



CARICOM FISHERIES UNIT BELIZE

Strategic Review for Upgrading the Organizational and Institutional Arrangements and Capabilities of the Department of Fisheries in Haiti

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FISHERIES COMPONENT

STRATEGIC REVIEW OF THE ORGANIZATIONAL STRUCTURE
AND THE OPERATIONAL ARRANGEMENTS OF
THE DEPARTMENT OF FISHERIES IN HAITI

by

F.C. Roest

Fisheries Consultant

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LIST OF ACRONYMS AND ABBREVIATIONS USED IN THIS REPORT

ACP	Africa Caribbean and Pacific countries associated with the European Union
AUPELF	Association des Universités partiellement ou entièrement de langue française (Association of Universities partly or wholly in French language)
CARICOM	Caribbean Community
CARICOMP	Caribbean Coastal Marine Productivity Programme
CARIFORUM	Caribbean Forum of ACP States
CEPPOL	Commission d'Etudes Pratiques de lutte anti-pollution (Commission of practical studies against pollution)
CFRAMP	CARICOM Fisheries Resource Assessment and Management Program
CFU	CARICOM Fisheries Unit
CIDA	Canadian International Development Agency
COSALC	Network of Coast and Beach Stability in the Caribbean
CRFM	Caribbean Regional Fisheries Mechanism
DDA	Direction Départementale de l'Agriculture (Departmental Agriculture Directorate)
DG 23	Directorate General 23 of the European Commission, Health and Consumer Protection
DPAQ	Direction des Pêches et de l'Aquaculture (Fisheries and Aquaculture Directorate)
DRN	Direction de Ressources Naturelles (Directorate of Natural Resources)
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
GNP	Gross National Product
ICRAFD	Integrated Caribbean Regional Agriculture and Fisheries Development Program
IDB	Inter-American Development Bank
IMA	Institute of Marine Affairs
IOM	Integrated Organisation Model
FAD	Fish Aggregating Device (Dispositif pour la Concentration de Poisson)
FAMV	Faculté Agronomique Médicale et Vétérinaire (Medical and Veterinary Agricultural Faculty)
FNP	Fédération Nationale des Pêcheurs (National Federation of Fishermen)
FONHADES	Fonds Haïtien de Développement Economique et Social (Haitian Fund for Economic and Social Development)
MARNDR	Ministère de l'Agriculture, des Ressources Naturelles et du Développement Rural (Ministry of Agriculture, Natural Resources and Rural Development)
MDF	Management for Development Foundation (training institute based at Ede, The Netherlands)
MFO	Marine Fisheries Office (Office des Pêches Maritimes)
NGO	Non Governmental Organization
SPA	Service des Pêches et de l'Aquaculture (Fisheries and Aquaculture Service)
TCP	Technical Cooperation Project of FAO
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UTG	Unité Technique de Gestion (Technical Management Unit)

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1. INTRODUCTION

The fisheries component of the Integrated Caribbean Regional Agriculture and Fisheries Development Programme (ICRAFD) has been executed by the CARICOM Fisheries Unit since 1999. Its three specific objectives are:

- (i) to strengthen the fisheries planning and management capacity of national fisheries departments / directorates in the CARIFORUM countries, that are responsible for formulating fishery policies, elaborating plans and implementing programmes to achieve sustainable development and management of fisheries resources;
- (ii) to enhance the effective participation and support of the fishers' communities in the planning and management process of the fishing industries for the sustainable use of the coastal and marine resources; and
- (iii) to conduct studies and reviews, and provide training to improve the information base, utilization and management of fisheries resources in the CARIFORUM region.

The target countries for the major part of this ICRAFD Fisheries Project are four ACP / CARIFORUM countries in the Caribbean region which did not directly benefit from the now concluding 10 year CARICOM Fisheries Resource Assessment and Management Programme (CFRAMP). These four countries are the Commonwealth of the Bahamas, the Dominican Republic, Haiti and Suriname. In addition, the other 12 CARIFORUM countries which did benefit directly from CFRAMP (Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Montserrat, St. Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines and Trinidad and Tobago) are still expected to benefit directly and indirectly from this ICRAFD Fisheries Project, even though they are not the focus countries.

One of the key aims of the Project is therefore to bring the four target countries in line with the other 12 CARIFORUM countries in terms of their capacity to develop and manage their fisheries resources in a sustainable manner. Another key aim is to facilitate all of the CARIFORUM countries to move forward together in developing and implementing a Caribbean Regional Fisheries Mechanism (CRFM) to sustain efforts to manage and maintain fishery yields over the long-term.

One of the early activities has been to engage consultants in a Strategic Review of the Organisational Structure of the Fisheries Departments. These reviews together with recommendations for improvements have been completed for Suriname, Final Report February 2001 and Guyana, Final Report August 2001. Similar reviews for the Dominican Republic (finalized by December 2001) and The Bahamas (first draft report was expected in December 2001) have been or are being finalised.

This report presents the findings of the Strategic Review of the Organisational Structure of the Fisheries Administration in Haiti. A fact finding mission took place in the period 19 - 28 May 2002. After a briefing in Miami, where he met with Messrs. Hugh Saul and Milton Haughton, respectively Project Director and Scientific Director of the CARICOM Fisheries Unit, fisheries

consultant Mr. Frits Roest proceeded to Port-au-Prince on 20 May 2002. He returned to The Netherlands on 27 May 2002. Terms of Reference for this mission are presented in *Appendix 1*.

During most of his visit to Haiti, Mr. Roest was accompanied by Mr. Jean Robert Badio, Director of the Direction des Pêches et de l'Aquaculture of the Ministry of Agriculture, Natural Resources and Rural Development. Visits were made and discussions held with representatives of this Ministry, with members of the CARICOM liaison bureau in Haiti, with staff of the Direction des Pêches et de l'Aquaculture, the EU Delegation, the NGO FONHADES, with fishermen at Luly, while a visit was made to the aquaculture station at Port Sondé.

Considerable difficulties were encountered in collecting all relevant documentation. The list of documents consulted by the Mission is shown in *Appendix 2*. Among these, particular mention should be made of the fisheries policy documents prepared by the FAO / TCP project in 1999 / 2000. Although no reference could be found in writing to support the statement, the consultant was informed that the analysis of the fisheries situation as presented by FAO as well as the proposed policy for the fisheries and aquaculture sectors were adopted by the Haitian Government. The list of persons met and the itinerary of the mission can be found in *Appendix 3*.

This report first presents a summary of the Haitian fisheries and the context of the coastal zone, of the main issues in marine fisheries and aquaculture, the institutional arrangements, the fisheries policies adopted, lists the proposed five-year programme of support to the Haitian Fisheries Department and presents recommendations for immediate and medium-term support to Haiti through the Fisheries Component of the ICRAFDP project.

2. THE COUNTRY

Haiti is one of the poorest countries in the world. GNP per inhabitant was only \$250 in 1997. 70% of the population lives below the absolute poverty index.

The population has been estimated at about 10 million, of which two thirds live in rural areas. According to official sources, unemployment within the active population is around 60%.

The balance of trade is very negative, export and import data for 1997 being respectively 192.7 and 512.2 million US\$.

The length of Haiti's coastline is some 1535 km; its continental shelf is very narrow and limited to 5000 km². Although of great local (socio-economic) importance, the fisheries and aquaculture sector does not contribute significantly to the country's economy.

The number of fishermen directly employed in the marine fishery is 25000-30000, with an estimated number of 70000 others employed in the sector. The number of those benefiting directly from fishing is of the order of 190000. Consumption of fish and fisheries products is estimated at only 3.1 kg / inhabitant / year. Artisanal fishermen belong to the poorer segment of the population, employing simple means to catch fish in the inshore coastal zones.

Aquaculture production is very marginal, and inland fishing (300 t catch, employing about 800 souls) is much less important than the marine sector. Catches of the latter are of the order of 5800 - 6000 t per year (5000 t of fish, 500 - 700 t of Crustaceans and 100 t of crabs and octopus). The value of the annual production is about 16 million US\$.

Exports are mainly lobster (250t of frozen tails) and shrimp (about 50t) as well as a number of high-value species to the Dominican Republic (100t of fish, octopus and crab). Value of these exports is 6 - 7 million US\$, representing about 3% of the total exports of the country.

Imports of fish are mainly frozen horse mackerel (about 15000 t/yr) as well as the traditional imports "salted herring" (5000 t/yr) and "sour herring" (1000 t/yr) plus some canned products (2000 t/yr). Although imports of fish and fish products are by far superior to exports (constituting only 3.1 % by weight of the imports), the value of the latter is far greater (43%).

3. CONTEXT OF THE COASTAL ZONE

Along most of its seashore, Haiti consists of rather narrow coastal plains bordered on the other side by steep mountain ranges. Forests which once covered the slopes as well as most of the rest of the country have been destroyed for the production of charcoal. These coastal plains are subject to intensive agriculture, while the narrow littoral zone is being fished.

Uncontrolled overexploitation of the terrestrial resources of the island has led to considerable erosion and heavy sedimentation in the watersheds and the littoral. This has affected the sustainability of the coastal resources. In the absence of land use planning, including tourism, these problems can only worsen in the near future.

Coastal areas with high population densities are generally strongly affected by human activities. A striking example of this is the sedimentation of the relatively narrow bay of Port-au-Prince, which between 1958 and 1995 received an estimated 7.9 million m³ of sediment as well as a considerable pollution in the form of plastics, petroleum products and sewage.

Overfishing of the coastal resources, and the destruction of mangrove forests contribute to irreversible degradation of the coastal environment. According to the Action Plan for the Environment (dated 1999) the environmental problems of Haiti are undoubtedly explained by the fact that 80% of the population lives in poverty, despite the economic inputs from their emigrated relatives. A multitude of fishermen are caught in the negative spiral of poverty and unsustainable resource use.

Because of the critical social situation, resulting from unemployment, malnourishment and lack of education it is difficult to expect that the local populations think of protection and conservation, when the immediate problem is survival. Legislation however exists regulating the exploitation of the coastal ecosystem.

The country sorely needs ecologists specialized in coastal resource issues. Very few documents are locally available on research done on the coastal environment of Haiti and there is no

institutional memory. Environmental issues to be dealt with in Haiti are: pollution, eutrophication, overexploitation of resources, reduction of biodiversity, lack of education.

4. MAIN ISSUES IN MARINE FISHERIES IN HAITI

4.1 Status of the fish stocks, priorities for fisheries management and development

In the absence of any quantitative data on fish landings and fishing effort, no assessment of the marine fish stocks has been possible. On the basis of field observations, some general impressions emerge:

- 1) Most demersal resources of the continental shelf are heavily exploited, and there are no possibilities for production increase. Possibilities exist for maintaining present production levels or for increasing production through management measures (e.g. closed season, minimum size). Underexploited high-value resources available to the artisanal fishery are white shrimp (ca 100 t/yr), bottom crabs and octopus.
- 2) Demersal species of the continental slope are unexploited and there is considerable scope for the development of a fishery targeting these.
- 3) Large oceanic pelagic resources, to be managed at the regional level, occur seasonally within 5 miles off the coast. These are largely unexploited for technological reasons. There is an estimated potential of several hundred tonnes, for which a fishery can be developed using Fish Aggregating Devices.
- 4) Small coastal pelagic resources have been referred to in various documents, but it is unlikely that these represent a sizeable resource which can support a targeted fishery.

In conclusion, an increase in Haitian fish landings is unlikely, although the fishery of some demersal species may be further developed (shrimp, grouper, crabs, octopus), as well as of some oceanic and coastal pelagics (small tunas, barracuda, garfish, flying fish).

Priorities should rather be the application of the precautionary principle and in the introduction of effective management measures. Relatively simple management techniques aiming at effort regulation (closed season, size limits) or ecosystem rehabilitation (ban of compressors used in diving, ban of beach seines, creation of artificial reefs) would probably increase the production of demersal species.

A system of data collecting and minimum fisheries research is required as a basis for responsible fisheries development.

4.2 Fishing techniques

Established priorities include the diversification of fishing gears (vertical long lines, shrimp traps, trolling, monofilament gillnets for flying fish) and the introduction of an appropriate fishing vessel, so that at least part of the excessive artisanal fishing effort can be diverted away from the coastal areas towards less exploited areas.

In view of the emergence of a semi-industrial fishery (providing less employment and being less respectful of environment), Government has been advised by FAO to decide on a distribution of resources between this sector and the artisanal fishery.

4.3 Involvement of fishermen in management through their organizations

Like practically anywhere else in the world, the artisanal fishery in Haiti can be characterized by the individualism of producers (only 5 - 6% are organized), mistrust of those taking new initiatives; the precarious economic situation of fishermen, their low level of professionalism, and limited confidence in the public sector.

Three types of organization of fishermen exist: cooperatives, associations and a national syndicate. Few cooperatives have survived the end of projects in the 1980s. Associations date from the late 1980s, and may be useful institutional partners, but suffer frequently from dissent and weak leadership. The national syndicate FNP exists since 1997 and intends to bring together cooperatives and other organizations into a big national movement. It is uncertain whether the latter politicized organization will provide the ideal institutional format for making fishermen participate in decision making.

Several systems of financing of artisanal fisheries exist, the traditional informal credit (often charging excessive interest rates) and forms of institutional credit (to which only very few have access). An experimental form of micro-credit involving public / private sector partnership is being tested.

The low level of professionalism (and frequent new entrants) leads to problems in adopting technological innovations as well as in a lack of respect and / or understanding of the fisheries regulations. A severe lack of critical mass in fisheries and fisheries research in the administration has led to failures in development projects, and hence to skepticism and hostility in fishermen towards the authorities.

4.4 Improved value generation from fisheries

There are three categories of fisheries products: export (lobster, shrimp, conch flesh, octopus), first category (coloured fish and large pelagics), second category (local markets or salted / dried).

Exports to Europe (through French territories) and North America have largely stopped because of new quality control regulations. Most of present day exports are to the Dominican Republic, but with considerable scope for the generation of added value. The marketing chain of first category fish is relatively well-organised. Improvement of local marketing situation would

require improved infrastructure, roads and electricity as well as improved conservation methods. Ciguatera may also be a problem.

