

UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

UNCTAD



**AD HOC EXPERT MEETING ON
TRADE IN SUSTAINABLE FISHERIES**

Geneva, 29 Sept–1 Oct 2015

**PROMOTING REGIONAL COOPERATION AND
COMMON REGULATORY SYSTEMS - THE
CARIBBEAN EXPERIENCE**

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Promoting regional cooperation and common regulatory systems - the Caribbean Experience

The case of the Caribbean Community Common Fisheries Policy

Abstract

The elaboration of a Common Fisheries Policy and Regime for Caribbean Community (CARICOM) countries was an eleven year process, which culminated in the Community's Council on Trade and Economic Development (COTED) meeting as Ministers of Agriculture (in most cases including fisheries) confirming it as the approved policy of the Caribbean Community; and thus placing it into the realm of Community Law: this notwithstanding it's not being signed as a formal inter-governmental agreement. The "*Agreement Establishing the Caribbean Community Common Fisheries Policy*" lays down the objectives to be achieved, and the basic principles regarding sustainable use, conservation, management and development of the aquatic resources under the sovereignty or jurisdiction of Member States of the Community. The agreement covers, *inter alia*, areas such as: access to fisheries resources; conservation and management; registration and licensing; inspection, enforcement and sanctions; and, marketing and trade of fisheries resources. The CRFM has been utilising the CCCFP as a mandate/framework to develop a number of regional cooperation and regulatory initiatives. A number of useful lessons have been learnt, which speak to promoting regional cooperation and common regulatory systems. This process requires a number of important prerequisites, not the least of which is time!

Genesis of the Caribbean Community Common Fisheries Policy (CCCFP)

The elaboration of a Common Fisheries Policy and Regime for CARICOM countries was initiated at the Fourteenth Inter-Sessional Meeting of the Conference of Heads of Government which was convened in Trinidad and Tobago during 14 to 15 February, 2003. The Heads of Government endorsed a proposal submitted by the Government of Barbados on the imperative of elaborating a Common Fisheries Regime and mandated the CARICOM Secretariat to begin work on preparing a Common Fisheries Policy and Regime (CFP&R) for the region. This mandate was subsequently spearheaded by the Secretariats of the Caribbean Regional Fisheries Mechanism (CRFM) and CARICOM. The CRFM Secretariat assumed a lead role on technical matters regarding fisheries conservation and management in view of its mandate. The two Secretariats worked together to oversee the required consultative process involving representatives of Member States and regional experts in fisheries management, marine law, and policy. As expected, the technical work was guided by regional policy makers, represented initially by the CARICOM Council for Trade and Economic Development (COTED) and, since January 2009, the CRFM Ministerial Council (comprising Ministers Responsible for Fisheries).



In January 2009, the CRFM Ministerial Council, decided to separate the development of the Common Fisheries Policy and the development of the implementing Regime and to prepare them sequentially, focusing first on elaborating the Policy. This sequential approach was intended to overcome disagreements and delays arising from the sensitive issues regarding the regime including the proposed common fishing zone, access rules and authority concerning conservation and management of the resources within the zone. In keeping with the 2009 decision of the

CRFM Ministerial Council, a revised instrument was prepared to omit those regime issues considered to be contentious.

The Legal Affairs Committee (LAC), in November 2013, agreed to recommend the Agreement Establishing the CARICOM Common Fisheries Policy to the Conference of Heads of Government for signature. In October 2014, the CARICOM Council on Trade and Economic Development (COTED) meeting as Ministers of Agriculture (in most cases including fisheries) confirmed CCCFP as the approved policy of the Caribbean Community. This placed it into the realm of Community Law: this notwithstanding (some may say: “whether or not!”) it’s not being signed as a formal inter-governmental agreement.



CARICOM Heads of Government

Overview of the CCCFP

The “*Agreement Establishing the Caribbean Community Common Fisheries Policy*”, adopted by the CRFM Ministerial Council, lays down the objectives to be achieved, and the basic principles regarding sustainable use, conservation, management and development of the aquatic resources under the sovereignty or jurisdiction of Member States of the Community, in accordance with the mandate of the Conference, relevant principles from the Revised Treaty of Chaguaramasⁱ, and the United Nations Convention on the Law of the Seaⁱⁱ as well as associated instruments, such as the UN Fish Stocks Agreementⁱⁱⁱ, the FAO Compliance Agreement^{iv} and the FAO Code of Conduct for Responsible Fisheries^v.

The Agreement is a comprehensive framework Agreement aimed at establishing a cooperative platform for the transformation of the fisheries sector to ensure a better and more secure future for present and future generations. Its aim is to create new opportunities for economic growth and prosperity, and to bring greater security and hope to the tens of thousands of people who depend upon the region’s living aquatic resources for their livelihoods. It also provides for the elaboration of Protocols to provide detailed rules and other operational guidelines, as required, for implementation of the Policy and development of the proposed associated Regime.

The agreement seeks to establish appropriate measures for the conservation, management, sustainable utilisation and development of fisheries resources and related ecosystems; the building of capacity amongst fishers and the optimisation of the social and economic returns from their fisheries; and, the promotion of competitive trade and stable market conditions, so as to realise the vision. As such the main objectives are to: promote the sustainable development of fishing and aquaculture industries; develop harmonised measures and operating procedures; improve the welfare and livelihoods of fishers and fishing communities; and, prevent, deter and eliminate illegal, unreported and unregulated fishing. This, of course guided by the following fundamental principles: use of the best available scientific information, taking into account traditional knowledge; application of internationally-recognised standards and approaches; the level of fishing effort should not exceed that commensurate with the sustainable use of fisheries resources; the participatory approach; principles of good governance, accountability and transparency, including the equitable allocation of rights, obligations, responsibilities and benefits; and the principle of subsidiarity (i.e. the idea that a central authority should perform only those tasks which cannot be performed effectively at a more immediate or local level).

