

How Transparency Helps Keep Observers Safe

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Importance of Publicly Reporting Observer Harassment and Interference

Fisheries observers collect critical independent information that allows fisheries managers to make decisions based on sound scientific data. Observers work primarily at sea, alongside commercial fishermen in a demanding and unforgiving environment, facing the same difficult and dangerous work conditions as the fishermen. Additionally their responsibilities include reporting on compliance to fisheries regulations that cannot be collected by any other means. They collect biological information on commercial catches that could impact future operations and profitability of the vessel. Because of this, they sometimes face obstacles and interference from those same fishermen in completing their duties, which can manifest in the form of threats, intimidation, bribery attempts, harassment and even violence toward the observer.

The ocean's fisheries are publicly owned and rely on fisheries managers to responsibly manage them. Transparency, accountability, oversight, integrity and public engagement must be the cornerstone of responsibly managed observer programs. Every system requires oversight to ensure it is effectively operating. If observers are not able to effectively complete their duties (due to interference or worse), the fisheries managers are not getting the necessary information they need. This is of public interest and oversight of fisheries monitoring programs is necessary to make sure that observers receive adequate support to effectively and safely carry out their duties, free from violence and interference. Yet most observer programs in the world do not report on observer harassment and interference, misleading the general public about the true challenges facing sustainable fisheries.

Transparency of observer harassment increases public awareness of the difficult conditions observers face in collecting this vital information. It imparts the necessary confidence to the observer community *and* the public that the agency is monitoring the observers' safety to ensure that they may continue to successfully report on this critical information. If observers lack confidence in the system that is supposed to represent and protect them, they cannot be expected to do their job appropriately or effectively. Likewise, without transparency, the public will not have confidence in the veracity of the fisheries monitoring program. Securing the confidence of the public, and of the observers reporting the information, can only be achieved through an open and transparent reporting system.

Reporting of Compliance to Fisheries Regulations and Other Observations of Public Interest

Stakeholders in fisheries (fisheries management agencies, fishermen, non-governmental organizations or NGOs) spend vast resources to regulate and increase sustainability in commercial fisheries through laws and regulations. Fisheries managers rely on observers to report the level of compliance to these regulations and the public has a right to know that the regulations are effective and being followed. Public transparency of compliance to fisheries regulations and other observations of public interest must be easily accessible to allow oversight of our monitoring programs. In addition, this information is often inextricably related to observer harassment. Public knowledge of the level of compliance to fisheries regulations and what the observer go through to obtain this information allows us to face these challenges more effectively.

Internationally Managed Observer Programs – A Special Danger to Observers.

Internationally managed fisheries, such as those under various Regional Fisheries Management Organizations (RFMO), Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), and Regional Observer Programs (ROP) are among the least scrutinized in the world. Observers sometimes find themselves in limbo when their assignment is mandated by international agreements and the programs are managed internationally. They often find themselves on vessels that are registered through ‘flags of convenience’ offering little protection for observers and confusing jurisdiction over who is responsible for their safety and wellbeing. On top of this the observer programs are not reporting the violence and interference against observers or the compliance information they collect. Because of this lack of transparency, this places observers in even greater danger because it allows the vessels to continue this behavior without scrutiny or consequence.

When an observer documents and reports violations, witnesses human rights abuses, and sees no consequence to the vessel, they can experience an intense sense of injustice. Our organization regularly hears from observers who are facing problems in their programs. Some observers have experienced their employers blaming them instead of going after the vessel. This is especially problematic when there is no direct evidence or it is the word of the observer against many crewmembers. Others found that the entire chain of command conspired against them – the vessel personnel, the observer employer, coordinator and the agency. In the public eye, the problems don’t exist because observers are under strict orders of confidentiality, yet the agencies are not reporting the problems. It is in these situations when observers come to our organization. They’ve followed every rightful protocol and come to us with nowhere else to turn. Some decide not to report the harassment but rather to ‘tough it out’ because they know there will be no consequence for the vessel with no safeguards in preventing the re-assignment of the observer to the problematic vessel that they previously reported. In these cases, they justifiably imagine the harassment will continue or get worse. Meanwhile the public remains ignorant to the details of these hardships that observers endure. In addition, the vessel is sent a message that observers aren’t going to report the violations, or if they do, that the system is

weighted in their favor. They get the message that it's ok to interfere with an observer's job and that they can continue this behavior with impudence, despite agency statements to the contrary,

RFMO's silence on Human Trafficking Witnessed by Observers

According to the IATTC Transshipment Observer Program Manual Addendum (2009):

Items of a sensitive nature such as MARPOL violations, suspected fish laundering, safety concerns, etc will be placed in an Addendum to the report at this time. The Addendum will not be a part of the main report given to the Master of the vessel. Relations between the carrier vessels and the program are still new. It is important to provide clear details of observations regarding any suspect activity. However, it is not the observer's responsibility to provide any judgment of the vessel activity. The IATTC Secretariat will determine if further action is required. Until the program is further established and the IATTC and MRAG have a firm grasp of what normally occurs on the carrier vessels, politically sensitive issues will be handled discreetly. If an observer has questions regarding the sensitivity of a subject, please confirm with MRAG before including in the main body of the report."

