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# The Caribbean fisheries sector: Issues and challenges for ACP countries

## 1. Identifying the main challenges faced

There are three main clusters of challenges facing the Caribbean in the fisheries sector. The first of these relates to the need to strengthen the resilience of marine ecosystems, support the development of sustainable livelihoods for fishing communities and mitigate the impact of climate change on the marine environment and coastal communities.

The second cluster of challenges relates to addressing Illegal, Unreported and Unregulated (IUU) fishing, with this throwing up particular

challenges in the context of the implementation of the EU IUU regulation.

*“The main tool to address challenges facing Caribbean fisheries is the Caribbean Community Common Fisheries Policy”*

The third cluster of issues relates to the management of distant water fishing interests in ways which increase the social and economic benefits derived from the fisheries sector by Caribbean coastal communities and states.

## 2. Policy and institutional structures

The main tool identified for getting to grips with these challenges has been the elaboration of a Caribbean Community Common Fisheries Policy (CCCFP). The development of a common regional approach is seen as essential, since the most important Caribbean fisheries resources are highly migratory or are shared resources that straddle the maritime borders of Caribbean countries. The initiation of the process for the formulation of the CCCFP can be traced back to 2003, the year which saw the official inauguration of the Caribbean Regional Fisheries Mechanism (CRFM) on the basis of an agreement first signed in February 2002.

The aim of the CRFM is to “promote and facilitate the responsible utilisation of the region’s fisheries and other aquatic resources for the economic and social benefits of the current and future population of the region”. The CRFM is made up of three bodies:

- the Ministerial Council;
- the Caribbean Fisheries Forum; and
- the CRFM Secretariat.

The Ministerial Council is the highest decision-making body of the CRFM, and is responsible for formulating policy.

The Caribbean Fisheries Forum is responsible for supporting the work of the Ministerial body by bringing together national fisheries officials

from member and associate member states, as well as observer states, to identify issues and prepare recommendations for consideration by the Ministers. Technical issues, while discussed by the Caribbean Fisheries Forum, are de facto prepared mainly by the CRFM Secretariat, which is responsible for the operational aspects of Ministerial decision-making.

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*“The strength of the CCCFP has been the participative and inclusive involvement of stakeholders in the policy formulation process”*

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While the process of developing the CCCFP has been extensive, its strength has been the participative and inclusive involvement of stakeholders in the policy formulation process. In May 2014, at the end of a three-day CARICOM leaders’ forum, it was announced that the formal adoption and entry into force of the CCCFP was imminent (following its earlier endorsement by Caribbean Fisheries Ministers in 2011). The process of formulating the CCCFP has already yielded results in terms of the formulation of fisheries management plans.

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*“Regional cooperation has already yielded benefits in terms of the development of fisheries resource management plans”*

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There is thus a solid body of existing cooperation on fisheries management in the Caribbean which provides firm foundations for the operationalisation of the CCCFP once it legally enters into force. This regional cooperation has already yielded benefits in terms of the development of resource management plans for fisheries such as those for flying fish, lobster and queen conch.

In April 2014 the first sub-regional fisheries management plan for the conservation, management and sustainable use of flying fish (a resource shared among eastern Caribbean countries) was endorsed at the 12<sup>th</sup> Meeting of the Caribbean Fisheries Forum and recommended to the Ministerial Council for approval. This fisheries management plan will be formalised through the signature of an accompanying resolution at the 8th Meeting of the CRFM Ministerial Council in May 2014.

The Caribbean Fisheries Forum also reviewed a draft regional fisheries agreement on conservation, management and sustainable use of spiny lobster, which is now being updated on the basis of recent studies and scientific information and inputs from stakeholders, prior to its final approval at the next regular meeting of the Ministerial Council, which is expected in May 2015.

A similar declaration for the management of the queen conch fishery is under preparation, based on the outputs of an EU-funded project under the ACP Fish II Programme, to improve and harmonise the scientific approaches required to advise on sustainable management of the species in the region.

