

DRAFT
**ROSEAU DECLARATION ON CONSERVATION, MANAGEMENT AND
SUSTAINABLE USE OF THE CARIBBEAN SPINY LOBSTER (*PANULIRUS
ARGUS*)**
May 2014

PREAMBLE

WE THE CRFM MEMBER STATES,

RECOGNIZING the important contribution of the Spiny Lobster fisheries to food and nutrition security, employment, international trade, and the economic and social well-being of the people of the region;

CONCERNED that the long-term sustainable use and contribution of the Spiny Lobster fisheries to the Region's social and economic development and food security is being threatened by illegal, unreported and unregulated fishing, and inadequate conservation and management of the resource and its habitats;

RECALLING the Decisions of the 4th and 5th Meetings of the Ministerial Council of the CRFM regarding the conservation and management of the Spiny Lobster;

RECALLING ALSO the relevant provisions of the 2012 Belize Declaration on Caribbean Regional Fisheries Mechanism (CRFM) and the Central America Fisheries and Aquaculture Organization (OSPESCA) Cooperation for Sustainable Development of Fisheries and Aquaculture Resources, and the Joint Action Plan (CRFM – OSPESCA);

RECALLING FURTHER the Draft Agreement Establishing the Caribbean Community Common Fisheries Policy;

AWARE that existing regional organizations, including OSPESCA, UNEP RCU and FAO/WECAFC have programmes relevant to the conservation and management of Spiny Lobster and their habitats in the Caribbean region;

RECOGNIZING the importance of involving all relevant parties including inter-governmental, non-governmental and private sector organizations and resource users, in co-operative conservation and management of the Spiny Lobster and its habitats;

RECOGNIZING ALSO the rights and duties of States established in international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982, relating to the conservation, management and sustainable use of living marine resources;

INSPIRED by the principles contained in the 1992 Rio Declaration on Environment and Development, the 2002 Johannesburg Declaration on Sustainable Development, and the 2013 Rio+20 Outcome Document - The Future We Want;

INSPIRED ALSO by OSPESCA's Regulation OSP-02-09 for the Regional Management of the Caribbean Spiny Lobster (*Panulirus argus*) Fishery in Central America;

CONSIDERING the principles and recommendations set forth in the 1995 Code of Conduct for Responsible Fishing adopted by the Conference of the Food and Agriculture Organization;

RECALLING the United Nations General Assembly Resolutions on the Caribbean Sea and supporting sustainable fisheries and oceans management;

ACKNOWLEDGING the objectives of the Revised Treaty of Chaguaramas and more specifically Articles 58 and 60 which enjoin Member States to cooperate in all areas necessary to foster regional development and integration regarding Natural Resource Management and Fisheries Management and Development respectively;

ACKNOWLEDGING ALSO that the main objective of the Caribbean Regional Fisheries Mechanism (CRFM) is to promote efficient management and sustainable development of marine and other aquatic resources and promoting and establishing cooperative management arrangements of shared and highly migratory resources in conformity with the economic objectives of the Member States;

RECOGNISING the trans-boundary nature of the Spiny Lobster and the interconnectedness of the marine ecosystems in which they live and, therefore, the need for range States to cooperate and coordinate actions to achieve long-term sustainable use and effective conservation and management;

ACKNOWLEDGING our shared responsibility for long-term sustainable use through conservation and effective management of the Spiny Lobster populations and their habitats;

DESIRING to enhance the contribution of the Spiny Lobster fisheries to regional food and nutrition security and to support the progressive realization of the right to adequate food; and

DETERMINED to establish, through this Declaration, appropriate measures for the conservation, protection, management and long-term sustainable use of the Spiny Lobster and their habitats for the benefit of present and future generations;

HAVE AGREED AS FOLLOWS:

[Original Outline:

Preamble Could include Acknowledgement of:

