



ISSN: 1995 – 1124

**CRFM Technical & Advisory Document Series**

**Number 2013 / 10**

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# **PROSECUTION AND ENFORCEMENT MANUALS FOR CARIFORUM MEMBER STATES**

## **Regional Workshop Report**



**16 – 17 October 2013  
St. George's, Grenada**

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**CRFM Secretariat  
Belize 2013**

# **CRFM Technical & Advisory Document - Number 2013 / 10**

## **PROSECUTION AND ENFORCEMENT MANUALS FOR CARIFORUM MEMBER STATES:**

### **Regional Workshop Report**

#### **Prepared by:**

Winston McCalla and Daven Joseph, Consultants, AGRER Grupo TYPASA, under contract to the ACP Fish II Project, on behalf of the Caribbean Regional Fisheries Mechanism (CRFM) Secretariat.

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**CRFM Secretariat  
Belize 2013**

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## PROSECUTION AND ENFORCEMENT MANUALS FOR CARIFORUM MEMBER STATES:

### Regional Workshop Report

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#### Correct Citation:

CRFM, 2014. Prosecution and Enforcement Manuals for CARIFORUM Member States: Regional Workshop Report. CRFM Technical & Advisory Document, No. 2013 / 10. 46p.

ISSN: 1995-1124

ISBN: 978-976-8165-88-6

Published by the Caribbean Regional Fisheries Mechanism Secretariat  
Belize and St. Vincent and the Grenadines

This document has been produced with financial assistance of the ACP Fish II Programme - Funded by the European Union. However, the views expressed herein can in no way be taken to reflect the official opinions of the EU.



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## **1.0 WELCOME AND OPENING CEREMONY**

The Workshop commenced at 9:00 am with a brief Opening Ceremony chaired by Mrs. Marilyn Austin-Cadore, Acting Permanent Secretary in the Grenadian Ministry of Agriculture, Lands, Forestry, Fisheries and the Environment. The ceremony started with opening prayer led by Mr. Harold Guiste of Dominica, followed by the national anthem of Grenada. The Chairperson welcomed each participant and noted that the diversity of representation at the workshop is indicative of the region's priority in combating Illegal, Unreported and Unregulated (IUU) fishing. She also commended the leadership of the Caribbean Regional Fisheries Mechanism (CRFM) and the ACP FISH II Programme in tackling the problem; cognizant of the importance of sustainable fisheries to the socio-economic development of the region.

Executive Director of the CRFM, Mr. Milton Haughton, addressed the gathering. He emphasized the significant contribution of the fisheries sector to sustainable livelihood creation and foreign exchange earnings within CARICOM / CARIFORUM states, employing 182,000 persons and generating approximately US\$ 300 million annually in exports. The contribution to the region's food and nutrition security and the tourism sector were also highlighted. The Executive Director reported that all CARICOM States are signatories to the 1982 United Nations Convention on the Law of the Sea (UNCLOS). However, only a few states are parties to the other important agreements that complement the UNCLOS and support the eradication of IUU fishing which represents a major threat, not only to the integrity of fisheries resources and marine ecosystems, but also to the economic viability and sovereignty of Member States. Cognizant of the region's high unemployment and underemployment rates, high food import bill, growing food and nutrition insecurity, rising crime and other social problems, it is imperative that the Caribbean proactively protect its marine assets from IUU fishing and related activities.

The approval of the Castries Declaration by the CRFM Ministerial Council in 2010 signals the region's determination and commitment to protect its economic interest through prevention and ultimate eradication of IUU fishing. An aggressive and multi-prong approach is therefore required at all levels to address IUU fishing that includes:

- strengthening and harmonization of the region's legislative frameworks,
- building capacity for monitoring, surveillance and enforcement, and
- fostering an attitude of compliance among fishers.

The initiative to upgrade the Fisheries Prosecution Manual and the Fisheries Surveillance and Enforcement Standard Operating Procedures (SOP) Manual originally developed for use by the Organization of Eastern Caribbean (OECS) States represents a key intervention undertaken at the regional level to achieve the objectives of the Castries Declaration.

Robert Branch, Senior Legal Counsel, Ministry of Legal Affairs, Grenada commended the work done by the OECS and the CRFM through the ACP FISH II Programme in building capacity for dealing with IUU fishing. He recognized the tremendous growth potential of the fisheries sector and its contribution to the regional economies. Branch posits that fisheries is one of the major growth sectors within the State of Grenada contributing more than half of the State's agricultural exports in 2010 and 2011 (58% and 53.5%, respectively). He urged participants to use this opportunity to dialogue and share best practices to address IUU fishing, and stressed the value of a united effort in confront the problem. He re-committed the Ministry of Legal Affairs' support in collaborating with the local fisheries division and other stakeholders to take strategic action on this issue.

The feature address was delivered by Hon. Roland Bhola, Minister for Agriculture, Lands, Forestry, Fisheries and the Environment. Minister Bhola indicated his pleasure to participate in the validation workshop designed to strengthen capacity to combat IUU fishing in CARICOM / CARIFORUM States.

According to the Minister, the fisheries sector is pivotal to Grenada's economy, providing employment to almost 10% of the labour force and foreign exchange earnings of 6.4% from fish exports in 2012. He noted that the workshop is occurring at an opportune time; it is therefore necessary to evaluate the region's competitive advantage in mobilizing its human and natural resources to engender sustainable development in the fisheries sector within the context of the challenges faced by Small Island States.

Minister Bhola advised that the development and management of the industry therefore requires a comprehensive and holistic approach to ocean governance, to ensure the maximum integration of the industry with fishing communities in particular, and to social and economic development at the national and regional levels. He noted that the workshop is therefore of critical importance and it is imperative that the necessary capacities are strengthened to effectively conduct MCS activities to combat IUU fishing. Strengthening collaboration and cooperation frameworks at all levels in the region is inescapable if we are to achieve the objective of combatting IUU with government, inter-governmental, non-governmental, private sector and fisherfolk organizations must come together ... this emphasizes the need to build on several institutions which already exists within the region such as OECS, CRFM, FAO Western Central Atlantic Fishery Commission, Caribbean Sea Commission and the Regional Security System. The region must now move speedily to ratify the Common Fisheries Policy and to effectively implement both protocols. He concluded by extending profound appreciation to the ACP Fish II Programme on behalf of the Government and people of Grenada, CFRM and CARIFORUM Member States for supporting this intervention. He reiterated the hope that the workshop would lead to the advancement of the region in pulling together our limited resources in combatting IUU fishing and thus the improved social and economic benefits for our people.

The programme ended with a vote of thanks delivered by Mr. Justin Rennie, Chief Fisheries Officer, Grenada. Mr. Rennie recognized the significant contribution of many institutions and persons. He thanked the Chairperson for a timely commencement and Mr. Milton Haughton for his usual high quality presentation. He commended Mr. Robert Branch and the Ministry of Legal Affairs for their continued support, and recognized this institution as a major partner in the development of fisheries legislation. Special thanks were extended to Hon. Roland Bhola for his government's support to the industry and this validation workshop in particular. Thanks were also extended to regional institutions for their continued leadership and support to the development of the fisheries sector including OECS Secretariat, CRFM, the Regional Security Services (RSS), the Food and Agriculture Organization (FAO), the Regional Facilitation Unit in Belize and the ACP Fish II Programme. Consultants from AGRER, Dr. Winston McCalla and Ambassador David Joseph for their excellent and tireless work over the last three months and the OECS Secretariat for establishing the foundation in 1997 for the updating of the manuals. Thanks were also extended to the local media, hotel management and staff and local event organizer Dianne Roberts and staff of Roberts Caribbean Ltd. for a wonderful job in organization of this workshop, and noted that the team must be congratulated for delivering service at an international standard.

## **2.0 PARTICIPATION**

A total of forty eight (48) persons participated in the workshop, including the Minister with responsibility for Fisheries in Grenada, four regional institutions (CRFM, RSS, CNFO and CARICOM IMPACS) and participants from fourteen (14) member states<sup>1</sup> representing Departments of Fisheries, the legislature and enforcement officials (Coast Guard, the Navy, Maritime Police, and police prosecutor) (Refer to *Annex 3*).

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<sup>1</sup> Antigua and Barbuda, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent the Grenadines, Suriname, Trinidad and Tobago, and The Bahamas.

## 3.0 PROSECUTION MANUAL

This section summarizes the key issues discussed during review of the Fisheries Prosecution Manual and the main changes adopted for inclusion in the finalized document.

### 3.1 CHAPTER 1: INVESTIGATION

#### 3.1.1 General Issues

- The Consultant gave a detailed review of the contents of Chapter 1.
- Significant discussion on best approaches for taking photographs within the context of producing credible evidence was a major discussion point.
- Some participants indicated that in some jurisdictions the law does not include the use of digital camera technologies. There is therefore a need to streamline the legislation within Member States to facilitate the use of digital and electronic evidence at the national level.
- St. Lucia reported that in the Administration of the Justice Act, photographs should be taken in the presence of an Inspector of police. If he or she is absent, he/she has to be present when the photographs are given to the defendant to ensure authenticity of the photographs or they will not be admissible in court.
- Bahamas raised the concern how best to treat large amounts of evidence e.g. large quantities of fish – is it necessary to keep all the evidence until the trial is complete?
- Antigua and Barbuda informed the workshop that it would not be feasible to have large amounts of evidence (e.g., fish catch) before the court. The police take photographs of bulk evidence, evidence is placed back into the water and then the court makes a decision based on the photographs seen, thus saving time and space. Other countries indicated that this was their current procedure for bulk items.
- Barbados reported that the Fisheries Officer can decide how this evidence is disposed of.
- In the case of Belize, photographs will be taken and the officer will prepare a report. The new fisheries bill has provisions for an application to the court to dispose large amounts of evidence to charities, schools etc.
- St. Vincent and the Grenadines, authorised officers photograph the product and dispose of it in collaboration with the fisheries officer, who will give evidence before the court.
- Antigua and Barbuda recommended the need for training of photographers. Importantly photographs should be taken on site since the evidence changes with time.
- Dominica stressed the need for proper documentation of evidence via photography to allow for use in court.
- CRFM question the reliability of using notebooks for documentation particularly at sea and inquired into the possibility of using computer or other electronic technologies for note taking to ensure more validity in the evidence presented in court.
- The Consultant indicated that note taking using the notebook is very important. He added that notes can be taken on land and during the same day to avoid issues with note-taking while at sea.

