

CRFM OPERATIONS MANUAL

Volume 2 **International, Regional and Sub-Regional** **Cooperation**

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Section 2.1 Partnerships

The nature of CFRM's mission requires that the Organization develops and maintains effective partnerships with a wide range of entities at national, regional and international levels. Some of these organizations have been identified in this Operations Manual and the Context Map shown below illustrates the diversity of partnerships. Although each of these relationships is important in its own right, the level of contact and communication may vary in accordance with work priorities at any given time.

2.1.1 The network used by the CFRM

The elements of the network shown in **Figure 1** below may be involved in the work of the CFRM in various ways. The lead responsibility for executing particular tasks that are coordinated by the CFRM may vary with the task. Examples are illustrated in **Figure 2** below.

In the first example, the network entities involved are the Member States, the CFRM Secretariat and the FAO and Western Central Atlantic Fisheries Commission (WECAFC). Here the CFRM Secretariat might play the role of coordinating the participation of the Member States in an activity that may include other states, for example, the Spiny Lobster assessment activities undertaken jointly by the CARICOM Fisheries Resource Assessment and Management Program (CFRAMP) and the WECAFC.

In the second example, two network entities, a Member State and the University of the West Indies may collaborate in an activity where the CFRM Secretariat's role may be only to assist with acquisition of funding, and to disseminate the findings to other Member States. Alternatively, it may represent communication to facilitate training of fisheries officers or fishers.

In the third example, the CFRM Secretariat is shown as playing the role of liaison between two network entities that may have had little previous interaction, a regional tourism organization, and recreational fisheries organizations. In this case, its role would be to promote inter-sectoral regional linkages and new areas of cooperation.

Figure 1: Network Interactions

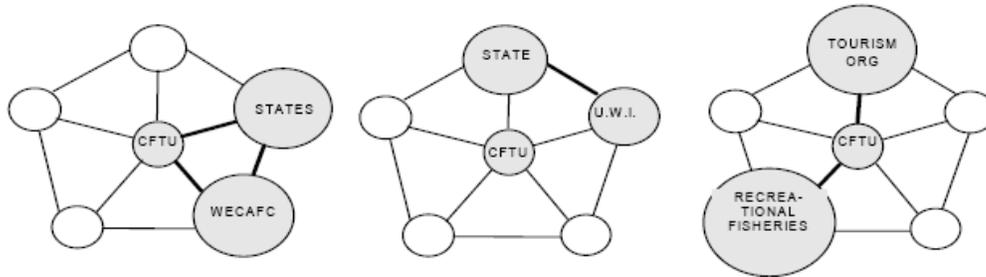
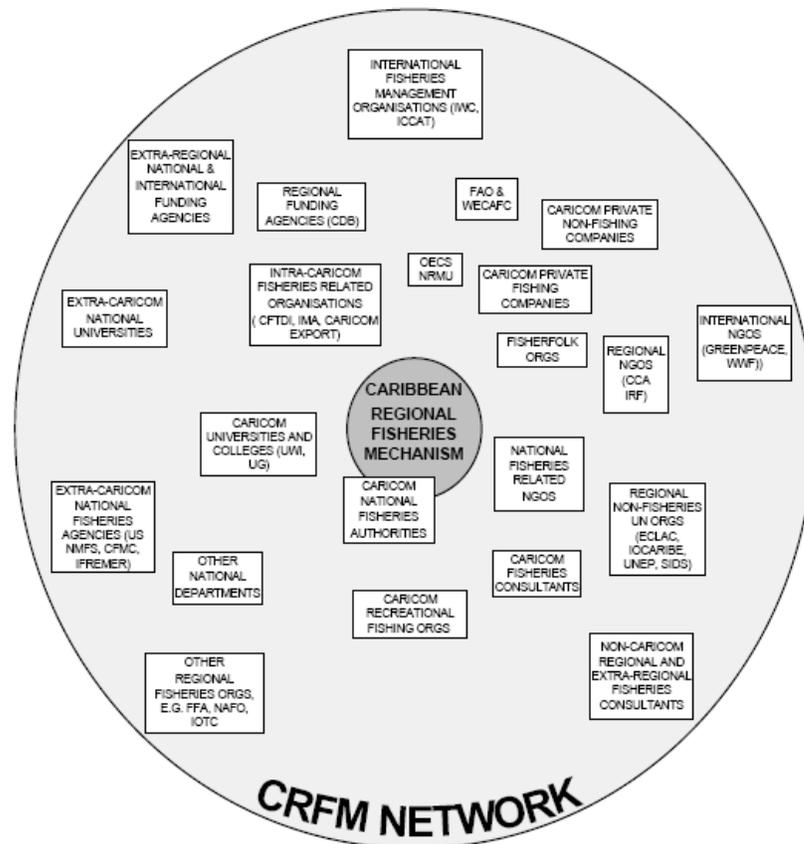


Figure 2: The network of stakeholders with which the CRFM interacts.



The contribution of the network members to the work of the CFRM is critical to its effective operation. Following are examples of the ways in which network members may contribute:

- Identify national and regional needs for fisheries management and development.
- Collaborate in the formulation of strategies and work programmes to address identified needs.
- Identify human resource development needs, including staffing and training.
- Cooperate in the implementation of projects and activities in the approved work programme.
- Undertake research in support of fisheries management and development.
- Provide information and technical expertise.
- Provide financing for projects and other inputs.

The national fisheries authorities have a dual role in the CFRM. They are both the major contributors to decision-making and operational programming of the CFRM, as well as being its main clients. As an integral and most important component of the CFRM, national fisheries authorities have the opportunity to shape and guide these arrangements for the benefit of the people. These arrangements enhance the roles of the national units.

The fisheries authorities participate in the Ministerial Body and Forum through their policy-making and technical representatives. Financial support for the work of the CFRM will in part come from their national budgets, through country contributions, as distinct from projects that are financed separately from their contributions.

2.1.2 Member States

The **CFRM Member States** contribute in three ways:

- Participation in the Ministerial Council and the Forum;
- Provision of funding and other facilities, privileges and support;
- Coordination and implementation of activities through their respective Departments.

Member States function as working partners in the CFRM and share responsibility for CFRM results. They provide resources and finances (contributions to salaries, office space, etc.) and participate in policy direction and review through the Forum. Member States are also responsible for supporting the implementation of activities in their respective countries, providing personnel for the execution of projects at the national level, identifying candidates for training, and

executing recommendations developed through the CRFM, including laws and regulations to facilitate the management of fishery resources. Member States in which the CRFM Secretariat offices are located supply office space, grant appropriate privileges, etc. (in accordance with relevant agreements) in support of these CRFM activities.

2.1.3 CRFM Operations

The programmes of CRFM are delivered through the CRFM Secretariat which has its headquarters in Belize, and an Eastern Caribbean Office in St. Vincent and the Grenadines.

2.1.3.1 CRFM Secretariat

The CRFM Secretariat has leadership in, and overall responsibility for, the delivery of CRFM's goals and objectives and is accountable for achieving results. It plans and executes its work through the development of an Annual Work Plan and Budget. It is accountable for CRFM activities to the Forum, and the Ministerial Council.

The Secretariat is primarily responsible for the Priority Areas relating to project development, acquisition of funding, data and information management, and sociological and economic planning.

The CRFM Secretariat works on supporting the national fisheries administrations in fisheries resource assessment, management and development. It maintains close contact with Permanent Secretaries, Chief Fisheries Officers, and other senior officials, acts as a liaison among CARICOM countries, and links with organizations outside the CARICOM region supporting fisheries management in the region.

In keeping with the provisions of Article 13 of the Agreement Establishing the CRFM, the CRFM Secretariat *inter alia*:

- Prepares all work plans (to be reviewed by the Forum), reports and financial statements for submission to Ministerial Council via the Forum;
- Co-ordinates the overall work programme;
- Leads the implementation of the projects within the work programme;
- Prepares technical reports and advisory documents, based on work programme results, for submission to the Forum and / or its Member States;
- Co-ordinates publication, production and distribution of reports, newsletters, etc.; and
- Performs any other activity authorized by the Forum and the Ministerial Council.

2.1.3.2 Eastern Caribbean Office

The CRFM also has an office located in St. Vincent and the Grenadines in the Eastern Caribbean. This decentralized arrangement is intended to facilitate more efficient delivery of CRFM services.

2.1.4 Establishing Strategic Alliances and Partnerships: *With other Regional and Extra - Regional Organizations*

SECTIONS

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2.0 CARICOM Regional, Sub-Regional and Associate Institutions

- CARICOM Secretariat
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- Caribbean Environmental Health Institute (CEHI).
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4.0 Intra – CARICOM / Caribbean Strategic Institutions I

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- The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
- International Whaling Commission (IWC)

6.0 Extra- CARICOM / Caribbean Strategic Institutions III

- Bay of Bengal Programme for Fisheries Development (BOBP)
- South-East Asian Fisheries Development Centre (SEAFDEC)
- South Pacific Forum Fisheries Agency (FFA)
- Latin American Organization for Fisheries Development (OLDEPESCA)

7.0 Regional Institutions of Higher Learning

- The University of the West Indies (Mona, St. Augustine, Cave Hill)**
- University of Guyana,** Anton De Kom University**
(* ** CARICOM Associate Institutions)
- St. George's University, Grenada; University of Belize; University of Technology, Jamaica; University D'etal D'Haiti; Universite Quiaqueya, Haiti

(i) Units of Specialization in Regional Universities

- Centre for Resource Management and Environmental Studies (CERMES), Cave Hill, UWI (Strong Linkage with CRFM)

- **OTHERS:**
 - Caribbean Environmental and Sustainable Development Unit (UWI / CED), Mona, UWI.
 - Sustainable Economic Development Unit (SEDU) St. Augustine, UWI.
 - Institute of Development Planning and Management, University of Suriname,
 - Institute of Economic and Social Studies (ISER) Mona, Cave Hill and St. Augustine, UWI.

