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**CARIBBEAN FISHERIES LEGAL AND INSTITUTIONAL STUDY:  
FINDINGS OF THE COMPARATIVE ASSESSMENT AND  
COUNTRY REPORTS**





**CARIBBEAN FISHERIES LEGAL AND INSTITUTIONAL STUDY:  
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COUNTRY REPORTS**

by

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## **PREPARATION OF THIS DOCUMENT**

This document is part of a series of desk and field studies carried out under “Component 1. Generating value and conservation outcomes through innovative mechanisms” of the Caribbean Billfish Project GCP/ SLC/ 001/ WBK of the Ocean Partnership Program belonging to the Areas Beyond National Jurisdictions (ABNJ) program. The project is funded by the Global Environmental Facility (GEF) and the World Bank and executed by the Western Central Atlantic Fisheries Commission (WECAFC) of the Food and Agriculture Organization of the United Nations (FAO) based at the FAO Sub Regional Office in Bridgetown, Barbados.

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### **ABSTRACT**

The study carried out an analysis of the legal and institutional framework of the Caribbean fisheries based on a survey and questionnaire sent to the WECAFC countries. As the region is a complex patchwork of countries the methods of drafting and adopting legislation may vary considerably from one country to another. Legislation exists in all countries for the management of marine capture fisheries at the national level, which included both legal and administrative frameworks, but the legal framework often does not specify a formal management process with identified roles, responsibilities, information needs, and time frames for activity completion and evaluation.

This study assessed basic fisheries legislation and institutional frameworks of member countries of the Western Central Atlantic Fishery Commission (WECAFC). Its objective was to provide a baseline comparison of national legal and institutional frameworks for fisheries management and to identify the extent to which national legal and institutional frameworks provide a suitable foundation for the regulation of commercial and recreational/sport fishing and the conservation of billfish resources in the region, including through the use of rights-based approaches.

The analysis presented in this study is based on responses to a detailed questionnaire distributed among the WECAFC countries as well as a review of basic fisheries legislation of the responding countries. The reviewed responses and legislation are described, compared and assessed with respect to the following topics:

- The objectives and scope of basic fisheries legislation
- Institutional arrangements
- Management measures and tools, including management planning, spatial restrictions, co-management and rights-based measures
- Legislative treatment of Fish Aggregating Devices (FADs) and recreational/sport fishing.

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**ABBREVIATIONS AND ACRONYMS**

CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CRFM	Caribbean Regional Fisheries Mechanism
CCRF	Code of Conduct on Responsible Fisheries
FADs	Fish Aggregating Devices
FAO	Food and Agriculture Organization of the United Nations
FAO Compliance Agreement	Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas
ICCAT	International Commission for the Conservation of Atlantic Tunas
IOTC	Indian Ocean Tuna Commission (IOTC)
IUU	Illegal, Unreported and Unregulated fishing
OSPESCA	Central America Fisheries and Aquaculture Organization
PSMA	FAO Agreement on Port States Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
RFB	Regional Fisheries Bodies
RFMO	Regional Fisheries Management Organizations
TURF	Territorial Use Rights in Fisheries
UNCLOS	United Nations Convention on the Law of the Sea
UN Fish Stocks Agreement	Agreement for the Implementation of the Provisions of the Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
WECAFC	Western Central Atlantic Fishery Commission

## INTRODUCTION: PURPOSE AND METHODOLOGY OF THE STUDY

Caribbean billfishes are highly migratory fish, which contribute significantly to Caribbean economies, livelihoods and food security. Billfish are fished commercially (industrial and small scale/artisanal) and recreationally, by local and distant-water fleets. Main billfish species include Atlantic blue marlin (*Makaira nigricans*), white marlin (*Kajikia albida*<sup>1</sup>), Atlantic sailfish (*Istiophorus platypterus*) and spearfish (*Tetrapturus* spp). Declining trends due to overfishing have been recorded in most billfish species stocks across the Atlantic. This represents a threat to commercial and recreational fisheries and to the overall sustainability of their respective contributions to regional economies<sup>2</sup>. Collective action by Caribbean countries to improve management and conservation of billfish resources in the region and to influence decision-making at the regional level offer opportunities to reverse this trend.

This study was funded by the GEF/ World Bank Caribbean Billfish project GCP/SLC/001/WBK “Strengthening regional billfish management and conservation planning,” of which the WECAFC/FAO is the executing agency. The study assessed basic fisheries legislation and institutional frameworks of member countries of the Western Central Atlantic Fishery Commission (WECAFC).<sup>3</sup> Its objective is to provide a baseline comparison of national legal and institutional frameworks for fisheries management and to identify the extent to which national legal and institutional frameworks provide a suitable foundation for the regulation of commercial and recreational/sport fishing and the conservation of billfish resources in the region. While the scope of this study is broad and covers many dimensions of fisheries law and regulation, one of its goals is to help inform the selection of trial sites<sup>4</sup> where both the institutional and legal framework are potentially amenable to the greater use of “rights-based” approaches (see Section 3, below).

The analysis presented in this study was based on the information provided in response to a detailed questionnaire distributed among the WECAFC countries<sup>5</sup>, as well as a review of basic fisheries legislation of the following countries/territories: Anguilla, Antigua and Barbuda, Belize, Brazil, Caribbean Netherlands, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, France, Grenada, Guatemala, Guyana, Honduras, Mexico, Montserrat, Nicaragua, Panama, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago and the Bolivarian Republic of Venezuela. The analysis drew as well from the FAO Technical Paper No. 587 on Fisheries Management<sup>6</sup> and incorporated comments provided by some countries on early drafts of country-specific reports prepared by the consultant.<sup>7</sup> As requested by the project team, this study includes in Annex 1 more detailed country reports for the following countries: Antigua and Barbuda, Belize, Colombia, Cuba, Dominican Republic, Grenada, Mexico, Saint Lucia, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Suriname and Trinidad and Tobago.

When comparing the legal regimes of WECAFC countries, a number of factors need to be kept in mind:

- **Diversity of geographic and economic size:** The WECAFC region is a vast one made up of large countries such as Brazil and the United States of America, and small countries such as the numerous Caribbean Small Island Development States and overseas territories. There are

<sup>1</sup> In ICCAT it is classified as *Tetrapturus albidus*

<sup>2</sup> The Caribbean Billfish Management and Conservation Plan (Draft, March 2015)

<sup>3</sup> Members of the WECAFC include: Antigua and Barbuda, Bahamas, Barbados, Belize, Brazil, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, European Union, France, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Jamaica, Japan, Mexico, Netherlands, Nicaragua, Panama, Republic of Korea, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Spain, Suriname, Trinidad and Tobago, United Kingdom, United States of America and the Bolivarian Republic of Venezuela.

<sup>4</sup> One of the intended outcomes of the project is to establish trial sites or pilot locations to validate institutional options on rights allocation.

<sup>5</sup> Annex 6 includes a copy of the questionnaire. This study does not include comments or references to the countries that did not complete the questionnaire.

<sup>6</sup> FAO, Review of current fisheries management, performance and conservation in the WECAFC area. Fisheries and Aquaculture Technical Paper 587.

<sup>7</sup> Antigua and Barbuda, Colombia, Cuba, Dominican Republic, St. Vincent and the Grenadines, and Trinidad and Tobago.

also areas beyond national jurisdiction (ABNJ) in the WECAFC region.<sup>8</sup> WECAFC additionally includes a number of members – for example, Japan and the European Union -- that are not geographically located in the region (although some EU members have territories in the region). While the influence of these members is clearly significant, the nature of their involvement is of a different type and scope than the states located in the region that are the focus of this study. Similarly, the United States, while clearly a regional country, has not been included in the comparative analysis that follows because its disproportionate size, economic clout and the sophistication of its legislation makes it an outlier that would skew any regional comparisons. A summary of the responses to the questionnaire of the European Union, France and the United States has been included in Annex 2.

- **Diversity of legal traditions:** Two different legal traditions can be identified in the region: the civil law system (largely present in countries with French, Portuguese, Dutch and Spanish antecedents) and the common law system (present in former or current British colonies or territories). The methods of drafting and adopting legislation may consequently vary considerably from one country to another. Nevertheless, this distinction in legal techniques does not necessarily lead to differences in substance, and need not be an impediment to continuing and intensifying collaboration between countries with the aim of developing harmonized legislation that could improve the sustainable management and conservation of billfish within the Western Central Atlantic Ocean.
- **Diversity in the age of legislation:** Laws across the region span a century in terms of when they were drafted. Trinidad and Tobago’s Fisheries Act, for example, was drafted in 1916 (a new law is in the process of being completed), while a number of laws date from 2010 and after. Other laws were drafted during the intervening decades. As a result, there are not surprisingly significant differences in the extent to which laws reflect modern concepts of fisheries management. Modern laws may routinely make reference to concepts such as the ecosystem approach, the precautionary principle, sustainable development, co-management and rights-based approaches that are largely absent in earlier laws (although they may have, in fact, been incorporated at the level of practice or aspiration even where not mentioned in laws).
- **Distinction between legislation and practice:** It is obvious that what is written in laws is not always an accurate guide to what takes place in reality. Institutional and financial capacity constraints and political and social influences may mean that laws are poorly or incompletely implemented. This study is largely based on an analysis of legal text. While it has been supplemented by questionnaire responses that have in some cases provided a valuable “reality check” on whether particular provisions have been implemented or not, the study is limited in the extent to which it can provide a guide to actual fisheries management practice in the region. This however does not detract from the importance of legislative analysis – the laws of WECAFC countries, while not providing the “whole picture” are a critical part of understanding the constraints and opportunities facing fisheries management in the region.

The sections that follow provide an analysis of the objectives and scope of the principal laws that regulate fisheries in the WECAFC region, as well as the institutional structures and the management measures and tools that are articulated in legislation. The analysis addresses in turn the following key elements of national laws:

Section 1: Objectives and scope of basic fisheries legislation

Section 2: Institutional arrangements

Section 3: Management measures and tools, including management planning, spatial restrictions, co-management and rights-based measures

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<sup>8</sup> Supra note 1, p. 4.

#### Section 4: Legislative treatment of FADs and recreational/sport fishing

#### Section 5: National legislation and the regional legal framework

These elements provide a basis for evaluating if present legislative and institutional frameworks include necessary and desirable elements for modern fisheries management, including the extent to which they reflect a rights-based approach, and for drawing some initial conclusions and recommendations.

For purposes of this assessment, the WECAFC region has been divided into the following sub-regions<sup>9</sup>:

**Central and Northeast Insular WECAFC Subregion:** Anguilla, Antigua and Barbuda, Cuba, Dominica, Dominican Republic, Grenada, Montserrat, Caribbean Netherlands, St. Kitts and Nevis, Saint Lucia and St. Vincent and the Grenadines.

**Southern WECAFC Subregion:** Brazil, Guyana, Suriname, Trinidad and Tobago, and the Bolivarian Republic of Venezuela.

**Western WECAFC Subregion:** Belize, Colombia, Costa Rica, Guatemala, Honduras, Mexico, Nicaragua, and Panama.<sup>10</sup>

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<sup>9</sup> Only countries that responded to the survey are grouped into these sub-regions for the purpose of this analysis.

<sup>10</sup> As noted above, a summary analysis of the questionnaire responses from France, the European Union and the United States has been included in Annex 2.

## SECTION 1. OBJECTIVES AND SCOPE OF FISHERIES LEGISLATION

Legislative enactments routinely include general statements about their objectives and scope. Strictly speaking, the legal significance of such statements may be minimal – they are typically non-enforceable or may be stated in such broad terms that they do not by themselves provide a precise benchmark against which the implementation of the law can be measured. Strong statements of objectives will not matter much if the rest of the law is weak. Conversely, vague statements of objectives do not usually act as a serious constraint to effective, modern management if the law is otherwise strong and its implementing institutions are diligently adopting new techniques and ideas.

Nevertheless, as a starting point for assessing fisheries legislation, statements of objectives and scope can play a very useful role. They provide a guide to the intention of the lawmakers and hence help with the interpretation of subsequent sections of the law. And they help illustrate the philosophy of fisheries management that has shaped the legal processes and tools that the law puts in place.

In this sense, the statements of objectives and scope found in WECAFC fisheries laws are perhaps less important for what they say on an individual basis, than for the evidence they provide of a gradual evolution in fisheries legislation over time. This progression can be illustrated by a few examples:

- Early laws may omit statements of objectives altogether, and simply set up the legal and administrative framework for fisheries, as is the case with the Trinidad and Tobago law of 1916 and the Belize law of 1948.
- A number of subsequent laws speak in general terms about “optimal utilization” of fisheries (Grenada, Dominica, etc.) or have a special emphasis on “commercialization and industrialization” (Honduras).
- Language about sustainability, responsible management and conservation becomes more prominent in a number of laws from the 1990’s onwards (Colombia, Brazil, Nicaragua, etc.).
- A number of laws have introduced social considerations such as food security into their objectives (Dominican Republic).
- The most elaborate recent statements express the objectives of fisheries management as a multi-dimensional matter, taking into account (as the Mexican law states) “social, economic, technological, productive and biological aspects, [as well as ] coordination among authorities.”
- Ongoing revision of the Trinidad and Tobago law of 1916 is based on a sophisticated set of objectives, including the promotion of good governance, scientifically-informed management decisions, an ecosystem approach to fisheries and the precautionary approach.

In short, the objectives and scope of the laws under review provide evidence that there has been a steadily expanding understanding of the multi-dimensional importance of fisheries and growing sophistication in the goals of fisheries management.

The table below describes how national legislation across the region articulates its own objectives and scope:

**Table 1**

Objectives and scope of principal fisheries laws

<b>Central and Northeast insular WECAFC subregion</b>	
<b>Anguilla</b>	The Fisheries Protection Act (2000) focuses mainly on the role and functions of fisheries officers, in addition to providing the basis for adopting further regulations for the protection, management and development of fisheries resources.
<b>Antigua and Barbuda</b>	The Antigua and Barbuda Fisheries Act, 2006 implemented by the Fisheries Regulations of 2013 establishes as its goal the promotion of sustainable development and responsible management of fisheries and aquaculture activities in Antigua and Barbuda waters and in the territory of Antigua and Barbuda to ensure the optimum utilization of the fisheries resources for the benefit of Antigua and Barbuda.
<b>Cuba</b>	The Law-Fisheries Decree 164 aspires to the management of fisheries in order to ensure sustainable exploitation.
<b>Dominica</b>	The Fisheries Act of 1987 underlines the need to promote the management and development of fisheries so as to ensure the optimum utilization of the fisheries resources.
<b>Dominican Republic</b>	The Law 307/2004 states as its objective the sustainable use of fisheries resources and aquaculture through responsible fisheries and aquaculture. The Preamble recognizes the obligation of the State to protect, conserve and regulate the exploitation of aquatic biological resources in order to fulfill the food security needs of the population as well as the sustainable development of this sector within the national economy.
<b>Grenada</b>	The Fisheries Act 1986 underlines the need to promote the management and development of fisheries so as to ensure the optimum utilization of the fisheries resources in the fishery waters.
<b>Montserrat</b>	The Fisheries Act of 2002 provides for the promotion, management and conservation of fisheries and fisheries resources.
<b>Caribbean Netherlands</b>	The main legislation states as its aim the promotion of sustainable fishing practices.
<b>St. Kitts and Nevis</b>	The recently passed Fisheries Law of St. Kitts and Nevis indicates as its objective: “to ensure the long-term conservation, management, development and sustainable use of Saint Christopher and Nevis fisheries, aquaculture and marine resources and ecosystems for the benefit of the people of Saint Christopher and Nevis”.
<b>Saint Lucia</b>	The Fisheries Act of 1984 aims to promote the management and development of fisheries so as to ensure the optimum utilization of the fisheries resources in the fishery waters.
<b>Saint Vincent and the Grenadines</b>	The Fisheries Act of 1986 promotes the management and development of fisheries so as to ensure the optimum utilization of the fisheries resources in the fishery waters.

Southern WECAFC subregion	
<b>Brazil</b>	Brazil Fisheries Law, 2009 provides for the sustainable development of fisheries and aquaculture.
<b>Guyana</b>	The Fisheries Act 2002 provides for the promotion, management and development of fisheries.
<b>Suriname</b>	The Sea Fisheries Act last amended in 2001 stipulates that fisheries must be sustainable.
<b>Trinidad and Tobago</b>	The existing Fisheries Act of 1916 provides a legal and administrative framework for fisheries management although it does not include a formal definition of fisheries management <sup>11</sup> .
<b>The Bolivarian Republic of Venezuela</b>	The Fisheries and Aquaculture Law of 2014 promotes the integral development of the fisheries sector.
Western WECAFC subregion	
<b>Belize</b>	The Fisheries Act of 1948 does not include any specific objective. <sup>12</sup>
<b>Colombia</b>	The basic law of 1990 refers to the integral management and exploitation of fisheries resources to ensure sustainability.
<b>Costa Rica</b>	The Fisheries and Aquaculture Law 2005 recognizes the need to guarantee the conservation, protection and sustainability of resources for current and future generations.
<b>Guatemala</b>	The Fisheries and Aquaculture Law 2002 recognizes in its law the need to “harmonize fisheries activities with scientific advances in order to adjust them for the rational use of fisheries resources”.
<b>Honduras</b>	The Fisheries law of 1959 states as its objective the conservation and spreading of the maritime and continental flora and fauna for its use commercialization and industrialization <sup>13</sup> .
<b>Mexico</b>	The General Sustainable Fisheries and Aquaculture Law, 2007 stipulates that the management of fisheries should take into account social, economic, technological, productive and biological aspects, and establishes mechanisms of coordination among the authorities (Article 2).
<b>Nicaragua</b>	The Law relating to Fisheries and Aquaculture of 2004 refers to the aim of ensuring the conservation and sustainable development of fisheries resources.
<b>Panama</b>	Law 44 of 23 November establishes the Fisheries Authority of Panama (ARAP). Among the objectives of the ARAP is to guarantee the responsible and sustainable exploitation of fisheries resources taking into account biological, technological, economic, social, cultural, commercial, environmental, as well as food security aspects.

<sup>11</sup> Trinidad and Tobago is in the process of approving new legislation that promotes good governance principles, management decisions based on scientific evidence, an ecosystem approach to fisheries and the precautionary approach.

<sup>12</sup> Belize is in the process of legislative review.

<sup>13</sup> Honduras is in the process of issuing new legislation

## SECTION 2. INSTITUTIONAL ARRANGEMENTS

In order to carry out fisheries management the countries need to provide in their legislation the necessary institutional arrangements in the form of a fisheries management authority. The Code of Conduct for Responsible Fisheries (CCRF) defines such an authority as “a legal entity, which has been designated by the State as having the mandate to perform specified fisheries management functions. In practice, it may be a national or provincial ministry, a department within a ministry, or an agency and could be governmental, parastatal or private. In the case of shared resources it should be international”<sup>14</sup>. Different management measures may also require adjustments in the way the participants organize themselves, as well as the development of new institutional interfaces between the fisheries authorities, the fishers and other stakeholders.

All the examined legislation addresses the question of who or what entity has the mandate to carry out management functions. Once again, a variety of different arrangements are used:

- Some laws simply assign management responsibilities to an individual minister or chief officer.
- Ministries or other entities in charge of fisheries may be focused exclusively on fisheries or fisheries may be only one of multiple mandates for that institution.
- Some countries have established independent authorities in charge of fisheries (for example, the Dominican Republic and Costa Rica).
- In some cases, different fisheries-related tasks may be assigned to different entities, as in the case of Belize where management authority is vested in the Ministry of Agriculture, while the flagging of foreign fishing vessels is the responsibility of the Ministry of Finance.
- Some laws (for example, Mexico, Antigua and Barbuda) provide for the establishment of decentralized or local fisheries management authorities.

Review of legislation alone, while helping to define the wide spectrum of institutional arrangements that countries use, gives little insight into the relative effectiveness of different arrangements. Many different institutional frameworks *could* work, if financial and human resources, and political will, are sufficient. However, given the increasing recognition of the economic, scientific, social and environmental complexity of fisheries, laws that create and define distinct fisheries institutions, with clear legal status and mandate, strong governance structures and transparent processes would appear to hold the most promise.

It should also be noted that it is not always possible from a review of fisheries legislation to determine whether the mandate of fisheries authorities is clear with respect to other parts of government. This can be an important factor, because the increasing scope of what countries understand by fisheries management means that a number of institutions beyond fisheries authorities may have a role to play. Mangrove fisheries, for example, may involve forestry departments, and aquaculture may require action by land administration. Ministries of environment, trade and tourism may all have a role to play. Evidence from elsewhere in the world suggests that the relationship between these multiple actors is not always well defined and can present problems. Whether overlapping institutional mandates poses a challenge to effective fisheries management in WECAFC countries – particularly with respect to billfish management – is not an issue that it was possible to analyze in depth as part of this desk study, but is one that would benefit from further study going forward.

Most of the recently enacted laws provide for a Fisheries Advisory Body or Committee. In principle, these can be important tools to guarantee that a wide spectrum of interests are considered in the evaluation and recommendation of priorities and reform in national programs, policies and legislation. Some of the Advisory Bodies or Committees as defined in legislation include members representing fishing, aquaculture, environment, academic, tribal and consumer interests. According to the received questionnaires however, while these Bodies or Committees are ubiquitous in national law, in practice they appear not to have been constituted or operating in many of the countries.

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<sup>14</sup> Code of Conduct for Responsible Fisheries, Technical Guidelines on Fisheries Management (FAO, 1997).

Table 2 summarizes how national legislation deals with the institutional framework, including Fisheries Advisory Committees

Table 2

**Institutional framework**

	<b>General institutional arrangements</b>	<b>Fisheries Advisory Committee</b>
<b>Central and Northeast insular WECAFC subregion</b>		
<b>Anguilla</b>	Pursuant to the Revised Regulations of 15 December 2010, the Chief Fisheries Officer is in charge of preparing and reviewing a fisheries management plan that should be submitted to the Minister in charge of fisheries for approval.	Revised Regulations of 15 December 2010 includes in section 23 the reference to a Fisheries Advisory Committee to advise the Governor or the Minister on the exercise of their respective functions. The relevant response to the questionnaire indicates that the fishery advisory body has not been established.
<b>Antigua and Barbuda</b>	The Fisheries Act 2006 indicates in section 4 that the “Minister shall take such measures as he thinks fit under this Act to promote the sustainable development and responsible management of fisheries and aquaculture activities in Antigua and Barbuda...” There is also a Chief Fisheries Officer who shall prepare and keep under review a plan for the responsible management and sustainable development of fisheries in Antigua and Barbuda waters and in the territory of Antigua and Barbuda. The Act makes provision for the designation of local fisheries management authority. Thus, whilst the Fisheries Division is the primary management authority for the nation, the 15/1976 Barbuda Local Government Act and the 41/1959 Barbuda (Shooting and Fishing) By-Law, gives the local council of the island of Barbuda authority to manage its fisheries up to 3 nautical miles. The Barbuda Fisheries is the implementing arm of the local council.	The 2013 Fisheries Regulation refers to the establishment of a Fisheries Advisory Committee, but the relevant section in the questionnaire indicates that the composition of the Committee needs to be broadened to take into account key stakeholders.
<b>Cuba</b>	The fisheries Decree-Law 164 recognizes in its preamble that the Ministry of Fisheries Industry is the authority in charge of executing and controlling fisheries policy.	The Decree-Law also establishes a Consultative Commission (Article 4) that has been working and is considered adequate.
<b>Dominica</b>	The Fisheries Act of 1987 recognizes the Minister as the principal authority to promote the management and development of fisheries (section 3) so as to ensure the optimum utilization of fisheries resources.	Section 5 of the Act of 1987 recognizes the establishment of a Fishery Advisory Body; however, the questionnaire indicates that this body has not been active.

	<b>General institutional arrangements</b>	<b>Fisheries Advisory Committee</b>
<b>Dominican Republic</b>	Article 3 of the Law 307/2004 establishes the Dominican Counsel of Fisheries and Aquaculture (CODOPESCA) a public entity with legal personality and administrative independence in charge of regulating, developing, promoting and controlling fisheries activities relating to exploitation, extraction and investigation of biotic resources.	The questionnaire mentions a fishery consultative committee regulated under the Law but this is not referenced in available legislation.
<b>Grenada</b>	Pursuant to the Fisheries Act 105 of 1986, amended in 1989 and 1999 and Fisheries Regulations Chapter 108/2 of 2001, the responsible authority for the management of fisheries is the Ministry of Agriculture, Lands, Forestry, Fisheries and Environment through the Fisheries Division.	Section 5 of the Act establishes a Fisheries Advisory Committee. The questionnaire indicates that the Fisheries Advisory Committee did not meet in 2014.
<b>Montserrat</b>	The 2002 Revised Fisheries Act recognizes in section 8 the responsibility of the Minister to take the appropriate measures to promote the management and development of fisheries so as to ensure the optimum utilization of available fishery resources for the benefit of Montserrat.	Section 3 of the Revised Fisheries Act recognizes an Advisory Committee. However the questionnaire indicates that it has not been established.
<b>Caribbean Netherlands</b>		A Fisheries Commission BES was established in 2013. This Commission functions as a fishery advisory body and covers Bonaire, St Eustatius and Saba (BES) only. It discusses and proposes fisheries legislative changes as necessary and deals with fisheries licenses. It has met only three times since establishment. Therefore its performance is difficult to evaluate at this point.
<b>St. Kitts and Nevis</b>	Section 6 of the new Fisheries Act of St. Kitts and Nevis 2015 recognizes that the Ministry responsible for fisheries, aquaculture and marine resources shall have the institutional responsibility for the administration of this Act.	The Act also foresees the establishment within six months of the entry into force of the Act a Fisheries, Aquaculture and Marine Resources Advisory Council ("Advisory Council") of no less than seven and no more than eleven members with due recognition of gender and relevant experience, and with proportional representation between the islands of Saint Christopher and Nevis. Under earlier law, there was a Fishery Advisory Committee that was never appointed by the Minister.

	<b>General institutional arrangements</b>	<b>Fisheries Advisory Committee</b>
<b>Saint Lucia</b>	Section 3 of the Fisheries Act, Chapter 7 of the revised laws of Saint Lucia 2008 (originally referred to as Fisheries Act no. 10 of 1984) notes that the Minister should promote the management and development of fisheries so as to ensure the optimum utilization of the fisheries resources in the fishery waters for the benefit of Saint Lucia	Section 5 of the Fisheries Act refers to a Fisheries Advisory Committee although the questionnaire indicates that the Fisheries Advisory Committee has not been established.
<b>Saint Vincent and the Grenadines</b>	According to Section 3 of the Fisheries Law, the Minister appoints a Chief Fisheries Officers.	Statutory Rule 1987 no. 1 provide for the establishment of Fisheries Advisory Committee. The questionnaire mentions that the Advisory Committee has not been established
<b>Southern WECAFC subregion</b>		
<b>Brazil</b>	Brazil Fisheries Law, 2009 refers generically to an authority in charge of fisheries.	There is a Fisheries Advisory Committee. The relevant section in the questionnaire indicates that its performance has not been up to the intended standard.
<b>Guyana</b>	Fisheries Act 2002 refers to an authority in charge of fisheries.	The Fisheries Act foresees a Fisheries Advisory Committee, however the Committee has not been established yet
<b>Suriname</b>	The authority in charge of fisheries is the Minister of Fisheries.	The Fisheries Act establishes in article 26 a Fisheries Advisory Committee. The Committee consists of 7 members. The Director of the Ministry of Agriculture, Animal Husbandry and Fisheries, the Director of Maritime Authority of Suriname and a representative of the Ministry of Justice represent the government in the Committee. The fisheries sector is represented by one delegate each of the shrimp trawl fishery, the fish trawl fishery, the coastal fisheries and the fish processing industry. Delegates from the fisheries sector sit on the Committee for a three-year term. The relevant section of the questionnaire indicates that the performance of the Fisheries Advisory Committee is adequate.

	<b>General institutional arrangements</b>	<b>Fisheries Advisory Committee</b>
<b>Trinidad and Tobago</b>	The Fisheries Act of 1916 indicates that the responsible authority for fisheries is the Fisheries Division operating under the supervision of the Minister with responsibility for Fisheries.	There is no Fisheries Advisory Committee. <sup>15</sup>
<b>The Bolivarian Republic of Venezuela</b>	The Decree 1408 Fisheries and Aquaculture Law (18 November 2014) recognizes that the Ministry of Popular Power for Agriculture and Land and the Socialist Fisheries and Aquaculture (Articles 12 and 31) has the responsibility to coordinate fishing activities with special attention to the protection of commercial artisanal fisheries.	No consultative committee on fisheries has been established.
<b>Western WECAFC region</b>		
<b>Belize</b>	The Fisheries Act Chapter 210 (revision 2000), indicates that the Fisheries Division of the Ministry of Agriculture is in charge of managing all fisheries resources in Belize with the exception of the industrial fishing fleet (high seas fishing licenses) for flagged vessels, for which permissions are issued by the Ministry of Finance	A Fisheries Advisory Body has been established under Chapter 218, which refers to the Protected Areas Conservation Trust. The relevant section of the questionnaire indicates that the Advisory Council is not functioning at the moment. The Council is regulated in section 18 of Chapter 218.
<b>Colombia</b>	The Law 13/1990 recognizes in Article 10 that the Ministry of Agriculture is in charge of regulating fisheries activities and will develop a National Plan for Fisheries Development. The institution in charge of executing the Plan was initially the National Institute of Fisheries (INPA), which was replaced in 2003 by the Colombian Institute for Rural Development (INCODER), which in turn was replaced in 2011 through Decree no. 4181 by the National Authority for Aquaculture and Fisheries (AUNAP).	The Authority establishes a Technical Consultative Committee (Article 8).
<b>Costa Rica</b>	The Law 8.436 Fisheries and Aquaculture of 2005, Article 12 that the Costa Rican Institute for Fisheries and Aquaculture (INCOPECA) is in charge of the execution of the Law.	The Law does not include provisions for a consultative committee or advisory body.

<sup>15</sup> The new draft Fisheries Management Bill foresees the establishment of a fisheries advisory body.

