

**Annexes to the written statement of the  
Caribbean Regional Fisheries Mechanism**

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## **Annex 1**

**CASTRIES (ST. LUCIA) DECLARATION ON ILLEGAL, UNREPORTED AND  
UNREGULATED FISHING, ADOPTED BY THE 2<sup>ND</sup> SPECIAL MEETING OF THE  
CRFM MINISTERIAL COUNCIL HELD IN CASTRIES, ST. LUCIA, ON 28 JULY 2010**

## **CASTRIES (ST. LUCIA) DECLARATION ON ILLEGAL, UNREPORTED AND UNREGULATED FISHING**

We the Member States of the Caribbean Regional Fisheries Mechanism,

**ACCEPTING** that illegal, unreported and unregulated (IUU) fishing is any fishing which undermines or disregards national, regional or international fisheries conservation and management arrangements and measures;

**RECOGNISING** the important role of fisheries in the CARICOM region and its significant contribution to food and nutrition security, employment, economic and the social well-being of our people;

**CONSCIOUS** of the potential for increased benefits from sustainable fisheries and aquaculture development;

**NOTING** that high demand for fish, the economic benefits derived from IUU fishing and the inadequate monitoring, control and surveillance (MCS) systems in the region have made Caribbean States particularly vulnerable to IUU fishing;

**COGNISANT** that the contribution of fisheries to our social and economic development and food security is being threatened by IUU fishing occurring nationally, regionally and globally;

**AWARE** that IUU fishing is practised by both local and foreign vessels;

**RECONISING** that national, regional and global cooperation is necessary to effectively prevent, deter and eliminate IUU fishing;

**MINDFUL** of the principles and rules of international law as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 (the 1982 UN Convention); the United Nations Agreement for the Implementation of the Provisions of the UN Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 1995 (UN Fish Stocks Agreement); and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 1993 (FAO Compliance Agreement);

**RECALLING** relevant United Nations General Assembly Resolutions on Sustainable Fisheries, including resolution A/Res/64/72 of 4 December 2009;

**REAFFIRMING** our commitment to the principles and standards contained in the FAO Code of Conduct for Responsible Fisheries (FAO Code of Conduct);

**RECALLING ALSO** the endorsement by the 120th Session of the FAO Council on 2 June 2001 of the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU);



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

**MINDFUL ALSO** of the establishment of the Caribbean Regional Fisheries Mechanism (CRFM) with its main objectives of promoting 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;

**CONCERNED** by the depletion of fisheries resources, the degradation of aquatic habitats and the threats to sustainable fisheries and aquaculture development worldwide;

**GRAVELY CONCERNED** by the prevalence of IUU fishing and its harmful consequences on the sustainability of both large-scale and small-scale artisanal fisheries, on the conservation of marine living resources and marine diversity as a whole and on the economies of Member States and on efforts to use and manage fisheries and associated ecosystems in a sustainable manner;

**NOTING** the responsibility of flag States under international law to effectively control and manage vessels flying their flags, as well as the responsibilities of port and coastal States in controlling IUU fishing in waters under their jurisdictions and on the High Seas;

**AWARE** that effective fisheries MCS is essential to combat IUU fishing and that integrated MCS, including vessel monitoring systems (VMS), as well as a regional register of fishing vessels authorised to operate within the CARICOM Region, are key tools in this endeavour;

**RECOGNISING** the need to mobilise resources and seek international cooperation for the development of harmonized VMS so as to implement the relevant provisions of the Code of Conduct for Responsible Fisheries and the International Plan of Action to Prevent, Deter and Eliminate IUU fishing and protect the livelihood of fishermen and fishing communities in the Caribbean;

**RECOGNISING ALSO** the unique transboundary character of living marine resources and ecosystems and, therefore, the need to co-operate in the management of shared resources and in promoting harmonized approaches to prevent, deter and eliminate IUU fishing in the Region;

**COMMITTED** to capacity building at national and regional levels for sustainable fisheries development;

**DESIROUS** of achieving more effective implementation of various international instruments for sustainable fisheries development adopted or enacted in the past decades;

**DESIROUS ALSO** of strengthening collaboration in the fight to prevent, deter and eliminate IUU fishing, to safeguard the benefits from the optimum utilization of fisheries resources for both present and future generations;

**HEREBY DECLARE THAT:**

1. We are determined to work together and with other stakeholders, including regional and multilateral partners to identify, prevent, deter and eliminate IUU fishing within the Caribbean and globally;
2. We are committed to concentrating and intensifying our efforts to effectively implement relevant international instruments for the sustainable use, conservation and management of marine living resources; and
3. We reaffirm the need to implement the principles and rules of international law herein mentioned to protect, conserve, manage and use the fisheries and other living marine resources and their ecosystems in a sustainable manner.
4. WE RESOLVE AND RENEW OUR EFFORTS TO:
  - (i) establish a comprehensive and integrated approach to prevent, deter and eliminate IUU fishing by emphasising the primary responsibility of the flag state in accordance with international law, and including port State, coastal State, and market related measures, as well as measures to ensure that nationals do not support or engage in IUU fishing, all of which shall address the economic, social and environmental impacts of IUU fishing;
  - (ii) encourage the phased implementation of measures to prevent, deter and eliminate IUU fishing through the development of national and regional plans of actions in accordance with the IPOA-IUU;
  - (iii) adopt conservation measures consistent with the long-term sustainable use of fish stocks and the protection of the environment in accordance with the 1982 UN Convention and other relevant regional and international agreements and documents;
  - (iv) adopt, review and revise as appropriate, relevant legislation and regulations regarding compliance with fisheries management measures and to provide sanctions of sufficient gravity, so as to deprive offenders of the benefits accruing from their illegal activities and to deter further IUU fishing;
  - (v) identify, reduce and ultimately eliminate the economic incentives derived from IUU fishing at the national, regional and global levels;
  - (vi) implement MCS schemes with a view to increasing the cost effectiveness of surveillance activities, such as encouraging the fishers and other stakeholders to report any suspected IUU fishing activities they observe;

- (vii) adopt internationally agreed market-related measures in accordance with international law including principles, rights and obligations established in WTO agreements, as called for in the IPOA-IUU;
- (viii) develop a comprehensive database of fishing vessels in good standing and vessels involved in IUU related activities, subject to confidentiality requirements in accordance with national laws and in conformity with Article VI.1 of the FAO Compliance Agreement;
- (ix) seek technical assistance and training to promote the development of fisheries management regimes at the local, national and regional levels, to prevent, deter and eliminate IUU fishing;
- (x) ensure the participation and coordination of all its Member States, including stakeholders such as industry, fishing communities and non-governmental organizations, either directly or indirectly through the CRFM and other appropriate organisations, in combating IUU fishing; and
- (xi) ensure that plans of action are implemented in a transparent manner in accordance with Article 6.13 of the FAO Code of Conduct.

