



## **Issues Paper No. 1, October 2013**

# **Adoption and Implementation of the Agreement Establishing the Caribbean Community Common Fisheries Policy**

Fisheries were singled out for special treatment by CARICOM by the establishment, in February 2002, of the Caribbean Regional Fisheries Mechanism (CRFM), whose objectives are, inter alia, “*the efficient management and sustainable development of marine and other aquatic resources within the jurisdictions of Member States*”. In keeping with this mandate and the Revised Treaty of Chaguaramas, the need for the development and adoption of a common fisheries policy has been in the pipeline since February 2003 when the Heads of Government Conference mandated the CRFM to develop a common fisheries policy and regime.



In January 2009, the CRFM Ministerial Council, guided by the opinion of the General Counsel of the CARICOM Secretariat, decided on a separation of the Policy from the Regime which dealt with contentious principles such as access to resources and a common fisheries zone. Since inception, the Policy has been reviewed by a number of groups and bodies, such as an *ad hoc* legal working group, a multi-disciplinary technical working group, the CRFM Forum, the Council for Trade and Economic Development (COTED) and the CRFM Ministerial Council.

The proposed Caribbean Community Common Fisheries Policy (CCCFP) seeks to capture CARICOM Member States’ individual and collective obligations under international agreements such as:

- The United Nations Convention on the Law of the Sea (UNCLOS);
- The Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (The Cartagena Convention);
- The Convention on Biological Diversity;
- The Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (The Compliance Agreement);
- The Barbados Programme of Action for the Sustainable Development of Small Island Developing States (The Barbados Programme of Action);
- The FAO Code of Conduct for Responsible Fisheries;
- The United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (The Fish Stocks Agreement);
- The International Plan of Action to prevent, deter and eliminate Illegal, Unreported and Unregulated (IUU) Fishing
- The FAO Agreement on Port State Measures to prevent, deter and eliminate IUU Fishing
- The Castries Declaration on IUU Fishing



CARICOM Countries are signatories individually and collectively to these agreements; which affect the sustainable management of fisheries; all of which agreements form a base for the development of a Fisheries Policy for the Caribbean. The global trend has been the development of policies to guide trading in fish and fish products. Although dealing with sustainability, fisheries policies worldwide have been driven by trade, for example our obligations under the World Trade Organization and our relationship with markets such as the European Union (EU) and the United States. The European Union saw the need to develop a Common Fisheries Policy from as far back as 2002 (EC Reg No. 2371/2002). The United States has recently enacted its Food Safety Moderni-



zation Act. Although CARICOM trades with other markets, the EU is its primary market, which has spawned agreements such as the CARIFORUM/EU Economic Partnership Agreement.

The CCCFP is a framework document aimed at developing a cooperative basis for the sustainable development, management and transformation of the Caribbean Fisheries Sector to secure a future for present and future generations. It seeks to address the Region's obligations under international agreements and the role of traditional, subsistence, artisanal and small-scale fishers, all of whom have a primary role to play in the development of the Policy which deals with not only fisheries' development and management but also securing jobs and markets for CARICOM Member States. However, it should be noted that the Policy, once accepted, will need to be further developed by protocols.

Globally, the aim of all the Agreements dealing with the sustainable development of marine ecosystems is their long-term sustainability and social-ecological integrity. Since at least 1992, the international community has been pre-occupied with development and

environmental cooperation, as reflected in Agenda 21, developed at the United Nations Conference on Environment and Development (Rio de Janeiro, June 3 - 14, 1992). The Caribbean Region, which includes a significant number of small island developing states (SIDS); although being widely recognized as being rich in biodiversity and in need of special treatment, is also among the most threatened in the world and provides ecological corridors linking major areas of living marine resources and biodiversity worldwide. It is for this primary reason that it has received and continues to receive international attention.

Issues integral to the finalization of the CCCFP include:

- The sustainable development of fishing and aquaculture;
- The prevention, deterrence and elimination of illegal, unreported and unregulated (IUU) fishing;
- The development of capacity among fishers
- The improvement of the welfare and livelihoods of fishers and fishing communities;
- The development of harmonised measures and operating procedures for sustainable fisheries management and post-harvest practices;
- The building of institutional capacity within Member States to, inter alia, conduct research, collect and analyse data;
- The integration of environmental, coastal and marine management considerations into the Policy so as to safeguard fisheries and mitigate the impact of climate change;
- The strengthening and modernisation of fisheries legislation and ;
- The establishment of a regime for Sanitary and Phytosanitary (SPS) measures for the Fisheries Sector.

