch lines running directly off the longline floats or drop lines, known as shark lines; and IOTC–2023–S27–R[E] Page 16 of 43
- the application of fins naturally attached requirements to improve monitoring of elasmobranchs, prevention of the practice of shark finning, full utilization of caught sharks and effective monitoring of compliance with existing conservation and management measures.”

Therefore, there was a clear request for advices on wire trace and shark line use to the WPEB and SC but no specification on the workshop.

In September 2023, corresponding to the document proposing the enhancement of the shark bycatch mitigation measures including mortality reduction (Ziegler 2023; IOTC-2023-WPEB19-23), the 19th Working Party on Ecosystem and Bycatch (WPEB19) agreed to “hold an intersessional online workshop

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gathering experts to review the already-conducted meta analyses” (IOTC 2023b).

The workshop was proposed corresponding to Japan’s comments pointing a lack of information on actual utilization of shark lines and wire leaders in the Indian Ocean as well as the need to establish shared views on shark species for conservation target, including their stock status. We recognized that the workshop would be one of general nature in assembling and sharing the existing information on shark bycatch and mortality among various measures focusing on the beneficial and negative effects of gear modification on different species. There was not any specific nor agreed plan on the leading persons/ organizations as well as on the format of the workshop, other than to be held on-line.

However, 23rd Scientific Committee held in December 2023 reported that “The SC NOTED the intention of the WPEB to use the assigned Data Preparatory meeting both for data and stock assessment model preparation issues for shortfin mako which is due to be assessed in 2024, and also to hold a bycatch mitigation measure workshop with a range of experts on this topic. The SC further NOTED that there is unlikely to be a lot of new information and data for shortfin mako so there should be plenty of time during that meeting to look at mitigation measures. The SC NOTED the intention of the WPEB Chair and the Secretariat to reach out to experts both on mitigation measures and CPUE and stock assessments for this data preparatory meeting to make it as effective as possible.” (IOTC 2023c)

Japan must confess that we missed this discussion and did not note the change of context and details of the intended workshop, until the meeting was called at later stage.

The meeting invitation for the data preparatory meeting was sent out on February 22, 2024 by the Secretariat (Attachment 1) but there was no reference to the concurrent workshop.

A scientist from Japanese delegation received the invitation to provide a document and make a presentation for the workshop on March 3 together with the location of the draft agenda. This indicated that the list of documents presented at the workshop and “experts” for the workshop was nominated by the workshop organizer (WPEB Chair or Secretariat) on the invitation basis, of which a large majority was from the United States and Pacific Ocean, some from European Union and Brazil mainly for the Atlantic Ocean, and relatively low representation of works from the IOTC CPCs.

The Japanese scientist returned the reply of acceptance, followed by the message clarifying the nature of the workshop and its intention in developing “recommendation”. The Secretariat indicated that “the workshop is to prepare some discussion points and maybe some preliminary recommendation to bring to the full WPEB meeting.” (Attachment 2) Therefore, it seems that, at this point, the Secretariat did not expect to bring the recommendations at the workshop, if any, directly to the Scientific Committee, but intended to discuss them at the full WPEB in September.

In April 2024, the shark bycatch mitigation workshop was held as one of agenda points of the data preparatory meeting for shortfin mako shark assessment, WPEB20(DP). The meeting developed a set of recommendations addressed directly to the Scientific Committee as “WPEB20”. Although Japan claimed that the development of direct recommendations to the Scientific Committee contradicts to the explanation prior to the meeting, the claim was dismissed and not recorded in the Report. Later, we were informed that the development of recommendations directly to the Scientific Committee was based on the advice from the Secretariat.

20th Working Party on Ecosystems and Bycatch was called at June 21 under the name of WPEB20 Assessment Meeting, WPEB20(AS). The meeting was held in September 2024. Noting that the WPEB20(DP) had already claimed itself as “WPEB20”, Japan sought the clarification whether the WPEB was now split into two independent bodies, and if so, when the decision to modify the WP structure had been taken, at the start of the meeting. In response, the WPEB Chair and the Secretariat confirmed that no modifications in the name and status of the WPEB had been made and that the September meeting remained as the sole meeting of the WPEB under the Scientific Committee. Despite this confirmation, the meeting encountered serious divergence in views on how to handle the recommendations from the

WPEB20(DP), in particular regarding WPEB20(DP)'s power in developing recommendations directly to the Scientific Committee and agreed to seek clarification from the Scientific Committee.

While the Secretariat explained that the data preparatory meeting is not a subsidiary body under the WPEB, in Japan's view, the data preparatory meeting is a part of the assessment process held whenever special efforts of data assembly are required and should not be regarded as an independent body to provide any recommendation before the completion of discussion at the main meeting of the WPEB.