(ii) Networks

- Association of Caribbean Universities and Research Institutions (UNICA), Mona, UWI.
- The Caribbean Community Ocean Sciences Network (CCOS Net)
- The Coastal Ecosystems Productivity Network in the Caribbean (CARICOMP), Mona, UWI.
- The Network of the Caribbean Environmental Programme (CEPNET), Mona, UWI.
- The Caribbean Sustainable Economic Development Network (CSEDNET), St. Augustine, UWI.
- The Gulf and Caribbean Fisheries Institute (GCFI)

8.0 International Institutions of Higher Learning

(Selected Examples)

- The Fisheries Centre (FC), University of British Columbia (UBC), Canada.
- Centre for the Economics and Management of Aquatic Resources (CEMARE), University of Portsmouth, UK.
- Dalhousie University, Coastal Resources / Marine Affairs/ Management Programmes, Halifax, Nova Scotia, Canada.

- 9.0** **Prioritizing Collaborative Alliances and Partnerships with Selected Regional and Extra-regional Organizations**

- 10.0** **A Brief Guide to the Development of a Standard MOU Format**

- 11.0** **A Draft Standard MOU Format for the CRFM**

APPENDIX 2.1: Sample MOU (CARICOMP)

ESTABLISHING STRATEGIC ALLIANCES AND PARTNERSHIPS:

The CRFM Secretariat with other regional and extra-regional organizations

1.0 INTRODUCTION:

Organizations such as the Caribbean Regional Fisheries Mechanism (CRFM) cannot operate in isolation as if they are self-sufficient and can remain detached from other institutions with complementary mandates. If they do so, they risk becoming cut off from current trends in the disciplines for which they have been established and could become academically and professionally atrophied. They need to expand and develop into new areas of knowledge and ideas. They must cultivate strategic and operational linkages with other institutions and organizations with common interests and programs, in order to allow for cross fertilization of ideas, knowledge and skills, based on cooperation and collaboration of effort, for their mutual benefit. The entering into Memoranda of Understanding (MOU) and other cooperative arrangements with other organizations and institutions with similar functions and programs is an appropriate means of achieving such an objective.

The CRFM is basically a research and development organization, engaged in making enquiries and generating information for use in promoting the sustainable development and management of the fisheries resources of the region. It is also engaged in the development of appropriate databases, the conduct of special studies on issues and problems relating to fish stock assessment and the monitoring of the condition of health of the stocks and biodiversity conservation. Additionally, it is engaged in promoting the strengthening of institutions and building the capacities of these institutions and organizations in question, for effectively playing their roles in the sustainable development and management of the marine and aquatic resources of the region. The national fisheries administrations and the fisher folk organizations and other stakeholder organizations are the main targets.

The Mission Statement of the CRFM is to promote and facilitate the responsible utilization of the Region's fisheries and other aquatic resources for the economic and social benefits of the current

and future populations of the Region. This puts the Organization in the unique and unenviable position of taking the lead role and coordinating programmes that would steer the Member States and Associate Member States to the goal of sustainable utilization of the region's fisheries resources over the long haul.

Member States are signatories to many international conventions on the prudent utilization of the resources within their EEZs and are also subject to international laws and regulation governing the management of various fish species on the high seas. It is the responsibility of the CRFM through its Secretariat to provide the necessary technical support for Member States to obtain membership of these organizations so as to increase their influence in decision making, or to be represented by the Secretariat at these international meetings to protect and advance the interests of the Member States. This calls for the development of strategies that would promote coordination and collaborative efforts with other regional or international organizations.

One of the main objectives of the CRFM goes thus: The promotion and establishment of cooperative arrangements among interested states for the efficient management of shared, straddling or highly migratory marine and other aquatic resources. This also calls for cooperation and collaboration with other regional and extra-regional organizations; the development of networks, for sharing information, specialties in skills and lending of technical support to each other. This could involve entering into mutual cooperative and collaborative agreements with other regional and extra regional organizations, through the signing of Memoranda of Understanding and Letters of Agreement. Dealing with typical tropical fisheries involving artisanal fisheries and the pushing for the goal of eradicating poverty from fishing communities, could involve South-South cooperation involving a number of organizations and their Member States.

Research and Data Analysis for formulation of management advisories, human resource development and promoting Global Competitiveness are only three of the nine programme priority areas that have been identified by the Member States to promote the sustainable management of the region's resources. Taking into consideration the lean staffing position of the CRFM Secretariat, the latter might have to rely on additional technical expertise, not only from

regional sources but also from extra-regional sources, making it imperative to sometimes enter into collaborative arrangements with other organizations. That is to say, forging strategic alliances and partnerships with regional and extra-regional organizations.

Whilst it is fruitful to develop an impressive register of organizations with which the CRFM Secretariat could cultivate operational linkages, it would be fruitless to rush into formalizing such linkages with several institutions without taking into account the capability of the CRFM Secretariat to manage these relationships effectively. It should only happen if there are sufficient grounds to conclude that the CRFM Secretariat could engage such institutions in meaningful and continual relationships. It would not be good policy nor would it not be cost effective to enter into working agreements with a number of organizations with which engagements would at best be casual.

The CRFM Secretariat should implement a step-by-step policy, engaging other organizations and agencies in such relationships as the need arises, and as there is ample evidence that such engagement would be of critical importance in promoting the growth and development of the CRFM Secretariat and facilitate the sustainable development of the fisheries of the region. The best strategy is to begin by continuing with the regional and international organizations with which the CRFM Secretariat has been having continuous operational linkages or on-and-off collaborative linkages to strengthen such relationships.

This document does not claim to have covered all the organizations / institutions existing in the region and outside of it that would be relevant for the CRFM Secretariat's future networking. However, there is more than enough to engage the CRFM Secretariat's attention, at least for the duration of the next Medium Term Plan. As issues of prominent importance arise, the document would make allowance for more organizations as needed.

2.0 CARICOM Regional, Sub-Regional and Associate Institutions

- **CARICOM Secretariat**

The Caribbean Community came into existence with the signing of the Treaty of Chaguaramas on July 4, 1973. The objectives of CARICOM are to improve standards of living and work in the community; strive for full employment of labour and other factors of production; promote accelerated, coordinated and sustained economic development and convergence; expansion of trade and economic relations with third states; promote enhanced levels of international competitiveness; organization of increased production and productivity; strive for the achievement of a greater measure of economic leverage and effectiveness of Member States in dealing with third states, groups of states and entities of any description and the enhanced coordination of Member States' foreign economic policies and enhanced functional cooperation.

The CARICOM Secretariat (CARISEC) is the principal administrative organ of the Community, headed by a Secretary- General who is the Chief Executive Officer. Its Mission Statement is to provide dynamic leadership and service in partnership with Community Institutions and groups, towards the attainment of a viable, internationally competitive and sustainable community, with improved quality of life for all. CARISEC provides technical, administrative and financial support to the CRFM Secretariat and is in the forefront of resource mobilization efforts of the CRFM Secretariat through its cooperation agreements with foreign donor nations and agencies.

The CRFM is one of several institutions of the Caribbean Community, including CCCCC, CEHI, and CARDI and Associate Institutions such as the OECS, UWI and the University of Guyana. The CRFM Secretariat works through its network of Member and Associate Member States and Observer Regional and International Institutions to carry out its Mission. The CRFM Secretariat works in close collaboration with the CARICOM Secretariat. The working relationship is officially recognized and therefore need not be established through a formal agreement (MOU).

- **The Organization of Eastern Caribbean States (OECS) Secretariat**

The Organization of Eastern Caribbean States came into being on 18 June 1981 with the signing of the Treaty of Basseterre for cooperation and promotion of unity and solidarity among the Member States. The membership is made up of Antigua and Barbuda, the Commonwealth of Dominica, Grenada, Montserrat, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines. All these states are part of the Caribbean Community (CARICOM) and are Member States of the CRFM.

The OECS Secretariat is one of a number of Associate Institutions of the CARICOM. It is headquartered in the city of Castries, the capital of St. Lucia. The highest decision making body is the Conference of Heads of Government. The Secretariat coordinates the functions of the organization. The purpose of the organization is to assist its members to respond to the multi-faceted challenges by identifying scope for joint or coordinated action towards the economic and social advancement of their countries.

The Secretariat's mission is to be a major regional institution contributing to the sustainable development of the OECS Member States by assisting them to maximize the benefits from their collective space, by facilitating their intelligent integration with the global economy, by contributing to policy and program formulation and execution in respect of regional and international issues, and by facilitation of bilateral and multilateral cooperation.