At this moment, there are some private sector initiatives in order to set in motion the long train of activities required for Haiti to be able to meet the European regulations.

FAO / TCP considers that the scattered nature of the artisanal fishery with fish landings at many beaches undermines the bargaining power of the fishermen and that they would be able to get better prices when organized.

5. ANALYSIS OF THE FISHERIES ADMINISTRATION

5.1 Overview

The following overview is adapted from reports of the FAO / TCP project listed in *Appendix 2*.

The Ministry of Agriculture, Natural Resources and Rural Development (MARNDR) was created in its present form in 1987 and has as its mission the design and application of national policies in the fields of agriculture, animal husbandry, natural resources and rural development. It consists of several technical, administrative and financial directorates under a General Directorate.

The Directorate of Natural Resources (DRN) is one of the technical components of MARNDR. Organization, functions and attributions are laid down in a Decree dated 30 September 1987.

The Fishery and Aquaculture Service (SPA) is part of DRN. It was created as the Fisheries Service (SP) by Decree in October 1978, and according to the organizational structure comes directly under the then so-called State Secretariat for Agriculture, Natural Resources and Rural Development which later became the MARNDR. SPA is placed under the responsibility of a Director. It is theoretically subdivided into 6 sections, 5 of which are technical or scientific. There is a section dealing specifically with the inland fishery and one dealing with the marine fishery. The SPA does not have a budget of its own, and (theoretically) depends on means made available by the Ministry.

SPA has recently been unofficially upgraded to the status of a Directorate (Direction des Pêches et de l'Aquaculture – DPAQ) in order to provide it with more status, allowing it to attract funds and act as a counterpart to the prestigious Cuban Fisheries Ministry.

The mission had a working session with the collected staff of the Directorate (see their Terms of Reference as attached in *Appendix 5*), and noted the eagerness to work of the young professionals employed by the SPA as well as their frustration in the absence of any means to do the job. Their presence on the job is monitored on a daily basis through signatures on so-called “feuilles de présence”. Unjustified presence is sanctioned, although probably mildly, given the lack of importance accorded to the Directorate. Once provided with the means to do the job, senior manpower to guide them will most likely be a serious problem.

The decentralized Departmental Agricultural Directorates (DDA) constitutes the extension of the central services of MARNDR in the provinces of Haiti. These come under the direct authority of the Director General of MARNDR and have as many services as there are central technical directorates within MARNDR.

The Directorate of Animal Production (DPA) is another directorate of MARNDR. It is among other things competent to “ensure the promotion and the development of artisanal fishery and aquaculture”.

The Ministry of Environment was created in 1994. According to official correspondence dated 16 December 1996, it also has competences in marine and coastal resources management.

5.2 Discussion

The Decree-Law of 27 October 1978 omitted to provide the Fisheries Service with a proper budget to fulfill its tasks and does not mention how it would function in the field. It therefore never became clear what the hierarchical relation is between the Chief of the SPA and the agents of the Directorate of Animal production and the DDA.

The institutional framework is inadequate for activities in the fields of management and development of the marine fisheries sub-sector, of which it ignores the specificity. It even carries a threat to sustainable exploitation of the marine resources in that it does not allow precise and effective interventions to any organism. It is unclear how management and development decisions taken at the highest level are transmitted and leaves unanswered which authority is competent to design or execute a policy in the fields of fisheries and aquaculture.

SPA at its central level is extremely weak in manpower and in finances. Staff consists of a service chief with a background in aquaculture and ten technicians. SPA does not have any specific budget and logistical means are non-existent (e.g. no service vehicle). Activities of SPA are restricted to the handling of some administrative files and the provision of advisory services to the private sector. There is no statistical data collecting system whatsoever, no control and enforcement of existing legislation and no coordination of external aid. The theoretical objectives and tasks of SPA are provided in *Appendix 4*.

At the decentralized level of the DDA, there is no competence in fisheries and aquaculture. It is therefore not surprising that fishermen are not aware of the existence of the services (theoretically) charged with the management and development of fisheries. Where such awareness exists, relations with fisherfolk are not by definition bad, since both groups live in different worlds.

The social, economic and political crisis in the country has created a general context in which the administration has been unable to function. Nevertheless FAO / TCP considers that the original institutional weakness of SPA has contributed to the bad situation of the sector.

Characteristically, the SPA has only been marginally involved in the Cuban fisheries assistance project to Haiti (as a recipient of assistance in the form of the rehabilitation of the Port Sondé

aquaculture station) and plays no part in its coordination. This project has a great political charge, and is handled by the Directorate of Natural Resources.

It is not difficult to see that an organization having no capabilities in marine fisheries planning, development or management, no budget whatsoever, which is lacking any involvement or experience in marine fisheries development and management, (being limited in its activities to the administration of files related to the export of fisheries products and some aquaculture advice) is unable and unsuited to fulfill the objectives once established for the Fisheries and Aquaculture Service (see *Appendix 4*).

A recommended concept for the description, analysis and diagnosis of organizations is provided in the Integrated Organization Model (IOM), illustrated in the form of a checklist in *Appendix 6*.

Its application to the Directorate of Fisheries as an organization is problematic because of its unclear mission (discrepancy between original objectives and attributions and the reality), the related lack of relevant outputs, the lack of sufficient inputs (manpower, buildings and installations, equipment, funds etc.), the lack of suitable internal components of IOM. Criteria for the assessment of an organization are:

- **Suitability**, assessing whether or not an organization is fit to carry out required activities to deliver specified products/services.
- **Legitimacy**, dealing with the acceptance and embedding of the organization in its environment.
- **Effectiveness**, being the extent to which the products and services actually meet the needs of the customers/clients.
- **Efficiency**, referring to the utilization of resources in relation to its outputs
- **Continuity** or sustainability is the probability that an organization is capable to continue its core activities for an extended period of time.
- **Flexibility**, being the ability of the organization to adapt itself to a changing environment

It is not surprising that the organization in its present situation scores negatively on all points. In these circumstances it is even difficult to see how the fisheries administration of Haiti can be strengthened without rebuilding it altogether. The main problem is the lack of priority awarded to this sector by Government implying a total lack of funds.

The lack of institutional memory within the Ministry, and lack of policies have led to wastage of external aid to the sector in the form of irrelevant programs. Departmental agricultural directions (DDA) could play an important role in the application of fisheries policies of the Ministry, but these have so far not been involved.

Because of the continued institutional weakness of the fisheries administration, donors have since the early 1990 deliberately opted for working directly with parallel institutional structures and NGOs (e.g. UNESCO, IDB with consulting firms or foundations), or with academic institutions like the Medical and Veterinary Agricultural Faculty (FAMV, e.g. UNDP / FAO, AUPELF, UTG / EU) or the University of Quisqueya (e.g. CIDA). Result of this approach is:

- 1) it is unknown what has been done or what is being done, with what objectives and approaches, there is frequent overlap (IDB and AUPELF in coastal zone management),
- 2) there is a lack of professionalism and/or objectiveness in expertise, lack of critical mass,
- 3) many reports are produced, repeating each other uncritically in their crude estimations,
- 4) there is a lack of exchange of experience, information and data between projects.
- 5) Projects themselves are gradually transformed into institutions which replace rather than support the administration, while the critical mass in sustainable fisheries development stagnates or is in regression.
- 6) Research is not oriented towards filling knowledge gaps for management.

FAO / TCP discusses three options for the institutional framework:

- 1) continue – as has been done for the last thirty years - to recommend to the Ministry to reorganize and strengthen the means available to the fisheries administration, proposing different texts and actions to train staff and organize the work.
- 2) Do nothing and thus encourage the continued creation of parallel structures which has been followed by most partners in development. One may wonder whether this approach is politically correct, given its total lack of results.
- 3) Provide an intermediate solution: confirm the role, tasks and prerogatives of the fisheries administration in sustainable and responsible development of the sector, helping it to create mechanisms and tools based on partnership.

With respect to point 3) above, FAO recommends to create a Marine Fisheries Office (MFO) as a framework for developing partnership between the administration, private professionals and other organizations working in the sector. It should have financial autonomy, and its global mandate should be to assist the Fisheries Administration in the application, monitoring and evaluation of the marine fisheries management policies. In addition, it should assist in statistical data collecting, in project coordination, in the execution of studies, in formulating and applying regulations.

Haiti requires in addition an administration specifically dedicated to marine fisheries, in the form of a Marine Fisheries Service or a separate Directorate. Support has in the past gone mostly to aquaculture and inland fisheries development.

Concerning Fisheries Legislation and the need to update this, reference is made to the report of the FAO Consultant in Institutions and Legislation, who presents an overview of the present situation, referring to earlier FAO assistance in the period 1986 - 1988 (Tavares de Pinho and Beurier), and who proposes modifications to the general fisheries legislation in the form of text proposals. Whilst it is recognized that the country should indeed have good fisheries legislation, it should also be equipped with the means to enforce the legislation and regulations. This has never been done and is likely to lead to serious problems, given the poverty and lack of alternatives of the resource users. For reasons of completeness, the fisheries legislation prepared for Haiti by the Cuban Fisheries Assistance Project is presented here in *Appendix 7*.

6. NEW FISHERIES POLICY (FAO / TCP)

6.1 Policy Instruments

6.1.1 Fisheries statistics

Planning of sustainable and responsible fisheries is impossible without scientific knowledge of resources and statistical data. This was already remarked on in the 1970s. The absence of a minimum of quantitative and qualitative data on fisheries added to the loss of institutional memory and negligence in involvement in the fisheries sector constitute serious problems to be solved as a matter of priority in the new fisheries policy. The information system would serve as a direct support for management decisions. Any involvement should start with a frame survey, requiring a minimum of 6 months for the design and execution of the survey as well as data input, verification and processing.

6.1.2 Fisheries legislation

Current fisheries legislation consists of decree dated October 1978 and some additional texts, which are no longer suited for the present situation and for fisheries management. A revision of the fisheries legislation is required to update it to reflect international policy developments and for the introduction of new concepts: partnership (e.g. creation of MFO), quality of products, possibilities for developing semi-industrial fisheries, introduce FADs. Simultaneously, control and surveillance, enforcement needs to be strengthened. It was observed in early 1980s that legislation was not applied, and this has gradually worsened since the end of the dictatorship in Haiti.

6.2 Proposed policy for fisheries and aquaculture development

6.2.1 Preliminary remarks

In the context of the management of the existing fisheries, urgent measures are needed to avoid the collapse of certain stocks, while the adoption of other measures should be postponed, which will not be applied because of their rejection by fishermen (example: beach seine only to be banned when socio-economic and political situation improves; compressors to be banned

immediately, closed season for lobster to be respected, % of immature individuals in catch to be addressed).

For the development of more responsible exploitation it is needed to professionalize the fishery (respect of regulations, diversification of gears, away from coastal areas) and increase the professional conscience of the authorities with respect to their duties in conservation and management of resources and coastal environment (minimal monitoring of fisheries, project coordination, exchanges between authorities dealing with fisheries and environment, enforce respect of regulations).

6.2.2 General objectives and priority activities

On the basis of the analysis of the main problems and taking into account the objectives of the development policy of the country, the general objectives for future fisheries policy are for the next 5 years: (In the presentation below, these objectives are matched with the proposed activities)

- 1) Maintain or restore productivity of strategic fisheries (lobster, conch, high value demersals) subject to high exploitation levels. Activities proposed are:
 - (a) Formulation and effective application of simple and coherent measures, which are acceptable to all economic operators, with an aim to decrease fishing effort and protect the coastal ecosystems.
 - (b) Placing artificial reefs in some coastal zones subject to great fishing pressure
 - (c) Development of bilateral cooperation with neighboring countries with which stocks are shared.
 - (d) Increase the contribution of the sector to the creation of employment and wealth, particularly in coastal zones and to the improvement of the food security situation in the country. Provide the scientific and information base for fisheries management, encouraging responsible development of new fisheries which are as yet little exploited, while creating an environment suitable for export of high value products. This requires the following activities:
 - (i) Improvement of scientific knowledge of main biological and oceanographic dynamics of the Haitian coasts
 - (ii) Establishment of a system of fisheries monitoring required for the preparation of management plans for specific fisheries
 - (iii) Development of new fishing grounds for improved and responsible artisanal fisheries

- (iv) Promotion of the exportation of products generating added value.
- (e) create an effective partnership for fisheries management, in order to promote responsible fishing; confirm the legitimacy of the fisheries administration to national and international partners in conservation and protection of fisheries resources and favor the creation of a minimal national critical mass in fisheries. Activities needed in this respect are:
 - (i) Creation and launching of a Marine Fisheries Office, to assist the administration in fisheries management
 - (ii) Training of staff in fisheries administration and management
 - (iii) Reinforcement of the capacities of fishermen to participate in management
- (f) define longer-term actions in fisheries and aquaculture, particularly in increasing value of 2nd choice fish, institutional credit, inland fisheries management and responsible aquaculture development. Activities:
 - (i) Improvement of the value of second choice marine fisheries products
 - (ii) Development of institutional credit for fisheries
 - (iii) Management of inland fisheries
 - (iv) Responsible development of aquaculture

As absolute priority actions are defined:

- The revision of the fisheries legislation of 1978.
- The creation of an administration dealing with marine fisheries, provided with its own budget.
- The provision of legal powers to Departmental Agricultural Directorates with respect to the control and surveillance of marine fisheries.
- The establishment of a platform for exchanges in coastal zone management between MARNDR and the Ministry of the Environment.

