

## **Discussion Paper:**

### **Implementing Mechanism for the Common Fisheries Policy and Regime**

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#### **1.0 Background**

##### **1.1.1 Importance of the Fisheries Sector in CARICOM**

The fisheries sector is strategically important to the CARICOM region, employing over 142,000 persons, directly or indirectly, who are mostly from remote rural communities, which lack other income earning opportunities. The sector earns over US \$150 million per year from export and saves the region at least three times as much in foreign exchange since the volume of production is four times the volume of export, accounting for up to 8% of the Gross Domestic Product (GDP) in some member states. Fish production in CARICOM/CARIFORUM countries in 2000 was 195,000 MT approximately with an estimated value of over US\$500 million. Shrimp, queen conch, reef fishes, deep slope and bank fishes, coastal and offshore pelagic make up the marine capture component and are by far the most important economically in the fisheries sector.

Fish is a major source of protein especially in rural communities, which usually exhibit a higher percentage of poverty than the national average. Fish consumption is high in CARICOM Countries, in most cases higher than the world average, being second only to poultry as a source of protein. In fact, in many rural areas it is the main source of protein. Additionally, the sector complements and enhances the region's tourism through its use as a vehicle for fishing excursions and fishing tournaments. It is anticipated that the sector will grow in importance in the future (Haughton, 2003).

##### **1.1.2 Caribbean Regional Fisheries Mechanism (CRFM)**

In order to promote and facilitate the responsible utilization of the region's fisheries and other aquatic resources for the economic and social benefits of the current and future population of the region, the Caribbean Regional Fisheries Mechanism (CRFM) was inaugurated on 26 March 2003 in Belize. At present, its members are Anguilla, Antigua and Barbuda, The Bahamas, Barbados, Belize, British Virgin Islands, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago and the Turks and Caicos Islands.

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The objectives of the CRFM are:

- (a) the efficient management and sustainable development of marine and other
- (b) aquatic resources within the jurisdiction of member states;
- (c) the promotion and establishment of cooperative arrangements among interested states for the efficient management of shared, straddling or highly migratory marine and other aquatic resources; and
- (d) the provision of technical advisory and consultative services to fisheries divisions of member states in the development, management and conservation of their marine and other aquatic resources.

In pursuance of these objectives, the member states have determined that the Mechanism would be guided by the following principles:

- maintaining bio-diversity in the marine environment using the best available scientific approaches to management;
- managing fishing capacity and fishing methods so as to facilitate resource sustainability;
- encouraging the use of the precautionary approaches to sustainable use and management of fisheries resources;
- promoting awareness of responsible fisheries exploitation through education and training;
- according due recognition to the contribution of small scale and industrial fisheries to employment, income and food security, nationally and regionally, and
- promoting aquaculture as a means of enhancing employment opportunities and food security, nationally and regionally.

Also, within the Legal Agreement Establishing the CRFM, it recognizes the following:

- certain of the living marine resources which are of interest to the peoples of the Caribbean region are highly migratory, straddle national boundaries and are harvested by third states;
- there are international institutions, bodies and competent organizations, the policies and programmes of which may be relevant to the living marine and other aquatic resources of interest to member states;
- the need for cooperation and consultation among all the states parties to the Legal Agreement, third states, interested international institutions and bodies involved in fisheries in the Caribbean region;
- the relevant provision of the Third United Nations Convention on the Law of the Sea (1982); the FAO Code of Conduct for Responsible Fisheries (1995); the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (1993); the United Nations Agreement of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995); Sustainable Development of the Programme of Action for Small Island Developing States (1994); and the Protocol Concerning Specially Protected Areas and Wildlife in the Wider Caribbean (1990);
- the Agreement will serve to enhance cooperation in the area of fisheries among states parties and interested third parties, thereby contributing to the general well-being of the peoples of the Caribbean region.

It also acknowledges Resolution 51/225 of the United Nations General Assembly, dated 15 February 2000 on promoting an integrated management approach to the Caribbean Sea in the context of sustainable development and takes cognizance of the revised treaty of Chaguaramas (2001) Establishing the Caribbean Community including the CARICOM Single Market and Economy (CRFM, 2003).

The CRFM has developed a Strategic Plan, which represents a consensus of member states priorities, for implementation over a period of about seven years commencing in the year 2003. This Plan is complemented by a Medium Term Plan, which describes the first set of programs to be implemented in the ensuing four years. Within the Medium Term Plan the programme areas are identified as follows:

- Research and data analysis for policy formulation and decision-making.
- Preparation for global competitiveness.
- Resource assessment and management.
- Human resource development and institutional strengthening.
- Strengthening of fisher's organizations and improved community participation.
- Promotion of expansion and utilization of un-utilized aquatic resources.
- Development and promotion of aquaculture.
- Development and promotion of risk reduction programs for fishers.
- Development and promotion of programmes for conflict resolution among multi-users in coastal zones (CFU, 2003).

## **1.2 Mandate from the Conference of Heads of Government**

There is ongoing appreciation for and support of the concept of the Caribbean Sea as a special area for sustainable development. Inherent in this concept is the need for the development of a common fisheries regime, at least among CARICOM states that would allow for the rational exploitation, adequate management and conservation of fisheries resources (Dundas and Mitchell, 2004).

The current effort to establish a Common Fisheries Policy and Regime (CFP&R) at the CARICOM level was initiated at the Fourteenth Inter-Sessional Meeting of the Conference of Heads of Government in Trinidad and Tobago, 14-15 February 2003. The Heads of Government endorsed proposals from the Government of Barbados on 'the imperative of elaborating a Common Fisheries Regime' and mandated the CARICOM Secretariat to undertake the necessary consultations and propose a framework for consideration at the Twenty-Fourth Meeting in July 2003. The Fifteenth Inter-Sessional Meeting of the Conference of Heads of the Caribbean Community, Basseterre, St. Kitts and Nevis, 25-26 March 2004 endorsed the continued elaboration of a Common Regional Fisheries Regime. Also, at this Meeting, the CARICOM Heads agreed that "in order to effectively protect the Caribbean Sea and promote the sustainable use of its fisheries resources, member states will ensure the successful functioning of the recently established Caribbean Regional Fisheries Mechanism and will in due course consider investing it with the authority to administer a comprehensive Common Fisheries Regime" (Dundas and Mitchell, 2004).

## **1.4 Similar Initiatives to establish Common Fisheries Policies**

In several regions of the world, such as Europe and closer to home, the eastern Caribbean, there have been initiatives to put in place common fisheries policies and zones, in order to effectively manage fisheries and aquaculture resources. A review of these initiatives would show that the current CARICOM effort is not a unique one, and as such they may also provide valuable insights that could guide our deliberations in establishing a CFP&R.