In carrying out its mission, the OECS Secretariat works along with a number of sub-regional and regional agencies, including the Caribbean Community (CARICOM) Secretariat, the Caribbean Regional Negotiating Machinery (CRNM) and the Caribbean Development Bank (CDB). Its Environment and Sustainable Development Unit is the department that has a mandate closest to the CRFM Secretariat. This Unit engages in collaborative work in fisheries development and management. *It would be useful to retain the OECS Secretariat as a permanent, non-fee paying Observer at the meetings of the Caribbean Fisheries Forum of the CRFM. The latter might also consider entering into formal relations by way of MOU with the Secretariat, and with LOA in specific cases of consultancy engagement.*

The OECS Environment and Sustainable Development Unit (ESDU), (formerly the OECS Fisheries Unit / Desk) began close working relationships with the CFU-CFRAMP organization that was recently transformed into the CRFM. The OECS-ESDU is responsible for the sustainable development and management of the fisheries resources and biodiversity protection in seven states that are also Member States of the CRFM. *The CRFM should continue the strong bonds between the two bodies, continue to include it in all its major activities and confer a permanent Observer status on it.*

- **Caribbean Regional Negotiating Machinery (CRNM)**

The CRNM came into existence in April 1997 through mandate from the Conference of Heads of Government of CARICOM. The CRNM works to develop a cohesive and effective framework for the coordination and management of the Caribbean region's negotiating resources and expertise. Its Mission is to assist Member States in maximizing the benefits of participation in global trade negotiations by providing sound, high quality advice, facilitating the generation of national positions, coordinating the formulation of a unified strategy for the Region and undertaking/leading negotiations where appropriate. Its core functions therefore, are to advise, coordinate, facilitate and negotiate. As a Prime Ministerial sub-committee on external negotiations aptly put it, "The CRNM should work to develop a cohesive and effective framework for the coordination and management of the Community's negotiating resources and expertise." The organization is engaged in FTAA, WTO, ACP-EU and a possible new Canada - CARICOM - FTA negotiations. *The interests of the CRFM Secretariat lie in negotiations relating to trade in fisheries and fisheries products, hence must maintain a constant interest in these and offer any input it can in facilitating positive and effective negotiations in the interest of the Member States of the CRFM. The entering into an MOU with this organization in the future should not be ruled out. The CRNM could also be invited as an Observer to the Caribbean Fisheries Forum meetings when issues relating to trade in fisheries and fishing products are to be discussed.*

- **CARICOM Regional Organization for Standards and Quality (CROSQ)**

The CARICOM Regional Organization for Standards and Quality (CROSQ) was created by the Member States of the Caribbean Community (CARICOM) as an Intergovernmental Organisation in Belize City, Belize, 4 February 2002. Its mandate is to implement standards, facilitate international competitiveness, and to increase regional and international sustainable production of goods and services in the CARICOM Single Market and Economy (CSME). Its objectives are to promote the development of Standards and the recognition of technical regulations; to encourage the recognition of internationally accredited certification systems; facilitate the achievement of international competitiveness of regional goods and services by fostering quality in regional enterprises; to contribute to the preservation of the environment and conservation of the natural resources of the CSME; and to provide guidance to organs and bodies of the CSME.

Among the functions of its Secretariat, the equivalent of the CRFM Secretariat, are to promote the development, harmonization, application and maintenance of standards and regulations; facilitate and mandate standards; undertake training and promote education and information dissemination on standards and standardization related matters; to promote the development of standards to facilitate international competitiveness.

It is in these areas that close collaboration between the CRFM Secretariat and CROSQ Secretariat would be mutually beneficial. Standardisation of the fish and fish products to meet both internal / regional standards and international standards, to the level of achieving international competitiveness, would not only improve the well-being of fishers, fishing communities and other producers in the fishing industry. It has the potential of protecting the health of consumers and protection of the environment. *The development and strengthening of working relations between the two sister entities for capacity building, through education and training in the area of standardization of fish products, and through the entrance into Memorandum of Understanding should be facilitated, for the purposes outlined above.*

- **Caribbean Community Climate Change Centre (CCCCC)**

This is a relatively new institution with a mandate that is germane to the interests and programmes of the CRFM, namely, the impact of global climatic change on the oceans and coastal communities. The centre, located in Belmopan, administrative capital of Belize, coordinates the regional response to climate change. It is the key node for information on climate change issues and the Caribbean's efforts to manage and adapt to climate change. It is the official CARICOM agency for regional Climate Change. Its main objective is to support Caribbean countries in preparing to cope with the adverse effects of these changes on coastal and marine. The establishment of the Centre was endorsed by CARICOM Heads of Government in July 2002.

Through its role as a Centre of Excellence, the centre will support the people of the Caribbean as they address the impact of climate variability and change on all aspects of economic development through the provision of timely forecasts and analyses of potentially hazardous impacts of both natural and man-induced climatic changes on the environment, and the development of special programs which create opportunities for sustainable development.

Its Clearing House is a source for data / information on climate change from global and regional sources. The CRFM Secretariat could engage the CCCCC in data / information exchange on coastal and marine management aspects of the impact of climate change. It plans and executes participatory community projects on the impact of climate change on vulnerable communities. It sponsors training programmes for fisheries personnel on climate change related issues. It could collaborate with other relevant agencies in conducting joint projects on biodiversity restoration after negative impacts of climate change.

The areas of specialization of the CCCCC make it of high priority for CRFM Secretariat to establish formal working relationships with it as a matter of high priority. *It is imperative that the two bodies work closely together in data generating and exchange, monitoring of sea level rises and the impact of these on fisheries, fishing and by extension the impact on areas. It should be granted an Observer Status on the CRFM Fisheries Forum.*

The first major project being conducted by CCCCC is Main Streaming Adaptation to Climate Change (MACC).

- **Caribbean Environmental Health Institute (CEHI)**

In 1979 formulation of a Caribbean Environmental Health strategy led to the establishment of CEHI. In 1989 it became a legal entity with the deposit of the Instrument of Ratification of the CEHI agreement by the required number of governments. It is headquartered at facilities made available by the Government of St. Lucia.

Objectives:

To provide technical and advisory services to member states in all areas of environmental management, including but not limited to, environmental quality monitoring, environmental impact assessment, environmental health information, water resource management, waste management, laboratory serviced and project development and management. *CEHI has worked with the CFU / CRFM in the quality assurance and safety areas. CEHI will be of additional assistance in the environmental impact assessment area when the Common Fisheries Policy takes off. Also the areas of aquaculture and mariculture will need CEHI's technical support in the form of planning and monitoring of impacts. CEHI should immediately be considered for Observer Status at the Caribbean Fisheries Forum.*

- **Caribbean Agriculture Research and Development Institute (CARDI)**

The Caribbean Agricultural Research and Development Institute (CARDI) was created by the Caribbean Community (CARICOM) to serve the agricultural research and development needs of the Caribbean Community, just as it could be claimed that the Caribbean Regional Fisheries Mechanism (CRFM), the successor institution to the CARICOM Fisheries Resource Assessment and Management Program (CRFAMP) was created by the Community, 'to serve the fisheries research and development needs of the Member States of the Community'. Headquartered in

Trinidad and Tobago on the campus of the University of the West Indies, St. Augustine, CARDI participating Member States are also Member States of the CRFM.

CARDI - CRFM LINKS

CARDI and CFRAMP / CRFM are both entities established by the Caribbean Community as recognized institutions of the Community, brought into being by agreements entered into by the Heads of Governments of CARICOM, in 1975 and 1992 / 2003, respectively. Both are responsible for policy formulation and operations in their areas of responsibility, agriculture and fisheries respectively. It is therefore imperative that both should strive to collaboratively promote the development of the CARICOM region.

CARDI - CTA LINKS:

Among the services CARDI provides, is information management for agricultural and rural development through the Technical Centre for Agricultural and Rural Cooperation (CTA). It serves as the Caribbean node of the European Union-financed CTA. It implements its work programme by working in collaboration with local and international research and developments organizations. Among the collaborating institutions of CARDI in the CARICOM region, are the CARICOM Secretariat, the University of the West Indies, and the Caribbean Agro-Economic Society.

The CTA is an institution of the ACP Group of States (Africa, Caribbean and Pacific) and the European Union (EU). Established in 1983, its tasks are to develop and provide services to improve access to information for agricultural and rural development and to strengthen the capacity of ACP countries to produce, acquire and utilize information in this area. It aims at enhancing the capacity of ACP stakeholders (particularly in Agriculture and rural development) to make decisions (the empowerment function); to promote information exchange and capacity building (Networking function) and to improve the information and communication management capacity of ACP agricultural and rural development organizations. In the case of the CRFM, the sector concerned is fisheries and the target organizations are fisher folk organizations.

THE CTA – CARDI - CRFM LINKS

Accordingly, the CRFM applied for and obtained funding from the CTA through CARDI to conduct a region-wide Needs Assessment of fisher folk organizations in the CARICOM / CARIFORUM countries (mid 2004); Conduct of a Stakeholder feedback workshop on the findings of the Study for representatives of the fisher folk organizations (October 2004); a First Pro Tem Working Group Meeting (June 2005) by representatives of selected fisher folk organizations, at which a Medium Term Action Plan with a compendium of projects, all aimed at establishing a Caribbean Network of National Fisher folk Organizations.

There is an unwritten commitment by the CTA to continue this relationship for as long as the objectives remain within the parameters of the mandate of the CTA. A decision could be made by the CRFM Secretariat to transform this into a binding written commitment.

3.0 CARICOM / Caribbean Allied Institutions

These are regional organizations with mandates that closely mirror the mandate of the CRFM, with some having had a history of close working relationships with the CRFM. It would be good policy for the CRFM Secretariat to continue to strengthen these relationships. The body with the shortest such relationship with the CRFM is the Intergovernmental Ocean Commission for Caribbean and Adjacent Areas (IOCARIBE) and the one with the longest relations dating back to the CFU / CFRAMP era is the IMA. It would be advisable to maintain relations based on information exchange, joint research pursuits, collaboration in capacity building programs and to retain MOU / LOA links with them.

