

Good morning, Madam Chair and members of the Technical and Compliance Committee. Thank you for the opportunity to address you regarding the issues involving the Regional Observer Programme (ROP) and the recent Intersessional Working Group (IWG). Today I come before you again wearing two hats, one in my capacity as the WWF WCP Tuna Programme Manager and one as a Boardmember of the Association for Professional Observers.

The ROP IWG, as well as this body, has stated that the “health and safety of the observer must be a prime consideration” when considering the observer programme - and we agree. The word “prime” or “primary” is not ambiguous – it means that the health and safety MUST come FIRST and FOREMOST. You have also stated that “ensuring the highest quality of data collected by observers must be an important consideration for the ROP” and, again, we agree. There is no question that good data provided by observers is an imperative for the successful and sustainable management of the tuna fisheries. However, you cannot ensure the highest quality data if observers are forced to work in conditions where they face any kind of harassment, threats, intimidation, or, certainly, assault.

Nonetheless, we disagree that the member states of this Commission have neither effectively implemented necessary measures nor sufficiently empowered the authorities involved, either through their National Programmes or the Regional Programme, to adequately secure the health, safety, and welfare of observers serving in the WCPFC Convention Area. APO continues to receive reports from observers citing instances of threats ranging from verbal threats by crew to “throw observers overboard” - of which we have knowledge that at least three instances of observers being “thrown over the side” as a “joke”. We have also received reports of assault, including observers being physically assaulted by being punched, slapped, or pushed, as well as, in the worst case, being chased by a crew member wielding a meat cleaver. More recently, I was made aware of two Papua New Guinea National Observer programme observers who have gone missing under suspect circumstances in the previous weeks. Because your programmes have not acted swiftly and decisively against these threats, intimidation, and assault, observers have come to accept that it is common practice and that they have no real recourse against the perpetrators.

DO NOT try to tell me that these events have not occurred because they have not been recorded by debriefers and programmes. The reason that these instances are sometimes not recorded officially is for two reasons: (1) because officials are sanitizing the reports before their final submission as a part of the review process; and (2) they are never reported because observers live in constant fear of losing their jobs, or worse, facing injury or losing their lives, if they report these instances in the first place. For many observers being an observer is a respected profession that affords an economic opportunity that they might not find anywhere else. They, and their families, despite the hardships of being sent to sea for long periods of time, depend on their job as observers for their well-being. So it is understandable that an observer would not report violations if the example that is set before them by their providers and/or national authorities is that they will be acted against for bringing claims forward.

Reprisal and retribution against observers by programme staff at either the National or Regional level for simply doing their jobs is real and present for all observers. More recently, it seems the burden of proof has been placed on observers to prove the allegations and reports that they make where it should be exactly the opposite. Observer programme providers should seek to clarify information in the observer's report if it is unclear, they should investigate any claims made by the observer, and they should be investigating the vessel, vessel agent, company, captain, master, and crew – but they SHOULD NOT be investigating and interrogating the observer who brought those claims under a threat of reprisal. LET ME SAY THIS AS CLEARLY AS POSSIBLE...AT NO TIME SHOULD AN OBSERVER FEAR RETRIBUTION OR REPRISAL FOR BRINGING CLAIMS OF VIOLATIONS FORWARD, ESPECIALLY FROM AUTHORITIES WHO THEY ARE SUPPOSED TO TRUST.

On March 29th, 2010, Charlie Lasisi, an observer on the vessel, F/V Dolores No. 838, under the National Fisheries Authority of Papua New Guinea was murdered by six Filipino crew, the body was never recovered, and the six Filipino crew are now free men with the charges against them having been dismissed. Charlie never got the recognition and justice he deserved. If the member states of this body would have done something then, then maybe we could have prevented this from happening again, but you didn't, and, as a result, another good man has died.

On Thursday, September 10th, Keith Davis, an Observer in the IATTC Transshipment Observer Program and my personal friend, went missing following a transshipment on his vessel. I would submit that given the information that we have at this time, we have every right and justification to believe that Keith was also murdered. He was deployed on the M/V Victoria No.168, a Japanese owned carrier under a Panamanian flag that was, at the time, transshipping from the M/V Chung Kuo No. 818, a Chinese Taipei owned vessel under a Vanuatu flag, both vessels that are licensed to and do fish in this region as well.

I had just spoken with Keith over the phone in July not long before he left on this trip. We specifically discussed ways to improve the safety and security of fisheries observers. Keith was a tireless advocate for the observer community. He helped write and shepherd the International Observer Bill of Rights, a comprehensive document designed to set the standard for keeping observers safe and secure at sea. He had always been dedicated to his job and often mentored others in the observer community. He also had impeccable integrity when it came to his job...and he was outspoken. He was a competent, strong, and capable observer with almost 20 years in the observer profession. He was not one to have an accident or simply disappear from a vessel in calm seas in broad daylight. In this case, by messing with an American citizen who was also a seasoned seaman, they messed with the wrong observer.