### **1.4.1 Common Fisheries Policy (CFP) of the European Union (EU)**

The European Union has established a Common Fisheries Policy (CFP) as an instrument for the management of fisheries and aquaculture. It was created to manage a common resource and to meet the obligation set in the original Community Treaties.

In 1970, the first common measures in the fishing sector that set rules for access to fishing grounds, markets and structures were put in place. It was agreed that, in principle, Community fishermen should have equal access to member states' waters. However, in order to ensure that smaller vessels could continue to fish close to their home ports, a coastal band has been reserved for local fishermen who have traditionally fished these areas. Measures were also adopted for a common market in fisheries product and a structural policy was set up to coordinate the modernisation of fishing vessels and on-shore installations.

In 1976, all these measures became more significant when member states followed the international movement and agreed to extend their rights to marine resources from 12 to 200 miles from their coasts. They also decided that the Community was best placed to manage fisheries in the waters under their jurisdiction and to defend their interests in international negotiations.

The CFP came into being in 1983 after years of difficult negotiations. It takes into account the biological, economic and social dimension of fishing and can be divided into four main areas dealing with conservation of fish stocks; structures (such as vessels, port facilities and fish processing plants); the common organisation of the market and an external fisheries policy which includes fishing agreements with non-Community members and negotiations in international organisations.

Based on scientific studies on the main fish stocks, the Council of Ministers decides on the amount of fish that EU fishermen will be allowed to catch the following year. These total allowable catches (TACs), are divided among Member States, with each country's share referred to as a national quota.

The EU's structural policy is intended to assist the fishing sector to adapt to today's needs. Funding is available for projects in all branches of fishing and aquaculture and for market and development research. It is also available for modernisation of the fishing fleets as well as for getting rid of excess fishing capacity.

With regard the common organisation of the market, this policy was part of the first set of common measures. The objective was to create a common market inside the Community and to match production to demand for the benefit of both producers and consumers. These original objectives have been complemented by the creation of the Community single market and the gradual opening up of world trade.

At the bilateral and multilateral levels, fisheries agreements became necessary when distant-fishing vessels from the Community lost access to their traditional grounds following the extension of fisheries zones. Fishing rights for such vessels have been negotiated with many non-Community countries in return for various forms of compensation, the nature of which depends on the interests of the third country concerned. The Community is also involved in negotiations with international organisations and regional fisheries organisations to ensure sustainable fishing activities (Anon., 2003b).

The Directorate-General Fisheries is responsible for the CFP, which covers all fishing activities, the farming of living aquatic resources, and their processing and marketing. The DG Fisheries also represents the Community at the international level, prepares legislation, implements management policy and monitors compliance with Community law by means of discussions, analyses and studies. It is also responsible for conducting a scientific research programme for fisheries as part of the Community's framework research programme and carrying out various information and communication initiatives on the Common Fisheries Policy for the public at large.

The DG Fisheries carries its functions in collaboration with the other Directorates-General and departments of the European Commission, and with the other Community institutions and bodies (the Council, European Parliament, Committee of the Regions, Economic and Social Committee, etc.) (Anon., 2003b).

In December 2002, following a process of review, the EU Fisheries Council agreed on the new Common Fisheries Policy (CFP). The new measures, which entered into force on 1 January 2003, replaced the rules that governed the CFP since 1993.

There are three major changes in the Common Fisheries Policy. These are:

- the abolition of public aid for building new fishing boats after the end of 2004 and tougher conditions for subsidies for the modernisation of boats;
- the incorporation of a more ecosystem-based approach to fisheries management through the introduction of recovery plans for threatened stocks and management plans for non-threatened stocks; and
- increased premiums for the scrapping of vessels in order to achieve additional reductions in fishing effort resulting from recovery plans (Anon., 2003b).

#### **1.4.2 OECS Initiatives Towards Sub-regional Management of Fisheries Resources**

The Organisation of Eastern Caribbean States (OECS) efforts towards a framework for sub-regional management of fisheries resources can be seen as beginning with the process of

development of harmonised fisheries law in 1982/83, with the assistance of the FAO Fisheries Management Law Advisory Programme (FIMLAP). Between 1983-1985, at least five OECS Member States promulgated their harmonised fisheries acts. On November 24, 1989, the OECS Heads of Government (the Authority) made the Castries Declaration in which they resolved “to seek to establish a regional regime for the regulation and management of pelagic resources in the Lesser Antilles region that would outlaw the use of drift nets and other disruptive fishing methods by commercial fishing vessels”. This declaration can be seen as the first statement of the recognition of a need to act jointly to “ensure the proper management and conservation of the living marine resources in their exclusive economic zones and the mutual interest of all OECS states to collaborate in order to conserve and protect fisheries stocks” (Murray, 2004).

On the first of February 1991, the Authority signed an agreement establishing Common Fisheries Surveillance Zones (CFSZs) of participating Member States of the OECS. This agreement allowed for an authorized officer under the fisheries legislation of any given member state to be authorized anywhere within the common zones with corresponding authority. The common zones comprised the fishery waters, waters within the fishery limits and the exclusive economic zones as the case may be of the participating states and were established only for surveillance and enforcement of the fisheries acts. In June of that same year, at its Nineteenth meeting, the Authority decided to extend the CFSZs to Common Fisheries Zones (CFZs) to “provide the best conditions for the expansion of the harvesting sub-sector of the fishing industry ... bearing in mind the provisions of the United Nations Convention on the Law of the Sea ... and in particular Article 123 concerning the cooperation of states bordering enclosed and semi-enclosed seas in the exercise of their rights and in the performance of their international obligations”. These zones were to consist of the waters of the EEZ of states parties, but not include the territorial sea, archipelagic waters or the internal waters as defined in UNCLOS.

The draft CFZ Agreement (CFZA) had among its objectives, the development of Member States’ capacity to harvest the resources of the CFZ and fishery waters in a viable and sustainable basis; the coordination of the efforts of Member States in the exploration, exploitation and management of the CFZ and fishery waters within the provisions of UNCLOS; and to ensure that (i) there were management controls over the level of exploitation, (ii) control measures are put in place to prevent unauthorised fishing and related activities, (iii) traditional artisanal fishing is not prejudiced, and (iv) mechanisms are put in place for the determination and collection of any revenue that may arise from the implementation of the agreement. The promotion of the processing, manufacturing and marketing of fish and fish products was also among the stated objectives of the CFZA.