- **Intergovernmental Oceanographic Commission for Caribbean and Adjacent Areas (IOCARIBE)**

This is the regional sub-commission of the IOC of UNESCO to the Caribbean and adjacent regions; a regional networking system created by regional governments and states for the coordination and promotion, development and coordination of IOC marine scientific research

programmes, the ocean services and related activities. It coordinates marine research programmes including education and training and mutual assistance (TEMA) taking into account the interests of the Member States.

Its objectives are as follows:

- To foster the generation of knowledge on the wider Caribbean and its coastlines;
- To strengthen the national and regional capacity in marine and coast related issues.
- To work on the needs and interests closer to countries in the region.
- To contribute to regional input to global ocean sciences and observation programmes.

It makes data, information or knowledge on the marine environment and resources accessible to the end users in the region from the scientific community, the producers of such data and information, from such regional agencies as CEPNET, SIDSnet and Infonet. The types of information include natural, environmental, scientific data and scientific products, building up of national and regional capabilities. The major outputs include, meta-data bases of marine and costal information and oceanographic data. Liaison is maintained with regional organizations and programmes co-operating with the Sub-Commission at the regional level, for example, UNESCO / CSI, CARICOMP, UNDP, UNEP / CEP, IMO, CARICOM, OECS.

The CRFM Secretariat must advisedly establish strong working relations with this organization, through MOU / LOA connections in order to cash in on the facilities for information sourcing and exchange, education and capacity building, available to members and operational partners. Representatives could be invited to Forum meetings as Observers when issues of interest to the organization are on the agenda.

- **United Nations Environmental Programme – Caribbean Environmental Programme (UNEP - CEP)**

UNEP:

For over three decades the UNEP has fostered regional cooperation on behalf of the Marine and Coastal environment. It has accomplished this by stimulating the creation of “Action Plans” – prescriptions for sound environmental management for each region. These include a series of regional conventions, unique legal instruments designed to protect shared environmental interests. UNEP also administers several multilateral environmental agreements including the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). It sponsors projects on trade-related environmental problems and their social and economic implications.

Its objective is to provide leadership and encourage partnership in caring for the environment by inspiring, informing and enabling nations and peoples to improve the quality of life without compromising that of future generations. It works to observe, monitor and assess the state of the global environment and improve our scientific understanding of how environmental change occurs, and in turn, how such changes can be managed by action-oriented policies and international agreements.

All these are areas of critical importance to the CRFM Secretariat’s programmes and hence it would be in the interest of the CRFM Secretariat to forge close working relations with UNEP in these areas, including management of biodiversity, training and capacity building and resource mobilization, through entering into MOU agreements with it and participating in its operations in the region through UNEP - CEP.

UNEP - CEP:

This is the Caribbean regional node of UNEP, with the coordinating unit located in Jamaica.

It has the following sub-programmes:

- Assessment and Management of Environmental Pollution (AMEP).

- Specially Protected Areas and Wildlife (SPAW).
- Information Systems for Management of Marine and Coastal Resources (CEPNET).
- Education, Training and Awareness (ETA).

CEP is facilitated by the Caribbean Regional Coordinating Unit (CAR – RCU) located in Kingston, Jamaica, serving as its Secretariat, with the following objectives: provide assistance to all countries of the region; strengthen national and sub-regional institutions; coordinate international assistance and stimulate technical co-operation among countries. CEP is directly responsible to Member governments of the Wider Caribbean Region.

There are inter-governmental meetings every two years when participating governments determine the content of CEP, review its progress, chart its course and oversee financial and institutional arrangements. In between these meetings, a nine – nations Monitoring Committee, which jointly with the Bureau of Contracting Parties is responsible for supervising the development of the programme and providing policy direction.

- **The Institute of Marine Affairs, (IMA)**

The mandate of this institution includes the theorizing and practice of Marine Science, with a legal component, education and training component, satellite and remote sensing capability. The IMA was a repository for the erstwhile Caribbean Planning for Adaptation to Global Climate Change (CPACC) data. It is also headquarters of the Caribbean Community Ocean Sciences Network (CCOS Net). *IMA has had a long MOU and LOA relationship with the CFU and now with the CRFM Secretariat, in the areas of age and growth determination of fish species in its laboratories. It was recently contracted by the CRFM Secretariat to complement the work of UWI / CERMES on Small Coastal Pelagics by processing hard parts of pelagic species for statistical and stock assessment and to strengthen the regional information systems for small coastal pelagic species. It is expected that this relationship will continue, and that on some occasions when issues relating to its areas of interest are to be discussed at the Caribbean Fisheries Forum, the IMA may be invited as an Observer.*

- **The Caribbean Conservation Association (CCA)**

This is an NGO with the most region-wide relevance and a mandate that is close to that of the CRFM. It exists to enhance the quality of life for present and future generations of the Caribbean by facilitating the development and implementation of policies, programmes and practices, which contribute to the sustainable management of the region's natural and cultural resources. It has a regional focus, and establishes partnerships with organizations and groups which share common objectives. The CRFM should certainly be one such organization. *In concert, the CRFM and the CCA should engage in information exchange, be research partners on a regional and sub-regional basis, to attract favourable funding from donor agencies. The CCA should be granted permanent Observer status on the CRFM Forum.*

- **Caribbean Natural Resource Institute (CANARI)**

This is also an NGO with a region-wide coverage that had a strong collaborative working relationship with the CFRAMP project, particularly in the early 1990s. Its programmes deal with the socio-economic aspects of natural resource management and co-management, including participatory research and involvement of communities in decision making in management. The themes of its programmes include approaches to Marine Protected Areas Management, collaborative natural resource monitoring, and locating livelihood strategies in natural resource management; areas in which Member States lack expertise and hence could benefit from consultancy relations with CANARI.

The CRFM Secretariat could renew this relationship, particularly in the area of socio-economic aspects of fishery resource management, so that exchange of information relations could be revived and reinvigorated and joint research and consultancy arrangements could be established. It could enter into LOA agreements in its areas of specialization, where and when needed.

4.0 Intra – CARICOM / Caribbean Strategic Institutions I

- **West Central Atlantic Fisheries Commission of the FAO (FAO / WECAFC)**

WECAFC is the UN Agency responsible for fisheries in the Caribbean region. Membership is open to Member States and Associate Members, which notify the Director-General of the Organization of their desire to be considered as members. Non member states of the Commission and other international organizations can become Observers. WECAFC can create subsidiary bodies to deal with special problems subject to availability of funds. Prior to creating such bodies, the Commission must have before it a report from the Director-General on the administrative and financial implications thereof.

The objectives of WECAFC are to facilitate the coordination of research and encourage training and education; to assist its members in establishing rational policies to promote the rational management of resources that are of interest to two or more of its member states. It also facilitates the institutional capacity building and research to support policy design. The subject areas for which WECAFC gives assistance are data collection, coordination of research, interchange of information, conduct of studies, promoting and assistance in the development of aquaculture and stock improvement, policy formulation and sustainable management of resources at the request of Member States. It promotes and coordinates international aid to further achieve its objectives.

Although there are at least 14 Member States of the CRFM who are also members of WECAFC, it would seem that because the WECAFC has no regulatory powers, the CRFM Secretariat does not pay as much attention to it as it does ICCAT. It is recommended that the CRFM Secretariat should strengthen its working relationships with WECAFC, bearing in mind the benefits available, including joint research or research by consultancies, capacity building and the provision of technical support. *A good beginning is to facilitate the exchange of information on a regular basis. This relationship could be woven into the usual collaborative work the CRFM Secretariat does with the regional sub-office of the FAO in research, capacity building training*

workshops and the exchange of information. The CRFM Secretariat could also consider becoming an Observer participant in sessions of WECAFC.

- **Caribbean Fishery Management Council (CFMC)**

This is one of eight regional fishery management councils, established under the Magnuson-Stevens Act or Sustainable Fisheries Act as amended in 1996, for the conservation and orderly utilization of the fishery resources of the USA. It includes the Commonwealth of Puerto Rico and the United States Virgin Islands. The headquarters is located in San Juan, Puerto Rico. It is the only council that does not include one of the fifty states of the Union and is sharing fish stocks with many Caribbean nations. The CFMC is responsible for the creation of management plans for fishery resources in waters off Puerto Rico and US Virgin Islands. *The CFMC has a long history of collaborating with the CFU and the CRFM Secretariat in the areas of Lobster and particularly, Conch resource assessment and management. It would be appropriate if the CRFM Secretariat enters into MOU/LOA agreements with CFMC for shared management of these resources and as a means of resource mobilization for resource management purposes.*

- **The Central American Organization of the Fisheries & Aquaculture Sector (OSPESCA)**

This is the Central American Intergovernmental Fisheries Body with the following Member States: Belize, Costa Rica, El Salvador, Panama, Guatemala, Honduras and Nicaragua. The necessity for such a governing body arose because decision makers were getting worried about real threats to the sustainability of the fisheries resources. There were evidences of over fishing, destructive methods of fishing, rampant violation of fishing regulations, and clear evidence of reduction in volumes and value of the products.