- The social and economic importance of the Caribbean Spiny Lobster to the countries and peoples of the region;
- Their mutual interest in the long term sustainable use, conservation and management of the Caribbean Spiny Lobster
- That spiny lobster is a transboundary species whose habitat covers a broad area in the Caribbean
- Their shared responsibility for the conservation and effective management of the spiny lobster populations inhabiting their waters in order to maintain the populations at levels which will permit long-term sustainable catch for food and other purposes
- The conservation and management of spiny lobster in the Caribbean Region cannot be fully effective unless it is comprehensive and has the participation of all States that fish spiny lobster in that region
- That concerted, coordinated action must be taken immediately to address the threats posed to the existing populations
- That they should agree to work closely together to improve the stock status of the Caribbean Spiny Lobster and the habitats on which they depend]

PART I GENERAL PROVISIONS

ARTICLE 1 USE OF TERMS

[to be completed

`Berried female` means a female Spiny Lobster bearing eggs attached to the abdominal appendages.

`Carapace Length` means the straight line measurement from the forward edge between the rostral horns, excluding any soft tissue, and proceeding along the middle to the posterior edge of the carapace.

`Close Season` means a period in the year when it is prohibited to fish for, capture, kill, possess, sell or trade the spiny lobster.

`Competent Authority` means the Government Fisheries Department or Fisheries Division or any other body designated by the State as the

competent body responsible for management, conservation and sustainable use of the Spiny Lobster.

'Escape Gap' means an opening in the side of a trap designed to facilitate the exit of juvenile and undersize Spiny Lobster from that trap.

'Escape Panel' means a panel, or other mechanism, designed to allow for the exit of Spiny Lobster from a trap after a period of time if the trap has been lost or abandoned at sea.

'Member States' mean the States Parties to the 2002 Agreement Establishing the Caribbean Regional Fisheries Mechanism.

'Ministerial Council' means the body established by Article 6(a) of the Agreement Establishing the Caribbean Regional Fisheries Mechanism.

'Industrial vessel' means ...

'OSPESCA' means the Fisheries and Aquaculture Organization of the Central American Integration System (SICA).

'Possession' means to have in one's custody or control, either personally, or by another who is under one's control.

'Spiny Lobster' means the Caribbean spiny lobster, *Panulirus argus*.

'Trap' means a lobster trap, pot, or other stationary device that may be set on the seafloor and used for the taking or holding of Spiny Lobster.

..... ..]

ARTICLE 2 SCOPE

1. Unless otherwise provided, this declaration applies to the sustainable use, conservation and management of the Spiny Lobster (*Panulirus argus*) stocks and their habitats within areas under national jurisdiction or sovereignty of Member States.

2. Nothing in this declaration shall preclude Member States from implementing stronger national conservation and management measures than those specified herein for the Spiny Lobster and its habitats.

ARTICLE 3 OBJECTIVE

1. The objective of this declaration is to ensure the long-term sustainable use of the spiny lobster (*Panulirus argus*) through effective implementation of conservation and management measures for the stocks and their habitats [based on the best scientific evidence available].

[Original Outline: The objectives of this Agreement could be:

1. To establish an international regime for conservation, management, and optimum sustainable utilization of spiny lobster resources in the Agreement Area;
2. To restore and maintain the lobster resources in the Caribbean Region at levels which will permit long-term sustainable yields; and
3. To cooperate in the gathering and examining of scientific data and information including, biological, ecological, environmental, social and economic concerning spiny lobster resources in the Caribbean Region.]

ARTICLE 4 GENERAL PRINCIPLES

1. Member States, in order to achieve the objectives of this declaration and in giving effect to their duty to cooperate in accordance with relevant regional and international law, shall apply the following guiding principles:

- (a) The precautionary approach and the ecosystem approach to fisheries;
- (b) Ensure long-term sustainability of the spiny lobster and promote the objective of their optimum utilization;
- (c) Ensure that conservation and management measures are based on the best scientific evidence available and are designed to maintain or restore stocks at levels capable of producing sustainable yields, as qualified by relevant environmental, socio-economic and ecological factors;
- (d) Protect biodiversity in the marine environment;
- (e) Ensure that the levels of fishing effort do not exceed those commensurate with the sustainable use of the lobster stocks;
- (f) Take into account the interests of small-scale and subsistence fishers and promote their participation in the decision-making processes that affect their livelihoods;
- (g) Take into account traditional ecological knowledge and local knowledge of fishers and fishing communities regarding

conservation and management of the resource and protection of critical habitats;

- (h) Collect and share, in a timely manner, complete and accurate data and information concerning fishing activities; and
- (i) Ensure compliance with conservation and management measures through effective monitoring, control and surveillance, and public education and awareness programmes.