	<b>General institutional arrangements</b>	<b>Fisheries Advisory Committee</b>
<b>Guatemala</b>	Pursuant to the Decree number 80-2002 “General Law on Fisheries and Aquaculture”, the Ministry of Agriculture and the National Directorate for Fisheries and Aquaculture (UNIPESCA) is responsible for the exploitation and management of fisheries resources.	The Decree does not include any technical consultative committee.
<b>Honduras</b>	Pursuant to the Agreement no. 1098-01 of 1st November, 2001 Fisheries Regulation the Secretary of Agriculture and Livestock through the Directorate of Fisheries and Aquaculture is the authority in charge of implementing the regulation.	The questionnaire mentions that there is an informal consultative committee (not included in the regulation) that has been consulted on an occasional basis to support the authority responsible for the management of fisheries.
<b>Mexico</b>	Pursuant to Article 6 of the General Sustainable Fisheries and Aquaculture Law of 2007 there is recognition of competence on fisheries matters of the federal government as well as the federal entities, federal district and municipalities. There are 13 State laws enacted for sustainable fisheries and aquaculture. At the federal level the authority responsible for implementation is the Secretary of Agriculture, Livestock, Rural Development, Fishing and Feeding of the Mexican Federal Government (SAGARPA), through the National Commission of Aquaculture and Fishing (CONAPESCA) which has the primary responsibility for marine capture fisheries management matters. At the local level, management responsibility is with the five regional offices of Fisheries and Aquaculture (Oficinas Regionales de Pesca y Acuicultura – ORPA) and the corresponding local counterpart fisheries authorities or their equivalent in the 32 states of the Mexican Republic.	There is a Consultative Committee on Fisheries.
<b>Nicaragua</b>	In Nicaragua the Law 678 of 12 March 2009 establishes as an authority the INPESCA (Institute for Fisheries and Aquaculture).	Article 7 of Decree 9/2005 of 21 February 2005 constitutes the National Commission for Fisheries and Aquaculture (CONAPESCA) as a consultative committee. According to the questionnaire, the Committee has been working successfully.
<b>Panama</b>	In Panama the authority in charge of fisheries is the ARAP (Fisheries Authority) regulated under the Law 44 of 23 November 2006, which guarantees the application of the laws and regulations regarding fisheries including fisheries policies.	There is a Commission for Responsible Fisheries established under the Law 44. The questionnaire indicates that the Commission has not met yet.

### SECTION 3. MANAGEMENT MEASURES AND TOOLS

As defined by FAO, fisheries management refers to: “the integrated process of information gathering, analysis, planning, decision-making, allocation of resources and formulation and enforcement of fishery regulations by which the fishery management authority controls the present and future behavior of interested parties in the fisheries, in order to ensure the continued productivity of the living resources.”<sup>16</sup> Its aim is to “prevent overfishing and excess fishing capacity and to ensure that fishing effort is commensurate with the productive capacity of the fishery resources and their sustainable utilization.”<sup>17</sup>

This section provides a general overview of some of the management measures and tools included in the analyzed legislation. The emphasis here is on the following questions:

- (i) Is the production of fisheries management plans contemplated in the legislation? Are those plans required to be prepared in participatory ways?
- (ii) Does the legislation include management mechanisms such as spatial restrictions; temporal restrictions; gear restrictions; and catch and size restrictions?
- (iii) Does the legislation allow for use of rights-based access, including licensing regimes, quotas, trading of fishing rights?
- (iv) Is there a legal basis for co-management, in general or in particular fisheries?

**Management plans.** Virtually all the studied legislation provides for the preparation of management plans. Some laws speak in general terms about national plans; others contemplate the preparation of plans at different levels – local or fisheries-specific plans nested within a broader planning framework. Optimally, legislation should spell out the scope and purpose of management plans, how planning areas are to be determined, and the process of preparing plans. A number of the examined laws do not contain these elements except in very general terms, but a significant percentage lay them out in some detail. Grenada, for examples, states in its Fisheries Act that the fisheries plan will: identify each fishery and assess its present state of exploitation; specify planning objectives; specify management and development measures; and set forth licensing programs and limitations for local and foreign fishing vessels. St. Kitts and Nevis goes further and provides for matters such as taking into account the international context, the identification of priority planning fisheries and the monitoring and review of the plan. Recent laws also routinely provide for stakeholder involvement of various types in the preparation of plans.

**Spatial and other restrictions.** Table 3 illustrates the wide-range of measures embedded in the management provisions of national fisheries laws and accompanying regulations. These include closed seasons and prohibited areas; device restrictions such as stipulated mesh sizes, prohibition on the use of grill nets, banning of large drift nets; regulation of FADs (see Section 4); protection of specific species; limitations on local and foreign vessels; and sale and marketing restrictions. There is little to say about the legislative treatment of such restrictions from a legal point of view other than to observe that in general, legislation in the region provides ample regulatory power to fisheries management authorities to apply a large variety of restrictions as may be appropriate to meet management objectives.

**Rights-based access.** A “rights-based approach” to fisheries management is one in which rules are created that define both the right to use fisheries resources and the allocation of those resources. In rights-based management, unlike in open access public fisheries, there are limits on the access to a fishery and rights to use a fishery that to varying degrees involve the exclusion of others from that resource.

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<sup>16</sup> FAO. 1995. Guidelines for responsible management of fisheries. In Report of the Expert Consultation on Guidelines for Responsible Fisheries Management, Wellington, New Zealand, 23-27 January 1995. FAO Fisheries Report No. 519. Rome, FAO.

<sup>17</sup> FAO, Code of Conduct for Responsible Fisheries Article 6.3.

The term “rights-based approach” is not defined universally, and has been used to refer to a spectrum of tools and mechanism, from simple non-transferable licensing systems, to transferable quota regimes, to geographically defined areas over which designated communities or other stakeholder groups may have exclusive management control. Most typically, however, reference to enhancing or promoting a rights-based approach is understood as more than according rights to use the resource through a simple permit or licensing system, and involves elements such as:

- *Tradability*, such as tradable licenses or quotas – the ability to trade or exchange a right is considered one of the key features of creating property rights in fisheries.
- *Excludability*, ie, allocation of rights (through quotas and/or territorial delimitation) to a defined group of stakeholders who have the right to exclude others from the exercise of that right.
- *Area* – rights-based approaches may involve allocation of rights to manage a particular area for a particular purpose, such as a TURF or marine reserve.
- *Duration* – it is generally presumed that for rights to function as a meaningful incentive for sustainable management, the rights must be in existence for a period of reasonable duration.

Table 3 illustrates the range of measures in the reviewed legislation that could generally be considered to fall within a broad definition of a rights-based approach.

- All the laws in the region include licensing regimes.
- A smaller percentage of laws contemplate the allocation of quotas within specific fisheries. Belize, for example, uses Total Allowable Catch quotas in the Queen Conch and Sea Cucumber fisheries, which are proportionately distributed among fishing cooperatives.
- A number of more recent laws provide for the trading of licenses and quotas (for example Antigua and Barbuda and Colombia, amongst other listed in Table 3), while others do not include such provisions.
- Some laws address procedural aspects. Mexican legislation, for example, includes detailed provisions concerning the process for allocation of fishing rights in the form of concessions for commercial fisheries, small-scale fisheries, recreational/sport fisheries, subsistence fisheries and fisheries for promotion. The law requires the Secretary to apply social equity and scientific criteria to the allocation of such rights, and to take into account the public interest. The new Bill from St. Kitts and Nevis is notable for spelling out in detail the various attributes of a rights-based approach that would need to be attended to in regulations. The Minister is responsible for determining:
  - a) the maximum number of such rights to be granted for a given period of time;
  - b) the maximum period of time during which such rights can be held;
  - c) the fishery or fisheries to which such rights apply;
  - d) qualifications of applicants for such rights;
  - e) procedures for application for such rights;
  - f) criteria for the grant of such rights;
  - g) conditions for the use of such rights;
  - h) transferability of such rights; and
  - i) conditions for the cancellation or revocation of such rights.

The designation of TURF mechanisms is referenced in the responses to a number of questionnaires (Grenada and Honduras).

It is also worth noting that, according to the questionnaire responses summarized in Table 3, in a number of countries transferable quotas and territorial approaches are used informally (Colombia) or on a pilot basis (Grenada).

**Co-management.** Co-management may refer to a spectrum of approaches. The term is sometimes (and imprecisely used) as a label for any loosely defined, generic participation of local stakeholders in fisheries management. At the other end of the spectrum are much more structured approaches involving the delegation of specified management powers over a clearly delineated area and/or resource to local communities, the vesting of rights and responsibilities in a defined stakeholder institution (community council, cooperative, etc.) operating according to stipulated principles of governance, with powers to exclude or partially exclude people from outside the stakeholder group from using the managed resource. Co-management at this end of the spectrum is, in fact, another variety of rights-based management.

Reviewed legislation reveals that the legal framework for co-management has for the most part not been highly developed. While participatory approaches may be described in general terms, the laws do not spell out detailed provisions to enable the use of genuine co-management arrangements involving a well-defined and substantial sharing of responsibility and power.

The questionnaires, on the other hand, suggest that with regard to co-management, practice may be outpacing legislation in a number of countries. As detailed in Table 3, quite a few questionnaire responses indicate that there are interesting and diverse experiments in co-management taking place in a number of countries – in specific fisheries (Cuba), in the management of marine conservation areas (Honduras), and in other contexts – notwithstanding the underdevelopment of the legal framework for such activities.

Table 3

**Management measures and tools**

Central and Northeast insular WECAFC subregion	
<b>Anguilla</b>	<p><b>(i) Management plans.</b> Although section 22 of the Revised Regulations (15 December, 2010) refers to the obligation of the Chief Fisheries Officer to prepare and keep under review a plan for the management and development of fisheries, the questionnaire indicates that a plan has not been developed. The same section 22 paragraph (3) also indicates that the Chief Fisheries Officer shall consult with fishermen resident in Anguilla, wholesalers, retailers, exporters and importers of marine products, other bodies or persons affected by the fishery plan and with the Fishery Advisory Committee established under section 23. The questionnaire again indicates that although it is contemplated in the legislation this mechanism is not being used.</p> <p><b>(ii) Co-Management.</b> There is no specific legal basis for co-management in Anguilla.</p> <p><b>(iii) Spatial and other restrictions.</b> The Revised Regulations of Anguilla provide in Part 3 conservation provisions which include: closed seasons, prohibited areas, legal size, restrictions relating to crayfish and lobster, prohibition on taking turtles, mesh sizes limitations, prohibition of using gillnets. The questionnaire also indicates that there is specific legislation applicable to Queen Conch.</p> <p><b>(iv) Rights-based access.</b> The Revised Regulations of Anguilla include a licensing system. The licenses are not transferable without the consent of the issuing authority and the renewal or issuing of a new license shall be at the discretion of the issuing authority. There are no quotas required by law although the questionnaire responses opine that quotas need to be established.</p>

<p><b>Antigua and Barbuda</b></p>	<p>(i) <b>Management plans.</b> The 22/2006 Fisheries Act of Antigua and Barbuda provides specific guidance to shape fisheries management plans and sets up a process for the implementation of these management plans. In the preparation and review of a fisheries management plan, the Chief Fisheries Officer is legally required to consult with the fishermen, local authorities and other persons affected by the plan.</p> <p>(ii) <b>Co-Management.</b> As reflected in FAO Technical Paper 587 and in the questionnaire, stakeholder involvement ranges from consultative to delegated co-management for the major small-scale fisheries. Depending on the fishery, stakeholder responsibility for management ranges from some responsibility to being fully responsible for management decision-making and implementation. Information dissemination is effected through the use of various traditional methods, as well as the Internet. Moreover, stakeholder consultation is believed to have had a positive impact in creating a sense of stewardship and also making the management process faster for some fisheries. In the case of the queen conch fishery, stakeholders have been involved in all aspects of management from collaborative research to decision-making. Currently, the Fisheries Division is promoting the formation of a FADs fisher association, under the Japan International Cooperation Agency CARIFICO project, to enhance stakeholder participation in fisheries governance. The draft constitution of the association is presently under review.</p> <p>(iii) <b>Spatial and other restrictions.</b> The current legislation in Antigua and Barbuda makes provisions for the fisheries management plan to develop appropriate management measures. At present, as indicated in the questionnaire there are regulations for specific management measures for individual fisheries: length, weight, season and landing requirements with respect to Caribbean spiny lobster and the prohibition on harvesting by recreational fisheries; length, weight, lip thickness, season and export requirements with respect to queen conch and prohibition on harvesting by recreational fisheries; there is a prohibition of harvesting marine turtles; and closed season for Parrotfish, Nassau grouper, red hind and coney. There are bag limits for cockle, whelk and sea urchin.</p> <p>In terms of specific legislation relevant to pelagic species, the 2006 Fisheries Act bans the use of large driftnets in Antigua and Barbuda waters in response to the United Nations General Assembly Resolution 44/225, of 1989, concerning large-scale pelagic driftnet fishing, and in recognition of the negative impacts of such fishing practices on the living marine resources. The Fisheries Regulations 2/2013 provides for the placing, marking, protection and designation of fish aggregating devices (FADs) used to target pelagics and for the disposal of unlawful FADs. In accordance with the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU), a comprehensive National Plan of Action was developed and implemented for Antigua and Barbuda in 2010.</p> <p>(iv) <b>Rights-based access.</b> The 22/2006 Fisheries Act establishes a licensing system both for foreign vessels and for local vessels. The legislation also provides for the use of transferable and non-transferable effort quotas.</p>
<p><b>Cuba</b></p>	<p>(i) <b>Management plans.</b> Although not included in the Law-Fisheries Decree 164 of Cuba the questionnaire indicates that Cuba uses management plans and that the system benefits from the determination of maximum allowable catches and from considering fishing permits as mechanisms for fisheries management.</p> <p>(ii) <b>Co-Management.</b> Although not included in the Law-Fisheries Decree 164 of Cuba the questionnaire indicates that Cuba uses co-management in certain fisheries, such as lobster fisheries and finfish fisheries. To improve the</p>

	<p>system the response to the questionnaire recommends that non-governmental commercial fisheries should be developed.</p> <p><b>(iii) Spatial and other restrictions.</b> In accordance with the Law-Fisheries Decree 164 of Cuba, the Ministry of Fisheries Industry, with the support of the Fisheries Consultative Committee (Comision Consultiva de Pesca) analyses the state of the resources in areas under national jurisdiction and proposes legislation regarding fisheries management in order to obtain a sustainable exploitation. Mechanisms may include quotas, closed seasons, size restrictions, and fishing gear among others.</p> <p><b>(iv) Rights-based access.</b> The questionnaire indicates that Cuba utilizes individual non-transferable quotas in artisanal and commercial fisheries operating in national waters, and individual transferable quotas also for artisanal and commercial fisheries operating in national waters.</p>
<b>Dominica</b>	<p><b>(i) Management plans.</b> Section 4 (2) of the Fisheries Law 11/1987 of Dominica provides for a management plan.</p> <p><b>(ii) Co-Management.</b> The questionnaire indicates that there is co-management of fisheries in the Breach Seine fishery and FAD fishery. The Fisheries Law refers in Section 18 to local fisheries management areas. There is a Local Fisheries Management Authority, which is represented by a local authority, fishermen associations or other appropriate body representing fishermen. The Local Fisheries Management Authority is responsible to issue By-laws consistent with the Law and regulations to regulate how fishing operations are conducted.</p> <p><b>(iii) Spatial and other restrictions.</b> Section 20 of the Fisheries Law 11/1987 recognizes the possibility of declaring any area to be a fishing priority area. The law also foresees the possibility of declaring any area as a marine reserve. The law prohibits certain fishing methods and certain fishing gear.</p> <p><b>(iv) Rights-based access.</b> Section 11 of the Fisheries Law 11/1987 regulates the issuing of licenses for all local vessels that operate in fishery waters. The license will include general and specific conditions. Section 8 of the same Law regulates the issue of foreign fishing licenses. The legislation in Dominica does not include a quota system or allow for trading of fishing rights.</p>
<b>Dominican Republic</b>	<p><b>(i) Management plans.</b> As mentioned in FAO Technical Paper 587, Law 307/2004 of the Dominican Republic does not refer to establishing fisheries management plans. At the national and local levels, fewer than 33 percent of fisheries have published regulations or rules that have been informed by methodical scientific monitoring and evaluation.</p> <p><b>(ii) Co-Management.</b> The relevant response to the questionnaire indicates that there is participatory fisheries management for some fisheries. However no reference to co-management or participatory management is found in Law 307/2004, with the exception of Article 30, which deals with reservoirs.</p> <p><b>(iii) Spatial and other restrictions.</b> Among the management measures recognized by the Law of Dominican Republic are control of fishing fleet and gear, establishment of catch quotas and minimum sizes, prohibition of fishing in certain areas and/or certain species, and limitation on the use of certain types of fishing devices.</p> <p><b>(iv) Rights-based access.</b> In order to carry out commercial fisheries activities, Article 15 of Chapter IV of Law 307/2004 requires a fisheries license as well as an inspection permit. All persons who want to carry out fisheries activities need to have a license, whether in artisanal, industrial, sport or scientific fisheries. Fisheries licenses are valid for two years and renewable for two years periods. The license should include the fisheries activity, types of gear and place of operation. In order to grant or extend a license, CODOPESCA will take into account the condition of the resources in order to maintain the fisheries sustainably. Fishing licenses are non-transferable. It is important that the person who holds the fisheries license maintains a</p>

	<p>record of production and submits all the information to CODOPESCA. This will include information on capture, effort, sizes and frequency. The relevant responses to the questionnaire also indicate that there are community-based transferable quotas and territorial rights to fishing administered by the Government.</p>
<p><b>Grenada</b></p>	<p>(i) <b>Management plans.</b> The Grenada Fisheries Act 105 of 1986, amended in 1989 and 1999 recognizes in section 4 the need to prepare a fisheries management plan for the management and development of fisheries in the fishery waters. The fisheries plan shall:</p> <ul style="list-style-type: none"> <li>(a) identify each fishery and assess the present state of its exploitation;</li> <li>(b) specify the objectives to be achieved in the management of each fishery;</li> <li>(c) specify the management and development measures to be taken; and</li> <li>(d) specify the licensing programs to be followed for each fishery, the limitations (if any) to be applied to local fishing operations and the amount of fishing (if any) to be allocated to foreign fishing vessels.</li> </ul> <p>In the preparation and review of the fisheries plan, the Chief Fisheries Officer shall consult with local fishermen, local authorities, other persons affected by the fisheries plan and with the Fisheries Advisory Committee appointed under section 5.</p> <p>(ii) <b>Co-Management.</b> There is recognition in the legislation of participatory management and there are experiences within the Ocean pelagic fishery for FADs under the Caribbean Fisheries Co-management (CARIFICO) project, which has conducted a pilot utilizing FADS on the east coast of Grenada.</p> <p>(iii) <b>Spatial and other restrictions.</b> Among the management measures included in the Fisheries Act, Section 40 provides powers to the Ministry to make regulations for the management and development of fisheries in fisheries waters. Measures for the protection and conservation of fisheries to be included in the regulations are: mesh sizes, standards of fishing gear, minimum species sizes, close seasons, closed areas, prohibited methods of fishing, prohibited fishing gear and schemes for limiting entry into all or any specified fisheries. The Fisheries Regulation Chapter 108/2 of 2001 establishes in Part VI Fisheries Conservation Measures for lobster, turtles, conch, sea urchins, oysters.</p> <p>(iv) <b>Rights-based access.</b> The Fisheries Act distinguishes between foreign fishing licenses (Section 8) and local fishing licenses (Section 11). Section 41 indicates that the Minister may provide an exemption to the application of Section 11 to any local vessel by an Order. Section 12 establishes the conditions of local fishing licenses including that the fishing license shall be valid for a period of not more than 12 months and that the license shall not be transferable except with the written permission of the Chief Fisheries Officer or in the case of a foreign fishing license by the Minister. There are TURF rights in the beach seine fishery, which are based on traditional rules and not by statute.</p>
<p><b>Montserrat</b></p>	<p>(i) <b>Management plans.</b> The 1st January 2002 Revised Fisheries Act of Montserrat includes reference to fisheries management plans. Section 7 establishes that the Chief Fisheries Officer shall prepare a National Fisheries Plan for the management and development of the fishery resources. The Plan shall:</p> <ul style="list-style-type: none"> <li>(a) include a statement of fisheries policy in Montserrat;</li> <li>(b) identify each fishery and assess the present state of its exploitation;</li> <li>(c) specify the objectives to be achieved in the management of each fishery;</li> <li>(d) specify the management and development measures to be taken; and</li> <li>(e) specify the licensing programs to be followed for each fishery, the limitations if any, to be applied to local fishing operations and the amount of fishing, if any, to be allocated to foreign fishing vessels.</li> </ul> <p>(ii) <b>Co-Management.</b> Although the legislation foresees the possibility of participatory fisheries management with respect to enforcement of</p>

	<p>management decisions, reporting, monitoring and stakeholder involvement, according to the relevant response to the questionnaire, no participatory management system in the country has been established in Montserrat.</p> <p><b>(iii) Spatial and other restrictions.</b> Part V of the 2002 Revised Fisheries Act refers to conservation measures. Among these measures the Act foresees the possibility of declaring marine reserves and protected areas (Sections 24 and 25), protected species (Section 26), and fisheries management areas (Section 27). Part VIII recognizes the authority of the Governor in Council to issue regulations for the management and conservation of the fisheries. In particular: mesh sizes, minimum species sizes, closed seasons, prohibited measures of fishing or fishing gear, regulating incidental catches, the management and protection of marine resources, the taking of coral and shells, the setting of fishing fences, the taking of aquarium fish, prescribing measures for the protection of turtles, lobsters, and conchs.</p> <p><b>(iv) Rights based access.</b> Pursuant to the 2002 Revised Fisheries Act fishing licenses cannot be transferred without lawful permission (section 15.2 (i)). There are provisions for transfer of fishing licenses in artisanal/small scale fisheries. According to the questionnaire, there are no unofficial transfers of fishing licenses.</p>
<p><b>Caribbean Netherlands</b></p>	<p><b>(i) Management plans.</b> No fisheries management plan is required in the Caribbean Netherlands.</p> <p><b>(ii) Co-Management.</b> The applicable law requires a participatory management system with an advisory function although in practice this has not been introduced, apart from establishment of the Fisheries Commission BES. The latter provides the possibility for fishers, exporters and other stakeholders to participate as observers in the meetings of the Commission.</p> <p><b>(iii) Spatial and other restrictions.</b> The questionnaire indicates that the legislation foresees the possibility of establishing regulations for catching certain species, fish length and size limits for lobster and conch. The questionnaire indicates that bag/catch limits should be introduced for recreational fisheries.</p> <p><b>(iv) Rights-based access.</b> Currently fishing licenses are only used in Saba. The questionnaire notes the need to extend the use of fishing licenses to Bonaire and St. Eustatius as well. There is no reference to the use of quotas or trading of fishing rights.</p>
<p><b>St. Kitts and Nevis</b></p>	<p><b>(i) Management plans.</b> The new Fisheries Bill of 2015<sup>18</sup> recognizes in Section 19 the authority of the Minister to designate priority fishery or fisheries for the purpose of developing fisheries management plans, and in doing so shall take into account the recommendations of applicable RFB and international conservation and management measures adopted by applicable RFMO. The Director may prepare Fisheries Management Plans at national or local levels for any fishery or fisheries within the scope of this Act, and shall do so for any fishery designated as a priority by the Minister, and in doing so shall ensure that consultations with stakeholders are undertaken.</p> <p>Section 19 (3) of the Bill also indicates that a Fisheries Management Plan shall-</p> <ul style="list-style-type: none"> <li>(a) identify the fishery and its characteristics, including the- <ul style="list-style-type: none"> <li>(i) current status of the fishery and resource, including area, species and fishing;</li> <li>(ii) possible adverse effects of fishing on the resource and environment;</li> <li>(iii) regional and international context if applicable;</li> </ul> </li> <li>(b) specify the management objectives for the fishery;</li> </ul>

<sup>18</sup> For St. Kitts and Nevis, the analysis has focused on the Fisheries Bill of 2015. Although as of this writing, this Bill has not yet been formally adopted, it is accepted here as more representative than existing law of the evolving approach to fisheries management in St. Kitts and Nevis, and hence relevant for the purposes of this analysis.

	<ul style="list-style-type: none"> <li>(c) identify as appropriate any local fishing rights or practices and management plans or practices;</li> <li>(d) identify the process for development and implementation of the Fisheries Management Plan, including stakeholder consultations;</li> <li>(e) specify management measures to be applied to the fishery;</li> <li>(f) specify plans for monitoring and review of the fishery and the Fisheries Management Plan;</li> <li>(g) as appropriate make provision in relation to any other matter necessary for effective conservation and sustainable use of the fishery.</li> </ul> <p><b>(ii) Co-Management.</b> The Fisheries Bill of 2015 recognizes in section 5 as one of the principles in the legislation “an understanding of, and broad and accountable participation by, stakeholders in the conservation, management, development and sustainable use of fisheries resources shall be promoted to the extent practicable”.</p> <p><b>(iii) Spatial and other restrictions.</b> The new Fisheries Bill includes a section on prohibited activities and Section 2 of the new regulations include specific regulations for: conch, turtles, coral, sponge, marine algae, sea stars, cockle, whelk, sea eggs, catfish, aquarium fish, introduction of non-indigenous fish and the import of live aquatic, restriction on use of spear gun, restriction on methods of fishing in inland waters, minimum mesh size for nets and traps and restrictions on use of nets, fishing (using scuba or hookah), marine management areas, among others.</p> <p><b>(iv) Rights-based access.</b> The new draft Bill includes in section 38 the conditions for granting fishing rights as follows:</p> <ul style="list-style-type: none"> <li>a) the maximum number of such rights to be granted for a given period of time;</li> <li>b) the maximum period of time during which such rights can be held;</li> <li>c) the fishery or fisheries to which such rights apply;</li> <li>d) qualifications of applicants for such rights;</li> <li>e) procedures for application for such rights;</li> <li>f) criteria for the grant of such rights;</li> <li>g) conditions for the use of such rights;</li> <li>h) transferability of such rights; and</li> <li>i) conditions for the cancellation or revocation of such rights.</li> </ul>
<p><b>St. Lucia</b></p>	<p><b>(i) Management plans.</b> St. Lucia’s legislation requires the development of fisheries management plans. Section 4 of the Fisheries Act, Chapter 7 of the revised laws of Saint Lucia 2008 (originally referred to as Fisheries Act no. 10 of 1984) indicates that the Chief Fisheries Officer shall prepare and keep under review a plan for the management and development of fisheries in the fishery waters. The fisheries plan shall: (a) identify each fishery and present state of its exploitation; (b) specify the objectives to be achieved in the management of each fishery, (c) specify the management and development measures to be taken and (d) specify the licensing programs to be followed for each fishery, the limitations if any to be applied to local fishing operations and the amount of fishing if any to be allocated to foreign fishing vessels. Some concern was noted in the questionnaire about the extent to which the process for the development of these plans is participatory.</p> <p><b>(ii) Co-Management.</b> Stakeholders are informally involved in the management of all marine capture fisheries at the national, regional/international and local levels. According to the questionnaire, participatory fisheries management is used with respect to sea urchin fishery and large pelagic fishery. The questionnaire also recommends that in order to improve the participatory management system, there should be wider consultation with a cross-section of stakeholders, rather than only the Minister assigning authority to a stakeholder group to manage an area.</p>

	<p><b>(iii) Spatial and other restrictions.</b> There are some specific management measures for lobster, conch, sea turtle and sea urchins. The measures include closed seasons, requirements for special permits, size limit regulations, gear restrictions, and protection of egg-laden or nesting animals.</p> <p><b>(iv) Rights-based access.</b> The relevant response to the questionnaire indicates that there are fishing rights with respect to recreational and small scale/artisanal fisheries and recommends that catch limits or quotas be established in artisanal fisheries and TURFs, and perhaps for specific fisheries such as reef fisheries and FAD fisheries.</p>
<b>Saint Vincent and the Grenadines</b>	<p><b>(i) Management plans.</b> Section 4 of the Law Fisheries Act no. 8, 1986 (revised 1990) refers to the obligation of the Fisheries Officer to prepare and keep under review a plan for the management and development of fisheries.</p> <p><b>(ii) Co-Management.</b> The relevant response to the questionnaire indicates that there is participatory fisheries management. There are, however, no explicit provisions in the legislation providing for co-management.</p> <p><b>(iii) Spatial and other restrictions.</b> The relevant response to the questionnaire indicates that there are restrictions on fisheries in certain areas that apply to artisanal and small-scale fisheries in national waters, also restrictions regarding the nationality of the captain or flag of the vessels in national water applicable to artisanal and small scale. There are restrictions for harvest of certain species, fish length, fish weight, bag catch limits, sale and market restrictions, landing requirements, export requirements in national waters for small scale and artisanal fisheries and in areas beyond national jurisdiction for industrial fisheries. There are limitations regarding conch and spiny lobster.</p> <p><b>(iv) Rights-based access.</b> Sections 8 and 11 of the Law Fisheries Act no. 8, 1986 (revised 1990) establishes a system of fishing licenses for foreign and local vessels. The relevant response to the questionnaire indicates that there is an official transfer system of licenses administered by the government.</p>
<b>Southern WECAFC subregion</b>	
<b>Brazil</b>	<p><b>(i) Management plans.</b> The Brazilian Law no. 11.959, 29 June 2009 recognizes the need for establishing a management process (although the relevant response to the questionnaire alludes to difficulties in its implementation in particular fisheries).</p> <p><b>(ii) Co-Management.</b> The Brazilian law provides for participatory management systems for some fisheries such as tuna, lobster, sardine, demersal fishes, shrimp and others.</p> <p><b>(iii) Spatial and other restrictions.</b> Article 6 of the Law no. 11.959 contemplates management measures such as mesh sizes, minimum species sizes, closed seasons, prohibited measures of fishing or fishing gear among others.</p> <p><b>(iv) Rights-based access.</b> Brazilian legislation recognizes transferable licenses for artisanal and small-scale fisheries in national fisheries waters, and for industrial fisheries in national fisheries waters and in ABNJ.</p>
<b>Guyana</b>	<p><b>(i) Management plans.</b> Section 5 (1) of the Guyana Fisheries Act of 2002 refers to the establishment of fisheries management plans. Among the issues to be considered for the plans are the specific fisheries to which a plan applies and the principal objectives of the plan. The relevant response to the questionnaire indicates that legislative provisions for the plans could be improved by being more specific as to required contents and minimum criteria to be included in the plan.</p> <p><b>(ii) Co-Management.</b> The relevant response to the questionnaire indicates that there is participatory management in the Seabob fishery and in inland fisheries under the Arapaima management plan.</p>

	<p><b>(iii) Spatial and other restrictions.</b> According to the relevant response to the questionnaire there are limitations on the number of vessels operating in industrial fisheries, as well as restrictions on the harvest of certain species, in particular Seabob fisheries.</p> <p><b>(iv) Rights-based access.</b> The Guyana Fisheries Act of 2002 includes in section 13 the need to obtain local fishing licenses to carry out fishing or related activities. Section 18 of the Act refers to foreign fishing licenses indicating that no foreign fishing vessels shall be issued a license unless there is an access agreement with the Government of the flag State of the vessel or with an association of which the owner or chartered is a member. The Act also includes provisions to regulate the activities of vessels from Guyana in the high seas to establish a system for the operation of fishing vessels of Guyana operating in areas outside national jurisdiction. The Act does not include specific reference to quotas or transfer of fishing rights.</p>
<p><b>Suriname</b></p>	<p><b>(i) Management plans.</b> The legislation of Suriname does not establish specific guidance for developing management plans, but there is a fixed time frame for developing management measures. Among the industrial fisheries, only the seabob fishery has a specific management plan adopted in 2010. Despite the absence of specific legislative requirements, the relevant response to the questionnaire indicates that since 27 June 2013 there is a national fisheries management plan (2014-2018). The current (2016) process to update the fisheries legislation in Suriname, which is taking place with FAO Technical Cooperation Programme (TCP) assistance, applies the Ecosystem Approach to Fisheries (EAF). A wide range of over 80 stakeholders are actively participating in the fisheries legislation development process.</p> <p><b>(ii) Co-Management.</b> The relevant response in the questionnaire indicates that the legislation enables limited participatory processes, in particular, consultative management in which the stakeholders are consulted but do not share management responsibility. These processes are informally followed as part of the fisheries management processes in Suriname.</p> <p><b>(iii) Spatial and other restrictions.</b> Pursuant to the questionnaire the legislation provides for restrictions on the number and power of vessels, gear type, operating areas, and nationality of the captain, harvest of certain species, fish size limits, landing requirements. These restrictions are applicable in general with respect to artisanal fisheries, small-scale fisheries and industrial fisheries operating in national fishery waters. Fish and shrimp size restrictions are only applicable for shrimps from the industrial fleet. <i>Xyphopenaeus kroyeri</i> and <i>Penaeus subtilis</i>, <i>P. brasiliensis</i>, <i>P. schmitti</i>. For the foreign fishing trawlers active in the Surinamese EEZ the number of days at sea is capped to 200 days per year.</p> <p><b>(iv) Rights-based access.</b> The Suriname Sea Fisheries Act (2001) establishes a license system in Suriname. Pursuant to the questionnaire there are unofficial transfers of fishing rights when license owners sell their vessels to the new owners of the vessels. There are no formal quotas or trading of fishing rights in the legislation.</p>
<p><b>Trinidad and Tobago</b></p>	<p><b>(i) Management plans.</b> The Fisheries Act Chapter 67:51 of 1916, this Act does not require the development of fisheries management plans. Notwithstanding the absence of reference in the Act, Fisheries Management Plans for the artisanal fishery for coastal pelagics and the shrimp trawl fishery, were developed in collaboration with FAO in 1992. In 2014, also with the support of FAO, a Draft Shrimp Fishery Management Plan was developed. In 1996 a Draft Plan for Managing the Marine Fisheries of Trinidad and Tobago was developed under the CARICOM Fisheries Resource Assessment and Management Program. A draft Fisheries Management Plan for the Hard-substrate demersal fishery was completed in 2013 under the ACP Fish II Programme. In 2014 the CRFM Member States completed and formally adopted the 1st Sub-regional Management Plan for the Eastern Caribbean Flying fish, which will guide the conservation,</p>

management and development of the industry in Barbados, Dominica, Grenada, St. Vincent and the Grenadines, and Trinidad and Tobago. At the moment there is a multisectoral Committee appointed by Cabinet to establish an Integrated Coastal Management Framework, Strategies and Action Plan.