The draft CFZ Agreement provided for a Unit with responsibilities for the coordination of the policy guidelines issued by the Authority, and at the request of states parties, the policy of the parties in relation to the exploration, exploitation and management of the CFZ. These responsibilities included among others recommending criteria for the grant of any access to fishing in the CFZ by states parties and, in consultation with parties, criteria for access by non-OECS member states vessels; to promote and coordinate marine scientific research, monitoring, control and surveillance (MCS) activities, collection, analysis evaluation and distribution of all data; to formulate human resource development programmes; and, to prepare, in consultation with parties, a management plan for the CFZ and fishery waters. The Unit was to be given the responsibility to require the preparation and submission of national management plans, and to

coordinate implementation of national management plans. The Unit was also charged with assisting parties in development of national management plans.

The Draft Agreement also gave the Unit the right to “institute such administrative and financial steps as are necessary for the efficient undertaking of its (management) functions” with the approval of the Authority.

The CFZA outlined general qualifications for access and spoke to the agreement to grant preferential access to Member States that were not parties, with the Unit recommending criteria in accordance with which preferential access may be granted. The agreement was to provide for “harmonised minimum conditions for the grant of fishing access by fishing vessels other than fishing vessels of OECS and CARICOM States” (OECS, 1993).

A number of factors militated against accepting one global OECS CFZ Agreement, the OECS Authority directed that “since the OECS region is comprised of four (geographic) zones, territories sharing the same zone should first establish a common fishing zone among themselves with a view to the gradual merging of the zones in the entire OECS region”. To date, however, this directive has not been carried out (Murray, 2004).

## **1.5 Current Global Environment**

The current global environment makes organizations and issues such as the International Commission for the Conservation of Atlantic Tunas (ICCAT); the World Trade Organisation (WTO) and its increasing attention to subsidies; the European Union’s requirements for importation of fish and fish products; Climate Change; Monitoring, Control and Surveillance and Safety at Sea, of ever increasing importance to the fisheries sector and in like manner to the establishment of a CFP&R.

### **1.5.1 CARICOM Fisheries in the Global Environment**

There is a growing international demand for reduction of fishing effort however, notwithstanding this, the view has recently been advocated that management must be mindful of biological, political, social as well as economic considerations. Optimising any one of these alone is considered unrealistic for the development of the sector and hence it is important to consider what is occurring in other sectors of economic and political decision-making.

#### **1.5.1.1 International Commission for the Conservation of Atlantic Tunas (ICCAT)**

Large offshore pelagic fish resources are often considered to hold the greatest potential for development in the region and a significant number of Lesser Antilles states are attempting to increase their effort in these fisheries. This must be achieved in accordance with agreed ICCAT conservation and management measures that now include several rebuilding plans for severely depleted large tuna and billfish resources. Consequently, ICCAT regulations stipulate that total allowable catches, and/or fishing effort for most of the highly migratory pelagic species, with the exception of skipjack tuna and “small tunas”, should be reduced to levels that would support the

recovery of resources. Such proposed reductions have been significant for some species, such as bigeye tuna and the marlins.

ICCAT also has the authority to allow its Member States to place economic sanctions on non-members that fail to adhere to its management measures. Recently, ICCAT has adopted catch criteria ostensibly to ensure more equitable country quota allocations. CARICOM Countries have taken the position to defend their needs as “new” participants and developing states. The issue of the management of the coastal large pelagic species and the group of “small tunas” (which includes blackfin tuna, the mackerels, and wahoo) at the regional level must become an integral part of any regional management regime for fisheries in general.

### **1.5.1.2 World Trade Organisation (WTO)**

Most of the CARICOM Countries are committed to free trade under the various WTO agreements relating to agriculture. Ironically, while fisheries products are traditionally often classified within the agriculture sector, in the WTO they are not included specifically in the Agreement on Agriculture. However, a number of issues addressed in the Agreement on Subsidies and Countervailing Measures (ASCM) are of relevance to the fisheries sector in CARICOM States.

The Declaration from the WTO 5<sup>th</sup> Ministerial Conference in Doha (November 2001) commits WTO Members to undertake negotiations to “clarify and improve WTO disciplines on fisheries subsidies, taking into account the importance of this sector to developing countries”. According to the ASCM, a subsidy has three basic elements: (i) a financial contribution (ii) by a government or any public body within the territory of a member (iii) which confers a benefit. All three of these elements must be satisfied in order for a subsidy to exist and they must consist of a financial contribution. Listed among the types of measures that represent a financial contribution are grants, loans, equity infusions, loan guarantees and fiscal incentives. The argument has been advanced, though not universally supported, that fisheries subsidies have had deleterious effects.

Fisheries activities in the small vulnerable coastal states of CARICOM come under three general categories: (i) revenue generation from access fees from distant water fleets, (ii) domestic and foreign fishers operating for export in the EEZ and territorial sea to supply processing facilities of one level or another and (iii) artisanal fisheries within (or just outside) the territorial sea and the EEZ for the domestic and export market. A recent submission to the WTO Negotiating Group on Rules which argues that “... the fisheries sector is distinctive in that, in addition to the standard market addressed in the ASCM rules, fisheries sector subsidies can also distort access to productive resources, and can have negative effects from an environmental or developmental perspective” has served to heighten concern amongst small vulnerable states that the intention of negotiations in this area may, by design, or by default, result in disciplines on fisheries access fees.

A far more common concern pertaining to the current negotiations on fisheries subsidies is the potential impact that new disciplines may have on fisheries activities geared towards domestic processing. In order to attract investment, governments may consider offering incentives to fishers to supply domestic processing facilities. These incentives may be vital if states are to



develop their fisheries sector, and the right to do so is assured under UNCLOS and any possible WTO disciplines should not undermine the fundamental principles of the Law of the Sea.

### **1.5.1.3 CARICOM Single Market and Economy (CSME)**

In 1989, at Grand Anse in Grenada, CARICOM Heads of State took the decision to establish the CARICOM Single Market and Economy (CSME). The decision was driven by the need "to deepen the integration process and strengthen the Caribbean Community in all of its dimensions to respond to the challenges and opportunities presented by changes in the global economy". Chief among these, were the liberalisation of trade and other economic activities, the deepening phenomenon of globalization and the emergence and expansion of regional economic blocs.

One of the major objectives of the CSME is the creation of a single economic space which will provide for *inter alia*, the free movement of goods and services, labour and capital. The movement towards the implementation of the CSME will be the focus of member states' efforts at re-orienting their policies that will not only allow them to survive in an increasingly competitive environment, but also to achieve economic growth and development for the benefit of the people of the Community (MFA&FT, 2001).