Many of the above instructions are common in all observer programs (i.e. don't judge, just report facts), but these addendums to observers' final reports are not publicly reported. Observers in RFMOs, have witnessed terrible human crewmembers being bound to keep them from hurting themselves (or others) because they have become mentally deranged from extensive periods at sea. Observers have witnessed medical neglect, such as a crewmember obviously needing evacuation. The vessel continued fishing, resulting in the crewmember's death, only to be buried in a foreign nation out of convenience for the vessel, not even afforded a final burial in his home country. I've heard from three different observers that they had witnessed fishermen jumping overboard and swimming to the transshipment vessel to escape their vessel because they'd been on the vessel for 2 years. This is human trafficking, the transshipment vessels are facilitating it by delivering human cargo to vessels that stay indefinitely at sea and these observers are witnessing it.

Last year a long-time observer, Keith Davis, disappeared during an IATTC transshipment observer program assignment and is presumed to have died. He was on board the Victoria No. 168, a Chinese operated, Panama-flagged vessel and they were transshipping catch from a Chinese-operated, Vanuatu flagged vessel, the Chung Kuo 818, 500 miles off the coast of Peru. The jurisdictional questions and lack of direct communication led to a stalemate in the investigation. Keith is the fourth observer to have died under suspicious

circumstances within the last year under the management of various RFMOs. None of these are reported to the public.

Keith discreetly described to colleagues, during his time as a Western and Central Pacific Fisheries Commission (WCPFC) and IATTC transshipment observer, typical events that should have been made public:

- He presented a film at the 6th International Fisheries Observer and Monitoring Conference in 2009. It was of his Taiwanese transshipment vessel where he reported that the 25-man capacity vessel was transporting 65 crewmembers. The film weaves through the hallways on several levels and shows men sleeping on the floor throughout.
- On Facebook in June 2011: “..many of the fishing vessels out on the high seas have some sort of garden on board. They can be away from shore for 1 1/2 - 2 years, and this is their only source of greens. The Captain and maybe officers on board are probably the only ones (unless on maybe special occasions) who reap what is grown, though.”
- After this trip he told me he was being harassed but, true to his confidentiality agreement, he did not disclose how. I encouraged him to file a harassment report with the appropriate agency, which he apparently did.
- At the 2013 7th IFOMC, he wasn't so subtle – disclosing in front of the delegates that he reported to the WCPFC and SPC some things (did not specify) and that they did nothing. He also participated in a transshipment panel at this conference where the presentation mentions: “Psychological effects of witnessing human rights abuses” but, again, there were no details.
- In response to a video on social media networks that showed crewmembers getting shot by Taiwanese fishermen in August 2014: “This is an extreme horrible example of what can happen out there; but know that there is other awful stuff that happens out there that either goes unseen/unpublished and/or is seen/experienced by (e.g. observers) that may not make it back to land - out of sheer fear of what may come of exposing it. Information on such occurrences (that may not effect the observers job directly, but could certainly effect an observer's mental state and ultimately how "thorough" they report) are not currently being sought by TTOPs [Tuna Transshipment Observer Programs], at least formally.
- In December 2014: “Sadly, used dirty oil is generally dumped at sea by many fishing vessels on the (international) high seas.”
- In ” On March 8, 2015, he commented “..but the profession often asks a great deal of Observers, to take a stand and report compliance issues that you know may potentially put your livelihood, your reputation, and/or your safety in jeopardy... with sometimes very little support.”

More recently, in response to the media reporting in September 2016 on slavery conditions in US Hawaii longline fisheries, an observer writes: ..”these guys are going to

have nowhere to turn for employment but the same Taiwanese, Chinese, and Korean longliners that are guilty of the worst abuses (Actual outright slavery, beatings, killings, starvation rations). Those vessels can stay out to sea almost indefinitely and can keep their deck crew hostage w/o pay in the middle of the ocean for years. Definitely heard more than a few horror stories when I did IATTC observing.”

In addition, observers are reporting illegal activities such as shark finning and marine pollution, such as what Keith documented on half of the fishing vessels on his last trip (not including the last fishing vessel which were not included in his photo log). Observers record these violations but the reports rarely see the light of day or are buried in a confusion of unrelated internet links. Observer harassment and interference or even observer deaths are not reported publicly by these agencies that mandate observer coverage and supposedly manage the program. Observers are placed in the midst of vessel crew engaging in human trafficking, drug running, firearms trade, and other illegal acts and the observer is expected to stay silent. The consumer meanwhile remains ignorant to these atrocities.

These are publicly-owned resources and the public depends on fisheries agencies to manage the fisheries responsibly. They use observers to collect this information. If observers are ‘disappearing’, the agencies are not getting the necessary data they need to manage the fisheries responsibly. So aside from the obvious moral duty that these agencies have to be transparently reporting on these hardships and illegal activity occurring under their management, *they aren't getting the data they need to manage the fishery responsibly*. Obviously human trafficking, shark-finning, drug-running, setting nets on whales, in the course of catching tuna for our dinner table is most unappetizing and of public interest.