Japan's further observations on relevant issues:

Meeting Structure and Mandate of Working Parties

The year of 2024 was the second time for the WPEB holding the data preparatory meeting for the stock assessment of sharks. The similar format of the meeting name was used previously (2021), i.e. "WPEB17(DP)", while the main meeting abbreviation stayed as "WPEB17". Working Party of Tropical Tunas (WPTT) and Working Party of Temperate Tuna (WPTmT) have held their data preparatory meetings but applied slightly different approaches. Japan considers that the format should be consistent among Working Parties. Noting the broad coverages of the WPEB in topics and methodologies, not limited to the (stock) assessment, Japan suggests to follow the format used in 2021, i.e. keeping the name for the main meeting "WPEB" and for data preparatory meeting "WPEB(DP)".

Japan also notes that some of data preparatory meetings of the other Working Parties in fact made recommendations, but mostly limited on data provisions for certain countries or analytical methodologies, all of which are linked to data handling. As such, while data preparatory meetings can, as necessary, develop recommendations related to their work, such recommendations should be reviewed by the main meeting of Working Parties.

Guidance by the Secretariat

Although Japan fully recognizes and appreciates all efforts by the Secretariat to organize meetings, Japan considers a part of the confusions caused by inconsistent guidance and explanations by the Secretariat, maybe according to the occasions and circumstances. Even being originated from good will, such inconsistencies could lead to confusion at the end. We request that all the staff of the Secretariat share a solid and common understanding of the IOTC Rules of Procedure to guide the CPCs. If the lack of clear rules applicable to working parties under the Rules of Procedure and other relevant documents is the issue, the establishment of a set of rules should be considered.

Term of "Workshop"

The review of the meetings archived in the IOTC Home-page suggested that the term of "workshop" was applied in several specific categories, including:

- Regional meetings (e.g. Eastern and Western Regional Workshops in 2024, Weight of Evidence workshop in 2014),
- Capacity building and training (e.g. Consultation/ Validation workshop on the development of an Integrated Monitoring and Reporting Information System (E-MARIS01) in 2017, Workshop relating to the studies on Monitoring, Control and Surveillance (MCS) and Catch Documentation Scheme (CDS), Regional workshop to support compliance with IOTC requirement for the collection and reporting of fisheries data to the IOTC in 2014),
- Correspondence connecting science and management (e.g. Management Strategy Evaluation workshop (MSE) in 2014, Workshop on Connecting the IOTC Science and Management Process during 2014-2015), or cross-boundary subject (e.g. Workshop on Depredation in tuna longline fisheries of the Indian Ocean (DeWS01) in 2007), and
- Collaborative work in establishing standards/ work plan (e.g. Workshops on CPUE Standardization in 2013 and 2015, Science/ Stock Assessment workshop in 2013 and 2014, Indian Ocean shark year program (IO-ShYP) Workshop in 2014).

They were organized as independent “workshops” and were not under Working Parties. They have good participations/ representations of relevant CPCs, even in the case of Expert Consultations. Some of the meetings seem to be defined as a “workshop” based on the funding source, especially in cases where the funding comes from sources other than the IOTC/FAO. On the other hand, the majority of meetings within a Working Party seemed to be called as “Working Group” defined clearly underneath of a certain Working Party or the Scientific Committee, though this was not fully reviewed.

The objective of workshops is mainly information sharing, dialogue among stakeholders, capacity building, training, and developing standards, and is not developing management recommendations which is under the mandate of Working Parties.

Japan notes that the IOTC Rules of Procedure contains no definition of “workshop” nor “working group”, or any other consultation mechanisms within a Working Party, such as data preparatory meetings. Japan considers it desirable to establish a clear distinction between these two types of bodies.

Scope and Workload of WPEB

It should be noted that in recent years, the WPEB has barely managed to quickly and superficially review a large number of documents tabled, leaving almost no time for meaningful discussions. Japan would appreciate guidance on reducing the subjects to cover, including focusing in specific areas each year according to the guidance/ requests from either Scientific Committee or the Commission. Simultaneously, currently the Secretariat prepares a summary of such requests relevant to individual Working Party and tables it at the beginning of the Working Party meeting. Should such summary available at the completion of the Commission meeting, it would be extremely helpful for CPCs to prepare corresponding analyses in time, without overlooking those requests.

Participation to Working Parties

At the end, currently all the participants in Working Parties, such as from CPCs, observers, and invited experts, are treated with equal status, while we do not find the justification of such treatment in the Rules of Procedure. Due to its nature, the WPEB has received active participation by observers, such as Inter-Governmental and non-Governmental Organizations that work for the conservation of various ecologically related species. On the other hand, the main objective of Regional Fisheries Management Organizations including IOTC is a conservation and sustainable utilization of target species while minimizing the impacts of relevant fishing activities on ecologically related components. Such differences in focuses often cause confrontation when considering appropriate conservation and management measures, which leads to lack of agreements and slow progress. We would like to highlight that, particularly for WPEB, the large number of documents makes it difficult to spend sufficient time in discussing the documents that are directly linked to develop management advice.