#### 3.1.2 Adopted Changes to Manual

- Section G II (Photographs – When to be taken): Remove the word “only” in this sentence *Photographs should only be taken when an offence is observed or suspected* (pg 9) (put forward by Trinidad and Tobago).
- Notebook should be the principal device used for taking notes. However, the manual should note that in the future there is a need to consider the use of the computer in note-taking.



## **3.2 CHAPTER 2: PREPARATION FOR TRIAL**

There was a detailed review of the contents of Chapter 2.

### **3.2.1 General Issues**

- The Consultant informed participants that the local law will determine what is admissible in court.
- Jamaica raised the issue of judges not being supportive of fisheries issues in court and should be trained.
- It was noted that in Belize the court will provide an interpreter if the defendant does not speak English.
- With respect to communicating with the press, Barbados noted that the law enforcement officials do not speak to the press; rather there is a dedicated community department that is trained to do this.
- The Dominican Republic delegate stated enforcement is constrained in his country by conflicting legal mandates of the Environmental Authority and the Navy and inadequate collaboration and communication between both parties. In some instances, he believed that fishers are abused by the Environmental Authority.
- The Consultant recommended the need for training of new officials into the system on Drafting of Charges to reflect the seriousness of the charge.
- The Consultant supported the notion that in some jurisdictions, judges are not sensitive to fisheries issues and the seriousness of it. He added that we cannot speak about trained judges since judges are expected to be knowledgeable of the law; however, an awareness programme is important.
- The CRFM Chair supported the view that there were unsympathetic judges – in a few recent cases in Jamaica, the owners of foreign vessels have been arguing with weight that owners did not authorize the captain to fish in Jamaica waters and the agreement was successful.
- With respect to bulk evidence, The SOP Consultant requested participants' views how the manual should address when the decision should be made to dispose of evidence taking into consideration that the offender could win the case and government might have to pay for fish given away to charity.
- Golden rule of certificate – certificate must be signed by the proper person – it should not be signed for the Chief Fisheries Officer.
- CNFO stated that interpretation of the defendant's views is very important from a regional perspective where different languages are involved. He iterated that statements must be taken in the language of the defendant and an interpreter translates and the defendant signs, and the interpreter is the one who must take the statement into court.
- With respect to Excuses of Owners – T&T stated that presently their regulations has that the owner has to be charged. In our trawling industry, this is a huge problem because owners say that supply owners with Turtle Excluder Devices (TED).

### **3.2.2 Adopted Changes to Manual**

- Building awareness of the judiciary and magistracy on fisheries related matters is key.

### **3.3 CHAPTER 3: PROSECUTION DISCRETION**

The Consultant gave a detailed review of Chapter 3 and explained the critical nature of the role of the Prosecutor's discretion in the process.

#### **3.3.1 General Issues**

- According to the Consultant, a lot of this depends upon the prosecutor and the legislation. Record of a warning should be duly documented.
- It is important to ensure that sufficient evidence is available to prosecute.
- Apart from going to trial, consideration should be given to other available options e.g. administrative penalties e.g. ticketing as well as the compounding of offences. Compounding exists in some CARIFORUM States (e.g. it is universal in OECS and also used in Suriname) but does not currently exist in some CARIFORUM countries.
- In Belize, the draft fisheries legislation provides for transparency to this process, an important component of compounding. On the other hand, the Barbados legislation compounding is not included and there appears not to be a priority for this issue at the national level. Compounding is important since it allows for quick disposal of material. In the Antigua Act, compounding is limited to some offences; it is not generic. Participants generally supported the use of compounding as it facilitates early case disposition and the removal of cases from the courts.
- The CRFM Chair noted that inclusion of compounding in the manual is a good approach since it will be necessary to expedite matters going forward.
- The SOP Consultant stated that international best practice recommends the need for speedy resolution of fisheries offences especially when dealing with foreign vessels.
- Dominica noted that ticketing can become an inadvertent loophole if the accused does not turn up to pay the ticket and the officer does not pay attention to evidence. He emphasized that it is important that the officer takes evidence so if he accuse does not pay ticket evidence is available to follow up in court.

### **3.4 CHAPTER 4: THE TRIAL**

A detailed review of the contents of Chapter 4 was presented by the Consultant.

#### **3.4.1 General Issues**

- Consultant Introductory Comments: In the arraignment, if the accused pleads guilty, the judge must be convinced that the plea is voluntary and fully understood. The charge must be presented in the accused language of choice.
- The need for an opening statement in court was discussed. In general it is not needed, but in a complex case it might be best to alert the judge of what to expect via an opening.
- The consultant noted that not enough attention is placed on sentencing. The normal stance is to allow the sentence to slide – but there is need using a non-punitive method to explain to the magistrate why the sentence should stand.
- There are some variations of the Right of Appeal in the region. For instance, Suriname has right of appeal on both sides. Consultant noted that this is a big policy decision that should be addressed at the Department of Public Prosecution (DPP) level particularly when dealing with drug convictions.
- The consultant emphasized the inadequate collaboration between fisheries division and enforcement officials in some jurisdictions calling for an overarching policy on fisheries prosecution.

- Belize indicated that they are planning on using the information emanating from this validation workshop to update its fisheries enforcement strategies.
- Belize informed the workshop that they are currently developing a Fisheries Enforcement Policy and have decided to put it on hold until the Fisheries Prosecution Manual is complete to allow for integration in their enforcement training programme. Belize is supportive of the manual.
- T&T requested advice from Member States regarding the policy in place for dealing with case files. The following summarizes views from Member States:
  - Antigua and Barbuda stated that they do not have a policy; rather they practice good relations with all other agencies.
  - Similarly, Barbados reported a heavy focus on inter-agency collaboration which is augmented by supportive legislative framework which gives power to relevant agencies to function as authorized officers.
  - The focus on inter-agency collaboration was also instituted in Belize, Dominica, Bahamas, Suriname and Jamaica.
  - St. Lucia stated that the Department of Fisheries enjoys good relations with other stakeholders. However, through the ACP FISH II Project the present inter-agency collaboration is being formalized in response to a slow deterioration of compliance to informal agreements due to retirement of many established officials.
  - Similarly to other States, Guyana has no formal arrangements in place. However, key stakeholders convene through the Fisheries Advisory Committee mechanism.
  - Dominica raised the issue of prompt release of vessels. Mr. Haughton stated the issue of prompt release is when vessel is compounded it is released quickly – the bond should be commensurate to the value of the vessel ...providing they pay their bond the vessel should be released so they can continue with their business. If they are convicted then... Dominica noted that you can get people arrested and they can leave – Mr. Haughton said yes, that is the law – prompt release is the law. The international court has had a lot to say about this.
  - Re post trial on p. 54 – a lot of times we don't have this information – so I support the inclusion of this in the manual (Suriname).
- The consultant noted that the issue of prompt release is of foreign vessels required under UNCLOS.
- T&T official stated that there is a new Fisheries Management bill, fixed penalties similar to tickets is provided for.
- The Consultant stated that in the T&T regulations, ticketing is available to deal with straight forward issues like not having license etc. in support of the CRFM Chair, the noted compounding is very useful to ensure prompt release of foreign vessels for which ticketing might not be useful. Compounding is more effective in dealing with this since it is a more serious issue; this requires a higher level approach than available in the ticketing system.
- The SOP Consultant requested that participants explore the policy considerations and the cost benefits of compounding or going to court. In dealing with fisheries issues, you always have to critically look at the value of compounding and what is best for the country.
- The CRFM Chair introduced the Australian example of addressing IUU fishing which uses very stiff penalties which has proven to be very effective.
- St. Vincent and the Grenadines and St. Kitts and Nevis raised concern about what happens when perishable products are disposed of and then the defendant is deemed not guilty. What can be done under these circumstances?
- CRFM Chair noted that the Fisheries Act 5 of the OECS states that if items are perishable, the Chief Fisheries Officer has responsibility of disposing of it and monies derived kept until the outcome of the case. If it's in favour of the defendant, then monies go to that person or to the consolidated fund if the defendant lost the case. The above position was confirmed by the Consultant, and Suriname delegates.