5. WE CALL UPON:

- (i) Member States to cooperate in the implementation of harmonized minimum terms and conditions of access to monitor, control and conduct surveillance of fisheries resources;
- (ii) Member States to maintain records of fishing vessels entitled to fly their flag and authorized to be used for fishing in waters under their jurisdiction and on the high seas.
- (iii) The international community to cooperate with the Member States and provide financial and technical support where required to transfer technology and build capacity, as well as, facilitate the development and implementation of policies and measures to prevent, deter and eliminate IUU fishing within the Region.

6. WE AGREE ON THE NEED:

- (i) For a holistic and integrated approach to dealing with IUU fishing;
- (ii) For flag, port, and coastal states and where appropriate, the CRFM, to effectively monitor and regulate transshipment of fish and fish products in order to combat IUU fishing activities and to prevent laundering of illegal catches;

- (iii) For Member States in collaboration with the CRFM Secretariat, as well as NGOs and members of the fishing industry, to exchange information on suspected IUU fishing, if possible on a real time basis, and by actively participating in the International MCS network;
- (iv) To strengthen coastal and port state measures for fishing vessels consistent with international law in order to prevent, deter and eliminate IUU fishing in the Region and on the high seas;
- (v) For further international action to eliminate IUU fishing by vessels operating in open registries, flying "flags of convenience", as well as to require that a "genuine link" be established between states and fishing vessels flying their flags in the Region and on the high seas;
- (vi) To strengthen the CRFM as a regional fisheries body in order to more effectively coordinate the actions of its Member States and disseminate information on preventing, deterring and eliminating IUU fishing;
- (vii) To implement vessel marking requirements in accordance with the FAO Standard Specification and Guidelines for the Marking and Identification of Fishing Vessels and any applicable CRFM requirements;
- (viii) To establish a Working Group to be convened through the CRFM to regularly consult on methodologies and approaches that will harmonise and enhance the reliability of data collection in relation to IUU fishing; and
- (ix) For Member States, to the extent permitted by their national laws and regulations, to exchange among themselves and provide the CRFM Secretariat with relevant information including but not limited to IUU fishing activities.

#### 7. WE URGE ALL MEMBER STATES:

- (i) 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;
- (ii) To supply information on fishing vessels flying their flag to the CRFM Secretariat as agreed by the Ministerial Council;
- (iii) That have not yet done so 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;

- (iv) That are parties to the FAO Compliance Agreement to fulfil 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
- (v) To ensure that they exercise full control over fishing vessels flying their flag, in accordance with international law, in order to combat IUU fishing.

2<sup>nd</sup> Special Meeting  
CRFM Ministerial Council  
Castries, St. Lucia  
28 July 2010

**Annex 2**

**AGREEMENT ESTABLISHING THE CARIBBEAN REGIONAL FISHERIES  
MECHANISM**

***AGREEMENT ESTABLISHING  
THE CARIBBEAN REGIONAL  
FISHERIES MECHANISM***



## **THE STATES PARTIES,**

**Convinced** of the need to promote sustainable use of the living marine and other aquatic resources by the development, efficient management and conservation of such resources;

**Convinced further** of the intrinsic and non-extractive value and interdependence of the living marine and other aquatic resources;

**Acknowledging** that under international law, coastal States have sovereign rights for the purpose of exploring, exploiting, conserving and managing the living and non-living resources of their exclusive economic zones and their fisheries zones;

**Conscious** that certain of the living marine resources which are of interest to the peoples of the Caribbean Region are highly migratory, straddle national boundaries and are harvested by third States;

**Recognising** that the unsustainable exploitation of the living marine and other aquatic resources can lead to irreparable damage to those resources;

**Noting** that there are international institutions, bodies and competent organisations, the policies and programmes of which may be relevant to the living marine and other aquatic resources of interest to Member States;

**Recognising further** the need for co-operation and consultation among all the States Parties to this Agreement, third States, interested international institutions and bodies involved in fisheries in the Caribbean Region;

**Recognising also** the need of the States Parties for specific assistance including financial, scientific and technological assistance in the area of fisheries management, development, conservation and sustainable use;

**Aware** of the relevant provisions of the Third United Nations Convention on the Law of the Sea (1982); the FAO Code of Conduct for Responsible Fisheries (1995); the Agreement to promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (1993); the United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks (1995); Sustainable Development of the Programme of Action for Small



*Island Developing States (1994), and the Protocol Concerning Specially Protected Areas and Wildlife in the Wider Caribbean (1990);*

**Noting further** Resolution 54/225 of the United Nations General Assembly, dated 15 February 2000 on Promoting an Integrated Management Approach to the Caribbean Sea area in the context of sustainable development;

**Convinced** that this Agreement will serve to enhance co-operation in the area of fisheries among States Parties and interested third parties, thereby contributing to the general well-being of the peoples of the Caribbean Region;

**Bearing in mind** the Revised Treaty of Chaguaramas (2001) Establishing the Caribbean Community including the CARICOM Single Market and Economy,

**Have agreed** as follows:

## **Article 1**

### **Use of Terms**

*In this Agreement, unless the context otherwise requires:*

**“the Caribbean Community”** (hereinafter referred to as “CARICOM”) means the organisation established by the Treaty of Chaguaramas and the Protocols thereto:

**“the Caribbean Fisheries Forum”** means the organ established by Article 6(b) of this Agreement;

**“competent organisations”** means any group or body formed by two or more States in a co-operative arrangement for the sustainable use of shared, straddling or highly migratory stocks or of a particular specie of marine or other aquatic resources and recognised as such by other States, fishers of the same stock or specie;

**“the Ministerial Council”** means the organ established by Article 6(a) of this Agreement;

**“the Mechanism”** means the Caribbean Regional Fisheries Mechanism established by Article 2 of this Agreement;

***"the Secretary-General"*** means the Secretary-General of CARICOM;

***"the Caribbean Technical Fisheries Unit"*** (hereinafter referred to as ***"the Technical Unit"***) means the organ established by Article 6(c) of this Agreement.

## **Article 2**

### **Establishment**

1. *There is hereby established the Caribbean Regional Fisheries Mechanism (hereinafter referred to as "the Mechanism").*
2. *The Headquarters of the Mechanism shall be located in Belize.*
3. *The Mechanism shall establish elsewhere within the CARICOM Region such other offices as may be considered necessary for the performance of its functions.*
4. *The Mechanism shall conclude a Headquarters Agreement with the Government of Belize setting out the privileges and immunities to be recognised and granted by the Government of Belize.*

## **Article 3**

### **Membership**

1. *Membership of the Mechanism shall be open to Member States and Associate Members of CARICOM.*
2. *The Ministerial Council may admit as an Associate Member of the Mechanism any State or Territory of the Caribbean Region which in its opinion is able and willing to discharge its obligations under this Agreement.*
3. *States mentioned in paragraph 1 of this Article which have signed this Agreement in accordance with Article 35 or acceded to it in accordance with Article 38 shall become Members of the Mechanism.*

4. *States or Territories mentioned in paragraph 2 of this Article which have concluded an association agreement with the Mechanism shall become Associate Members of the Mechanism.*