The Barbados Programme of Action as reaffirmed by the 2005 Mauritius Declaration is recognized "*as the blueprint providing the fundamental framework for the sustainable development of small island developing states*". The Mauritius Strategy (The Strategy) for the further implementation of the Programme of Action for the Sustainable Development of Small Island Developing States was devised. The Strategy further identified the need *inter alia*, for strengthened cooperation, technical and financial support and part

nerships in support of sustainable development of SIDS at the national, regional and international levels, while ensuring the participation of relevant stakeholders. There is also need for appropriate priority to be given to ocean issues, including fisheries; building, technical and financial capacities, including access to the Global Environment Facility; the accession to relevant international and regional agreements for the conservation and management of fisheries; and, relevant legislative and enforcement frameworks for SIDS to sustain their marine resources. The Strategy also embraced the designation of the Caribbean Sea as a special area in the context of sustainable development and the promotion of sustainable fisheries and aquaculture. The CCCFP is, therefore, pivotal for the Region to develop its fisheries and competitively place the Region into the international arena, utilizing all and any financial aid available.

As it relates to marine resources, the Strategy identified the need to promote appropriate assessment and management of fish stocks and effective monitoring and surveillance of fishing efforts, including appropriate measures to minimize IUU Fishing, and overharvesting, the mapping of EEZs and strengthening existing regional mechanisms, as appropriate

### **United Nations Convention on the Law of the Sea and UN Fish Stocks Agreement**

The CCCFP recognizes the need to not only ascertain the status of the Region's fish stocks but also determine the potential of underutilized and unutilized fisheries resources, as well as develop and maintain national and regional databases, in keeping with the United Nations Convention on the Law of the Sea and the UN Fish Stocks Agreement. This latter Agreement calls for the strengthening of "*existing sub-regional and regional fishery management organizations (RFMOs) in order to improve their effectiveness in establishing and implementing conservation and management measures for straddling fish stocks and highly migratory fish stocks*" (Art. 13). It is well recognized that the CRFM, as a Regional Fisheries Body (RFB), would require strengthening in order to fulfil the proposed role of the Competent Agency under the CCFP. It is already fulfilling its mandate under CARICOM and is the logical choice as the Competent Agency. The Fish Stocks Agreement also speaks to international cooperation in scientific research and the use of the best scientific

evidence available (Art. 16.1). Other areas of cooperation include enforcement measures, whilst recognizing the special requirements of developing states in relation to the conservation and management of straddling and highly migratory fish stocks (Art. 24.1). The CARICOM Region has shared, straddling and highly migratory fish stocks. The CCCFP seeks to cooperate with RFMOs and other international organizations in the management of shared, straddling and highly migratory fish stocks (Art. 12.4)

The CCCFP seeks to foster the formulation, adoption, implementation and revision of conservation and management measures, including fisheries management and development plans; using the best information available, including traditional knowledge, while encouraging the cooperation of Member States with regional fisheries management organisations in the management of shared, straddling and highly migratory fish stocks (Art. 12)



### **The Convention for the Protection and Development of the Marine Environment of the Wider Caribbean (The Cartagena Convention) and the Convention on Biological Diversity**

Conventions such as the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean and the Convention on Biological Diversity speak to need to sustainably use and maintain the Environment and underscore "*the economic and social value of the marine environment, including coastal areas of the wider Caribbean region.*" The CCCFP is mindful of the need "*to determine the effects of environmental changes on fisheries and aquatic ecosystems*" while, *inter alia*, evaluating "*the social and economic performance of fisheries and aquaculture*" (Art. 11).

The CCCFP envisions the establishment/designation of a regional organization (Art. 7.3) to implement it, which shall, among other things, identify and mobilize *“technical and financial resources in collaboration with multilateral and bilateral donor agencies, to build the research, administrative and management capacities of Participating States”*

### **The FAO Code of Conduct for Responsible Fisheries**

In keeping with the FAO Code of Conduct for Responsible Fisheries, the proposed Policy seeks to promote the diversification of income and diet while being cognisant of traditional practices, the needs and interests of artisanal and small-scale fishers who are highly dependent on the Region’s fisheries resources for their livelihood, and who have a role to play in the formulation, adoption, implementation and revision of conservation and management measures. The CCCFP calls for a harmonised approach for measures, legislation, plans and strategies to be used in the Region (Art 12).