7. THE PROPOSED FIVE YEAR PLAN OF ICRAFD ASSISTANCE

A Planning Mission consisting of five officers of the CARICOM Fisheries Unit visited Haiti in February 2001 and worked together with the Fisheries Department of Haiti to establish priority areas for support. In its report, this mission provides a good overview of the problems that are

specific to Haiti. Given the limited resources available to the project and the constraints faced by the Department, it was not deemed (quote) possible to undertake activities in all areas needed to achieve sustainable development and conservation of the fishery resources of Haiti (unquote). The following priority fields were identified:

1. development of clear and adequate planning and policies framework;
2. improving the fisheries database, information management systems and flow of information to stakeholders for planning and management decision making;
3. strengthening human and institutional capacities for administration, resource management and conservation;
4. empowerment of resource users so that they can assume greater responsibility for sustainable use and management of the fisheries;
5. improving public awareness of the benefits and importance of the fisheries sector and the need for sustainable resource management;
6. strengthening aquaculture production by rehabilitating the research, production and training facility at the Fisheries Department compound; and
7. exploring the potential for development of small-scale pelagic fisheries and the cultivation of sea moss (*Gracelaria spp*).

In the absence of any data on the fisheries of Haiti, given the data requirements for fisheries management, the Project would take a step-by-step approach to the establishment of a data collection system and the generation of data and information for policy making, management planning and monitoring of the fisheries. As a first step, a national sample-based fishery survey is to be undertaken to better understand the scope, status and socio-economic contribution of the fisheries sector to the national economy. Results of this survey will be used to design a data collection system for ongoing monitoring of the fisheries. Support will be provided to enable scientists and resource managers from Haiti to participate in regional and sub-regional activities such as fisheries assessment and management workshops.

Technical Assistance will be provided to the Fisheries Department to improve the institutional capability of the Department, strengthen the planning and policy framework and improve the system of governance. Specifically the Project will:

- (i) Assist with the preparation of a comprehensive national fisheries policy, fisheries management plan, and work plan for the fisheries department.
- (ii) Assist with preparation and establish a mechanism for providing policy advice and enhancement of participatory approaches to decision-making regarding the fisheries sector.

- (iii) Support a review and preparation of recommendations for strengthening of the legal framework, organisational structure and operational arrangements of the Fisheries Department, and provide resources to assist with the implementation of the recommendations agreed upon.
- (iv) Provide long and short term training opportunities for staff of the fisheries department.

The activities designed to strengthen Community Involvement and Education will directly tackle the major knowledge gaps and human relations problems facing the artisanal fisheries sector. These are the absence of a functional extension unit in the Fisheries Department, the lack of awareness of conservation and management issues among resource users, the absence of effective mechanisms for enforcing management measures, and the weak links between the department and the resource users and other stakeholders.

The strengthening of resource user organizations and the strengthening of operational linkages between resource users and the department of fisheries will be addressed through a deliberate mobilizing and organizing program to be coordinated by staff of the fisheries department, and supported by staff of local NGOs who will benefit from training, which will build their capacity for field work organizing and mobilizing fisher-folks. They will also provide technical support to the fisher folk organizations that will eventually emerge, and provide the Public Relations input that will cement relations between the department and the resource user groups.

The project will promote greater awareness by planning and promoting a public awareness campaign that will utilize group, print and mass media, supplemented by a radio call-in program, in which all stakeholders will be active participants. This will be supported by a National Dialogue Group of representatives of all major stakeholders that will regularly meet to deliberate on burning issues related to the improvement of the industry and the sustenance of the resources. The matters discussed by this forum will feed into the public awareness campaign.

Within the Resource Assessment component, the following specific activities are foreseen:

- Bibliographic study of the Haitian fisheries
- Review of data collected during Cuban fishing expeditions
- Biological data of pelagic fishes (sampling catches of Cuban vessels operating in the Cuban Technical Assistance project)
- Participation in the enhancement of the IMA Fish Ageing Laboratory
- Participation in CRFM Regional (large and small) Pelagic Resources Working Groups and in the Reef and Slope Fish Resource Assessment activities
- Assessment of the shrimp resources in Haiti (based on Cuban experimental catches in Haitian waters and on sampling of local vessels)

- Assessment of lobster resources (to be sampled from Cuban experimental fishing)
- Preliminary study to identify and characterize potential areas for establishment for marine reserves
- Participation in Conch and Lobster Working Groups

Within the Fisheries Resource Management component, support is foreseen to the Fisheries Department, to strengthen and upgrade its capabilities, through staff training, provision of equipment, the development of clear policies, a legislative framework and work programs.

The Community Involvement and Education sub-project foresees the following activities:

- Building the capacities of the Fisheries Field Officers (Extension) for providing the technical support to the fisher-folk organizations.
- Consolidating, and stabilizing the fisher folk organizations.
- Building and strengthening the capacities of the fisher folk organizations.
- Formulating strategies for reducing poverty among small-scale fishers.
- Developing strategies for promoting the sustainable utilization of the fisheries resources, and,
- Building the foundation for the promotion of the concept of co-management in the fishing communities.

A multidisciplinary survey was conducted of Haitian fisheries. The report of this survey will be presented and discussed at a two-day National Fisheries Workshop. A significant outcome of this workshop will be the creation, through an election process by the stakeholders, of a National Dialogue Group to continue discussing the major issues and to provide guidance for follow-up.

Finally, the Fisheries Development Planning component will address two main issues: a pilot project for the development of a responsible small-scale pelagic fishery using FADs; the rehabilitation (after feasibility study) of the aquaculture research and development facilities at Port-au-Prince.

8. RECOMMENDATIONS FOR ASSISTANCE TO HAITI THROUGH THE ICRAFD PROJECT

Fisheries data collection should be the instrument to supply the fisheries manager with the information he / she requires for the effective management of the resources. In the absence of a management tradition, of a trained and qualified manager and of funds for setting up and maintaining a (sample based) statistical data collecting system on a great number of beaches,

ICRAFD funds could indeed be used as suggested in the five year plan of collaboration with Haiti.

In order for the statistical data collecting system to turn out meaningful data required in a timely manner, a whole chain is required of persons collecting, handling, analyzing and transmitting data:

- A capable Fisheries Manager (more likely to have a political rather than fisheries background) who is able to formulate what the information requirements are for solving development, planning and management issues, and who makes adequate funds available for the exercise,
- A senior fisheries officer in the Ministry able to translate technical language into the language the manager understands and who directly advises the Fisheries Manager,
- A data manager who receives the monthly information from the field/departments, who checks the incoming data on a continuing basis and who immediately contacts any recorder responsible for errors, omissions or other irregularities (like “invented data” as suggested by Bellemans, 1999), analysis the data, raises the samples to the departmental and country level, transmitting the compiled data to the Ministry,
- An intermediary officer at the departmental level who receives and forwards the completed forms to the central office for processing and analysis,
- A group of trained and motivated recorders on beaches, whose work is constantly monitored and who require training, motivation and encouragement.

Haiti is one of the few countries in the world where no vestiges remain of a former system of fisheries statistical data collecting (as e.g. introduced by FAO) and where no minimum of competence continues to exist upon which can be built.

In such situations, considerable outside financial and technical support is required to build a system, train staff, and provide the necessary equipment as well as the supervision.

The absence of any involvement in fisheries management and the lack of competent manpower of different levels, but particularly of senior level, with sufficient training, able to assume the functions described above, coupled with the total absence of a national budget for the fisheries administration make it very difficult if not impossible to set up a meaningful data collecting system with the required top-down guidance (emanating from the resource manager).

As experience elsewhere in the world has shown abundantly that meaningful data collecting systems set up from outside and not supported from the very beginning by national governments are short-lived, the mission advises against this, given the total lack of commitment of the Haitian Government to the fisheries sector as witnessed by the lack of follow-up to recent fisheries legislation, planning and development recommendations made by FAO.

If at all to be considered, the introduction of a statistical data collecting system would require the full-time presence of a Technical Assistant for a number of years, with sufficient financial means and equipment to set up, train, supervise, check, compile, analyze and present the data. From the very beginning, the sustainability of the system (i.e. after the end of the project's involvement) would have to be considered. A first vital step towards a fisheries management data system is the preparation of a description of the fishery, accompanied by a mapping of the fishery. The results of the multidisciplinary survey (which were not yet available at the time of writing of this report) conducted in Haiti under the auspices of CFU would prove useful in this respect.

The present staff of the Fisheries and Aquaculture Directorate has been at best involved in aquaculture research and development, and the ten Agronomists ("Ingenieur-Agronome") presently working there cannot without major outside training or direct supervision be expected to participate in the fisheries research activities proposed in the Five Year Plan. Additional (long-term) training will at least be required for two staff members in Fisheries Science (stock assessment). A strong recommendation is made in this respect. Despite the presence of a Cuban fisheries assistance project to Haiti, the Fisheries Directorate was unaware of the type of information generated by this project. This means that the success of the proposed research activities based on the analysis of the Cuban experimental fishing programs and catches will depend on whatever data will be made available by this project.

If Haitian staff is to participate in current meetings and other activities in the context of the CARICOM Fisheries Unit, this will necessarily be in an observer status rather than as a full participant.

The traditional orientation of the Fisheries Administration towards inland fisheries and aquaculture, and the total neglect of its involvement in the marine fisheries sector, has led to a situation where no competent senior staff is available in the Ministry to act as counterparts to the fisheries component of the ICRAFD project, which proposes to assist in the fields described in the former chapter. Here, again, is a need for long-term training in fisheries management and/or economics.

Concerning the envisaged support for the development of a clear and adequate planning and policies framework, the mission notes with surprise that the CARICOM Fisheries Unit (CFU) Planning Mission does not refer to and apparently was not informed of the major recent advances made in this field in the form of a Policy Document, an Action Plan and technical documents prepared by an FAO/TCP project entitled "Definition of a Fisheries Policy and Preparation of an Action Plan for Fisheries and Aquaculture", which mobilized a multidisciplinary team of experts in 1999 (the team leader was a fisheries planner; in addition a statistician, a lawyer and a fishing technologist participated). The present mission was informed by the Haitian Director of Fisheries that the analysis of the fisheries situation and the policies proposed had been adopted (see Chapters 5 and 6 of the present report). It is recommended that a translation be made of the original French texts of the various documents (see Appendix 2 for the documentation consulted by the mission).

Fisheries resource management

The overfishing of the coastal living aquatic resources by a multitude of extremely poor fisherfolk cannot be seen in isolation from the overexploitation of the terrestrial resources sketched in chapter 2, and which has led to massive erosion and sedimentation in the coastal zone. Clearly, there is an urgent need for management of both, in close co-operation between the various Ministries involved. The theoretical solution to the fisheries problem is for Government to limit access to the resources, introduce and enforce management measures like closed seasons for valuable and vulnerable resources, initiate a data collection system and provide alternative livelihoods to those who no longer have access to fishing.

The extreme institutional weakness of the Fisheries Administration makes it unlikely that any of these sketched solutions/issues will be implemented in the short/medium term. As was remarked by FAO / TCP, donors interested in the Haitian fisheries sector have since the early 1990s turned away from support to Government and have opted for working through NGOs. In view of the continued neglect of the sector and its administration, as apparent from 30 years of ignoring detailed specific recommendations, the present mission sees no other option but to concentrate directly on support to the fisherfolk, through their organizations or NGOs (including FONHADES). This recommendation coincides with one of the recommended adjustments expressed by the mission reviewing the first phase of the Fisheries Institutional Strengthening, Research and Training Components of the ICRAFD Program: “Many of the key constraints at the country level are much harder to deal with in the short-term, given that they concern issues such as government employment policy, political instability, and poor levels of funding for the fisheries administration. However, a continuing focus on alternative fisheries management strategies which rely less heavily on government intervention is recommended. This should include continued efforts towards stakeholder community involvement, education and strengthening.”

A program specific to Haiti would need to be developed, based on the ample experience of the CARICOM Fisheries Unit in community involvement and education, while at the same time promoting:

- professionalization of the artisanal fishery,
- easier access to technological innovation(s),
- credit for the acquisition of vessels and gears in order to exploit the resources of the continental slope and the pelagic resources,
- the establishment and selection of marine reserves (which otherwise require external policing).

The typical CFU approach of an initial multidisciplinary survey leading to a national fisheries workshop to identify and mobilize the main stakeholders, the follow-up activities in stabilizing and strengthening of fisherfolk organizations, the capacity building for fishers and other stakeholders appears to be suitable for the Haitian situation. On the one hand, the language

problem (Creole rather than French will be required) will have to be overcome by the selection of local consultants or NGOs, who need careful screening if they are to serve as instruments of the CFU. A careful analysis of the numerous fishermen's organizations (cooperatives, associations, federation) is also required in order to know which ones can meaningfully be supported and which ones are too politicized.

Concerning fisheries legislation, there is a need to update the legislation dated October 1978, to take into account recent international developments in fisheries management and product valorization, and introduce new principles like the systematic ban of destructive fishing techniques (compressors, dynamite, poison), the development of a partnership in management, the requirements in fish quality control for exporting fishery products to Europe and to North America. FAO / TCP provides a detailed overview of the situation of the fisheries legislation and the requirements.

Fish quality control is an issue which is important to Haiti since it would enable the country to considerably increase its income from fisheries exports. Further developments are at this stage best left to the private sector, which is already in dialogue with the Fisheries Directorate in this respect. Haiti does not figure on the list of countries able to export to Europe, and inspection by the Food & Veterinary Office of DG23 (Health and Consumer Protection) has not taken place. The designation of a competent authority would be required with considerably more influence than the present Fisheries Directorate, as well as an independent laboratory.

Finally, the mission notes that the Five Year Program of Support makes specific note of the rehabilitation of the 25 acre Aquaculture Research and Development Facility adjacent to the building housing the Fisheries Directorate. It is understood that continued support for inland aquaculture, which has received so much support from FAO/UNDP in the past, will enable the Fisheries Directorate staff to bring to bear its historical strengths, and – if functioning according to plan (e.g. producing fingerlings to stock all inland water bodies) - will provide the Fisheries Directorate with some income required for the continued running of its secretariat as well as possibly for providing the sustainability of the Fisheries Directorate's future endeavors in this area (as expressed by the Five Year Plan). The mission recommends support for this activity, particularly since it is proposed to be conducted in two phases, starting off with a feasibility study. The limited current experience in financial management of the Fisheries Directorate should be taken into account, and all documentation consulted with respect to the sustainability of earlier support for the development of the aquaculture in order to determine strengths and weaknesses to be built on. It is not known what the status is of the aquaculture facilities at Port Sondé, which were to be upgraded in the framework of the Cuban assistance in fisheries and how these are to be managed alongside the station at Port-au-Prince.

