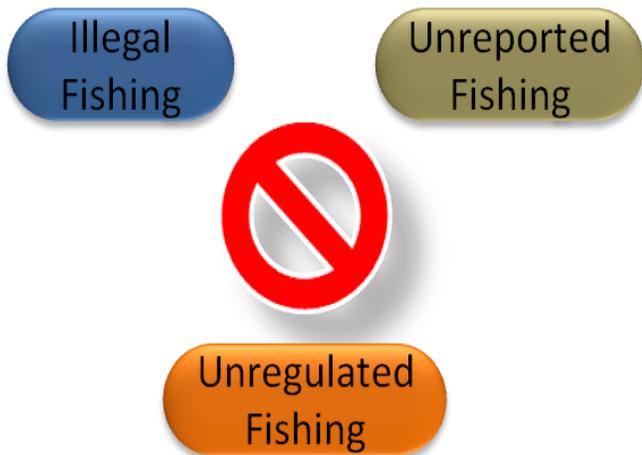


Efforts Implemented to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing in The Caribbean

Purpose

This paper is intended to support and provide knowledge sharing and development on Illegal Unreported and Unregulated (IUU) Fishing in the Caribbean region. Attention will be directed to the various drivers and issues that make IUU fishing such a difficult challenge to overcome in the Island Member states.



Emphasis will be placed on initiatives being developed and implemented by and through the leadership of CRFM in collaboration with other regional and international organizations in their efforts to prevent, deter and eliminate IUU fishing in the Caribbean member states. The paper aims to bring awareness to and disseminate the most current information available, for personnel involved in the fisheries industries or management in the Caribbean region on Illegal, Unreported and Unregulated Fishing.

Situation

The Caribbean region is made up of approximately 30 island countries regarded as Small Island Developing States (SIDS) most of whom rely on the coastal and offshore fishery resources of the surrounding waters to sustain their livelihoods. To some, the fishery resources contribute significantly to income, employment, food security and social and economic stability. However, IUU fishing poses a significant threat to the sustainable development, and management of fisheries resources as small island developing States and other developing coastal States, are among those that suffer the most from the adverse effects of Illegal Unreported Unregulated fishing.

The numerous challenges in cooperating and promoting harmonized approaches to prevent, deter and eliminate IUU fishing in the Caribbean region can be allotted to many reasons. But of main concern is the numerous Small Island Developing States, resulting in having many governments with differing goals and objectives in addition to the trans-boundary character of living marine resources in the Caribbean region. The CRFM and other



IUU definition adopted from FAO

Illegal fishing refers to activities:

1. Conducted by national or foreign vessels in waters under the jurisdiction of a State, without permission, or in contravention of its laws and regulations;
2. Conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures;
3. In violation of national laws or international obligations.

Unreported fishing refers to fishing activities:

1. Which have not been reported, or have been misreported, in contravention of national laws and regulations;
2. Undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported,.

Unregulated fishing refers to fishing activities:

1. conducted by vessels, or by a fishing entity, in a manner that is inconsistent with or contravenes the conservation and management measures of an area.
2. conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.

How is IUU Being Tackled in the Region?

The Caribbean Regional Fisheries Mechanism (CRFM) is a regional fisheries body, established to promote and facilitate the responsible utilization of the region's fisheries and other aquatic resources. Presently, seventeen Caribbean states are members of the CRFM., 14 of which are African Caribbean and Pacific (ACP) countries.



At present, its members include 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. Anguilla, Montserrat and the Turks and Caicos Islands are not ACP countries.

There is a consensus among member states that IUU fishing is a significant threat to the livelihoods of fishers and fisher communities in the region., because fisheries resources are an important contributor to the Gross Domestic Product (GDP) of many countries, and contributes an estimated US\$390.5 million directly to fisherfolk on an annual basis. A 2014 CRFM statistics report indicates that the sector employs over 338,835 persons, directly or indirectly; mainly from small scale fisheries in rural communities lacking other income earning opportunities.

Drivers of IUU in The Region



Main Issues Identified

- IUU fishing of national operators in national waters (all fleets from small scale to industrial).
- Poaching of neighboring (regional) fleets (mostly small scale and semi industrial) in national waters (inshore waters and offshore banks).
- Poaching of industrial scale tuna fleets in national offshore (deeper EEZ) waters.