In terms of scope the agreement is quite broad, covering: the development and management of fisheries and aquaculture; conservation, sustainable development and management of fisheries resources and related ecosystems; production, processing, marketing and trading of fishery and aquaculture products; welfare of fishers; all these, within areas under the jurisdiction of Participating Parties and on board fishing vessels flying the flag of a Participating Party (subject to the primary jurisdiction of the flag State when fishing takes place on the high seas and the jurisdiction of the coastal State when fishing takes place in the waters of a Third State; and also relates to nationals of Participating Parties. In keeping with this, the agreement covers areas such as: access to fisheries resources; fisheries sector development; statistics and research; conservation and management; registration and licensing; inspection, enforcement and sanctions; confidentiality and intellectual property rights; dissemination of information; public awareness; and, marketing and trade of fisheries resources.

Developing cooperation and regulatory frameworks

Pursuant to the areas covered by the CCCFP, the CRFM has been utilising it as a mandate/framework to develop: a Fisheries Management Plan for the Flying Fish Fishery^{vi}; priority plans and targets for the various CRFM Working Groups^{vii}; an action plan for aquaculture development^{viii}; a regional Declaration on the Conservation, Management and Sustainable Use of the Caribbean Spiny Lobster (*Panulirus Argus*)^{ix}; a CRFM-OSPESCA^x Joint Action Plan; a draft Fisheries Management plan for the use of Fish Aggregating Devices (FADs)^{xi}; establishment of a working group on IUU fishing (essentially a WECAFC/OSPESCA/CRFM/CFMC/IGFA Working Group on Illegal, Unreported and Unregulated Fishing)^{xii}; among other regional cooperation and regulatory initiatives.

While we have tended to focus on stocks and ecosystems, it must be pointed out that for Caribbean SIDS resilience is also about economic resilience! That means trade, in goods and services, is important! That means food security is important! That means sanitary standards are important! Maybe, at the other end of the value chain, these are as important as ecosystem conservation! In this regard the CRFM is currently in the process of developing regional legal, coordination and environmental monitoring frameworks for SPS in fisheries and aquaculture^{xiii}.

Lesson(s) learned

Promoting regional cooperation and common regulatory systems (also for building economic resilience) requires:

- Understanding of similarities among collaborating partners
- Understanding of differences between collaborating partners
- A known, agreed, mandated framework for collaboration
- Political will at all levels (policy making; decision making; “ground level”)
- Supportive partners including those providing financial support to the process
- A well stocked financial “larder”
- Time

ⁱ [Revised Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy](#) done at Nassau, Bahamas on 5th July 2001

ⁱⁱ *United Nations Convention on the Law of the Sea of December 10, 1982* http://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf [accessed January 4, 2008]

ⁱⁱⁱ *Agreement for the Implementation of the Provisions of the UNCLOS relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* done at New York, 4 December 1995 (the Fish Stocks Agreement)

^{iv} *Agreement to Promote Compliance with International Cooperation and Management Measures by Fishing Vessels on the High Seas* (the Compliance Agreement)

^v Food and Agriculture Organization of the United Nations (FAO), 1995. *Code of Conduct for Responsible Fisheries*. Rome, 49p

^{vi} [http://www.crfm.int/images/documents/2014%20Sub-regional%20FMP%20for%20Flyingfish%20\(final%20version%2025.09.14\)%20\(1\).pdf](http://www.crfm.int/images/documents/2014%20Sub-regional%20FMP%20for%20Flyingfish%20(final%20version%2025.09.14)%20(1).pdf)

^{vii} See http://www.crfm.int/images/documents/press_release/CRFM_Special_Publ_No_3_final_05.03.15.pdf

^{viii} See Table 11 Five year Work Plan for aquaculture development in the Caribbean pp 62-66 *IN* CRFM, 2014. Study on the Potential of Fish Farming in the Caribbean. CRFM Technical & Advisory Document No 2014 / 2. 78p.

^{ix} C.f. http://www.crfm.int/index.php?option=com_k2&view=item&id=440:caribbean-fisheries-ministers-ink-regional-spiny-lobster-declaration&Itemid=179

^x The Central American Fisheries and Aquaculture Organization (Organización del Sector Pesquero y Acuícola del Istmo Centroamericano, OSPESCA) aims to encourage the development and the coordinated management of regional fisheries and aquaculture activities, helping to strengthen the Central American integration process. Its Member States are: Belize, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, Panama.

^{xi} CRFM. 2015. 2015 Sub-Regional Management Plan for FAD Fisheries in the Caribbean Regional Fisheries Mechanism (CRFM) Member States. CRFM Special Publication No. XX. XXp. This is currently being considered by Member States as part of the regional approval process

^{xii} C.f. Item 1.8 at Appendix D Approved Work Programme for the period 2014 -2015 *IN* WECAFC 2014, Western Central Fishery, Commission, Fifteenth Session, Port of Spain, Trinidad and Tobago, 26-28 March 2014, Final Report. See also Resolution WECAFC/15/2014/6 On Region-Wide Support To The Implementation Of The CRFM “Castries, St Lucia, (2010) Declaration On Illegal, Unreported And Unregulated Fishing (Castries Declaration)

^{xiii} C.f. http://www.crfm.int/index.php?option=com_k2&view=item&id=451:crfm-feature-caribbean-fishing-industry-moves-to-close-food-safety-gaps-expands-markets&Itemid=179