#### **Article 4**

##### **Objectives of the Mechanism**

*The Mechanism shall have as its objectives;*

- (a) the efficient management and sustainable development of marine and other aquatic resources within the jurisdictions of Member States;*
- (b) the promotion and establishment of co-operative arrangements among interested States for the efficient management of shared, straddling or highly migratory marine and other aquatic resources;*
- (c) 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.*

#### **Article 5**

##### **General Principles**

*In pursuance of its objectives, the Mechanism shall be guided by the following principles:*

- (a) maintaining bio-diversity in the marine environment using the best available scientific approaches to management;*
- (b) managing fishing capacity and fishing methods so as to facilitate resource sustainability;*
- (c) encouraging the use of precautionary approaches to sustainable use and management of fisheries resources;*



- (d) *promoting awareness of responsible fisheries exploitation through education and training;*
- (e) *according due recognition to the contribution of small scale and industrial fisheries to employment, income and food security, nationally and regionally, and*
- (f) *promoting aquaculture as a means of enhancing employment opportunities and food security, nationally and regionally.*

#### **Article 6**

##### **Organs of the Mechanism**

*The Mechanism shall be composed of:*

- (a) *the Ministerial Council;*
- (b) *the Caribbean Fisheries Forum (hereinafter called "the Forum");*
- (c) *the Technical Unit.*

#### **Article 7**

##### **The Ministerial Council**

1. *Each Member of the Mechanism shall nominate a Minister of Fisheries to represent it on the Ministerial Council and such representative shall have one vote.*
2. *The Ministerial Council shall meet in regular session once a year and in such special sessions as may be necessary to perform its functions.*
3. *The Ministerial Council shall determine the policy of the Mechanism. In particular, the Ministerial Council shall:*
  - (a) *promote the efficient management, conservation and development of shared, straddling and highly migratory marine and other aquatic resources of the*

*Caribbean Region through attainment of competence over the resources and through co-operation with competent organisations as the case may be;*

- (b) develop and maintain relations with national, sub-regional and regional institutions and bodies and international institutions and organisations the work of which have an impact on the fisheries within the Region;*
- (c) promote and facilitate human resource training and development in the fisheries sub-sector at the professional, technical and vocational levels in Member States;*
- (d) promote and support programmes designed to establish, facilitate and strengthen fisheries research, including the acquisition and sharing of relevant data in Member States;*
- (e) promote and encourage technical co-operation in the fisheries sub-sector, including technology transfer, information exchange and networking among States of the Caribbean Region and beyond;*
- (f) encourage co-operation among the Member States in order to avoid disputes or to resolve them in a peaceful manner;*
- (g) support efforts aimed at ensuring safe, healthy and fair working and living conditions for fishers and fish workers;*
- (h) consider the annual reports and make decisions in response to recommendations and requests from the Forum;*
- (i) approve the Budget, Annual Audited Accounts and Procurement Procedures of the Mechanism and Strategic Plan and Work Programme of the Technical Unit;*
- (j) appoint the Director and Deputy Director of the Technical Unit;*
- (k) receive and consider policy proposals from the Forum;*
- (l) approve co-operative arrangements proposed by the Forum;*

- (m) *approve recommendations for States or Territories to be admitted as Associate Members;*
  - (n) *approve recommendations for groups, institutions and bodies whose work contribute to the work of the Mechanism to be admitted to the Forum, as Observers;*
  - (o) *review the work of the Technical Unit;*
  - (p) *submit annual reports to the Council for Trade and Economic Development (COTED) and the Council for Foreign and Community Relations (COFCOR).*
4. *Subject to the provisions of this Article and Article 18, the Ministerial Council shall determine its own rules of procedure.*

**Article 8**  
**Composition of the Forum**

1. *The Forum shall comprise:*
- (a) *one representative of each Member of the Mechanism;*
  - (b) *one representative of each Associate Member of the Mechanism;*
  - (c) *representatives of the following groups, institutions and bodies, approved by the Ministerial Council as Observers:*
  - (d) *Fisher Folk Organisations and Private Fishing Companies within the Caribbean Region;*
  - (e) *Regional bodies and institutions and regional organisations whose work in the area of fisheries contribute to the work of the Mechanism;*
  - (f) *Non-Governmental Organisations whose work in the area of fisheries contribute to the work of the Mechanism.*



2. *The Forum shall elect a chairman from among the Members of the Mechanism and, subject to this Agreement, shall establish its own rules of procedure.*

## **Article 9**

### **Functions of the Forum**

1. *Subject to paragraph 3 of Article 7, the Forum shall determine the technical and scientific work of the Mechanism and, in particular, the Forum shall:*
  - (a) *promote the protection and rehabilitation of fisheries habitats and the environment generally;*
  - (b) *encourage the use of post-harvest practices in the fisheries sub-sector that maintain the nutritional value and quality of products;*
  - (c) *encourage the establishment of effective mechanisms for monitoring, control and surveillance of fisheries exploitation;*
  - (d) *recommend for approval by the Ministerial Council, arrangements for sustainable fisheries management and development in Member States based upon the best available technical or scientific data and information;*
  - (e) *recommend for approval by the Ministerial Council, co-operative and other arrangements relating to fisheries;*
  - (f) *review the arrangements recommended by the Technical Unit for sustainable fisheries management and development in Member States;*
  - (g) *examine and consider action taken by Member States and third States which may prejudice arrangements for sustainable fisheries management and development;*
  - (h) *receive reports on new arrangements made between Member States and third States with respect to the conservation and management of fisheries;*

- (i) receive reports on such activities as may from time to time be entrusted to sub-committees or interest groups of the Forum;*
  - (j) receive and examine the draft Work Plan and Budget of the Mechanism and submit recommendations thereon to the Ministerial Council;*
  - (k) determine from time to time the priorities for the Work Programme of the Mechanism;*
  - (l) approve the staff regulations recommended by the Technical Unit;*
  - (m) undertake such other functions as from time to time may be entrusted to it by the Ministerial Council.*
2. *The Forum shall convene in regular sessions once a year and in such special sessions as it considers necessary to perform its functions.*

#### **Article 10**

##### **The Executive Committee**

1. *There shall be established at the first regular session of the Forum an Executive Committee of the Forum which shall comprise [seven] Members, of whom [five] shall be Members of the Mechanism and two (2) Associate Members.*
2. *The Director of the Technical Unit shall be an ex-officio Member of the Executive Committee.*
3. *The members of the Executive Committee shall be elected annually. The Chairman of the Executive Committee shall be elected from among the Members of the Mechanism.*
4. *Decisions of the Executive Committee shall be reached by a majority of the Members present and voting. In the event of a tie, the Chairman shall exercise a casting vote.*
5. *The Executive Committee shall function as necessary between meetings of the Forum using, as appropriate, modern communication facilities, and shall keep the Forum*



*informed of its activities.*

#### **Article 11**

##### **Sub-Committees of the Forum**

1. *The Forum may establish such Sub-Committees as may be considered necessary for the fulfillment of its functions.*
2. *Such Sub-Committees may comprise representatives of Member States, Associate Members and interest groups whose activities within the Caribbean Region are of interest to the Mechanism.*
3. *Sub-Committees so formed shall determine their own method of work and shall keep the Forum informed of their activities.*