**(ii) Co-Management.** The Fisheries Act of 1916 does not include any reference to co-management. According to the relevant response to the questionnaire, the participation of stakeholders in management, in particular members of fishing communities, is considered critical. A consultative framework has been established and is applied at every stage of the management process. The relevant response to the questionnaire indicates participatory management systems are utilized for the demersal trawl fishery and hard substrate fishery and the longline fishery for migratory pelagics.

**(iii) Spatial and other restrictions:** As indicated in the FAO Technical Paper 587 the present prevailing fisheries management system comprises essentially the following:

- (a) Fishing area restrictions for certain fleets. The Fisheries [Control of Demersal (Bottom) Trawling Activities] Regulations of 2004 sets out specific areas within which the trawl fleets can operate and further specifies the season of trawling off Trinidad's north coast, and prohibits trawling on the east coast of Trinidad. Other regulations prohibit the capture of fish, shellfish, crabs and shrimp from specified areas in the Gulf of Paria and oysters from the Ortoire area of the east coast. The Environmental Management Authority (EMA) operates under Act No. 3 of 2000, which states that the environment is "all land, area beneath the land surface, atmosphere, climate, surface water, ground water, marine and coastal areas, sea bed, wetlands and natural resources within the jurisdiction of Trinidad and Tobago". The EMA has declared several areas, some of which are protected under international conventions, as Environmentally Sensitive Areas (ESAs). The Marine Areas (Preservation and Enhancement) Act 1970, provides for the designation of restricted areas, and the Marine Areas (Preservation and Enhancement) Regulations 1973, require the permission of the Minister to enter and remove fauna from the restricted area. The Act is currently applied only to the management of coral reefs.
- (b) Regulation of fishing gear. The Fisheries Regulations and the Fisheries (Amendment) Regulations, 1998, 2000 and 2002, provide for gillnet and seine specifications. The Fisheries [Control of Demersal (Bottom) Trawling Activities] Regulations of 2004 provides for specifications for trawl nets. The Fisheries (Conservation of Marine Turtles) Regulations, 1994 mandates the use of Turtle Excluder Devices (TEDs) in non-artisanal trawlers.
- (c) Catch size limits. The Archipelagic Waters and Exclusive Economic Zone Act of 1986 provides for the determination of the allowable catch in respect of each fishery in the EEZ, and determination of the proportion to be harvested by citizens of Trinidad and Tobago. The Fisheries Regulations and the Fisheries (Amendment) Regulations, 1998, 2000 and 2002, specify the minimum length of fish by species that can be caught.
- (d) Protection of environmentally sensitive species. The Protection of Turtle and Turtle Eggs (Amendment) Regulations 2011 prohibit the taking, removing or selling of any turtle eggs, as well as the killing, harpooning, or selling of any turtle at any time. The Conservation of Wildlife Act (1958) addresses issues that deal with the conservation and protection of marine mammals, turtles, shorebirds and all other Environmentally Sensitive Species (ESS). The Wildlife Section is the National Management Authority for CITES and within recent times CITES has placed greater emphasis on fish and other aquatic species.

	<p>The EMA has also declared several species considered endangered as ESS.</p> <p>Specific measures should be applied through fisheries management plans. There are some limitations on harvest; sale and market restrictions that refer to artisanal and small scale in national fisheries waters. The current legislation is weak in this area with respect to certain fisheries, size and export limits are in force through agreements among parties based on compliance requirements conferred by membership to specific RFMOs.</p> <p>Restrictions or limitations apply to specific species: Marlins, North Atlantic Swordfish; Spanish mackerel, King mackerel, and a number of species listed by common name in the legislation of 1916 but each of which in fact cover a group of species.</p> <p><b>(iv) Right-based access.</b> There is a system of entitlements in the industrial trawl fishery that can be transferred. Fishing licenses are issued to the non-artisanal longline and multi-gear vessels based on the fulfillment of criteria including compliance with national and ICCAT fisheries management measures, reporting of catch and effort data and periodic inspections.</p>
<p><b>Venezuela (Bolivarian Republic of)</b></p>	<p><b>(i) Management plans.</b> Management planning is one of the prerogatives of the Socialist Institute for Fisheries and Aquaculture (article 52 of the Decree 1408 of Fisheries and Aquaculture).</p> <p><b>(ii) Co-Management.</b> The relevant response to the questionnaire indicates that there are participatory management systems in sardine fisheries.</p> <p><b>(iii) Spatial and other restrictions.</b> The legislation foresees limitations regarding capture of certain species, limits for sizes and weight, limits to exportation as well as requirements for with respect to recreational fisheries and artisanal fisheries, limits for the size and landing.</p> <p><b>(iv) Right-based access.</b> According to the questionnaire the legislation foresees non-transferable licenses and permits in national waters (recreational, small scale and industrial fisheries), individual transferable quotas for industrial fisheries in national waters as well as areas beyond national jurisdiction. There are also provisions for limit capture per vessel for artisanal fisheries in national waters and non-transferable individual quotas in national waters and artisanal fisheries.</p>
<p><b>Western WECAFC subregion</b></p>	
<p><b>Belize</b></p>	<p><b>(i) Management plans.</b> Legislation requires the development of fisheries management plans.</p> <p><b>(ii) Co-management.</b> Participatory fisheries management is used as a management tool with respect to marine reserves (Section 18 of Chapter 218 establishes an Advisory Council).</p> <p><b>(iii) Spatial and other restrictions.</b> Management tools apply directly to control fish sizes and weight, fishing areas, gear, and limitation of using certain fishing devices such as explosives.</p> <p><b>(iv) Right-based access.</b> The Fisheries Act Chapter 210 Act (revision 2000) includes the regulation of commercial fishing and regulates the issuances of licenses for boats – “license to fish” – and for persons – “fisherman’s license”. The Act also prohibits carrying out scientific or research operations without a permit. Quotas (Total Allowable Catches) are assigned for two fisheries, the Queen Conch and Sea Cucumber and are proportionately distributed among fishing cooperatives.</p>
<p><b>Colombia</b></p>	<p><b>(i) Management plans.</b> The basic Fisheries Law 13 of 1990 in Article 10 contemplates fisheries management plans.</p> <p><b>(ii) Co-Management.</b> The relevant section in the questionnaire indicates that there is participatory fisheries management in artisanal fisheries in the Department of Choco in an area dedicated specifically for artisanal fisheries.</p>

	<p><b>(iii) Spatial and other restrictions.</b> Among the management measures recognized by legislation are:</p> <ul style="list-style-type: none"> <li>• Control of fishing fleet and gear: Article 26 of Decree 2256 establishes that the fishing authority can regulate the number, capacity and gear of the operating fishing fleet.</li> <li>• Prohibition of fishing in certain areas and/or certain species: Article 51 of the Law of 1990 recognizes the prohibition of fishing in certain areas and/or certain species. Article 120 of Decree 2256 completes Article 51 and refers to the permanent or partial prohibition for fishing identified species. A specific prohibition was put in place in 1995 regarding the industrial fishing of sailfish, marlin and swordfish.</li> <li>• Limitation on the use of certain types of Fishing Devices: Article 118 and 119 of Decree 2256 recognizes the use of certain fishing devices and declares the AUNAP as the administrative institution responsible for determining which fishing devices are acceptable to ensure the rational exploitation of the resources based on the species and areas in which they operate. Resolution 1389 of 2004 prohibits the use of Fish Aggregating Devices (FADSs) in all fisheries in Colombian waters and by Colombian vessels.</li> </ul> <p><b>(iv) Right-based access.</b> Licensing/permit system: Article 61 of the Decree 2256 establishes the types of permit for carrying out fisheries in Colombia: Artisanal commercial, commercial industrial, commercial exploratory, commercial ornamental, scientific and recreational. Fishing permits in Colombia are non-transferable in accordance with Article 55 of the Decree. Although the transfer of fishing rights is prohibited, unofficial transfer of fishing rights in some indigenous communities has been reported, reflecting the fact that they have autonomy to decide how they use and exploit their resources.</p> <p>Establishment of catch quotas and minimum sizes: Article 7 of the Law of 1990 and Articles 5 and 6 of Decree 2256 establish an Executive Committee for Fisheries. Article 6 of Decree 2256, as recently amended by Decree 1431 of 5 May 2006, states that the Executive Committee shall meet in the month of August each year to identify the catch quota per specie and, when required, the allowed minimum sizes. The new Decree allows the Committee, which takes its decisions based on the best scientific evidence available, and on information provided by public and private sectors, to amend those decisions based on two circumstances: (i) when during the August meeting the possibility of a revision was already foreseen by the Executive Committee, the decision may only be modified once; (ii) when technical, scientific and social reports conclude that there is a need to amend the decision taken. New Article 9, as recently modified by Decree 1431, recognizes the Ministry of Agriculture and Rural Development as the authority in charge of issuing the Resolution determining global quotas per species for the coming year. The Resolution shall be issued in the month of September each year.</p>
Costa Rica	<p><b>(i) Management plans.</b> Law 8.436 Fisheries and Aquaculture, March 1st, 2005 includes provisions requiring the preparation of management plans.</p> <p><b>(ii) Co-Management.</b> The Law of 2005 does not include any reference to a participatory management system.</p> <p><b>(iii) Spatial and other restrictions.</b> There are limits on the number of vessels in artisanal and small scale fisheries. There are also limitations with respect to fishing gear use, species, and size of species in industrial and artisanal fisheries.</p> <p><b>(iv) Rights based access.</b> There is a system of transferring licenses in accordance with the Law (Article 104). The relevant response to the questionnaire indicates that there are transferable licenses for artisanal and industrial fisheries in national water and areas beyond national jurisdiction.</p>

<p><b>Guatemala</b></p>	<p>(i) <b>Management plans.</b> Decree number 80-2002 “General Law on Fisheries and Aquaculture” refers to a general fisheries management plan, but does not include criteria and procedures for the establishment of plans. According to the responses to the questionnaire, there is only technical guidance and a general management plan for an inland water body.</p> <p>(ii) <b>Co-management.</b> Participatory management systems are not provided for in legislation, although the relevant responses to the questionnaire indicate that they are used in practice.</p> <p>(iii) <b>Spatial and other restrictions.</b> The legislation provides limitations with respect to the number of vessels, type of gear, for industrial, artisanal fisheries and recreational fisheries in national waters and industrial fisheries in areas beyond national jurisdiction. There are also restrictions with respect to fishing areas for artisanal and industrial fisheries in national waters and industrial fisheries in areas beyond national jurisdiction. The nationality of the vessel/owner or captain is also considered for fisheries in national waters (artisanal). There are limitations with respect to species (recreations, artisanal, industrial fisheries), size (artisanal), quota landing (industrial in national waters and areas beyond national jurisdiction), selling and commercialization (recreational and artisanal fisheries) in national waters.</p> <p>(iv) <b>Rights-based access.</b> Article 52 of the Decree number 80-2002 “General Law on Fisheries and Aquaculture” establishes a system of licenses and permits for artisanal, scientific and sport fishing. Article 53 refers to the registry of fishing licenses and permits. The law prohibits the transfer of fishing rights for commercial fishing (article 80 (n)).</p>
<p><b>Honduras</b></p>	<p>(i) <b>Management plans.</b> The relevant responses to the questionnaire indicate that there are fisheries management plans.</p> <p>(ii) <b>Co-management.</b> The relevant response to the questionnaire indicates that there are examples of participatory fisheries management in some national parks (Bahia Islands, National Monument Cayos Cochinos, National Park Cuero y Salado, and national park Jannet Kawas).</p> <p>(iii) <b>Spatial and other restrictions.</b> The relevant questionnaire response indicates that there are limitations with respect to: number of vessels operating in national waters, type of vessel, type of gear, specific areas, these are all applicable to artisanal and industrial fisheries. The limitations with respect to the nationality of the vessel apply to industrial fisheries. There are limitations for capture of species, in recreational fisheries, limits in the size of fish, (artisanal and industrial fisheries) and request for landing (artisanal and industrial fisheries).</p> <p>(iv) <b>Rights-based access.</b> The relevant response to the questionnaire indicates the use of non-transferable licenses in national waters for artisanal and industrial fisheries, transferable licenses for industrial fisheries in national waters, individual quotas with respect to industrial fisheries in national waters, and territorial use in fisheries in artisanal and industrial fisheries in national waters. Transfer of fishing rights is included in Fisheries Law Regulation (no. 1098-01, 1st November 2001). There is an official system for transferring territorial rights in fisheries.</p>
<p><b>Mexico</b></p>	<p>(i) <b>Management plans.</b> The legislation provides for planning at all levels of management: national, regional, international and local. Pursuant to Article 37 of the General Fisheries and Aquaculture Law, fisheries management programs must include at the minimum:</p> <ol style="list-style-type: none"> <li>a) exact specification of the area covered in the program,</li> <li>b) a complete and up to date list of all stakeholders in the region of concern,</li> <li>c) the fishing resources subject to exploitation; and</li> <li>d) management plans sanctioned and publicized.</li> </ol> <p>(ii) <b>Co-management.</b> The Law provides for the participation of stakeholders in the management of fisheries resources at all four levels. Stakeholders are</p>

	<p>referred to as “users” of fisheries and aquaculture as well as specialists with interest in its regulation, promotion and development. The Law allows for a full range of participatory processes including consultative management, co-management, and devolution of management.</p> <p><b>(iii) Spatial and other restrictions.</b> The relevant questionnaire responses indicate that Mexico employs as management tools in recreational fisheries: gear selectivity, fishing areas, limitation on species, limitation in size and weight, daily quotas, restriction for commercialization and selling. The law includes management tools for recreational fisheries.</p> <p><b>(iv) Rights-based access.</b> The Law foresees granting concessions and permits for commercial fisheries, small-scale fisheries, recreational/sport fisheries, subsistence fisheries and fisheries for promotion. In order to grant permits or concessions Article 43 of the Law underlines that granting of concessions and permits should be subject to public interest as well as the maintenance and preservation of the resource. The Secretary will base its decisions on social equity criteria and scientific evidence available on the resource. Special attention will be given to local communities whenever they use authorized fishing gear</p> <p>Transfer of fishing rights is foreseen in the legislation as individual transferable quotas and capture per vessel.</p>
Nicaragua	<p><b>(i) Management plans.</b> Law Number 489, Fisheries and Aquaculture, 26 November 2004 (article 9) includes reference to management plans with respect to protective areas. In the responses to the questionnaire it is mentioned that the fisheries management plans should be legally enforceable.</p> <p><b>(ii) Co-Management.</b> The relevant response to the questionnaire indicates that there is participatory management system in artisanal fisheries and that the EAF (Ecosystem approach to fisheries) has been employed in Delta del Estero Real with support from universities, companies, municipalities and small producers.</p> <p><b>(iii) Spatial and other restrictions.</b> The law regulates territorial restrictions for recreational fisheries, limit of capture per vessel in industrial fisheries, limit in the number of vessel (industrial), gear selectivity (industrial, artisanal, recreational), areas of fishing (industrial fisheries) nationality of the vessel (industrial, artisanal), capture of certain species (recreational, artisanal, industrial), limit size and weight (recreational, artisanal, industrial) restrictions for selling (industrial, artisanal, recreational), request for landing (industrial, artisanal, recreational).</p> <p><b>(iv) Rights-based access.</b> There are transferable licenses (Article 8) and total allowable catch per vessel. They are both administered by the Government. Transferable licenses are available for recreational, artisanal and industrial fisheries in national waters and in the areas beyond national jurisdiction for industrial fisheries.</p>
Panama	<p><b>(i) Management plans.</b> Law 44 of 23 November 2006 that establishes the Fisheries Authority (ARAP) is responsible for fisheries management plans although the questionnaire indicates that the legislation does not stipulate a process for the development of a fisheries management plan.</p> <p><b>(ii) Co-Management.</b> According to the relevant response to the questionnaire, there is a participatory management system across fisheries based on the species.</p> <p><b>(iii) Spatial and other restrictions.</b> The Law provides for licenses for recreational, artisanal and industrial fisheries, limit capture per vessel for industrial fisheries in areas beyond national jurisdiction, limit in the number of vessel (industrial) in areas beyond national jurisdiction, gear selectivity (industrial, artisanal, recreational), areas of fishing (industrial, artisanal and recreational fisheries) nationality of the vessel/captain (industrial, artisanal, recreational), capture of certain species (recreational, artisanal, industrial),</p>

	<p>limit size and weight (recreational, artisanal, industrial) restrictions for selling (industrial), request for landing (industrial, artisanal, recreational). There are limitations for the capture of marlin, swordfish, turtles, sharks, sea cucumber, lobster, and sea snail.</p> <p><b>(iv) Rights-based access.</b> The General Fisheries Law (Decree 17 of 1959) establishes a licensing system. There is a system of non-transferable quotas for industrial fisheries in the areas beyond national jurisdiction, and non-transferable individual quotas for industrial fisheries. The relevant response to the questionnaire does not specify if fishing rights can be transferred.</p>
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## SECTION 4. RECREATIONAL/SPORT FISHING AND USE OF FISH AGGREGATING DEVICES

This section drills down further into some of the issues addressed in Section 3, with specific reference to how laws and regulations deal with the management of recreational/sport fishing and the use of Fish Aggregating Devices (FADs).

Three main billfish species are important to recreational fisheries in the WECAFC region: blue marlin, white marlin and sailfish. Two other species are less available: longbill and roundscale spearfish. Today there is no sufficient data to estimate the impact of this activity in the billfish stock. There is also not enough evidence to determine the effect of the use of FADs.

In order to be able to design an appropriate management plan for billfish, it is important to identify if there is any legislation in place regulating recreational fisheries and how FADs have been regulated in the different subregions. The majority of the countries include some reference to sport fishing in their general fishery law. In the Central American region, some countries include legislation that allows the capture of billfishes only for sport/recreational purposes.

With regard to FADs, very few countries have specific regulations. There are some key exceptions to this general observation, however. Saint Vincent and the Grenadines, for example, has promulgated extensive regulations on the use of FADs. Colombia in 2004 adopted a prohibition on the use of FADs, although this is currently subject to further study and potential reconsideration.

Table 4 describes legislative provisions regarding recreational/sport billfish and the use of FADs by Subregion.

Table 4

### Recreational/sport billfish fishing and use of fads

	Recreational/sport billfish fisheries	Use of FADs
<b>Central and Northeast Insular WECAFC subregion</b>		
<b>Anguilla</b>	The Revised Regulations of Anguilla (15 December 2010) include a definition of “sport fishing” meaning fishing, with rod and line only, for any pelagic species of marine product for pleasure or recreation and not for gain or reward by any person holding a sport fishing license. Section 6 of the Regulation refers to the categories of fishing licenses for sport fishing that can be issued by the Minister. Those licenses can be issued also to non-residents of Anguilla and allows them to retain for personal or domestic consumption or as trophies reasonable quantities of the marine resources taken. There is no specific reference in the legislation with regard to billfish fisheries.	In Anguilla the Revised Regulations (15 December 2010) include a definition of a FAD as: “any apparatus or device designed or intended for use in attracting any marine product into a particular area or for facilitating fishing for any marine product”. Section 19 indicates that: “No person shall place any fish aggregating device in the fishery limits without the express written permission of the Minister and in accordance with the terms of such permission”.
<b>Antigua and Barbuda</b>	In Antigua and Barbuda the 2006 Fisheries Act foresees the creation of a licensing system both for foreign vessels and for local vessels. In both cases the Law refers to foreign and local vessels being used for sport fishing and provisions for tournaments. The 2013 regulation sets forth conditions for sport	The Fisheries Regulations 2/2013 provides for the placing, marking, protection and designation of fish aggregating devices (FADs) used to target pelagics and for the disposal of unlawful FADs.

	<b>Recreational/sport billfish fisheries</b>	<b>Use of FADs</b>
	fishing carried out by local and foreign vessels, including catch limits and restrictions on the gear used. The Fisheries Act bans in general the use of large driftnets in Antigua and Barbuda waters in response to the United Nations General Assembly Resolution 44/225, of 1989, which recognizes the negative impacts of such fishing practices on living marine resources.	
<b>Cuba</b>	Articles 33 to 41 of the Law-Fisheries Decree 164 the regulation of sport/recreational fisheries. The Law indicates that the Ministry of Fisheries Industry will support the development of sport and recreational fisheries. In order to regulate this activity, the Ministry of Fisheries Industry will collaborate with the Ministry of Sport and Physical Education as well as the Ministry of Tourism. Sport-recreational fisheries can be carried out: (i) on the shore in marine and inland waters, (ii) from boats and (iii) snorkeling. There are certain limitations with respect to permitted fishing gear for sport/recreational fisheries. There is no specific reference to billfishes.	There is no specific regulation of FADs.
<b>Dominica</b>	The Fisheries Act 11/1987 of Dominica gives authority to the Minister to regulate sport fishing.	There is no specific regulation of FADs.
<b>Dominican Republic</b>	Chapter IV of Law 307/2004 regulates fisheries activities in the Dominican Republic. In order to carry out fisheries activities it is necessary to have a license, whether in artisanal, industrial, sport or scientific fisheries. Sport fishing in the Dominican Republic mainly focuses on marlin and wahoo, tunas and dolphin fish. The relevant response to the questionnaire indicates that there is specific regulation of billfishes.	The legislation permits the use of FADS.
<b>Grenada</b>	In Grenada the basic legislation on fisheries, the Fisheries Act 105 of 1986, amended in 1989 and 1999 indicates in Section 40 that the Minister may make regulations for sport fishing. In the Marine Protected Areas Regulations of 2001 there is specific reference to marine areas in which sport fishing is practiced. There is no specific legislation for billfish.	There is no specific regulation of FAD.
<b>Montserrat</b>	The Fisheries Act 11/2000 of 16 November 2000 recognizes the authority of the Governor in Council to organize and regulate sport fishing in the fishery waters. There is no specific legislation regulating billfishes.	The 1st January, 2002 Revised Fisheries Act includes a definition of a “fish aggregating device” as any: “man-made or partly man-made floating or submerged device, whether anchored or

	<b>Recreational/sport billfish fisheries</b>	<b>Use of FADs</b>
		not, intended for the purpose of aggregating fish, and includes any natural floating object on which a device has been placed to facilitate its location". Section 67 of the same Act recognizes the authority of the Governor in Council to: "(o) provide for the licensing and control of fish aggregating devices and for rights to fish aggregated by such devices."
<b>St. Kitts and Nevis</b>	The new Fisheries Act 2015 includes a definition of: "commercial sport fishing" which means "the hiring out of a vessel or services for recreational fishing purposes, including for use in fishing competitions, and the use of such hired vessel or services for such purposes, or as otherwise prescribed" and distinguishes from: "sport fishing" which means harvesting fish for personal use, fun, or challenge. In accordance with the Fisheries Act "commercial sport fishing" requires a license. The new Regulation includes information on the cost of sport fishing licenses for a vessel and a foreigner.	The new regulations included detailed provisions regarding: using, marking and disposal of unauthorized FADs.
<b>Saint Lucia</b>	Regulation of sport fishing is set out in the Fisheries Regulation no. 9 of 1994, Sections 25 to 27. No person can carry out sport fishing activities without the authorization of the Minister. Sport fishing activity is understood in general terms as fishing for non-commercial purposes. The license for sport fishing should be linked to a vessel. Section 27 limits fishing methods for sport fishing to angling with a hook or a lure and establishes sport fishing rules for the maximum number of rods, limitation on the species that can be caught. These include 18 kingfish, dolphin fish or wahoo per person and the indication that the incidental catch should be returned to the sea alive.	There is no specific regulation of FADs.
<b>Saint Vincent and the Grenadines</b>	The basic fisheries law does not refer to sport fishing activities.	The Fisheries Act n. 8 of 1986 includes a definition of FADs as any: "man-made or partly man-made floating or submerged device, whether anchored or not, intended for the purpose of aggregating fish, and includes any natural floating object on which a device has been placed to facilitate its location. The Fisheries Regulations of 1987 regulates FADs in Part VII. Section 26 of the 1987 Regulation indicates: (1) No person shall place a fish-aggregating device in the fishery waters except with the permission of the Chief Fisheries Officer and in

	Recreational/sport billfish fisheries	Use of FADs
		<p>accordance with such conditions as he may specify or as are otherwise specified in this Part of the Regulations.</p> <p>(2) The permission of the Chief Fisheries Officer under this Regulation may be given in the form of a telex or cable or in writing whether as a condition of the license or otherwise, or, in the case of a fish aggregating device placed by or on behalf of the Fisheries Department, shall be implied.</p> <p>(3) Permission to place a fish-aggregating device shall not confer any exclusive right to fish in the vicinity of the device.</p> <p>(4) The master of any vessel placing a fish-aggregating device shall notify the Chief Fisheries Officer within 24 hours of the nature and location of the device.</p> <p>Section 27 refers to designated fish aggregating devices:</p> <p>(1) The Chief Fisheries Officer may, by Notice published in the Gazette declare any fish aggregating device to be a designated fish aggregating device for the purposes of this Regulation.</p> <p>(2) No person shall fish within a radius of one half of a nautical mile from a designated fish-aggregating device except with the permission of the Chief Fisheries Officer and in accordance with such conditions as he may specify.</p> <p>Section 28 refers to: Marking of devices Any fish-aggregating device placed in the fishery waters shall:</p> <p>(a) be clearly marked with the name of the owner and of the vessel from which the device was placed;</p> <p>(b) bear a radar reflector and such lights as shall be clearly visible at night from a distance of five nautical miles, and</p> <p>(c) have such other equipment or markings as the Chief Fisheries Officer may require.</p> <p>Section 29 refers to the disposal of unauthorized devices: Any fish-aggregating device placed in the fishery waters otherwise than in accordance with a permission</p>

	<b>Recreational/sport billfish fisheries</b>	<b>Use of FADs</b>
		given under Regulation 21 may be used or disposed of in such a manner as the Minister may direct”.
<b>Southern WECAFC subregion</b>		
<b>Brazil</b>	Article 8.2. (b) of the Law no. 11.959 of 29 June, 2009 defines sport/recreational fisheries as non commercial fisheries, with the purpose of practicing a sport using a type of gear regulated by Law. Article 9 refers to the type of vessels to be used for sport fishing as those classified by the maritime authority for sport or recreational fisheries. Article 25 refers to the responsible authority of issuing an authorization for sport/recreational fishing.	There is no specific regulation of FAD
<b>Guyana</b>	There is no specific regulation of sport/recreational fisheries.	The Fisheries Act. No. 12 of 2002 includes very detailed legislation regarding FADs.
<b>Suriname</b>	There is no specific regulation of sport/recreational fisheries.	There is no specific regulation of FADs.
<b>Trinidad and Tobago</b>	There is no specific regulation of sport/recreational fisheries.	There is no specific regulation of FADs.
<b>The Bolivarian Republic of Venezuela</b>	The Decree 1408 Fisheries and Aquaculture Law (18 November 2014), Article 16 includes sport/recreational fisheries as a category. Venezuela, which has a specific administrative legislation of 2003 (69/2003) regulating the capture and commercialization of billfish and prohibiting and limiting the capture of certain species of billfish, the other countries do not include any specific legislation relating to billfish.	There is no specific regulation of FADs.
<b>Western WECAFC Subregion</b>		
<b>Belize</b>	The Fisheries Act (Chapter 210) does not refer specifically to sport fishing although there are new sports fishing regulations (2008), which include catch and release provisions.	There is no specific regulation of FADs.