In light of the coming into being of the CSME which would create a single economic space within which to promote the free flow of goods, services, capital and labour, it would not appear to be in the long term interest of the region to exclude the marine space, which in the case of most member states exceeds the territorial space, and which is likely to be the source of even more economic activity in the future (Anon., 2003a).

### **1.5.2 Climate change**

Climate change represents an important additional stress to the many ecological, social and economic systems already affected by pollution, increasing resource demands, globalization and non-sustainable management practices in the region. It is expected to occur at a rapid rate relative to the speed at which ecosystems can adapt and re-establish themselves. The principle effects on fisheries will be felt at national and local levels as centers of production are altered and changes to the ecosystems occur. Consideration must therefore be given to the direct and indirect impacts on the fisheries sector as a whole. A common fisheries policy must make allowance for incorporating the results of fully integrated approaches to vulnerability assessment in this context. Such an assessment must take into consideration the value of non-market goods and services provided by the fisheries sector such as subsistence assets, community structure, traditional skills and knowledge which would also be at risk from climate change. The development programmes emanating out of the policy which seek to use the fisheries resources in a sustainable manner and which can effectively respond to changing conditions resulting from climate change must be put in place as soon as possible if CARICOM Member States are to mitigate the impacts of global climate change on the fisheries sector (Murray, 2004).

### **1.5.3 Monitoring Control and Surveillance (MCS)**

A common policy towards MCS has already been espoused by some CARICOM Member States by the signing of the OECS Common Fisheries Surveillance Zones Agreement which accords powers to authorized officers under the agreement that are actually broader than those accorded to national authorized officers under individual national fisheries laws. Given that many of the targeted species are usually within the boundaries of the territorial sea, enforcement and other provisions of an arrangement similar to the OECS CFSZ Agreement may be pertinent to the management of most of the fisheries of CARICOM Member States.

There is also need to consider the development of standard operational procedures (SOPs) for fisheries enforcement similar to those developed by and for OECS Member States, geared toward the enforcement aspects of their fisheries acts, as well as harmonization of sanctions. Such SOPs would need to be adapted pursuant to the requirements of the international fisheries environment.

#### **1.5.4 Quality Assurance and Food Safety**

The importance of quality assurance and food safety in the development of the marketing and trade aspects of the fisheries sector would have to be addressed in the development of any common fisheries policy for the region. As the fishing industry in the CARICOM region is predominantly artisanal with over eighty percent of persons in the industry employed within the artisanal fisheries who are dependent on fish related activities for their livelihood. A small but vibrant industrial fishery can be found in a few states. The standards of fish handling practices are not uniform across countries. In some states the quality control systems are such that the product is of acceptable international standards, while in others there is considerable room for the enhancement of systems and standards for the consistent attainment of product quality to meet international health and food safety standards. Legislative, institutional and laboratory infrastructures also vary across the states with a few meeting international standards and others requiring some strengthening and upgrading.

An analysis of the problems encountered indicates that the challenge is to define a strategy for enhancing the national and regional institutional capability to meet the requirements necessary to maintain and expand the trade in fishery and fish products locally, regionally and internationally. In this regard attention must be focused on a comprehensive enhancement of processes, institutional systems and infrastructure particularly at the national level, supported by complementary regional level arrangements.

In order to optimize the returns from the fish catches, significant improvements are needed in post-harvest handling, processing, quality control and marketing of fish and fish products in the CARICOM region. Such improvements are becoming even more critical as CARICOM countries seek to meet local consumer demands for quality products as well as to increase their exports of fish and fish products to markets within the Caribbean and Latin American regions, European Union and USA. Some of the importing countries, like the EU, have established stringent standards which are inhibiting the expansion of trade in fish and fish products (CFU, 2002).

### **1.5.5 Safety-at-sea**

The importance of safety issues needs to be recognized as part of any common policy on fisheries in the region. Minimum safety standards have been proposed for the OECS member states based on vessel classification by length over all. To varying extents OECS states have incorporated these standards into their regulatory framework, however in most cases this has been limited to the minimum required with provision being made for upgrading. However, given that fishermen in the main still do not utilise the equipment, legislating has not led to increased safety at sea. The recent collaborative project between FAO, OECS Member States and Barbados has begun to facilitate the implementation of pertinent provisions of the FAO Code of Conduct for Responsible Fisheries so that fishing will be a safer activity. In extending these standards within a broader CARICOM fisheries policy, the enhancement of fishing effort diversification can be facilitated while promoting greater cooperation between individual national fisheries and maritime authorities. However, it must be recognized that the incorporation of standard specifications for the design and construction of fishing vessels and the establishment of efficient fishing vessel inspection services to increase the safety of life and property at sea, at the policy level, is imperative. These standards might be divided into those for (i) safe “boating” and (ii) safe “manning”. These should cover prevention of incidents as well as emergency management (Murray, 2004).

## **2.0 Towards a Common Fisheries Policy and Regime**

The Second Meeting of the Working Group on the Common Fisheries Policy and Regime, in Guyana, from June 9-10, 2004, reaffirmed the agreement in principle to the establishment of a Common Fisheries Policy and Regime, and set out the key issues emerging from the Workshop in the format of a Draft Framework for a Regional Fisheries Policy and Regime with a view to highlighting matters that needed to be addressed. Included in the Draft Framework for a Regional Fisheries Policy and Regime are a background; vision; goal; objectives; fundamental principles; policies with respect to access to fisheries resources, management, research and data collection and marketing and trade; the Zone; maritime jurisdiction/delimitation; management of the Common Fisheries Policy and Regime; species to be managed in the Zone; powers of the implementing agency; membership/participation; responsibilities of the implementing agency; representational rights of the implementing agency; dispute settlement; accession and withdrawal. The Member States accepted that the establishment of a Common Fisheries Policy and Regime was a work in progress requiring policy guidance in many areas, and as such the framework document did not purport to provide agreed or settled positions (CRFM, 2004a).

Member States have accepted the Vision elaborated at the First Meeting of the Working Group on the Common Fisheries Regime, in Trinidad and Tobago, in 2003, which calls for:

*Sustainable use and management of the living marine resources and ecosystems of the Caribbean through increased cooperation and collaboration among CARICOM Member States and Third States for the improved welfare of their peoples.*

However, with regards the goal for the CFP& R, two options were put forward as follows:

**Goal**

**Option 1:** Optimal utilisation through efficient and effective management of the living marine resources of the Caribbean Community within the context of the CSME and in accordance with international obligations with a view to maximizing the social and economic benefits to the states of the Communities.

**Goal**

**Option 2:** Sustainable use of the living marine resources of the Caribbean Community within the context of the CSME and in accordance with international obligations with a view to maximising the social and economic benefits of the peoples of the Community.