The recommendation not to provide direct support for data collecting and research, given the lack of interest and hence funding for the fisheries administration does not mean that Haiti should be left to itself. The ICRAFD Fisheries Component should be instrumental in providing support for national awareness creation at national workshops and through activities with fisherfolk organizations. At the same time, the Haitian participation in the international context (CARICOM, Caribbean Regional Fisheries Mechanism, and bilaterally with the Dominican Republic) should be encouraged and where necessary sponsored. Such meetings would point out

Haiti's national and international obligations and provide the pressure required for the country to provide adequate funding.

Simultaneously, ICRAFD could be instrumental in sorting out the present confusion at the institutional level, with overlapping responsibilities in fisheries development and management shared between the Fisheries and Aquaculture Directorate, The Directorate of Animal Production and the Ministry of the Environment. Fisheries would thus be adequately covered in the Action Plan for the Environment (PAE) and benefit from regional projects sharing international experiences like CARICOMP, COSALC and CEPPOL. Time available to the mission was too short for a complete enumeration of the international conventions of which Haiti is signatory.

Concerning the staffing of the Fisheries and Aquaculture Directorate, the following table illustrates the minimum requirements, supposing that the function of fisheries manager is based elsewhere in the Ministry (at political rather than technical level):

Director of Fisheries (1)	Representation of Haiti in international fisheries meetings. Policy development. Preparation of management plans and work plans for the Directorate. Helps establish research requirements and translates research results in language understood by the Manager. Guides research and data collecting. Project co-ordination, interministerial co-ordination, institutional memory. Supervision of the work of other staff. Administration.
Senior technical adviser (1)	
Stock assessment biologists (2)	One specialist of demersal resources One specialist of pelagic resources, both organizing and supervising data collection, analysis, providing technical advice on the status of the various fish stocks
Senior aquaculture specialist (1)	Supervising the work being undertaken in inland fisheries (enhancement fisheries) and aquaculture. Designs and guides aquaculture research.
Fisheries data handling specialist (1)	Responsible for overall statistical data collecting, its computerization, analysis and periodic reporting. Supervision of data collecting and handling staff.
Fisheries sociologist (1)	Counterpart to CFU Sociologist, involved in working with fisherfolk organizations and their involvement in resource management. Supervises the work of the extension workers.
Fishing technologist (1)	Development of appropriate gears for new fisheries (continental slope), FADs for pelagics, training of fisherfolk in the use of better techniques and vessels.
Fish quality specialist (1)	Advising Director in quality control issues related to export of fish to Europe, North America, as well as in added value generation in exports to the Dominican Republic, and improved quality of fish for local markets

Librarian (1)	Helping to mobilize the institutional memory of the Directorate, taking an active role in tracing and cataloguing all relevant documentation
Administrative support	

At each provincial representation (DDA), a central data collector should be foreseen as well as an adequate number of beach recorders and extension workers. Aquaculture stations should have their specific staff, dictated by detailed requirements to be formulated.

In order to be able to provide meaningful support to the Fisheries Directorate, it is recommended to first rehabilitate and enlarge the Directorate's offices at Damien, generally improving the hygienic situation of the premises, provide continuous electricity supply as well as water, communications with the outside world through computers and Internet access, office furniture and equipment required.

TERMS OF REFERENCE
Strategic Review of the Organizational Structure and
Operational Arrangements of the Department of Fisheries in
Haiti

1. Background

Following a financing agreement between the Commission of the European Union and Member States of CARIFORUM, the technical and administrative provisions for the implementation of the Fisheries Component of the Integrated Caribbean Regional Agriculture and Fisheries Development Program (ICRAFD) was set up. The CARICOM Fisheries Unit (CFU) is the implementing agency for the Fisheries Component of the ICRAFD Project which has as its overall objective the following:

- a) To strengthen fisheries planning and management capacity of national fisheries departments in the CARIFORUM countries. These Departments are responsible for formulating fishery policies, elaborating plans and implementing programs to achieve sustainable development and management of the fisheries resources.
- b) To enhance the effective participation and support of fishers' communities in the planning and management process of the fishing industries for the sustainable use of the coastal and marine resources.

A 5-year work program to be funded under the ICRAFD Project was prepared by the CFU in collaboration with the Fisheries Department of Haiti. The plan seeks to address some of the critical issues affecting the fisheries sector in Haiti by focusing on:

- Development of clear and adequate planning and policies framework;
- Strengthening human and institutional capacities for fisheries resource management and conservation;
- Improving the fisheries database, information management systems and flow of information to stakeholders for planning and decision making;
- Empowerment of resource users so that they can assume greater responsibility for sustainable use and management of the fisheries; and
- Improving public awareness of the benefits and importance of the fisheries sector and the need for sustainable resource management.

The agreed upon program of work also provides for technical assistance to be rendered to the Fisheries Department of Haiti to strengthen the planning and policy framework, and improve the system of governance. Against this background, the ICRAFD project will; *inter alia* conduct a

review and prepare recommendations for strengthening of the organizational structure and operational arrangements of the Department of Fisheries.

2. Purpose

The specific objectives of this assignment are:

- 2.1. To assist in strengthening the organizational and institutional structure and capability of the Fisheries Department to enable Haiti to discharge its national and international responsibilities regarding sustainable development and management of the fisheries and aquaculture sector in an effective and efficient manner.
- 2.2. To undertake an external strategic management assessment of the Fisheries Department during which the key variables that offer opportunities for achieving the overall goal of ensuring sustainable socio-economic benefits from the fisheries sector, and the threats that should be avoided, are identified and validated.
- 2.3. To undertake an internal management assessment of the Fisheries Department to identify its existing internal strengths and weaknesses in the functional areas that are necessary for the successful operation of the Department.

The review will examine and identify the relationships among the various units and functional areas of the Department of Fisheries, including important aspects of the organizational culture, which will assist in strengthening the organizational structure.

The key success factors and distinctive competencies of the Fisheries Department which have been acquired since its inception and which cannot be easily matched by other organizations, should be clearly identified.

The review should also examine and document the current mandate, functions and responsibilities of the Fisheries Department and the organizational structure, human and other logistical resources available to discharge these responsibilities, including interaction with local and overseas agencies involved in the fisheries sector.

3. The approach

- 3.1 The consultant will conduct research to obtain information for assessment of the key external variables influencing the Fisheries Department. The external assessment shall focus on identifying and evaluating the trends, events and developments locally, regionally and globally, which could have significant implications for the functioning and success of the Fisheries Department. This will include examination of:
 - New global macro-economic policies and their implications for the fisheries sector
 - Recent development regarding HACCP and other quality assurance requirements

- International Conventions and Agreements such as UNCLOS, the Biodiversity Convention and the UNFAO Code of Conduct for Responsible fisheries
- Regional initiatives such as the CARICOM Regional Fisheries Mechanism
- National social and economic development policies and
- National fisheries policy and developments such as the new fisheries management plan
- Existing legal and regulatory framework for sustainable development and management of fisheries and aquaculture.

3.2 The consultant will also analyze the internal strengths and weaknesses of the Department of Fisheries including:

- management and administration (including finance and accounting, asset management)
- fisheries data and information systems
- fisheries research and fish stock assessment
- conservation and resource management
- fisheries development
- aquaculture
- monitoring and enforcement
- post-harvest handling, quality assurance, marketing and trade
- training and human resource development
- the provision of extension and other support services to the aquaculture and fisheries sector.

The consultant shall visit and consult key persons within the Ministry of Agriculture and Fisheries, the Fisheries Department and other governmental and non-governmental organizations and individuals connected to the fisheries sector to determine:

- Internal management structure and systems of the Fisheries Department
- Key actors and relationships, and structure of the external environment

- Technical operation systems of the Fisheries Department levels of efficacy and effectiveness in the delivery of outputs
- Current staffing arrangements, jobs structures and descriptions, performance measurement system, compensation regime and Human Resource Development activities
- Office building, facilities, equipment and other logistical support available to staff and researchers including computers, motor vehicles and boats
- Strengths and weaknesses in the organization, including staff motivation and commitment.

The consultant shall review available resource documentation including:

- National Fisheries Sector Plans (if existing)
- Annual Reports of the Fisheries Department
- ICRAFD Five year Work Program for Haiti (April 2000 - March 2005)
- Present and proposed fisheries legislation
- Documentation on fisheries policy, planning and management
- Agenda 21 National Report
- National Biodiversity Action Plan
- Projects on-going or planned

4. Expertise required

The assignment will require the following mix of skills:

- Strategic planning, organizational development, human resource management and development, and public administration.
- Fisheries development, fisheries policy and planning, fisheries research and fisheries management and conservation
- Expertise in fisheries legislation and regulations.

5. Time allotment and schedule

The assignment will require twenty-five (25) person days and will be conducted between April and June 2002. The consultant will visit Haiti for one week at the beginning of the assignment to consult with stakeholders in the fisheries sector. A first draft of the report should be submitted to the CFU by 30 May 2002. The Final report and recommendations should be submitted to the CFU by 30 June 2002.

Activities	Days	April			May			June		
Preparation & review docs	3									
Field visit to Haiti	6									
Review of legislation	4									
Analysis of info and write up	9									
Submission of 1 st draft report										
Preparation of final report	3									
Submission of final report										
TOTAL	25									

6. Expected Outputs

The Consultant will prepare a comprehensive report which will include a description of the current goals, functions, organizational structure, staff complement and resources available as well as recommendations for the future. The recommendations must be linked to the goals, objectives and priority areas for sustainable development and management of the fishery and aquaculture resources of Haiti.

More specifically the report should include:

- i) A description of the current goals, functions, organizational structure, staff complement and resources available to the organization. The job description, level of training and experience of key technical, administrative and managerial staff should be presented.
- ii) An analysis of the strengths, weaknesses, opportunities and threats facing the organization.
- iii) A clear description of the nature, scope and priority areas of work of the Department of Fisheries in the short and long term.
- iv) Recommendations to strengthen the existing fisheries legislation and regulations.
- v) Recommendations to strengthen and enhance the capacity of the Fisheries Department in Haiti both directly and through institutional linkages, within the constraints of the available resources.

- vi) A recommended organizational structure with job descriptions and reporting relationships for the Fisheries Department to create the organizational and institutional capability necessary to effectively and efficiently discharge its mandate, functions and responsibilities.
- vii) A recommended Human Resources Development Plan for existing staff,
- viii) Recommendations for improved management of information and use of information technology tools to enhance productivity, including computerization and improved access to information via the world wide web.
- ix) Recommendation for other equipment, materials and logistical support needed to improve efficiency and effectiveness of the Department.
- x) Other recommendations considered necessary for enhancing the capability of the Department of Fisheries.

7. Qualification and Experience

The Consultant shall have an advance degree and experience in fisheries management and / or public administration. Working experience should include more than five (5) years in senior management in the public or private sector preferable in management of a fisheries organization.

DOCUMENTATION CONSULTED BY THE MISSION

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LIST OF PERSONS MET AND ITINERARY OF THE MISSION

Mr. Hugh A. Saul, Project Director, CARICOM Fisheries Unit (met in Miami)

Mr. Milton Haughton, Scientific Director, CARICOM Fisheries Unit (met in Miami)

Mr. Jean-Robert Badio, Director, Fisheries Directorate, MARNDR

Mr. Pierre-Guy Lafontant, Director, Natural Resources Directorate, MARNDR

Mr. Erneste Leblanc, Co-operation Cuba – Haïti

Mr. Jean-Baptiste Bonel, Director General, MARNDR

Mr. Jean Daniel Elie, Executive Secretary, Bureau de Coordination et de Suivi des Accord CARICOM / OMC / ZLEA (BCS)

Mme Marie Michèle Rey, Coordinator, Bureau de Coordination et de Suivi des Accord CARICOM / OMC / ZLEA (BCS)

Mme Paula Iken, Fonds Haïtien de Développement Economique et Social (FONHADES)

Mr. Marcel van Opstal, Delegate, European Commission, Port-au-Prince

Mr. Jean-Baptiste Max, Ingénieur-Agronome, Fisheries Directorate, MARNDR

Mr. Alix Stinfil, Ingénieur-Agronome, Fisheries Directorate, MARNDR

Mme Marie Camelle Joseph, Fisheries Directorate, MARNDR

Mme Bethy Germain, Fisheries Directorate, MARNDR

Artisanal fishermen of Luly

ITINERARY

- 19 May 2002: Travel by car from Bennekom to Schiphol (Amsterdam Airoport)
Air travel Amsterdam – Zurich
Air travel Zurich – Miami
- 20 May 2002: (morning) Briefing by Messrs Saul and Haughton
(afternoon) Air travel Miami – Port-au-Prince
- 21 May 2002: working sessions with Messrs Badio, Lafontant, Director General Bonel of the
Ministry of Agriculture, Natural Resources and Rural Development
- 22 May 2002: Visit to CARICOM Liaison Office in Haiti, continued discussions with Mr Badio
- 23 May 2002: Working session with staff of Fisheries Directorate
(afternoon) Visit to and working session with FONHADES
- 24 May 2002: Visit to EU Delegation
(afternoon) Travel by car to Port Sondé aquaculture station and visit to Luly
fishing village
- 25 May 2002: Reporting, reading of documentation
- 26 May 2002 Final working session with Mr. Badio, acquisition of documentation
- 27 May 2002: Air travel Port-au-Prince – Miami
- 27/28 May 2002: Air travel Miami – Amsterdam
- 28 May 2002: Travel by train from Amsterdam Airport to Ede / Wageningen,
Taxi to Bennekom

OBJECTIVES AND TASKS OF THE FISHERIES AND AQUACULTURE SERVICE

OBJECTIVES

- Evaluate the fisheries potential of the main marine and freshwater species; prepare a development plan for the fisheries and aquaculture sub-sectors for a period of five years.
- Develop appropriate technologies for the sustainable exploitation of the various resources.
- Organise a system of statistical data collection for the marine and inland fisheries.
- Mass produce 100,000 fingerlings for stocking the 20,000 ha of national water bodies.
- Promote the creation of regional organisations of fishermen in order to facilitate their access to credit.
- Promote the training of key persons in the fields of marine fisheries and aquaculture, for both the private and the public sectors.