One of the primary objectives of the CCCFP is the promotion of the sustainable development of the fishing and aquaculture industries in the Region as a means of, *inter alia*, increasing trade and export earnings, protecting food and nutrition security, assuring supply to Caribbean markets and improving income and employment opportunities in keeping with the Code of Conduct. The Code provides principles and standards for the conservation, management and development of all fisheries worldwide, while recognizing the special requirements of developing countries, the fragility of coastal ecosystems and the finite nature of their natural resources; as well as the needs of coastal communities (Art. 10.1) and the fact that traditional practices are important in the development of sustainable fisheries and aquaculture.

Aquaculture development should be mindful of minimizing any adverse ecological changes and *“ensure that the livelihoods of local communities and their access to fishing grounds, are not negatively affected...”* (Art. 9) The Code also promotes the active participation of fish farmers and their communities in the development of responsible aquaculture management practices (Art. 9.4.2). It speaks to dialogue and the involvement of fishing communities in decision-making processes, while taking their customary practices into account to the extent compatible with sus-

tainable development (Art. 10). The Code calls for the development of internationally-acceptable rules/standards for trade in fish and fishery products in accordance with the rights and obligations established by the WTO Agreement. It is an imperative for states to investigate and document traditional fisheries knowledge and technologies, particularly those of small-scale fisheries, *“in order to assess their application to sustainable fisheries conservation, management and development”* (Art. 12.12).



The fact that Caribbean fisheries resources run the risk of depletion, underscores the need for a harmonised approach in dealing with these resources; especially shared, straddling and highly migratory stocks and the development of aquaculture as an alternate means of providing food and nutrition as well as employment, so as not to marginalise small-scale fishers.

Apart from stock maintenance, post-harvest issues such as suitable SPS measures are a linchpin to the CARICOM Region remaining relevant in the World Market. The development and implementation of suitable SPS measures will ensure a place for Caribbean fish products in that market.

The FAO has been undertaking regional meetings dealing with the role of small-scale fishers in sustainable development. Draft Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (May 2013) have been devised by FAO, after regional consultations, as a complement to the Code. The Draft Guidelines recognize the importance of small-scale fisheries’ contribution to global and national efforts towards the eradication of hunger and

poverty, yet recognizing that small-scale fishing communities are not realizing their full potential. It is recognized that small-scale fisheries contribute to about two-thirds of global fish catches and employ over 90 percent of the world's capture fishers and fish workers, about half of whom are women. There is also recognition of the prescriptive rights of small-scale fishers to aquatic resources and land and the need for States to protect those rights in the sustainable development of their fisheries. The proposed CCCFP is cognizant of the role of traditional, small-scale fishers, particularly women and the need for them to participate in the management of the fishery, including aquaculture, through decision- and policy-making processes.

The Guidelines also recognize that women and men play important and complementary roles and the need for capacity building, appropriate information sharing and small-scale fisheries research. This can be achieved through, inter alia, the strengthening of RFBs. The CCCFP already embraces the role and function of small-scale fishers and the need for a holistic and participatory approach to the sustainable



development of the living marine resources of the Caribbean.

### **The FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (The Compliance Agreement)**

The Compliance Agreement acknowledges the right and interest of all States to develop their fishing sectors in accordance with national policies and the need to promote cooperation with developing countries to enhance their capabilities to fulfil their Agreement obligations. It promotes the responsibilities of flag

states in licensing vessels for fishing on the High Seas, including the need for proper identification and records and the need for the exchange of information through FAO and other relevant global, regional and sub-regional fisheries organizations. The CCCFP identifies the need for Participating States to “develop opportunities and promote the equal participation of Participating States on the high seas” (Art. 9.2 (a)). It also identifies the need for Participating States to develop and implement measures, either individually or collectively, with other Participating States or the Competent Agency, for enforcement and the inspection of fishing vessels fishing on, inter alia, the high seas (Art. 14). These measures work in tandem with a harmonised system of registration and licensing covering vessel monitoring (VMS) and the monitoring, control and surveillance (MCS) of the Region's maritime space. Many fishers are lost at sea, underscoring the need for VMS and MCS. The Region is in need of these systems in order to mitigate the problem of illegal, unreported and unregulated fishing.