Save for “optimal utilization” in Option 1 and “sustainable use” in Option 2, the wording of the two options are quite similar. If one considers that optimal utilisation suggests a specific reference point while sustainable use implies a broader range of options which may include optimal utilization, then, the desirable goal is optimal utilization as set out in Option 1, with the Vision Statement and Option 1 embracing the essential ideas for the CFP&R.

## **2.1 Role and Functions**

Of the Fundamental Principles that would guide the operationalisation of the CFP&R, specific reference should be made to the following:

- Consistency with applicable international law instruments and obligations including the Revised Treaty of Chaguaramas.
- Non-prejudice to artisanal fisheries.
- Application of the precautionary approach.
- Advancement of social and economic development.
- Improve food security.
- Consideration of the special needs of artisanal and small scale fisheries.
- Recognition of the rights of Member States of CARICOM under this regime shall not be prejudiced by their political/sovereign status.
- Stakeholder participation and consultation.

In terms of the execution of the policies agreed to under the CFP&R, the implementing mechanism would have a role to play with regard to access, management of resources, research and data collection, marketing and trade. It would also have a role to play in relation to the demarcation of the Zone after the Member States would have agreed on an approach that would be acceptable to all. Thereafter, it would be responsible for the implementation of the CFP&R, while putting in place suitable reporting arrangements to ensure good governance and effective decision-making.

Recognising that the CARICOM countries are already in the process of implementing the CRFM, and taking into consideration the CHoG's agreement that in order to effectively protect the Caribbean Sea and promote the sustainable use of its fisheries resources, member states should ensure the successful functioning of the recently established CRFM and in due course consider investing it with the authority to administer a comprehensive Common Fisheries Regime. The sections below would examine the existing roles and functions of the CRFM and the CFP&R with a view to determining the most suitable mechanism and entity that would be able to execute the Strategic and Medium Term Plans of the CRFM as well as take on the mandate to implement the CFP&R.

### **2.1.1 Functions of the CRFM**

Based on the objectives as set out in the Agreement Establishing the CRFM, its current role is advisory and management, with it functioning in the advisory capacity at present. Following on the decisions of the Second Caribbean Fisheries Forum with regard the management of the conch, lobster and coastal pelagic resources, the CRFM is being encouraged to carry out both its advisory and management functions in the near future, with it being implicit in the mandate that the CRFM can serve as an RFMO (CRFM, 2004b).

### **2.1.2 Functions of the CFP&R**

Based on the areas identified in the Draft Framework for the Regional Fisheries Policy and Regime, the CFR&R would be required to carry out both advisory and management functions. With regard the formulation and implementation of policies the CFP & R would have to provide advisory services in relation to access to fisheries resources; management of the fisheries resources; research and data collection; marketing and trade of fish and fish products; establishment of the Zone; and maritime jurisdiction / delimitation.

The CFR & P would be required to take on the responsibility for the management of shared, straddling and highly migratory fisheries resources including those species that are not actively managed by existing competent bodies that occur within the Zone, with the implementing entity being given adequate powers to address the formulation of rules and regulations for the fisheries operations within the Zone including vessel registration, vessel mesh and gear size; designing and operating quota systems that ensure sustainable harvesting; developing a licensing system that is appropriate for the requirements of the Zone; developing systems and procedures for the documentation of catches and landings; and coordinating and / or conducting monitoring, control and surveillance (MCS) activities within the Zone.

Using the Draft Framework for the Regional Fisheries Policy and Regime, a comparison of the roles / functions of the CFP&R, CRFM and a traditional RFMO, with regard the provision of advisory and management services in the Zone is set out in Table I. However, it should be noted that while the listing of responsibilities may appear to be the same, the nature of some activities will differ as a consequence of the interpretation of the mandates. In other words, some functions appear to be the same because their descriptions are similar but in fact the nature and outputs by the 2 entities would be different, e.g. management of resources by CRFM is not currently completely equal to the management of resources anticipated by the CFP&R. One's mandate is

aimed at advising and agreeing to enforce sustainable levels of exploitation while the other is concerned with direct management and monitoring of the harvest of an agreed catch quota and / or total effort. The CRFM as it exists has a mandate that is broader than a RFMO and can fulfill many of the functions towards the establishment and management of the CFP& R. In some instances, while there may be function overlaps, the processing and usage of information would be different.

**Table I: Roles and Functions of the CFP&R, CRFM and RFMO**

<b>CFP&amp;R</b>	<b>CRFM</b>	<b>RFMO</b>
<i>Advisory</i>		
Access to fishery resources.		
Management of the fishery resources.	Management of the fishery resources.	Management of the fishery resources.
Research and data collection.	Research and data collection.	Research and data collection.
Marketing and trade of fish and fish products.	Marketing and trade of fish and fish products (except in providing regional representation in the regional and international arena with regard fisheries issues).	
Zone.		
Maritime jurisdiction / delimitation.		
<i>Management</i>		
Species to be managed in the Zone.	Species to be managed in the area.	Species to be managed in the area.
Powers of the implementing entity as it relates to formulating rules and regulations; designing and operating quota systems; developing licensing systems to ensure sustainable harvesting; developing systems and procedures for the documentation of catches and landings; and formulating regulations that relate to compliance with the rules of operation within the Zone.	Powers of the implementing entity as it relates to formulating rules and regulations; designing and operating quota systems; developing licensing systems to ensure sustainable harvesting; developing systems and procedures for the documentation of catches and landings; and formulating regulations that relate to compliance with the rules of operation within the area.	Powers of the implementing entity as it relates to formulating rules and regulations; designing and operating quota systems; developing licensing systems to ensure sustainable harvesting; developing systems and procedures for the documentation of catches and landings; and formulating regulations that relate to compliance with the rules of operation within the area.

For the CRFM to take on the mandate of the CFP&R, in addition to its current functions, it would have to undertake the following:

### ***Advisory***

- advise on and facilitate the development of a policy on access.
- advise on and facilitate the establishment of a policy on the Zone.
- primarily provide information in support of member states negotiations on maritime jurisdiction / delimitation given that this matter is broader than fisheries.