TASKS

- Together with staff of MARNDR and other partners, define a fisheries policy for the country. Update such policy regularly together with the other partners.
- Conduct inventories of main economic resources and any related task within his / her competence, in order to allow appropriate decisions to be made by the competent authorities.
- Request the participation of institutions for the full application of relevant legislation together with other partners within MARNDR and propose any modification required on the regulations and legislation.
- Establish with local and international actors, actions plans and programmes for fisheries and aquaculture, at the national or local level.

TERMS OF REFERENCE OF FISHERIES STAFF

(In French)

Elgo EUGENE Ing-agr.

Affectation: Responsable des activités au lac de Peligre.

DESCRIPTION DE TACHES

La responsable se chargera en collaboration avec la Direction Départementale du Centre:

- A) De participer activement et étroitement à la préparation du programme de travail pour sa zone ou sa région d'affectation pour les questions d'aquaculture.
- B) De collecter et de rendre disponibles pour leur utilisation toutes les informations techniques relatives à la situation du lac de Peligre quant aux différents empoissonnements et aux captures effectuées dans ce plan d'eau. A ce titre il devra prendre toutes les dispositions pour collecter les informations sur le mode de fonctionnement et d'utilisation des lacs (recensement, matériels et engins mobilisés, techniques de pêches utilisés, situation socio économique des utilisateurs, filière de commercialisation des produits de pêche).
- C) De rechercher les informations sur certains paramètres physico-chimiques, les possibilités d'introduction de nouvelles espèces).
- D) De maintenir les informations sur les statistiques de pêche, l'évaluation de l'effort de pêche
- E) De motiver et sensibiliser les associations de pêcheurs de manière à les encourager à effectuer des pêches plus rationnelle et responsable.
- F) Participer à la formation des pêcheurs de ces associations particulièrement pour ce qui est des techniques de pêches (nouvelles techniques), de la conservation et du traitement des produits de pêche
- G) De participer à la mise en place et de la structuration des organisations ou coopératives de pêcheurs.
- H) D'être en contact permanent avec les responsables de la Centrale Hydroélectrique de Peligre pour connaître et informer les responsables du MARNDR des dispositions quant aux périodes de vidange d'eau du lac.
- I) De travailler à la vulgarisation de la législation sur la pêche, pour la préservation de la ressource.
- J) D'apporter son appui pour la mise sur pied de boutiques d'intrants de pêche et de subventions aux associations et coopératives.

- K) De superviser le travail des cadres techniques placés sous sa supervision.
- L) De collaborer avec tous les partenaires du MARNDR dans le cadre de la mise en œuvre d'activités relevant d'un projet ou d'un programme en rapport avec le sous-secteur.
- M) De fournir régulièrement un rapport sur la marche des activités à ses responsables administratifs et techniques.

Ludovic JEAN BAPTISTE Ing-agr.
Affectation: DDAC, activités d'aquaculture de la région.

DESCRIPTION DE TACHES

La responsable se chargera en collaboration avec la Direction Départementale du Centre:

- A) De participer activement et étroitement à la préparation du programme de travail pour sa zone ou sa région d'affectation pour les questions d'aquaculture.
- B) De collecter et de rendre disponibles pour leur utilisation toutes les informations techniques relatives à la situation du lac de Peligre quant aux différents empoissonnements et aux captures effectuées dans ce plan d'eau. A ce titre il devra prendre toutes les dispositions pour collecter les informations sur le mode de fonctionnement et d'utilisation des lacs (recensement, matériels et engins mobilisés, techniques de pêches utilisés, situation socio économique des utilisateurs, filière de commercialisation des produits de pêche).
- C) De rechercher les informations sur certains paramètres physico-chimiques, les possibilités d'introduction de nouvelles espèces).
- D) De maintenir les informations sur les statistiques de pêche, l'évaluation de l'effort de pêche
- E) De motiver et sensibiliser les associations de pêcheurs de manière à les encourager à effectuer des pêches plus rationnelle et responsable.
- F) Participer à la formation des pêcheurs de ces associations particulièrement pour ce qui est des techniques de pêches (nouvelles techniques), de la conservation et du traitement des produits de pêche
- G) De participer à la mise en place et de la structuration des organisations ou coopératives de pêcheurs.
- H) D'être en contact permanent avec les responsables de la Centrale Hydroélectrique de Peligre pour connaître et informer les responsables du MARNDR des dispositions quant aux périodes de vidange d'eau du lac.
- I) De travailler à la vulgarisation de la législation sur la pêche, pour la préservation de la ressource.
- J) D'apporter son appui pour la mise sur pied de boutiques d'intrants de pêche et de subventions aux associations et coopératives.
- K) De superviser le travail des cadres techniques placés sous sa supervision.

- L) De collaborer avec tous les partenaires du MARNDR dans le cadre de la mise en œuvre d'activités relevant d'un projet ou d'un programme en rapport avec le sous-secteur.
- M) De fournir régulièrement un rapport sur la marche des activités à ses responsables administratifs et techniques.

Marie Yves Jude MAXI Ing-agr.
Affectation: Chef du Service d'Aquaculture à la DP AQ

DESCRIPTION DE TACHES

La responsable se chargera en étroite collaboration avec les responsables de la Direction des Pêches et Aquaculture:

- A) De participer activement à la préparation des différents programmes de travail en matière d'aquaculture pour les différentes régions du pays et faire le suivi de la mise en œuvre.
- B) De collecter et de rendre disponibles pour leur utilisation toutes les informations techniques relatives à la situation de tous les étangs et plans d'eau du pays. Tenir à jour les informations relatives aux différents empoissonnements et aux captures effectuées dans ces plans d'eau. A ce titre il devra prendre toutes les dispositions pour rassembler les informations sur le mode de fonctionnement et d'utilisation des lacs (recensement, matériels et engins mobilisés, techniques de pêches utilisés, situation socio économique des utilisateurs, filière de commercialisation des produits de pêche).
- C) De rechercher les informations sur certains paramètres physico-chimiques, les possibilités d'introduction de nouvelles espèces).
- D) De maintenir les informations sur les statistiques de pêche, l'évaluation de l'effort de pêche dans les lacs et les différents plans d'eau du pays.
- E) De superviser le travail de motivation et sensibilisation des associations de pêcheurs de manière à les encourager à effectuer des pêches plus rationnelle et responsable.
- F) Veiller à la supervision des activités de formation des pêcheurs de ces associations particulièrement pour ce qui est des techniques de pêches (nouvelles techniques), de la conservation et du traitement des produits de pêche
- G) De participer à la mise en place et la structuration des organisations ou coopératives de pêcheurs.
- H) De faire connaître la législation sur la pêche, pour la préservation de la ressource.
- I) D'apporter son appui pour la mise sur pied de boutiques d'intrants de pêche et de subventions aux associations et coopératives.
- J) De superviser le travail des cadres techniques placés sous sa supervision
- K) De collaborer avec tous les partenaires du MARNDR dans le cadre de la mise en œuvre d'activités relevant d'un projet ou d'un programme en rapport avec le sous-secteur.
- L) De fournir régulièrement un rapport sur la marche des activités à l'échelle nationale, à ses responsables administratifs et techniques.

Wilner ROMAIN Ing-agr.

Affectation: Responsable des activités de l'Étang de Miragoane.

DESCRIPTION DE TACHES

La responsable se chargera en étroite collaboration avec le responsable de la Direction Départementale du Sous DDA de Nippes:

- A) De participer étroitement et activement à la préparation du programme de travail pour sa zone ou sa région d'affectation.
- B) De collecter et de rendre disponibles pour leur utilisation toutes les informations techniques relatives à la situation de l'Étang de Miragoane quant aux différents empoissonnements et aux captures effectuées dans ce plan d'eau. A ce titre il devra prendre toutes les dispositions pour collecter les informations sur le mode de fonctionnement et d'utilisation des lacs (recensement, matériels et engins mobilisés, techniques de pêches utilisés, situation socio économique des utilisateurs, filière de commercialisation des produits de pêche).
- C) De rechercher les informations sur certains paramètres physico-chimiques, les possibilités d'introduction de nouvelles espèces).
- D) De maintenir les informations sur les statistiques de pêche, l'évaluation de l'effort de pêche.
- E) De motiver et sensibiliser les associations de pêcheurs de manière à les encourager à effectuer des pêches plus rationnelle et responsable.
- F) Participer à la formation des pêcheurs de ces associations particulièrement pour ce qui est des techniques de pêches (nouvelles techniques), de la conservation et du traitement des produits de pêche
- G) De collaborer à la mise en place et à la structuration des organisations ou coopératives de pêcheurs.
- H) De faire connaître la législation sur la pêche, pour la préservation de la ressource.
- I) D'apporter son appui pour la mise sur pied de boutiques d'intrants de pêche et de subventions aux associations et coopératives.
- J) De superviser le travail des cadres techniques placés sous sa supervision
- K) De collaborer avec tous les partenaires du MARNDR dans le cadre de la mise en œuvre d'activités relevant d'un projet ou d'un programme en rapport avec le sous-secteur.
- L) De fournir régulièrement un rapport sur la marche des activités à ses responsables administratifs et techniques.

Laurent MERISIER Ing-agr.

Affectation: DDAS pour les activités de l'Étang Laborde, Lachaux et autres activités d'aquaculture dans le Département du Sud.

DESCRIPTION DE TACHES

La responsable se chargera en étroite collaboration avec le responsable de la Direction Départementale du Sud et les autres cadres affectés à ces mêmes activités:

- A) De participer étroitement et activement à la préparation du programme de travail en matière d'aquaculture pour sa zone ou sa région d'affectation.
- B) De collecter et de rendre disponibles pour leur utilisation toutes les informations techniques relatives à la situation des étangs Laborde et Lachaux quant aux différents empoissonnements et aux captures effectuées dans ces plans d'eau. A ce titre il devra prendre toutes les dispositions pour collecter les informations sur le mode de fonctionnement et d'utilisation de ces lacs (recensement, matériels et engins mobilisés, techniques de pêches utilisés, situation socio économique des utilisateurs, filière de commercialisation des produits de pêche).
- C) De rechercher les informations sur certains paramètres physico-chimiques, les possibilités d'introduction de nouvelles espèces).
- D) De maintenir les informations sur les statistiques de pêche, l'évaluation de l'effort de pêche
- E) De motiver et sensibiliser les associations de pêcheurs de manière à les encourager à effectuer des pêches plus rationnelle et responsable.
- F) Participer à la formation des pêcheurs de ces associations particulièrement pour ce qui est des techniques de pêches (nouvelles techniques), de la conservation et du traitement des produits de pêche
- G) De participer à la mise en place et à la structuration des organisations ou coopératives de pêcheurs.
- H) De faire connaître la législation sur la pêche, pour la préservation de la ressource.
- I) D'apporter son appui pour la mise sur pied de boutiques d'intrants de pêche et de subventions aux associations et coopératives.
- J) De superviser le travail des cadres techniques placés sous sa supervision
- K) De collaborer avec tous les partenaires du MARNDR dans le cadre de la mise en œuvre d'activités relevant d'un projet ou d'un programme en rapport avec le sous-secteur.

- L) De fournir régulièrement un rapport sur la marche des activités à ses responsables administratifs et techniques.

Max JEAN BAPTISTE Ing-agr.
Affectation: Aux activités de la Station Piscicole de Pont Sondé.

DESCRIPTION DE TACHES

La responsable se chargera en étroite collaboration avec le responsable de la Station Piscicole de Pont Sondé:

- A) De participer étroitement et activement à la préparation du programme de travail de la station pour les questions d'aquaculture.
- B) De collecter et de rendre disponibles pour leur utilisation toutes les informations techniques relatives à la situation de la station, quant aux différents empoissonnements et aux captures effectuées dans les plans d'eau de la zone de l'Artibonite. A ce titre il devra participer à la collecte des informations sur le mode de fonctionnement et d'utilisation des lacs (recensement, matériels et engins mobilisés, techniques de pêches utilisés, situation socio économique des utilisateurs, filière de commercialisation des produits de pêche).
- C) De participer à la collecte des informations sur certains paramètres physicochimiques, les possibilités d'introduction de nouvelles espèces).
- D) De maintenir les informations sur les statistiques de production de larves et d'alevins.
- E) Participer à la formation des pêcheurs de ces associations particulièrement pour ce qui est des techniques de pêches (nouvelles techniques), de la conservation et du traitement des produits de pêche
- F) De collaborer à la mise en place et à la structuration des organisations ou coopératives de pêcheurs.
- G) De faire connaître la législation sur la pêche, pour la préservation de la ressource.
- H) De superviser le travail des cadres techniques placés sous sa supervision
- I) De collaborer avec tous les partenaires du MARNDR dans le cadre de la mise en œuvre d'activités relevant d'un projet ou d'un programme en rapport avec le sous secteur.
- J) De fournir régulièrement un rapport sur la marche des activités à ses responsables administratifs et techniques.

Marie Camelle JOSEPH Ing-agr.
Affectation: Bureau Central, Statistiques Pêches et aquaculture.