- Dominica supported compounding and early release to reduce liabilities associated with damage of vessels or other related equipment.
- The Chairman requested that delegates provide a summary of the use of electronic equipment in enforcement. Responses are below.
  - Belize reported the piloting of drones in collaboration with the World Wildlife Society. A report is presently being prepared with a number of recommendations including the integration of live feeds from aircraft when in use to allow for more practicality. Belize noted that permission for use of the drone was granted by Customs who provided a limit of fly zone area to avoid problems in the airspace. He noted that the drones will be used for fisheries and costal development and monitoring degradation in the marine protected areas (MPAs).
  - Antigua questioned the effectiveness of the drone in vessel identification.
  - Belize noted that this is an area of concern of the technology although there are two cameras pointing down at present, but filters are needed to remove the effect of the sun to allow for more effective pictures. The short battery life was noted as another concern in the use of this technology.
  - The CRFM Chair stated that there is increased use of Vessel Monitoring Systems (VMS) and was interested in understanding the reliability of these systems when used in the court. He noted that Suriname has the most experience in using VMS, but recognized that there were some challenges in use of technology.
  - Jamaica reported that in the fishing industry, persons involved in conch fishery are using VMS.
  - Suriname noted that all vessels must have a VMS on board as mandated by the Minister with responsibility of fisheries.
  - CRFM Chair wanted clarity on what gives the Minister the authority to insist that vessels need to use VMS – is it a condition for licence and how reliable is the data collected via the VMS?
  - The Consultant summarized the issue in Suriname that under the evidence provision, the data is admissible once it is submitted in writing by an expert and the court is satisfied.
  - The T&T officials noted that they are now testing the feasibility of the use of VMS. However, each year long liners receive a licence. The Minister has indicated an interest in banning industrial trawling in T&T and the need to establish zoning systems for trawling activities and the need for VMS which will be included in our new legislation.
  - The Barbados delegate stated that he is of the opinion that the VMS evidence can be handled the same as the Global Positioning System (GPS) evidence, and can be submitted by an expert witness and then evidence is given.
  - The CRFM Chair supported the suggestion by Barbados. However, he stated that according to best practice regulations would be needed to ensure that VMS data can be used as reliable evidence, since past experience has shown that this kind of electronic evidence is not always accepted in court.
  - The recommendation by CRFM Chair was supported by the Consultant who stated that legislation be enacted to support the use of VMS.
  - Antigua and Barbuda reported the difficulty of finding a VMS receiver for smaller vessels and proposed that within the context of IUU fishing, VMS should also be needed for foreign vessels. He reckoned the need for a regional effort to monitor all data transmitted via VMS. The sophistication of equipment used by illegal foreign vessels was also highlighted as a constraint in effective monitoring of the EEZ.

### 3.4.2 Adopted Changes to SOP Manual

- Include the issue of hot pursuit in the SOP manual or its appendix as originally included in the first SOP manual.

## 3.5 INTEGRATING THE FISHERIES PROSECUTION MANUAL IN TRAINING PROGRAMMES

The Consultant presented a background paper on training which was circulated to the participants.

The Consultant noted that there are a number of options available for training, including online, traditional classroom setting and mainstreaming within existing prosecutors training activities. He recommended also that the approved manual should be put online and updated every 4 years so that it is a dynamic interactive document. This section summarizes delegates' views of best approaches to integrate the Prosecution Manual in training programmes.

1. The Barbados delegate presented the training programme developed by his member state to build the required knowledge and skills among fisheries and law enforcement officials. He noted that to date the training has been very effective. Barbados is now thinking of reviving the training programme since the Fisheries Prosecution Manual provides a good platform to improve the existing training program. They are now talking to RSS and RPT to accredit the training program. (A copy of the Barbados training programme was made available to workshop participants).
2. The consultant requested delegates' views on the usefulness of the Barbados model and their views on training generally. It is important to note that most delegates (CRFM, T&T, Antigua and Barbuda, Suriname, Belize, St. Vincent & the Grenadines, Guyana, St. Lucia) supported the use of the Barbados training model. Table 1 summarized key points raised by participants re training.

**Table 1: Delegates Views on Training to Support Operationalization of the Fisheries Prosecution Manual**

<b>Member State or Institution</b>	<b>General Comments</b>
RSS	The Fisheries Prosecution manual is an excellent resource manual to develop such as course. We have a long history of training in the region and see the need for a standalone dedicated course on fisheries prosecution. We therefore welcome the opportunity based on our training history and our capacity to participate in the development of such as course which can be administered online.
CARICOM IMPACS	Currently facilitating a number of courses for law enforcement officials on border security and crime identification. This workshop is an excellent opportunity because it has allowed us to view crime in a broader context to include violations of natural resources. We recently developed a strategic plan but have not included fisheries related crimes in our long term plan. Plans to advocate for viewing the fishing sector as a key stakeholder in our activities going forward. Manual is very useful
CRFM	Submitted a training outline to the consultant geared to provide training based on the manual. CRFM has also had discussion with the RSS training school in

<b>Member State or Institution</b>	<b>General Comments</b>
	Antigua to adopt the training as a module targeting the RSS and non-RSS officials and they have expressed their willingness to participate. Similarly, the annual judges' conference has expressed a willingness to support sensitization of the judiciary and magistracy on fisheries matters.
Ministry of Legal Affairs, Grenada	Representative, Robert Branch supported CRFM recommendation of engaging the judiciary in planned training, and encouraged collaboration with the Judiciary Educational Institute in the operationalization of the training programme. He also committed the willingness of the Attorney General's Chambers to participate in any training activities
T&T	Training is offered for the police and Coast Guard although done separately. There is a need for training customs officials - supported online training. Manual could be effectively used in training.
CNFO	In the context of co-management principles, the National Fisherfolk Organization should be included in training activities. Favoured online training. Training is currently an urgent issue in Suriname. The manual is timely and will be very helpful.
Suriname	Indicated that the Barbados training model could be very useful in training the Coast Guard since they have not been officially trained.
Guyana	No formal training for persons responsible for fisheries enforcement – very supportive of an online version of the Barbados model due to cost implications. The official noted that Guyana is lagging behind due to inadequate resources to carry out training activities and implementing the best practices promoted during training.
St. Lucia	The Department of Fisheries has been trying to get a slot to sensitize new recruits in the Police Training Academy to raise awareness of fisheries resource management and enforcement. Under the ACP fish II Project, a fisheries enforcement toolkit was develop to sensitize the police, customs, judiciary and magistracy. However, it was very difficult to get representation from the latter two to participate in training activities.
Antigua & Barbuda	Would support the use of the Barbadian training module and this should be implemented early. Also supports online training needed for a database for tracking vessels in the jurisdiction of CARIFORUM states.
Grenada	Training in forensic photography can be done regionally with issue of certificates of participation. Training needed in the valuation of fish catch, gear etc.
Dominica	Would support the Barbadian training module. Training needed for Coast Guards in fisheries and the training of fisheries officers in boarding procedures. Training needed for both Coast Guard and fisheries officers as to how to handle themselves in court. Training also needed in vessel marking and training of officers in carrying out inspection of vessels.
Jamaica	Interagency training needed. Navigational courses for boarding officers and the use of force sensitisation training for clerks of courts and the judiciary.

- CARICOM IMPACS informed the workshop that ten (10) CARICOM States have a MOU to share information. She inquired whether Fisheries Divisions are using this established instrument to share fisheries crime information.
- CRFM Chair noted that Member States do not routinely share information on fisheries crimes. An *ad hoc* arrangement exists; so it will be useful to learn more of this instrument to build the current capacity of fisheries officials.
- Jamaica stated that on October 25<sup>th</sup>, 2013, a SOP procedural meeting dealing with foreign IUU fishing activities within the waters of the Member State will be convened to boost inter-agency collaboration on the issue.
- CRFM supported the Jamaica's intervention due to the importance of a coherent interagency collaboration strategy.
- The Consultant noted that we could piggy back on the Police Training School programs.
- CRFM Chair pointed to a lecture on fisheries enforcement delivered by an Australian professor at the Norman Manley Law School recently which targeted lawyers in training and upcoming professionals. He noted that the proposed training could build on this strategy to target hard to reach legal officials.
- The SOP Consultant posits that if handled well; manual can be a launching pad for strengthening enforcement.
- In conclusion, the Consultant indicated that the Barbados model is good; what is needed is integration of additional issues to make it multifaceted.

### **3.6 DAY 1 – 16 OCTOBER 2013: WRAP UP**

The CRFM Chair thanked all participants for enthusiastic involvement in the day's proceedings. He highlighted the following as key issues discussed, namely the use of electronic means of evidence, the need for changes in legislation, interagency collaboration, prompt release and disposal of catch and compensation. He noted that the OECS legislation represents a best practice of how to address compounding offences. He added that the Barbados training approach can have wide application across the region and should be integrated into the programmes of existing regional institutions (example the RSS) and at the national level (through the Police Training Schools). He stated that it was very clear that participants are very satisfied with the manual and consultants will look at the document and address some of these areas that need clarification.

It was agreed that after discussion with CRFM the manual would be circulated to participants. Mr. Haughton also thanked Dr. McCalla for the excellent work in revising the manual.

**Day 2 – 17 October 2013 commenced 9:00 a.m.**

## **4.0 SOP MANUAL: KEY ISSUES RAISED AND SUMMARY OF DISCUSSIONS**

### **4.1 CHAPTER 1**

The Consultant gave a detailed review of Chapter 1.