[Original Outline: The principles should be based on those articulated in the FAO Code, including

- Precautionary
- Ecosystems approach
- Participation
- Sustainable use
- Integrated approach
- Use of the best available data and information for decision-making]

PART 2 CONSERVATION AND MANAGEMENT

ARTICLE 5 RESEARCH, DATA COLLECTION AND SHARING OF DATA AND INFORMATION

1. Member States shall, as far as possible and as appropriate, ensure that fishing vessels, fishers and other natural or legal persons within their jurisdiction, who are directly or indirectly involved in the capture, processing, marketing or trade of Spiny Lobster provide such data and information as may be necessary in order to fulfil their obligations under this Declaration. To this end, Member States shall:

- (a) Collect and share scientific, technical and statistical data with respect to fisheries for the spiny lobster;
- (b) Ensure that data are collected in sufficient detail and accuracy to facilitate effective assessment, preparation of conservation and management advice, and monitoring of management performance; and
- (c) Adopt provisions requiring vessel owners and masters, fishers, processors and traders to submit to the Competent Authority, data regarding the catch, sale, processing, marketing and trade of Spiny Lobster.

2. Member States shall cooperate through the organs of the CRFM to agree on the specification of data and the format in which they are to be provided **to the CRFM Secretariat** for analysis by the appropriate CRFM Working Group or other **competent body**;

3. Member States shall promote and conduct scientific research related to the sustainable use, conservation and management of the spiny lobster and its habitat, and actively promote the publication and dissemination of the results of that research.

4. Member States shall seek to cooperate with neighbouring States in the wider Caribbean region in the conduct of scientific research related to the Spiny Lobster. Cooperation with the Central American States shall take place in accordance with the Memorandum of Understanding between CRFM and OSPESCA, the Belize Declaration on CRFM and OSPESCA Cooperation, and the CRFM-OSPESCA Joint Action Plan.

[**Original Outline:** To that end, in a spirit of mutual understanding and co-operation, the parties should consider including in the agreement the following articles:

1. Commitment to national data collection and sharing of the data: i.e. catch, effort and socio-economic data on an annual basis for stock assessment.

[*Comment: The collection of statistical, biological and socio-economic data needs to be strengthened across the region, as it is the foundation of a successful management system.*]

2. Commit to standardizing data collection units, indicators, and processes.

[*Comment: It is important that CRFM work with member countries to ensure data collection is standardized (i.e. units, indicators etc.), so that comparisons can be made across countries and over time.*]

3. Commitment to conduct or participate in transboundary research programs to obtain biological, ecological, environmental, oceanographic data and information, etc, to ensure that decisions are taken on the basis of good scientific information:

(a) Ongoing collection and analysis of statistical information relating to the current conditions and trends of the lobster fishery resources,

(b) Studying and appraising information concerning measures and methods to ensure maintenance of the populations of lobster at levels which will permit the maximum sustainable catch and which will ensure the effective exploitation of these fishes in a manner consistent with this catch.

4. Commit to cooperate in the exchange of scientific information/research/ data collection regarding any lobster fishing.

[*Comment: The exchange of scientific information allows the status of the Spiny Lobster in the Caribbean to be understood region-wide and comparisons can be made across countries.*]

ARTICLE 6 CONSERVATION AND MANAGEMENT MEASURES

1. The Ministerial Council shall make policy decisions to ensure long-term conservation, management and sustainable use of the Spiny Lobster stocks, and protect and safeguard their habitats.