	<b>Recreational/sport billfish fisheries</b>	<b>Use of FADs</b>
<b>Colombia</b>	<p>Sport fishing, which is defined as fisheries for recreational purposes, is regulated in Articles 80 to 82 of the Decree 2256. The authority in charge of fisheries, AUNAP, authorizes the activity, areas, species, vessels, systems, and quantities and any other issues relating to sport fishing. Colombia has a great number of people that practice sport fishing both in the sea as well as in inland waters (lakes and rivers). There are also two Resolutions that regulate the activity, Resolution no. 00313 of 1992 (INPA) and Resolution 1717 of 2015 from AUNAP. The objective of the later resolution of the AUNAP is to update the regulatory framework for sport fisheries taking into account the existing information in order to both manage and develop this activity. Today there is no record of sport fishing activity in the Central Western Atlantic. The AUNAP grants permits for sport fishing although there is no criteria to determine where the sport fishing is taking place as the permit only authorizes the activity without specifying the area (both inland and in the sea). Fishing clubs and associations have not been established in the Western Central Atlantic.</p>	<p>Resolution 1389 of 2004 prohibits the use of FADSs in all fisheries in Colombian waters and by Colombian vessels. However, this Resolution has been revisited recently pursuant to the Resolution adopted by IATTCC, C-13-04 regarding the need for collection of data and analysis relating to the use of FADS in the tuna fisheries. For this purpose Colombia has implemented Resolution no. 798 of 2014 which establishes fisheries management measures for tuna fisheries and the regulation of FADs with respect to tuna fishing fleets in the Eastern Pacific Ocean. This resolution will allow gathering of information to establish a fisheries management plan for the use of FADs in the area.</p>
<b>Costa Rica</b>	<p>The general Law 8.436 Fisheries and Aquaculture, March 1st, 2005 refers to sport fisheries as fisheries for non-commercial purposes, to practice a sport. Chapter VII of the Law regulates sport fishing indicating that the fisheries authorities will coordinate this activity with other authorities. It is also important to note that Article 72 indicates that the authority will protect certain species for sport fishing and Article 76 declares billfishes as protected species for sport fishing activities.</p>	<p>There is no specific regulation of FADs.</p>
<b>Guatemala</b>	<p>The Guatemalan Decree number 80-2002 “General Law on Fisheries and Aquaculture” regulates sport fishing and reserves billfish only for sport fishing. Article 26 recognizes that the competent authority can issue a license to carry out sport fishing once the vessel has been registered to carry out this activity. Article 27 permits nationals and foreigners to carry out sport fishing. Article 28 recognizes billfish as exclusive for sport fishing. It is completely forbidden to catch billfish as part of a commercial activity. The authority has also power to declare other species reserved to sport fishing. Article 29 grants authority to the Ministry of Agriculture to issue specific regulations to define sport fishing activities and to</p>	

	<b>Recreational/sport billfish fisheries</b>	<b>Use of FADs</b>
	determine the species, number, types of fishing gear and procedures.	
<b>Honduras</b>	Fisheries Law Regulation No 1098-01, 1st November 2001 in article 6 defines sport fisheries as fisheries for the purpose of exercise and distraction and when the catch cannot be used for commercialization.	There is no specific regulation of FADs.
<b>Mexico</b>	The General Sustainable Fisheries and Aquaculture Law of 2007 (last version January 2014) refers specifically to sport/recreational fisheries. Article 68 indicates that fishing of marlin, sailfish and swordfish is only allowed as sport fishing activity within 50 miles from the base line from which the territorial sea is measured. Chapter V of the Fisheries regulations of 2004 are dedicated to the regulation of sport fishing.	There is no specific regulation of FADs.
<b>Nicaragua</b>	The Fisheries and Aquaculture Law number 489, 26 November 2004 refers to sport fishing in Articles 83 to 86. Billfish are exclusively dedicated to sport fisheries (Article 85). The Nicaraguan Institute of Tourism (Instituto Nicaraguense de Turismo) in coordination with the fisheries associations is in charge of regulating international and national tournaments on sport fishing.	There is no specific regulation of FADs.
<b>Panama</b>	The Law Decree 17 of 1959 includes the definition of sport fisheries as fisheries for the purpose of exercise and distraction. There are a number of Decrees that regulate sport fishing including Executive Decree 33 of 20 August 1997 reserving billfishes for sport fishing.	There is no specific regulation of FADs.

## SECTION 5. NATIONAL LEGISLATION AND THE REGIONAL LEGAL FRAMEWORK

Most of the member countries of the WECAFC region have ratified or acceded to the United Nations Convention on the Law of the Sea (UNCLOS)<sup>19</sup>. Bahamas, Barbados, Belize, Brazil, Costa Rica, the European Union, France, Japan, Panama, Republic of Korea, St. Vincent and the Grenadines, Saint Kitts and Nevis, Trinidad and Tobago, the United Kingdom of Great Britain and Northern Ireland, the Kingdom of the Netherlands and the United States have ratified the UN Fish Stocks Agreement<sup>20</sup>. Barbados, Belize, Brazil, the European Union, Japan, the Republic of Korea, Saint Kitts and Nevis, Saint Vincent and the Grenadines and the United States are parties to the Compliance Agreement.<sup>21</sup> Barbados, Costa Rica, the European Union, Guyana, the Republic of Korea and Saint Kitts and Nevis and the United States of America are parties to the Port States Measures Agreement (PSMA).<sup>22</sup>

Many of the countries in the WECAFC region are members of the International Commission for the Conservation of Atlantic Tunas (ICCAT)<sup>23</sup> and the Indian Ocean Tuna Commission (IOTC). These Regional Fisheries Management Organizations (RFMO) have adopted a number of important mechanisms for ensuring compliance with conservation and management measures. These measures need to be taken into account when analyzing national legislation since they outline recommendations<sup>24</sup> such as rebuilding certain stocks, establishing annual landings limits and the use of the precautionary approach in implementing conservation and management measures. Apart from the RFMO some of the countries also belong to other Regional Fisheries Bodies (RFB) such as the Caribbean Regional Fisheries Mechanism (CRFM), which aims to:

- efficiently manage and sustain the development of marine and other aquatic resources;
- promote and establish cooperative arrangements among interested States for the efficient management of shared, straddling or highly migratory marine and other aquatic resources; and
- provide consultative services and technical advisory services to the fisheries division of the member states.

Some of the countries also belong to the Central America Fisheries and Aquaculture Organization (OSPESCA), which aims to “encourage the development and the coordinated management of regional fisheries and aquaculture activities, helping to strengthen the Central American integration process”.

Under the auspices of WECAFC the countries have recently adopted a number of *recommendations and resolutions for the protection and management of certain species and to limit the use of certain devices*. These include the following:

### Recommendations:

WECAFC/15/2014/1: “On the establishment of a regional closed season for fisheries in the WECAFC area to protect spawning aggregations of groupers and snappers”.

WECAFC/15/2014/2: “On the sustainability of fisheries using fish aggregating devices in the WECAFC area”.

<sup>19</sup> UNCLOS entered into force 16 November 1994. Annex 3 includes a table of the WECAFC countries, which are party to UNCLOS.

<sup>20</sup> Agreement for the implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks in force since 11 November 2001. Annex 3 includes the WECAFC countries parties to the Agreement.

<sup>21</sup> The FAO 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas. Not yet in force. (See Annex 3)

<sup>22</sup> FAO Agreement on Port States Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (adopted by the FAO Conference in 2009). Not yet in force. (See Annex 3)

<sup>23</sup> Annex 4 includes a table including the WECAFC countries, which are party to ICCAT, IOTC, CRFM and OSPESCA.

<sup>24</sup> Pursuant to Article VIII of the International Convention on the Conservation of Atlantic Tunas: “the Commission may, on the basis of scientific evidence, make recommendations designed to maintain the populations of tuna and tuna-like fishes that may be taken in the Convention area at levels which will permit the maximum sustainable catch. These recommendations shall be applicable to the Contracting Parties under the conditions laid down in paragraphs 2 and 3 of this Article”.

WECAFC/15/2014/3: “On the management and conservation of Queen Conch in the WECAFC area”.

Resolutions:

WECAFC/15/2014/7: “Promoting the implementation of the Regional Strategy for the Control of Invasive Lion fish in the Wider Caribbean, as prepared by the International Coral Reef Initiative (ICRI) and partners”.

Other recommendations and resolutions aim to *strengthen the implementation of international instruments and standards and facilitate collaboration on fisheries management planning*:

Recommendation:

WECAFC/15/2014/4: “On strengthening fisheries management planning in the WECAFC area”

Resolutions:

WECAFC/15/2014/6: “On region-wide support to the implementation of the CRFM Declaration on Illegal, Unreported and Unregulated Fishing”.

WECAFC/15/2014/8: “Promoting the implementation of voluntary guidelines on small-scale fisheries and tenure”.

National legislation may reflect the goals and modalities of regional collaboration and cooperation and adherence to international commitments in a wide variety of ways, from articulating very general statements of intent to outlining specific measures designed to address regional commitments. Some legislation references specific frameworks, such as RFMO or RFB, while other laws may refer more generically to the need for collaboration with countries through access agreements. Finally, there remain a significant number of countries where legislation is silent on the subject of regional or international action. Even in such cases, however, the questionnaire responses generally assert that national law provides a framework that allows for aligning national approaches with the goals of international and regional collaboration and cooperation.

Table 5 provides an indicative sampling of the different provisions found in national legislation concerning collaboration and cooperation among WECAFC countries.

Table 5

**Provisions regarding regional and international cooperation/collaboration in national law**

Central and Northeast insular WECAFC subregion	
<b>Anguilla</b>	There is no specific reference in the legislation. However, the relevant section of the questionnaire indicates that the fisheries legislation is intended to be generally consistent with treaties establishing RFMO.
<b>Antigua and Barbuda</b>	The 2006 Fisheries Act (Section 8) refers to the following areas of regional cooperation: <ol style="list-style-type: none"> <li>(a) Harmonizing the system for the collection of statistics and surveys</li> <li>(b) Harmonizing licensing procedures for foreign fishing vessels (requires an Order from the Minister)</li> <li>(c) Issuing regional fishing licenses for foreign fishing vessels (requires an Order of the Minister)</li> <li>(d) Harmonizing enforcement measures for foreign fishing vessels by a competent regional organization</li> <li>(e) Sharing enforcement mechanisms for foreign fishing vessels.</li> <li>(f) Operating regional fisheries management bodies and</li> </ol>

	(g) Other cooperative measures such as the establishment of a regional registry of fishing vessels.
<b>Cuba</b>	There is no specific reference in the basic fisheries legislation but the relevant section of the questionnaire indicates that some mechanisms have been put in place for collaboration.
<b>Dominica</b>	<p>Fisheries Act 11/1987 (Section 6) provides for:</p> <ul style="list-style-type: none"> <li>(a) Harmonization of system for the collection of statistics and surveys</li> <li>(b) Harmonization for licensing procedures and conditions for foreign fishing vessels</li> <li>(c) Schemes for issuance of fishing licenses in respect of foreign fishing vessels by a competent regional organization and the recognition of fishing licenses issued by such organization</li> <li>(d) Joint or harmonize enforcement measures for foreign fishing vessels by a competent regional organization</li> <li>(e) Establishment and operation of joint or regional fisheries management bodies</li> <li>(f) Establishment or regional register of fishing vessels</li> <li>(g) Measures for promoting the welfare of fisherman and the insurance of fishing vessels and gear.</li> </ul>
<b>Dominican Republic</b>	Law 307/2004 states in its Preamble that the Dominican Republic is a party to international agreements relating to the management, exploitation conservation and production of biological resources. The relevant section in the questionnaire states that the Law provides a basis for implementing the measures agreed to by the RFMO.
<b>Grenada</b>	<p>Sections 6 and 7 of the Fisheries Act refers to regional cooperation indicating that Minister may enter into arrangements or agreements with other countries relating to:</p> <ul style="list-style-type: none"> <li>(a) the harmonization of systems for the collection of statistics, and the carrying out of surveys;</li> <li>(b) the harmonization of licensing procedures and conditions in respect of foreign fishing vessels;</li> <li>(c) schemes for the issuing of fishing licenses in respect of foreign fishing vessels by any competent regional organization on behalf of the Minister and the recognition of regional licenses issued by such an organization,;</li> <li>(d) the taking of joint or harmonized enforcement measures in respect of foreign fishing vessels contravening fisheries laws in the region;</li> <li>(e) the establishment and operation of joint or regional fisheries management bodies;</li> <li>(f) the establishment of a regional register of fishing vessels;</li> <li>(g) such other co-operative measures as are or may seem to him or her appropriate, including measures for promoting the welfare of fishermen and the insurance of fishing vessels and fishing gear.</li> <li>(h) Pursuant to section 7: <ul style="list-style-type: none"> <li>(1) The Minister may enter into access agreements with foreign states and with associations representing foreign fishing vessels, owners or charterers, providing for the allocation of fishing rights to vessels from those states or associations.</li> <li>(2) The fishing rights allocated under agreements entered into under this section shall not exceed the total resources or the amount of fishing allowed to the appropriate category of foreign fishing vessels under the fisheries plan.</li> <li>(3) An agreement entered into under this section shall include a provision establishing the responsibility of the foreign state or association to take necessary measures to ensure compliance by its vessels with the terms and conditions of the agreement and with the laws relating to fishing in the fishery waters.</li> </ul> </li> </ul>

	(4) For the purposes of this section and section 8(4), “state” includes any regional organization to which the power to negotiate access agreements has been delegated by the member countries.
<b>Caribbean Netherlands</b>	There is no specific reference in the legislation, and the relevant section in the questionnaire confirms the absence of reference to international collaboration and cooperation in national law.
<b>St. Kitts and Nevis</b>	Section 15 of the new Fisheries Act 2015 indicates that: “bilateral, regional and international cooperation shall be encouraged in particular with respect to: (a) fisheries conservation and management, (b) fisheries monitoring, control and surveillance, (c) collection and exchange of data and information, (d) implementation of international standards for flag State performance; and (e) such other matters within the scope of the Act.”
<b>St. Lucia</b>	Section 6 of the Fisheries Act foresees the possibility of regional cooperation in fisheries. According to the FAO Fisheries Management Report 587, although Saint Lucia legislation predates several international fisheries agreements adopted since the 1990’s, there have been efforts to introduce standards consistent with the new and emerging commitments prescribed for achieving sustainable fisheries management. Saint Lucia participates in RFB for improving the management of shared fisheries resources.
<b>St. Vincent and the Grenadines</b>	Section 7 of the Fisheries Act 8/1986 refers to Fisheries Access agreements: (a) The Minister may enter into access agreements with other states and with associations representing foreign fishing vessel owners or charterers, providing for the allocation of fishing rights to vessels from those states or associations. (b) The fishing rights allocated under agreements entered into under this Section shall not exceed the total resources or amount of fishing allowed to the appropriate category of foreign fishing vessels under the fisheries plan. Any agreement entered into under this Section shall include a provision establishing the responsibility of the foreign state or association to take necessary measures to ensure compliance by its vessels with the terms and conditions of the agreement and with the laws relating to fishing in the fishery waters. For the purposes of this Section and Section 8 the term “state” shall include any regional organization to which the power to negotiate access agreements has been delegated by the member countries of that organization.
<b>Southern WECAFC subregion</b>	
<b>Brazil</b>	There is no specific reference in the basic fisheries legislation but the relevant section of the questionnaire indicates that the decisions of the RFMOs have been reflected in the laws and regulations.
<b>Guyana</b>	Section 16 of the Fisheries Act refers to regional cooperation in fisheries agreements. Such cooperation may include: (a) harmonization of systems of collecting statistics, and surveys, (b) harmonization of licensing procedures; and (c) cooperation in enforcement measures with respect to foreign fishing vessels.
<b>Suriname</b>	No specific reference in national legislation to international cooperation or agreements. The relevant section in the questionnaire indicates that that there is limited capacity to implement agreed global conventions and agreement.
<b>Trinidad and Tobago</b>	Trinidad and Tobago’s legislation supports the elaboration of National Plans of Action under the CCRF, and also input and support for implementation of the FAO IPOAs. Through the Fisheries Management Plans, which will become the mandatory basis for fisheries management under the proposed new legislation, establishment of regulatory measures, the assessment of resources and determination of surplus and associated access arrangements will be facilitated.

<b>Venezuela (Bolivarian Republic of)</b>	There is no specific mention in the general law although the relevant section in the questionnaire indicates that there is consistency between the law and the measures adopted by the RFMOs. In order to improve the harmonization between national legislation and measures adopted by RFMOs it is possible to issue technical regulations.
<b>Western WECAFC subregion</b>	
<b>Belize</b>	There is no specific reference in the legislation and the relevant section of the questionnaire also indicates that legislation is silent on the issue of international cooperation.
<b>Colombia</b>	The relevant section of the questionnaire indicates that Colombia is collaborating internationally through the RFMO and RFO in combating Illegal, Unreported and Unregulated (IUU) fishing and is taking steps to adapt national legislation and policies to comply with international standards.
<b>Costa Rica</b>	Law 8.436 Fisheries and Aquaculture March 1st, 2005 recognizes in Article 7 that the licensing system for tuna fisheries is subject in the EEZ to agreements entered into by Costa Rica.
<b>Guatemala</b>	Article 11 of the Basic Fisheries Law Decree no. 80/2002, refers to mechanisms for coordination with different authorities including international entities.
<b>Honduras</b>	The Fisheries Regulation 1098/1 refers to international cooperation with regard to fishing activities in international waters in accordance with international agreements (article 11), as well as the application of closed seasons (article 19).
<b>Mexico</b>	Mexico's legislation allows for the incorporation and implementation of the provisions of regional/international agreements. Mexico has introduced a number of rules and regulations to support compliance with the CCRF and the FAO Compliance Agreement, among others.
<b>Nicaragua</b>	A number of articles in the Law Number 489, Fisheries and Aquaculture refer to the need to respect Nicaragua's international obligations with regard to fisheries. Article 73 specifically references the need for compatibility with measures adopted by RFMO with respect to tuna fisheries.
<b>Panama</b>	The legislation that establishes the Panama Fisheries Authority recognizes the importance of cooperation (Article 8.) The relevant section in the questionnaire indicates that there are a number of instruments that apply the Plan on IUU fishing and the CCRF.

## SECTION 6. CONCLUSIONS AND RECOMMENDATIONS

### **Conclusion 1: The objectives and scope of fisheries legislation are generally aligned with principles of sustainable management.**

Most of the countries in the WECAFC region include in their basic fisheries legislation reference to overarching principles of sustainable management and exploitation. There is a range of approaches across the region in terms of how these principles are articulated and operationalized, from simple general statements of intent in some laws, to much more elaborated provisions designed to ensure that specific decisions (licensing, planning, etc.) are shaped by and linked to those intentions. Some of the basic fisheries legislation includes, either through law or in regulations, mechanisms designed to guarantee the sustainability of the resources taking into account technological, economic, social, cultural, commercial, environmental and food security aspects. Some of the newer laws introduce the concept of conservation, protection and sustainability of the resources for current and future generations. The inclusion of such principles and mechanisms in legislation does not, of course, guarantee that there is sufficient scientific and financial capacity in a country's fisheries sector to ensure that the underlying objectives are actually met or that particular management decisions are likely to achieve them. But they do provide an important point of reference for fisheries governance strategies going forward.

### **Conclusion 2: Many laws reflect a multi-stakeholder and participatory vision of fisheries governance, but frequently this vision is only partially put into practice.**

All the examined countries clearly define the authority in charge of fisheries. In almost all cases power is vested in a central fisheries authority. Some legislation establishes decentralized authorities, as, for example, in the Mexican law of 2007 or in Antigua and Barbuda where there is a Local Government Act and By-Law that provides authority to the local council of the island of Barbuda to manage its fisheries up to 3 nautical miles. But while all the studied countries vest power and responsibility in what could be considered typical fisheries institutions, many of the laws reflect a growing recognition that effective management requires input from a wider range of stakeholders. Hence, many of the recently enacted laws provide for a Fishery Advisory Body or Committee, including participants from other government sectors, from industry and from civil society. However, while such an approach holds promise, in practice, in many countries these bodies appear not yet to be active or not performing adequately. In short, the potential benefits of using participatory, multi-stakeholder committees are for the most part still to be realized. It is recognized however, that the EAF is being embraced by most of the WECAFC members, resulting in greater participation in the development of fisheries laws, regulations and policies.

### **Conclusion 3: Most countries in the region have an adequate legal basis for the elaboration of management plans and the deployment of specific spatial and other restrictions.**

The legislation in a majority of the countries contemplates the use of a fisheries management plan or plans to regulate fisheries. Once again, however, the laws across the region vary in terms of the detail and sophistication with which they address this issue. In the best cases, the legislation provides details on the required content of plans, their legal effect, and the process by which they are to be formulated. Legislation in Montserrat and Grenada for example includes guidance on the main elements of the plan as well as specification of the objectives to be achieved in the management of each fishery. Along the same lines, the bill for St. Kitts and Nevis also includes specific characteristics of the fisheries plan such as identification of the fisheries, management objectives, process for the development of the plan including stakeholder consultations and identification of local fishing rights. Both Colombia and Mexico have very detailed legislation with respect to the application of management plans, participation and use of management tools which include control of fishing fleet and gear, establishment of catch quota and minimum sizes, prohibition or limitation of certain areas.

Stakeholder participation is increasingly required for the elaboration of the management plans although some of the countries are only using this participatory approach with respect to specific fisheries. It is also important to note that under the auspices of the CRFM the first Sub-Regional Management Plan for the Eastern Caribbean Flying fish was introduced in 2014. The extension of management planning to include stakeholders from multiple countries is not something explicitly recognized in the examined legislation, but neither is it precluded.

In addition to management planning provisions, all the examined countries have mechanisms of control in place such as effort management, fishing area restrictions, fishing gear regulation, catch size limits, etc. In most cases, the responsibility for executing these mechanisms rests with the fisheries authority. In some cases, there is reference to cross-sectoral collaboration – Trinidad and Tobago, for example, seems to be applying restrictions in coordination with other non-fisheries authorities such as the Environmental Management Authority. Almost all countries have some degree of regulation designed to protect specific species such as lobster, conch, sea turtle, and urchins, among others. It is also common to establish limits on fish length and fish weight, and to stipulate market restrictions, and landing requirements. From a legal point of view, of course, it is difficult to evaluate the effectiveness of these measures in practice. Instead, what can be observed is that laws and regulations in the region make use of the common repertoire of fisheries management mechanisms and that sufficient legal “space” has been given to responsible ministries and authorities to introduce new mechanisms through regulation if the need arises.

**Conclusion 4: There is growing experience with co-management, although generally the legal basis for these is under-developed.**

The questionnaire surveys reveal considerable experimentation across the region with a variety of community-based and co-management approaches (see for example, the summary of Antigua and Barbuda, describing that country’s well-developed mechanisms for stakeholder involvement that ranges from consultative to co-management for the major small-scale fisheries.). Some of the more prominent examples have taken place under various projects sponsored through international assistance. However, with some exceptions (for example, Mexico), the examined legislation is either silent on the subject of co-management or includes only general and unspecified references to “participation” by local stakeholders. There are few instances of regulations spelling out details such as how co-management areas are to be defined; the selection of participants and the nature of their rights and obligations; the process by which co-management plans are to be designed and agreed; the power of co-management entities to exclude outsiders or to require third-party compliance with community management plans; the consequences of a failure by a co-management partner to fulfill its responsibility; etc. It is important to emphasize that the relatively under-developed state of law when it comes to co-management has evidently not constrained the implementation of important pilot efforts. Going forward, however, this is an area that may need attention if advances in co-management are to be sustained.

**Conclusion 5: Laws in the region vary in their treatment of the trading of fishing rights and other rights-based approaches.**

Similarly, with a few exceptions (see Section 3), the majority of jurisdictions analyzed in this report do not have detailed legislative provisions concerning rights-based approaches more generally – transferable licenses and quotas, TURFs and protected areas. As the above summaries make clear, while the use of quotas is widespread, there is no consensus among countries in the region on the issue of the trading of fishing rights. Legislative treatment ranges from flat prohibition to silence to the inclusion of enabling language. There is also evidence that trading often occurs on an informal basis, or in connection with the transfer of ownership of a vessel. The extent to which such approaches would be appropriate and hence worth promoting in a particular country and/or fishery depends on many variables beyond legislation – social, environmental, institutional capacity and political will, among others. But while useful piloting has apparently been done on a project basis in several parts of

the region, any sustained enhancement of such approaches will in the long run benefit from significant upgrading of the regulatory framework in many of the countries.

**Conclusion 6: Regulation of recreational/sport fisheries (including Billfish) and the use of Fish Aggregating Devices (FADs) are at various stages of development across the region.**

None of the countries in the WECFC region has a specific recreational/sport fisheries law. Most countries either include reference to recreational/sport fisheries in their basic fisheries legislation, or provide sufficient regulatory authority to the responsible minister or agency to issue specific regulations on the subject.

Legislation typically foresees the issuing of licenses and permits for recreational or sports fishing by the fisheries authority. In Cuba, the Ministry of Sport and Physical Education and the Ministry of Tourism collaborate in the regulation of this activity. The regulatory framework for sport/recreational fisheries also typically regulates the use of certain vessels and gear. Licenses for sport/recreational fishing are not limited to nationals and can be obtained by foreigners.

The majority of the countries do not specifically regulate bill fisheries, with the exception of Antigua and Barbuda and Saint Lucia, and some of the Latin American countries that allow the capture of billfishes only for sport/recreational purposes (Costa Rica, Guatemala, Honduras, Mexico, Nicaragua and Panama). The Bolivarian Republic of Venezuela has also specific legislation regulating the capture of certain species of billfish.

Finally, legal treatment of FADs covers a similarly wide spectrum across the region. Some countries Montserrat, Anguilla, Guyana, Colombia, for example have elaborated extensive regulations on the subject; many others are silent or deal with the issue only superficially.

A number of recommendations emerge from the conclusions presented above:

**Recommendation 1: Build on the existent legal framework, addressing identified areas of weakness.**

As demonstrated in this analysis most of the countries in the WECAFC region have in place basic fisheries legislation founded on objectives of conservation, protection and sustainability of the fisheries resources. Some of the countries have already recognized in their legislation or are amending their legislation to introduce the Ecosystem Approach to Fisheries (EAF), the precautionary approach and importance of good governance principles (transparency, participation, accountability and non-discrimination). Experience shows that existing laws provide sufficient “space” for fruitful experimentation with innovative management techniques, such as co-management. That said, there are clear areas where legislation across much the region exhibits symptoms of underdevelopment, on issues ranging from management planning to co-management to quotas to tradable fishing rights. For the most part, current laws do not prevent improved practice in each of these areas of management, but sustaining such improvements over time will, inevitably, require a robust legal foundation. The collaboration between countries in the region that this project has facilitated provides an excellent basis for sharing of regulatory techniques and of the lessons learned in the development and application of law in new areas of fisheries management. While differences between national legal frameworks will of course remain, a closer alignment between countries on key legal issues such as co-management, fishing rights and management planning will eventually make collaboration easier.

**Recommendation 2: Increase capacity building to facilitate the work of the Fisheries Advisory Bodies or Committees**

The majority of the countries have recognized the importance of the existence of Advisory Bodies or other multi-stakeholder bodies in their legislation, but the level of implementation is not been optimal. Programs should be developed to increase capacity in this field. Implementation Guidelines and operating procedures may be a good first step toward improving the effectiveness of these bodies.

**Recommendation 3: Increase collaboration and cooperation to facilitate common management plans for specific fisheries**

While as noted, there is scope to improve national legal frameworks across the region, the existing laws provide sufficient scope for – or at least pose no obvious obstacles to – the development of common management plans between countries for different fisheries. These common plans could include the collection of data on the current status of the fishery obtained from the collaborating countries, agreed fishing management objectives for the fishery, local fishing rights or practices, stakeholders consultations, plans to monitor the fisheries, and other matters related to the conservation and sustainable use of the fishery.

## ANNEX 1

### DETAILED COUNTRY REPORTS FOR SELECTED COUNTRIES

#### ANTIGUA AND BARBUDA

##### 1. International Fisheries Agreements

Antigua and Barbuda is signatory of the United Nations Convention of the Law of the Sea<sup>25</sup> from 7 February 1983 and ratified the Convention 2 February 1989. It is not a party or a signatory to the UN Fish Stocks Agreement<sup>26</sup>, the Compliance Agreement<sup>27</sup> or the Port State Measures Agreement (PSMA)<sup>28</sup>.

##### 2. Regional Fisheries Management Organizations (RFMO) and Regional Fisheries Bodies (RFB)

Antigua and Barbuda is a member of International Whaling Commission (IWC), the Western Central Atlantic Fisheries Commission (WECAFC) and the Caribbean Regional Fisheries Mechanism (CRFM).

##### 3. Maritime zones and fisheries<sup>29</sup>

The 18/1982 Maritime Act recognizes a territorial sea of 12 nautical miles and an Exclusive Economic Zone and a Fishery Zone of 200 nautical miles or such other lesser distance from the nearest point of the territorial sea baselines as the Minister by order prescribes.

