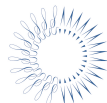


Policies and Recommendations to Improve the Safety of Fisheries Observers Deployed in Tuna Fisheries

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Fisheries observers play a vital role in the effective management and long-term viability of fisheries, through the provision of at sea data from the vessels they serve on. The data observers collect contributes to many aspects of fisheries management ranging from stock assessments to compliance with regulations. As a result, RFMOs often require observer presence on board fishing vessels operating within their area of authority.

Unfortunately, due to their role in monitoring and compliance, observers sometimes face safety issues during the fishing trip. These safety issues may take several forms but can include intimidation, harassment, interference, bribery, and violence.^{1,2} On occasion, these safety issues have been serious enough to endanger their lives and have even led to observer casualties, seriously compromising an observer's human rights, as well as their labor rights to a fair and safe working environment. If observers cannot properly conduct their duties for fear of their own safety, it could have serious consequences for the quality of data they are entrusted to collect. Therefore, it is important to protect the safety of observers so they can continue to fulfill their important role in fisheries management.

Summarized below are two existing observer safety policies that could improve observer safety in tuna fisheries. Additionally, a set of recommendations have been identified for implementing these policies in tuna fisheries where observers operate for regulatory authorities (flag and coastal states), observer programs and employers, NGOs, and companies that source tuna.

International Observer Bill of Rights

The [International Observer Bill of Rights](#) (IOBR) is a living document developed by observers for their employers and programs. The IOBR is complemented by the provisions of the [Code of Conduct for Responsible Observer Programmes - Observer Health and Safety](#) (CCROP-HS) and [Stakeholder Responsibilities](#) (CCROP-SR) which provide further details on what is required to implement the IOBR.¹ It contains guidelines for ensuring fair and safe working conditions for observers, empowering them to freely report their findings and ensure the validity of their data. By implementing and enforcing the IOBR, the safety and human and labor rights of observers can improve. This will greatly enhance an observer's ability to conduct their duties and provide accurate and high quality data for fisheries management.

The IOBR includes details regarding an observer's right to:

- Contracts and the details in their contracts
- Non-discriminatory, fair and equitable employment
- A competitive wage package
- A working environment with minimal health and safety risks
- Regulatory authority, observer program, observer employer*³, and monitored entity support
- Stakeholder integrity and program transparency
- Professional development

1 International Observer Bill of Rights (IOBR) [Internet]. Association for Professional Observers (APO): The International Observer Bill of Rights and Codes of Conduct for Responsible Observer Programmes. Version 1.0. September 2013. Available from: <http://www.apo-observers.org/billofrights>.

2 Sarah Tory, "The Mysterious Disappearance of Keith Davis," Hakai Magazine, January 4, 2017, <http://bit.ly/2hXVPTQ>.

3 ***Observer Employer:** this includes any employer of an observer (observer program or private company). If a private company (sometimes referred to as an observer provider), it is one that is contracted (or permitted) by the regulatory authority to carry out the purpose of providing monitored entities with observers (Source: IOBR)

Western and Central Pacific Mandatory Observer Safety Reforms

Recently, the WCPFC has adopted a set of mandatory observer safety reforms for all regulatory authorities (flag states), observer programs and employers operating in their areas of competence. The WCPFC mandatory observer safety reforms include:

- [Agreed Minimum Standards and Guidelines of the Regional Observer Program, Item: Observer Safety at Sea and Emergency Action Plan](#)
 - These standards include three mandatory requirements for observer providers and programs operating in the WCPFC:
 - An independent communication device that allows observers to communicate with relevant parties when they feel threatened
 - A personal life saving beacon so observers can be located in emergencies
 - An Emergency Action Plan: a protocol put in place by observer employers to address threats to observer safety when reported to them
- [Conservation Management Measure for the Protection of WCPFC Regional Observer Program Observers](#)
 - These reforms clarify the procedures and responsibilities of regulatory authorities of flag states when observers are threatened on board fishing vessels flying their flag. It provides a model for the actions that fishing vessels and regulatory authorities should take when an observer is seriously threatened or lost at sea. Scenarios include:
 - Procedures for a flag state should fishing observers lose their life on board a fishing vessel
 - Procedures for a flag state should a fishing observer suffer from harassment, threats, or other safety risks from crew, and wishes to either disembark or stay on board the vessel
 - Procedures for a flag state, if it is found from debriefs, that observers experienced harassment, threats, or other safety risks from vessel crew

Recommendations for how to implement the International Observer Bill of Rights and WCPFC Observer Safety Reforms in tuna fisheries where observers are present:

Recommendation 1: Regulatory authorities (flag and coastal states) and their respective observer programs should work together to implement the International Observer Bill of Rights at the RFMO level

Justification

- Although individual observer programs and employers can adopt the IOBR for the observers they employ, the biggest impact is if the IOBR is adopted and mandated at the RFMO level. If achieved, all observer programs and employers operating in the RFMO's area of competence will be required to implement the IOBR.