The governments decided to adopt the ‘down-to-up’ planning process, adopt the integrated management system and the consultative and participatory decision making process, with fisher and aquaculture organizations, small scale fisher folk leaders and aquaculture and governmental

institutions all having a say in the decision making process. In the case of shared resources, there would be harmonic decision making especially for migratory and highly migratory resources.

The organizations developed a framework agreement recently which came into force on July 1, 2005. This is a framework agreement reached and signed by the Heads of Government for a Common Fisheries Policy for Central America, incorporated into the Central American Integration System (SICA). The objective has been stated as follows:

To establish a common regional system to increase the integrated participation of the countries of the Central American Isthmus and in this manner to contribute to the appropriate and sustainable use of the fisheries and the aquaculture products.

There are close similarities in the policy direction that the Central American governments have adopted and what pertains in CARICOM and the CRFM in terms of the following:

1. The similarities of the problems that gave cause for establishing a regional management body to ensure sustainability of the resources.
2. The adoption of the participatory approach to fisheries management.
3. The formation of a regional organization officially recognized as the organization representing the Member States in matters relating to the sustainable management of the fisheries resources of the region.
4. The development and implementation of a framework agreement for the collaborative management and governance of the fisheries resources shared by the Member States, similar to the CARICOM's embarking on the development of a Common Fisheries Policy and Regime.

A strong case can therefore be made for developing strong working relations between the CRFM and OSPESCA, not only because of sharing the same geographical-cum-Caribbean space, but also sharing many of the species especially the migratory kinds. There is a good case for sharing information, experiences and knowledge, especially in the area of developing a Common

Fisheries Policy and Regime, and ultimately coming to an agreement by way of the management of shared species. The strongest case is the fact that Belize, of the CARICOM, is also a member State of OSPESCA, for the same reason that we all share the same geographical / Caribbean space. There should be no hindrance to the CRFM Secretariat taking the initiative of entering into cooperative agreement with OSPESCA, with a two-way Observer status for the CRFM Secretariat on OSPESCA, open fora for discussing matters of mutual interest, and OSPESCA enjoying Observer Status on the CRFM Forum.

5.0 Extra- CARICOM / Caribbean Strategic Institutions II

These are international organizations with extensive powers over the international management and sustainability of important, valued species of fish and special species threatened with extinction. The CRFM Secretariat should continue to maintain hawk-like vigilance on the activities of these organizations in order to promote the interests of Member States of the CRFM who find themselves at odds with the penal systems of these organizations. In some cases the CRFM Secretariat could continue to provide technical support and advisories to Member States and support those interested in acquiring membership statuses on those organizations.

- **The International Commission for the Conservation of Atlantic Tunas (ICCAT)**

ICCAT is an intergovernmental fishery organization responsible for the conservation and management of tunas and tuna-like species in the Atlantic Ocean and its adjacent seas. Established in 1969, it conducts research on the abundance and ecology of the fishes, the oceanography of their environment; and the effects of natural and human factors in their abundance. Among other things, this body compiles fishery statistics from its members and from all entities fishing for these species in the Atlantic Ocean; coordinates research, including stock assessment on behalf of its members; develops scientific-based management advise; provides a mechanism for contracting parties to agree on management measures; and produces relevant publications.

Members are therefore required to provide statistical information on catch and effort on the relevant species, and sometimes evidence that scientific advice given are being adhered to and to produce annual reports on the overall management of the fishes. Sanctions are applied where participating countries fail to comply with management advisories. Its Standing Committee on Research and Statistics (SCRS) on which each member country of the Commission may be represented, is responsible for developing and recommending to the Commission all policy and procedures for the collection, compilation, analysis and dissemination of fishery statistics. On the basis of scientific evidence, the Commission may make recommendations for the sustainable management of tuna and tuna-like species in the Convention area. Parties are obliged to take action necessary to ensure the enforcement of this convention.

The objective of ICCAT is to cooperate in maintaining the population of tunas and tuna-like species found in the Atlantic Ocean and the adjacent seas at levels that will permit the maximum sustainable catch for food and other purposes. ICCAT operates with a wide range of regulatory measures and also carries out high volumes of scientific research. Only few of the Member States of the CRFM have obtained full membership or Contracting Status or the equivalent of Associate Membership, Cooperating Status of ICCAT. The CRFM Secretariat represents the interests of the Member States at the annual SCRS and General Annual Meetings of the Commission. *It should continue with its policy of encouraging and providing assistance to Member States to become members, whilst representing the interests of those who have not become members, at ICCAT meetings. The plan to form a Regional Fisheries Management Organization (RFMO) to manage other pelagic species that are not on the list of the ICCAT should be put into action sooner than later.*

- **The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**

The main objective of this organization is to ensure that international trade in certain species of wild animals and plants does not threaten their survival. This is also an inter-governmental organization with over 150 Member States world-wide, including almost all the Caribbean states.

CITES subjects international trade of selected species to certain controls, requiring authorization through licensing all imports, exports, re-exports and introduction from the sea of species covered by the Convention. An estimated 5,000 species of animals and 28,000 species of plants are protected by CITES and are grouped according to the levels of threat. With the exception of Haiti and the four dependent overseas territories in the CARICOM area (BVI, Anguilla, Turks and Caicos Islands and Montserrat) all the other thirteen (13) countries are parties of CITES.

Although its decisions are obeyed voluntarily, its decision to sanction member and non-member states alike are legally binding and enforceable. Ever since it declared the Queen Conch as an endangered species many Member States of the CRFM have fallen foul of its declarations. *The CRFM Secretariat has been providing technical advice and organizing capacity building programmes to enable Member States to reach the required standards. The CRFM Secretariat should establish itself as the Regional competent authority to articulate the interests of Member States at CITES meetings.*

- **The International Whaling Commission (IWC)**

Even though ‘whale hunting’ is not one of the more popular activities in the fishing industry, some Member States of the CRFM especially in the Eastern Caribbean, have significant interest in it, particularly Dominica and St. Vincent and the Grenadines, although Antigua and Barbuda, Grenada, St. Kitts and Nevis and St. Lucia retain some interest. The objective of the IWC is to establish a system of international regulation for the whale fisheries to ensure proper and effective conservation and development of whale stocks. At irregular times, some of these Member States fall foul of the regulatory standards of the IWC and are made to face punitive measures, and need some official and technical support. *We are suggesting that some mechanisms be put in place to closely monitor the affairs of the IWC so the CRFM Secretariat can be on top of the issues to provide support to Member States that on and off find themselves at odds with the regulatory machinery of the IWC.*

- **Latin American Organization for Fisheries Development (OLDEPESCA)**

This organization headquartered in Lima, Peru, aims to strengthen and enlarge fishing cooperation in Latin America and the Caribbean. The main objective are to ensure adequate food requirements in the region, promote the sustainable exploitation and proper use of fishery resources, the protection of the marine and fresh water environment, by applying rational conservation policies through mutual cooperation and development of joint programmes. The latter include, cooperation in research, aquaculture development, technological development, marketing strategies, training and infrastructure development. *The CRFM Secretariat could consider formalizing working relations with this sister organization in the areas of information exchange in newsletters, reports, data and staff cooperation. The CRFM Secretariat could consider at a later date to enter into MOU / LOA agreements with OLDEPESCA.*

6.0 Extra – CARICOM Strategic Institutions III

As a means of promoting South-South co-operation and widening the scope of knowledge about the region's fisheries it would be good policy to develop close working relationships with other extra-regional fisheries management organizations with similar mandates, an emphasis on sustainability of the resources and preponderance of small-scale artisanal fishers. Two examples, as is the case in this region are given below. One of the organizations focuses on only the sustainable management of tuna and tuna-like species. The main reason is to engage in exchange of information with the aim of learning from each other.

- **Bay of Bengal Programme [BOBP] for Fisheries Development**

This is an intergovernmental organization with members from countries bordering the Bay of Bengal. At present there are four members namely, Bangladesh, India, Maldives and Sri Lanka, with the prospect of expansion in the near future. Its Mission is to promote, facilitate and secure the long-term development and utilization of coastal fisheries resources of the Bay of Bengal based on responsible fishing practices and environmentally sound management programmes. Its objectives are to enhance cooperation among member countries and organizations and provide

technical and management advisory services for sustainable development and management in the area. There is a strong emphasis on poverty eradication among artisanal fishers and fishing communities. *The CRFM Secretariat should develop strong communication linkages with this organization for the constant exchange of documentation in the form of publications, reports, Newsletters and to seek advice from each other on matters of mutual concern. We advise that the CRFM Secretariat should consider entering into MOU / LOA agreements for collaboration in developing management initiatives, staff exchange and attachment programmes and information exchange.*

- **South-East Asian Fisheries Development Centre (SEAFDEC)**

This is also an Inter-governmental Agency for the promotion of fisheries development in South East Asia. It has a ten Member States, namely, Brunei Darussalam, Cambodia, Indonesia, Japan, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam. The objective is to develop the fishery potentials in the region through training, research and information services to improve the food supply by rational utilization and development of the fisheries resources. *Its emphasis on capacity building and information sharing, and its concentration on artisanal fisheries make it an organization with which the CRFM Secretariat should develop close working relations. It also has a strong Aquaculture department located in the Philippines from which the CRFM could benefit from management advisories. We recommend entering into MOU / LOA agreement with this organization for information exchange, collaborative development of management initiatives, staff exchange and attachment and collaborative training programmes.*

7.0 Regional Institutions of Higher Learning

The following is a list of the region's institutions of higher learning that could be considered for the formalizing of working relations, collaboration in research, for training purposes and exchange of information.