Antigua and Barbuda fishing grounds include demersal resources. Extensive fishing grounds support a substantial demersal resource of reef fish, Gastropoda (e.g. queen conch) and Crustacea (e.g. Caribbean spiny lobster). Seasonal large pelagic species, (e.g. tunas, dolphin fishes, wahoos and billfishes) pass through the waters of Antigua and Barbuda. Preliminary estimates indicate that these migratory fish could yield an additional 3 000–4 000 tons annually. Even though the extent of these resources is not fully known, the consensus of opinion is that most are not fully utilized. In 2010, production of large pelagics was conservatively estimated at 17 tons. The large pelagics not only offer great potential for the expansion of the capture fishery, but also sport and recreational fishing. The Antigua and Barbuda Sport Fishing Association sponsors an international billfish tournament annually, which attracts about 30 to 40 entrants from neighboring islands. To-date, no valuation of the socio-economic contribution of the sport fishery has been conducted.

##### 4. National legislation

###### 4.1 Basic Legislation and institutional framework

The main fisheries legislation in Antigua and Barbuda is the 22/2006 Antigua and Barbuda Fisheries Act, implemented by the Fisheries Regulations 2/2013. The goal of the Act, as indicated in the questionnaire, is to promote the sustainable development and responsible management of fisheries and aquaculture activities in Antigua and Barbuda waters and in the territory of Antigua and Barbuda, to ensure the optimum utilization of the fisheries resources for the benefit of Antigua and Barbuda and to ensure the conservation. In terms of the authorities in charge of fisheries Section 4 of the 2006

<sup>25</sup> UNCLOS entered into force 16 November 1994

<sup>26</sup> Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks in force since 11 November 2001.

<sup>27</sup> The FAO 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas.

<sup>28</sup> FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement) was adopted by the FAO Conference in 2009

<sup>29</sup> Report FAO 587, Fisheries Management Antigua and Barbuda page 65.

Fisheries Act indicate that the “Minister shall take such measures as he thinks fit under this Act to promote the sustainable development and responsible management of fisheries and aquaculture activities in Antigua and Barbuda waters and in the territory of Antigua and Barbuda so as to ensure the optimum utilization of the fisheries resources for the benefit of Antigua and Barbuda and to ensure the conservation of the fish resources and the ecosystems to which they belong”. There is also a Chief Fisheries Officer who shall prepare and keep under review a plan for the responsible management and sustainable development of fisheries in Antigua and Barbuda waters and in the territory of Antigua and Barbuda. Whilst the Fisheries Division is the primary management authority, the 15/1976 Barbuda Local Government Act and the 41/1959 Barbuda (Shooting and Fishing) By-Law, give the local council of the island of Barbuda authority to manage its fisheries up to 3 nautical miles. The Barbuda Fisheries is the implementing arm of the local council. The 22/2006 Fisheries Act makes provision for the designation of local fisheries management authority.

In terms of guiding principles, the concepts of sustainability, ecosystem-based approaches to fisheries management and the precautionary principle are enshrined in the basic legislation along with other principles advocated in the FAO Code of Conduct for Responsible Fisheries.

With respect to high seas fishing, there is currently a draft High Seas Fishing Act and Regulations awaiting approval that incorporate the general obligations in the Compliance Agreement and the UN Fish Stocks Agreement. In the absence of the legislative framework for management, it is the policy of the Government of Antigua and Barbuda not to flag foreign fishing vessels.

#### **4.2. Management Measures**

The Fisheries Act of 2006 provides specific guidance to shape fisheries management plans and sets up a process for the implementation of these management plans. In the preparation and review of a fisheries management plan, the Chief Fisheries Officer is legally required to consult with fishermen, local authorities and other persons affected by the plan. Also, according to the 2006 Fisheries Act and the 2013 Regulations, the Minister of Fisheries may appoint a Fisheries Advisory Committee, which is to include the Chief Fisheries Officer and such other persons, as the minister may consider capable of advising on the management and development of fisheries. Section 3 of the 2013 Regulation refers to the establishment and functions of the Fisheries Advisory Committee.

The current legislation makes provisions for the fisheries management plan to develop appropriate management measures. At present, as indicated in the questionnaire there are regulations for specific management measures for individual fisheries: length, weight, season and landing requirements with respect to Caribbean spiny lobster and the prohibition on harvesting by recreational fisheries; length, weight, lip thickness, season and export requirements with respect to queen conch and prohibition on harvesting by recreational fisheries; there is a prohibition of harvesting marine turtles; and closed season for Parrotfish, Nassau grouper, red hind and coney. There are bag limits for cockle, whelk and sea urchin.

In terms of specific legislation relevant to pelagic species, the 2006 Fisheries Act bans the use of large driftnets in Antigua and Barbuda waters in response to the United Nations General Assembly Resolution 44/225, of 1989, concerning large-scale pelagic driftnet fishing, and in recognition of the negative impacts of such fishing practices on the living marine resources. The Fisheries Regulations 2/2013 provides for the placing, marking, protection and designation of fish aggregating devices (FADs) used to target pelagics and for the disposal of unlawful fish aggregating devices (FADs). In accordance with the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU), a comprehensive National Plan of Action was developed and implemented for Antigua and Barbuda in 2010.

#### **4.3. Participatory fisheries management**

As reflected in the FAO Report 587 and in the questionnaire, stakeholder involvement ranges from consultative to delegated co-management for the major small-scale fisheries. Depending on the fishery, stakeholder responsibility for management ranges from some responsibility to being fully

responsible for management decision-making and implementation. Information dissemination is effected through the use of various traditional methods, as well as the Internet. Moreover, stakeholder consultation is believed to have had a positive impact in creating a sense of stewardship and also making the management process faster for some fisheries. In the case of the queen conch fishery, stakeholders have been involved in all aspects of management from collaborative research to decision-making. Currently, the Fisheries Division is promoting the formation of a FADs fisher association, under the Japan International Cooperation Agency CARIFICO project, to enhance stakeholder participation in fisheries governance. The draft constitution of the association is presently under review.

#### ***4.4. Specific reference to sport fishing***

The 2006 Fisheries Act foresees a licensing system both for foreign vessels and for local vessels. In both cases the Law refers to foreign and local vessels being used for sport fishing and provisions for tournaments. The 2013 regulation sets forth conditions for sport fishing carried out by local and foreign vessels, including catch limits and restrictions on the gear used. The FAO Report 587 indicates that no valuation of the socio-economic contribution of sport fishing has been conducted.

#### ***4.5. Regional Cooperation in fisheries***

The 2006 Fisheries Act has mechanisms to implement regional cooperation in fisheries. As indicated in the FAO Report 587 the three primary ways in which Antigua and Barbuda supports regional/international obligations through national legislation is by legislating for cooperative measures, harmonized enforcement measures (regional), and harmonized systems for collection of statistics and procedures for assessing the state of resources. At present, Antigua and Barbuda provides fishery-related data to the FAO, CITES, and the CRFM. There is a formal national mechanism in place to facilitate this, and the country is able to meet the stipulated data reporting deadlines.

### **5. Actions required as identified in the questionnaire**

Although there is a sufficient organizational structure there is limited capacity to manage fisheries resources. There is insufficient staff and funding to adequately address all aspects of the Fisheries Division's mandate. Whilst the new legislative framework has enhanced revenue collection through increase fines and forfeitures in addition to new licensing and permits schemes, budgetary allocation to the Fisheries Division has declined due to the current state of the country's fiscal deficit.

## **BELIZE**

### **1. International Fisheries Agreements**

Belize is a signatory to the United Nations Convention of the Law of the Sea<sup>30</sup> from 10 December 1982 and ratified the Convention on 13 August 1983. Belize is a party to the UN Fish Stocks Agreement<sup>31</sup> (14 July 2005) and the Compliance Agreement<sup>32</sup> (19 July 2005) but is not a party to the Port State Measures Agreement (PSMA)<sup>33</sup>.

### **2. Regional Fisheries Management Organizations (RFMO) and Regional Fisheries Bodies (RFB)**

Belize is a member of the International Commission for the Conservation of Atlantic Tunas (ICCAT), the International Whaling Commission (IWC), the Western Central Atlantic Fisheries Commission (WECAF), OLDEPESCA, Indian Ocean Tuna Commission (IOTC) and the Caribbean Regional Fisheries Mechanism (CRFM).

### **3. Maritime zones and fisheries**

Belize's maritime claims include a 12 nautical mile territorial sea, a 200 nautical mile exclusive economic zone (EEZ).

### **4. National legislation**

#### **4.1 Basic Legislation and institutional framework**

The basic fisheries legislation is the Fisheries Act Chapter 210 (revision 2000), which at the moment is being revised. There is also the 2003 High Seas Fishing Act and Chapter 218 that refers to the Protected Areas Conservation Trust. The current Fisheries Act does not set forth a clear objective although the questionnaire indicates that its objectives are species conservation, sustainable use of fisheries resources and protection of critical habitats (marines reserves).

The Fisheries Division of the Ministry of Agriculture is in charge of managing all fisheries resources in Belize with the exception of the industrial fishing fleet (high seas fishing licenses) for flagged vessels, for which permissions are issued by the Ministry of Finance is also responsible to follow up on commitments related to RFMOs and RFBs.

A Fisheries Advisory Council has been established under Chapter 218, which refers to the Protected Areas Conservation Trust. The questionnaire indicates that the Advisory Council is not functioning at the moment. The Council is regulated in Section 18 of Chapter 218.

#### **4.2 Management Measures**

Fisheries Act Chapter 210 recognizes in general terms the power of the Ministry of Agriculture to issue regulations in "all matters connected with the control of fishing and the proper carrying of the provision of the Act" (Section 13). These measures apply directly to control fish sizes and weight, fishing areas, gear, and limitation of using certain fishing devices such as explosives. The Act also includes the regulation of commercial fishing and regulates the issuances of licenses for boats – "license to fish" – and for persons – "fisherman's license". The Act also prohibits carrying out scientific or research operations without a permit. Quotas (Total Allowable Catches) are assigned for

<sup>30</sup> UNCLOS entered into force 16 November 1994

<sup>31</sup> Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks in force since 11 November 2001.

<sup>32</sup> The FAO 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas.

<sup>33</sup> FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement) was adopted by the FAO Conference in 2009.

two fisheries, the Queen Conch and Sea Cucumber and are proportionately distributed among fishing cooperatives.

Specific reference is made on the High Seas Fishing Act (3/2003) Section 7 to the granting of fishing licenses for the high seas. Under this law and pursuant to the Compliance Agreement, Belize maintains a record of all fishing vessels operating on the high seas with high seas fishing licenses issued by Belize (section 3).

#### **4.3 *Participatory fisheries management***

Participatory fisheries management is used as a management tool with respect to marine reserves (Section 18 of Chapter 218 establishes an Advisory Council).

#### **4.4 *Specific reference to sport fishing***

The Fisheries Act (Chapter 210) does not refer specifically to sport fishing although there are new sports fishing regulations (2008), which include catch and release provisions.

#### **4.5 *Regional Cooperation in fisheries***

Belize is a member of a number of RFMO at the moment. The current legislation does not incorporate reference to RFMOs or RFB but the new draft is expected to do so.

### **5. *Actions required as identified in the questionnaire***

Draft policy and legislation needs urgent enactment.

## COLOMBIA

### 1. International Fisheries Agreements

Colombia is signatory of the United Nations Convention of the Law of the Sea<sup>34</sup> from 10 December 1982 but is not a party or a signatory to the UN Fish Stocks Agreement<sup>35</sup>, the Compliance Agreement<sup>36</sup> or the Port State Measures Agreement (PSMA)<sup>37</sup>.

### 2. Regional Fisheries Management Organizations (RFMO) and Regional Fisheries Bodies (RFB)

Colombia is a member of (i) the Inter-American Tropical Tuna Commission (IATTC) responsible for the conservation and management of tuna and other marine resources in the eastern Pacific Ocean, (ii) the Western Central Atlantic Fisheries Commission (WECAF) and (iii) the Permanent Commission for the South Pacific (CPPS).

### 3. Maritime zones and fisheries<sup>38</sup>

Colombia's maritime claims include a 12 nautical mile territorial sea, a 200 nautical exclusive economic zone (EEZ) and a continental shelf to 200 m depth.

The most important commercial fisheries in Colombia target tropical tunas (56 vessels in 2014 and 47 for 2015), shallow-water shrimp species (45 vessels in 2014 and 30 in 2015) and deep-water shrimp species (10 vessels).

Recreational fisheries target pelagic species such as billfish, dolphin fish and tunas but are not as well documented as the commercial and small-scale fisheries.

### 4. National legislation

#### 4.1 Basic Legislation and institutional framework

The basic Fisheries Law 13 of 1990 regulates the management of fisheries resources as well as aquaculture<sup>39</sup>. This Law recognizes as its main objective the integral management and exploitation of fisheries resources to ensure their sustainability. The Law was supplemented by implementing regulations in Decree 2256 of 4 October 1991. The Law 13/1990 recognizes in Article 10 that the Ministry of Agriculture is in charge of regulating fisheries activities and will develop a National Plan for Fisheries Development. Today, there is a draft proposal for a new law being considered which aims to develop the fisheries sector in a sustainable manner.

The institution in charge of executing the Plan was initially the National Institute of Fisheries (INPA), which was replaced in 2003 by the Colombian Institute for Rural Development (INCODER), which in turn was replaced in 2011 through Decree no. 4181 by the National Authority for Aquaculture and Fisheries (AUNAP). This authority is an autonomous entity. Among the duties of the new authority stated in Article 5 are: (a) implementing the government policy relating to fisheries and aquaculture as well as managing the resources, (b) administering and controlling the exploitation and sustainable use of fisheries resources and aquaculture in the national territory, and (c) establishing the mechanisms to

<sup>34</sup> UNCLOS entered into force 16 November 1994

<sup>35</sup> Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks in force since 11 November 2001.

<sup>36</sup> The FAO 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas.

<sup>37</sup> FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement) was adopted by the FAO Conference in 2009

<sup>38</sup> Report FAO 587, Fisheries Management Colombia, pag. 117

<sup>39</sup> Other relevant legislation: Environmental Law 99/1993 and Law 101/93, which regulate the fisheries and agriculture sector.

grant authorizations and permits to carry out fisheries and aquaculture activities. In order to carry out its functions, the Authority establishes a Technical Consultative Committee (Article 8).

#### **4.2 Management Measures**

Decree 2256 of 4 October 1991 regulates fisheries in detail. In particular the Decree establishes the responsibility and mechanisms to determine fishing quotas, defines each type of fishing activity and classifies fisheries as subsistence, commercial, artisanal, industrial, investigation and sport fishing. Subsistence fisheries does not require the granting of a permit. As indicated in FAO Report 587, the legislation requires management decisions need to be based on biological, economic, social impact, environmental analysis and ecosystem analyses/assessments, and monitoring and enforcement options. In the case of shared resources, regional fisheries bodies (RFBs) or regional fisheries management organizations (RFMOs) may be able to provide information on the status of the fisheries.

Among the management measures recognize by legislation are:

##### Control of fishing fleet and gear

Article 26 of Decree 2256 establishes that the fishing authority can regulate the number, capacity and gear of the operating fishing fleet.

##### Establishment of catch quotas and minimum sizes

Article 7 of the Law of 1990 and Articles 5 and 6 of Decree 2256 establish an Executive Committee for Fisheries. Article 6 of Decree 2256, as amended by Decree 1431 of 5 May 2006, states that the Executive Committee shall meet in the month of August each year to identify the catch quota per specie and, when required, the allowed minimum sizes. The new Decree allows the Committee, which takes its decisions based on the best scientific evidence available and on information provided by public and private sectors, to amend those decisions based on two circumstances: (i) when during the August meeting the possibility of a revision was already foreseen by the Executive Committee, the decision may only be modified once; (ii) when technical, scientific and social reports conclude that there is a need to amend the decision taken. New Article 9, as recently modified by Decree 1431, recognizes the Ministry of Agriculture and Rural Development as the authority in charge of issuing the Resolution determining global quotas per species for the coming year. The Resolution shall be issued in the month of September each year. The total allowable quota is based on the best scientific evidence available and it has been used consistently as a mechanism to regulate the fisheries in an area for a determinate period. The draft law would introduce new management measures, apart from the total allowable quota, to control the fishing effort.

##### Prohibition of fishing in certain areas and/or certain species

Article 51 of the Law of 1990 recognizes the prohibition of fishing in certain areas and/or certain species. Article 120 of Decree 2256 completes Article 51 and refers to the permanent or partial prohibition for fishing identified species.

Following recommendations made by FAO at the time, a prohibition was put into place in 1995 (Agreement 005 23 June) which regulates the exploitation of sailfish, marlin and swordfish and similar species prohibiting their exploitation as industrial fisheries and limiting them to artisanal and sport fishing. The Agreement prohibits expressly the use of trawl fisheries and any other fishing method that will not involve hand line or rod.

##### Limitation on the use of certain types of Fishing Devices

Article 118 and 119 of Decree 2256 recognizes the use of certain fishing devices and declares the AUNAP as the administrative institution responsible for determining which fishing devices are acceptable to ensure the rational exploitation of the resources based on the species and areas in which they operate. Resolution 1389 of 2004 prohibits the use of Fish Aggregating Devices (FADs) in all fisheries in Colombian waters and by Colombian vessels. However, this Resolution has been revisited

recently pursuant to the Resolution adopted by IATTCC, C-13-04 regarding the need for collection of data and analysis relating to the use of FADS in the tuna fisheries. For this purpose Colombia has implemented Resolution no. 798 of 2014 which establishes fisheries management measures for tuna fisheries and the regulation of FADs with respect to tuna fishing fleets in the Eastern Pacific Ocean. This resolution will allow gathering of information to establish a fisheries management plan for the use of FADs in the area.

#### Licensing/permit system

Article 61 of the Decree 2256 establishes the types of permit for carrying out fisheries in Colombia: Artisanal commercial, commercial industrial, commercial exploratory, commercial ornamental, scientific and recreational. Fishing permits in Colombia are non-transferable in accordance with Article 55 of the Decree. Although the transfer of fishing rights is prohibited, unofficial transfer of fishing rights in some indigenous communities has been reported, reflecting the fact that they have autonomy to decide how they use and exploit their resources.

#### **4.3 Participatory fisheries management**

The Law 13/1990 in its article 51 recognizes the establishment of reserved areas. Regulation 2256 of 1991 considered reserved areas as limited areas in which the exploitation of certain species is limited or prohibited. Article 51 allows the fisheries authority to grant areas of exploitation limited only to artisanal fisheries. These areas are known as ZEPAs (in Spanish), which are areas of exclusive exploitation by artisanal fisheries. These areas are regulated under a number of Resolutions: no. 02650 of 31 July, 2008, no.1051 of 30 July, 2009 INCODER, no. 0545 of 2012 and no. 0899 of 23 July 2013. This area includes from the border with Panama (07° 12' 39,3" N and 77° 53' 20,9" W) to Parque Nacional Utria (6° 3' 36,79" N and 72° 23' 12,85" W) and 2,5 nautical miles. Artisanal commercial fisheries, subsistence and sport fisheries are allowed in this area. Industrial fisheries is prohibited as well as the use of some industrial fishing gear as gillnets and seine nets.

There is also a Special Zone of fisheries management that extends from the ZEPA (exclusive area for artisanal fisheries) to 12 nautical miles. In this area industrial tuna fishery is forbidden using vessels equal or superior to 8 tons as well as the prohibition of long liners with vessels of more than 24 meters.

With the introduction of these fishing areas Colombia has seen positive effects among others:

- The resolution of conflicts between artisanal and industrial fisheries
- The improvement of the artisanal sector
- Increase in institutional cooperation
- Identification of fishing areas
- Improvement of fishing gears
- Investigation economic, social and biological
- Decision making based on scientific evidence
- Increase on artisanal fisheries and improvement on food security.

Yellow fin tuna and skipjack have increased in the area known as Chocó from 2 628 kilograms to 90.873 kilograms. Fisheries has been included as part of the Municipal Development in the Solano Bahia by incorporating elements of sustainability in its development as well as participation by different ethnic groups including black communities and indigenous groups that emphasized the protection of natural resources as well as traditions in order to guarantee food security.

#### **4.4 Specific reference to sport fishing**

Sport fishing, which is defined as fisheries for recreational purposes, is regulated in Articles 80 to 82 of the Decree 2256. The authority in charge of fisheries, AUNAP, authorizes the activity, areas,

species, vessels, systems, and quantities and any other issues relating to sport fishing. Colombia has a great number of people that practice sport fishing both in the sea as well as in inland waters (lakes and rivers). There are also two Resolutions that regulate the activity, Resolution no. 00313 of 1992 (INPA) and Resolution 1717 of 2015 from AUNAP. The objective of the later resolution of the AUNAP is to update the regulatory framework for sport fisheries taking into account the existing information in order to both manage and develop this activity. Today there is no record of sport fishing activity in the Central Western Atlantic. The AUNAP grants permits for sport fishing although there is no criteria to determine where the sport fishing is taking place as the permit only authorizes the activity without specifying the area (both inland and in the sea). Fishing clubs and associations have not been established in the Western Central Atlantic.

#### **4.5 Regional Cooperation in fisheries**

Colombia is collaborating internationally through the RFMO and RFO in combating Illegal, Unreported and Unregulated (IUU) fishing and at this time is adapting national legislation and policies to comply with international standards. Particular attention is being given to the application of the Code of Conduct on Responsible Fisheries and the FAO Plan of Action to Combat IUU Fishing.

Lately Colombia has established a National Round Table that AUNAP is coordinating to combat IUU fishing. The purpose of the National Round Table is to integrate the different authorities (administrative, police and judicial) to establish mechanisms for cooperation and institutional coordination to promote actions to combat IUU fishing in the territory. The Round Table is providing guidance for institutional coordination to control IUU in the Colombian territory through for example establishing Monitoring Control and Surveillance (MCS) procedures. A draft proposed law has been developed as an instrument to control and resolve the problem of IUU fishing in Colombia. This is an important tool that will facilitate the implementation of procedures and sanctions. Since collaboration is essential for combating IUU fishing, the Government of Colombia has, with the support of the Ministry of Foreign Affairs, entered into bilateral action plans with Ecuador and Costa Rica on MCS with special attention to IUU fishing.

#### **5. Actions required as identified in the questionnaire**

- Inter-sectorial cooperation
- Mechanisms for sanctions
- Complete the development of MCS
- Control of sport fishing
- Increase mechanisms for cooperation

## CUBA

### 1. International Fisheries Agreements

Cuba is signatory of the United Nations Convention of the Law of the Sea<sup>40</sup> (UNCLOS) from 10 December 1982 and ratified UNCLOS on 15 August 1984. It is not a party or a signatory to the UN Fish Stocks Agreement<sup>41</sup>, the Compliance Agreement<sup>42</sup> or the Port State Measures Agreement (PSMA)<sup>43</sup>.

### 2. Regional Fisheries Management Organizations (RFMO) and Regional Fisheries Bodies (RFB)

Cuba is a member of the Western Central Atlantic Fisheries Commission (WECAFC).

### 3. Maritime zones and fisheries<sup>44</sup>

Cuba's maritime claims include a 12 nautical mile territorial sea, a 24 nautical mile contiguous zone, a 200 nautical mile exclusive economic zone and a 200 nautical mile continental shelf (or to the edge of the continental margin).

Cuban fisheries combine elements from both artisanal and industrial fisheries. Its characteristics are the following:

- A complete production system that includes a wide network of facilities for landing, storing, processing, transporting and marketing fish products. It comprises docks, cold storages, ice plants, specialized boats and construction/repair workshops for both boats and fishing gear.
- The use of small boats (rarely exceeding 20 m in length), typical of short-range fisheries.
- Exploitation of all the marine resources in the territorial waters, except some demersal species and some highly migratory oceanic species.
- A wide range of fishing gears and methods used, mainly due to the diversity of species and the bottom topography. Seasonality of catches, determined by behavior patterns of some species. These animals group together only in specific seasons, either for spawning or in response to weather conditions. The fishing industry products in 2005 amounted 72.4 millions Cuban Pesos (66.6 millions USD), i.e. 3.6 percent of the total Cuban exports (ONE 2005). This sector employs around 34,000 people including fishery, industrial process, shipyards, marketing and research workers.

### 4. National legislation

#### 4.1 Basic Legislation and institutional framework

The basic Fisheries Law in Cuba is the Law-Fisheries Decree 164, which regulates fishing in the country and establishes management principles. The name of law is in the process of being changed to Fisheries Law.

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40 UNCLOS entered into force 16 November 1994

41 Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks in force since 11 November 2001.

42 The FAO 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas.

43 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement) was adopted by the FAO Conference in 2009

44 Information obtained from: "Cuban Fisheries Management Regime: Current State and Future Prospects" Julio Abraham Baisre Hernández, United Nations University. 2006.

The Law-Fisheries Decree distinguishes in Article 1 between: (a) commercial fisheries that are carried out with the aim of obtaining a profit. There are three different types of commercial fisheries: (i) high volume capture fisheries, (ii) fisheries for internal consumption (“consumo social”), and (iii) commercial fisheries not for human consumption. (b) Sport-recreational fisheries that are carried out not for profit only for personal consumption, for leisure or competition, and (c) research fisheries.

The principal authority in charge of fisheries is the Ministry of the Fisheries Industry regulated under Article 13. The Ministry is authorized to issue, renew and cancel fisheries authorizations that include (licenses, permits and concessions). Concessions are regulated under Article 15 and they are issued for a minimum period of five years. Concessions are issued for fisheries and aquaculture activities. Fisheries licenses are issued annually under Article 16 and could be renewed. They are essential for carrying out both commercial and sport-recreational fisheries. In order to obtain a fisheries license the vessel needs to be registered and a navigation certificate needs to be issued.

#### **4.2 Management Measures**

The Ministry of Fisheries Industry acts with the support of the Fisheries Consultative Committee (Comision Consultiva de Pesca) in charge of analyzing the state of the resources in areas under national jurisdiction and to propose legislation regarding fisheries management in order to obtain a sustainable exploitation which may include: quotas, closed seasons, sizes, and fishing gear among others.

Pursuant to Abraham Baisre (2006) fisheries management is carried out by issuing resolutions which can be grouped according to their purpose on:

- a) Reserved Areas: Marine Reserves or Marine Protected Areas
- b) Closed seasons for some species
- c) Minimum legal sizes
- d) Quotas for sport fisheries
- e) Types of fishing gear
- f) Limitation on granting licenses and authorizations.

#### **4.3 Participatory fisheries management**

The questionnaire indicates that there is participatory fisheries management for some fisheries. For example, lobster fisheries and finfish fisheries (peces de escama).

In order to improve the system the questionnaire mentions cooperatives should be developed to encourage non-governmental commercial fisheries.

#### **4.4 Specific reference to sport fishing**

Articles 33 to 41 of the Law-Fisheries Decree 164 regulate sport and recreational fisheries. The Law indicates that the Ministry of Fisheries Industry will support the development of sport and recreational fisheries. In order to regulate this activity the Ministry of Fisheries Industry will collaborate with the Ministry of Sport and Physical education as well as the Ministry of Tourism. Sport-recreational fisheries could be carry out: (i) on the shore in marine and inland waters, (ii) from boats and (iii) snorkeling. There are certain limitations with respect to permitted fishing gear for sport/recreational fisheries.

Resolution 579/96 regulates sport-fishing activities in marine waters. The resolution establishes a permissible allowable quota, which varies from 15 kg to 30 kg for recreational fisheries depending on the area where the activity is carried out. There are also limitations regarding the number of species that can be captured in particular with respect to tuna species (no more than 3).

#### **4.5 *Regional Cooperation in fisheries***

The questionnaire states that there are mechanisms for cooperation although there is no specific reference in the Law.

## DOMINICAN REPUBLIC

### 1. International Fisheries Agreements

The Dominican Republic is signatory of the United Nations Convention of the Law of the Sea<sup>45</sup> (UNCLOS) from 10 December 1982 and ratified UNCLOS on 10<sup>th</sup> July 2009. It is not a party or a signatory to the UN Fish Stocks Agreement<sup>46</sup>, the Compliance Agreement<sup>47</sup> or the Port State Measures Agreement (PSMA)<sup>48</sup>.

### 2. Regional Fisheries Management Organizations (RFMO) and Regional Fisheries Bodies (RFB)

The Dominican Republic is a member of (i) the Western Central Atlantic Fisheries Commission (WECAFC); (ii) the International Whaling Commission (IWC) that has as its main objective to establish a system of international regulations to ensure proper and effective conservation and management of whale stocks, and (iii) the Central American Fisheries and Aquaculture Organization (OSPESCA), which aims to encourage the development and the coordinated management of regional fisheries and aquaculture activities, helping to strengthen the Central American integration process.

### 3. Maritime zones and fisheries<sup>49</sup>

The Dominican Republic's maritime claims include a 12 nautical mile territorial sea, a 24 nautical mile contiguous zone, a 200 nautical mile exclusive economic zone and a 200 nautical mile continental shelf (or to the edge of the continental margin).

With more than 11 600 fishers and 4 000 small-medium size boats operating through nearly 200 landing sites, fisheries are basically artisanal; however, some semi-industrial, larger vessels operate off the north coast on the country's offshore banks.

### 4. National legislation

#### 4.1 Basic Legislation and institutional framework

Law 307/2004, regulates fisheries activities. The Law's objective is the sustainable use of fisheries resources and aquaculture based on responsible fisheries and aquaculture. There is no specific regulation for the implementation of Law 307/2004. The Law recognizes in its Preamble the obligation of the State to protect, conserve and regulate the exploitation of aquatic biological resources in order to fulfill the food security needs of the population as well as the sustainable development of this sector of the national economy. Article 3 of the Law 307/2004 establishes the Dominican Counsel of Fisheries and Aquaculture (CODOPESCA) a public entity with legal personality and administrative independence in charge of regulating, developing, promoting and controlling fisheries activities relating to exploitation, extraction and investigation of biotic resources. Among other things, pursuant to Article 5 of the Law the CODOPESCA is in charge of: (a) elaborating and implementing the national fisheries policy, (b) promoting artisanal fisheries, (c) promoting the establishment of fisheries cooperatives and some other means to organize the activity, (d) coordinating investigations to determine the resources available as well as the means to improve extraction, (e) determining available resources including volume, species and minimum size, (f) establishing number/type of vessels to limit the capture limits and (g) regulating and controlling the commercial and sporting fisheries in

<sup>45</sup> UNCLOS entered into force 16 November 1994

<sup>46</sup> Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks in force since 11 November 2001.

<sup>47</sup> The FAO 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas.