#### **4.1.1 General Issues**

- Jamaica online delegate raised the issue of funding as a hindrance to effective enforcement. He noted that in Jamaica through the Conch Levy Act, a levy is imposed on each conch exported from Jamaica which generates annual revenues of approximately US\$ 964,000. Plans are in place to establish a levy on sea cucumbers. They are currently looking to fund enforcement particularly our offshore areas with these funds.
- CRFM Chair supported the principal of resource users paying for resource as is also done in Belize and The Bahamas. He noted that the fee system should be linked to the value of the resource and recommended that states explored how a similar approach can be implemented at the national level.
- The Bahamas raised the concern of casual yachters which impose a major impact on marine resources and believe this issue should be discussed in the manual or SOP.
- CRFM Chair agreed that sport fisheries and travel operators have a significant impact on resources. In some jurisdiction they are regulated but in The Bahamas they are only loosely regulated. He noted however, that addressing this should be done through national policy and appropriate legislative framework.
- The Bahamas indicated that sport fishing is included in the new draft Fisheries Act. However, but was not sure the extent to which it will be supported by the Ministry of Tourism cognizant of the potential implications for the sector.
- The Bahamas commented on the obvious tragedy of prioritizing economic viability in isolation of the environmental impacts of sports fishing in his country.
- The CRFM Chair supported the point and stated that sports fishing should be monitored, regulated and controlled and was happy that the new Bahamian legislation was taking this on board.
- Antigua and Barbuda noted that they face a similar situation to The Bahamas with persons who are legitimate tourists but also hard core fishers with no permits – and this goes unknown to officials.
- CRFM Chair highlighted the Member States should also view foreign sport fishing as another source of revenue; they should be encouraged to pay high licenses fees.
- According to Dominica, although there is no fisheries law governing sports fishing, anyone who wants to engage in this activity must first secure a license from the Fisheries



Department. A legally binding agreement is executed which if violated requires administration of predetermined charges. In our opinion, a law is not needed for this, there is just the need to exert your authority. This approach has been successful.

- CRFM Chair recommended that Dominica should consult with the legal department to ensure that their action is appropriate.
- CRFM official stated that a recent study conducted by the OECS Secretariat for the UNEP to determine the extent to which countries are implementing environmental legislation found that while many countries state that they don't have enough laws, they can use what they have to good effect. The approach used by Dominica for the last 30 years is a case in point.
- The definition of Authorised Officer (AO) was questioned by member states. It should also cover what happens in other CARIFORUM countries.
- A suggestion from the SOP Consultant to list all possible persons who can be considered AO.
- CRFM officials cautioned including long list of names, since an AO is defined by the laws of the individual countries; focus in the SOP on general terms. This was supported by The Bahamas and the Prosecution Manual Consultant.
- Jamaica pointed out that an ordinary citizen can be nominated as honoree wardens to support enforcement.
- Belize noted that their legislation states that whosoever is working in a Marine Protected Area (MPA) automatically becomes a fisheries officer/AO. This can also include non-governmental organization who are managing MPAs.
- The SOP consultant noted that the term "fisheries waters" used in Chapter 1 is important especially in the case of hot pursuit that involves an AO in the waters of another jurisdiction.
- CRFM Chair stated that the best practice is to provide enforcement officers powers beyond their waters so more recent legislation will cover wherever fishers operated. As long as the vessel carrying your flag, hot pursuits can be enforced.
- The issue of conditions to continue hot pursuits was further discussed by delegates.
- Jamaica indicated that the only time you can board a foreign vessel is if it is in your waters, if it is not in your waters, permission is required from the flag state. For hot pursuit permission is available if the crime occurred in your waters and the vessel apprehended in your waters or on the high seas.

- The Bahamas, prior to hot pursuit you must have had prior conversation with the other member states.
- According to the RSS this arrangement for hot pursuits into the waters of another member state is address in the RSS Treaty
- CRFM noted that based on his knowledge, an AO is not limited to the sea since their responsibilities in the sovereignty of the country (land, sea etc).
- CRFM Chair stated that the issue of hot pursuit is a very important issue.
- CARICOM IMPACS stated that CARICOM has drafted the Maritime and Air Space Cooperation Agreement (MASCA) since 2009 which addressed hot pursuit. This was signed by a few territories and is yet to be signed and ratified by at least 5 states to allow it to enter into force. The hot pursuits issue included in the instrument has been a major stumbling block to getting it ratified. The CARICOM IMPACS representative promised to champion catalyzing action on this issue.
- The SOP Consultant indicated that knowledge of fisheries industry and legislation is very important for successful enforcement and surveillance to address IUU.
- With respect to identification of AO, Belize noted that within recent times they have standardized the markings on all vessels, wear standardize uniform and carry ID. This is important particularly in protected areas where our authenticity can be challenged by tourist. With respect to identification, Suriname noted that they operate with navy ships and therefore do not face any problems.
- St. Kitts and Nevis has uniform, properly marked vessels and is able to produce ID if our legitimacy is challenged. Generally we achieve good compliance.
- Jamaica noted that they have in place the requisite system for identification, however, in fisheries enforcement activities, generally do not face a problem with legitimacy.
- Participants agreed that the Manual was broad enough re identification of the AO. for the purpose of enforcement.

#### **4.1.2 Adopted Changes to Manual**

- Section 111 – adding close areas of fish sanctuary, CRFM recommends that this term is too restrictive – recommends use of the term “protected areas”.
- CRFM Chair stated that an AO should be authorized and empowered by law. The following principles should therefore be captured in the SOP: (1) Important that the AO be guided by the rule of law, (2) ensure that the definition is broad enough to empower the relevant agencies or individuals to function in the capacity.

- Four categories of AO should be included in the manual: Fisheries officers, custom officers, police officer, navy, and any other which allows for co-management arrangements (put forward by CRFM).
- Need to broaden the jurisdiction of the AO – jurisdiction should be for both fisheries waters and land/terrestrial.
- To ensure that the jurisdiction of the AO is comprehensive, the phrase “any other” under Section B 1 pg 2.

## 4.2 CHAPTER 2: THE ENFORCEMENT OPERATION

### 4.2.1 General Issues

The SOP Consultant inquired whether member States have in place a dedicated fisheries patrol operation? This was raised within the context of scarce man power and fish resources, and the need sometimes to undertake multi-prong patrols that sometimes place only scant regard to the fisheries aspects of the patrol. Table 2 summarizes participants’ views.

**Table 2: Extent of Dedicated Fisheries Patrol within Member States**

<b>Member State or Institution</b>	<b>General Comments</b>
Bahamas	The Bahamas Defence Force is assigned the responsibility to conduct daily fisheries patrols.
Jamaica	Jamaica Defence Force - fisheries patrol is what we do every day. It is therefore not productive to include the fisheries department in our day to day activities, although they are welcome to participate as deemed necessary.
St. Kitts and Nevis	The St. Kitts Coast Guard is the sole fisheries enforcement agency. Fisheries patrol is mainstreamed in our activities since the fisheries department does not have a vessel to support these activities.
T&T	There is available a designated fisheries monitoring and surveillance unit of the Fisheries Department, however, our assigned vessel is very small which limits our patrolling efforts. We have a good relationship with the Coast Guard that allows for holistic planning.
Antigua and Barbuda	The Coast Guard is involved in multi-mission patrols. However, there is need for fisheries specific patrols due to the specialized skill set needed for effective MCS in the sector.
CRFM	Supported the training of Coast Guard on fisheries related matters. In relation to fisheries patrols, the OECS Secretariat has that member states should conduct at least 15 designated fisheries operations per year whether jointly or separately.
CRFM Chair	Supported the need to conduct patrols in collaboration with all stakeholders including fisheries and maritime authorities to allow for sharing of skills and greater effectiveness.

- With respect to the operation checks and briefings, the on-scene commander will make specific decisions are the most suitable tactic for boarding high risk vessels due to equipment capacity.
- CRFM cautioned that this is a strategic document; tactic should therefore not be included. – we have to be careful to not include tactics in the manual since it is for an operational document.

#### **4.2.2 Adopted changes to manual**

- Promote implementation of fisheries specific patrols.
- Due to the impending threat associated with enforcement, the manual should provide clear procedures for building capacity and competence for enforcement activities. Manual should also outline a protocol for best ways to deal with dangerous situations when they arise.
- First aid kit and ballistic flotation device should be included under secondary items for boarding kit (put forward by Jamaica).
- Generally, participants were in agreement with the other contents of the boarding kit.
- The level of threat (high, low etc.) should be included under section B – Pre-patrol briefing.
- In addition to existing information, the manuals should state that the on scene commander should make the final decision regarding how best to address boarding and any other related decisions.
- Maintain the term Regional Register in manual (refer to page 7 – pre patrol check) and augment by adding “or any such authorized register of fishing vessels.”
- Use more generic terminologies that is easily understood by all CARIFORUM States in the manual since this is a regional strategic document.

### **4.3 CHAPTER 3: THE PATROL**

The Consultant undertook a detailed review of Chapter 3.

#### **4.3.1 General Issues**

- CRFM stated that the wording as used in this section does not seem to speak to active patrolling. In addition, the manual does not include Levels of Events (e.g. Level 1 – foreign vessel stop but shows no resistant; Level 2 – foreign vessel stops but shows some resistance).

#### **4.3.2 Changes Adopted in the Manual**

- More details should be included on identification of the vessel as used under the Pre-Boarding Briefing, pg 8 (example prior violations with vessel). It was agreed that this information would be included in an appendix.
- Recommendation to include the Levels of Events as included in the former manual into this current documents. This was supported by the SOP Consultant.
- Under B. Routine Boarding pg 9, the manual should specify the importance of duly recording the position of the vessel, which will be expertly reported.
- The manual should also make provision to seek from the captain whether he/she support to disapprove of the position as stated by the expert (refer to A general, page 8).
- The definition of fish / fishing should be broaden to include all marine organisms including plants.

#### **4.4 CHAPTER 4: BOARDING**

The Consultant undertook a detailed review of Chapter 4.

- Jamaica noted that the manual is not capturing some of the realities in some jurisdictions re minimum number that can feasibly be on board. The first bullet re boarding party procedures needs to be discretionary based on the reality of fishing.
- CRFM recommended that terms be used consistently – there are incidences when the vessel is too small and you cannot board – when you have an intention to go on the vessel and it is feasible to board then you can give a minimum of how many should board, it can also depend on your laws – indicate there are situations where the vessel is too small to board. SOP Consultant agreed to meeting with CRFM Team to make required changes to redraft this section.
- CRFM recommended that although there will be challenges utilizing electronic evidence in the court, member states should begin to use the electronic media over time, it will become the standard operating procedure and eventually be accepted.
- Belize commented that videotaping and pictures taken under water are recommended. What is required is proper documentation and an effective chain of custody to ensure acceptability in court. The meeting supported the notion that Member States commence electronic note taking in tandem with the standard hand writing notes that are currently used.