- **The University of the West Indies (St. Augustine, Mona and Cave Hill campuses) [Associate Institution of CARICOM]**

- **Other National Universities and Colleges**
 - University of Guyana [Associate Institution of CARICOM]
 - Antom de Kom University (Suriname) [Associate Institution of CARICOM]
 - St. George’s University, Grenada
 - University of Technology, Jamaica
 - Universite D’etal D’Haiti
 - Universite Quiaqueya, Haiti

It would be strategically appropriate to forge operational links with institutions that combine research and training / education as a matter of priority. This leads naturally to the Region's Universities and other institutions of higher learning (regional and extra-regional). They provide a broad spectrum of specialized areas that are close to the mandate of the CRFM Secretariat, particularly in obtaining specialists for engagement as consultants, for involvement in research by their specialists in areas where the CRFM Secretariat is found wanting, and provide openings for training fisheries officers in subject areas relevant to achieving the sustainable development and management of the fishery resources of the region.

In terms of policy it would be advisable to establish and maintain working relationships with these institutions and situate them on the Secretariat’s mailing list for information exchange. The process of entering into Memoranda of Understanding should best be reserved for specialized units within the University structures, even though, *in the case of the University of the West Indies, being an Umbrella institution, it would be useful to enter into an all encompassing MOU with it, and then reserve the LOAs for the specialized units within it. On some major research undertakings and programs the CRFM Secretariat may enter into MOUs and LOAs with entire universities. This might have to be done sparingly. To engage the services of individual or groups of specialists from universities for research may also entail entering into agreements with entire universities.*

- **Units of Specialization in Regional Universities**

As observed above, the CRFM Secretariat could directly enter into MOU and LOA agreements with some specialist units dealing with subjects relevant to the mandate of the CRFM such as marine ecosystems preservation, resource conservation, research and development and training and education. The specialist units could be engaged by the CRFM Secretariat for research consultancies, and could be invited as Observers representing their institutions at meetings of the Caribbean Fisheries Forum, when issues relating to their areas of specialization are to be discussed.

- **CERMES: Centre for Resource Management and Environmental Studies, Cave Hill, UWI**

CERMES offers courses leading to the MSc. degree in Natural Resource Management, and short courses in the same area. Staff represent the Centre in other regional marine resource management and environmental projects and programmes. *The CRFM Secretariat has an ongoing working relationship with CERMES through MOU and LOA agreements in student training, research, consultancy agreements and collaboration in the organizing of public forums. This relationship could be expanded to include staff exchange programs and joint research undertakings.*

- **OTHERS**

The next four are examples of other units of specialization in some of the regional universities that could be of benefit to the CRFM once it develops formal relationships with them.

- **UWI / CED: Caribbean Environmental and Sustainable Development Unit, Mona Campus**

- **SEDU: Sustainable Economic Development Unit, St. Augustine Campus, UWI, Trinidad and Tobago**

- **Institute of Development Planning and Management, University of Suriname, Paramaribo**
- **Institute of Economic and Social Studies (ISER) on all three UWI campuses.**

As their titles show, the first specializes in environmental and resource management, the next two in research and development and the last in socio-economic research and development. Depending on the issues to be addressed, all these could be sources of expertise for research and training in their areas of specialization and could be openings for training of fisheries officers needing both long-term and short-term training. *It would be advisable to formalize relationships with these units for exchange of information. They should be put on the mailing list of the CRFM Secretariat for distribution of data and information, Newsletters, Research Reports and other publications. The CRFM Secretariat could also arrange for the same benefits from them. As the need arises, they could enter into MOU and / or LOA agreements with each other.*

Falling in this category are organizations that combine research in marine resource management and ecosystem protection, with some of the following: data generation, data base development and information distribution and exchange; training and education, project planning and implementation, information and communication networking, and resource mobilization. These are all areas of critical priority to the CRFM as enunciated in the *CRFM Strategic Plan*. In some cases, the CRFM Secretariat might consider seeking membership of some of these networks.

- **Networks of Research and Development Institutions**
- **Association of Caribbean Universities and Research Institutions (UNICA)**

Its objective is to foster cooperation among the centres for higher learning in the Caribbean Region. It facilitates academic contacts and collaborative work and it also initiates projects that bring together institutions and academics of the entire region. Each member institution is represented by its highest official (Rector, President, Vice Chancellor).

- **The Caribbean Community Ocean Sciences Network (CCOSNet):**

Regional organizations that are members of the CCOSNet include, the Caribbean Environmental Health Institute (CEHI), the Caribbean Meteorological and Hydrological Institute (CMHI), the Bellairs Research Institute (McGill University), Barbados and others. These institutions have interests that are close to those of the CRFM Secretariat, and the latter might consider applying for membership at a future date. The network coordinates the participation by Commonwealth Caribbean Marine Scientists in cruises undertaken by ships affording them, the opportunity of conducting marine scientific research in waters under the sovereignty and jurisdiction of Member States. The CRFM Secretariat might consider becoming a member organization of this network, to enable it to make use of this facility in the future when the need might arise. Membership might also create opportunities to conduct research collaboratively with other member organizations. Also, the CRFM Secretariat might consider regularizing the exchange of information, including Newsletters, research reports and other documentation.

- **The Coastal Ecosystems Productivity Network (CARICOMP) in the Caribbean**

This is a region-wide network of 26 research institutions in 19 Caribbean countries and territories, mainly carrying out comparative studies of biodiversity and productivity of coastal ecosystems e.g. mangroves, sea grass beds and coral reefs. It records, processes and distributes data, regularly supplied by its members. It investigates threshold responses of ecosystems to global change, including human impact and climate change. There are annual meetings of the CARICOMP Site Directors for each of the participating institutions. The Caribbean Marine Research Centre, UWI, Mona, is responsible for coordinating the programs of the network. The Impact of Global Environmental Change has become a very critical issue in the region and world-wide. The CRFM Secretariat might consider, in the near future, to become a member of this network to contribute to the generation of data and accessing data from the network.

- **The Network of the Caribbean Environmental Programme (CEPNET)**

This represents the Information Systems for the Management of Marine and Coastal Resources. It supports all the activities of the Caribbean Environmental Programme (CEP) by promoting information and data networks. Its strength lies in Information Management, Data Networking, Database Development and exchange of data. The CRFM Secretariat should give consideration to formalizing its relations to this network, so as to engage in information exchange and accessing of the databases of the network, not to mention collaboration in these areas. The Statistics and Information Programme of the CRFM Secretariat stands to gain most from this relationship. This network is coordinated from the UNEP-Caribbean Environmental Programme, Regional Coordinating Unit in Kingston, Jamaica.

- **The Caribbean Sustainable Economic Development Network (CSEDNET)**

This network was formed in January 2000 at UWI, St. Augustine with SEDU (Sustainable Economic Development Unit) on that campus as its Secretariat. The objectives of the network are as follows:

- To be a permanent forum for exchange of ideas on sustainable development.
- To influence research policy agenda in regional institutions with respect to sustainable development in the Caribbean.
- To promote participatory processes and stakeholder empowerment.
- To facilitate technical research inputs to policy formulation and stakeholder empowerment in priority areas, including coastal zone management, tourism disaster management planning, land / water management, environmental / sustainable development economics.

- **The Gulf and Caribbean Fisheries Institute (GCFI)**

The GCFI was founded in 1947 to promote the exchange of current information on the use and management of marine resources in the Gulf of Mexico and the Caribbean Region and has over

time developed into a not-for-profit Non-Governmental educational organisation. It is a network linking governments, NGOs, academic and commercial users of the marine resources in the Gulf and Caribbean region. It is funded by subscription and contributions by its members. Its annual meetings are most popular among fisheries officers and administrators in the CRFM member states at which posters and academic and professional articles are presented for peer review thereby contributing to upgrading of professional standing. It is a means of engendering communication among professionals and for exchange of information on lessons learned to guide future decision making.

The CRFM Secretariat should encourage collaborative work among fisheries administrations to elaborate their fisheries development and management activities. The CRFM Secretariat should sponsor one or two of its staff to regularly participate in at these annual meetings on issues relevant to the use and management of marine resources in the region.

8.0 Selected International Institutions of Higher Learning

Here the policy should be to begin developing formal working relationships with the units of specialization rather than entire universities, for the same purposes as adumbrated above for their regional counterparts. The justification for establishing working relations with regional organizations is even stronger for international organizations, in the sense that the CRFM Secretariat might likely gain extra-regional ideas that could further enrich its repertoire of ideas, knowledge, skills and strategies, and even more significantly, to access material and human resources that might be in short supply within the region. This is not to downgrade the existing critical mass of ideas and skills within the region, but to allow for diversity and increase opportunities for making choices.

The CRFM Secretariat should adopt a step-by-step policy with the formalization of operational relationships with extra-regional entities. It would be appropriate, in the first instance, if such relationships are developed with a few institutions whose missions and visions come closest to those of the CRFM, particularly those that combine both research and training/capacity building. We could also train our sights on such institutions that might be interested in joint mobilization of resources and student/professional exchange programmes.

The following are a few examples of specialized units dealing with subject areas of interest to the CRFM Secretariat, and from which the Secretariat and therefore the region could benefit from.