<sup>48</sup> FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement) was adopted by the FAO Conference in 2009

<sup>49</sup> Report FAO 587, Fisheries Management Dominican Republic, page 137.

territorial and EEZ waters. In order to carry out its functions CODOPESCA coordinates its activities with the Secretary for Environment and Natural Resources (Article 6). CODOPESCA includes a Directive Counsel and an Executive Director. The questionnaire mentions a fishery consultative committee regulated under the Law but this is not referenced in available legislation.

#### **4.2 Management Measures**

As mentioned in FAO Report 587, Law 307/2004 does not make reference to the need of establishing fisheries management plans. At the national and local levels, fewer than 33 percent of fisheries have published regulations or rules that have been informed by methodical scientific monitoring and evaluation.

Among the management measures recognized by the Law are:

##### **Control of fishing fleet and gear**

As mentioned above CODOPESCA regulates the number and type of vessels to limit capture. This mandate is established in Article 45 of the Law 307/2004, which indicates that COPOPESCA can adopt measures to limit the fishing effort in specific fisheries in order to avoid overexploitation and can establish Total Allowable Catches (TAC) for specific species, areas and time of operation in order to assure the protection of the fisheries and their sustainability.

##### **Establishment of catch quotas and minimum sizes**

Apart from catch quotas recognized in Article 45 of the Law 307/2004, Article 61 refers to the possibility for CODOPESCA to establish by decree minimum sizes and quantities per species.

##### **Prohibition of fishing in certain areas and/or certain species**

Prohibition of fisheries in some areas and of some species is regulated in Articles 61 and 62 of Law 307/2004. Article 41 recognizes a reserved area of 54 miles with the exception of La Plata and La Navidad for subsistence, artisanal, sport and scientific fisheries and prohibits any industrial fisheries in that area. Article 43 establishes that a permit is required for fisheries activities conducted in reserved areas.

##### **Limitation on the use of certain types of Fishing Devices**

Articles 63 to 66 of Law 307/2004 prohibit the use of gear, which has not been approved by CODOPESCA.

The legislation permits the use of Fish Aggregating Devices (FADS).

##### **Licensing/permit system**

Chapter IV of Law 307/2004 regulates fisheries activities in the Dominican Republic. In order to carry out commercial fisheries activities Article 15 requires a fisheries license as well as an inspection permit. All persons who want to carry out fisheries activities need to have a license, whether in artisanal, industrial, sport or scientific fisheries. Fisheries licenses are valid for two years and renewable for two years periods. The license should include the fisheries activity, types of gear and place of operation. In order to grant or extend a license, CODOPESCA will take into account the condition of the resources in order to maintain the fisheries sustainably. Fishing licenses are non-transferable. It is important that the person who holds the fisheries license maintains a record of production and submits all the information to CODOPESCA. The information will include information on capture, effort, sizes and frequency.

#### **4.3 Participatory fisheries management**

The questionnaire indicates that there is participatory fisheries management for some fisheries. This is also indicated on FAO Report 587. However no reference to co-management or participatory

management is found in Law 307/2004, with the exception of Article 30, which deals with reservoirs. The questionnaire also indicates that there are community based transferable quotas and territorial rights to fishing administered by the Government.

#### **4.4 *Specific reference to sport fishing***

Sport fishing in the Dominican Republic mainly focuses on marlin and wahoo, tunas and dolphin fish. There is no specific regulation of sport fishing in the Dominican Republic.

#### **4.5 *Regional Cooperation in fisheries***

Law 307/2004 recognizes in its preamble that the Dominican Republic is a party to international agreements relating to the management, exploitation conservation and production of biological resources. The questionnaire states that the legislation has measures to implement the measures taken by the Regional Fisheries Management Organizations. Law 307/2004 establishes establish specific licensing requirement for foreign vessels operating in the waters of the Dominican Republic for foreign vessels operating in the Dominican Republic waters (Articles 19 and 20) allowing CODOPESCA to define special provisions applicable to those vessels.

### **5. *Actions required as identified in the questionnaire***

- Need to undertake a baseline study of the recreational and sport fishing in the country (both marine and inland fisheries).
- Need to develop more specific fisheries management plans.
- Need to improve legislation to adapt it to the PSMA, possibly regulating the 307/2004 law as suggested in the questionnaire.
- More emphasis on MCS including licensing and registration of recreational and sport fishers and fishing boats.

## **GRENADA**

### **1. International Fisheries Agreements**

Grenada is a signatory to the United Nations Convention of the Law of the Sea<sup>50</sup> from 10 December 1982 and ratified the Convention on 25 April 1991. It is not a party to the UN Fish Stocks Agreement<sup>51</sup>, the Compliance Agreement<sup>52</sup> (19 July 2005) or the Port State Measures Agreement (PSMA)<sup>53</sup>.

### **2. Regional Fisheries Management Organizations (RFMO) and Regional Fisheries Bodies (RFB)**

Grenada is a member of the International Whaling Commission (IWC), the Western Central Atlantic Fisheries Commission (WECAF), and the Caribbean Regional Fisheries Mechanism (CRFM).

### **3. Maritime zones and fisheries**

Grenada's maritime claims include a 12 nautical mile territorial sea and a 200 nautical mile exclusive economic zone (EEZ).

### **4. National legislation**

#### **4.1 Basic Legislation and institutional framework**

The basic legislation on fisheries in Grenada is the Fisheries Act 105 of 1986, amended in 1989 and 1999 Fisheries Regulations Chapter 108/2 of 2001. The Act indicates its objective as the promotion and management of fisheries in the fisheries waters of Grenada for the purpose of ensuring the optimum utilization of fisheries resources for the benefit of Grenada. The legislation defines the functions of and powers of fisheries management authorities and provides for the involvement of stakeholders and those affected in decision making or planning. The responsible authority for the management of fisheries is the Ministry of Agriculture, Lands, Forestry, Fisheries and Environment through the Fisheries Division. Section 5 of the Act establishes a Fisheries Advisory Committee. The questionnaire indicates that the Fisheries Advisory Body did not meet in 2014.

#### **4.2 Management Measures**

Section 4 of the Act refers to the need to prepare a fisheries management plan for the management and development of fisheries in the fishery waters.

The fisheries plan shall:

- (a) identify each fishery and assess the present state of its exploitation;
- (b) specify the objectives to be achieved in the management of each fishery;
- (c) specify the management and development measures to be taken; and
- (d) specify the licensing programs to be followed for each fishery, the limitations (if any) to be applied to local fishing operations and the amount of fishing (if any) to be allocated to foreign fishing vessels.

<sup>50</sup> UNCLOS entered into force 16 November 1994

<sup>51</sup> Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks in force since 11 November 2001.

<sup>52</sup> The FAO 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas.

<sup>53</sup> FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement) was adopted by the FAO Conference in 2009.

In the preparation and review of the fisheries plan, the Chief Fisheries Officer shall consult with local fishermen, local authorities, other persons affected by the fisheries plan and with the Fisheries Advisory Committee appointed under section 5.

The fisheries plan and each review thereof shall be submitted to the Minister for approval.

Among the management measures included in the Act, Section 40 provides powers to the Ministry to make regulations for the management and development of fisheries in fisheries waters. Measures for the protection and conservation of fisheries to be included in the regulations are: mesh sizes, standards of fishing gear, minimum species sizes, close seasons, closed areas, prohibited methods of fishing, prohibited fishing gear and schemes for limiting entry into all or any specified fisheries. The Fisheries Regulation (Chapter 108) establishes in Part VI Fisheries Conservation Measures for lobster, turtles, conch, sea urchins, oysters.

### **Licensing/permit system**

The Fisheries Act distinguishes between foreign fishing licenses (Section 8) and local fishing licenses (Section 11). Section 41 indicates that the Minister may provide an exemption to the application of Section 11 to any local vessel by an Order. Section 12 establishes the conditions of local fishing licenses including that the fishing license shall be valid for a period of not more than 12 months and that the license shall not be transferable except with the written permission of the Chief Fisheries Officer or in the case of a foreign fishing license by the Minister. There are TURF rights in the beach seine fishery, which are based on traditional rules and not by statute.

#### ***4.3 Participatory fisheries management***

There is recognition in the legislation of participatory management and there are experiences within the Ocean pelagic fishery for FADs under the Caribbean Fisheries Co-management project, which has conducted a pilot utilizing FADS on the east cost of Grenada.

#### ***4.4 Specific reference to sport fishing***

Section 40 of the Act establishes that the Minister may make regulations for sport fishing. In the Marine Protected Areas Regulations of 2001 there is specific reference to marine areas in which sport fishing is practiced.

#### ***4.5 Regional Cooperation in fisheries***

(1) Sections 6 and 7 of the Fisheries Act refers to regional cooperation indicating that Minister may enter into arrangements or agreements with other countries. Mainly those agreements would relate to:

- (a) the harmonization of systems for the collection of statistics, and the carrying out of surveys and procedures to assess the state of fisheries resources;
- (b) the harmonization of licensing procedures and conditions in respect of foreign fishing vessels;
- (c) schemes for the issuing of fishing licenses in respect of foreign fishing vessels by any competent regional organization on behalf of the Minister and the recognition of regional licenses issued by such an organization, subject to such conditions as may be specified in the agreement or arrangement and to such additional conditions as the Minister may specify from time to time;
- (d) the taking of joint or harmonized enforcement measures in respect of foreign fishing vessels contravening fisheries laws in the region;
- (e) the establishment and operation of joint or regional fisheries management bodies;
- (f) the establishment of a regional register of fishing vessels;

- (g) such other co-operative measures as are or may seem to him or her appropriate, including measures for promoting the welfare of fishermen and the insurance of fishing vessels and fishing gear.

(2) For the purpose of giving effect to any arrangement or agreement entered into under this section, the Minister may by Order—

- (a) Authorize a competent regional organization designated in the Order to issue on his or her behalf fishing licenses in respect of foreign fishing vessels within the limits set out in the Order;
- (b) Exempt from the requirements of section 8 any foreign fishing vessel or class of foreign fishing vessel holding valid regional fishing licenses issued by a competent regional organization designated in the Order; and
- (c) Prescribe the conditions to be observed by foreign fishing vessels exempted under paragraph (b) while fishing or navigating in the fishery waters.

(3) An Order made under subsection (2) shall be subject to negative resolution of each House of Parliament.

Section 7: Fisheries access agreements:

- (1) The Minister may enter into access agreements with foreign states and with associations representing foreign fishing vessels, owners or charterers, providing for the allocation of fishing rights to vessels from those states or associations.
- (2) The fishing rights allocated under agreements entered into under this section shall not exceed the total resources or the amount of fishing allowed to the appropriate category of foreign fishing vessels under the fisheries plan.
- (3) An agreement entered into under this section shall include a provision establishing the responsibility of the foreign state or association to take necessary measures to ensure compliance by its vessels with the terms and conditions of the agreement and with the laws relating to fishing in the fishery waters.
- (4) For the purposes of this section and section 8(4), “state” includes any regional organization to which the power to negotiate access agreements has been delegated by the member countries.

## **5. Actions required as identified in the questionnaire**

Improvement needed on PSMA requirements.

## MEXICO

### 1. International Fisheries Agreements

Mexico is a signatory to the United Nations Convention of the Law of the Sea<sup>54</sup> from 10 December 1982. It ratified the Convention on 18 March 1983. It is a party to the Compliance Agreement<sup>55</sup> (11 March 1999) but not to the UN Fish Stocks Agreement<sup>56</sup> or the Port State Measures Agreement (PSMA)<sup>57</sup>.

### 2. Regional Fisheries Management Organizations (RFMO) and Regional Fisheries Bodies (RFB)

Mexico is a member of the Inter-American Tropical Tuna Commission (ITTTC), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the International Whaling Commission (IWC), the Western Central Atlantic Fisheries Commission (WECAF), and the Latin American Fisheries Development Organization (OLDEPESCA).

### 3. Maritime zones and fisheries<sup>58</sup>

Mexico has recognized a 12-mile territorial sea in 1969 and an EEZ of 200 nautical miles in 1975. Mexico has a wide diversity of fisheries resources.

Fisheries resources for commercial fisheries located in territorial waters of the country are grouped in three categories: (a) Pelagic or massive species: tuna, sardine and anchovy, (b) demersal species: red snapper, mullet, snapper, shark, dogfish, mackerel and bream (c) crustaceans and shellfish: shrimp, lobster, abalone, oysters, clams, snails, octopus, sea cucumber and sea urchin and Susceptible crop species.

### 4. National legislation

#### 4.1 Basic Legislation and institutional framework

The basic fisheries legislation in Mexico is the General Sustainable Fisheries and Aquaculture Law of 2007 (last version January 2014). The law includes basic principles such as: management of fisheries taking into account social, economic, technological, productive and biological aspects and rehabilitation of ecosystems. The law also recognizes the access of communities and indigenous peoples and establishes mechanisms for coordination among authorities (Article 2.V. of the Law).

Pursuant to Article 6 of the Law there is recognition of competence on fisheries matters of the federal government as well as the federal entities, federal district and municipalities. There are 13 State laws enacted for sustainable fisheries and aquaculture. At the federal level the authority responsible for implementation is the Secretary of Agriculture, Livestock, Rural Development, Fishing and Feeding of the Mexican Federal Government (SAGARPA), through the National Commission of Aquaculture and Fishing (CONAPESCA) which has the primary responsibility for marine capture fisheries management matters.

At the local level, management responsibility is led by the five regional offices of Fisheries and Aquaculture (Oficinas Regionales de Pesca y Acuicultura – ORPA) and the corresponding local

<sup>54</sup> UNCLOS entered into force 16 November 1994

<sup>55</sup> The FAO 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas.

<sup>56</sup> Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks in force since 11 November 2001.

<sup>57</sup> FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement) was adopted by the FAO Conference in 2009.

<sup>58</sup> FAO Report 587 Fisheries Management, Mexico (pages 161-191).

counterpart fisheries authorities or their equivalent in the 32 states of the Mexican Republic. The governments of the states and municipalities also share some of this management responsibility. Pursuant to Article 29 of the Law, the National Institute of Fisheries (INAPESCA) is in charge of research, science, innovation and technology in fisheries and aquaculture.

#### **4.2 Management Measures**

The Secretary of Agriculture, Livestock, Rural Development, Fishing and Feeding of Mexican Federal Government, through the National Commission of Aquaculture and Fishing (CONAPESCA), promotes the sustainable exploitation of marine resources and contributes to their conservation. Article 4 of the Law defines fisheries management as: “a collection of tools aimed at regulating and managing fishing activities for the sustainable use of fisheries resources and aquaculture, taking into account the availability of fisheries resources, historical information on harvest, resource usage, potential development activities, fishing capacity and aquaculture capacity, reference points for fisheries management and understanding of ecological boundaries. The legislation provides a legal framework for activities at all levels of management: national, regional, international and local”.

Several fisheries management objectives are listed in the legislation, prioritized as follows:

- (a) Establish and define the principles to organize, promote and regulate the integrated management and sustainable use of fisheries and aquaculture, taking into consideration social, technological, productive, biological and environmental aspects;
- (b) Promote the improvement of the quality of life of fishermen and farmers of the country through programs that are implemented for the fisheries and aquaculture sector;
- (c) Establish the basis for the management, conservation, protection, recovery and sustainable use of fisheries and aquaculture resources and the protection and rehabilitation of the ecosystems in which these resources are found;
- (d) Establish basic rules for planning and regulating the use of fisheries and aquaculture resources, in controlled, natural, conditioned or artificial media or selected environments, whether concerned with the partial or complete life cycle, in marine, inland or brackish and on the grounds of public or private property;
- (e) Ensure the right to access, preferential use and benefits of fisheries and aquaculture resources by communities and indigenous peoples, in terms of this Act, by the places they occupy and inhabit;
- (f) Establish the basis and the coordination mechanisms among the federation authorities, the states and municipalities to better fulfill the objectives of this Act;
- (g) Determine and establish the basis for the creation, operation and functioning of participatory mechanisms for the dedicated producers involved in fisheries and aquaculture activities;
- (h) Support and facilitate scientific and technological research in the field of aquaculture and fisheries;
- (i) Set the system of concessions and permits for fishing activities and aquaculture;
- (j) Establish the basis for the development and implementation of sanitary measures of fisheries and aquaculture resources;
- (k) Establish the basis for health, safety and quality certification of fisheries and aquaculture products, from procurement or capture up until primary processing, of the supporting activities, and of the establishments and facilities involved in production or holding;
- (l) Establish a national fisheries and aquaculture information and registration system;

- (m) Establish an inspection and monitoring scheme for fisheries and aquaculture, as well as the mechanisms for coordination among the competent authorities;
- (n) Establish offences and corresponding penalties for any breach or violation of the provisions of this Act, its regulations and associated official Mexican standards, and
- (o) Propose mechanisms to guarantee that fisheries and aquaculture activities are focused on food production.

It should be noted that these objectives are incorporated into fisheries management plans, and in the case of shared resources, have been informed by the work of RFBs and RFMOs.

Additionally, many other non-fishery legislation instruments impact fisheries management in Mexico, including endangered species legislation, export/import/trade legislation, biodiversity legislation oceans policy legislation, marine park/sanctuary/ reserves legislation, port management legislation and forestry (mangroves) legislation.

Pursuant to Article 37 of the Law, fisheries management programs must include at the minimum:

- a) exact specification about the area covered in the programs,
- b) a complete and up to date list of all stakeholders in the region of concern,
- c) the fishing resources subject to exploitation; and
- d) management plans approved and publicized.

The Law foresees granting concessions and permits for commercial fisheries and aquaculture. The law regulates: commercial fisheries, small-scale fisheries, recreational/sport fisheries, subsistence fisheries and fisheries for promotion. In order to grant permits or concessions Article 43 of the Law underlines that granting of concessions and permits should be subject to public interest as well as the maintenance and preservation of the resource. The Secretary will base its decisions on social equity criteria and scientific evidence available on the resource. Special attention will be given to local communities whenever they use authorized fishing gear.

#### ***4.3 Participatory fisheries management***

The Law foresees the participation of stakeholders in the management of fisheries resources at national, regional, international and local levels. Stakeholders are referred as “users” of fisheries and aquaculture as well as specialists with interest in its regulation, promotion and development. The Law allows for a full range of participatory processes including: consultative management, co-management, and devolution of management. The questionnaire indicates that the principal fisheries in which management is used include Gulf corvine, geoduck clam and blue fin tuna.

#### ***4.4 Specific reference to sport fishing***

The Law refers specifically to sport/recreational fisheries. Article 68 indicates that fishing of marlin, sailfish and swordfish is only allowed as sport fishing activity within 50 miles from the base line from which the territorial sea is measured. Fisheries regulations of 2004 also dedicate Chapter V to regulate sport fishing.

#### ***4.5 Regional Cooperation in fisheries***

As indicated in the FAO Report 587 on Fisheries Management, Mexico’s legislation allows the country to incorporate and implement the provisions of regional/international agreements. Mexico has introduced a number of rules and regulations to support compliance with such international provisions, including provisions of the Code of Conduct on Responsible Fisheries and the Compliance Agreement among others.

**5. Actions required as identified in the questionnaire**

The questionnaire indicates the need to improve the implementation of regulations as well as inspection and monitoring and capacity building.

## ST. KITTS AND NEVIS

### 1. International Fisheries Agreements

St. Kitts and Nevis is a signatory to the United Nations Convention of the Law of the Sea<sup>59</sup> from 10 December 1982 and ratified the Convention on 7 January 1993. St. Kitts and Nevis is a party to the UN Fish Stocks Agreement<sup>60</sup> since 6 July 2015, the Compliance Agreement<sup>61</sup> (19 July 2005) or the Port State Measures Agreement (PSMA)<sup>62</sup> also from 9 December 2015.

### 2. Regional Fisheries Management Organizations (RFMO) and Regional Fisheries Bodies (RFB)

St. Kitts and Nevis is a member of the International Whaling Commission (IWC), the Western Central Atlantic Fisheries Commission (WECAF), and the Caribbean Regional Fisheries Mechanism (CRFM).

### 3. Maritime zones and fisheries

The Maritime Areas Act, 1984 (Act No. 3) recognizes the territorial sea and the continental shelf of Saint Christopher and Nevis, and establishes a contiguous zone and an exclusive economic zone adjacent to and beyond the territorial sea.

As reflected in Report 587 Fisheries Management the most important small scale artisanal fisheries in St. Kitts and Nevis are coastal pelagic and conch. There is not available information on commercial/industrial fisheries.

### 4. National legislation

#### 4.1 Basic Legislation and institutional framework

The basic legislation is the Fisheries Act of 1984 (Act. No. 4), implemented by the Fisheries Regulations of 19 June 1995. The legislation provides for the licensing of local and foreign fishing vessels; confers upon the Minister the power to enter into arrangements or agreements dealing with access or otherwise in regard to fishery matters; provides an institutional framework for the management, planning, development and conservation of fishery resources in Saint Christopher and Nevis; and provides for related or incidental matters.

St. Kitts and Nevis is now in the process of revising the Fisheries Act with assistance from FAO. The Draft Fisheries Aquaculture and Marine Resources Bill of July 2015 includes as its objective: "...to ensure the long-term conservation, management, development and sustainable use of Saint Christopher and Nevis fisheries, aquaculture and marine resources and ecosystems for the benefit of the people of Saint Christopher and Nevis."

The Draft Bill recognizes the importance of using "the best technical knowledge and scientific evidence available to maintain or restore stocks at levels capable of producing sustainable yield, as qualified by relevant environmental and economic factors including fishing patters, interdependence of stocks and relevant international standards". The Draft Bill also includes an important recognition of the application of standards based "on applicable standards agreed at international, regional or sub-regional level, such as Limit Reference Points and Target Reference Points". In terms of the institutional framework Part 2 of the Draft Bill refers to the Administration. The Draft Bill identifies a

<sup>59</sup> UNCLOS entered into force 16 November 1994.

<sup>60</sup> Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks in force since 11 November 2001.

<sup>61</sup> The FAO 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas.

<sup>62</sup> FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement) was adopted by the FAO Conference in 2009.

Ministry responsible for Fisheries, Aquaculture and Marine Resources, it also recognizes a Director of Fisheries (section 8) to supervise, manage and control the affairs of the Department, subject to the general direction and control of the Minister.

#### **4.2 Management Measures**

Section 3 of the Fisheries Act of 1984 recognizes that the Minister shall take such measures to promote the management and development of fisheries so as to ensure the optimum utilization of the fisheries resources in the fisheries waters for the benefit of Saint Kitts and Nevis. The Act assigns powers and responsibilities to a number of authorities, including the Minister, a Chief Fisheries Officer and other Fisheries Officers. Section 4 recognizes the need to prepare fisheries plan that needs to be consulted with local fishermen, local authorities and other affected persons, as well as with any Fisheries Advisory Committee. The Fishery Advisory Committee is addressed in section 5.1 of the Act and section 2 of the Regulations. The Minister decides the composition of the Fishery Advisory Committee. The questionnaire indicates that the Fishery Advisory Body has never been appointed. The Fisheries Regulations of 1995 include provisions on lobsters, turtles, conch, coral sponges, marine algae and sea stars, and aquarium fish.

Section 13 of the Draft Bill establishes the Fisheries, Aquaculture and Marine Resources Advisory Council that should be established within six months of the entry into force of the Draft Bill of no less than seven and no more than eleven members with due recognition of gender and Fisheries, Aquaculture and Marine Resources experience and proportional representation between the islands of Saint Christopher and Nevis.

#### **4.3 Participatory fisheries management**

There is no participatory management system in St. Kitts and Nevis.

The new Draft Bill recognizes the existence of “licenses committees” to review applications for licenses and authorizations made pursuant to the Bill as well as make reports and recommendations to the Director on the grant, renewal, suspension and revocation of licenses, authorizations and accreditations pursuant to the Bill, and any fees, levies or other charges that may be payable in each case. The Committee is regulated in the Draft Regulations (section 6). The Draft Bill also foresees the existence of an Appeals Committee.

#### **4.4 Specific reference to sport fishing**

The Fisheries Act indicates that Fisheries Regulations will develop specific provision for sport fishing, although such regulations have not yet been developed.

The Draft Bill includes the definition of: “commercial sport fishing” which means “the hiring out of a vessel or services for recreational fishing purposes, including for use in fishing competitions, and the use of such hired vessel or services for such purposes, or as otherwise prescribed” and distinguishes from: “sport fishing” which means harvesting fish for personal use, fun, or challenge. In accordance with the Draft Bill “commercial sport fishing” requires a license. The Draft Regulation includes information on the cost of sport fishing licenses for a vessel and a foreigner.

#### **4.5 Regional Cooperation in fisheries**

Section 6 of the Fisheries Act gives power to the Ministry to enter into regional cooperation agreements to: (a) harmonize systems for the collection of statistics and the carrying out of surveys and procedures for assessing the state of the fisheries resources; (b) the harmonization of licensing procedures and conditions in respect of foreign fishing vessels; (c) schemes for the issuance of fishing licences in respect of foreign fishing vessels by a competent regional organization on behalf of the Minister and the recognition of regional licences issued by such organization, subject to such conditions as may be specified in the agreement or arrangement and to such additional conditions as the Minister may specify from time to time; (d) the taking of joint or harmonized enforcement measures in respect to foreign fishing vessels contravening fisheries laws in the region; (e) the establishment and operation of joint or regional fisheries management bodies where appropriate;

(f) where appropriate, the establishment of a regional register of fishing vessels; and (g) such other cooperative measures as appropriate including such measures for promoting the welfare of fishermen and matters relating to insurance of fishing vessels and gear.

International cooperation is recognized in Section 15 of the Draft Bill which indicates that: “bilateral, regional and international cooperation shall be encouraged in particular with respect to: (a) fisheries conservation and management, (b) fisheries monitoring, control and surveillance, (c) collection and exchange of data and information, (d) implementation of international standards for flag State performance; and (e) such other matters within the scope of the Act.”

**5. Actions required as identified in the questionnaire**

- Update the fisheries legislation.

Increase investment to improve financial and human capacity for the fisheries sector.

## SAINT LUCIA

### 1. International Fisheries Agreements

Saint Lucia is a signatory to the United Nations Convention of the Law of the Sea<sup>63</sup> from 10 December 1982 and ratified the Convention on 27 March 1985. It is also a party to the UN Fish Stocks Agreement<sup>64</sup> (9 August 1996) and the Compliance Agreement<sup>65</sup> (23 October 2002) but is not a party to the Port State Measures Agreement (PSMA)<sup>66</sup>.

### 2. Regional Fisheries Management Organizations (RFMO) and Regional Fisheries Bodies (RFB)

Saint Lucia is a member of the International Whaling Commission (IWC), the Western Central Atlantic Fisheries Commission (WECAF), and the Caribbean Regional Fisheries Mechanism (CRFM).

### 3. Maritime zones and fisheries<sup>67</sup>

St. Lucia's maritime claims include a 12 nautical mile territorial sea, and a 200 nautical mile exclusive economic zone (EEZ).

The most important commercial fisheries in St. Lucia are demersal, coastal pelagic and offshore pelagic fisheries. The fishing year for Saint Lucia is divided into a high season that typically extends from December to May and a low season from June to November when relatively large quantities of demersal fish species are landed.

### 4. National legislation

#### 4.1 Basic Legislation and institutional framework

The basic fisheries legislation in Saint Lucia is the Fisheries Act, Chapter 7 of the revised laws of Saint Lucia 2008 (originally referred to as Fisheries Act no. 10 of 1984) and the Fisheries Regulations no. 9 of 1994. The term "fisheries management" is not defined in the legislation but section 3 notes that the Minister should promote the management and development of fisheries so as to ensure the optimum utilization of the fisheries resources in the fishery waters for the benefit of Saint Lucia. The legislation does not identify a specific agency but refers to the Minister responsible for Fisheries appointing a Chief Fisheries Officer and other Fisheries Officers who are necessary to give effect to the act at the national level (section 3.2).

#### 4.2 Management Measures

Section 4 of the Act indicates that the Chief Fisheries Officer shall prepare and keep under review a plan for the management and development of fisheries in the fishery waters. The fisheries plan shall: (a) identify each fishery and present state of its exploitation; (b) specify the objectives to be achieved in the management of each fishery, (c) specify the management and development measures to be taken and (d) specify the licensing programs to be followed for each fishery, the limitations if any to be applied to local fishing operations and the amount of fishing if any to be allocated to foreign fishing vessels. There are some specific management measures for lobster, conch, sea turtle and sea urchins. The measures include closed seasons, requirements for special permits, size limit regulations, gear restrictions, and protection of egg-laden or nesting animals. Section 5 of the Act foresees the existence

<sup>63</sup> UNCLOS entered into force 16 November 1994

<sup>64</sup> Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks in force since 11 November 2001.

<sup>65</sup> The FAO 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas.

<sup>66</sup> FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement) was adopted by the FAO Conference in 2009.

<sup>67</sup> FAO Report 587 Fisheries Management, pag. 233-247 (St. Lucia)

of a fishery advisory committee (the questionnaire indicates that there should be more power given to stakeholders for selection of representatives on the committee.) As indicated in the FAO Report 587 the legislative framework does not set up a series of steps or processes for developing, organizing and implementing fishery management regulations and fishery management plans.

#### **4.3 *Participatory fisheries management***

Stakeholders are informally involved in the management of all marine capture fisheries at the national, regional/international and local levels. According to the questionnaire, participatory fisheries management is used with respect to sea urchin fishery large pelagic fishery. The questionnaire also recommends that in order to improve the participatory management system, there should be wider consultation with a cross-section of stakeholders, rather than only the Minister designating authority to a stakeholder group to manage an area.

#### **4.4 *Specific reference to sport fishing***

Sections 25 and 26 refer to sport fishing licenses.

#### **4.5 *Regional Cooperation in fisheries***

Section 6 of the Fisheries Act foresees the possibility of regional cooperation in fisheries. According to the FAO Fisheries Management Report 587, although Saint Lucia legislation predates several international fisheries agreements adopted since the 1990's, there have been efforts to introduce standards consistent with the new and emerging commitments prescribed for achieving sustainable fisheries management. Saint Lucia participates in RFB for improving the management of shared fisheries resources.

### **5. *Actions required as identified in the questionnaire***

The identified limitations are in the area of MCS.