##### **4.4.1 Changes adopted in manual**

- Remove the phrase “judges’ rule” and replace with the “the relevant rules of caution” in Section F – The Investigation, page 22. This change should also be made in the Fisheries Prosecution Manual.

#### **4.5 TRAINING FOR THE SOP**

- The Barbados training model should be expanded to include enforcement.

- CRFM identified three key issues relating to training (1) integrating fisheries related knowledge in existing training (2) providing minimal training to air support (3) utilizing communities, fisherfolks and other stakeholders in the training interventions.
- T&T recommended integrating industry and enforcement jargon using within the region in planned training. Also supported a regional certification course on forensic photography and valuation.
- Antigua and Barbuda proposed detailed fisheries information in the existing Coast Guard training. The official noted that they are considering running a 1 week training using the RSS for the maritime officials and a similar training for fisheries officials in boarding techniques and principal maritime jargon.
- Barbados supported the Antigua's approach to scale up knowledge and skills among fisheries and maritime officials. The officials also recommended training in proper court behavior to include presenting a case, giving evidence, strategies to appear compelling etc.
- Agree to Antigua – maritime police and Coast Guard and there are key things in fisheries that we don't know – similarly for fisheries officer and for everyone how to handle yourself in court, how to maintain a calm demeanor in court. Presenting case, giving evidence in court, how to appear compelling etc. this was also supported by Barbados who recommended online training.
- Vessel construction and marking – bar
- In conclusion, Belize commended the workshop planners and reported that the workshop was an excellent learning experience. The official noted that Belize is currently awaiting the completion of the process to adopt some of the procedures recommended in the Fisheries Prosecution Manual and SOP to integrate in its upcoming comprehensive training targeting law enforcement officers.
- Dominica supported a focus on training and cross party collaboration – too many of the fisheries related infractions fall into the crack; there is need for greater prosecution in the courts. It is hoped that the utilization of the Fisheries Prosecution Manual and SOP will result in increased convictions.
- Other participants stated that the Manuals would be a good platform for training programmes.
- The two Manuals are appreciated by Suriname and they will greatly help us to enforce our fisheries legislation. The enforcement officers in Suriname will be able to make great use of the two Manuals which are both of excellent quality. Evidence gathering is very important and boarding techniques are of critical importance. Would support training at the national level. Manuals will be good basis for instituting training.
- The Bahamas workshop has been very good. Both Manuals are excellent and they will prove very useful. In the Bahamas, the Attorney General's Office will guide us on the legal aspects of fisheries. We need to institute interagency training. Workshop has been very good in bringing out common problems and has also been interesting and useful.
- Training for the fisheries sector would be useful. Fisheries officers need training in boarding procedures. There is a need to harmonize training across the region especially in the areas of fisheries enforcement.

- There is a need for more training of all stakeholders. The Manuals will provide an excellent basis for training. Need to train Prosecutors, fishermen and Coast Guard. The Workshop has been of great benefit to St. Vincent and the Grenadines.
- Trinidad and Tobago pointed out that the region has common problems and that the Workshop presentations and discussions have been excellent in addressing their matters. Manuals will be very helpful and a good guide for us.
- Grenada - need to have training at the national and regional level. Should look at the institutionalisation of training using the Manuals especially because of staff turnover. Need for joint training with all agencies.
- CRFM - need to involve the fisherfolk in aspects of training. Also sensitisation needed of the judiciary.

## **5.0 CONCLUSIONS**

Dr. Winston McCalla and Ambassador Daven Joseph thanked all participants for their active participation and involvement. Thanks were also expressed for the help and assistance by CRFM.

Mr. Milton Haughton thanked all participants for their active involvement during the course of the two days. He also expressed thanks to the regional representatives as their presence and contributions were significant and he hopes to maintain contact with these regional representatives to further the work of fisheries enforcement in the CARIFORUM region. Mr. Haughton also further thanked the Government of Grenada for agreeing to host the Regional Validation Workshop and for their excellent support on all aspects of the planning and implementation of the Workshop. Thanks were also extended to the Flamboyant Hotel and to Mrs. Dianne Roberts for the effective and professional manner in which the Workshop was done. Finally Mr. Haughton thanked Dr. Winston McCalla and Ambassador Daven Joseph for the excellent work done on the Manuals in such a short period of time. He indicated that he was supportive of the both Manuals and they were of high quality. Some changes were to be made in consultation with CRFM but in principle both Manuals were fully supported and endorsed as being very good documents.

## Annex 1: Workshop Agenda



### CRFM / ACP Fish II Regional Validation Workshop

**“Technical Support to Update the Prosecution and Enforcement Manuals for CARIFOFUM States”**

**16 – 17 October 2013**

**St. George’s, Grenada**

### AGENDA

**Chairman:** Milton Haughton, Executive Director, CRFM Secretariat

#### **DAY 1 – 16 October 2013**

- |               |  |
|---------------|--|
| 8:30 – 9:00   | Registration   |
| 9:00 – 9:40   | Opening Ceremony   |
| 9:45 – 10:00  | <b>COFFEE BREAK</b>  |
| 10:00 – 12:30 | Review of Fisheries Prosecution Manual – Facilitator: Dr. Winston McCalla, Team Leader                                   |
| 12:30 – 1:30  | <b>LUNCH</b>   |
| 1:30 – 2:45   | Continuation of Review on Fisheries Prosecution Manual - Facilitator: Dr. Winston McCalla, Team Leader                   |
| 2:45 – 3:15   | Open discussion on Fisheries Prosecution Manual – Facilitator: Mr. Milton Haughton, Executive Director, CRFM Secretariat |
| 3:15 – 3:30   | <b>COFFEE BREAK</b>  |
| 3:30 – 4:15   | Discussion on Integrating Prosecution Manual into Training Programmes - Facilitator: Dr. Winston McCalla, Team Leader    |
| 4:15-4:30     | Day 1 Wrap up – Mr. Milton Haughton, Executive Director, CRFM Secretariat  |

#### **DAY 2 – 17 October 2013**

- |              |  |
|--------------|--|
| 9:00 – 10:00 | Review of Manual on Standard Operating Procedures – Facilitator: Ambassador Daven Joseph |
|--------------|--|



- 10:00 – 10:15 **COFFEE BREAK**
- 10:15 – 12:30 Continuation of Review on Standard Operating Procedures – Facilitator: Ambassador Daven Joseph
- 12:30 – 1:30 **LUNCH**
- 1:30 – 2:30 Continuation of Review on the Standard Operating Procedures Manual – Facilitator: Ambassador Daven Joseph
- 2:30 – 3:00 Open discussion on Standard Operating Procedures Manual – Facilitator: Mr. Milton Haughton, Executive Director, CRFM Secretariat
- 3:00 – 3:30 Discussion on Integrating Standard Operating Procedures into Training Programmes - Facilitator: Ambassador Daven Joseph
- 3:30 – 4:30 Closing Comments - Dr. Winston McCalla, Team Leader & Mr. Milton Haughton, Executive Director, CRFM Secretariat

**Annex 2: Feature Address**

**FEATURE ADDRESS**

**By**

**HON. ROLAND BHOLA**

**MINISTER OF AGRICULTURE, LANDS, FORESTRY, FISHERIES AND THE  
ENVIRONMENT**

**AT THE**

**CRFM / ACP FISH II REGIONAL VALIDATION WORKSHOP**

**“TECHNICAL SUPPORT TO UPDATE THE PROSECUTION AND ENFORCEMENT  
MANUALS FOR CARIFORUM STATES”**

**16 & 17 OCTOBER 2013**

**FLAMBOYANT HOTEL AND VILLAS, ST. GEORGE’S, GRENADA**

**Salutation**

- Mr. Robert Branch – Senior Legal Counsel
- Mr. Milton Haughton – Executive Director, CRFM
- Mr. Justin Rennie – Chief Fisheries Officer
- Dr. Winston McCalla – Consultant for the project
- Ambassador Daven Joseph – Consultant for the project
- Workshop Participants – Officials from Fisheries, Prosecution & Enforcement Administrations
- Members of the Media
- Ladies and Gentlemen

On behalf of the Government of Grenada, the Ministry of Agriculture, Lands, Forestry, Fisheries and the Environment, and on my own behalf, I am delighted for this opportunity to deliver the feature address and to participate in the opening ceremony for this extremely important Validation workshop on developing measures and systems to strengthen our regional capacity to combat Illegal, Unreported and Unregulated fishing in the Caribbean region.

Before I proceed further, let me extend a warm Grenadian welcome to those of you who are visiting us for the first time and to those persons who have visited us before let me say welcome back and we trust that you would continue to enjoy our spice country and the friendliness of our people.

Indeed I am heartened that this workshop is occurring at a most opportune time when Grenada and by extension the Caribbean region is confronted by significant economic and social challenges in bringing benefits and facilitating the provision of sustainable livelihoods to our

people. It is a time when we need to examine ourselves as a people and as a region and to ask the question: what are our strengths and what opportunities are available to us so that we can effectively and efficiently mobilize and enhance our human and natural resources to engender a change in our development.

Ladies and Gentlemen, the Ministry entrusted to me has important commonalities which concerns the production of nutritious food in a sustainable manner; provision of sustainable livelihoods; enhancement of income for our fisherfolks and farmers; and conservation of the environment thus safeguarding critical species and habitats for the benefit of current and future generations.