Initiatives Being Developed or Implemented Against IUU

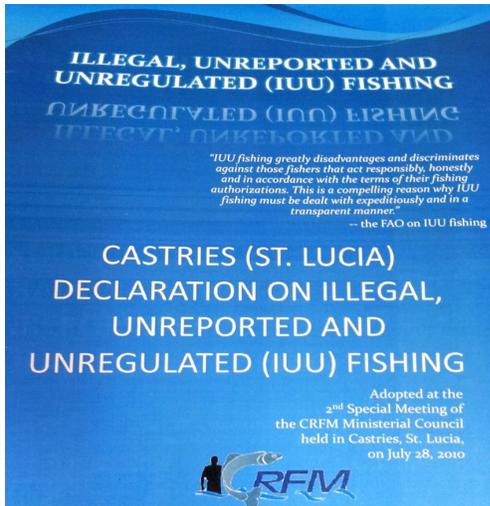
There are numerous strategies underway, by which the region through the CRFM is seeking to combat IUU fishing. Among these initiatives:

1. **Caribbean Community Common Fisheries Policy**
2. **Castries (St Lucia) Declaration on IUU Fishing**
3. **Fisheries Enforcement & Prosecution Manual**
4. **FAO International Plan of Action-IUU**
5. **FAO Code of Conduct for Responsible Fisheries**
6. **The FAO Agreement on Port State Measures to prevent, deter and eliminate IUU fishing**
7. **The United Nations Convention on the Law of the SEA (UNCLOS)**
8. **WECAFC Regional Working Group on IUU fishing**

Caribbean Community Common Fisheries Policy

The inspiration for this policy was birthed in 2003, but actual development of The Caribbean Community Common Fisheries Policy (CCCFP) initiative began in 2009 by the CRFM Ministerial Council guided by the opinion of the General Counsel of the CARICOM Secretariat. This policy seeks to harness the individual and collective obligations under international agreements of CARICOM Member States, including all of the above IUU related strategies. The CCCFP has made tremendous progress towards implementation and is closer to being adopted by member states as representatives provided tremendous support for the policy at the 2014 CRFM Fisheries Forum. This policy, although seeking to cover sustainable fisheries management on a holistic approach, targets several issues relating to IUU fishing such as, the prevention, deterrence and elimination thereof, strengthening and modernization of legislations, capacity building and developing harmonized measures and operating procedures, among others.

Castries (St Lucia) Declaration on IUU Fishing



In July 2010, at the 2nd Special Meeting of the CRFM Ministerial Council in Castries St Lucia, the CRFM Member states recognized IUU fishing as a regional issue, thus emphasizing its negative impacts on national economies as countries seek to manage their various fisheries in a sustainable manner.

As a result of this recognition, was borne the Castries (St Lucia) Declaration on IUU fishing. This declaration however, is non legally binding for states to carry out the various actions addressing IUU fishing, instead provides an outline of the commitments that member states are expected to fulfill, which includes.

The commitments of the Castries (St Lucia) Declaration on IUU Fishing is seeking to urge member states:

To implement relevant provisions of the FAO Code of Conduct on Responsible Fishing, and the Plan of Implementation of the World Summit on Sustainable Development (Johannesburg Plan of Implementation) as it relates to achieving sustainable fisheries;

To supply information on fishing vessels flying their flag to the CRFM Secretariat as agreed by the Ministerial Council;

To become parties to the 1982 UN Convention, the FAO Compliance Agreement, the UN Fish Stocks Agreement, and other relevant international agreements that will provide support in the fight against IUU fishing;

That are parties to the FAO Compliance Agreement to fulfill their obligations to submit to FAO, for inclusion in the High Seas Vessel Authorization Record, data on vessels entitled to fly their flags that are authorized to be used for fishing on high seas, and those that are not yet parties to the FAO Compliance Agreement to submit data on a voluntary basis; and

To ensure that they exercise full control over fishing vessels flying their flag, in accordance with international law, in order to combat IUU fishing.



It is expected that through implementing the various national measures, enforcement of fisheries and related regulations would increase, thereby increasing the cost of IUU operations whilst reducing related benefits, resulting in increased level of compliance to regulations. It is also of the view that in most member states, the penalties as well as risk of being apprehended engaging in IUU fishing are insufficient and as such does not act as deterrents, thus would need to be strengthened in order to be effective.