#### **Article 12**

##### **Composition of the Technical Unit**

1. *The Technical Unit shall be the permanent Secretariat of the Mechanism and shall be adequately provided with the managerial, technical, scientific and support staff to enable it to discharge the mandate of the Mechanism.*
2. *The Technical Unit shall comprise a Director, a Deputy Director and such other technical and administrative staff as may be necessary for the fulfillment of the functions of the Mechanism.*
3. *The Director shall be the Chief Executive Officer of the Mechanism and shall exercise full responsibility for all aspects of the work of the Mechanism.*
4. *The Director shall be appointed by the Ministerial Council on the recommendation of the Forum and shall serve for a period of three years and be eligible for reappointment.*
5. *The Director shall report annually to the Ministerial Council on the work of the Mechanism.*

6. *The Director shall be assisted by a Deputy Director who shall also be appointed by the Ministerial Council on the recommendation of the Forum.*
7. *The other staff of the Technical Unit shall be appointed by the Director.*
8. *In the appointment of the staff of the Technical Unit, due consideration shall be given to the principle of equitable geographical representation.*
9. *The officials of the Technical Unit shall enjoy the status of international public servants whose loyalty shall be to the Mechanism. Members and Associate Members of the Mechanism undertake to respect the status of the officials of the Technical Unit.*

### **Article 13**

#### **Functions of the Technical Unit**

*In the discharge of its functions, the Technical Unit shall:*

- (a) *provide technical, consultative and advisory services to Member States in the development, assessment, management and conservation of marine and other aquatic resources and, on request, in the discharge of any obligations arising from bilateral and other international instruments;*
- (b) *support and enhance the institutional capacity of Member States in fisheries' areas such as:*
  - (i) *policy formulation;*
  - (ii) *economics and planning;*
  - (iii) *registration and licensing systems;*
  - (iv) *information management;*
  - (v) *resource monitoring, assessment and management;*
  - (vi) *education and awareness building;*
  - (vii) *harvest and post-harvest technologies;*
- (c) *encourage, support and, as appropriate, provide effective regional representation at relevant international fora;*

- (d) *collect and provide relevant data on fisheries resources, including sharing, pooling and information exchange;*
- (e) *promote the conduct of trade in fish and fish products according to applicable agreements;*
- (f) *act as the central co-ordinating body for the Mechanism;*
- (g) *serve as the Secretariat to the Ministerial Council and the Forum;*
- (h) *collaborate with national fisheries authorities;*
- (i) *formulate the Work Programme, prepare and submit the Budget of the Mechanism to the Forum;*
- (j) *implement the Work Programme recommended by the Forum and approved by the Ministerial Council, including the preparation of such technical and scientific papers as may be required;*
- (k) *provide management and development advice and assistance, particularly in the areas of co-ordination, communication and technical scientific operations;*
- (l) *establish, in consultation with the Member States, and where appropriate and approved by the Ministerial Council, a network of relationships comprising non-CARICOM States as well as CARICOM and non-CARICOM organisations, bodies and institutions whose work and interest coincide with that of the Mechanism;*
- (m) *develop projects for execution both in the Member States and regionally;*
- (n) *seek and mobilise financial and other resources in support of the functions of the Mechanism;*
- (o) *represent the Mechanism or, at the request of any Member State or group of Member States, represent them at meetings of international bodies and organisations which are concerned with fisheries in the Caribbean and whose objectives and activities coincide with those of the Mechanism;*



- (p) *receive applications for Associate Membership or Observer Status and make recommendations in respect of such applications to the Forum;*
- (q) *address urgent or ad hoc requests outside of the regular Work Programme presented by Member States;*
- (r) *collaborate with the Executive Committee between meetings of the Forum in the execution of its functions;*
- (s) *recommend to the Forum the staff regulations of the Mechanism.*

#### **Article 14**

##### **Decision-Making**

1. *Every Member of the Mechanism shall have one vote in its deliberative organs. Every Associate Member shall have one vote in respect of matters for which it is eligible to vote.*
2. *Unless otherwise provided, decisions of the deliberative organs of the Mechanism shall be reached by consensus. In the absence of consensus decisions shall be deemed adopted, if supported by a qualified majority of three-quarters (¾) of the Member States comprising the Mechanism.*
3. *The quorum of the Ministerial Council shall be formed by two-thirds (•) of its Members. The quorum of the Forum shall be formed by two-thirds (•) of its Members and must include at least two-thirds (•) of the Member States of the Mechanism. The quorum of the Executive Committee shall be formed by at least three (3) / five (5) of the Member States of the Mechanism.*
4. *The Member States may vote in any organ or sub-committee of the Mechanism. Associate Members may participate in discussions in the Forum and its Sub-Committees but are eligible to vote only where decisions are being taken on management regimes to which they are parties or concerning fisheries which they share with other Member States.*

5. *Observers shall not have the right to vote at meetings of any of the organs comprising the Mechanism.*
6. *A Member State or Associate Member which is absent from a meeting of any organ or body of the Mechanism and is prejudiced by a decision taken at that meeting shall have the right to request a review of the decision, and the organ or body which took that decision shall review it.*

#### **Article 15**

##### **Financing of the Mechanism**

1. *Member States and Associate Members shall pay such annual contributions as are agreed by the Ministerial Council.*
2. *Observers shall pay such subscriptions as are levied from time to time for attendance at particular meetings of an organ of the Mechanism or at meetings of a Sub-Committee of the Mechanism.*
3. *Where a Member State is in arrears with its contribution and as a consequence thereof the Mechanism obtains overdraft facilities, the Member State in arrears shall bear the cost of the provision of such facilities.*
4. *The Technical Unit shall prepare annual accounts which shall be audited by the Auditors appointed by the Director of the Unit.*
5. *The Report of the Auditors shall be submitted to the Ministerial Council (MC) for consideration and approval.*

#### **Article 15(bis)**

##### **The Reserve Fund**

1. *The Mechanism shall establish a Reserve Fund along the lines set out in this Article.*

2. *The resources of the Reserve Fund shall consist of the following:*
  - (a) *grants from international donors and sponsors of the Mechanism;*
  - (b) *grants from Member States and Associate Members;*
  - (c) *grants from entities, public and private, which are not sponsors of the Mechanism;*
  - (d) *unspent balances from the regular budgets of the Mechanism;*
  - (e) *revenues derived from the operations of the Mechanism;*
  - (f) *income from investments of the Mechanism.*
3. *The resources of the Reserve Fund shall be used to finance as required the regular and capital budgets of the Mechanism.*
4. *Withdrawal of resources from the Reserve Fund shall require the prior authorisation of the Ministerial Council.*
5. *The resources of the Reserve Fund shall be held in such liquid form as the Ministerial Council may determine, provided that whenever it is in the interest of the Mechanism, the resources of the Reserve Fund may be invested in the securities of the Region.*
6. *Investments mentioned in paragraph 5 shall be made by the Director of the Unit with the approval of the Ministerial Council.*
7. *The finances of the Reserve Fund shall be audited annually by the auditors appointed by the Director of the Technical Unit (TU) to audit its accounts. The Report of the Auditors shall be submitted to the Ministerial Council for consideration and approval.*