As part of the elaboration of the CCCFP, it is hoped that operational policies will be developed for trade in fisheries products which will assist in the effective establishment of the single market and economy in the Caribbean Community (CARICOM), in line with the region’s trade policy commitments. This, however, will need to be founded firmly upon the sustainable management of fisheries resources.

In terms of broader trade in fisheries products, notably in relation to the terms of access to the EU market, CARICOM governments continue to

adhere to the long-standing ACP position that for rules of origin purposes, any fish caught in the Exclusive Economic Zone (EEZ) of an ACP country should automatically receive originating status, and hence benefit from any duty-free access that may have been negotiated for originating goods. This long-standing CARICOM position was reiterated in a unilateral declaration attached to the Economic Partnership Agreement (EPA) concluded between CARIFORUM and the EU in 2008.

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*“CARICOM share the long-standing ACP position that any fish caught in an ACP country’s EEZ should automatically receive originating status”*

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With a view to facilitating trade in fisheries products, financial assistance has been made available from the European Development Fund to assist in meeting EU sanitary and phytosanitary (SPS) requirements for fisheries products. Since 2008, SPS-related programmes in the fisheries sector have increasingly been designed and implemented within a regional framework, rather than a purely bilateral, national framework.

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### 3. Ecosystem resilience, sustainable livelihood development and climate change

Through regional cooperation for the sustainable management of fish resources and conservation of ecosystems, the aim is that the CCCFP should take on board the measures

needed to enhance the resilience of marine ecosystems to climate change.

The impact of climate change on small island states is multifaceted, with particular concerns arising from ocean acidification, rising temperature, rising sea levels and coral bleaching. However, the most immediate area of impact for coastal communities arises from the increased frequency and intensity of hurricanes and storms, which can have direct (in terms of the impact on the fishery) and indirect impacts (e.g. the impact on coastal fishing communities). Regionally coordinated action, such as Ministerial approval of a Regional Strategy and Action Plan on Climate Change and Disaster Risk Management for the Caribbean fisheries and aquaculture sector, can help reduce the direct human impact of hurricanes, in terms of injuries and fatalities.

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*“Regional action can help reduce the direct human impact of hurricanes”*

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The participative nature of the CCCFP process has allowed the involvement of CARICOM artisanal fisheries communities, which represent 99% of the people employed in the Caribbean fisheries sector. Small-scale fishing activities employ more than 180,000 people in the Caribbean, many of whom have very few alternative sources of livelihoods.

To date, efforts have focused on supporting the organisation of the small-scale fisheries sector, with the creation of the Caribbean Network of Fisherfolk Organisations (CNFO). The CNFO helps member organisations located in CARICOM countries to improve their access to information relevant to their fishing activities, and plays an important role in coordinating the articulation of fishing communities’ organisations’ perspectives on fisheries policy development in the Caribbean.

CTA has been one of the organisations supporting CNFO, as has the government of Spain. Spain, for example, supported a study into the causes of poverty in Caribbean fishing communities which fed into the preparation of the Caribbean region’s inputs into the elaboration of the FAO Voluntary Guidelines on Sustainable Small-Scale Fisheries (VGSSF), adopted in June 2014 by the FAO Committee on Fisheries. These guidelines will assist in enriching the CCCFP, by helping to define actions that need to be taken to ensure an enabling environment for sustainable small-scale fisheries.

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### 4. Getting to grips with IUU fishing in the Caribbean

In July 2010, the CRFM adopted the Castries (St Lucia) Declaration on IUU Fishing, in which member states emphasised the primary responsibility of the flag state in accordance with international law, and made commitments to ensuring that their nationals do not support or engage in IUU fishing. CRFM member states have also undertaken to ensure that they exercise full control over fishing vessels flying their flag, in accordance with international law.

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*“Reflagging and IUU activities are not synonymous and need to be dealt with separately – particularly when applying the EU regulation to combat IUU fishing”*

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Nevertheless, it needs to be recognised that for many years, CARICOM

countries such as Belize, and St Vincent and the Grenadines, have provided flags of convenience to foreign fishing boats to exploit fishing opportunities on the high seas. This has generated a range of problems related to the effective monitoring and control of fishing activities by these fleets. Local fishing communities in the Caribbean point out that the activities of these flags of convenience fleets have nothing to do with the interests and concerns of local fishers. This has led to concerns over certain aspects of reflagging of vessels. However, there is a need to recognise that reflagging and IUU activities are not synonymous and need to be dealt with separately, particularly when applying the EU regulation to combat IUU fishing.