- **The Fisheries Centre (FC) University of British Columbia, Canada**

The FC is an autonomous institute within the Faculty of Graduate Studies. Its main focus is to promote the interdisciplinary study of fisheries by its staff and students, coupled with organizing professional training courses of interest to fisheries scientists and to fishers' organizations. Its mandate is stated as follows:

The mandate of the Centre is to act as a focus for the outputs of fisheries research and policy studies at UBC. Its major objectives are to establish and maintain a fully international multidisciplinary perspective in fisheries research and to provide a forum for the foundation of concepts of management sustainable development of fisheries appropriate for the 21st Century (emphasis, ours)

- **Centre for the Economics and Management of Aquatic Resources (CEMARE), University of Portsmouth, UK**

CEMARE is an international Centre for the multidisciplinary research of aquatic resources and is actively involved in research, consultancy, training and advanced studies, particularly in fisheries economics ... with additional expertise in aquaculture economics and management, recreational fisheries, fresh water fisheries and coastal zone management. (emphasis, ours). It has staff experienced in research, consultancy and post-graduate training in many aspects of commercial and recreational fisheries.

- **Perry Institute for Marine Sciences**

It is located in the Caribbean Marine Research Centre, Jupiter, Florida and the Lee Stocking Island (LSI) Exuma Cays, Central Bahamas. The Mission Statement of the Institute is to improve and enhance the understanding of The Wider Caribbean region's marine environment by

supporting and conducting high quality research and education programs in order to provide solutions to problems to people and the oceans. It specializes in conducting and supporting educational programmes in the United States and the wider Caribbean region, including graduate student and undergraduate training, professional training for Teachers, hands-on learning experience for students and the development of educational materials. It therefore could provide opportunities for student education, student exchange programmes, joint research or research through consultancies for the benefit of the CRFM Secretariat and therefore the region as a whole.

- **Dalhousie University, Halifax, Nova Scotia, Canada**

This University offers a variety of courses in Coastal / Marine / Affairs and Management Programmes at both the first and second degree levels. Incidentally, because CFRAMP / CFU was Canadian funded it has had the longest linkage with our scholarship awards program and has trained many of our leading fisheries officers in the region. It is nearest to what we have in the region, namely, CERMES at Cave Hill, UWI. Because of this experience, the institution stands a strong chance of being familiar with our needs in the areas of Coastal Resource Management and Marine Affairs in case there is a need for consultants in fisheries or coastal resource management and collaborative research. Recently it has been the venue for an IOI short term scholarship awards that our regional fisheries officers have been benefiting from. We would do well to revive and maintain formal relations in terms of MOU / LOA links.

9.0 Areas of Collaboration between the CRFM Secretariat and Regional and Extra Regional Institutions of Higher Learning

In consonance with the mandate of the CRFM as contained in the CRFM Strategic Plan, we could delineate a number of subject and activity areas where the CRFM Secretariat could seek collaboration with institutions of Higher Learning with similar interests. These include the following:

(i) Research for developmental purposes

Collaborate in joint, interdisciplinary and integrated research in fisheries development, assessment and management.

(ii) Information

Generating and exchange of scientific, technical and legal information and data.

(iii) Projects

Jointly plan and implement projects in coastal and aquaculture resource development and management.

(iv) Consultancies

Collaborate in carrying out consultancies for mutual benefit.

(v) Staff Exchange Programmes

Periodic exchange of staff for specific assignments in each other establishment for specified periods.

(vi) Education and Training

Combine resources for joint training and educational programs, including joint preparation of educational materials, for the benefit of students, staff, and Fisher folk organizations and other community based stakeholder groups.. This could also include jointly organizing public fora (conferences, seminars, symposia and panel discussions).

(vii) Student Exchange

Plan and implement student exchange programs, involving students on CRFM scholarships and students of partner institutions.

(viii) Student Supervision

Involvement of staff of institutions linked by MOU in the supervision of students engaged in thesis preparation.

(ix) Publications

Joint or singular publication of the output of joint initiatives in research, based on provisions in MOU regarding intellectual property rights.

(x) Any other activities and projects deemed appropriate by both parties to undertake for their mutual benefit.

10.0 Prioritizing Collaborative Alliances and Partnerships with Selected Regional and Extra Regional Organizations

The CRFM as a regional body is one of several institutions created by or operating under the auspices of the CARICOM. Besides the main institutions of the Community there are also those in Association with the Community. Many of the Institutions like the CRFM were established under agreement reached and signed by the Conference of Heads of Government of the Community e.g. CRFM, CARDI, CARICAD, CDERA, CEHI, and CMO. The Associate Institutions are the Organization of Eastern Caribbean States, the University of the West Indies, the University of Guyana and Anton de Kom University in Suriname.

These institutions are responsible for formulating policies and performing functions in a cooperative and collaborative way. The Mission of the CARICOM Secretariat, which has supervisory responsibilities over these organizations is as follows:

To provide dynamic leadership and service, in partnership with Community institutions and groups to internationally competitive and sustainable community, with improved quality of life for all.

The overarching goal of the CARICOM Secretariat and these supporting institutions is the sustainable development of the community and its peoples. Their mandates are therefore collectively geared towards the achievement of this goal. It is this near symmetry of interests and mandates that is the strongest argument for prioritizing in favour of these ‘sister’ organizations, since it is the principle of complementarity of functions that bind them in the quest for promoting

the sustainable development of the Community and improvement of the quality of life of the present and future populations.

The first group of organizations to be considered as top priority for the establishment of functional alliances and partnerships are the CARICOM Institutions and Associate Institutions, followed closely by allied regional institutions whose mandates closely mirror those formally affiliated to the CARICOM Secretariat. The table following summarizes this point:

Top Priority Regional Organizations for Forging Alliances and Partnerships

Organizations	Forms of Alliances and Partnerships
Caribbean Regional Negotiating Machinery (CRNM)	Assistance to Regional / Member States' negotiations in International Trade Issues in fish products. MOU and Observer Status by invitation
Caribbean Community Climate Change Centre (CCCCC)	Data / Information Exchange; Joint Community Project Planning and Implementing; MOU and Observer Status by invitation.
Caribbean Environmental Health Institute (CEHI)	Quality Assurance and Safety; Aquaculture and Environmental Assessment; Observer Status by invitation
CARICOM Regional Organization for Standards and Quality (CROSQ)	Standardization and Quality Assurance in Fish Products Trade and Consumer Health Protection; MOU; Observer status by invitation
Caribbean Agriculture Research and Development Institute (CARDI)	Information Sharing; Stakeholder Relations; Research and development; Staff Exchange. MOU and Observer by invitation.
Organization of Eastern Caribbean States (OECS)	Strengthen management system at the higher level (MOU). Strengthen working relations with ESDU Unit (LOA). Open Observer status.
University of the West Indies (UWI)	Collaborative Research; Staff Consultancies and Exchanges; Joint Student Supervision; Broad MOU with UWI; LOAs with Units, Networks; Special MOU with CERMES. Open Observer Status.
Inter-governmental Oceanographic Commission for Caribbean and Adjacent Areas (IOCARIBE)	Develop MOU / LOA relations; increase joint research; education and training; resource mobilization; participation in information and data exchange network. Observer status by invitation.

United Nations Environmental Programme- Caribbean Environmental Programme (UNEP-CEP)	Environmental management; public education and awareness building; information systems for marine and coastal resource management; MOU / LOA links; Observer status by invitation.
Institute of Marine Affairs (IMA)	Continue laboratory collaborative work; MOU / LOA. Observer by Invitation.

The next step is to directly identify the organizations that deal specifically with fisheries and its management. Those organizations that exercise control and authority over the use and misuse of the fisheries resources tend to catch the attention of fisheries officials. It will be useful to categorize Extra-CARICOM / CARIBBEAN organizations together with Intra-CARICOM / CARIBBEAN strategic institutions in this grouping.

The next Table provides a summary of the bases for developing forms of alliances and partnerships with these organizations; those that are of strategic importance to the management and governance of the fisheries resources, and those that facilitate the management of the fisheries resources.

Fisheries management - related organizations of strategic importance

Organizations	Forms of Alliances and Partnerships
International Commission for the Conservation of Atlantic Tunas (ICCAT)	CRFM Secretariat to continue representing the interests of Member States in ICCAT affairs; provide technical support and encourage more Member States to become Contracting Members; Must speed up plan to form a Regional Fisheries Management Organization to increase impact and influence. No need for MOU. Could be Observers by invitation.
The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	CRFM Secretariat to continue providing technical support and advice to Member States and organizing capacity building programmes for Member States. CRFM should establish itself as a Regional Competent Authority to articulate the interests of Member States at CITES Meetings and wield greater influence. No MOU needed. Occasional Observer status.
International Whaling Commission (IWC)	CRFM Secretariat to pay greater attention to IWC in order to provide technical support for Member States in IWC. No MOU needed.

West Central Atlantic Fisheries Commission (WECAFC / FAO)	Facilitate information exchange. Consider closer cooperation in management of shared resources. Continue joint research undertakings and capacity building programmes. Consider two-way Observer Status. Consider MOU relations, but definitely encourage LOA in specific cases.
Caribbean Fishery Management Council (CFMC)	Continue collaboration in Queen Conch Assessment and Management. Proper to enter into MOU/LOA agreements particularly for resource mobilization in joint activities. Observer by invitation status.
The Central American Organization of the Fisheries and Aquaculture Sector (OSPESCA)	Collaborate in information sharing on Common Fisheries Policy, and harmonious management of shared species. Provide technical advice to Belize as called for. MOU / LOA relations. Two-way Observer status for both organizations.