Fisheries Enforcement & Prosecution Manual

Initially started in 1997, as part of an overall review of the legal frameworks for fisheries enforcement in the Region. A set of Standard Operating Procedures for fisheries surveillance and enforcement was developed, out of which two manuals were produced; The Fisheries Enforcement Manual and the Fisheries Prosecution Manual, which covers the inspection, investigation, decision and trial process of enforcement.

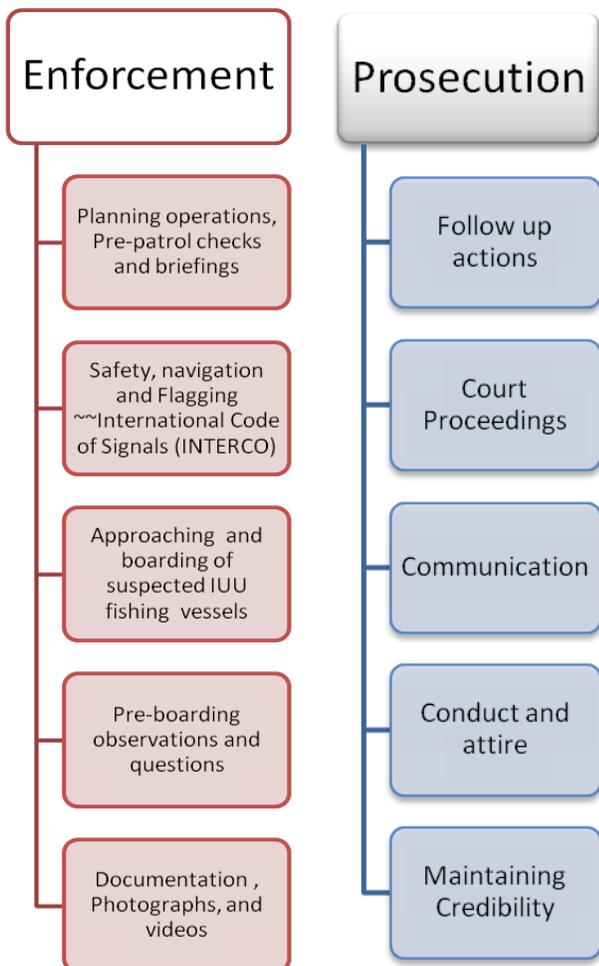


The challenge of enforcement is increased, as more local as well as foreign fishers and vessels continue to engage in IUU fishing operations. As such, improving the quality and effectiveness of fisheries enforcement and prosecution is pivotal in combating and overcoming IUU fishing. The Enforcement and Prosecution Manuals provide enforcement personnel in the region with a set of modern procedural guidelines according to international standards and best practices to help increase effectiveness in fisheries monitoring, surveillance, enforcement and prosecution. Although not legally a powerful tool,

FAO International Plan of Action (IPOA-IUU)

The FAO Committee on Fisheries (COFI) approved and eventually adopted the IPOA. The main objective of this initiative is to deter, prevent and eliminate IUU fishing, through the provision of comprehensive, effective and transparent measures to all member states, as they are urged to implement the IPOA.

The IPOA is not legally binding, but has various requirements that should be voluntarily adopted, such as:



- The coordination, consultation and information sharing among states, regional and global fisheries organizations, with full participation of fishing communities and non-government organizations.
- Developing and implementing National and Regional Plans of Action.
- Flag States ensuring that penalties for IUU fishing are severe enough to serve as effective deterrents.
- National legislation should effectively address all relevant aspects of IUU fishing, including evidentiary standards, admissibility and use of electronic evidence and new technologies as appropriate.
- Carrying out Monitoring Control and Surveillance in a comprehensive and effective manner, maintaining records of authorised vessels, on-board observer programmes, training & education.

FAO Code of Conduct for Responsible Fisheries

In the early 1990s, FAO had developed a Code of Conduct for Responsible Fisheries, which has been revised as recently as 2012. The code provides a guideline for standards of conduct for all persons involved in the fisheries sector. The code has 10 overall objectives, which seek to cover all aspects of sustainable fisheries management on a global scale, but embodies several objectives which can directly or indirectly relate to IUU fishing.