Since 1982, the United Nations Convention on the Law of the Sea guaranteed the rights of nations to an extended 200 miles Exclusive Economic Zone (EEZ) which sets out in part in its preamble the interests and needs of mankind as a whole and, in particular, the special interests and needs of developing countries, to utilize the ocean resources in a sustainable and responsible manner. This extension of marine jurisdiction has therefore expanded opportunities for sustainable utilization of the living marine resources which enabled the region to enhance its food security needs while providing social and economic benefits to our people.

As Small Island States with fragile economies, the proper use and management of the ocean and its resources is critical for sustainable development. In most cases, countries' exclusive economic zones are more than fifty times the size of their land area. For Grenada it could be almost seventy times the size of the size of our terrestrial space. Those relatively large EEZ presents significant opportunities, but at the same time poses many challenges for the region as far as meeting our maritime development objectives are concerned.

Some of the opportunities associated within member countries EEZ, include inter alia: further development of our commercial and recreational fisheries, and marine recreation.

Associated with these opportunities are many challenges and obligations that include: establishment of effective fisheries management regimes, increase in illegal, unregulated and unreported (IUU) fishing, habitat degradation, marine pollution, marine boundaries delimitation, regulation of maritime transportation within the EEZ and the need for improved cooperation at the regional level.

Three decades ago the fishing industry in Grenada was characterized by poor infrastructure, underdeveloped marketing, inappropriate technology, limited capacity and lack of adequate governance and management arrangements. However, with various interventions and initiatives from local, regional and international organizations and countries, we have experienced a significant transformation of this sector over the past three decades. Notwithstanding the improvements over this period, we are still short of fully achieving our development goals within the sector.

Output from the sector during this period increased from just under six million dollars (EC\$6,000,000) in 1978 to just over thirty-five million dollars (EC\$35,000,000) in 2012. Exports increased from two million dollars (EC\$2,000,000) to seventeen million dollars (EC\$17,000,000) in 2012. Already, exports for the first half of 2013 amounts to EC\$15.5 million dollars. The sector now provides direct and indirect employment to four thousand (4,000)

persons which are almost 10% of the labour force. The value of total investment in the sector also increased from five million dollars (EC\$5,000,000) in the early 1980's to a current value of approximately one hundred and eighty million dollars (EC\$180,000,000).

Overall the fisheries sector is a major contributor to food security, poverty alleviation, foreign exchange earnings, an important source of protein and minerals and the provision of sustainable livelihoods and social well-being of our people. Across the region I am certain that the experience is no less important.

However, despite these achievements and opportunities, we are cognizant of the many challenges that continue to confront the sector. These include international and local economic adversity, rising input costs, optimizing benefits from the industry, protection of fish stocks and habitats from pollution, revitalizing marginalize fishing communities, climate change, market access and global competitiveness.

The development and management of the industry now requires a comprehensive and holistic approach to ocean governance, so as to ensure the maximum integration of the industry with fishing communities in particular, and to social and economic development at the national and regional levels in general.

Achieving the desired level of governance within the sector across the region poses enormous challenges. We are all aware of the significant constraints in providing adequate human and financial resources. Therefore we must recognize that any approach to establishing a suitable governance regime must consider these limiting factors and how to optimize the use of limited resources in a sustainable manner.

It is for those reasons that this workshop is of critical importance in confronting one of the major challenges which is the need to build the necessary capacities and strengthen the appropriate systems to effectively conduct Monitoring, Control and Surveillance (MCS) activities to combat Illegal, Unreported and Unregulated fishing in the region. According to conservative estimates at the international level, IUU fishing is one of the major causes of depletion of many fish stocks and we in the Caribbean region continue to experience the negative impact of this activity on the resources and our people and must therefore engage all our efforts in confronting this scourge.

However in forging ahead we must be cognizant of the geographical, political and cultural uniqueness of this region; but at the same time we should not allow any apparent differences to restrict our shared vision and goals to develop, manage and utilize the fisheries resources in a sustainable manner for the benefit of our peoples.

Strengthening of collaboration and cooperation at all levels within the region is inescapable if we are to achieve our objective of combating IUU. Management, enforcement and prosecutorial administrations and agencies must be strengthened and provided with the requisite resources to effectively execute their functions. Government, inter-government, non-government, fisherfolk organizations (nationally and regionally) and private sector organizations must come together to overcome the challenges facing the region and the fisheries sector in particular.

Several institutions already exist within the region which we must continue to build on. These include: CARIFORUM, CARICOM, OECS, CRFM, FAO-Western Central Atlantic Fishery

Commission (FAO-WECAFC), Caribbean Sea Commission (CSC), the Regional Security System (RSS) and other institutions of the Central American region.

There were also previous initiatives such as those developed by the OECS in the 1980's and 1990's which made significant progress in combining limited resources in harmonizing legislation, procedures and operations to undertake Monitoring, Control and Surveillance activities. As I was informed, the current workshop endeavours to build on this previous work done by the OECS in this area, which intends to broaden its scope and applicability consistent with the needs of the CARIFORUM/CARICOM Member States and to meet current regional and international circumstances.

As part of this continuum the CARICOM / CRFM Member States have also recognized the need of working together to rid the region of IUU fishing and to promote the establishment and maintenance of effective MCS systems. Recently, they have developed a number of MCS initiatives at the regional level, namely the adherence by Member States to: the Castries (Saint Lucia) Declaration on IUU fishing; and the Draft Agreement Establishing the Caribbean Community Common Fisheries Policy. The region must now move speedily to ratify the Common Fisheries Policy and to effectively implement both protocols.

There is no doubt that your efforts over the past three decades to prevent, deter and eliminate IUU fishing in the Caribbean region must be commended and encouraged. However, the outputs from this workshop must not only result in the finalization of two documents: (1) Manual for fisheries prosecution (2) Manual for Standard Operating Procedures for fisheries surveillance and enforcement. In addition, MCS systems and institutions must be strengthened and provided with the requisite resources to adequately combat IUU fishing.

In conclusion, on behalf of the Government and People of Grenada and on my own behalf, let me extend my profound appreciation to the ACP Fish II Programme, the CRFM Secretariat and CARIFORUM Member States for the funding and organization of this workshop and the project which provided "technical support to update the prosecution and enforcement manuals for CARIFORUM states." I want to wish you every success in your deliberations over the next two days. At the end I trust that the outputs from this workshop would lead to the advancement of the region in pulling together our limited resources in combating IUU, thus leading to improved social and economic benefits for our people.

It now gives me great pleasure to declare this workshop officially open. I thank you.

### Annex 3: List of participants

Last Name	First Name	Position	Country	Contact information
Vidal	Huron	President of the National Association of Fisherfolks Co-operative (NAFCO-OP); Member of the Caribbean Network of Fisherfolk Organisation (CNFO) Coordinating Unit, and The Regional Fisheries Action Learning Group (ALG)	Dominica	<a href="mailto:huronfvidal@yahoo.com">huronfvidal@yahoo.com</a>
Martin	Giselle	Legal Advisor, CARICOM IMPACS	Trinidad and Tobago	<a href="mailto:secretariat@carimpacs.org">secretariat@carimpacs.org</a>
Sobers	Rolerick	Senior Vessel Inspector/ Senior Fisheries Assistant	Barbados	<a href="mailto:rsobers@agriculture.gov.bb">rsobers@agriculture.gov.bb</a>
Broomes	Adrian	Station Sergeant in charge of the Marine Section	Barbados	<a href="mailto:Jonq_2@hotmail.com">Jonq_2@hotmail.com</a>
Jones	Ian	Director, Marine Branch (Acting)	Jamaica	<a href="mailto:ikjones@moa.gov.jm">ikjones@moa.gov.jm</a>
Neil	Judy-Ann	Operations Officer JDF Coast Guard, Commanding Officer of HMJS PAUL BOGLE Rank: Lieutenant Commander	Jamaica	<a href="mailto:modelsailor@hotmail.com">modelsailor@hotmail.com</a>
Looby	George	Fisheries Officer	Antigua and Barbuda	<a href="mailto:george.looby@gmail.com">george.looby@gmail.com</a>
Nicholas	Auden	Commanding Officer ABDF Coast Guard	Antigua and Barbuda	<a href="mailto:g3abdf@gmail.com">g3abdf@gmail.com</a>
Lloyd	Gilford	Senior Fisheries Officer	Bahamas	<a href="mailto:gilfordlloyd@bahamas.gov.bs">gilfordlloyd@bahamas.gov.bs</a>
Neely	Whitfield	Lieutenant Commander	Bahamas	<a href="mailto:whitfieldneely@yahoo.com">whitfieldneely@yahoo.com</a>
Hall	Calman	Fisheries Inspector (ag.)	Belize	<a href="mailto:clmnhl@yahoo.com">clmnhl@yahoo.com</a>
Rodney	Lyndon	Fisheries Inspector / Prosecutor	Belize	<a href="mailto:lyndon_rodney@yahoo.com.com">lyndon_rodney@yahoo.com.com</a>
Robin	Dorsen	Police Prosecutor	Dominica	<a href="mailto:incredible_patriot@yahoo.com">incredible_patriot@yahoo.com</a>
Guiste	Harold	Senior Fisheries Officer	Dominica	<a href="mailto:hguiste@hotmail.com">hguiste@hotmail.com</a> <a href="mailto:fisheriesdivision@dominica.gov.dm">fisheriesdivision@dominica.gov.dm</a>
Infante	Jose	Manager of the Department of Fisheries	Dominican Republic	<a href="mailto:infante.jose@gmail.com">infante.jose@gmail.com</a>
Rennie	Justin	Chief Fisheries Officer	Grenada	<a href="mailto:justinar7368@hotmail.com">justinar7368@hotmail.com</a>
Mitchell	Moran	Fisheries Officer II MCS	Grenada	<a href="mailto:mitchellmoran767@gmail.com">mitchellmoran767@gmail.com</a>

