

**TOWARDS THE DEVELOPMENT OF A REGIONAL FISHERIES POLICY:
A PRELIMINARY DRAFT PROPOSAL
BY THE GOVERNMENT OF BARBADOS**

Introduction

At a Meeting held in Barbados on January 24th, 2003, to discuss bilateral fisheries matters, the Prime Minister of Barbados and the Prime Minister of the Republic of Trinidad and Tobago agreed that the development of a Regional Fisheries Policy was an idea worthy of support in principle.

The outgoing Chairman of CARICOM, the President of the Republic of Guyana, has also highlighted as an issue for priority consideration the creation of multilateral regimes to support the concept of the Caribbean Sea as a Special Area for Sustainable Development, and, in this context, the development of a common fisheries regime that would allow for rational exploitation and adequate management and conservation of fisheries resources.

The present paper is a preliminary effort in response to the positions outlined above. It looks briefly at previous actions taken within CARICOM on the matter of fisheries and outlines some of the issues which will need to be resolved in dealing with the development of a common fisheries policy. These will require further in depth study by the CARICOM Secretariat and the relevant regional legal and fisheries officials in order to develop a comprehensive proposal for consideration and decision by the Heads of Government.

The Revised Treaty

The preamble to the Revised Treaty of Chaguaramas speaks to the achievement of food *security* and to a resolve to establish conditions that would facilitate access by nationals to the *collective resources* of the Region on a non-discriminatory basis. The

arrangements for the CSME as they stand in the revised Treaty provide for the right of establishment and the free movement of labour. They also provide for joint cooperation for sustainable management of fisheries resources at Article 60. Yet the Treaty makes no reference to joint exploitation of fisheries resources which would appear to fit within the logic of a single market, to be a link to the idea of food security, and to tie in with the arrangements for rights of establishment and movement of labour. An arrangement to omit the exploitation of fisheries resources represents an anomaly in an otherwise coherent application of the concept of a single market and integration.

Previous Experiences at Regional Coordination in Fisheries

The first recorded organised approach to fisheries at the regional level in the wider Caribbean was the Caribbean Commission, which held its first fisheries meeting in 1952. At its third and last meeting in 1959, the fisheries officers acknowledged the value of the exchange of information among countries and proposed the establishment of a regional association for fisheries.

The UNDP/FAO Caribbean Fishery Development Project (1965-71) reviewed the fishing industry in participating countries and carried out surveys of demersal and pelagics throughout the region. The data generated by this programme has been one of the main sources of information on fisheries resources in the wider Caribbean. After the initial analysis, however, the data was not readily available to the participating countries, few of which, in any event, had the capacity to analyse and interpret it. The main limitation of this project was that it did not develop an ongoing capacity for acquisition, analysis, interpretation and application of fishery information.

The Western Atlantic Fisheries Commission (WECAFC) Project (1976-1981) was the next regional fisheries initiative. It included all WECAFC countries and had a broad mandate for all aspects of fisheries. However, its activities were limited by the lack of financial and human resources. Although its duration was too short to establish an ongoing capability in the large number of countries it served, it nevertheless recognised

the need for that capability and invested a relatively high proportion of its limited efforts in developing it. The project also demonstrated the value of a regional coordinating mechanism for fisheries.

The OECS Fisheries Unit was established in 1985 and was amalgamated with the OECS Natural Resources Management Unit (NMRU) in St Lucia in 1996. This represents a major initiative towards regional cooperation in fisheries management and development. The Unit implemented a wide range of activities and small projects at the sub-regional and national levels and served to create a significant sense of unity among fisheries personnel in OECS member states. Among its notable initiatives are joint monitoring control and surveillance and the promotion of a common fisheries policy and fishing zones within the OECS. These are still being pursued by the successor to the NRMU, the Environment and Sustainable Development Unit (ESDU).