The code targets both member and non member states, and encourages that flag States should take enforcement measures in respect of fishing vessels entitled to fly their flag, when they have contravened applicable conservation and management measures, including, where appropriate, making the contravention of such measures an offence under national legislation. The code also adds that penalties relating to violations should be severe, so as to be effective in securing compliance and to discourage future violations, in addition to depriving offenders of the benefits accruing from their illegal fishing activities. For serious violations, having include provisions for the refusal, withdrawal or suspension of the authorisation to fish. Some objectives of the Code include:

- Establish principles, in accordance with the relevant rules of international law, for responsible fishing and fisheries activities, taking into account all their relevant biological, technological, economic, social, environmental and commercial aspects;

- Provide guidance which may be used where appropriate in the formulation and implementation of international agreements and other legal instruments, both binding and voluntary;
- Serve as an instrument of reference to help States to establish or to improve the legal and institutional framework required for the exercise of responsible fisheries and in the formulation and implementation of appropriate measures;

The FAO Agreement on Port State Measures to prevent, deter and eliminate IUU fishing

Agreement on Port State Measures states that its objective is to Prevent, Deter and Eliminate IUU Fishing, through the implementation of effective Port state measures. The agreement addresses several aspects of Port State responsibilities and processes, including;

- Role of flag states and their potential to apply more stringent Port state Measures, in accordance with international law.
- The need to increase coordination at the regional and interregional levels to combat illegal, unreported and unregulated fishing through port State measures.
- The recognition that port State measures provide a powerful and cost-effective means of preventing, deterring and eliminating illegal, unreported and unregulated fishing
- Advanced requests for port entry, approval and denial.
- Levels and priority for inspection as well as how they ought to be conducted, with results and transmission of inspection results.
- Requirements of Developing States Dispute settlement, as well as relationships with international law.
- The ability to promptly notify the flag State and, as appropriate, relevant coastal States, regional and international organizations of its findings.

WECAFC Regional Working Group on IUU fishing

The FAO Western Central Atlantic Fisheries Commission is another fisheries body in the Caribbean region, which plays an important role in promoting sustainable fisheries, development and management in the Wider Caribbean. The WECAFC has developed a Working Group on IUU (WG-IUU), which specifically focuses special attention on the various aspects of IUU fishing activities.

Conclusion

The Caribbean member states, especially those who are members of CRFM have recognized that IUU fishing is a huge threat to sustainable fishery management, fisher livelihood, food security and economic development in the region, thus needs to be addressed. Through the guidance and leadership of CRFM and other national/regional bodies, member states have been making tremendous progress in combating IUU fishing in the region. The initiatives such as the Castries (St Lucia) Declaration on IUU fishing, the Enforcement and Prosecution manuals, the Caribbean Community Common Fisheries Policy and the IUU Working Group among others, provide a necessary framework of systems that would allow for a strong counter against IUU fishing, which demonstrates the level of commitment in the region to combat IUU fishing.



It must be noted however, that one of the greatest threats to a successful combat against IUU fishing in the region remains to be that of numerous governments in close proximity sharing marine resources. This often results in policies and commitments not being expediently adapted and implemented at the national levels.

Keys to success

- a) The CRFM should continue to guide the coordination, corporation and harmonization of approaches to aid in combating IUU fishing.
- b) Commitments to regional and international agreements be urgently fulfilled by Member States, with national measures implemented against IUU fishing.



- c) Caribbean Member States should be mindful of the Castries (St Lucia) Declaration on Illegal, Unreported and Unregulated fishing and implement the various guidelines stated therein at the national level.
- d) Caribbean Member States need to adapt and utilise the Enforcement and Prosecutions Manuals along with their various national policies and regulations to effectively prevent, deter and eliminate IUU fishing in the region.
- e) With the guidance of the CRFM Secretariat, member states who have not done so, need to develop and implement National Plans of Action for IUU fishing.
- f) The development and establishment of a data management and communication system, to promote effective MCS of fishers as well as fishing vessels, with focus on monitoring IUU fishing.
- g) Improve MCS through strengthening of port and coastal state measures for fishing vessels, increasing the number of fisheries enforcement patrols.

- h) Support and abide by initiatives such as the Marine Stewardship Council (MSC) or other means of certification, thereby blacklisting markets as well as fishers that support IUU fishing.
- i) Establish awareness programs and to educate as well as promote participation and coordination of fishers to encourage fishermen to report any suspected IUU fishing activity.
- j) Develop and strictly implement vessel marking/identification requirements in accordance with FAO standards and guidelines for marking and identification of fishing vessels at national, regional and international levels.

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.

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This document has been produced with financial assistance of the ACP FishII which funded the Consultancy. However, the views expressed herein are those of the author and CRFM Secretariat.