While the objective of this EU regulation has been welcomed by Executive Director of the CRFM, there are concerns in the CARICOM region both over the effects that the regulation will have on fish exports to EU markets (particularly the EU overseas territories of Martinique and Guadeloupe), and the activities of EU vessels operating out of French overseas territories in the EEZs and territorial waters of CRFM member states in the Eastern Caribbean. In this context, Caribbean officials would like to see the EU adopt a more even-handed approach to strengthening fisheries controls in Caribbean waters.

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*"To address IUU shortcomings, Belize has been requested by the EU to develop new legislation to improve control over the 128 vessels of its long-distance fishing fleet"*

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Traceability requirements under the EU IUU regulation means that changes will need to be introduced to the way some Caribbean states monitor and control vessels of foreign-origin fishing under their flag.

Against this background, at the end of 2013, the European Commissioner for Maritime Affairs and Fisheries announced that, despite the EC having worked closely with a series of countries on IUU issues, three of these countries, including Belize, "have not addressed structural problems and have failed to show real commitment to tackling the problem of illegal fishing". The EC has tabled a proposal, endorsed by the EU Council of Ministers, to initiate a ban on fish product imports from those countries that are deemed to have failed to address IUU fishing activities in their countries' waters and have failed to take up their responsibilities in this regard.

To address the shortcomings detected by the EU regarding the implementation of the EU IUU legislation, Belize – which currently has a fleet of 128 fishing vessels fishing in the Atlantic (including in the EEZs of West African countries) and landing their fish at the European Union ports – has been requested to develop new legislation, and improve its monitoring, control and surveillance systems for this long-distance fleet.

The trade ban imposed by the EU means not only that fish products caught by vessels flying Belize flags will be banned, but also that other forms of cooperation, such as joint ventures or fisheries agreements with these countries, will no longer be possible. In this context, Caribbean officials are concerned about the proportionality and reasonableness of EU sanctions for non-compliance. It is felt that such measures could well go beyond what is necessary and reasonable, taking into account the circumstances in the Caribbean, to achieve the objectives of the regulation.

The issue of IUU fishing in African waters is now before the International Tribunal for the Law of the Sea (ITLOS), which has been asked by the West African Sub-Regional Fisheries Commission (SRFC), representing seven West African states (Cabo Verde, Guinea, Guinea-Bissau, Mauritania, Senegal, Sierra Leone and the Gambia) to provide an advisory opinion on four questions:

1. What are the obligations of the flag state in cases where IUU fishing activities are conducted within the EEZ of third-party states?
2. To what extent shall the flag state be held liable for IUU fishing activities conducted by vessels sailing under its flag?
3. Where a fishing licence is issued to a vessel within the framework of an international agreement with the flag state or with an international agency, shall the state or international agency be held liable for the violation of the fisheries legislation of the coastal state by the vessel in question?
4. What are the rights and obligations of the coastal state in ensuring the sustainable management of shared stocks and stocks of common interest, especially the small pelagic species and tuna?

The CRFM presented oral evidence to the ITLOS hearing. The CRFM takes the view that the ITLOS advisory opinion could set significant precedents for the way illegal fishing is dealt with in the future, particularly regarding the liability of flag states for IUU fishing conducted by their vessels.



In its written statement submitted in November 2013, the CRFM emphasised that: “As a matter of general principle, it is the CRFM’s view that there should be no lacunae in the obligations and liability of states for IUU fishing activities conducted by entities within their jurisdiction and control....”

The CRFM also emphasised that “the most important rights of the coastal state relate to the right to prevent IUU fishing of its resources, such as the right to legislate and enforce its laws, to ensure sustainable development and management of fish stocks, and to take all necessary steps to prevent, deter, eliminate – and punish – IUU fishing in the coastal state’s jurisdiction.”