**Article 16**  
**The Budget**

1. *The Budget of the Mechanism shall be prepared by the Technical Unit and presented to the Ministerial Council for approval after examination and recommendation by the Forum.*
2. *The Budget shall be so prepared as to ensure financing of the Work Programme of the Technical Unit.*
3. *The Budget shall be approved by consensus, failing which it shall be approved by a qualified majority of three-quarters (¾) of the Members of the Mechanism.*
4. *The regular Budget shall comprise:*
  - (a) *annual contributions from Member States and Associate Members;*
  - (b) *contributions from co-operating partners or other contributors;*
  - (c) *grant funds received from regional and international donor agencies;*
  - (d) *funds paid by donor agencies to the Mechanism for project execution services provided by the Mechanism with respect to projects financed by the donor agencies;*
  - (e) *earnings above cost for special services provided by the Mechanism to commercial operators in the fishing industry and to other bodies;*
  - (f) *income derived from the sale or the licensing of intellectual property created and owned by the Mechanism;*
  - (g) *any other source of funding.*

#### **Article 17**

##### **Provisional Budgetary Measures**

1. *The Mechanism is authorised to commit provisionally and pending approval of the Budget, expenditure not exceeding one-fifth (1/5) of the regular Budget for the previous year.*
2. *The Mechanism is also authorised to obtain overdraft facilities to this end.*

#### **Article 18**

##### **Sanctions for Non-Payment of Contributions**

1. *Subject to paragraph 2, a Member State whose contributions to the regular Budget of the Mechanism is in arrears for more than two years, shall not have the right to vote.*
2. *In exceptional circumstances to be determined by the Ministerial Council, a defaulting Member State may be permitted to vote pending the payment of its arrears of contributions.*

#### **Article 19**

##### **Status, Privileges and Immunities**

*Member States shall accord to the Mechanism within their jurisdictions, the status, immunities, exemptions and privileges set out in Articles 20 to 27 in order to enable it to effectively fulfill its objectives and carry out the functions entrusted to it.*

#### **Article 20**

##### **Legal Status of the Mechanism**

1. *The Mechanism shall possess full juridical personality and, in particular, full capacity to:*
  - (a) *contract;*
  - (b) *acquire and dispose of moveable and immoveable property;*



- (c) *institute legal proceedings.*
2. *The Mechanism may enter into agreements with Member States, third States and other international organisations for the achievement of its objectives.*
  3. *In any legal proceedings, the Mechanism shall be represented by the Director.*

## **Article 21**

### **Legal Process**

1. *The Mechanism shall be immune from every form of legal process, except in cases arising out of or in connection with the purchase of land, securities or merchantable commodities, in which cases actions may be brought against the Mechanism in a court of competent jurisdiction in the Territory of a Member State in which the Mechanism has an office or in a third State where the Mechanism has appointed an agent for the purpose of accepting service or notice of process.*
2. *Notwithstanding the provisions of paragraph 1, no action shall be brought against the Mechanism by a Member State or any agency thereof, or by any entity or person directly or indirectly acting for or deriving claims from a Member State. Member States shall have recourse to such special procedures for the settlement of disputes between the Mechanism and its Member States as may be provided for in this Agreement.*
3. *The Mechanism, its property and assets wheresoever located and by whomsoever held, shall be immune from all forms of seizure, attachment or execution before delivery of final judgment against the Mechanism.*
4. *Nothing in this Agreement shall be construed as disentitling a person aggrieved by a motor vehicle accident from instituting legal proceedings against the Mechanism, its officials, representatives or experts.*

## **Article 22**

### **Immunity of Assets and Archives**

1. *Property and assets of the Mechanism, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of taking or foreclosure by executive or legislative action.*
2. *The archives of the Mechanism and, in general, all documents belonging to or held by the Mechanism, shall be inviolable, wherever located.*

## **Article 23**

### **Freedom of Assets from Restrictions**

*To the extent necessary to achieve the objectives and perform the functions of the Mechanism effectively, and subject to the provisions of the Agreement, the Mechanism:*

- (a) *may hold assets of any kind and operate accounts in any currency;*
- (b) *shall be free to transfer its assets from one country to another or within any country, and to convert any currency held by it into any other currency, without being restricted by financial controls, regulations or moratoria of any kind.*

## **Article 24**

### **Privilege for Communications**

*Official communications of the Mechanism shall be accorded by each Member State, treatment not less favourable than it accords to the official communications of any similar inter-governmental organisation.*

## **Article 25**

### **Privileges and Immunities of Mechanism Personnel**

1. *Members and Advisers of the Ministerial Council and the Forum, Officials of the Mechanism and Experts performing missions for the Mechanism:*
  - (a) *shall be immune from legal process in respect of acts performed by them in their official capacity;*
  - (b) *shall, unless they are nationals, be accorded such immunities from immigration restrictions, alien registration requirements and national service obligations, and such facilities as regards exchange regulations as are not less favourable than those accorded by Member States concerned to the representatives, officials and experts of comparable rank of any other Member State;*
  - (c) *shall be granted such repatriation facilities in time of international crisis as are not less favourable than those accorded by the Member States concerned to the representatives, officials and experts of comparable rank of any other Member State.*
2. *The Director shall notify Member States of the Officials and Experts to be accorded the immunities in paragraph 1.*

## **Article 26**

### **Exemption from Taxation**

1. *The Mechanism, its assets, property, income, operations and transactions shall be exempt from all direct taxation and from all customs duties on goods imported for its official use.*
2. *Notwithstanding the provisions of paragraph 1 of this Article, the Mechanism shall not claim exemption from taxes which are no more than charges for public utility services.*
3. *The Mechanism will not normally claim exemption from excise duties and from taxes on the sale of moveable and immoveable property which form part of the price to be paid.*



*Nevertheless, where the Mechanism is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Member States shall, whenever possible, make appropriate administrative arrangements for the remission or the return of the amount of duty or tax.*

4. *Articles imported under an exemption from customs duties as provided by paragraph 1 of this Article, or in respect of which a remission or return of duty or tax has been made under paragraph 3, shall not be sold in the territory of the Member State granting the exemption, remission or retrieve except under conditions agreed with the Member State.*
5. *No tax shall be levied on or in respect of salaries and emoluments paid by the Mechanism to the Directors, officials or experts performing missions for the Mechanism. However, Member States reserve the right to tax their own citizens, nationals or persons permanently resident in the territories of such Member States.*

#### **Article 27**

##### **Waiver of Immunities, Exemptions and Privileges**

1. *The exemptions, immunities and privileges provided in Articles 21-27 are granted in the interest of the Mechanism. The Council may waive to such extent and upon such conditions as it may determine, the immunities, exemptions and privileges provided in the said Articles in cases where such action would, in its opinion, be appropriate in the best interest of the Mechanism.*
2. *The Director shall have the right and duty to waive any immunity, exemption or privilege in respect of any official or expert performing a mission for the Mechanism where, in his opinion, the immunity, exemption or privilege would impede the course of justice and could be waived without prejudice to the interests of the Mechanism.*
3. *In similar circumstances and under the same conditions, the Ministerial Council shall have the right and duty to waive any immunity, exemption or privilege in respect of the Director.*