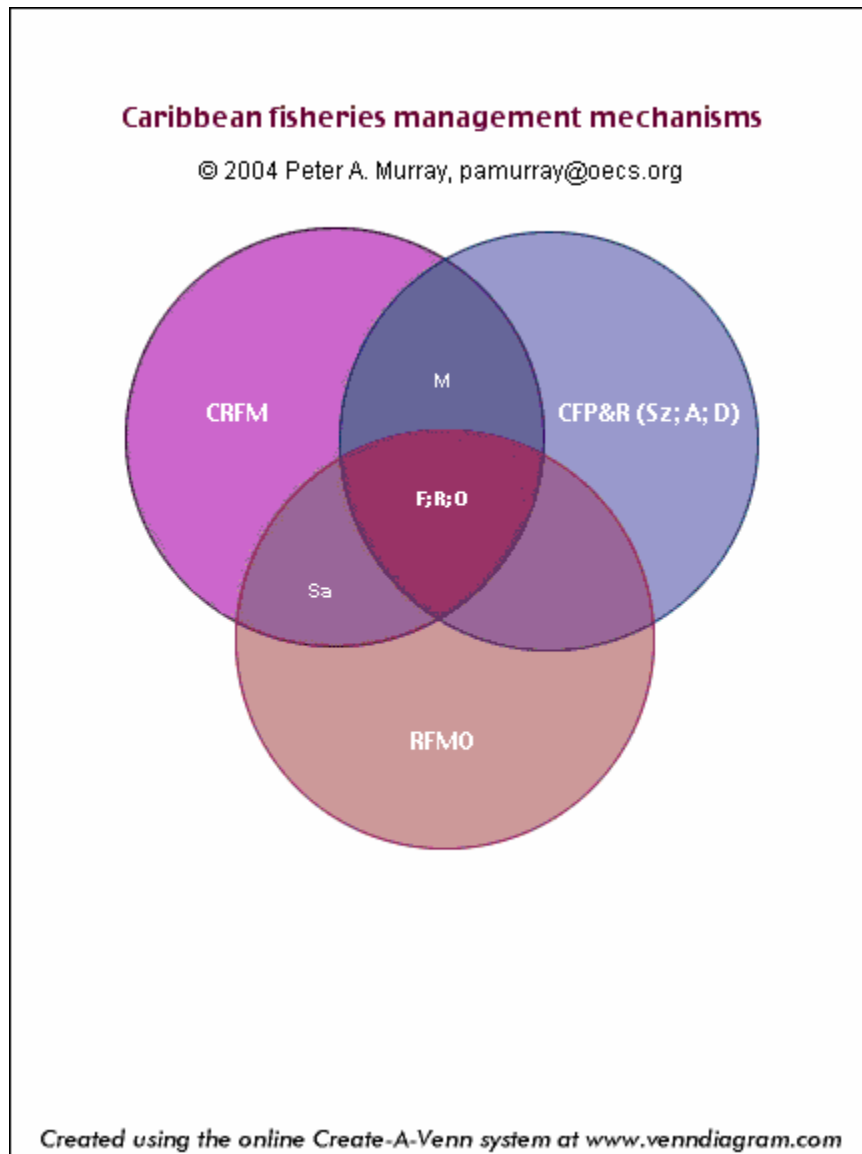
### ***Management***

It should be noted that the fisheries resources (groups) to be managed within the Zone are similar to those identified under the CRFM Agreement. However, a policy decision would have to be made as to whether the Zone for the CFP&R would include the twelve mile Territorial Sea or exclude it or some such coastal band as an area to be managed solely by the respective member states for the subsistence and artisanal fisheries. In the OECS experiment the territorial sea was not to be part of the common zone, but would be reserved for local fishermen and be managed solely by the individual Member States. It should be noted that in the CFP of the EU, in order to ensure that smaller vessels could continue to fish close to their home ports, a coastal band has been reserved for local fishermen who have traditionally fished these areas.

With regard the operationalisation of the CFP&R, the following would have to be done:

- Rules for access and preferential access would have to be established.
- Systems for quota allocation would have to be devised. With regard the granting of licences to use country allocated quotas in the Zone, the ideal would be for each country to submit a list of vessels to fish for the quota (stating areas) on an annual basis in the common zone. However, some countries may require “vetting rights” with regards another countries fishing vessels based on past histories of infringements and as such a system for vetting and approval of vessels to fish in the Zone would have to be established.
- A regional register would have to be established after member states would have determined the criteria for vessels to be recorded in it, and determine the procedures for the granting of licenses to fish the various resources.
- Reporting / monitoring systems would have to be designed and implemented for member states and vessels to provide data and information on catches and landings.
- Coordinate and / or conduct MCS and maintain vessel monitoring systems (VMS) to ensure compliance with CFP& R rules in collaboration with the national coast guards and fisheries departments.

**Figure 1** shows how the roles and functions of the CFP&R agency, the CRFM Technical Unit and a possible RFMO might relate to each other.



Key: A = Access to fishery resources;  
D = Maritime Jurisdiction / delimitation;  
F = Management of fishery resources;  
M = Marketing and trade;  
O = Powers of implementing operational aspects;  
R = Research and data collection;  
Sa = Species to be managed in the “area”;  
Sz = Species to be managed in the “zone”.



### 2.1.3 Organisation

Based on the analysis done in the preceding section, it can be shown that the current mandate of the CRFM is more than that normally expected of an RFMO. It is also of note that the functions expected of the CFP& R entity exceeds the current mandate of the CRFM. This suggests that for management of the CFP& R it would be necessary to strengthen the CRFM or create a new entity. However, Member States have made it clear that they are extremely reticent with regards the creation of new entities given their current financial constraints. This therefore suggests that a strengthened CRFM would be the practical mechanism for management of the CFP&R at this time, which is consistent with the endorsement by the CHoG for the CRFM to be supported and given consideration for the investment with the necessary authority to implement the CFP& R.

At present, the CRFM is not carrying out its RFMO type management role. An expanded membership, in which each member would have equal status in decision-making, would facilitate improved execution of this role, particularly with regard to regional acceptance and international recognition as an RFMO, as well as bringing about increased attention and effort to achieving optimal utilisation of the fisheries resources.

An RFMO within the region may be instrumental in the implementation of the CFP&R, as it could provide reliable advice on the level of exploitation considered sustainable, which would enable countries to effectively negotiate to share an agreed quota.

The current membership structure of the CRFM does not appear to be inimical to the establishment of the CFP&R, but the proposed mandate for the CFP&R includes RFMO type advisory activities. Hence the expanded membership to accommodate the RFMO function would also contribute to the successful implementation of the CFP&R.

The advantages of an expanded membership for CFP&R would include access to more funds; expanded fishery waters; improved MCS capacity; improved search and rescue (SAR) and safety at sea (SAS) capacities; expanded economic space (CSME, FTAA); and increased technical assistance. However, some of the disadvantages would be increased dis-proportionality in fishing capacity in the area; reduced proportions of total catch; potential for increased imperialism; need for increased MCS; increased capital outlay for fishing (e.g. VMS, etc.); possible dumping of products; and greater demand for SAR and SAS capacities.