<b>Last Name</b>	<b>First Name</b>	<b>Position</b>	<b>Country</b>	<b>Contact information</b>
St. Louis	Johnson	Senior Fisheries Officer	Grenada	<a href="mailto:johnsonstlouis@yahoo.com">johnsonstlouis@yahoo.com</a>
Edwards	Watson	Commander – Coast Guard	Grenada	<a href="mailto:watson_edwards@yahoo.com">watson_edwards@yahoo.com</a>
Chetram	Lisa	Fisheries Assistant- Extension	Grenada	<a href="mailto:lisa.chetram@gmail.com">lisa.chetram@gmail.com</a>
McDonald	Junior	Fisheries Officer – Extension (Carriacou and Petite Martinique)	Grenada	<a href="mailto:jnr.mcdonald@gmail.com">jnr.mcdonald@gmail.com</a>
Bowen	Christine	Crown Counsel	Grenada	<a href="mailto:draftingunit@gmail.com">draftingunit@gmail.com</a>
Saddler	Kharim		St. Kitts and Nevis	<a href="mailto:kharim.saddler@gmail.com">kharim.saddler@gmail.com</a>
Williams	Nigel		St. Kitts and Nevis	<a href="mailto:deruder@hotmail.com">deruder@hotmail.com</a>
Nelson	Thomas	Fisheries Biologist	St. Lucia	<a href="mailto:thomas.nelson@govt.lc">thomas.nelson@govt.lc</a>
Moncherry	Mathias	Attorney	St. Lucia	<a href="mailto:moncherryjr@hotmail.com">moncherryjr@hotmail.com</a>
Jones	Aliaka	Administrative Cadet	St. Vincent and the Grenadines	<a href="mailto:aliakajones@gmail.com">aliakajones@gmail.com</a>
Massiah	Verrol	Sergeant of Police	St. Vincent and the Grenadines	Union Island Police Station Tel: 784-458-8229
Amritpersad	Parveen	Fisheries Officer	Suriname	<a href="mailto:visserijdienst@sr.net">visserijdienst@sr.net</a>
Blokland	Franklin	Head of the intelligence and security section Rank: Lieutenant Senior Grade	Suriname	<a href="mailto:atawalapa357@hotmail.com">atawalapa357@hotmail.com</a>
Ramphal	Nadia	Fisheries Officer	Trinidad and Tobago	<a href="mailto:nadiaramphal@hotmail.com">nadiaramphal@hotmail.com</a>
Maharaj	Sarika	Fish Inspection Officer	Trinidad and Tobago	<a href="mailto:sarikamaharaj2011@gmail.com">sarikamaharaj2011@gmail.com</a> <a href="mailto:smaharaj2@fp.gov.tt">smaharaj2@fp.gov.tt</a>
Roberts	Brian	Regional Maritime Officer	Barbados	
Haughton	Milton	Executive Director	Belize	<a href="mailto:milton.haughton@crfm.int">milton.haughton@crfm.int</a>
Murray	Peter A.	Program Manager, Fisheries Management and Development	Belize	<a href="mailto:peter.a.murray@crfm.int">peter.a.murray@crfm.int</a>
Singh- Renton	Dr. Susan	Deputy Executive Director	St. Vincent and the Grenadines	<a href="mailto:susan.singhrenton@crfm.int">susan.singhrenton@crfm.int</a>
Baird	Gairy	Head, Legal & Inspectorate Unit	Guyana	<a href="mailto:garybairdis@yahoo.com">garybairdis@yahoo.com</a>
Grant	Sheldon	Fisheries Inspector	Guyana	<a href="mailto:Sheldongrant0023@yahoo.com">Sheldongrant0023@yahoo.com</a>

<b>Last Name</b>	<b>First Name</b>	<b>Position</b>	<b>Country</b>	<b>Contact information</b>
McCalla	Dr. Winston	Consultant	Jamaica	<a href="mailto:winstonconsult@yahoo.com">winstonconsult@yahoo.com</a>
Joseph	Ambassador Daven	Consultant	Antigua and Barbuda	<a href="mailto:davjoseph@hotmail.com">davjoseph@hotmail.com</a>
Roberts	Dianne	Event Coordinator, Roberts Caribbean Ltd.	Grenada	<a href="mailto:Robertscaribbean@gmail.com">Robertscaribbean@gmail.com</a> 473-442-9999   473-404-9999
English	Dr. Dahlia	Assistant Event Coordinator, Roberts Caribbean Ltd.	Grenada	<a href="mailto:Robertscaribbean@gmail.com">Robertscaribbean@gmail.com</a> 473-442-9999   473-404-9999
Branch	Robert	Senior Legal Counsel Attorney General's Chambers	Grenada	473-440-2050
Bhola	Hon. Roland	Minister of Agriculture	Grenada	<a href="mailto:agriculture@gov.gd">agriculture@gov.gd</a>
Austin-Cadore	Mrs. Marilyn	Permanent Secretary (ag.)	Grenada	<a href="mailto:agriculture@gov.gd">agriculture@gov.gd</a>
Frederick	Kevin	Public Relations Officer Ministry of Agriculture	Grenada	<a href="mailto:agriculture@gov.gd">agriculture@gov.gd</a>
Lendore-Sylvester	Mrs. Bernadette	Permanent Secretary (Ag)	Grenada	<a href="mailto:agriculture@gov.gd">agriculture@gov.gd</a> <a href="mailto:agriculture.gnd@gmail.com">agriculture.gnd@gmail.com</a> <a href="mailto:sylvesterbernadette@hotmail.com">sylvesterbernadette@hotmail.com</a>
Kong	Andre	Chief Fisheries Officer (On Skype)	Jamaica	<a href="mailto:gakong@moa.gov.jm">gakong@moa.gov.jm</a> <a href="mailto:fisheries@moa.gov.jm">fisheries@moa.gov.jm</a> <a href="mailto:andre_kong@yahoo.com">andre_kong@yahoo.com</a>



## Annex 4: Consultants Presentations



**STRENGTHENING FISHERIES MANAGEMENT  
IN  
ACP COUNTRIES**

**REGIONAL VALIDATION WORKSHOP**

**UPDATING  
PROSECUTION & ENFORCEMENT  
MANUALS  
FOR CARIFORUM MEMBER STATES**

Flamboyant Hotel, Grenada  
October 16–17, 2013

Dr Winston Mc Calla  
Team Leader



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## OVERVIEW

### The ACP FISH II PROGRAMME

- \* Goal & Objective
- \* 5 Components
- \* Push Factors for Effective Enforcement

### Caribbean Context: The ACP Project

- \* Rationale
- \* Scope & Objectives

### The Fisheries Prosecution Manual

- \* Review of Contents



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# The ACP FISH II PROGRAMME

## \* Goals & Objective

### Goal:

To contribute to the **sustainable and equitable management of fisheries** in ACP regions, thus leading to **poverty alleviation** and **improving food security** in ACP States.

### General Objective:

To **strengthen fisheries** sectoral **policy development** and **implementation**.



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# The ACP FISH II PROGRAMME

## FIVE Components:

1. To improve fisheries policies and management plans at regional and national levels
2. To reinforced control and enforcement capabilities
3. To reinforced national and regional research strategies and initiatives
4. To developed business supportive regulatory frameworks and private sector investment



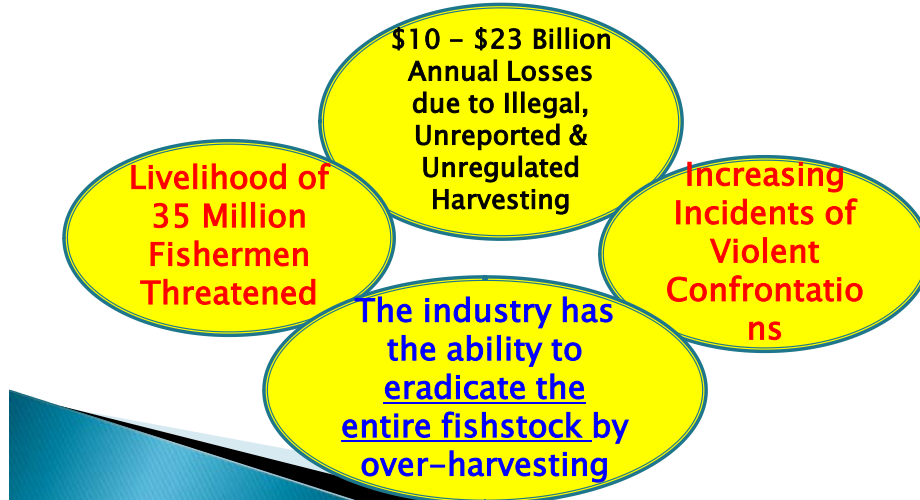
5. Increased knowledge sharing on fisheries management and trade at regional level

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## FACTORS for EFFECTIVE ENFORCEMENT