2. The Ministerial Council shall make the policy decisions mentioned at paragraph (1) above on the basis of scientific advice provided by the Forum or other competent technical or scientific body.

3. Each Member State shall, in accordance with its particular **conditions and capabilities and as appropriate based on the local fisheries:**

- (a) Develop or adapt existing national strategies, plans, programmes or regulations to, as far as possible and as appropriate, give effect to the decisions of the Ministerial Council regarding conservation, management and sustainable use of the Spiny Lobster stocks and protection of their habitats; and
- (b) Integrate, as far as possible and as appropriate, the conservation, management and sustainable use of the Spiny Lobster stocks and protection of their habitats into relevant sectoral or cross-sectoral plans, programmes and policies.

4. Without prejudice to the generality of paragraphs 1 and 2, each Member State shall, **as far as possible and as appropriate, taking into account the overall importance of the fishery, local conditions and state of the stocks:**

- (a) **Prohibit fishing for the Spiny Lobster without a valid licence issued by the Competent Authority;**
- (b) **[Within two/three/four (2/3/4) years from the date of adoption of this Declaration],** implement a Close Season for the Spiny Lobster for a period of not less than 4 months, between 15th February and 31st August each year;
- (c) Impose an upper limit of **[two thousand five hundred (2,500)]** Traps per industrial vessel targeting Spiny Lobster;
- (d) In the case of artisanal fisheries, each Member State shall determine the maximum number of Traps per vessel or per fisher, if any, taking into account the nature of the fishery and the socio-economic condition of the fishers;
- (e) Ensure that any Trap used for harvesting or holding the Spiny Lobster at sea is made of biodegradable material;
- (f) Ensure that any Trap used for harvesting or holding the Spiny Lobster at sea is equipped with an Escape Panel;
- (g) Ensure that any Trap used for catching Spiny Lobster:

- (i) have at least one Escape Gap for the purpose of facilitating the exit of juvenile Spiny Lobster from that Trap;
 - (ii) the Escape Gap shall be located on the opposite side of the line used to lift the Trap; and
 - (iii) the Escape Gap shall have an opening of not less than **2 1/8 inches (5.4 centimeters) between the bottom and the first rib from the bottom of the Trap.**
- (h) Ensure that upon the commencement of the Close Season, persons and legal entities authorized to fish for Spiny Lobster remove from the sea any Trap owned by them or in their Possession. All traps and fishing gear used [**primarily**] to capture Spiny Lobster should be removed from the sea within [**thee (3) / five (5)**] day after the commencement of the Close Season; [**release of lobster caught after**]
- (i) Adopt provisions that:
 - (i) require fishers, vessel owners, processors, traders, wholesalers, retailers or any other person in Possession of Spiny Lobster to submit to the Competent Authority by the [**third/fifth (3/5) working day**] of the Close Season, a signed declaration of the inventory of Spiny Lobsters or parts thereof in their Possession;
 - (ii) require the Competent Authority to verify and certify the declaration of inventory as soon as possible within a period of not more than five days after receipt of the declaration;
 - (iii) empower and require the Competent Authority to carry out inspections as deemed necessary to ensure compliance with this provision, notwithstanding any other provision of control that each State Party may implement; and
 - (iv) during the Close Season, prohibit any legal or natural person from having in their Possession, sell or deal in Spiny Lobster except those declared and verified by the Competent Authority.
- (j) Determine and establish the time period prior to the opening of the fishing season when persons authorized to fish for Spiny Lobster may place or return their Traps to the sea in order to prepare for the commencement of fishing when the season reopens. **The**

maximum time allowed shall not exceed [fourteen (14) / ten (10) days] prior to the commencement of the fishing season;