At the CARICOM level, the 8th Conference of Heads of Government in 1987 agreed to the establishment of a multidisciplinary Committee to prepare a draft inter-governmental agreement for coordinating and harmonising the management of fisheries resources. The Committee included representation by Senior Foreign Service Officers, Chief Fisheries Officers, Principal Law of the Sea Officers, Coast Guard Services, the OECS and Caricom Secretariats, supported by expert assistance to be mobilised jointly by the two Secretariats. Substantial information and documentation, prepared by the Committee with assistance from the FAO, was considered at a meeting of Permanent Secretaries of Agriculture and Foreign Affairs in 1990, which provided input for the preparation of a first draft of an Inter-Governmental Agreement for Cooperation in the Development and management of Exclusive Economic Zones. The draft was considered at a second joint meeting of Permanent Secretaries in 1991 and was further revised, before being presented in 1992 to the Standing Committee of Ministers of Agriculture which took the decision not to pursue the matter further at that time. The two main reasons for delaying adoption of the Inter-Governmental Agreement, despite the wide participation of member states in its preparation, appear to be concern over access by CARICOM fishing fleets to each other's fishery zones and differences and

uncertainty as to the lead Agency which would administer the implementation of the Agreement.

Early in the process of developing the draft Intergovernmental agreement a CARICOM Fisheries Development Officer was appointed at the CARICOM Secretariat to assist with this project, as well as with the ongoing development of CARICOM's major fisheries initiative, the CARICOM Fisheries Resource Assessment and Management Programme (CFRAMP), which started in 1992. CFRAMP was designed to promote the management and conservation of fisheries resources at the regional level and to meet the long term need for a region-wide coordinating mechanism.

Preparations are currently underway for the establishment of the CARICOM Regional Fisheries Mechanism (CRFM) which is intended to be a permanent and sustainable successor to the CFRAMP project. The Inter-governmental Agreement establishing CRFM was signed during the 13th Intersessional Meeting of the Heads of Government in Belize, in February 2002 by Barbados, Belize, Grenada, Guyana, Jamaica, St Vincent and the Grenadines, Suriname and Trinidad and Tobago, and is expected to be formally launched in March 2003 in Belize. The objectives of the CRFM are: i) the efficient management and sustainable development of the marine and other aquatic resources within the jurisdictions of member states; ii) the promotion and establishment of cooperative arrangements among interested states for the efficient management of shared straddling stocks or highly migratory marine and other aquatic resources; iii) 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.

The overview provided above shows that regional cooperation in fisheries spans a period of some 50 years. Thus, in view of the foregoing, one would have thought that the Caribbean integration movement would have followed the policy of other integration movements, eg. the European Union (EU) or the Pacific Community, and would have arranged a common regime in fisheries. It is now more than timely that those ideas of

'sharing equitably', and the 'removal of barriers' on a sustainable basis, be reflected in fisheries cooperation through the move to a comprehensive regime for the joint management, exploitation and conservation of the collective and shared fisheries resources of the region. It is clear that a foundation has been built which can serve to prepare the region for a further step in integration in the fisheries sector.

The Current Situation

Regrettably, as stated in the above paragraph and elsewhere in this document, the current situation does not embody the concept of establishing a common regime for coordinating the management and exploitation of the fisheries resources of the region. This said concept should be revisited as a matter of priority at this juncture in the Community's development in the light of the coming into being of the CARICOM Single Market and Economy. In creating a single economic space within which to promote the free flow of goods, services, capital and labour, it would not seem to be in the long-term interest of the region to exclude the marine space, which in the case of most member states vastly exceeds the territorial space, and which is likely to be the source of even more significant economic activity in the future.

At the international level, CARICOM member states are pursuing action within the United Nations to promote the integrated management of the Caribbean Sea with the ultimate objective of having it recognised as a Special Area in the Context of Sustainable Development. Yet internally we have devised no legally binding region-wide regime to ensure that the region's fish stocks are sustainably managed and that their exploitation is for the benefit of CARICOM citizens.

Additionally, as signatory states to the United Nations Convention on the Law of the Sea (UNCLOS) would be aware, according to provisions at Art. 51, countries that share common fisheries stock are mandated to recognize traditional fishing rights. The 1995 Agreement for the Implementation of the UNCLOS provisions (relating to the conservation and management of straddling fish stocks and highly migratory fish stocks)

also requires signatories at Art. 7.1 to establish cooperation arrangements for the joint conservation and optimal utilisation of these stocks.