## SAINT VINCENT AND THE GRENADINES

### 1. International Fisheries Agreements

Saint Vincent and the Grenadines ratified the United Nations Convention of the Law of the Sea<sup>68</sup> the 1<sup>st</sup> October 1993, the UN Fish Stocks Agreement<sup>69</sup> (29 October, 2010), it is not a party to the Compliance Agreement<sup>70</sup> or the Port State Measures Agreement (PSMA)<sup>71</sup>.

### 2. Regional Fisheries Management Organizations (RFMO) and Regional Fisheries Bodies (RFB)

Saint Vincent and the Grenadines is a member of the International Whaling Commission (IWC), the Western Central Atlantic Fisheries Commission (WECAFC), the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the Caribbean Regional Fisheries Mechanism (CRFM).

### 3. Maritime zones and fisheries

The Maritime Areas Act 15/of 1983 defines the territorial sea in section 5 as the “waters from its archipelagic baseline seaward to a limit of 12 nautical miles”. The Exclusive Economic Zone (EEZ) in section 7 “the waters seabed and subsoil contiguous to its territorial sea from its archipelagic baseline to a limit of 200 nautical miles”.

The fishing industry in Saint Vincent and the Grenadines is predominantly small scale and artisanal, employing traditional gears, methods and vessels. The majority of fishing vessels is open and powered by outboard engines. These vessels exploit the oceanic and inshore pelagics as well as the shelf and deep-slope demersals. Most fishers are daily operators, going out to sea in the morning and returning to land in the late afternoon or evening.

### 4. National legislation

#### 4.1 Basic Legislation and institutional framework

The basic fisheries legislation is the Fisheries Act 8 of 1986 amended by Act 32 of 1986 and Act 25 of 1989. There is also High Seas Fishing Regulation 2013. The purpose of the fisheries legislation pursuant to section 3 of the Fisheries Act 8/1986 is to “promote the management and development of fisheries, so as to ensure the optimum utilization of the fisheries resources in the fishery waters for the benefit of Saint Vincent and the Grenadines”. The Minister is the authority in charge of manage the fisheries and appoints a Chief Fisheries Officer and other fisheries officers and assistants as may be necessary. In accordance with section 5 the Minister may make regulations for the establishment of the Fisheries Advisory Committee (section 45.2 (c)).The questionnaire indicates that the Fisheries Advisory Committee has not been established.

#### 4.2 Management Measures

Pursuant to section 4 of the Fisheries Act 8/1986 the Chief Fisheries Officer shall prepare and keep under review a plan for the management and development of fisheries in the fishery waters. In the preparation and review of the fisheries plan the Chief Fisheries Officer shall consult with the local fishermen, local authorities other persons affected by the fishery plan and with the advisory committee.

<sup>68</sup> UNCLOS entered into force 16 November 1994

<sup>69</sup> Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks in force since 11 November 2001.

<sup>70</sup> The FAO 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas.

<sup>71</sup> FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement) was adopted by the FAO Conference in 2009

At present, as indicated in the questionnaire, there are regulations for specific management measures for individual fisheries (conch and spiny lobster): harvest of certain species, length, weight, landing requirements bag/catch limits, sale and market restrictions, export restrictions.

With respect to fish aggregating devices (FADs) section 2 of the Fisheries Act 8/1986 provides an interpretation as “any man made or partly man-made floating or submerged device, whether anchored or not, intended for the purpose of aggregating fish, and includes any natural floating object on which a device has been placed to facilitate its location”.

The Fisheries Regulations of 1987 (20 January 1987) refers to placing of the devices in section 26:

- (1) No person shall place a fish-aggregating device in the fishery waters except with the permission of the Chief Fisheries Officer and in accordance with such conditions as he may specify or as are otherwise specified in this Part of the Regulations.
- (2) The permission of the Chief Fisheries Officer under this Regulation may be given in the form of a telex or cable or in writing whether as a condition of the license or otherwise, or, in the case of a fish aggregating device placed by or on behalf of the Fisheries Department, shall be implied.
- (3) Permission to place a fish-aggregating device shall not confer any exclusive right to fish in the vicinity of the device.
- (4) The master of any vessel placing a fish-aggregating device shall notify the Chief Fisheries Officer within 24 hours of the nature and location of the device.

Section 27 refers to designated FADs:

- (1) The Chief Fisheries Officer may, by Notice published in the Gazette declare any fish aggregating device to be a designated fish aggregating device for the purposes of this Regulation.
- (2) No person shall fish within a radius of one half of a nautical mile from a designated fish-aggregating device except with the permission of the Chief Fisheries Officer and in accordance with such conditions as he may specify.

Section 28 refers to the Marking of devices:

Any fish-aggregating device placed in the fishery waters shall:

- (a) be clearly marked with the name of the owner and of the vessel from which the device was placed;
- (b) bear a radar reflector and such lights as shall be clearly visible at night from a distance of five nautical miles, and
- (c) have such other equipment or markings as the Chief Fisheries Officer may require.

Section 29 refers to the disposal of unauthorized devices. Any fish aggregating device placed in the fishery waters otherwise than in accordance with a permission given under Regulation 21 may be used or disposed of in such a manner as the Minister may direct.

At this moment the Caribbean Fisheries Co-management Project (CARIFICO) a joint collaboration between the Caribbean Regional Fisheries Mechanism (CRFM) member countries, CRFM Secretariat and JICA is developing a project which intends to develop and implement suitable fisheries co-management approaches in six OECS countries (including St. Vincent and the Grenadines) and appropriately share achievements and lessons learnt with other CRFM member states. CARIFICO was implemented on 1<sup>st</sup> May, 2013 and has a duration of five years.

In St. Vincent and the Grenadines the project focuses on FAD fisheries. It is intended through the project to:

1. Conduct a baseline survey of FADs fisheries on the west coast St. Vincent.
2. Examine and improve the system of fisherman ID, fishing boat registration and fishing boat licensing.
3. Determine the scope and method of data collection to be used in regular updating for co-management of target fisheries.
4. Update the information on FADs fisheries in the country periodically.
5. Build consensus with fishers about rules required for co-management including rules for obtaining FADs fishing license.
6. Examine possible supportive measures to promote co-management by government authority, such as duty free concession and BFTC (Basic Fisherman's Training Course).
7. Facilitate the development of regulations to govern fisheries co-management arrangements.
8. Conduct regular meetings with fishers/fisher organizations and government authorities, which participate in co-management.

Provide technical assistance for the stakeholders involved in FAD fisheries

#### **4.3 Participatory fisheries management**

Section 18 of the Fisheries Act 8/1986 refers to Local Fisheries Management Areas:

- (1) The Minister may by notice published in the Gazette:
  - (a) designate any local authority, fishermen's cooperative or fishermen's association or other appropriate body representing fishermen in the area as the Local Fisheries Management Authority for that area.
  - (2) Where there is no appropriate body representing fishermen in the area, the Minister may promote the formation of such a body.
19. (1) A Local Fisheries Management Authority designated under Section 18 (1) (b) shall make by-laws, not inconsistent with this Act or any regulations made under this Act, regulating the conduct of fishing operations in the designated area.
  - (2) By-laws made under Sub-Section (1) shall be approved by the Minister and published in the Gazette before they come into effect.
  - (3) By-laws made under Sub-Section (2) may provide that a breach of any by-law shall constitute an offence and may provide for penalties on summary convictions by way of fine not exceeding 250 dollars.

The questionnaire indicates that there is participatory fisheries management with fishfolk cooperatives on several fisheries related programs and projects.

#### **4.4 Specific reference to sport fishing**

The basic fisheries law does not refer to sport fishing activities.

#### **4.5 Regional Cooperation in fisheries**

Section 7 of the Fisheries Act 8/1986 refers to Fisheries Access agreements:

- (1) The Minister may enter into access agreements with other states and with associations representing foreign fishing vessel owners or charterers, providing for the allocation of fishing rights to vessels from those states or associations.
- (2) The fishing rights allocated under agreements entered into under this Section shall not exceed the total resources or amount of fishing allowed to the appropriate category of foreign fishing vessels under the fisheries plan.

- (3) Any agreement entered into under this Section shall include a provision establishing the responsibility of the foreign state or association to take necessary measures to ensure compliance by its vessels with the terms and conditions of the agreement and with the laws relating to fishing in the fishery waters.
- (4) For the purposes of this Section and Section 8 the term “state” shall include any regional organization to which the power to negotiate access agreements has been delegated by the member countries of that organization.

With respect to Foreign Fishing Licences section 8 indicates that:

- (1) No foreign fishing vessel shall be used for fishing or related activities in the fishery waters without a valid foreign fishing license issued under this Section.
- (2) An application for a foreign fishing license shall be made in the prescribed form, to the Minister or to competent regional organization authorized to issue fishing licenses under Section 6 (2) (a).
- (3) Subject to the provisions of this Act and any regulations made under this act, the Minister may issue a foreign fishing license authorizing a foreign fishing vessel to be used in the fishery waters for such fishing or related activities as may be specified in the license.
- (4) Subject to Sub-Section (5), no foreign fishing license shall be issued to any foreign fishing vessel unless there is in force with the Government of the flag state of the vessel or with an association of which the owner or charterer is a member, an agreement entered into under Section 7 to which the Government of Saint Vincent and the Grenadines is a party.
- (5) Sub-Section (4) shall not apply to a license issued in respect of:
  - (a) test fishing operations: or
  - (b) a locally based foreign fishing vessel.

## **5. Actions required as identified in the questionnaire**

The limitations on the fisheries sector are related to financial constraints and limited capacity of human resources.

With respect to FADs these are some of the issues they will like to see in place:

1. All FADs fishers are required to join the FADs working group in St. Vincent and the Grenadines.
2. All fishers should keep their boats clean at all times.
3. All fishers should have an icebox on their vessel when fishing.
4. All fishers should take ice to sea when fishing.
5. All juvenile fish should be released to allow them to reproduce.
6. All vessels undertaking nighttime fishing in the vicinity of the FADs must display navigational lights.
7. All fishers other than members must seek written permission from the SVG FAsD Fishers Group to fish in the vicinity of the FADs.
8. No mooring of vessels to the FADs.
9. The damaging, tampering and destruction of any lawfully placed FADs is strictly prohibited.
10. All vessels fishing around the FADs must have Radar Reflector or other marking equipment as the FADs Group may require.
11. All FAD fishers are required to have the necessary safety equipment when going out to sea.

12. Any member of the FAD working group wishing to withdraw from membership should give minimum fifteen (15) days notice to the Board of Directors.

## **SURINAME**

### **1. International Fisheries Agreements**

Suriname is a signatory to the United Nations Convention of the Law of the Sea<sup>72</sup> from 10 December 1982 and ratified the Convention on 9 July 1998; it is not a party to the UN Fish Stocks Agreement<sup>73</sup>, the Compliance Agreement<sup>74</sup> or the Port State Measures Agreement (PSMA)<sup>75</sup>.

### **2. Regional Fisheries Management Organizations (RFMO) and Regional Fisheries Bodies (RFB)**

Suriname is a member of the International Whaling Commission (IWC), the Western Central Atlantic Fisheries Commission (WECAF), the Caribbean Regional Fisheries Mechanism (CRFM) and is a cooperating non-contracting party to the International Commission for the Conservation of Atlantic Tunas (ICCAT).

### **3. Maritime zones and fisheries<sup>76</sup>**

Suriname's maritime claims include a 12 nautical mile territorial sea, and a 200 nautical mile exclusive economic zone (EEZ).

As described in the Suriname Fisheries Policy document (2014-1018) the Surinamese fishery can be divided into two sectors: artisanal and industrial. Industrial fishing in Suriname includes shrimp trawling, fish trawling, Red snapper and Mackerel handlining and large pelagic line fishing, while the artisanal fishery consists of: drift net, river seine, fyke net and line fishing. In coastal areas (and beyond) drift net fishing is practised from two types of boats; the open and decked Guyana boats. For fishing in estuaries, smaller boats are used carrying fyke nets, drift nets and lines. The fykes are used to catch fish, Seabob and White belly shrimp. Typical fisheries in the estuaries and on coastal mud banks are the Njawari or bank fishery and the Bangamary fishery. Common to both is the small mesh size, since the target species are species of small fish.

### **4. National legislation**

#### ***4.1. Basic Legislation and institutional framework***

The basic legislation in Suriname is the Sea Fisheries Act (31<sup>st</sup> December, 1980, last amended in 2001). The Act defines the fishing zone as the territorial waters of the Republic of Suriname and the adjacent exclusive economic zones (EEZ). The Act provides for a system of registration of fishing vessels as well as a licensing system. The authority in charge of fisheries is the Minister of Fisheries. The Act also establishes in article 26 a Fisheries Advisory Committee. The Committee consists of 7 members. The Director of the Ministry of Agriculture, Animal Husbandry and Fisheries, the Director of Maritime Authority of Suriname and a representative of the Ministry of Justice represent the government in the Committee. The fisheries sector is represented by one delegate each of the shrimp trawl fishery, the fish trawl fishery, the coastal fisheries and the fish processing industry. Delegates from the fisheries sector sit on the Committee for a three-year term.

The relevant section of the questionnaire indicates that the performance of the Fisheries Advisory Committee is adequate.

<sup>72</sup> UNCLOS entered into force 16 November 1994.

<sup>73</sup> Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks in force since 11 November 2001.

<sup>74</sup> The FAO 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas.

<sup>75</sup> FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement) was adopted by the FAO Conference in 2009.

<sup>76</sup> FAO Report 587 Fisheries Management- Suriname pag. 249 and the Suriname Fisheries Policy document (2014-1018).

#### **4.2. Management Measures**

The principle aims of the Suriname Fisheries Policy (2014-2018) Fisheries Management Plan for Suriname are: the conservation of the biological resources of the sea and their balanced exploitation on a lasting basis and in appropriate economic and social conditions and ensuring that the impact of fishing on the marine ecosystems is reduced to a minimum. The derived aims of the fisheries policy are:

- Fleet capacity must be consistent with sustainable exploitation of fish stocks;
- Reduction of unwanted bycatch;
- Encouragement of the use of the best available fishing techniques;
- Control and enforcement guaranteeing adherence to rules and regulations;
- Increasing the international market share by improving quality, increasing added value, and ensuring a continuous supply;
- Improvement of both quality and quantity of information on fish stocks status and marine ecosystems, and stimulation of research that provides information and recommendations for improved decision-making;
- Reduction of the bycatch of protected species;
- Increasing stakeholder support for the fisheries policy.

There is no definition of fisheries management in the legislation but the legislation stipulates that the fishery must be sustainable. The Suriname Fisheries Policy (2014-2018) establishes general policy measures for fisheries categories in section 5. These include: large pelagics, bottom trawl fishery (shrimp), seabob trawl fishery, driftnet fishery, etc.

The Ecosystem Approach to Fisheries (EAF) and the precautionary approach are taken into account in the new policy.

#### **4.3 Participatory fisheries management**

Originally the legislation enabled limited participatory processes, in particular, consultative management in which the stakeholders are consulted but do not share management responsibility. The new Fisheries Policy is encouraging more participation in particular through fisheries organizations.

#### **4.4 Specific reference to sport fishing**

There is no specific reference in the basic legislation to sport/recreational fisheries in Suriname.

#### **4.5 Regional Cooperation in fisheries**

The questionnaire in the relevant section indicates that there is limited capacity to implement agreed global conventions and agreements but the new Suriname Fisheries Policy indicate that Suriname is an active participant in mechanisms for regional cooperation in particular in the Caribbean Regional Fisheries Mechanism (CRFM) and WECAFC.

### **5. Actions required as identified in the questionnaire**

More compliance needed including control of foreign vessels.

More institutional capacity including more staff and funding.

## TRINIDAD AND TOBAGO

### 1. International Fisheries Agreements

Trinidad and Tobago is a signatory to the United Nations Convention of the Law of the Sea<sup>77</sup> from 10 December 1982 and ratified the Convention on 25 April 1986. It is also a party to the UN Fish Stocks Agreement<sup>78</sup> (13 September 2006) but is not a party to the Compliance Agreement<sup>79</sup> or the Port State Measures Agreement (PSMA)<sup>80</sup>.

### 2. Regional Fisheries Management Organizations (RFMO) and Regional Fisheries Bodies (RFB)

Trinidad and Tobago is a member of the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Western Central Atlantic Fisheries Commission (WECAF), and the Caribbean Regional Fisheries Mechanism (CRFM).

### 3. Maritime zones and fisheries

Trinidad and Tobago's maritime claims include a 12 nautical mile territorial sea and a 200 nautical mile exclusive economic zone (EEZ). In this respect the Archipelagic Waters and Exclusive Economic Zone Act 24 of 1986 is relevant as it identifies the archipelagic status of Trinidad and Tobago and defines the nature and extent of the jurisdiction in the various marine areas and makes provision for matters related to UNCLOS.

The most important commercial species in Trinidad and Tobago are Serra Spanish mackerel and king mackerel, five species of shrimp, sharks, snappers, croakers, groupers, flyingfish, dolphin fish, wahoo, yellowfin tuna and mullet.

### 4. National legislation<sup>81</sup>

#### 4.1 Basic Legislation and institutional framework

The basic fisheries legislation is the Fisheries Act Chapter 67:51 of 1916. A Fisheries Management Bill of 2011 is under legislative review by the Legislation Review Committee of Ministers of Cabinet. The existing Fisheries Act of 1916 provides a legal and administrative framework for fisheries management although it does not include a formal definition of fisheries management. The responsible authority for fisheries is the Fisheries Division operating under the supervision of the Minister with responsibility for Fisheries.

The Fisheries Management Bill currently under consideration includes the following principles:

- Good governance principles such as: transparency, participation, accountability, non-discrimination.
- Management decisions based on scientific advice.
- Ecosystems approach to fisheries and precautionary approach.

<sup>77</sup> UNCLOS entered into force 16 November 1994.

<sup>78</sup> Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks in force since 11 November 2001.

<sup>79</sup> The FAO 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas.

<sup>80</sup> FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement) was adopted by the FAO Conference in 2009.

<sup>81</sup> Information also obtained from FAO Report 587 Fisheries Management, pag. 259 to 273 (Trinidad and Tobago)

## 4.2 *Management Measures*

As indicated in the FAO Report 587 (pag. 261) the present prevailing fisheries management system comprises essentially of the following:

- (a) Effort management in the trawl fisheries and non-artisanal pelagic logline and multi-gear fleets. Through a Cabinet decision of 1988, the number of trawlers entering the Trinidad and Tobago Fisheries was restricted to the number existing in the fleet at that time. Fishing licenses are issued to the non-artisanal longline and multi-gear vessels based on the fulfilment of criteria including compliance with national and ICCAT fisheries management measures, reporting of catch and effort data and periodic inspections.
- (b) Fishing area restrictions for certain fleets. The Fisheries [Control of Demersal (Bottom) Trawling Activities] Regulations of 2004 sets out specific areas within which the trawl fleets can operate and further specifies the season of trawling off Trinidad's north coast, and prohibits trawling on the east coast of Trinidad. Other regulations prohibit the capture of fish, shellfish, crabs and shrimp from specified areas in the Gulf of Paria and oysters from the Ortoire area of the east coast.

The Environmental Management Authority operates under Act No. 3 of 2000 which states that the environment is "all land, area beneath the land surface, atmosphere, climate, surface water, ground water, marine and coastal areas, sea bed, wetlands and natural resources within the jurisdiction of Trinidad and Tobago". The EMA has declared several areas, some of which are protected under international conventions, as Environmentally Sensitive Areas (ESAs).

The Marine Areas (Preservation and Enhancement) Act 1970, provides for the designation of restricted areas, and the Marine Areas (Preservation and Enhancement) Regulations 1973, require the permission of the Minister to enter and remove fauna from the restricted area. The Act is currently applied only to the management of coral reefs.

Access of foreign fishing vessels to the archipelagic waters, territorial sea or EEZ of Trinidad and Tobago is allowed only through licenses issued by the Minister under the Archipelagic Waters and Exclusive Economic Zone Act of 1986.

- (c) Regulation of fishing gear. The Fisheries Regulations and the Fisheries (Amendment) Regulations, 1998, 2000 and 2002, provide for gillnet and seine specifications. The Fisheries [Control of Demersal (Bottom) Trawling Activities] Regulations of 2004 provides for specifications for trawl nets. The Fisheries (Conservation of Marine Turtles) Regulations, 1994 mandates the use of Turtle Excluder Devices (TEDs) in non-artisanal trawlers.
- (d) Catch size limits. The Archipelagic Waters and Exclusive Economic Zone Act of 1986 provides for the determination of the allowable catch in respect of each fishery in the EEZ, and determination of the proportion to be harvested by citizens of Trinidad and Tobago.

The Fisheries Regulations and the Fisheries (Amendment) Regulations, 1998, 2000 and 2002, specify the minimum length of fish by species that can be caught.

- (e) Protection of environmentally sensitive species. The Protection of Turtle and Turtle Eggs (Amendment) Regulations 2011 prohibit the taking, removing or selling of any turtle eggs, as well as the killing, harpooning, or selling of any turtle at any time. The Conservation of Wildlife Act (1958) addresses issues that deal with the conservation and protection of marine mammals, turtles, shorebirds and all other Environmentally Sensitive Species (ESS). The Wildlife Section is the National Management Authority for CITES and within recent times CITES has placed greater emphasis on fish and other aquatic species. The EMA has also declared several species considered endangered as ESS.

Draft Fisheries Management Plans for the artisanal fishery for coastal pelagics as well as the shrimp trawl fishery of Trinidad and Tobago were developed in collaboration with FAO in 1992. In 2014, the latter was updated through the preparation of a Draft Shrimp Fishery Management Plan with the support of the FAO. In 1996 a Draft Plan for Managing the Marine Fisheries of Trinidad and Tobago was developed under the CARICOM Fisheries Resource Assessment and Management Program. A draft Fisheries Management Plan for the Hard-substrate demersal

fishery was completed in 2013 under the ACP Fish II Programme. In 2014 the CRFM Member States completed and formally adopted the 1st Sub-regional Management Plan for the Eastern Caribbean Flying fish, which will guide the conservation, management and development of the industry in Barbados, Dominica, Grenada, St. Vincent and the Grenadines, and Trinidad and Tobago. At the moment there is a multisectoral Committee appointed by Cabinet to establish an Integrated Coastal Management Framework, Strategies and Action Plan.

The draft Bill includes provisions for fisheries management plans as well as a Fishery Advisory Board that will meet once a month. The Board will be comprised of members of the private and public sector.

#### ***4.3 Participatory fisheries management***

According to the questionnaire, the participation of stakeholders in management, in particular members of fishing communities, is considered critical. A consultative framework has been established and is applied at every stage of the management process. The questionnaire indicates participatory management systems are utilized for the demersal trawl fishery and hard substrate fishery and the long line fishery for migratory pelagics.

#### ***4.4 Specific reference to sport fishing***

FAO Report 587 on Fisheries Management indicates that there is no information on the impact of recreational fisheries, and that there is little control over this activity.

#### ***4.5 Regional Cooperation in fisheries***

As indicated in the FAO Report 587, to facilitate implementation of agreed regional and international management measures, administrative and procedural measures are adopted in the absence of suitable national legislation. This has been the approach to ensure compliance with mandatory ICCAT regulations. The proposed new legislation for Trinidad and Tobago would, however, provide legislative support for the elaboration of National Plans of Action under the CCRF, and also input and support for implementation of the FAO IPOAs. Fisheries Management Plans, which will become the mandatory basis for fisheries management under the proposed new legislation, will facilitate establishment of regulatory measures, the assessment of resources and determination of surplus and associated access arrangements.

In terms of present statistical data and management contributions in accordance with agreed RFB requirements, Trinidad and Tobago provides fishery related data to the FAO, ICCAT, CRFM and CITES, and has a formal national mechanism in place to facilitate these submissions.

### **5. Actions required as identified in the questionnaire**

- To adopt the new legislation
- Increase funding and staffing.

**ANNEX 2****LEGISLATION REFERENCED****Anguilla**

Fisheries Protection Act, Revised Statutes of Anguilla, Chapter F40, 15 December 2000.

Fisheries Protection Regulations, Revised Regulations of Anguilla F40-1, 16/2010, 7 June 2010.

Marine Parks Act, Revised Statutes of Anguilla, Chapter M30, 15 December 2000.

Marine Parks Regulation, Revised Regulations of Anguilla, M30-1, R.A.17/2010, 22 June 2010.

**Antigua and Barbuda**

Fisheries Act 2006, no. 22/2006, 17 November 2006. Official Gazette no. 78 28 December 2006.

Fisheries Regulations 2013, no. 2/2013, 31<sup>st</sup> January 2013. Official Gazette no. 5 31 January, 2013.

Antigua and Barbuda Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. Ministry of Agriculture, Lands, Housing and the Environment. April 2010.

**Belize**

Fisheries Act Chapter 210, 24 September 1948. Revised Edition 31 December 2000.

Protected Areas Conservation Trust Act, Chapter 218. Revised Edition 31 December 2000

High Seas Fishing Act 2003, no. 3 of 2003. 31<sup>st</sup> January, 2003.

**Brazil**

Law no. 11.959 National Policy and development of fisheries and aquaculture of 29 June, 2009. Official Gazette 30 June, 2009.

**Colombia**

General Fisheries Law 13 of 1990. 15 January 1990.

Decree 2265 General Fisheries Law Regulations 4<sup>th</sup> October 1991. Official Gazette no. 40079 4<sup>th</sup> October, 1991.

Decree 1431 of 2006 that amends Articles 6 and 9 of the Decree 2265. 5 May 2006.

Decree 1190 of 2009 that amends Article 2 of the Decree 2265. 3 April 2009.

Decree 4181 of 2011 that establishes the National Authority for Aquaculture and Fisheries (AUNAP-Autoridad Nacional de Acuicultura y Pesca) 3 November, 2011.

Law 47/1993 Rules for the management of the San Andres and San Catalina Archipelagic area. Official Gazette 40.763 19 February 1993.

Law 99/1993 Environmental Law 22 December 1993. Official Gazette 41.146 22 December 1993.

Law 101/1993 for the Development of the Fisheries and Aquaculture sector. 23 December 1993.

**Costa Rica**

Fisheries and Aquaculture Law 8436, 1<sup>st</sup> March 2005. Official Gazette 78, 25 April 2005.

**Cuba**

Law-Fisheries Decree 164, 28 May 1986.

Resolution 579/96 relating to the conservation of fisheries resources 19 November, 1996.

Resolution 353/10 regulation of fishing gear 9 June 2010.

**Dominica**

Fisheries Act, Chapter 61:60, 11/1987.

**Dominican Republic**

Law 307/4 Establishing the CODOPESCA (Consejo Dominicano de Pesca y Acuicultura), 3 December 2004.

**Grenada**

Fisheries Act, Chapter 108 15/1986 6 October, 1986.

**Guatemala**

Decree 80-2002 Fisheries and Aquaculture Law, 26 November 2002.

**Guyana**

Fisheries Act 2002, Chapter 78:01, 5<sup>th</sup> December 2002.

General Fisheries Regulations, 2013.

**Honduras**

Decree no. 154 Fisheries Law, 19 May 1959.

**Mexico**

General Sustainable Fisheries and Aquaculture Law, 26 April 2007. Official Gazette 24 July 2007.

Regulation of the Fisheries and Aquaculture Law, 28 September 1999. Official Gazette 29 September 1999.

**Montserrat**

Fisheries Act, Chapter 9.01 11/2000, 16 November 2000.

**Nicaragua**

Fisheries and Aquaculture Law 489 of 26 November 2004. Official Gazette 251- 27 December 2004.

Regulation of the Law 489. Decree 9/2005. 21 February 2005. Official Gazette no. 40 25 February, 2005.

Law 678 for the establishment of the Nicaraguan Institute of Fisheries and Aquaculture, 12 March 2009.

**Panama**

General Fisheries Law Decree 17/1959 (Official Gazette 13909 de 18/08/59).

Law 44 de 23 de November 2006 (G.O. 25680 de 27/11/06), which establishes the Authority for Fisheries Resources in Panama.

**Saint Kitts and Nevis**

Fisheries, Aquaculture and Marine Resources Bill, 2015

**Saint Lucia**

Fisheries Act, Chapter 7.15, 10/1984, 18 February 1985.

Fisheries Regulations Section 39, 9/1994, 14 March 1994.

**Saint Vincent and the Grenadines**

Fisheries Act 8 of 1986 amended by Act 32 of 1986 and Act 25 of 1989.

Fisheries Regulations of 1987, 20 January 1987.

**Suriname**

Sea Fisheries Act (Act effective from 31st December 1980 containing rules in the sphere of sea fisheries, S.B. 1980 no. 144, last amended in S.B. 2001).

**Trinidad and Tobago**

Fisheries Act to regulate fishing in the waters of Trinidad Tobago, Chapter 67:51 39/1916.

**Venezuela, The Bolivarian Republic of**

Fisheries and Aquaculture Law, Decree 1408, 13 November 2014.

Administrative resolution 69/2003 to protect billfishes, 8<sup>th</sup> September 2001

## ANNEX 3

### SUMMARY OF QUESTIONNAIRE RESPONSES FROM THE EUROPEAN UNION, FRANCE AND THE UNITED STATES

#### European Union

##### **1. Management Principles**

The relevant section in the questionnaire indicates that all management principles are applied in practice, including the precautionary principle, the Ecosystem Approach to Fisheries (EAF) and the best scientific evidence available, among others.

##### **2. Authorities in charge of fisheries**

There are authorities in charge of fisheries and there is also an advisory committee on fisheries. Its performance is considered adequate.

##### **3. Fishery management plans and shared participatory fisheries management**

There is recognition of management plans and also participatory fisheries management through the Advisory Councils from the different EU regions.

##### **4. Fishing rights**

The relevant section in the questionnaire indicates that there are:

- No transferable fishing permits
- Vessel catch limits and
- Individual transferable catch quotas and
- Community based catch quotas (transferable by the government)

5. The questionnaire indicates that all the legislation issued by the European Union is in full compliance with the measures taken by the RFMO and RFB.

6. There is specific legislation for billfish with respect to industrial fisheries in national fisheries waters and also in waters beyond national jurisdiction.

#### France

##### **1. Management Principles**

The relevant section in the questionnaire indicates that management principles are partly applied in practice, including the precautionary principle, the Ecosystem Approach to Fisheries (EAF) and the best scientific evidence, available among others. The precautionary approach, MSY and ecosystem-based approach are currently not fully applied in practice: although those principles gradually started to be implemented in the 2000s with the creation of 8 no-take zones, biological objectives have been confronted to social, economic and political issues.