Roles and Responsibilities for Implementing Recommendation 1:

Regulatory Authorities (flag and coastal states) and their Respective Observer Programs

- Regulatory authorities (flag and coastal states) and their respective observer programs should come together to understand the IOBR and align on how to implement it at the RFMO level. Because of the different ways these parties operate, execution of this will vary.
 - Relevant venues for regulatory authorities and their respective observer programs to come together to discuss the IOBR can include, but are not limited to, the annual convening of RFMOs and RFMO observer working groups. RFMO venues are especially important for the ultimate goal of implementation at the RFMO level.
 - Organizations with an interest in promoting observer safety should encourage regulatory authorities and their respective observer programs to come together and discuss how to implement the IOBR.
- Once understanding and alignment on how to implement the IOBR has been reached, regulatory authorities (flag and coastal states) and their respective observer programs should jointly promote the adoption of the IOBR by their respective RFMOs. Because of the different ways these parties operate, execution of this will vary.

NGOs and Seafood Companies Sourcing Tuna from Fisheries that Deploy Observers

- Companies and NGOs (including any NGOs advocating for increased observer coverage) should encourage regulatory authorities and their respective observer programs to work together and implement the IOBR at the RFMO level.
 - Companies and NGOs should send letters or make statement urging regulatory authorities and their respective observer programs to work together to implement the International Observer Bill of Rights, at the RFMO level.
 - Companies and NGOs should collaborate with organizations advocating observer safety, such as the Association for Professional Observers, to promote the adoption of the IOBR. Engagement opportunities that bring together regulatory authorities of flag states, and observer programs (e.g. annual convening of

RFMOs) could be prioritized.

Recommendation 2: Timely and effective implementation of the WCPFC Mandatory Observer Safety Reforms by observer programs, employers, and relevant regulatory authorities (flag states)

Justification

- The WCPFC observer safety reforms establish the minimum safety requirements needed for observers to conduct their duties.

Roles and Responsibilities for Implementing Recommendation 2:

Observer Programs, Employers, and Relevant Regulatory Authorities (flag states)

- Observer programs, employers, and relevant regulatory authorities (flag states) operating the WCPFC's area of competence should comply with the recent WCPFC observer safety reforms.

Recommendation 3: Alongside Recommendation 1, regulatory authorities (flag states) and their respective observer programs should support the adoption of the WCPFC mandatory observer safety reforms by all tuna RFMOs

Justification

- Because the WCPFC mandatory observer safety reforms have already been adopted at the RFMO level, regulatory authorities (flag states), observer programs, and other RFMOs may be more receptive to them.

Roles and Responsibilities for Implementing Recommendation 3:

Regulatory Authorities (flag and coastal states) and their Respective Observer Programs

- Regulatory authorities (flag and coastal states) and their respective observer programs should come together to understand the WCPFC mandatory observer safety reforms and align on how to implement them in other RFMOs. Because of the different ways the relevant parties operate, execution of this will vary.
 - Relevant venues for regulatory authorities and their respective observer programs to come together to discuss the WCPFC mandatory observer reforms can include, but are not limited to, the annual convening of RFMOs and RFMO observer working groups.
 - Organizations with an interest in promoting observer safety, such as the Association for Professional Observers, should encourage regulatory authorities and their respective observer programs to come together and discuss how to implement the WCPFC mandatory observer safety reforms within other RFMOs.
- Once understanding and alignment on how to implement the WCPFC mandatory observer safety reforms has been reached, regulatory authorities (flag and coastal states) and their respective observer programs should jointly promote its adoption by other RFMOs. Because of the different ways the relevant parties operate, execution of this will vary.

NGOs and Seafood Companies Sourcing Tuna from Fisheries that Deploy Observers

- Companies and NGOs (including any NGOs advocating for increased observer coverage) should encourage regulatory authorities and their respective observer programs to work together and implement the IOBR at the RFMO level.
 - Companies and NGOs should send letters or make statement urging regulatory authorities and their respective observer programs to work together to implement the WCPFC mandatory observer safety reforms at other RFMOs.
 - Companies and NGOs should collaborate with organizations advocating observer safety, such as the Association for Professional Observers, to promote the adoption of the WCPFC mandatory observer safety reforms by other RFMOs. Engagement opportunities that bring together regulatory authorities of flag states, and observer programs (e.g. annual convening of RFMOs) could be prioritized.

Crew Safety

In the long run, the safety of tuna fishery observers can only be ensured if all crew members have access to fair and safe working conditions onboard tuna fishing vessels. Tuna fishing companies should implement, or continue to implement, measures that ensure the human and labor rights of fishermen in their supply chains, for example effective worker voice mechanisms and the right to collective bargaining. Meanwhile regulatory authorities (flag and coastal states) should adopt and/or enforce legislation and policies that protect all fishermen, such as the [International Labour Organization's Work in Fishing Convention 188](#), and the [International Maritime Organization's Cape Town Agreement](#). For more information see [FishWise's white paper on social responsibility, "Social Responsibility in the Global Seafood Industry: Background and Resources."](#)