Furthermore it would appear that, in contravention of the basic rules governing a single market and economy, third countries are in some cases being given more favourable treatment, in respect of the exploitation of the exclusive economic zone of regional states, than are the members of the Community . There is also some evidence of the breach of the rules of origin in respect of the sale of fish products within the Common Market emanating from third country operations.

The fisheries sector is important to the economies of CARICOM countries. Fisheries have provided livelihood and sustenance to the region by contributing to food security, employment, foreign exchange earnings, the development of rural and coastal communities, recreation and tourism. Fish stocks, though renewable, are not infinite, and need to be managed on a sustainable basis if their contribution to the nutritional, economic and social well-being of Caribbean people is to be maintained. In addition, since many of the commercially exploited species in the region are straddling or highly migratory fish stocks, proper conservation methods can only be meaningful if they are applied on a regional basis. Yet CARICOM countries do not have in place a consistent set of rules and regulations to deal with fisheries resources as they exercise their rights over their respective EEZs. The absence of a harmonised approach causes controversy and frustration among fishermen and authorities and tensions between member Governments.

It must not remain the case that the seas that physically divide the CARICOM Members from each other should also be a source of division in taking the economic integration to a further stage of advancement.

The history of past negotiations on this matter have shown the following concerns to be the stumbling blocks:

- concern over perceived loss of sovereignty over national marine resources;
- concern over the possible depletion of stocks;
- concern over the authority for the control of fishing.

While these concerns are valid they can be effectively dealt with through the proper organization of the regime.

It is noteworthy that a common fisheries policy is a feature of the most advanced integration movement, the European Union, and that the South Pacific grouping also pursues a harmonised approach. A comparative study of the fisheries regimes of other integration movements might prove instructive for CARICOM at this juncture.

The great interest being shown by extra-regional fleets in the waters of the Caribbean makes it clear that our fisheries resources are of great economic significance. There have been major improvements in technology and fishing techniques in recent years, and as our own fishing fleets progressively develop it is no longer beyond our capacity to exploit those resources for our own economic benefit. If, however, this enhanced exploitation is allowed to take place completely unregulated, there could be serious consequences for the long-term sustainability of the industry. The development of a harmonized fisheries policy is therefore of vital interest to all member states. Much work has already been done by regional fisheries officials to coordinate activities and to promote responsible fisheries. What is now needed is a clear mandate at the highest political level to give legal effect to the creation of a common fisheries regime for the region.

Recommendations

It is therefore proposed that the Secretariat be mandated to carry out the necessary research on this matter and propose to the Conference of the Heads for their consideration at their 24th Meeting in July 2003 a framework for the exploitation and conservation of fisheries resources in the region based on the following guidelines:

- there should be a common maritime authority to manage the resources, cooperate in research and provide technical support for ongoing fisheries projects in the region;
- operation in the fishery zone would be done under license;
- research should establish the allowable yearly sustainable catch;
- a quota system would guarantee sustainable harvesting;
- catches and landings would be recorded;
- operation without licence would be illegal and punishable;
- technical standards (e.g. types of fishing gear and vessels) and best fisheries management practices would be used to ensure the sustainability of the resource;
- there would be a clear, transparent and closely monitored policy for the granting of any fishing access to third countries ie non-CARICOM countries;
- security procedures would be put in place to require reporting by fishing vessels to Coast Guard, Customs and Immigration when entering and leaving national jurisdictions;
- common approach and understanding on regional and international matters relating to fisheries management governance, exploitation and surveillance.

The common fisheries policy of the European Union has been in place since 1971. These, along with the policies and arrangements used by the Pacific Community, should be carefully studied to gain insight into the kinds of institutional arrangements

that are possible, how they have worked in practice, the kind of problems that have been encountered that might be applicable to the CARICOM circumstances, and how they have been resolved.

The Secretariat might also find it useful to study the significant body of work carried out by the FAO on fisheries management issues.

Port of Spain, 03-02-14