**Article 28**  
**Implementation**

*Every Member State shall take appropriate steps to make the provisions of Articles 21 - 27 effective within its jurisdiction and shall inform the Mechanism promptly.*

**Article 29**  
**Questions of Interpretations and Application**

1. *Any question of interpretation or application of the provisions of this Agreement not otherwise expressly provided for shall be submitted to the Ministerial Council for decision.*
2. *In any case where the Ministerial Council has given a decision under paragraph 1 of this Article, any Member State may require that the question be referred to an arbitral tribunal whose decision shall be final. Pending the decision of the arbitral tribunal, the Mechanism, as it considers necessary, may act on the basis of the decision of the Ministerial Council.*

**Article 30**  
**Constitution of Arbitral Tribunal**

1. *Each Party to a dispute shall be entitled to appoint one arbitrator. The two arbitrators chosen by the parties shall be appointed within fifteen days following the decision to refer the matter to arbitration. The two arbitrators shall, within fifteen days following the date of their appointments, appoint a third arbitrator who shall be the Chairman. As far as practicable, the arbitrators shall not be nationals of any of the parties to the dispute.*
2. *Where either party to the dispute fails to appoint its arbitrator under paragraph 1, the Secretary-General shall appoint the arbitrator within ten days. Where the arbitrators fail to appoint a Chairman within the time prescribed, the Secretary-General shall appoint a Chairman within ten days.*



3. *Where more than two Member States are parties to a dispute, the parties concerned shall agree among themselves on the two arbitrators to be appointed within fifteen days following the decision to refer the matter to arbitration and the two arbitrators shall within fifteen days of their appointment appoint a third arbitrator who shall be the Chairman.*
4. *Where no agreement is reached under paragraph 3, the Secretary-General shall make the appointment within ten days and where the arbitrators fail to appoint a Chairman within the time prescribed the Secretary-General shall make the appointment within ten days.*
5. *Notwithstanding paragraphs 1, 2, 3 and 4, Parties to a dispute may refer the matter to arbitration and consent to the Secretary-General appointing a sole arbitrator who shall not be a national of a party to the dispute.*

### **Article 31**

#### **Rules of Procedure of Arbitral Tribunal**

1. *Subject to the relevant provisions of this Agreement, the Arbitral Tribunal shall establish its own rules of procedure.*
2. *The procedures shall assure a right to at least one hearing before the Arbitral Tribunal as well as the opportunity to provide initial and rebuttal written submissions.*
3. *The Arbitral Tribunal's hearings, deliberations and initial report, and all written submissions to and communications with the Arbitral Tribunal, shall be confidential.*
4. *The Arbitral Tribunal may invite any Member State to submit views orally or in writing.*
5. *The award of the Arbitral Tribunal shall be confined to the subject-matter of the dispute and shall state the reasons on which it is based.*
6. *Where the parties cannot agree on the interpretation or implementation of the award, either party may apply to the Arbitral Tribunal for a ruling within thirty days of the award. The term of the Arbitral Tribunal shall come to an end unless an application for a ruling has been received, in which case it shall continue for such reasonable time, not*

*exceeding thirty days, as may be required to make the ruling.*

7. *Decisions of the Arbitral Tribunal shall be taken by a majority vote of its members and shall be final and binding on the Parties to the dispute.*

#### **Article 32**

##### **Third Party Intervention**

*A Member State which is not a party to a dispute, on delivery of a notification to the parties to a dispute and to the Secretary-General, shall be entitled to attend all hearings and to receive written submissions of the parties to a dispute and may be permitted to make oral or written submissions to the Arbitral Tribunal.*

#### **Article 33**

##### **Additional Information from Experts**

*Where proceedings have commenced, the Arbitral Tribunal may, on its own initiative or on the request of a party to the dispute, seek information and technical advice from any expert or body that it considers appropriate, provided that the parties to the dispute so agree and subject to such terms and conditions as the parties may agree.*

#### **Article 34**

##### **Expenses of Arbitral Tribunal**

1. *The expenses of the Arbitral Tribunal, including the fees and subsistence allowances of arbitrators and experts engaged for the purposes of a dispute, shall be borne equally by the Member States Parties to the dispute unless the Arbitral Tribunal, taking into account the circumstances of the case, otherwise determines.*
2. *Where a third party intervenes in the proceedings, the party shall bear the costs associated with the intervention.*

**Article 35**  
**Entry Into Force**

*This Agreement shall enter into force upon the signature by any [7] of the States mentioned in paragraph 1 of Article 3.*

**Article 36**  
**Accession**

1. *Any country to which paragraph 1 of Article 3 applies may accede to this Agreement.*
2. *Instruments of Accession shall be deposited with the Secretary-General.*

**Article 37**  
**Associate Membership**

1. *Any State or Territory mentioned in paragraph 2 of Article 3 may, upon application to the Forum for associate membership, be admitted as an Associate Member of the Mechanism in accordance with paragraph 2 of this Article.*
2. *Upon an application made pursuant to paragraph 1 of this Article, the Ministerial Council shall make a determination on the application. When the determination is in the affirmative, the Ministerial Council shall determine the conditions of associate membership.*

**Article 38**  
**Registration**

*This Agreement and any amendments thereto shall be registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter.*



**Article 39**

**Withdrawal**

1. *A Contracting Party may withdraw from this Agreement by giving one year's notice in writing to the Depositary who shall promptly notify the other Contracting Parties accordingly and the withdrawal shall take effect one year after the date on which the notice has been received by the Depositary, unless the Contracting Party before the withdrawal becomes effective notifies the Depositary in writing of the cancellation of its notice of withdrawal.*
2. *A Contracting Party that withdraws from this Agreement undertakes to honour any financial or other obligations duly assumed as a Contracting Party; this includes any matter relating to an appeal filed before withdrawal becomes effective.*

**Article 40**

**Implementation**

*The Contracting Parties shall take all necessary action, whether of a legislative, executive or administrative nature, for the purpose of giving effect to this Agreement. Such action shall be taken as expeditiously as possible, and the Director shall be informed accordingly.*

**IN WITNESS WHEREOF** *the undersigned duly authorised in that behalf by their respective Governments have executed this Agreement.*

**DONE** at \_\_\_\_\_ on the \_\_\_\_\_ day  
of \_\_\_\_\_ 2002.

*Signed by*  
*for the Government of Antigua and Barbuda on the*                      *day of*  
*2002 at*

*Signed by*  
*for the Government of The Bahamas on the*                      *day of*                      *2002*  
*at*

*Signed by*  
*for the Government of Barbados on the*                      *day of*                      *2002*  
*at*

*Signed by*  
*for the Government of Belize on the*                      *day of*                      *2002*  
*at*

*Signed by*  
*for the Government of the Commonwealth of Dominica on the*                      *day of*  
*2002 at*

*Signed by*  
*for the Government of Grenada on the*                      *day of*                      *2002*  
*at*