##### **2. Authorities in charge of fisheries**

There are authorities in charge of fisheries and there is also an advisory committee on fisheries. The relevant section in the questionnaire does not indicate what is the level of performance of the fishery advisory body.

##### **3. Fishery management plans and shared participatory fisheries management**

Multiannual plans shall be adopted as a priority, based on scientific, technical and economic advice, and shall contain conservation measures to restore and maintain fish stocks above levels capable of

producing maximum sustainable yield. When this maximum sustainable yield is unknown, the multiannual plans shall provide for measures based on the precautionary approach, ensuring at least a comparable degree of conservation of the relevant stocks.

There is participatory fisheries management at the EU level: An Advisory Council (AC) for the outermost regions should be created under the revised Common Fisheries Policy framework.

#### **4. Fishing rights**

The relevant section in the questionnaire indicates that there are:

- a) No transferable fishing permits
- b) Individual non-transferable effort quotas
- c) Community-based catch quotas.
- d) Vessel catch limits
- e) Individual non-transferable catch quotas

5. The questionnaire indicates that within the Common Fisheries Policy the legislation issue is in full compliance with the measures taken by the RFMO and RFB.

6. There is specific legislation for billfish with respect to artisanal and small-scale fisheries and industrial fisheries in national fisheries waters and also in waters beyond national jurisdiction. The level of compliance is considered medium.

### **United States of America**

#### **1. Management Principles**

The relevant section of the questionnaire indicates that management principles are partly applied in practice. In particular the questionnaire indicates that the Ecosystem Approach to Fisheries (EAF) is work in progress and that evolution is underway.

#### **2. Authorities in charge of fisheries**

There are authorities in charge of fisheries and there are 8 Fishery Management Councils, each of which have multiple advisory bodies. In general their performance is high to adequate.

#### **3. Fishery management plans and shared participatory fisheries management**

There are fishery management plans and all federally managed stocks are managed using participatory management fisheries approach via the Fishery Management Councils.

#### **4. Fishing rights**

The relevant section in the questionnaire indicates that there are:

- a. No transferable fishing permits
- b. Transferable licenses
- c. Community-based catch quotas.
- d. Vessel catch limits
- e. Individual non-transferable catch quotas
- f. Individual transferable catch quotas

5. The questionnaire indicates that the legislation is partly consistent with the measures taken by the RFMO and RFB and that the legislation does not provide for mechanisms that facilitate the implementation of measures adopted by RFMOs or RFB.

**6.** There is specific legislation for billfish with respect to recreational, artisanal and small scale fisheries and industrial fisheries in national fisheries waters and also in waters beyond national jurisdiction. The questionnaire does not indicate the level of compliance.

## ANNEX 4

**WECAFC COUNTRIES THAT ARE PARTY TO UNCLOS, THE 1993 FAO COMPLIANCE AGREEMENT, UN FISH STOCKS AGREEMENT AND PORT STATES MEASURES AGREEMENT**

<b>State or Entity</b>	<b>UNCLOS (In force from 16/11/1994)</b>	<b>UN Fish Stocks Agreement (In force from 11/12/2001)</b>	<b>Compliance Agreement (In force from 24/04/03)</b>	<b>Agreement on Port State Measures</b>
	<b>Ratification/ Accession; dd/mm/yy</b>	<b>Ratification/ Accession; dd/mm/yy</b>	<b>Ratification/ Accession; dd/mm/yy</b>	<b>Ratification/ Accession; dd/mm/yy</b>
<b>Antigua and Barbuda</b>	02/02/89			
<b>Bahamas</b>	29/07/83	16/01/97		
<b>Barbados</b>	12/10/93	22/09/00	26/10/00	02/02/16
<b>Belize</b>	13/08/83	14/07/05	19/07/05	
<b>Brazil</b>	22/12/88	08/03/00	02/03/09	
<b>Colombia</b>				
<b>Costa Rica</b>	21/09/92	18/06/01		04/12/15
<b>Cuba</b>	15/08/84			
<b>Dominica</b>	24/10/91			
<b>Dominican Republic</b>	10/07/09			
<b>European Union</b>	01/04/98	19/12/03	06/08/96	
<b>France</b>	11/04/96	19/12/03		
<b>Grenada</b>	25/04/91			
<b>Guatemala</b>	11/02/97			
<b>Guinea</b>	06/09/85	16/09/05		
<b>Guyana</b>	16/11/93			07/03/16
<b>Haiti</b>	31/07/96			
<b>Honduras</b>	05/10/93			
<b>Jamaica</b>	21/03/83			
<b>Japan</b>	20/06/96	07/08/06	20/06/00	
<b>Mexico</b>	18/03/83		11/03/99	

<b>State or Entity</b>	<b>UNCLOS (In force from 16/11/1994)</b>	<b>UN Fish Stocks Agreement (In force from 11/12/2001)</b>	<b>Compliance Agreement (In force from 24/04/03)</b>	<b>Agreement on Port State Measures</b>
<b>Netherlands</b>	28/06/96	19/12/03		
<b>Nicaragua</b>	03/05/00			
<b>Panama</b>	01/07/96	16/12/08		
<b>Republic of Korea</b>	29/01/96	01/02/08	24/04/03	14/01/16
<b>Saint Kitts and Nevis</b>	07/01/93		24/06/94	09/12/15
<b>Saint Lucia</b>	27/03/85	09/08/96	23/10/02	
<b>Saint Vincent and the Grenadines</b>	01/10/93	29/10/10		
<b>Spain</b>	15/01/97	19/12/03		
<b>Suriname</b>	09/07/98			
<b>Trinidad and Tobago</b>	25/04/86	13/09/06		
<b>United Kingdom</b>	25/07/97	10/12/01 19/12/03		
<b>United States of America</b>		21/08/96	19/12/95	26/02/16
<b>Venezuela (Bolivarian Republic of)</b>				

## ANNEX 5

## WECAFC COUNTRIES THAT ARE PARTY TO ICCAT, IOTC, CRFM AND OSPESCA

<b>CRFM- Caribbean Regional Fisheries Mechanism</b>	<b>IOTC- Indian Ocean Tuna Commission</b>	<b>ICCAT- International Commission for the Conservation of Atlantic Tunas</b>	<b>OSPESCA- Central America Fisheries and Aquaculture Organization</b>
<b>Antigua and Barbuda</b>	Belize	Barbados	Belize
<b>Bahamas</b>	European Union	Belize	Costa Rica
<b>Barbados</b>	France	Brazil	Dominican Republic
<b>Belize</b>	Republic of Korea	European Union	Guatemala
<b>Grenada</b>	United Kingdom	France	Honduras
<b>Guyana</b>		Guatemala	Nicaragua
<b>Haiti</b>		Honduras	Panama
<b>Jamaica</b>		Japan	
<b>Saint Lucia</b>		Mexico	
<b>Saint Kitts and Nevis</b>		Nicaragua	
<b>Saint Vincent and the Grenadines</b>		Panama	
<b>Suriname</b>		Republic of Korea	
<b>Trinidad and Tobago</b>		Saint Vincent and the Grenadines	
		Trinidad and Tobago	
		United Kingdom	
		United States of America	
		Venezuela (Boliv. Rep. of)	

**ANNEX 6****SAMPLE QUESTIONNAIRE****Fisheries Legislation Survey**

Country :

Used legislation :

Question	Answer	Reference to the law	Commentary by FAO
<b>1. Introduction</b>			
Welcome to the Joint WECAFC/CRFM/OSPESCA survey on Fisheries Legislation and Fisheries Institutional frameworks. We appreciate your participation in this survey.			
1.1 Please fill in the name of your country (on behalf of which you are answering this questionnaire).			
1.2 Please state your name in the text box below, to enable us to follow-up in case we have any questions.			
<b>2. Objectives and principles</b>			
2.1 Does the fisheries legislation have clear objectives?  Please indicate the main objectives of the legislation.			
2.2 Please indicate whether legislation provides for (check the appropriate box(es)):  If you think this area should be improved, please indicate this in the text box.	-Precautionary approach,		
	-Ecosystem approach to fisheries		
	-Management decisions based on scientific advice		
	-Good governance principles (transparency, participation, accountability, non-discrimination, etc.)		

Question	Answer	Reference to the law	Commentary by FAO
2.3 Please indicate whether management principles are applied in practice?			
2.4 Please indicate which management principles are not fully applied in practice and provide the reasons why this is the case.			
<b>3. Fisheries Management in general</b>			
3.1 Please indicate whether legislation provides for (check the appropriate box(es)):	-Functions of fisheries management authorities ,		
	-Powers to fisheries management authorities to carry out their functions		
	-Criteria or procedures for taking management measures		
	-Shared responsibility for taking management decisions		
	-Involvement of stakeholders and those affected in decision making or planning		
3.2 Please indicate what can be improved in terms of powers, functions and authorities of fisheries management authorities through legislation:			
<b>4. Fisheries management advice</b>			
4.1 Please indicate whether legislation provides for (check appropriate boxes):	-Establishment of an advisory body for fisheries management		
	-Functions and powers of an advisory body,		

Question	Answer	Reference to the law	Commentary by FAO
	-Membership of an advisory body,		
	-Procedures of an advisory body,		
	-Involvement of stakeholders in an advisory body		
	-Regular reporting of the advisory body on status of activities to respective authority		
4.2.a Please indicate whether a fishery advisory body has been established.			
4.2.b Please rate the overall performance of the fishery advisory body.  If you answered insufficient please indicate why:			
4.2.c Does the fishery advisory body report regularly on the status of its activities to the respective authority?			
4.2.d Please indicate how many times the fishery advisory body met in 2014?			
<b>5. Fisheries management planning process</b>			
5.1 Legislation requires the development of fisheries management plans.			
5.2 Legislation requires a process for the development of fisheries management plans.			
5.3 Legislation requires a framework of minimum criteria to be included in fisheries management plans.			

Question	Answer	Reference to the law	Commentary by FAO
5.4 Please indicate what can be improved in development of fisheries management plans through legislation:			
<b>6. Shared/participatory fisheries management</b>			
6.1.a. Does shared or participatory management exist in your country?			
6.1.b. Please give examples of shared/participatory management of fisheries that exist in your country (Leave the textbox open if there are no examples in your country)			
6.2.a. Does legislation provide for requirements for undertaking shared or participatory fisheries management?			
6.2.b. Legislation relating to shared or participatory fisheries management addresses (check all that apply):	-Decision-making procedures		
	-Identification of stakeholders		
	-Stakeholder involvement		
	-Coordination of management actions		
	-Monitoring		
	-Reporting		
	-Enforcement of management decisions		
6.3 Please describe how development of shared or participatory management could be improved through legislation:			
This graphic shows 6 levels of participatory management, with level 1 'informative' indicating the lowest level of fishers participation and level 6 'community control' by fishing communities, the highest level of participatory management.			

Question	Answer	Reference to the law	Commentary by FAO					
6.4 Please rate the level of shared or participatory management, using descriptions provided in the graphic above.								
<b>7. Fishing rights per fisheries</b>								
<p>7.1 Please indicate whether legislation provides for the following measures (check the box if the measure exists for that fishery). ABNJ = Areas Beyond National Jurisdiction (thus the sea beyond the EEZ) National waters = Territorial sea and Exclusive Economic Zone (EEZ) for the purpose of this Survey</p> <p>If you think legislation in any of the above areas should be improved, please indicate this in the text box</p>		82	83	84	85			
	1. Limited non-transferable permits/ licences/ authorizations							
	2. Transferable licences							
	3. Individual non-transferable effort quotas							
	4. Individual transferable effort quotas							
	5. Territorial Use Rights in Fisheries (TURFs)							
	6. Community-based catch quotas							
	7. Vessel catch limits							
	8. Individual non-transferable catch quotas							
	9. Individual transferable catch quotas							
	10. Private ownership of fishing areas							
<p>There is undergoing initiative to establish TURFs for artisanal fishermen. Quotas are only assigned for two fisheries: Queen Conch and Sea Cucumber. Fishing rights will be addressed in the draft bill. Recreational fishing is not regulated, except for sport fishing. Also, all fishing operations occur within national water, with no industrial operations.</p>								

<sup>82</sup> recreational in national waters

<sup>83</sup> artisanal/small scale in national waters

<sup>84</sup> industrial in national waters

<sup>85</sup> industrial in ABNJ

Question	Answer				Reference to the law	Commentary by FAO		
<p>7.2 Legislation provides for the following limitation in the participation of fisheries (check the box if the limitation exists for that fishery).</p> <p>If you think legislation in this area should be improved, please indicate this in the text box.</p>		1	2	3	4			
	1. Number of vessels							
	2. Power of vessels							
	3. Gear type used							
	4. Restriction applying to specific areas requirements of crew (professional)							
	5. Nationality of flag/owner/captain							
	6. Qualification							
<p>7.3.a Please indicate for which limitations or restrictions legislation provides the basis and to which fisheries sectors these apply. Limitations may be direct or indirect (decisions, licensing requirements, etc.):</p>		1	2	3	4			
	-Harvest of certain species							
	-Fish length limits							
	-Fish weight limits							
	-Bag/Catch limits (daily harvest quota)							
	-Holding of fish that are alive							
	-Sale and Market restrictions							
	-Export							
	-Landing requirements (as whole fish)							

Question	Answer	Reference to the law	Commentary by FAO																																								
7.3.b. Please indicate If one (or more) of the restrictions or limitations apply to a specific species, and provide the species name:																																											
7.4 Please indicate if the following conditions apply when applying for a fishing license or permit:  If you think this area should be improved, please indicate this in the text box.  None	<table border="1"> <thead> <tr> <th></th> <th>1</th> <th>2</th> <th>3</th> <th>4</th> </tr> </thead> <tbody> <tr> <td>-Payment for permit or License</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>-Installation of vessel monitoring system (VMS)</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>-Presence of certificate of vessel safety training</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>-Presence of certificate for vessel safety</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>-Presence of certificate for navigational training</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>-Presence of a social security number</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		1	2	3	4	-Payment for permit or License					-Installation of vessel monitoring system (VMS)					-Presence of certificate of vessel safety training					-Presence of certificate for vessel safety					-Presence of certificate for navigational training					-Presence of a social security number											
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-Presence of a social security number																																											
7.5 Please indicate whether the following revenues benefit the sector directly:  If you think this area should be improved, please indicate this in the text box.	<table border="1"> <tbody> <tr> <td>-License fees</td> <td></td> </tr> <tr> <td>-Fishing permits</td> <td></td> </tr> <tr> <td>-Quota fees</td> <td></td> </tr> <tr> <td>-Fisheries business taxes</td> <td></td> </tr> <tr> <td>-Fish and fisheries products export taxes</td> <td></td> </tr> </tbody> </table>	-License fees		-Fishing permits		-Quota fees		-Fisheries business taxes		-Fish and fisheries products export taxes																																	
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-Fisheries business taxes																																											
-Fish and fisheries products export taxes																																											

Question	Answer	Reference to the law	Commentary by FAO			
7.6 Please describe whether legislation provides for any other cost recovery mechanisms.						
7.7.a. Does legislation provide for mechanisms that ensure that revenues generated on the basis of fisheries legislation directly benefit the sector?						
7.7.b. Do these revenues benefit the sector in practice?						
7.8 Are membership related costs of RFMOs (e.g. ICCAT) or RFBs (e.g. CRFM, OSPESCA, WECAFC) funded by revenues generated by the sector?						
7.9 Please indicate whether legislation provides for mechanisms for the transfer of fishing rights:  If you think this area should be improved, please indicate this in the text box.	1. Official Transfer System (administered by government)	1	2	3		
	2. Official Transfer System (administered privately)					
	3. Don't know					
	-Territorial Use Rights in Fisheries (TURFs)					
	-Transferable licences					
	-Individual transferable effort quotas					
	-Community-based catch quotas					
	-Vessel catch limits					
	-Individual transferable catch quotas					
-Private ownership of fishing area						

Question	Answer				Reference to the law	Commentary by FAO	
7.10 Please indicate whether unofficial transfer systems of fishing rights exist and briefly describe them:							
7.11 Please indicate whether legislation provides for mechanisms to protect subsectors, and to which subsectors they apply:  If you think this area should be improved, please indicate this in the text box.	1. Recreational vessels 2. Artisanal/ small scale 3. Industrial vessels 4. Foreign vessels	1	2	3	4		
	-Limitations on transferability of fishing rights						
	-Allocation of fixed share of Total Allowable Catch (TAC)						
	-Subsector allowed to fish in the territorial waters						
	-Subsector allowed to fish in the exclusive economic zone (eez)						
	-Subsector allowed to fish in the Areas Beyond National Jurisdiction (ABNJ)						
<b>8. Regional cooperation in fisheries</b>							
8.1 Please indicate whether legislation provides for references to regional fisheries management organizations (RFMOs) or Regional Fishery Bodies (RFBs).							
8.2.a. Please indicate whether legislation is consistent with treaties establishing RFMOs or RFBs.							

Question	Answer	Reference to the law	Commentary by FAO
<p>8.2.b. If the answer to question 8.2.a. is 'Partly'</p> <p>or 'No', please describe in relation to which issues legislation is inconsistent with treaties establishing RFMOs or RFBs.</p>			
<p>8.3.a. Please indicate whether legislation is consistent with measures adopted by RFMOs or RFBs.</p> <p>If you think this area should be improved, please indicate this in the text box.</p>			
<p>8.3.b. If the answer to question 8.3.a. is 'Partly'</p> <p>or 'No', please describe in relation to which issues legislation is inconsistent with measures adopted by RFMOs or RFBs.</p>			
<p>8.4 Please indicate whether legislation provides for mechanisms to facilitate implementation of measures adopted by RFMOs or RFBs.</p>			
<p>8.5 Please briefly describe how consistency of national legislation with the regional treaties and measures agreed by RFMOs and RFBs can be improved.</p>			
<p>8.6 Please indicate whether legislation contains measures to sanction vessels that are not flagged to member states or cooperating non member states that operate in the competence area of the RFMO?</p>			

Question	Answer	Reference to the law	Commentary by FAO
<b>9. Conflict resolution mechanisms and access to justice</b>			
Indicate whether legislation provides for the following mechanisms for preventing and resolving conflicts at national level (other than conventional judiciary mechanisms).			
9.1 Community-based conflict resolution mechanisms.			
9.2 Statutory-based conflict resolution mechanisms.			
9.3 Conflict resolution mechanisms are accessible to resource users.			
9.4 If there are other relevant mechanisms, please describe them briefly in the text box.			
9.5.a. Conventional judiciary mechanisms are in practice accessible to resource users.			
9.5.b. If your answer to question 9.5.a. is 'No' please briefly describe the main reason:			
<b>10. Vessel registration and records</b>			
10.1 Are foreign owned vessels currently flagged to your country?			
10.2 Are applicants required to indicate the previous flag of the vessel if there was any?			
10.3 Does law require responsible behaviour under the previous flag as a condition for reflagging the vessel?			
10.4.1 Are vessel markings required for national vessels?			
10.4.2 Are vessel markings required for foreign vessels?			

Question	Answer	Reference to the law	Commentary by FAO
10.5.1 Is gear required to be marked for national vessels?			
10.5.2 Is gear required to be marked for foreign vessels?			
Follow-up: If answer to 10.4 or 10.5 is positive, please describe if exemptions exist for certain categories of vessels.			
10.6 Does legislation provide for establishment and operation of a record of fishing vessels flying the national flag?			
10.7 Indicate the authority(ies) in charge of registration (flagging) fishing vessels (e.g. maritime authority, fisheries authority etc.):			
<b>11. Access of foreign flagged vessels</b>			
11.1 Do foreign flagged vessels engage in fishing or fishing related activities in the national fisheries waters?			
11.2 Are access agreements or similar arrangements required for foreign fishing vessels to engage in fishing or related activities in the national fisheries waters?			
11.3 Do foreign flagged vessels have to obtain a license/authorization to operate in national fisheries waters?			

Question	Answer	Reference to the law	Commentary by FAO
<p>11.4 Are minimum terms and conditions required for access agreements or similar arrangements for foreign fishing vessels to engage in fishing or related activities in the national fisheries waters?</p> <p>If this legislation should be improved, please type your suggestions in the text box.</p>			
<b>12. License and authorization</b>			
<p>12.1 Are national flagged fishing vessels required to obtain a license to engage in fishing or fishing related activities in national fisheries waters?</p>			
<p>12.2.a Are certain categories of national flagged vessels exempt from license obligation?</p>			
<p>12.2.b. If your answer on the previous question was 'Yes', please indicate the categories of vessels for which exemption is provided:</p>			
<p>12.3 Is an authorization required for transshipment of fish and fisheries products in national waters?</p>			
<p>12.4 Is an authorization required for transshipment in ABNJ?</p>			
<p>12.5 Do national flagged vessels engage in fishing or fishing related activities in ABNJ?</p>			

Question	Answer	Reference to the law	Commentary by FAO
12.6 Are national flagged vessels required to obtain a flag state authorization / license for fishing in ABNJ?			
12.7 Are national flagged vessels required to obtain a flag State authorization for fishing in waters of third states?			
12.8 Is there a national record of fishing vessels authorized to fish in ABNJ?			
12.9 Legislation provides for sharing of information from the national record of vessels authorized to fish in ABNJ with third states/RFBs/RFMOs, etc.?			
<b>13. Monitoring Control and Surveillance</b>			
13.1 To which bodies and/ or authorities does legislation assign the monitoring, control and surveillance (MCS) powers and functions:			
13.2 Is there cooperation among different authorities in relation to MCS addressed in legislation?			
Follow-up: Does legislation provide for cooperation among different authorities involved in MCS (e.g. data sharing, joint operations)			
Follow-up 2: Does cooperation among relevant authorities take place in practice, and if so, among which authorities?			

Question	Answer	Reference to the law	Commentary by FAO
13.3 Does legislation provide for powers and functions of authorized officers/inspectors?			
13.4 Does legislation provide for boarding, functions and powers of observers in the national fisheries waters?			
13.5 Does legislation provide for boarding, functions and powers of observers in ABNJ?			
13.6 Please indicate which issues (in relation to MCS) require improvement in legislation.	-powers of entry and search		
	-powers to give direction		
	-powers to take, detain, remove information and evidence		
	-powers of arrest		
	-powers of seizure		
	-observer conditions		
	-evidence		
	-certificate evidence		

Question	Answer	Reference to the law	Commentary by FAO
	-VMS related data recording, use and validity		
	-electronic logbook data, recording, use and validity		
	-photographic evidence		
	-jurisdiction of courts		
<b>14. Vessel Monitoring Systems (VMS)</b>			
14.1 Is a vessel monitoring system (VMS) required in national fisheries waters?			
14.2 Is VMS required for national flagged vessels in ABNJ?			
14.3 Please indicate how legislation can be improved to address VMS.			
<b>15. Sanctions</b>			
15.1 Does legislation provide for the following:	Sanctions for offences?		
	The arrest and detention of crew members/owners of vessels?		
	Arrest and detention of vessels?		
	Forfeiture of catch, gear, equipment and/or vessels etc.?		
	Imprisonment?		

Question	Answer	Reference to the law	Commentary by FAO
15.2 Are the sanctions sufficiently severe to provide an effective deterrent?			
15.3 Is forfeiture of catch, gear, equipment and/ or vessels etc. applied in practice?			
15.4 Please indicate how the sanctions instrument can be improved through legislation.			
<b>16. Port State Measures</b>			
16.1 Does legislation:	Require the designation of ports for port calls by foreign vessels?		
	Require prior notification of arrival in port by national vessels?		
	Require prior notification of arrival in port by foreign vessels?		
	Provide requirements to prohibit foreign vessels from entering port?		
	Provide for powers to inspect foreign vessels in port?		
	If this legislation should be improved, please type your suggestions in the text box.		
16.2 Do foreign flagged fishing vessels land catches or make port calls in ports in your country?			

Question	Answer		Reference to the law	Commentary by FAO
16.3 Are foreign vessels inspected in port in reality?				
16.4.a. Are minimum targets set for the inspection of foreign vessels?				
16.4.b. If yes, which targets are set for inspection of foreign vessels are applied?				
16.5 Are flag states informed about port inspection?  If this should be improved, please type your suggestions in the text box.				
16.6 Do national authorities inform the flag state if a foreign vessel flying its flag:	Was denied access to a port			
	Was denied port use (landing, transshipping, processing, etc.)			
	Was inspected			
	Is suspected of IUU fishing or related activities (after inspection)			
16.7 Do port authorities exchange information with other authorities in applying port state measures?				
16.8 Indicate with which authorities information is exchanged.				
16.9 Do port authorities collaborate with other authorities in applying port state measures?				
16.10 Please indicate with which authorities port authorities collaborate:				

Question	Answer	Reference to the law	Commentary by FAO																				
<b>17. Species-specific legislation</b>																							
17.1 Does your country's legislation include species-specific provisions?																							
17.2 Please check the box if legislation exists for the specific species and applies to the fisheries in the column (check all the boxes of the row if there is legislation for a specific species, but there is no distinction per fisheries).	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">1. Recr. Fisheries in nat. fish waters.</td> <td style="width: 5%;">1</td> <td style="width: 5%;">2</td> <td style="width: 5%;">3</td> <td style="width: 5%;">4</td> </tr> <tr> <td>2. Artisanal fisheries in nat. fish waters.</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>3. Industr. Fisheries in nat. fish waters</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>4. Industr. Fisheries ABNJ.</td> <td></td> <td></td> <td></td> <td></td> </tr> </table>	1. Recr. Fisheries in nat. fish waters.	1	2	3	4	2. Artisanal fisheries in nat. fish waters.					3. Industr. Fisheries in nat. fish waters					4. Industr. Fisheries ABNJ.						
1. Recr. Fisheries in nat. fish waters.	1	2	3	4																			
2. Artisanal fisheries in nat. fish waters.																							
3. Industr. Fisheries in nat. fish waters																							
4. Industr. Fisheries ABNJ.																							
1. Recreational fisheries in national fisheries waters	Billfish																						
2. Small scale/ artisanal fisheries in national fisheries waters	Flying Fish																						
3. Industrial fisheries in national fisheries waters	Grouper																						
4. Industrial fisheries in areas beyond national jurisdiction	Lobster																						
	Queen Conch																						
	Sea Cucumber																						
	Shark																						
	Shrimp																						
	Snapper																						
	Tuna																						
17.3 Please indicate the level of compliance per species specific legislation.	Billfish																						
	Flying Fish																						
	Grouper	Medium																					
	Lobster																						
	Queen Conch																						
	Sea Cucumber																						

Question	Answer		Reference to the law	Commentary by FAO
	Shark			
	Shrimp			
	Snapper			
	Tuna			
17.4 Please indicate the level of enforcement per species specific legislation.	Billfish			
	Flying Fish			
	Grouper			
	Lobster			
	Queen Conch			
	Sea Cucumber			
	Shark			
	Shrimp			
	Snapper			
	Tuna			
<b>18. Aquaculture</b>				
18.1.a. Does your country have legislation for aquaculture?				
18.1.b. If yes: Does legislation provide for:	-An aquaculture planning process			
	-An aquaculture advisory body			
	-Aquaculture zoning/ dedicated areas			
	-The introduction and/ or movement of life aquatic animals			

Question	Answer	Reference to the law	Commentary by FAO
If this legislation should be improved, please type your suggestions in the text box.	-Health and/ or safety measures		
	-The use of wild fish (capture based) aquaculture		
	-Genetic resource management		
	-Certification		
	-Licensing and/ or registration of aquaculture operations		
	-The protection of the aquatic environment		
	-Reporting		
	-Import and/ or export of aquaculture products		
<b>19. Institutional framework for fisheries</b>			
19.1 Which institutions are given management responsibilities under the fisheries act and regulations? Please list these in order of importance.			
19.2 Please answer the following institutional/ organizational questions for the Government agency responsible for fisheries.			
Is the organization established by law?			
Does the organization have a clear mandate?			
Does the organization adequately manage the fisheries resources?			
Does the organization adequately address the needs of the fisheries stakeholders?			

Question	Answer	Reference to the law	Commentary by FAO
Does the organization meet the demands for its services adequately?			
Is there sufficient number of staff?			
Is there sufficient skilled staff?			
Are the premises and equipment adequate?			
Is funding/financial means of the organization adequate?			
Are the fishers satisfied with the quality and volume of services provided by the organization?			
Are the relationships with other government agencies (e.g. Port authority) adequate?			
Has the organization a good public image?			
Does the organization have a strategic or operational plan?			
Is there a logical structure/division in departments and units?			
Is the organization reporting annually to the Government and share its annual reports to the public?			
Are there adequate staff development and career opportunities?			
Are fisheries management decisions being taken in a timely manner?			
Are stakeholders adequately informed of decisions made on fisheries management?			

Question	Answer	Reference to the law	Commentary by FAO
Is the organization accountable and transparent?			
Does the organization pay adequate attention to gender and minority group matters?			
19.3 Please let us know what are the main challenges for the Government agency responsible for fisheries?			
19.4 Please let us know any opportunities you see for further improving the work of the Government agency responsible for fisheries.			
19.5 How many technical staff or managers has the main fisheries management authority working on the following subjects: (Every box needs to be answered. If you don't know or if there is no staff working, fill in 0.)	a. Fisheries policy and planning		
	b. Fisheries legislation		
	c. Fisheries research and observer programmes		
	d. Fisheries information and statistics		
	e. Fisheries extension services/education		
	f. Recreational fisheries		
	g. Small-scale fisheries		
	h. High sea fisheries		
	i. Aquaculture		
	j. Fisheries markets and trade		

This study assessed basic fisheries legislation and institutional frameworks of member countries of the Western Central Atlantic Fishery Commission (WECAFC). Its objective was to provide a baseline comparison of national legal and institutional frameworks for fisheries management and to identify the extent to which national legal and institutional frameworks provide a suitable foundation for the regulation of commercial and recreational/sport fishing and the conservation of billfish resources in the region, including through the use of rights-based approaches.

The analysis presented in this study is based on responses to a detailed questionnaire distributed among the WECAFC countries as well as a review of basic fisheries legislation of the responding countries. The reviewed responses and legislation are described, compared and assessed with respect to the following topics:

- The objectives and scope of basic fisheries legislation
- Institutional arrangements
- Management measures and tools, including management planning, spatial restrictions, co-management and rights-based measures
- Legislative treatment of Fish Aggregating Devices (FADs) and recreational/sport fishing.
- National legislation and the regional legal framework

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