DESCRIPTION DE TACHES

La responsable se chargera en étroite collaboration avec les responsables de la Direction des Pêches et Aquaculture:

- A) De participer activement à la préparation des différents programmes de travail en matière de collecte de statistiques en matière de pêche maritime et d'aquaculture pour les différentes régions du pays et faire le suivi de la mise en œuvre des programmes de travail.
- B) De collecter et de rendre disponibles pour leur utilisation toutes les informations statistiques relatives à la situation de tous les étangs et plans d'eau du pays. Tenir à jour les informations relatives aux différents empoissonnements et aux captures effectuées dans ces plans d'eau. A ce titre elle devra prendre toutes les dispositions pour rassembler les informations sur le mode de fonctionnement et d'utilisation des lacs (recensement, matériels et engins mobilisés, techniques de pêches utilisés, situation socio économique des utilisateurs, filière de commercialisation des produits de pêche) et également en matière de pêche maritime.
- C) De maintenir les informations sur les statistiques de pêche, l'évaluation de l'effort de pêche dans les lacs et les différents plans d'eau du pays. Sur la situation des importations et exportations de produits de pêches.
- D) De superviser le travail des cadres techniques placés sous sa supervision
- E) De collaborer avec tous les partenaires du MARNDR dans le cadre de la mise en œuvre d'activités relevant d'un projet ou d'un programme en rapport avec les informations statistiques pour le sous secteur.
- F) De fournir régulièrement un rapport sur la marche des activités à l'échelle nationale, à ses responsables administratifs et techniques.

Alix Marie STINFIL Ing-agr.
Affectation: Bureau Central.

DESCRIPTION DE TACHES

La responsable de la planification et de l'exécution des travaux d'infrastructures d'aquaculture et de pêche se chargera en étroite collaboration avec les responsables de la DPAQ et des différents services relevant de cette Direction:

- A) De participer étroitement et activement à la préparation du programme de travail relative à la planification et à l'exécution de tous les travaux d'infrastructures d'aquaculture et de pêche dans les différentes zones du pays.
- B) De collecter et de rendre disponible pour leur utilisation toutes les informations techniques relatives à la situation de la construction ou de l'aménagement des différentes stations d'aquaculture du pays.
- C) Participer à la formation des autres cadres et techniciens placés sous sa supervision en matière de construction ou d'aménagement d'infrastructures de pêches ou d'aquaculture.
- D) De superviser le travail des cadres techniques placés sous sa supervision
- E) De collaborer avec tous les partenaires du MARNDR dans le cadre de ses compétences et attributions pour la mise en œuvre d'activités relevant d'un projet ou d'un programme en rapport avec le sous secteur.
- F) De participer à toutes autres activités de la DP AQ relevant de ses compétences.
- G) De fournir régulièrement un rapport sur la marche des activités à ses responsables administratifs et techniques.

Bethy GERMAIN Ing-agr.
Affectation: Chef du Service de Pêche Maritime à la DPAQ.

DESCRIPTION DE TACHES

La responsable se chargera en étroite collaboration avec les responsables de la Direction des Pêches et Aquaculture et des différentes Directions Départementales:

- A) De participer activement à la préparation des différents programmes de travail en matière de pêche Maritime pour les différentes régions du pays et faire le suivi de la mise en œuvre de ces programmes de travail.
- B) De collecter et de rendre disponibles pour leur utilisation toutes les informations techniques relatives à la situation de la pêche maritime du pays. Tenir à jour les informations relatives aux captures effectuées dans eaux maritimes. A ce titre il devra prendre toutes les dispositions pour rassembler les informations sur le mode de fonctionnement et d'utilisation tant de la zone côtière que de la Z.E.E. (recensement, matériels et engins mobilisés, techniques de pêches utilisés, situation socio économique des utilisateurs, filière de commercialisation des produits de pêche).
- C) De rechercher les informations sur certains paramètres physico-chimiques, la situation des stocks des différentes espèces).
- D) De maintenir les informations sur les statistiques de pêche, l'évaluation de l'effort de pêche dans les différentes zones de pêche du pays.
- E) De superviser le travail de motivation et sensibilisation des associations de pêcheurs de manière à les encourager à effectuer des pêches plus rationnelle et responsable.
- F) Veiller à la supervision des activités de formation des pêcheurs de ces associations particulièrement pour ce qui est des techniques de pêches (nouvelles techniques), de la conservation et du traitement des produits de pêche
- G) De participer à la mise en place et la structuration des organisations ou coopératives de pêcheurs.
- H) De faire connaître la législation sur la pêche, pour la préservation de la ressource.
- I) D'apporter son appui pour la mise sur pied de boutiques d'intrants de pêche et de subventions aux associations et coopératives.
- J) De superviser le travail des cadres techniques placés sous sa supervision
- K) De collaborer avec tous les partenaires du MARNDR dans le cadre de la mise en œuvre d'activités relevant d'un projet ou d'un programme en rapport avec le sous secteur.

- L) De fournir régulièrement un rapport sur la marche des activités à l'échelle nationale, à ses responsables administratifs et techniques.

Jean Robert GARDERE Ing-agr.
Affectation: Assistant au Service de Pêche Maritime à la DPAQ.

DESCRIPTION DE TACHES

L'assistant se chargera en étroite collaboration avec le Chef de Service des Pêches et Aquaculture et les responsables des différentes Directions Départementales:

- A) De participer activement avec le Chef de Service, à la préparation des différents programmes de travail en matière de pêche Maritime pour les différentes régions du pays et faire le suivi de la mise en œuvre de ces programmes de travail.
- B) De collecter et de rendre disponibles pour leur utilisation toutes les informations techniques relatives à la situation de la pêche maritime du pays. Tenir à jour, sous la supervision du Chef de Service, les informations relatives aux captures effectuées dans eaux maritimes. A ce titre il devra prendre toutes les dispositions pour rassembler les informations sur le mode de fonctionnement et d'utilisation tant de la zone côtière que de la Z.E.E. (recensement, matériels et engins mobilisés, techniques de pêches utilisés, situation socio économique des utilisateurs, filière de commercialisation des produits de pêche).
- C) De rechercher, sous la supervision du Chef de Service, les informations sur certains paramètres physico-chimiques, la situation des stocks des différentes espèces).
- D) De maintenir conjointement avec les autres cadres affectés à ces taches, les informations sur les statistiques de pêche, l'évaluation de l'effort de pêche dans les différentes zones de pêche du pays.
- E) De participer au travail de motivation et sensibilisation des associations de pêcheurs de manière à les encourager à effectuer des pêches plus rationnelle et responsable.
- F) De participer à la supervision des activités de formation des pêcheurs de ces associations particulièrement pour ce qui est des techniques de pêches (nouvelles techniques), de la conservation et du traitement des produits de pêche
- G) De participer à la mise en place et la structuration des organisations ou coopératives de pêcheurs.
- H) De faire connaître la législation sur la pêche, pour la préservation de la ressource.
- I) D'apporter son appui pour la mise sur pied de boutiques d'intrants de pêche et de subventions aux associations et coopératives.
- J) De superviser le travail des cadres techniques placés sous sa supervision
- K) De collaborer, en accord avec le Chef de service, avec tous les partenaires du MARNDR

dans le cadre de la mise en œuvre d'activités relevant d'un projet ou d'un programme en rapport avec le sous secteur.

- L) De fournir régulièrement un rapport sur la marche des activités à l'échelle nationale, à ses responsables administratifs et techniques.

INTEGRATED ORGANISATION MODEL

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IOM check-list

Relevant questions need to be selected and adapted based on the organisation and the basic questions concerned.

	positive aspect (+)	neutral +/-	problem (-)
01.0 MISSION			
01.1 Is the mission clearly formulated?			
01.2 Is the mission relevant for the field of development?			
01.3 Is the mission understood & accepted by stakeholders?			
01.4 Is the mission clearly supported by the staff and management?			
01.5 Is the mission adequately translated into long term objectives?			
01.6 Is the organisation legally registered?			
01.7 Does the organisation have a clear constitution?			
02.0 OUTPUTS / RESULTS			
02.1 Does the organisation offer a relevant range of products / services?			
02.2 Do the products and services adequately address the needs of the target groups?			
02.3 Are the existing products / services in line with the mission and long term objectives?			
02.4 Do products / services adequately address the different gender roles and positions of the target group?			
02.5 Is there sufficient demand for these products / services?			
02.6 Does the organisation deliver a substantial volume of outputs?			
02.7 Can the organisation meet the demand for its products / services?			
03.0 INPUTS			
03.1 Is there a sufficient number of staff?			
03.2 Is there sufficient skilled staff?			
03.3 Are premises and equipment adequate?			
03.4 Is the location of the premises adequate?			
03.5 Are offices and equipment adequate?			
03.6 Are inputs & supplies of sufficient quality?			
03.7 Are services of third parties adequate (water, electricity, accountancy, etc.)?			
03.8 Are financial means adequate?			
03.9 Is the organisation able to fulfill its short-term debts?			
03.10 Are there major financial risks and are they covered?			

03.11	Is there sufficient access to necessary information?			
03.12	Are inputs adequately utilised considering the volume and quality of outputs?			

04.0 EXTERNAL RELATIONS		positive aspect (+)	neutral +/-	problem (-)
04.1	Is the target group satisfied with the quality of products and services delivered?			
04.2	Is the target group satisfied with the volume of products and services delivered?			
04.3	Are relations with financiers / donors satisfactory?			
04.4	Are the financiers / donors satisfied with the results?			
04.5	Are relations with other agencies adequate?			
04.6	Has the organisation adequate relations with policy makers in the region and country?			
04.7	Has the organisation a good public image?			
05.0 EXTERNAL FACTORS				
05.1	Is the socio-economic situation conducive to the performance of the organization?			
05.2	Is the legal framework conducive to performance?			
05.3	Are socio-cultural norms and values among the target group and in society conducive to performance?			
05.4	Is the physical environment (climate, infrastructure) conducive?			
05.5	Is the political climate conducive?			
06.0 STRATEGY				
06.1	Is the strategy in line with the mission?			
06.2	Is the strategy clear and realistic?			
06.3	Is the strategy translated in a clear, realistic annual plan?			
06.4	Is the annual plan regularly monitored and adapted?			
06.5	Did the organisation realise earlier annual plans and budgets?			
06.6	Is there a clear and effective work planning?			
06.7	Is the plan of work monitored?			
06.8	Is the staff adequately involved in planning and monitoring?			
06.9	Do strategies and plans address gender differences among the staff and target groups?			
07.0 STRUCTURE				
07.1	Is the decision making structure based upon a clear division of responsibility?			
07.2	Is the division of tasks and responsibilities clear and understood by the staff?			
07.3	Is there a clear division in departments and units?			
07.4	Is the logistical support adequately arranged?			
07.5	Is there sufficient coordination between departments / units?			
07.6	Is there sufficient communication between management levels?			
07.7	Is there an adequate balance in the position of men and women in different units and management levels?			

08.0 SYSTEMS AND PROCESSES			
08.1 Are financial / administrative procedures adequate?			
08.2 Does the organisation adhere to its procedures?			
08.3 Are working methods / approaches adequate?			
08.4 Are working methods / approaches followed by the staff?			
08.5 Is there an adequate planning system?			
08.6 Is there a good system for monitoring and evaluation?			
08.7 Are realistic monitoring indicators developed?			
08.8 Is there sufficient attention to quality control?			
08.9 Is sufficient information about performance easily available?			
08.10 Is there an adequate reporting system (financially, non-financially)?			
08.11 Is there a positive audit report on the last year?			
08.12 Are recommendations of the auditor being implemented?			
09.0 STAFF			
09.1 Is staff performance adequate, considering the circumstances?			
09.2 Are the staff salaries and secondary benefits adequate?			
09.3 Is the performance of the staff reviewed periodically?			
09.4 Is performance adequately linked to salaries and benefits?			
09.5 Are recruitment procedures adequate?			
09.6 Is the staff turnover within normal limits?			
09.7 Is the staff adequately utilised?			
09.8 Are there adequate the staff development activities?			
09.9 Do the staff have sufficient career perspectives?			
09.10 Does the staff policy adequately address gender differences?			
10.0 MANAGEMENT STYLE			
10.1 Is concern of management adequately divided over internal and external relations?			
10.2 Is attention of management adequately divided over quality and volume of outputs?			
10.3 Is concern of management adequately divided over people and means?			

10.0 MANAGEMENT STYLE (continued)	positive aspect (+)	neutral +/-	problem (-)
10.4 Is concern of management adequately divided over relations with staff and task performance?			
10.5 Is there adequate balance between giving responsibilities and control?			
10.6 Are decisions taken in time?			
10.7 Is the staff adequately involved in decision making?			
10.8 Is the staff adequately informed on decisions?			
11.0 CULTURE			
11.1 Is there an adequate balance between hierarchy and participation?			
11.2 Is there an adequate balance between attention to performance and concern for people?			
11.3 Is there an adequate balance between short and long-term thinking?			
11.4 Is there an adequate balance between risk taking and risk reduction?			
11.5 Is there an adequate balance between individual responsibility and team spirit?			
11.6 Is adequate attention paid to accountability and transparency?			
11.7 Is there adequate attention to inequalities (gender differences & minority groups)?			
11.8 Is the organisation willing to learn from its past mistakes?			

**FISHERIES LEGISLATION PROPOSED BY
CUBAN FISHERIES COOPERATION PROJECT**

**PROYECTO
DECRETO-LEY
REGLAMENTO DE PESCA**

CAPITULO I

DISPOSICIONES GENERALES

Artículo 1 - En correspondencia con las actividades de pesca y en el ámbito de aplicación del presente Decreto-Ley se define como Recursos acuáticos: Los integrantes del conjunto compuesto por todas las especies de la flora y la fauna acuática, cualquiera que sea su ubicación en las aguas marítimas y terrestres.