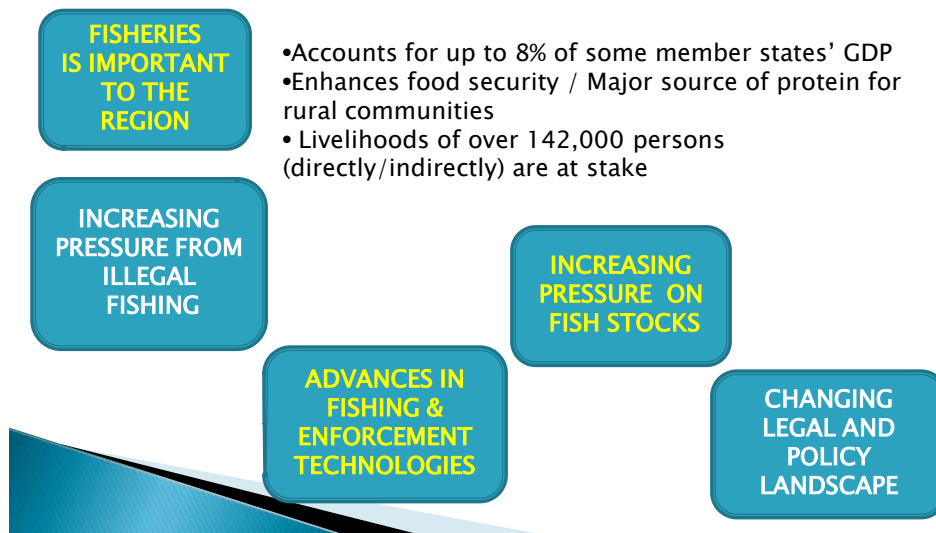
### On A Global Scale



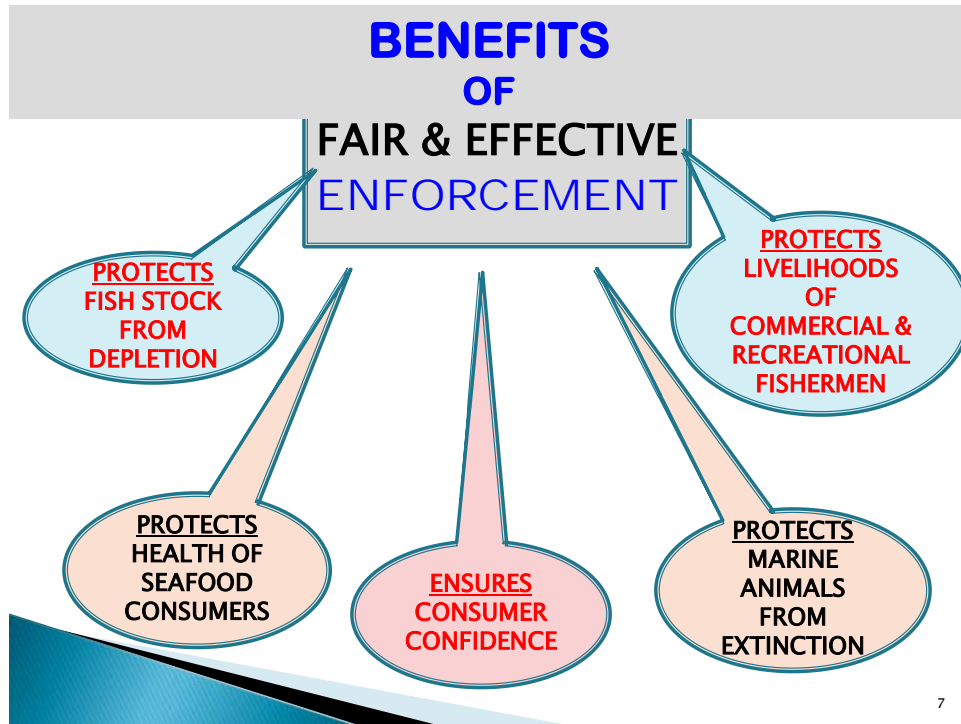
5

fishing technologies and fisheries enforcement technologies have advanced, and fish stocks continue to be subject to increasing pressure

## Caribbean Context: The ACP Project Rationale



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## Caribbean Context: The ACP Project

### General Objectives:

1. Strengthen the capacity of Enforcement and Prosecution Officers of CARIFORUM
2. Update/Revise Prosecution Manual
3. Update/Revise SOP Manual
4. Integrate Training for Enforcement Officers using the Prosecution Manual and the SOP Manual



## Caribbean Context: The ACP Project

### Objective: Updating Manuals



**Manuals Provide  
Procedural Guidelines**  
necessary for  
successful fisheries  
surveillance **and**  
enforcement **operation**  
& prosecution **process**



#### WHY UPDATE THEM?

**Significant changes since  
1997:-**

**New Technologies for MCS**  
**New Fishing Techniques**  
Changes in national, regional  
& global legal & policy  
landscape

**To expand the manuals to  
CARIFORUM countries**

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## METHODOLOGY

- ▶ Review of legislation in various countries;
- ▶ Review of current literature on fisheries enforcement
- ▶ Review of current MCS practices
- ▶ Country visit to–
  - Belize, Bahamas, Barbados, Dominican Republic, Surinam, Haiti, St Lucia, St Vincent and the Grenadines

## METHODOLOGY Contd.

- ▶ First draft prepared
- ▶ Further work undertaken after first visit
- ▶ Workshop to review draft Manuals
- ▶ Based on Workshop comments, draft will be revised by a 4 person team.



## Caribbean Context: The ACP Project

### **FISHERIES PROSECUTION MANUAL**

#### **STRUCTURE :**

- CHAPTER 1 Investigation
- CHAPTER 2 Preparation for Trial
- CHAPTER 3 Prosecutorial Discretion
- CHAPTER 4 The Trial



# MANUAL: FISHERIES PROSECUTION MANUAL

## CHAPTER 1 INVESTIGATION

- A. General
- B. Seizing Evidence
- C. Continuity of Evidence
- D. The Detained Vessel
- E. Detained or Arrested
- F. Documentation
- G. Photographs

## CHAPTER 2 PREPARATION FOR TRIAL

- A. General
- B. Duty of Prosecution
- C. Evidence
- D. Taking Statements from Defendant
- E. Interpreters
- F. Common Excuses to Note
- G. Bonding and Holding
- H. Antecedent of Defendant and Vessel
- I. Values
- J. The Press
- K. The Law
- L. Charges
- M. Bail
- N. Pre Trial Checklist

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# MANUAL: FISHERIES PROSECUTION MANUAL

## CHAPTER 3 PROSECUTORIAL DISCRETION

- A. Prosecution Decision
- B. Administrative Penalties
- C. Compounding Offences
- D. Scope of Compounding

## CHAPTER 4 THE TRIAL

- A. General
- B. Outside the Court
- C. In Court
- D. Sentence
- E. Appeals
- F. Post Trial

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## CHAPTER 1 INVESTIGATION

A. General

- A. General
- B. Seizing Evidence
- C. Continuity of Evidence
- D. The Detained Vessel
- E. Detained or Arrested
- F. Documentation
- G. Photographs

B. Seizing Evidence

C. Continuity of Evidence



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## CHAPTER 1 INVESTIGATION

D. The Detained Vessel

- A. General
- B. Seizing Evidence
- C. Continuity of Evidence
- D. The Detained Vessel
- E. Detained or Arrested
- F. Documentation
- G. Photographs

E. Detained or Arrested Persons

F. Documentation



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## CHAPTER 1 INVESTIGATION

G. Photographs

- A. General
- B. Seizing Evidence
- C. Continuity of Evidence
- D. The Detained Vessel
- E. Detained or Arrested
- F. Documentation
- G. Photographs



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## CHAPTER 2 PREPARATION FOR TRIAL

A. General

B. Duty of Prosecution

C. Evidence

- A. General
- B. Duty of Prosecution
- C. Evidence
- D. Common Excuses to Note
- E. Bonding and Holding
- F. Antecedent of Defendant and Vessel
- G. Values
- H. The Press
- I. The Law
- J. Charges
- K. Bail
- L. Pre Trial Checklist



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## CHAPTER 2 PREPARATION FOR TRIAL

### D. Taking Statements from Defendants

### E. Interpreters

### F. Common Excuses To Note



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## CHAPTER 2 PREPARATION FOR TRIAL

### G. Bonding and Holding

### H. Antecedent of Defendant and Vessel

### I. Values



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- A. General
- B. Duty of Prosecution
- C. Evidence
- D. Taking Statements from Defendants
- E. Interpreters
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## CHAPTER 2 PREPARATION FOR TRIAL

J. The Press

K. The Law

L. Charges

M. Bail

N. Pre Trial Checklist



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- A. General
- B. Duty of Prosecution
- C. Evidence
- D. Taking Statements from Defendants
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- F. Common Excuses to Note
- G. Bonding and Holding
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- I. Values
- J. The Press
- K. The Law
- L. Charges
- M. Bail
- N. Pre Trial Checklist

## CHAPTER 3 PROSECUTORIAL DISCRETION

A. Prosecution Decision

B. Administrative Penalties

- A. Prosecution Decision
- B. Administrative Penalties
- C. Compounding Offences
- D. Scope of Compounding



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## CHAPTER 3 PROSECUTORIAL DISCRETION

- A. Prosecution Decision
- B. Administrative Penalties
- C. Compounding Offences
- D. Scope of Compounding

C. Compounding Offences

D. Scope of Compounding



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## CHAPTER 4 THE TRIAL

- A. General
- B. Outside the Court
- C. In Court
- D. Sentence
- E. Post Trial

A. General

B. Outside the Court



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## CHAPTER 4 THE TRIAL

- A. General
- B. Outside the Court
- C. In Court
- D. Sentence
- E. Post Trial

C. In Court

D. Sentence



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## CHAPTER 4 THE TRIAL

- A. General
- B. Outside the Court
- C. In Court
- D. Sentence
- E. Appeals
- F. Post Trial

E. Appeals

F. Post Trial



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## Annex 5: Workshop Photographs















Key Expert – Dr Winston McCalla, Mr Milton Haughton, Executive Director, CRFM and Belize Fisheries Department Enforcement Officers.