*Signed by*

*for the Government of the Co-operative Republic of Guyana on the                      day of*  
*2002 at*

*Signed by*

*for the Government of Jamaica on the                      day of                      2002 at*

*Signed by*

*for the Government of Montserrat on the                      day of                      2002 at*

*Signed by*

*for the*  
*Government of St. Kitts and Nevis on the                      day of                      2002 at*

*Signed by*

*for the Government of Saint Lucia on the                      day of                      2002 at*

*Signed by*

*for the Government of St. Vincent and the Grenadines on the                      day of*  
*2002 at*

*Signed by*

*for the Government of The Republic of Suriname on the*

*day of*

*2002 at*

*Signed by*

*for the Government of The Republic of Trinidad and Tobago on the*

*day of*

*2002 at*



*Signed by*  
*for the Government of Anguilla on the      day of*  
*2003 at*

*Signed by*  
*for the Government of British Virgin Islands on the      day of*  
*2003 at*

*Signed by*  
*for the Government of Haiti on the      day of*  
*2003 at*

*Signed by*  
*for the Government of Turks and Caicos Islands on the      day of*  
*2003 at*

Participating Member States of the Caribbean Regional Fisheries Mechanism  
as at February 2002 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  
British Virgin Islands  
Turks and Caicos Island

**Annex 3**

MINISTRY OF AGRICULTURE AND FISHERIES OF JAMAICA, "IUU FISHING AND  
BORDER SECURITY ISSUES IN JAMAICAN WATERS," DISCUSSION PAPER  
SUBMITTED AT THE FOURTH MEETING OF THE MINISTERIAL COUNCIL OF THE  
CRFM, 20 MAY 2011, ST. JOHN'S, ANTIGUA



**MINISTRY OF AGRICULTURE AND FISHERIES**

**JAMAICA**

**FOURTH MEETING OF THE MINISTERIAL COUNCIL OF THE CRFM  
SECRETARIAT**

**MAY 20, 2011**

**ST. JOHN'S, ANTIGUA**

**DISCUSSION PAPER**

**IUU FISHING AND BORDER SECURITY ISSUES IN JAMAICAN WATERS**



# **IUU Fishing and Border Security Issues in Jamaican Waters**

## **Discussion Paper**

### **1.0 INTRODUCTION**

It is widely recognized within the international fisheries management arena that illegal, unreported and unregulated (IUU) fishing depletes fish stocks, destroys marine habitats, distorts competition, puts honest fishers at an unfair disadvantage, and weakens coastal communities, particularly in developing countries. Estimates of the total size of IUU catch and its impact on the environment vary widely but the United Nations Food and Agriculture Organization (FAO) reported that for some important fishing areas, IUU fishing accounts for up to 30% of total catches and that for some species, IUU catches could be up to three times the permitted amount.

It is noteworthy that the fisheries sector represents a key renewable natural resource and provides a source of livelihood for thousands of Jamaicans as well as a source of export earnings. As such, the development and effective management of the country's fisheries can play an important role in Jamaica's sustainable growth and development.

### **2.0 BACKGROUND**

Illegal harvesting of finfish and shellfish has been occurring in Jamaican waters over many decades resulting in a depletion of the country's fishery resources. This activity is carried out mainly by illegal poachers from Central America. As an example of the impact of poaching, it is noted that Jamaica produces approximately 400 Metric Tons (MT) of lobsters per year. Approximately one third of the country's production is exported and the local lobster industry makes about US\$8M per year. A conservative estimate is that poachers take at least twice as much lobster as the country does, and at an average price of US\$15 per pound; Jamaica has lost approximately US\$132.3M over the past five years.

The Jamaican queen conch fishery faced a similar situation where losses due to poaching were at one time estimated as being over 400 MT. Since 2009 however, due to the intervention of the CITES, poaching for conch has reduced significantly albeit it still remains an issue.

Over the past year the Jamaica Defence Force (JDF) Coast Guard reported 42 sightings of multiple vessels poaching on the Pedro Bank, but was only able to apprehend three boats. Unfortunately, when these poachers are caught by the Coast Guard and are brought before the courts, the sanctions brought against them are very minor and do not act as a deterrent unless the vessel is forfeited by the courts.

### **3.0 JAMAICA'S BORDER SECURITY ISSUES**

Two vessels were seized by the JDF Coast Guard towards the end of last year. These vessels contained lobster tails and meat totaling approximately 6,680 lbs. of lobster meat and 4,740 lbs. of lobster head meat. The crews of these vessels were taken before a special sitting of the Court on January 4, 2011 where one crew pleaded guilty and the other not guilty to the charges. The guilty plea was accepted and the vessel and catch ordered forfeited to the Crown and the crew ordered deported. The owner has since filed an appeal in the Supreme Court in respect of the forfeiture of the vessel. The crew of the other vessel has had several court appearances where they were eventually found guilty, fined and ordered deported. A forfeiture hearing is still pending in the court.

On Friday, January 7, 2011, the JDF Coast Guard intercepted a Honduran vessel that was found fishing illegally in Jamaican waters. Arising from this incident, it was reported that two Honduran fishermen were injured from an encounter with the Coast Guard. They were hospitalized in Jamaica, treated and repatriated as soon as they were able to safely travel. Their three (3) colleagues who accompanied them to Jamaica were



taken before the courts, found guilty of the charges and ordered deported after their fines were paid.

On May 8, 2011, the JDF Coast Guard intercepted a vessel of Nicaraguan registration fishing illegally on the North West Ridge of the Pedro Banks, well within Jamaica's archipelagic boundaries. This in and of itself is disturbing however, what is of greater concern to Jamaica is the fact that this vessel was fishing for sharks. Jamaica has videographic and photographic evidence of this activity. Eighty-six (86) sharks weighing approximately 2,000 pounds were seized.

These activities reflect the grave concern which Jamaica has for IUU fishing. In addition, it also brings into focus other trans-national issues as it relates to criminal activities and border security matters. Our intelligence reflects that there is a thriving business in the guns for drugs trade by virtue of using the fishing industry as a guise to carry on these illegal activities.

#### **4.0 ADDRESSING IUU FISHING**

There is a wide array of approaches which may be considered "best practice" when it comes to tackling IUU fishing; however it is prudent that these all start with developing and implementing sound governance and fisheries management practices inclusive of appropriate Monitoring, Control and Surveillance (MCS) arrangements.

##### *Domestic Enforcement*

The policy of the Government of Jamaica (GOJ) is to make sure that its laws, rules and regulations applicable to fisheries are adhered to, and to do this at a level of costs that is commensurate with its income from established revenue sources. To implement this policy, the GOJ plans to fully enforce the Fisheries Act and Regulations and other applicable instruments of law through actions of MCS affected by its different agencies

including the Coast Guard, Marine Police, the Fisheries Division, game and park wardens and through direct involvement of fishermen and fish farmers in co-management.