- (k) Adopt a minimum size for catching Spiny Lobster, of no less than [eighty millimeters (80 mm) Carapace Length; (or alternatively one hundred forty millimeters (140 mm) of tail length, measured from the first abdominal segment to the terminal portion of the telson)];
- (l) Adopt, for packaging and marketing, an average minimum weight of five ounces per unit of commercial packaging, with a range of 4.5 to 5.5 ounces of thawed lobster tail;
- (m) Prohibit the catch, Possession, storage, sale, offer for sale or trade of a Spiny Lobster:
 - (i) with spermatophore or tar spot;
 - (ii) that is carrying eggs (Berried Lobster);
 - (iii) that is molting;
 - (iv) that has been scrubbed or has in any manner other than natural hatching had the eggs removed from the tail; andrequire that a Spiny Lobster with spermatophore or carrying eggs or moulting must be returned to the sea immediately.
- (n) Require fishing vessels and persons fishing for Spiny Lobster to land the Spiny Lobster whole, and prohibit the Possession on board a vessel or landing of Spiny Lobster parts such as tail, head meat or ground meat; and
- (o) Prohibit the use of scuba diving and hookah for Spiny Lobster fishing within [three/four/five (3/4/5)] years from the date of adoption of the present Declaration.

[Original Outline: 7. Harmonized minimum size and weight requirements. Consideration should be given to agreeing harmonized minimum size and weight requirements across the region.

[Comment: (i) *Minimum size and weight requirements for CARICOM Member States are listed in the Conservation and Management Measures Section of the Baseline Review on the Status and Management of the Caribbean Spiny Lobster Fisheries in the CARICOM Region. Some examples of size requirements in CARICOM countries are as follows:*

- *Minimum size limits (carapace length >3 inches; tail weight >4 oz) Belize*
- *Minimum size limits (carapace length <82.55 mm; tail length <139.7 mm) Bahamas*
- *Minimum size limits (carapace length ≥ 95 mm; tail weight ≥ 7 oz) Antigua and Barbuda*

(ii) *OSPESCA Agreement for minimum size requirements:*

*For catching and storing purposes, a minimum size of one hundred forty millimeters (140 mm) of length is set, measured from the first abdominal segment to the terminal portion of the telson.
For packaging and marketing purposes an average weight of five ounces per unit of commercial packaging is set, with a range of 4.5 to 5.5 ounces of thawed lobster tail.]*

8. Harmonized closed-season: consideration should be given to identifying a minimum harmonized closed season.

Current list of closed-seasons in the Caribbean:

Country	Month													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec		
Anguilla	No closed season													
Antigua & Barbuda	No closed season													
Bahamas														
Barbados														
Belize														
Dominica	No closed season													
Grenada														
Guyana	No lobster fishery													
Haiti														
Jamaica														
Montserrat	No closed season													
St. Kitts & Nevis	No closed													

	season													
Saint Lucia														
St. Vincent & the Grenadines														
Suriname	No lobster fishery													
Trinidad & Tobago	No lobster fishery													
Turks & Caicos														

[Comment: The OSPESCA agreement indicates the following in regards to a closed season: The States agree to implement a temporary suspension of the entire fishery for Caribbean spiny lobster (*Panulirus argus*) over a period of 4 months, from March 1st to June 30th each year, with the exception of Belize that will keep it between February 15th and June 14th of each year.

A region wide lack of harmonization of management measures may undermine their enforcement, particularly with respect to minimum size regulations and closed seasons; for example, spiny lobster taken illegally in one country during a closed season could be landed legally in a neighbouring country. For this reason, a harmonized close season is recommended for the CARICOM Region]

9. Escape Gaps

Consideration should be given to including provisions on escape gaps or panels in lobster Traps.

[Comment: From OSPESCA Agreement: Traps to be used shall have at least one escaping gap, in the opposite side of the line used to lift the Trap, with an escaping opening of 2 1/8 inches (5.4 centimeters) between the bottom and the first rib from the bottom above, to the effect of ensuring the exit of juvenile lobsters.]

10. Prohibitions

Countries should consider whether to include prohibitions against taking lobsters in reproductive phase (spermatophore, moulting), or lobster tail meat without the shell.