### **Illegal, Unreported and Unregulated Fishing**

IUU Fishing is a problem with which the world has been grappling for a number of years. The problem has become so prevalent that countries, such as those of the EU, have instituted measures to ensure that importing countries can authenticate the origin of fish products being imported into its Market. Of note is the need to provide a Catch Certificate for such products being imported into the EU, since January 2010. It effectively impedes trade, if the importing country does not put suitable measures in place to track and certify their products. IUU Fishing is of particular interest to the Caribbean Region as it undermines the ability of the Region as a whole, and small-scale fisher folk in particular, to adequately provide for food and nutrition; considering that the Fisheries Sector employs over 182,000 persons, directly or indirectly, who are mostly from remote rural communities, which lack other income-earning opportunities. The FAO International Plan of Action of 2001 to prevent, deter and eliminate IUU fishing, clearly articulates that IUU fishing is of serious and increasing concern in world fisheries. The IPOA states that IUU fishing leads to short- and long-term loss of social and economic opportunities and to negative effects on food security and environmental protection.

The IPOA calls for, *inter alia*, effective monitoring, control and surveillance (MCS) of fishing throughout all its stages, the development and implementation of access schemes to waters and resources, including access schemes for vessels and appropriate vessel monitoring systems (VMS), in accordance with relevant national, regional or international standards. It also calls on coastal and port States to institute appropriate measures to deter, prevent and eliminate IUU Fishing.

The Castries Declaration on IUU Fishing of July 2010 made by the Members of the CRFM speaks to the deleterious effect of IUU Fishing on national, regional and international fisheries conservation and management, acknowledges that IUU Fishing is practised by local and foreign vessels and recognizes that national, regional and international cooperation is necessary to combat IUU Fishing. It speaks to the need for effective fisheries MCS, including VMS, and the need for a regional register of vessels authorized to operate within the CARICOM Region, for cooperation in the management of shared resources, the promotion of harmonised approaches to prevent, deter and eliminate IUU Fishing in the Region and the need for appropriate laws and regulations. The Castries Declaration mirrors the provisions of the CCCFP (which, in turn, seeks to capture the Region's individual and collective obligations under the FAO Agreement on Port Measures to prevent, deter and eliminate IUU Fishing) and recognizes the need for Participating States to *"monitor, control and undertake surveillance of their maritime space and co-operate in monitoring, controlling and undertaking surveillance of areas contiguous to their maritime space in order to prevent, deter and eliminate illegal, unreported and unregulated fishing..."* (Art. 14.3).

### **Plan of Implementation of the World Summit on Sustainable Development (2002)**

Various documents such as the Johannesburg Declaration and the Plan of Implementation of the World Summit on Sustainable Development also recognize the role of SIDS, the empowerment of women and the vital role of indigenous peoples in sustainable development. The Plan enunciated the principle that *"the gap between developed and developing countries points to the continued need for a dynamic and enabling international economic environment supportive of international cooperation, particularly in the areas*

*of finance, technology transfer, debt and trade and full and effective participation of developing countries in global decision-making, if the momentum for global progress towards sustainable development is to be maintained and increased"*.

SIDS are recognised as a special case for both environment and development. The Plan calls for the implementation of further sustainable fisheries management and improvement of *"financial returns from fisheries by supporting and strengthening relevant regional fisheries management organizations, as appropriate, such as the recently established Caribbean Regional Fisheries Mechanism..."* and the need to assist SIDS in managing their coastal areas, exclusive economic zones and continental shelf and continental shelf areas beyond 200 miles from coastal baselines within the context of UNCLOS and the Regional Seas Programme of UNEP. The CCCFP identifies the need for the promotion of public awareness of good conservation, exploitation and management policies and practices by, *inter alia*, strengthening regional and sub-regional institutions working with citizens, especially fishers and fishing communities.



### **UN General Assembly Resolution No. 67/205**

The UN General Assembly has consistently, since December 1999 (the latest resolution being Resolution 67/205) singled out the Caribbean Sea as a special area in the context of sustainable development, being surrounded by the largest number of countries in the world; and, its need for the continued support of the international community. The CCCFP also

promotes this concept and the need to garner much-needed financial and technical assistance, as applicable.