#### *Sub-Regional Enforcement*

(a) One of the major objectives of this policy is the *control of access to the 200 nautical miles EEZ of Jamaica*. The GOJ will carry out regular controls from the air and by sea to check on any violations by foreign craft. Jamaican vessels operating offshore will be encouraged, in their own interest, to report such violations. As a member of or participant in sub-regional or regional fisheries management organizations or arrangements, the GOJ will implement agreed measures adopted in the framework of such organizations or arrangements and consistent with international law to deter the activities of vessels flying the flag of non-members or non-participant countries where such vessels engage in activities that undermine the effectiveness of conservation and management measures established by the abovementioned organizations and arrangements.

(b) Vessel Monitoring System – The GOJ is committed to exploring and utilizing the most cost effective vessel monitoring systems as an efficient means of aiding MCS. However information and data sharing with regional neighbours is essential for an effective VMS programme – this is inclusive of shared fleets, satellite monitoring and shared access to databases.

#### *Legislation Rationalization*

(a) When possible, relevant legislations such as the Aquaculture, Inland and Marine Product and By-Product Act and the Fishing Industry Act will continue to be used to apply sanctions to poachers. However, the fines under these laws are very low. Examples of these fines are Eleven Dollars and Sixty Cents (USD\$11.60) for



fishing without a license and Two Dollars and Thirty Three Cents (USD\$2.33) for operating an unregistered vessel.

- (b) Harmonization of relevant legislation among member states or across the region. Particularly for transboundary and/or highly migratory species such as lobsters and large pelagics, effective enforcement requires harmonization of certain legislative measures such as for example the synchronization of closed seasons for lobsters and conch.

#### *Delimitation*

Currently there are delimitation matters which are being resolved through negotiation between Jamaica, the countries named above and the Cayman Islands through the United Kingdom. On completion of these negotiations we expect that sovereign territories will be more clearly identified leading to fewer encumbrances in the monitoring, surveillance and enforcement of Jamaican waters. However, these negotiations have been taking place for over a decade whilst the illegal activities still persist.

### **5.0 PROPOSED ITEMS FOR DISCUSSIONS**

While there may have been attempts to address some IUU fishing problems in the region, there is no indication that IUU fishing across the region as a whole is declining. Instead, there is reason to believe that the problem is likely to increase in the absence of significant intervention.

Recalling the current efforts by Council through the Castries (St. Lucia) Declaration on IUU, Jamaica requests that the Council note the concerns aforementioned and advances discussions on:

- Proposals for immediate actions that may be taken to begin reducing the scourge of

## **IUU fishing**

- **Common regional IUU and enforcement issues**
- **Multilateral approaches to the inclusion of CARICOM neighbouring and extra-regional states in addressing trans-boundary IUU fishing and enforcement.**

## **6.0 CONCLUSION**

There is no simple, single or short-term solution to IUU fishing as it is not just an issue for the fisheries sector. Successful responses will require holistic and integrated policies linked to the drivers for IUU fishing. Success will require independent action by States, bilateral action particularly by adjacent States, and multilateral action. It will involve greater commitment to and implementation of internationally recognized benchmarks for fisheries management and MCS.

Jamaica encourages the Honorable Ministers responsible for Fisheries to note these concerns and to discuss with their fellow Ministers responsible for National Security, Labour and Social Security in your respective States in respect of these very critical issues, so that we can find a regional solution in solving these problems which threaten all CARICOM States. If commitments endorsed by Ministers are implemented, this is an indication that states can be well placed to address and reduce the impact of IUU fishing.

**Annex 4**

**CRFM MINISTERIAL COUNCIL, RESOLUTION OF THE SEVENTH MEETING HELD  
ON 31 MAY 2013**





ISSN: 1995-4808

## **CRFM Management Report – PY 2013 / 14**

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### **VOLUME 2**

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#### **REPORT AND PROCEEDINGS OF THE SEVENTH MEETING OF THE MINISTERIAL COUNCIL OF THE CARIBBEAN REGIONAL FISHERIES MECHANISM**

**31 MAY 2013**

#### **CHAIRPERSONS:**

**The Hon. Dr. David C. Estwick, M.P.  
Minister of Agriculture, Food, Fisheries  
and Water Resource Management  
BARBADOS**

**&**

**The Hon. Dr. Kenneth Darroux, M.P.  
Minister of the Environment, Natural  
Resources, Physical Planning and  
Fisheries  
DOMINICA**

#### **DATE AND VENUE:**

**Accra Beach Hotel and Spa  
Rockley  
Christ Church  
BARBADOS**

**31 MAY 2013**

***CRFM Secretariat, Barbados  
2013***



CRFM Management Report – PY 2013 / 14. Volume 2. Report and Proceedings of the Seventh Meeting of the Ministerial Council of the Caribbean Regional Fisheries Mechanism, Accra Beach Hotel and Spa, Christ Church, Barbados, 31 May 2013

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Belize and St. Vincent and the Grenadines

***Policy Statement on use of Ecosystem Approach to Fisheries***

98. The **Executive Director** reported that the Ecosystem Approach to fisheries is promoted primarily by the FAO and referred to in various international fisheries instruments. He said that the Ecosystem Approach was viewed as a central pillar to achieving sustainable fisheries globally and within the wider Caribbean region.
99. The **Executive Director** indicated that the Ecosystem Approach was defined in the CFP and that the Council was being asked to formally adopt the use of this approach as a measure for the achievement of sustainable fisheries within the region.
100. The **Barbados Representative** suggested that additional training in the use of the Ecosystem Approach was required and cost effective strategies be identified for implementing the approach throughout the region.

**The Ministerial Council:**

**Noted** the discussions by the Forum on the Ecosystem Approach to Fisheries;

**Acknowledged** the need for further action at the regional, national and local levels to ensure long-term sustainable use and management of aquaculture and fisheries resources and marine biodiversity through the wide application of the ecosystem approach to fisheries and aquaculture;

**Noted** the provisions in the Draft Agreement Establishing the Caribbean Community Common Fisheries Policy for the application of the ecosystem approach to fisheries and aquaculture;

**Called Upon** all CRFM Member States and partner organisations to strengthen their commitment to and implementation of the ecosystem approach to fisheries and aquaculture through fisheries legislation, policies, plans and management arrangements at regional, national and local levels;

**Reaffirmed and declared** the ecosystem approach to fisheries and aquaculture as a key guiding principle for the CRFM, including network partner organisations such as CNFO and UWI, to ensure the long-term conservation and sustainable use of aquaculture and marine living resources;

**Emphasized** the need for further training in relation to the ecosystem approach to fisheries; and

**Called upon** the CRFM Secretariat to identify opportunities for additional training in respect to the ecosystem approach and to ensure that the strategies proposed for the implementation of this approach both at the regional and national levels are cost effective.

***CLME Strategic Action Programme (SAP)***

101. The **Project Coordinator** for the Caribbean Large Marine Ecosystem Project, Mr. Patrick Debels, reported on this item. He revealed that the project was co-funded by the GEF and implemented under the United Nations Development Programme in partnership with several other United Nations agencies and key regional stakeholders, of which, the CRFM is associated.
102. He said that the objective of the project was to promote the use of the Ecosystems Approach in respect to the sustainable management of the shared living marine resources within the Caribbean and North Brazil Shelf Large Marine