The CRFM also highlighted the duty of countries to manage shared stocks in the EEZ, which requires cooperation between states whose nationals fish within and outside the EEZ.

With regard to the issue of the flag state’s responsibility, the CRFM maintains that where the flag state has failed to fulfil its obligations and damage has occurred, the flag state may be liable for the actual amount of the damage, but if no damage has occurred, *although the flag state was found in breach, the consequences of the wrongful act are determined under customary international law.*

The CRFM takes the view that the flag state is bound to make *the best possible efforts* to ensure compliance by vessels flying their flag, within the context of relevant international rules and standards, and domestic laws and regulations, especially those concerning the protection and preservation of the marine environment.

It is felt that the outcome of the ITLOS deliberation on the issue brought forward by the West African Sub-Regional Fisheries Commission could carry implications for the implementation of EU’s IUU regulation.

## 5. Management of distant-water fishing interests

Distant-water fleets active in the Caribbean are mostly composed of trawlers originating from Asian fishing nations such as Japan and Korea that are targeting deep-sea demersal species and shrimps. However, there is also some Spanish interest in the tuna sector.

*“The Caribbean has a generally positive experience of fishing joint ventures, which have contributed to onshore investment and job creation”*

According to the Executive Director of the CRFM, the Caribbean has a generally positive experience of joint ventures, which have contributed to onshore investment and job creation. Such joint ventures are registered locally and hence pay their taxes locally as well. These joint ventures also supply fisheries products to international and regional markets. At the international level, the US is the main market, although for high-value species some exports take place to the EU.

Significantly, the activities of third-country vessels deployed as part of joint ventures are subject to the outcome of annual stock assessments, with fishing licences being adjusted in line with the state of the stock.

## 6. Implications of the Caribbean approach

In the Caribbean the process of developing a common regional fisheries policy has been extensive, with the final policy adopted by the CARICOM Council for Trade and Economic Development in October 2014. However, it can be argued that the process of formulating a Caribbean regional fisheries policy has given rise to operational initiatives to address challenges in particular fisheries, establishing a solid foundation on which to build a formal common regional fisheries policy.

Institutional structures for coordination, consultation and decision-making are all in place, prior to the formal launching of the common regional fisheries policy. This potentially means that regional decision-making will be firmly rooted in initiatives and institutional arrangements that mean constituent member states play a leading role.

*“To ensure regional decision-making remains rooted in national realities, the gulf between regional commitments and national implementation should remain minimal”*

Ensuring that regional decision-making remains rooted in national realities and existing national policy frameworks means that the gulf between regional commitments and national implementation should remain minimal.

All Caribbean Regional Fisheries Mechanism member states, including those that operate open registers and reflag fishing vessels, are committed to fighting IUU fishing. To date, where deficiencies have been identified the

governments concerned have taken action to address the problems raised. While this positive approach is expected to continue, tensions could potentially emerge depending on how IUU regulations are implemented (i.e. whether they are seen as proportional and reasonable). A nuanced approach

to issues arising from the reflagging of vessels and a comprehensive approach to addressing IUU infringements by all those involved (including EU vessels operating out of French overseas territories in the EEZ territorial waters of ACP Caribbean states) would appear to be necessary.

### Useful sources

Brussels Development Briefings, 'Fighting against Illegal, Unreported and Unregulated Fishing (IUU): Successes from ACP countries', including presentations from the Caribbean on fighting IUU fishing, 27 October 2014

<http://brusselsbriefings.net/past-briefings/successes-in-fighting-iuu-fishing/>

### About this Executive brief

This brief was published in December 2014. Other publications in this series and additional resources on ACP–EU agriculture and fisheries trade issues can be found online at

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The Technical Centre for Agricultural and Rural Cooperation (CTA) is a joint international institution of the African, Caribbean and Pacific (ACP) Group of States and the European Union (EU). Its mission is to advance food and nutritional security, increase prosperity and encourage sound natural resource management in ACP countries. It provides access to information and knowledge, facilitates policy dialogue and strengthens the capacity of agricultural and rural development institutions and communities.

CTA operates under the framework of the Cotonou Agreement and is funded by the EU.

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