If the membership that supports the activities of the CFP & R and the RFMO can be the same then one entity can be established to execute both mandates. However, if supporting membership has to be different, as might be the case initially, then some mechanism has to be developed to facilitate this and it may be necessary to establish special arrangements if a single entity is to execute both mandates.

### **2.1.3.1 Operational Issues**

Based on the existing role and functions of the CRFM and the requirements for the implementation of the CFP&R consideration would have to be given to establishing the following additional functional areas within a strengthened CRFM:

- Legal
- Surveillance
- Registration and Licensing
- Data/Assessments / Quota
- Quality Assurance and Safety
- Market Intelligence
- Collaboration / Cooperation / Linkages.

## **3.0 Establishment of the Implementing Mechanism for the CFP&R**

Taking into consideration the implications for membership of the CFP & R which would involve CARICOM member states and an RFMO which would require an expanded membership, it may be necessary to strengthen the CRFM to execute two roles, with one being the implementation of the CFP&R as a CARICOM body and the other in carrying out its management role as an RFMO. In relation to the latter role, bearing in mind that the Forum has mandated the CRFM to carry out this role in relation to lobster, conch and coastal pelagics, the CRFM can be the initiator of an RFMO to manage these resources which, depending on the conditions for expanded membership of the CFP&R and the RFMO, would remain as an entity within the CRFM or evolve into a separate entity, with the CARICOM states having a CFP&R as part of it.

### **3.1 Membership Structure and Institutional Framework**

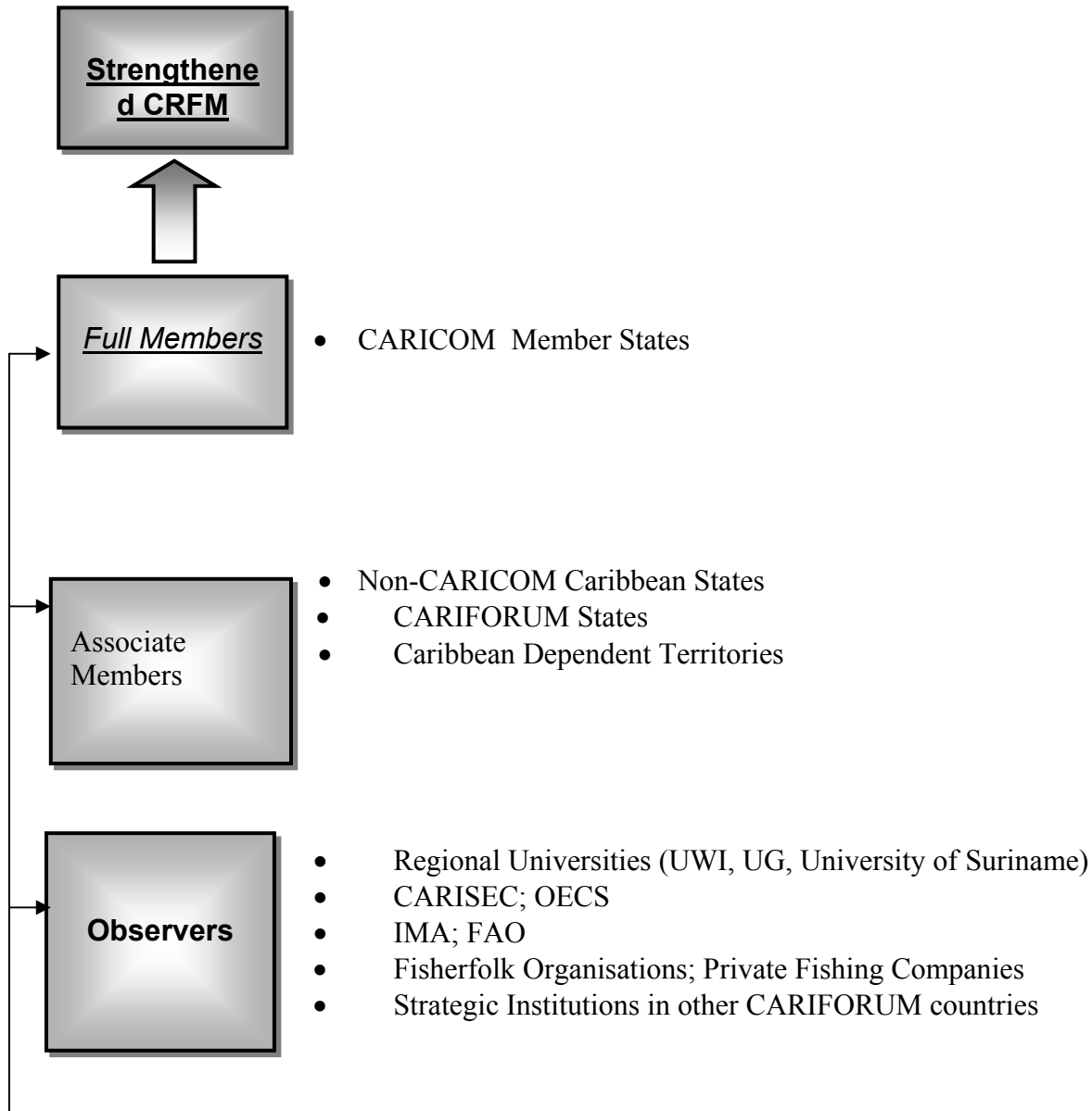
#### **3.1.1 Membership Structure**

In the initial stages of the establishment of the CFP&R, the membership of the strengthened CRFM could be open to the CARICOM member states who would have equal rights under a CFP& R agreement, with provisions for the admission of associate members and observers. As such, like the existing CRFM, the membership structure could be a three-tiered one comprising of full members, associate members and observers, with associate members being any state or territory of the Caribbean region which is able and willing to discharge the obligations required under the CFP&R agreement (See Figure 2). Observers would comprise representation from institutions and bodies such as fisher folk organizations and private fishing companies within the Caribbean; regional bodies and institutions working in the area of fisheries as well as non-governmental organizations with a similar focus (CRFM, 2003b).

The contribution formula for members and associate members could be based on the existing CARICOM formula, as applies in the case of the CRFM or other formulae, such as the one applying to contracting parties to ICCAT can be examined to see whether a more appropriate approach to obtaining funds for the operations of the CFP&R can be achieved. Another option

would be to look at revenue sharing between member states and the strengthened CRFM e.g. from the registration and licensing fees obtained from fishing vessels from third party states operating in the Zone. Also, the strengthened CRFM could be given the authority to seek and mobilise financial and other resources in support of the operations of the CFP&R.