- 1) **Autoridad facultada:** Es la persona natural o jurídica autorizada por el Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural para controlar el cumplimiento del presente Decreto-Ley y otras resoluciones complementarias.
- 2) **Recursos acuáticos:** Los integrantes del conjunto compuesto por todas las especies de la flora y la fauna acuática, cualquiera que sea su ubicación en las aguas marítimas y terrestres.
- 3) **Aguas terrestres:** Las aguas no marítimas constituidas por cuerpos de aguas naturales o artificiales
- 4) **Aguas marítimas:** Las aguas interiores, el mar territorial y la zona económica
- 5) **Pesca:** El acto de extraer, capturar, coleccionar, o cultivar por cualquier procedimiento en medio acuático, especies o elementos biogenéticos cuyo medio de vida parcial, total o temporal sea el agua así como los actos previos y posteriores relacionados con ella.
- 6) **Pesca comercial:** Es aquella en que la captura se destina para la obtención de beneficios económicos. La pesca comercial puede ser:
 - a) **Artesanal** Cuando se emplean artes de pesca simple con embarcaciones de menos de 10 toneladas de desplazamiento bruto. La duración de la pesquería no es mayor de 72 horas
 - b) **Industrial-** Cuando se emplean artes de pesca masiva de envergadura con el objetivo de someter el producto al proceso de almacenamiento, conservación, tratamiento que permita su distribución y venta ulterior
 - c) **Pesca que se realiza con otra finalidad que no sea el consumo humano** Se incluyen la extracción de organismos acuáticos para artesanía, exhibiciones publicas, extracción de sustancias químicas y otros propósitos.

- 7) Pesca de consumo domestico Es aquella en que la captura se destina para el consumo del pescador y su familia y no podrá ser objeto de comercialización
- 8) Pesca Deportivo-Recreativa: Es la que se practica con fines de esparcimiento con los artes de pesca establecidos y no podrá ser objeto de comercialización
- 9) Pesca Científica: Es la que se realiza con fines de estudio, investigación, experimentación, exploración, la prospección, el desarrollo, la repoblación o conservación de los recursos constituidos por la flora y la fauna acuática y su hábitat, la experimentación de equipos y métodos para esta actividad, la recolección de ejemplares vivos en aguas territoriales para el mantenimiento y reposición de colecciones científicas y culturales así como los destinados al ornato, espectáculos públicos, acuarios y zoológicos.
- 10) Pesquería principal Es aquellas dirigidas a la captura de especies de alto valor económico ya sea por ser rubro exportable o por su importancia para la alimentación de la población.
- 11) Veda: Es la prohibición temporal o permanente de pescar, recolectar, desembarcar, transportar., industrializar y comercializar o tener el recurso acuático que sé especifique.
- 12) Talla mínima: Regulación que se establece para precisar la talla o el peso mínimo de cualquier especie acuática por debajo del cual no se autoriza su pesca
- 13) Artes de pesca: Cualquier estructura de diferentes dimensiones, diseño y materiales de que se vale el pescador para la captura de especies acuática

Artículo 2 - Los recursos acuáticos de la Republica de Haití forman parte del patrimonio nacional y corresponde al Estado haitiano establecer las condiciones para su protección, uso y aprovechamiento racional

Artículo 3 - Las disposiciones del presente Decreto -Ley se aplican a todas las actividades de pesca que se realizan tanto en aguas marítimas como terrestres sujetas a la jurisdicción nacional.

CAPITULO II

DE LAS AUTORIZACIONES

Artículo 4 - El Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural es el organismo del Estado facultado para conceder, renovar, modificar y cancelar las concesiones, permisos y licencias de pesca, estableciendo los requisitos y mecanismos correspondientes para su otorgamiento y control.

Artículo 5 - El uso de las aguas para la practica de la pesca se hará de acuerdo a criterios técnico, económicos y sociales. Sujeto a la obtención previa de la autorización administrativa otorgada por el Ministerio de Agricultura, Recursos Naturales y Desarrollo Rural.

Artículo 6 - Las autorizaciones constituyen la base principal para el ordenamiento de la actividad pesquera. La legalización de cualquier tipo de autorización de pesca será tramitada por las Autoridades Facultadas y aprobadas por el Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural.

Artículo 7 - Las concesiones de pesca son todas aquellas autorizaciones que se emiten con tales fines por un periodo comprendido entre 2 a 10 años. Pueden ser renovadas hasta 3 meses antes de su vencimiento. Los poseedores deberán informar al Ministerio de Agricultura, Recursos Naturales y Desarrollo Rural, sobre los métodos y técnicas empleadas; así como los hallazgos, investigaciones, estudios y nuevos proyectos relacionados con la actividad pesquera.

Artículo 8 - Los permisos de pesca son aquellas autorizaciones que se otorgan solamente con carácter temporal y para fines específicos.

Artículo 9 - Las licencias de pesca son aquellas autorizaciones que se emiten por un periodo de un año, tendrán un carácter renovable y no son transferibles. La obtención de estas licencias será requisito indispensable para realizar la pesca comercial y deportivo-recreativa y no son transferibles.

Artículo 10 - Para practicar la pesca se requiere de concesión, permiso o licencia según corresponda, excepto la pesca deportivo-recreativa y de consumo doméstico que se realiza desde el litoral o la orilla sin el empleo de embarcaciones y con el uso de varas, carretes, cordel y anzuelo; se considera también la pesca en los estanques de la acuicultura familiar. Se excluyen aquellas zonas sujetas a regímenes especiales.

Artículo 11 - Las concesiones o permisos pueden ser otorgados a todas aquellas sociedades comerciales nacionales, extranjeras o de capital mixto que cumplan las condiciones siguientes:

- a) Haber sido creados conforme a las leyes del país y tener su sede social en Haití
- b) Tener como mínimo el 51 por ciento del capital social suscrito por los haitianos con derecho a votar en la sociedad comercial.
- c) Poseer una acreditación bancaria de más del 25 por ciento del valor o el monto a invertir en la explotación.

Artículo 12 - Las licencias de pesca se otorgarán a:

- 1) Las personas naturales jurídicas o extranjeras propietarias de embarcaciones y para su otorgamiento serán necesarias:
 - a) Presentación de certificado de registro de la embarcación.
 - b) Presentación del certificado de navegabilidad.
 - c) Comprobante de pago en la oficina de contribución.

- 2) Las personas naturales que practiquen la pesca desde la orilla de los embalses de interés económico para el Estado.

CAPITULO III

EJERCICIO DEL DERECHO DE PESCA

Artículo 13 - El derecho de pesca le corresponde al Estado haitiano y el ejercicio de la misma esta sujeta a la autorización otorgada a los particulares, sociedades y cooperativas.

Artículo 14 - Para el mejor ejercicio del derecho de pesca el Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural puede tener en cuenta la zonificación de las aguas marítimas y terrestres que por su importancia económica pueden ser:

- 1) **Zona de gran interés económico-pesquero:** están sujetas a regímenes generales, donde se autoriza preferentemente la pesca comercial y la constituyen las aguas sobre la plataforma submarina hasta la isobata de los 200 metros.
- 2) **Zonas abiertas de menor interés económico-pesquero:** en las que se otorgara la preferencia a la pesca deportivo-recreativa y a la pesca de consumo domestico.
- 3) **Zonas vedadas:** son aquellas áreas incluidas en las zonas anteriores y que por intereses nacionales de protección de los recursos naturales y del patrimonio quedara prohibido todo tipo de pesca.
- 4) **Zonas bajo régimen especial de uso y protección:** Se trata de áreas legalmente establecidas en las cuales las actividades pesqueras se rigen por disposiciones especiales.

Artículo 15 - Las regulaciones para la pesca en las zonas referidas anteriormente y en los embalses de interés económico serán establecidas por el ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural.

Artículo 16 - Se consideran embarcaciones de pesca todas aquellas que están equipadas para tal fin y utilizadas en esta labor.

Artículo 17 - El capitán o patrón de una embarcación de pesca es el responsable de las infracciones de lo prescrito en la presente ley, sin perjuicio a lo reglamentado en el derecho común en materia de responsabilidad.

Artículo 18 - Las embarcaciones extranjeras de pesca pueden operar en las aguas nacionales de acuerdo a las siguientes condiciones:

- 1) Obtener el contrato de la concesión por el Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural.
- 2) Poseer el permiso o licencia de pesca otorgado por el ministerio de la agricultura.

- 3) Presentar un extracto de matrícula, los documentos de nacionalidad y lo relativo al estado sanitario de la embarcación, la identificación y estado de salud de la tripulación.

Artículo 19 - Por razones carácter técnico o de interés general el Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural puede establecer medidas restrictivas o de limitaciones en lo concerniente a la pesca.

Artículo 20 - Las personas naturales o jurídicas legalmente constituidas que practique la pesca deberá cumplir las siguientes exigencias:

- 1) Extraer o capturar las especies autorizadas en las zonas determinadas.
- 2) Respetar la cuota máxima de captura fijada según la autorización otorgada.
- 3) Tener registro cronológico a bordo de! Volumen de captura, las especies y la zona de pesca.
- 4) Someterse al control establecido por la Legislación vigente.
- 5) Aceptar a nacionales a bordo de las embarcaciones con el objetivo de su entrenamiento de acuerdo al convenio previsto.

Artículo 21 - Toda embarcación de pesca que opere en las aguas nacionales será sometida al control de las autoridades marítimas, portuarias y del sector pesquero

Artículo 22 - Se prohíbe categóricamente la práctica de la pesca submarina en cualquier modalidad de su realización, así como tener o transportar escopetas o arpón en todo tipo de embarcación.

Artículo 23 - Las cooperativas de pesca artesanal legalmente constituidas y autorizada a funcionar como tales y con el beneplácito del Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural, en los dos primeros años de su creación estarán exentas de:

- 1) La franquicia aduanera por los primeros equipamientos e instalaciones.
- 2) El pago de patente y los impuestos por concepto de ingreso de capital y de los combustibles y los lubricantes.

Artículo 24 - Las cooperativas que se acojan a los beneficios referidos en el artículo anterior deberán cumplir los requisitos establecidos por el Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural.

Artículo 25 - Las compañías o sociedades de pesca están obligadas a tener las condiciones adecuadas con agua, electricidad y otras instalaciones portuarias previas al comienzo de sus operaciones pesquera.

Artículo 26 - Las disposiciones regulatorias para la construcción, características y empleo de los artes para la diferentes modalidades de pesca serán establecidas por el Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural de acuerdo a los requisitos exigidos en cuanto a dispositivos, tipos, dimensiones, poder de captura y selectividad, así como otras regulaciones que a tales efectos considere el

ministerio de la Agricultura en interés de la conservación y fomento de las especies.

CAPITULO IV

MODALIDADES DE PESCA

Artículo 27 - De acuerdo con la finalidad, la pesca se clasifica en

- 1) Comercial.
- 2) Deportiva -recreativa.
- 3) Consumo domestico.
- 4) Científica.

Artículo 28 - El Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural establecerá las regulaciones sobre las especies autorizadas a capturar, la talla o peso mínimos permisibles, así como la cuota máxima de captura para cada modalidad de pesca.

Sección 1

Pesca Comercial

Artículo 29 - El producto de la pesca comercial solo puede ser aprovechado por las personas naturales o jurídicas autorizadas por el Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural.

Artículo 30 - La pesca desde buques u otras embarcaciones extranjeras requerirá de una autorización previa, así como el pago por el sistema de cuotas de pesca, de acuerdo con lo que establezca el Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural.

Artículo 31 - El Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural, en coordinación con el Ministerio de Salud Publica esta facultado para habilitar, autorizar, declarar y registrar las compañías y sociedades dedicadas a la transformación y elaboración de productos pesquero para la exportación y el consumo nacional.

Sección 2

Pesca Deportivo-recreativa

Artículo 32 - Las personas naturales o jurídicas que practiquen la pesca deportivo-recreativa se ajustaran a lo establecido por el Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural, como institución rectora de la pesca en general.

Artículo 33 - La pesca deportivo-recreativa podrá efectuarse:

- 1) Desde el litoral o la orilla de las aguas marítimas y terrestre.

2) Desde embarcaciones

Artículo 34 - La pesca deportivo-recreativa en ningún caso podrá ser una impedimenta para la pesca comercial. Los pescadores deportivos evitaran operar a una distancia menor de 200 metros de los artes calados por los pescadores profesionales.

Artículo 35 - En la pesca deportivo recreativa solo se podrán utilizar como artes o avios: El carrete, la vara, el cordel y el anzuelo, prohibiéndose el uso de nasas, palangres, redes de enmalle y otros artes de pesca masivos.

Artículo 36 - Los productos de la pesca deportivo-recreativo son para el consumo personal y no podrán utilizarse en la comercialización y su legal procedencia se justificara con la correspondiente licencia.

Sección 3 Pesca de Consumo Domestico

Artículo 37 - La pesca de consumo domestico se practicara solo desde el litoral o la orilla de las aguas marítimas y terrestre sin el empleo de ningún medio flotantes.

Artículo 38 - Por su denominación, los productos de la pesca de consumo domestico son para la alimentación familiar y se prohíbe su comercialización.

Artículo 39 - Para la pesca de consumo domestico se podrán usar solamente: El carrete, la vara, el cordel y el anzuelo, prohibiéndose el uso de artes de pesca masiva.
El Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural, establecerá las regulaciones sobre las especies autorizadas a capturar y las cuotas permisibles.

Sección 4 Pesca Científica

Artículo 40 - El Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural, en coordinación con el Ministerio del Medio Ambiente autorizara la pesca científica a personas naturales o jurídicas, nacionales o extranjeras de acuerdo a lo establecido en este Decreto- Ley y otras disposiciones legales vigentes.

Artículo 41 - Los resultados de la pesca científica, realizada por cualquier persona natural o jurídica, nacional o extranjera, serán informados al Ministerio de la Agricultura.

Artículo 42 - Cuando por la característica de la investigación, resulte necesario el empleo de artes o procedimientos no reglamentados, será indispensable la presentación de la argumentación científico-técnica que avale la solicitud.

Artículo 43 - El Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural, en coordinación con el Ministerio del Medio Ambiente, podrá autorizar con carácter excepcional, la pesca con fines de investigación de cualquier especie acuática amenazadas o en peligro de extinción, de acuerdo a las exigencias que establezca estas instituciones

Artículo 44 - Los productos que se obtengan de la pesca científica no podrán ser objetos de apropiación ni lucro personal.