We WILL get justice for Keith, Charlie, and the other missing observers. We can't bring them back, but we can – and will – push measures to make sure that it

never happens to another observer again. A full investigation into Keith's disappearance has been initiated involving the US Departments of Justice, State, Homeland Security, Coast Guard Investigative Service, and FBI. Interpol is engaged in the investigation as well in support of Panama. The International Labour Organisation has also been asked to join in efforts to implement more globally consistent measures for the health, safety, and welfare of observers. So it should be clear to everyone in this room that they are not just looking at the circumstances surrounding Keith's death, but the circumstances currently facing all observers in the Pacific...and that will have consequences for all your nations.

I know that on Thursday, you discussed the Regional Observer Programme and I know that some of you around this table are non-compliant under the Compliance Monitoring Scheme. So I have to ask the member states around this table, how many more observers, or even crewmembers, have to die before the WCPFC and other RFMOs will take action? Are you willing, as the WCPFC, to put a price on human lives in the fisheries? How much is a human life worth to all of you? And if the safety and security of observers is a "prime" concern of this body, then why is the first question, "How much would it cost?" I would submit that it is imperative that no further loss of life, regardless of the cost is absolute.

There are ways to prevent this from happening to observers in the future. The WCPFC must consider the following actions that it can take.

I have posted recommendations from the Pacific Islands Regional Fisheries Observer (PIRFO) review conducted over 5 years ago in collaboration with FFA and SPC, most of which remain unincorporated into the current ROP or national programmes. I strongly encourage every member state to review these recommendations and seek to urgently implement them as a matter of priority.

Secondly, as a matter of urgent priority, the WCPFC must require that all member states report to the WCPFC Secretariat in a standard format on at least a quarterly basis any event involving threat, intimidation, harassment, or assault of observers that occurs in any ROP or national programme. Likewise, the WCPFC must require that all member states IMMEDIATELY report to the WCPFC Secretariat in a standard format the disappearance of ANY observer or crewmember. If this information is not submitted by member states within these requirements, those member states should be held to absolute sanctions under the Compliance Monitoring Scheme until such time as those violations are effectively resolved. This information should be incorporated into the ROP Annual Report.

More immediately, the WCPFC could easily improve, if not mostly solve, the problem in the WCPFC region for a nominal price by issuing every deployed fisheries observer a fully functional two way satellite communicator to keep on their person at all times when they are out at sea. Nothing would deter any threats, harassment, or intimidation, or certainly assault against observers faster and easier than a device that allows immediate, unfettered communication with authorities as well as "panic button" and personal locator capabilities. However, the issuance of this technology is not enough in itself. The success of

its use presumes that authorities respond quickly and assertively by contacting both the observer and the vessel directly and addressing the concern if an alert is activated. Under NO circumstance should an observer EVER have to go through anyone else on the boat as a matter of approval, permission, or even be subject to the potential for monitoring ANY communication the observer makes!

In addition to what the WCPFC must do, we are independently pursuing external measures to ensure that this never happens again, including a market policy against any supply chain in which an observer, or a crewmember, goes missing at sea. It is shameful that, at the moment, we have mechanisms in place requiring identification of “dolphin safe” tuna that effectively blocks import and export of tuna in certain countries, yet we do not even have even a remotely similar measure for “human safe” tuna. That is about to change. In the past there has been an assumption of “if there is no body, then there is no crime”. Well, let me tell you this, from now forward, “if there is no body, there is no market.” Let your captains, agents, and vessels know that if another observer – or crewmember – , of ANY nationality in ANY fishery disappears, I can assure you that the market channels for that vessel, for that agent, and for any company associated with that vessel, will dry up. If you don’t believe me, TRY ME, because we’ve understandably got very strong support from both the NGO community as well as market partners on this proposal.

As the investigation progresses, we will also consider whether there is any systemic reason to believe that an observer program is not functioning effectively – which it clearly is not if observers fail to come home. If current investigations uncover systemic problems with the various national and regional observer programmes, that has significant implications for one of the main Marine Stewardship Council (MSC) performance indicators (PI) related to compliance and enforcement, namely 3.2.3 “Monitoring, control and surveillance mechanisms ensure the fishery's management measures are enforced and complied with”. At least two Conformity Assessment Bodies have confirmed the interpretation that this PI clearly covers observers being able to do their job accurately and safely. If the investigation determines that observers are not able to do their job accurately and safely, then this will have very negative implications for all MSC certifications in this region and the Pacific.

Madam Chair, in conclusion I would submit that the Technical and Compliance Committee has an obligation to forward these issues at THIS meeting for consideration and decision by the Commission in December. Every day that passes that these proposed measures are not put in place puts every observer’s life at risk. Your lack of inaction in the past has led us to the point that we are at now, where a clear message has been sent to the fleet that you do not care about the safety of observers working in these fisheries and the perpetrators can act with impunity. Charlie Lasisi and Keith Davis are only two of several recent incidents, including two that have occurred in Papua New Guinea in recent weeks – not to mention countless accounts of crewmembers that have gone missing. This MUST END! *Charlie, Keith, and all the other missing observers deserve better, their families deserve better, and all the observers in the field risking their lives everyday deserve better.*