Summary Recommendation:

In summary, concerning the lack of clear guidance applicable to WPEB, Japan would like to request the Scientific Committee and the Commission to consider:

- Requesting the Secretariat to apply the meeting guidance and, where applicable, the Rules of Procedure in a consistent and equal manner;
- Ensuring the structure of the main meeting and the data preparatory meeting of WPEB in line with other working parties, in which WPEB is the main meeting and data preparatory meeting as WPEB(DP);
- Establishing the definition of “workshop” together with a guidance on the mandate, process and required documentations to organize it;
- Refining Appendix VII Working Party (Science) – Terms of Reference and Rules of Procedure in INDIAN OCEAN TUNA COMMISSION: RULES OF PROCEDURE, in covering Terms of

Reference and Rules of Procedures for consultation body/preparatory meeting to be established under a certain Working Party, including an extent of responsibility in providing technical advice on management measures; and

- Providing concrete guidance for improving an efficiency and operability of Working Parties (especially for the WPEB).

References:

IOTC 2023a. Report of the 27th Session of the Indian Ocean Tuna Commission.

IOTC 2023b. Report of the 19th Session of the IOTC Working Party on Ecosystems and Bycatch.

IOTC 2023c. Report of the 26th Session of the IOTC Scientific Committee.

Ziegler, I. 2023. A review of the effectiveness of gear modifications to reduce shark bycatch mortality in Longlining. IOTC-2023-WPEB19-23.

Attachment 1

Date: 2024年2月22日 14:10

Subject: 20th IOTC Working Party on Ecosystem and Bycatch (WPEB20(DP)) (Data Preparatory meeting)

Dear Colleagues

I would like to confirm that the 20th IOTC Working Party on Ecosystem and Bycatch (WPEB20(DP)) (Data Preparatory meeting) will be held from 22 - 26 April 2024. The meeting will be held virtually from 12h00 to 16h00 (Seychelles time). It is fundamental that anyone wishing to participate in these virtual meetings must register at:

<https://iotc.org/meetings/20th-working-party-ecosystems-and-bycatch-wpeb20dp-data-preparatory-meeting>

as **only registered participants** will receive the link to join the meeting.

As always, we encourage scientists to provide papers for these meetings, but due to the very limited time available, only those papers agreed to by the relevant chairs along with the IOTC secretariat will be selected for presentation during the meetings. All other documents will be uploaded to the meeting sites, and maintained as background information. We trust you understand the necessity to filter papers to only accommodate those that are assessed to be critical to address the agenda.

Deadlines

Of course, as this is a virtual meeting, there will be no submissions to the Meeting Participation Fund.

- The deadline for the submission of papers titles is the 23rd of March 2024.
- The deadline for the submission of full papers will be the 7th of April 2024.

If you have any questions, please do not hesitate to contact the IOTC secretariat or the chairs.

Best regards

Attachment 2 E-mail communication between the IOTC Secretariat and Japanese scientist.

Date	From	To	Contents of correspondence
2024/3/8 18:42	IOTC Secretariat	Japan	The IOTC’s Working Party on Ecosystems and Bycatch (WPEB) is going to be holding a longline bycatch mitigation measure workshop in April (22-26th but probably only for 2/3days) with the objective of developing some concrete recommendations for the Scientific Committee and the Commission mostly in relation to minimizing shark bycatch.
2024/3/13 7:01	Japan	IOTC Secretariat	<p>Some additional points to confirm.</p> <p>We believe the purpose of this workshop is to discuss various information related to shark bycatch (i.e., fishing mortality) mitigation measures. However, regarding the process of considering these measures, <u>our understanding is that this workshop will focus on organizing the discussion points in preparation for the main WPEB meeting in September, and that recommendations to the SC (or Commission) will be made at the September WPEB meeting.</u> The wording of the agenda seems to suggest that recommendations will be formulated during this workshop, but we believe that is beyond the scope of the workshop's authority.</p> <p>If our understanding is correct, it would be helpful if you could provide a reminder at the beginning of the workshop to clarify this point.</p>
2024/3/15 13:00	IOTC Secretariat	Japan	<p><u>The idea of this workshop is to prepare some discussion points and maybe some preliminary recommendation to bring to the full WPEB meeting. At that point they can be discussed by the wider WPEB community and adopted or changed accordingly in order to pass them onto the SC and finally the Commission.</u></p> <p>We will indeed provide a reminder at the beginning of the meeting to ensure that nobody is under the impression that these recommendations will be going straight to the Commission.</p> <p>Many thanks for bringing this point up,</p>