CAPITULO V

COMISION CONSULTIVA DE PESCA

Artículo 45 - La Comisión Consultiva de Pesca es el máximo órgano consultivo del Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural, para el ordenamiento y administración de los recursos acuáticos de las aguas marítimas y terrestres

Artículo 46 – A la Comisión Consultiva de Pesca le corresponde

- 1) Analizar el estado de explotación de los recursos acuáticos.
- 2) Proponer las regulaciones y medidas de ordenamiento y protección necesarias para lograr una explotación económica sostenible, pudiendo ser:
 - a) Cuotas de captura
 - b) Las vedas de las diferentes especies.
 - c) Las tallas o peso mínimo de captura de las especies.
 - d) Requisitos para los artes de pesca.
 - e) Otras regulaciones necesarias.
- 3) Analizar y emitir criterios sobre cualquier otro asunto relacionado con la protección y administración de los recursos acuáticos

Artículo 47 - Los miembros permanentes de la Comisión Consultiva de Pesca serán los representantes designados por:

- 1) El Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural (Dirección de Recursos Naturales. Servicio de Pesquería, Servicio de Agua e Hidrológica y Servicios Veterinarios.
- 2) El Ministerio de Medio Ambiente.
- 3) El Ministerio de Interior (Dirección Nacional de la Policía.
- 4) La Asociación Nacional de Pescadores de Haití.
- 5) La Asociación de Empresarios de Pesca.
- 6) El Ministerio de Salud Pública.

- 7) La Administración General de Aduanas
- 8) La Sub-secretaría de Turismo.

Artículo 48 - El Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural, Elaborara las disposiciones correspondientes para el funcionamiento de la Comisión Consultiva de Pesca.

Artículo 49 - Los acuerdos de la Comisión Consultiva de Pesca adquieren carácter legal mediante resoluciones aprobadas por el ministro de la agricultura.

CAPITULO VI

COMERCIALIZACION DE LOS PRODUCTOS PESQUEROS

Artículo 50 - La procedencia legal de los productos pesqueros, se comprobaran mediante el aviso de arribo, los reportes de captura, producción o recolección, o en su lugar por la factura o constancia de donación o adjudicación.

Artículo 51 - Para la exportación de los productos pesqueros; vivos, frescos o congelados, por cualquier vía de transportación, 24 horas antes de la salida se presentaran por el representante del producto o el transportista a la autoridad facultada, los documentos que acrediten la legal procedencia y el conocimiento de embarque, cumpliendo además las disposiciones que establezca el Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural.

Artículo 52 - El pago a la oficina de contribución por el concepto de exportación de los productos pesqueros se realizara en correspondencia con las características cualitativa y cuantitativa del producto, de acuerdo a lo que se establezca por el Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural.

Artículo 53 - Toda empresa o establecimiento para el proceso y comercialización de los productos pesqueros, deberán cumplir los requisitos planteados para este fin y podrán funcionar mediante la autorización correspondiente otorgada por el Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural, siempre que se cumplan las exigencias planteadas por dicho Ministerio.

Artículo 54 - Para la comercialización de los productos pesqueros, por cualquier persona natural o jurídica es obligatorio poseer el permiso o licencia otorgado por el Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural.

CAPITULO VII

PREVENCION DE LA CONTAMINACIÓN DE LAS AGUAS Y PROTECCIÓN DE LAS ESPECIES

Artículo 55 - La contaminación, es la evacuación de sustancias toxica, perjudiciales o nocivas desde fuentes terrestres o a través de ellas y transporte marítimo por vertimiento, según normas establecidas con

características físicas, químicas y orgánicas. A tales efectos se prohíbe:

- 1) Violar las reglas, medidas y procedimientos recomendados para prevenir, reducir y controlar la contaminación de las aguas marítimas y terrestres.
- 2) El vertimiento a las aguas marítimas y terrestres de sustancias tóxicas, perjudiciales o nocivas y en especial las de carácter persistente.
- 3) Acumular todo tipo de desechos en las riveras y el litoral que afecten la ecología

Artículo 56 - El Ministerio de Medio Ambiente de conjunto con el Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural, establecerá las disposiciones que deberán cumplir las compañías o sociedades promoventes de nuevas inversiones o para el acondicionamiento de las instalaciones actuales que puedan alterar el ecosistema y los recursos acuáticos.

Artículo 57 - El Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural establecerá mediante resoluciones el comienzo y fin del periodo de veda de las diferentes especies. Y de conjunto con el Ministerio del Medio Ambiente elaborará las medidas para la protección de las especies diezmadas, amenazadas o en peligro de extinción.

Artículo 58 - Se prohíbe la exportación, importación o la introducción de las especies acuáticas locales o exóticas en aguas interiores y terrestres, independientemente del tamaño sin la autorización del Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural.

Artículo 59 - El Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural establecerá los sistemas de vigilancia epizootológicas y otras acciones veterinarias, dirigidas a implementar los programas de salud para mantener el estado reproductivo y productivo de todas las especies acuáticas.

Artículo 60 - Los propietarios de compañías y establecimientos de productos pesqueros quedan responsabilizados con el financiamiento requerido para los certificados de sanidad y aseguramiento de las medidas veterinarias que sean indicadas.

CAPITULO VIII

DE LAS INFRACCIONES Y SUS PENALIDADES

Artículo 61 - Las sanciones aplicables a las infracciones y violaciones del presente Decreto-Ley serán:

- 1) Multas.
- 2) Cancelación temporal o definitiva de la autorización.
- 3) Clausura temporal o definitiva de la instalación o instalaciones.
- 4) Decomisos de los productos pesqueros, embarcaciones o vehículos y los artes de pesca.

- 5) Obligación de hacer.
- 6) Amonestación.

Artículo 62 - Constituyen violaciones del presente Reglamento de Pesca y se le impondrán las multas que en cada caso se señala a quien:

- 1) Sin la correspondiente autorización del Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural, capture, desembarque, transporte, procese, comercialice o consuma las especies amenazadas o en peligro de extinción siguientes:
 - a) El manatí, el delfin, el cocodrilo, el caimán
Desde hasta gourdes.
 - b) El carey, la tortuga, la caguama y el tinglado
Desde hasta gourdes.
 - c) El coral negro,
Desde hasta gourdes
 - d) La jicotea,
Desde hasta gourdes
 - e) El cobo
Desde hasta gourdes

En todos estos casos se considerara como una infracción la captura o extracción de cada espécimen

- 2) Recolecte, conserve o comercialice huevos de tortugas marinas,
Desde hasta gourdes
- 3) Tenga a bordo de las embarcaciones o utilice instrumentos, artes o métodos de pesca no autorizados;
Desde hasta gourdes
- 4) Capture o desembarque especies que el Ministerio de Salud publica aya determinado como toxica;
Desde hasta gourdes
- 5) Capture o desembarque especies acuáticas que estén por debajo de la talla o peso mínimos establecidos;
Desde hasta gourdes
- 6) Emplee explosivos y sustancias químicas durante las operaciones de pesca;
Desde hasta gourdes

- 7) Abandone nasas, redes, tranques o cualquier otro arte de pesca que pueda provocar la muerte de peces y de mas recursos pesqueros, o alterar el eco sistema acuático;
Desde hasta gourdes
- 8) Pesca sin la debida autorización o con esta vencida;
Desde hasta gourdes
- 9) Exceda las cuotas de capturas previamente autorizadas:
Desde hasta gourdes
- 10) Utilice el producto de la pesca deportiva, de consumo domestico, o científica con fines de lucro, sin la debida autorización para su comercialización;
Desde hasta gourdes
- 11) Oculte, falsee o no proporcione las informaciones sobre la pesca en los términos y plazos que sean requeridos por las autoridades facultades;
Desde hasta gourdes
- 12) Capture, desembarque o comercialice las especies no autorizadas de acuerdo a la modalidad de pesca;
Desde hasta gourdes
- 13) Capture, desembarque o comercialice cualquier especie durante la época de veda:
- a) Especies de escama
Desde hasta gourdes
 - b) Crustáceos
Desde hasta gourdes
 - c) Moluscos y esponjas
Desde hasta gourdes
- 14) Capture o desembarque cualquier especie utilizando cualquier especie utilizando artes de pesca prohibidos por la legislación vigente, o que no cumplan con los requisitos establecidos;
Desde hasta gourdes
- 15) Capture, transporte, desembarque procese, comercialice o tenga ejemplares de langosta, cangrejos de tierra y cangrejos moro con freza o chapa;
- a) Langosta
desde hasta gourdes
 - b) Cangrejo moro
Desde hasta gourdes
 - c) Cangrejo de tierra
Desde hasta gourdes

- 16) Pesque sin la correspondiente autorización en zonas vedadas o bajo régimen especial de uso y protección,
Desde hasta gourdes
- 17) Capture o extraiga especies de los pesqueros alifiales u otro tipo de arte de pesca sin la debida autorización;
Desde hasta gourdes
- 18) Transforme o elabore pescado y otros productos pesqueros en condiciones que afecten la calidad del producto y la seguridad del consumidor;
Desde hasta gourdes
- 19) Produzca daños a los arrecifes coralinos por las embarcaciones que utiliza para la pesca, o tale los manglares sin la correspondiente autorización;
Desde hasta gourdes
- 20) Comercialice directamente o como intermediario productos pesqueros sin la correspondiente licencia o permiso;
Desde hasta gourdes
- 21) Produzca daños o se apropie indebidamente de los artes de pesca
Desde hasta gourdes
- 22) Facture o ampare productos pesqueros que no hayan sido adquiridos legalmente;
Desde hasta gourdes
- 23) Transfiera los derechos otorgados por una autorización;
Desde hasta gourdes
- 24) Desembarque en el extranjero, o trasborde producto pesquero sin la debida autorización, excepto en caso de siniestro;
Desde hasta gourdes
- 25) No informe el aviso de arribo, reporte de captura o recolección según lo dispuesto;
Desde hasta gourdes
- 26) Incumpla el convenio contraído para la pesca;
Desde hasta gourdes
- 27) Realice la pesca submarina, o tenga a bordo de las embarcaciones escopetas o arpón;
Desde hasta gourdes
- 28) Incumpla con el acondicionamiento de las instalaciones portuarias para la operación de pesca, o viole los requisitos para la construcción y equipamiento de los establecimientos de productos pesqueros:
Desde hasta gourdes

- 29) No justifique la legal procedencia de los productos pesqueros;
Desde hasta gourdes
- 30) Viole las regulaciones veterinarias relativas a los recursos pesqueros
Desde hasta gourdes

Artículo 63 - En todo estos casos y tomando en cuenta la gravedad de la infracción, además de las multas indicadas en el artículo anterior se aplicaran como accesorias; La cancelación temporal o definitiva de la autorización, clausura temporal o definitiva de la instalación o instalaciones; Decomiso de los productos pesqueros, embarcaciones o vehículos y los artes de pesca, u otros medios utilizados para cometer la infracción; Amonestación, y la obligación de hacer, a acorde a la naturaleza de la violación

Artículo 64 - Cuando la infracción sea cometida por personas natural o jurídica extranjera o empresa mixta, las multas establecidas en el presente Decreto Ley se abonaran en monedas libremente convertibles, según la tasa de cambio oficial vigente en el Banco Nacional de Haití.

Artículo 65 - El Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural, podrá promover actuación judicial contra las personas natural o jurídica que cause daños por vertimientos de desechos a las aguas de interés pesquero, según establezca la Ley Penal.

Artículo 66 - A los bienes o productos decomisados se les dará el destino que disponga el Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural,

Artículo 67 - Cuando el infractor no abone el importe de la multa impuesta podrá ser sancionado por el tribunal correspondiente o aplicársele otras medidas de acuerdo a lo establecido por las leyes vigentes.

CAPITULO IX

DEL PROCEDIMIENTO

Artículo 68 - Las autoridades facultadas para comprobar la comisión de las infracciones contempladas en el presente Reglamento y para imponer las sanciones correspondientes, son los inspectores autorizados por el Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural, y las designadas por el Ministerio del Interior.

Artículo 69 - La persona inconforme con la sanción o sanciones impuestas en virtud de lo regulado en el presente Reglamento, podrá establecer el correspondiente recurso, ante la autoridad competente departamental designada, dentro de los _- días hábiles siguientes de la imposición de la misma.

Artículo 70 - Corresponderá a la autoridad competente departamental designada, resolver los recursos presentados contra las sanciones impuestas en el territorio a su cargo, dentro de los __días naturales siguientes a la recepción del recurso.

Contra la decisión de la autoridad competente departamental no cabra recurso alguno en lo administrativo ni en lo judicial.

CAPITULO X

INSPECCION PESQUERA

Artículo 71 - Corresponde al Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural ejercer la inspección y vigilancia del cumplimiento de las medidas de regulación pesquera y otras disposiciones contenidas en este Decreto Ley, referentes a la conservación de los recursos acuáticos, a la inspección higiénico-sanitaria y tecnológica de acuerdo a la legislación nacional e internacional, así como a la prevención de la contaminación de las aguas de interés pesquero.

Artículo 72 - Los Ministerio de Salud Publica, del Interior, del Comercio y la Industria, del Medio ambiente, la Asociación Nacional de Pescadores de Haití, la Administración General de Aduanas y Medicinal Veterinaria, contribuirán al ejercicio de la inspección y vigilancia de lo establecido en el presente Decreto Ley.

Artículo 73 - Toda persona natural o jurídica sujetas a las disposiciones del presente Decreto Ley, estará obligada a facilitar la labor de inspección requeridas por las autoridades facultades para realizar dichas funciones, permitiendo su acceso a las embarcaciones e instalaciones donde se lleve a cabo cualquier actividad pesquera.

Artículo 74 - La autoridad facultada puede promover actuación judicial contra cualquier persona natural o jurídica que evada o impida el cumplimiento de sus funciones.

Artículo 75 - El Servicio de Inspección Pesquera se pagara por la persona natural o jurídica, nacional o extranjera, o empresa mixta que lo solicite de acuerdo a lo conveniado con el Ministerio de la Agricultura, Recursos Naturales y Desarrollo Rural.

Nota: Elaborado por los oficiales inspectores de la Colaboración Cubana de Pesca en Haití.

Manuel Mena Castillo
Pedro Linares Kindelán