**FIGURE 2: MEMBERSHIP STRUCTURE FOR THE STRENGTHENED CRFM**



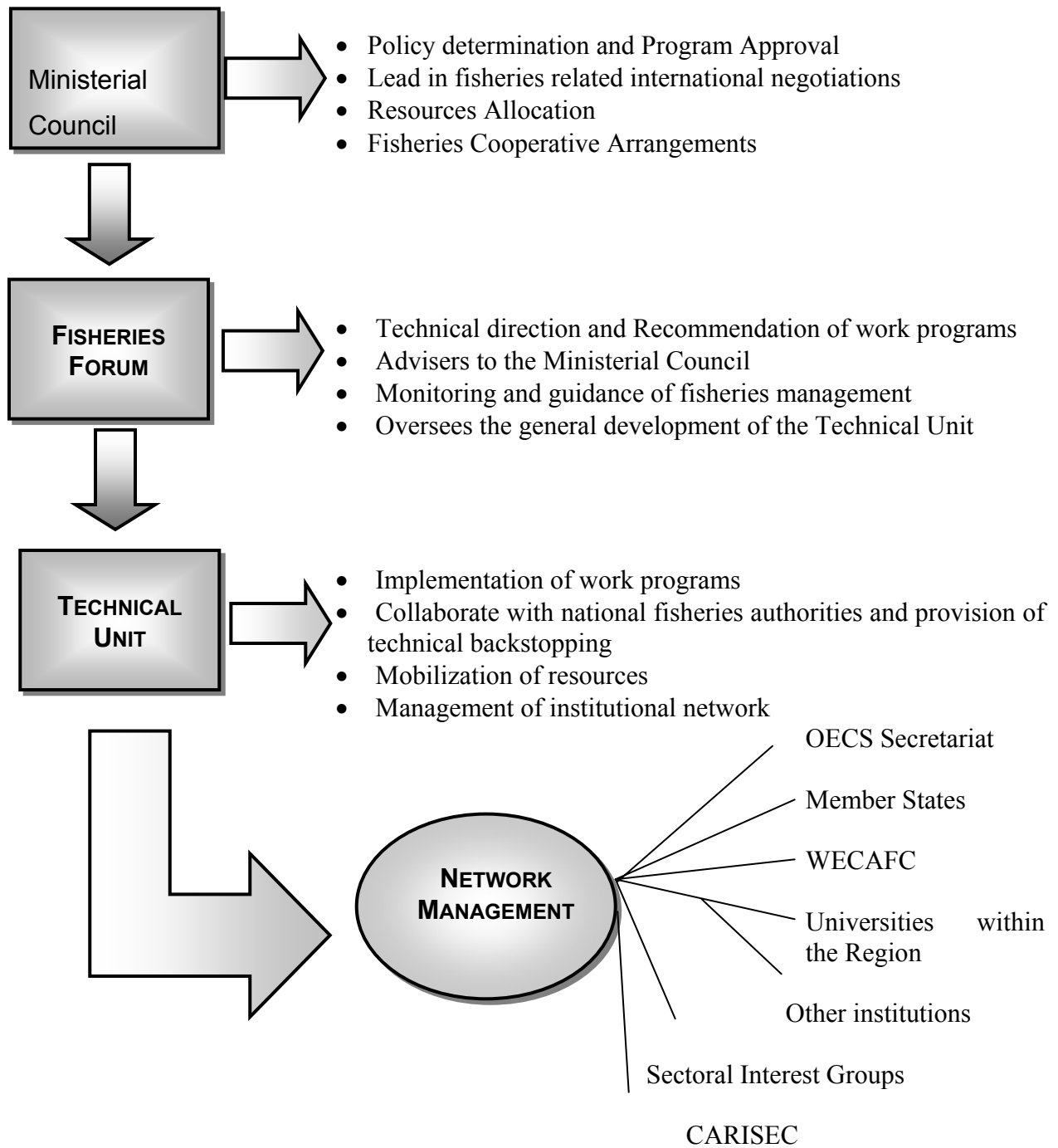
### 3.1.2 Institutional Framework

Like the CRFM, the institutional framework would also be three tiered, comprising of a ministerial council, forum and technical unit. The Ministerial Council, which is the oversight body, would have responsibility for, *inter alia*, policies, program appraisal, resource allocation,

fisheries cooperative agreements and related decision-making. The Forum would provide technical leadership to the strengthened CRFM. More specifically it will provide technical direction; advise the Ministerial Council; review and recommend work programs; and provide oversight to the operations of the technical unit. The technical unit would have day-to-day coordinating responsibility for executing work programs, collaborating with national fisheries authorities, mobilizing resources, and managing the institutional networking to promote optimal involvement and the efficient functioning of the network (See Figure 3).

Member states of the CFP&R should determine the level of representational rights that they may want to give to the strengthened CRFM as it relates to negotiations at ICCAT, CITES and other such bodies. The OECS approach had been that Member States would represent themselves in international fora, however whenever it was not possible for a Member State to be present at particular forum, the OECS Secretariat, through the designated management entity, could be mandated to speak for and on behalf of that State. The Secretariat would also be expected to attend such fora to provide advice and coordination as necessary. In the case of the EU, member states decided that the Union was best placed to defend their interests in international negotiations.

**FIGURE 3: INSTITUTIONAL FRAMEWORK FOR THE STRENGTHENED CRFM**



### **3.2 Required Competencies**

The Technical Unit would be required to possess, or have access to, a number of competencies over and above those currently envisaged for the CRFM Technical Unit including, but not necessarily limited to legal, surveillance coordination, registration and licensing, data/assessments/quota, quality assurance and safety, market intelligence, and networking.

### **4.0 Conclusion**

In order to promote and facilitate the responsible utilization of the region's fisheries and other aquatic resources for the economic and social benefits of the current and future population of the region, the Caribbean Regional Fisheries Mechanism (CRFM) was inaugurated on 26 March 2003 in Belize. Subsequent to this, the Heads of Government endorsed proposals from the Government of Barbados on 'the imperative of elaborating a Common Fisheries Regime' and mandated the CARICOM Secretariat to undertake the necessary consultations and propose a framework for consideration at the Twenty-Fourth Meeting in July 2003. Based on the consultations to date, country representatives of member states have developed a Draft Framework for the Regional Fisheries Policy and Regime, which has highlighted a number of policy issues for deliberation and guidance, among which was the identification of a suitable mechanism for the implementation of the CFP&R.

Recognising the similarities in the mission/vision, goals and objectives of the CRFM and the CFP&R and the commonalities in their roles and functions, as well as the additional functions for the implementation of the CFP&R, it would appear as though a fully operational and strengthened CRFM would be a suitable mechanism for the management of the CFP&R.

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