### **The Adoption and Implementation of the Caribbean Community Common Fisheries Policy**

Although a step in the right direction, the adoption and implementation of the CCCFP presupposes the presence of the requisite legal and regulatory framework for the conservation and management of the Region's fisheries resources. There will be need for Member States to put the necessary laws in place without marginalizing small-scale fishers who are the pillars of the fishery. These fishers are, therefore, vital for the development and implementation of the Fisheries Policy. The development of national and regional fisher-folk organizations and their networking would be the ideal way forward to having small-scale fishers take part in the development and implementation of the CCCFP and its protocols, bearing in mind their invaluable traditional knowledge and practices and the fact that they are the backbone of the Caribbean Fishery. The February 2013 CRFM/CNFO/CTA Consultation on the Implementation and Mainstreaming of Regional Fisheries Policies into Small-scale Fisheries Governance Arrangements in the Caribbean underscored the fact that persons in the Region were ignorant of the Common Fisheries Policy and IUU Fishing Policies.

The Draft CCCFP recognizes the CARICOM Member States' individual and collective responsibilities and obligations with regard to international agreements and conventions; and, has as its objective, *inter alia*, the improvement of the welfare and livelihoods of fishers and fishing communities, the prevention, deterrence and elimination of IUU Fishing through

proper management, appropriate MCS and VMS systems, as well as the sustainable development of aquaculture as an alternative and in order to supplement fisheries. The Policy recognizes the role that traditional knowledge has to play and the need to support and protect the rights of traditional, subsistence, artisanal and small-scale fishers.

Public awareness and promotion of the Policy is integral to its acceptance and development, especially the recognition of the Caribbean Sea as a special area in the context of sustainable development; the CCCFP being a framework, which still requires the development of protocols in order for the Policy to become operational. Artisanal/small-scale fishers have a unique role to play in the Fisheries Policy because they are the hub of the Fishery and are solely dependent on fishing for their livelihood. These fishers have an invaluable contribution to make to the adoption and implementation of the Policy in terms of their knowledge and the integral role they play in the Fishery.

It should be noted that, as presently crafted, the CCCFP does not identify a body as the Competent Agency, leaving that to be designated. However, not identifying the Agency will only serve to further delay the long-awaited implementation of the Policy, considering the lengthy process of development and the fact that many protocols will have to be devised for the CCCFP to become operational, further delaying the implementation of the Policy. Considering that ten years have already elapsed and the need for the Region to have a more effective all-inclusive governance system which responds to the individual and collective needs of Members States, the CARICOM Region can ill-afford any further delays in finalizing the Policy. Indeed, collectively, the Region stands a better chance of achieving the sustainable development and management of its fisheries resources through the pooling of those resources and combining its efforts to garner much-needed international technical and financial assistance. Fisherman's cooperatives and networks represent a vital link to small-scale fisher folk. The CCCFP can be the unifying force in the achievement of a well-managed and sustainable Caribbean Fishery and its adoption and implementation is a necessary prerequisite for the Region's participation in global fisheries conservation measures.



The issues to be resolved for the adoption and effective implementation of the CCCFP are, *inter alia*:

1. the naming of the Competent Agency;
2. the need for Participating States to comply with the various international agreements/conventions and make use of any technical assistance available for building capacities/competencies;
3. the need to further engage small-scale fisher folk in developing a cohesive sustainable development policy for individual CARICOM Member States and the Region as a whole;
4. the development of Protocols to operationalize the CCCFP, as the Agreement is merely a framework document to be further developed and implemented;
5. the need to strengthen national and regional institutions to effectively deal with the CCCFP, and, by extension, the Region's international obligations;
6. how to effectively harmonize efforts for the sustainable development of Caribbean Fisheries through legislation; and
7. the need for effective financial mobilization through regional/international means, based on the provisions in the agreements/conventions to which individual CARICOM Member States are parties.

#### **CNFO**

The Caribbean Network of Fisherfolk Organisations (CNFO) is a non-profit regional network operating in the CARICOM countries. Its mission is to "Improve the quality of life for fisherfolk and develop a sustainable and profitable fishing industry through networking, advocacy, representation and capacity building.

#### **CRFM**

The CRFM is an inter-governmental organisation whose mission is to "Promote and facilitate the responsible utilisation 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 CRFM consists of three bodies – the Ministerial Council, the Caribbean Fisheries Forum and the CRFM Secretariat.

CRFM members are Anguilla, Antigua and Barbuda, The Bahamas, Barbados, Belize, 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.

Prepared for  
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