[Comments: Restricting fishing of lobsters in their reproductive phase ensures that they are able to maximize their reproductive capacity, and larger more fecund individuals are preserved. Prohibiting the sale of lobster tail meat without the shell helps to reduce the sale of undersized lobster.]

11. Diving or other gear restrictions

Countries should consider whether to regulate or restrict gear or fishing methods include Scuba and hookah or other methods of fishing, or prohibit the use of certain gear types.

[Comment: Restriction of gear types helps limit the extent to which and the location where lobster may be caught.]

ARTICLE 7 MONITORING, CONTROL AND SURVEILLANCE

1. Member States shall cooperate through the CRFM and other competent regional and sub-regional bodies in taking appropriate enforcement action, consistent with regional and international law and their respective domestic

laws, to deter Illegal, Unreported and Unregulated fishing activities for the Spiny Lobster.

2. The Ministerial Council shall adopt regional guidelines for use by States, as appropriate, in order to:

- (a) Establish sanctions for non-compliance by vessels, fishers and other natural or legal persons connected to the Spiny Lobster fisheries and trade, to be applied in accordance with national law, that are adequate in severity to effectively secure compliance, deter further violations and deprive offenders of the benefits arising from their wrongful or illegal activities; and
- (b) Evaluate their systems of sanctions to ensure that the penalties are effective in securing compliance and deterring violations.

5. Cooperate in taking appropriate action (**enforcement**), consistent with international law and their respective domestic laws, to deter IUU fishing activities for lobster, along with the creation of a strong disincentive/enforcement program.

[Comment: High market demand and high prices for lobster, including undersize lobster, are prompting rampant violation of minimum size and other regulations, is one of the most serious issues undermining the sustainable management of lobster stocks in the Caribbean.]

6. Review and strengthen the governance and management systems for lobster fisheries at each level (i.e. local, national, sub-regional).

[Comment: (i) *The governance/policy-making process needs to be more integrated, collaborative and participatory, incorporating stakeholder opinions, and regional concerns into the establishment of management measures.*

(ii) *The current structure across the region is reducing the effectiveness of, and compliance with, fishing regulations.*]

ARTICLE 8. PUBLIC EDUCATION AND AWARENESS

1. Member States shall:

- (a) Promote and encourage understanding of the importance of, and the measures required for, the conservation, management and sustainable use of the Spiny Lobster, and protection of its habitats and ecosystem;
- (b) Cooperate, as appropriate, through the CRFM and other regional and international organizations in developing educational and public awareness programmes for the conservation, management and sustainable use of the Spiny Lobster; and

- (c) Promote the use of information and communication technology tools including social media, in order to improve public awareness and understanding of the importance of the Spiny Lobster and the measures required for their conservation, management and long-term sustainable use.

Issues to be considered by Scientific Meeting

- Preamble - SL contribution to ecosystem resilience
- Data collection re sport fisheries
- Clarity re Competent Body
- Identification of 4 months peak season for closed season
- Industrial fisheries – states have discretion to determine if there should be a limit and if so, how many traps industrial vessels should be allowed to have
- Issue of the by-catch fisheries
- Support for maximum size
- Treatment of shorts (juveniles used as attractants) and sea cucumber as bait
- Regulation / research on casitas
- Consideration of quota for regulation og catch
- Establishing a maximum limit on the no. of fishers and vessels allowed in the fisheries
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SIGNATURE

[Signature by ministers is not necessary but desirable. Approval of the document by the Council as was done for the Castries Declaration is sufficient]

[Original text:

12. Final Clauses

- Depositary
- Participation
- Opening for signature
- Signature
- Entry in force
- Application
- Reservations
- Notification
- Territorial limitation
- Settlement of disputes
- Amendments
- Revision
- Duration

Comment: If a binding treaty is desired then the abovementioned final clauses will have to be considered. Alternatively, a soft law instrument such as a Code of Conduct or a Declaration may also be considered at this stage as it could be completed much faster and though not binding, would still be of considerable value in achieving coordinated action on the subject]