Conclusion:

Both identifying organizations to include in a document like this, and giving consideration to which organizations to give priority to, in establishing alliances and partnerships, inevitably involves making personal choices, and hence cannot escape elements of subjectivity creeping into the exercise. Hence it is not possible for more than one person separately engaged in such an undertaking to agree on all the choices to be made. What has been presented in this document should therefore be considered as a basic subject matter to be subjected to rigorous analysis and healthy, vigorous internal discussion and debate involving management and staff. Whatever conclusions and decisions are arrived at by consensus should then become the policy position and may be, point to a policy direction for the future, which all could rationalize and be prepared to defend, even though it could not be entirely devoid of lingering differences of opinion.

11.0 A Guide to Developing a Standard MOU Format

Before embarking on a policy of entering into bilateral mutual agreements with other entities with similar interests, the CRFM Secretariat should think through the process, identify the issues and other variables involved, and develop a standard format (see draft *Appendix 2.1*) That should form a point of departure or a base from which to enter bilateral negotiations that would produce

MOUs that, in each case, are mutually acceptable to both parties. The end result in each case would usually be an adaptation or modified form of the standard format that is flexible enough to take specific situations into account.

The Standard Format should contain the following sections: The Preamble Section, the Justification Section and the Procedural and Conditionality Sections.

The Preamble Section:

It stipulates in a concise form the purpose, objectives and expected outputs of the agreement. This also provides other background information on the entities entering into the bilateral agreement. It stipulates their identities, the definition of the organizations: names, titles, locations, Missions/Mandates. The details may differ from situation to situation.

The Justification Section:

This section contains a definitive statement of areas of mutual interests and benefits justifying the grounds for establishing the collaborative and cooperative relationships. It could spell out the common basic philosophies and principles, and complementary areas in objectives, research interests and/or capacity building programmes. It would delineate areas for technical, intellectual and professional cooperation and collaboration.

Procedures and Conditions:

In this section, the procedures for making joint decisions for mutual benefit and the conditions on which they are based are spelt out, including when and how the agreement will take effect, when and how it would expire, when and how to modify or revise the premises and conditions, how withdrawal of a partner in the agreement can be effected before the expiration date, and the procedures and conditions for renewal of the agreement.

Since these conditions have the potential of creating conflict situations, the agreement should contain procedures and measures for settling disputes between the partners, and sanctions, if any, for violation of the institutional provisions.

We propose further, that neither partner should be restricted to dealing with only the other partner in a particular agreement. Each should be free to enter into other relationships, even if based on similar areas of interests as the existing agreement, and if the latter is still in force.

Finally, the outputs of the agreement in the form of intellectual products should be governed by procedures for dealing with intellectual property rights, including joint publication of the outcomes of joint research activities.

CONCLUSIONS:

All such agreements entered into should always be based on the satisfaction of certain stipulated procedures and conditions that brought the agreements into effect, such as identifying and recognizing time for expiration, procedures for modification, withdrawal, renewal and termination of the agreements. It would be appropriate to facilitate the monitoring of the implementation process, and conducting periodic assessment of progress, the settlement of disputes and respect for the provisions on intellectual property rights, through the formation of Working Groups with membership drawn from both institutions.

12.0 A DRAFT MEMORANDUM OF UNDERSTANDING

BETWEEN

THE SECRETARIAT OF THE CARIBBEAN REGIONAL FISHERIES MECHANISM (CRFM)

Belize City, Belize.

...herein after referred to as CRFM Secretariat

AND

..... (name of second party)

Location:

herein after referred to as

Month / Year

PREAMBLE

This Memorandum of Understanding is entered into by and between, the Secretariat of the Caribbean Regional Fisheries Mechanism (CRFM) located at Princess Margaret Drive, Belize City, Belize (with a sub-office in St. Vincent and the Grenadines) represented here by its Executive Director, Mr. Hugh Saul, and referred to in the rest of this document as CRFM Secretariat,

And

..... located at.....
(name of second party)

represented by its and referred to in the rest of this document
(designation and name)

as

Background Information

WE NOTE as background information (followed by listing all articles and numbering them consecutively, thus, 1, 2, 3 etc.

OR

Prefacing each new statement with the word, WHEREAS,...

1. CRFM Secretariat is a regional organization engaged in fisheries research and data management, resource assessment, fisheries development and management, and the promotion of the participatory management of the fisheries of the Member States in the Caribbean (list the names of the states as at the time of the signing of this agreement as a footnote).
2. The partner organization is defined in like terms here.

Mission / Mandate

3. The CRFM Secretariat is mandated or committed to the promotion / advancement of the sustainable utilization of the fisheries resources within the Member States of the CRFM in the Caribbean region.
4. The (name of the partner organization, preferably the abbreviated form) and continue with mandated or committed to..... (Mission / Mandate)
[This could be elaborated to include objectives and expected outputs of the two organizations]

Specification of Common Interests (to justify the collaboration of the two entities)

5. The CRFM Secretariat and have common interest in fostering (second party)

(state which areas are applicable to both parties, in broad terms)

- data generation, management and exchange;
- multidisciplinary research in fisheries development and management
- training / capacity building;
- participatory and sustainable fisheries resource development and management;
- resource and biodiversity conservation etc.

6. (If there has been collaboration between the two parties in the past or still in operation)

State that the WHEREAS, CRFM / SEC and (the other party) have collaborated in the past or are still involved in a collaborative arrangement) in the areas of (identify the areas) to their mutual benefit and that of their institutions / organizations.

AREAS OF COLLABORATION

7. WHEREAS the CRFM/SEC and the (other party) herein after referred to as “the Parties) believing that they share common principles, mutual interests and complementary objectives, mutually agree as follows:

OR

Now THEREFORE, in consideration of the above mentioned, the CRFM / SEC and herein after referred to as “the Parties” mutually agree as follows:

OR

Hence, on the basis of the above background information, the CRFM / SEC and herein after referred to as “the Parties” mutually agree as follows:

ARTICLE 1: Purpose / Objectives

Begin with a statement of the purpose of the MOU and / or a listing of the objectives of the MOU.

ARTICLE 2: Letters of Agreement (LOA) under MOU

(i) State that this MOU shall be supplemented by Letters of Agreement showing specific terms and conditions covering each set of activities and projects to be jointly implemented under the MOU.

- (ii) In each case spell out more specifically the activities and tasks to be carried out and the role and responsibilities of each party in their implementation.
- (iii) State that Letters of Agreement shall be jointly approved by the parties before implementation can go ahead.
- (iv) Proposals shall be jointly submitted for approval and integration into the work plans of each party.
- (v) Once approved by the parties, a project document or letter clearly defining the roles, responsibilities and contribution of each party in relation to the specific activity will be drawn up. Once signed by both parties, this document shall serve as the operating instrument for the cooperating activity.
- (vi) Submission of project documents to donor agencies and countries shall be affected after due consultations between the parties.
- (vii) Stipulate conditions for mutual sharing of information and publications.

ARTICLE 3: Areas of Collaboration (MOU or LOA)

Areas of collaboration shall be listed as applicable to each of the parties.

In the case of the CRFM Secretariat most of the specific areas would include the following:

(i) **Research**

Joint, interdisciplinary, integrated and participatory research in fisheries development, assessment and management.

(ii) **Information**

Generating and exchanging of scientific, technical and legal information.

(iii) **Projects**

Joint planning and implementing of projects in coastal and aquaculture resource development and management and software development projects, including joint resource mobilization efforts

(iv) **Consultancies**

Collaboration in carrying out consultancies for mutual benefit.

(v) **Staff Exchange Programs**

Periodic attachments / visits / exchange of staff for specific assignments in each other's establishment for specific durations.

(vi) **Education and Training**

Combining resources for joint training and educational programs, including joint preparation of educational materials for the benefit of students, staff, fisher folk organizations and other community-based organizations.

(vii) **Student Exchange and Attachments**

Plan and Implement student attachments/visits and other exchange programs, involving students on CRFM scholarship awards and students of the partner institutions

(viii) **Student Supervision**

Involvement of staff linked by MOU or LOA in the supervision of students engaged in thesis or dissertation preparation.

(ix) **Publications**

Joint or singular publication of outputs of joint initiatives in collaborative research based on provisions regarding intellectual property rights.

(x) Any other activities and projects deemed appropriate by both parties to undertake for their mutual benefit.

SECTION 5: Procedures and Conditions

(i) The parties shall keep each other informed of on-going and newly funded projects and activities in the areas agreed upon for collaboration, and shall consult each other regularly on tasks and activities under joint execution. To facilitate this process, each party shall designate a contact person for the process of communication.

(ii) Neither party shall be restricted to dealing with only the other partner in an agreement. Each shall be free to enter into other collaborative relationships, even if based on similar areas of interest.

(iii) An MOU or LOA is effective immediately upon signing by the appropriate officers for each of the signatory institutions.

- (iv) The MOU may be effective for up to a considerable number of years, but each LOA under an MOU may take less. Time stipulations are subject to negotiations between the parties.
- (v) In the event that government, university, agency and/or other clearances or approvals are required for a cooperative activity to be implemented, or as in the case of the CRFM/SEC, the Forum of the CRFM, both parties shall seek approvals and clearances either jointly or severally as deemed appropriate.

ARTICLE 5: EFFECTING CHANGES

- (i) An MOU or an LOA can be renewed / amended / modified by an exchange of letters between the two parties.
- (ii) Each party may, at any time, renounce the present agreement in writing and the agreement shall cease to be effective after the expiration of the agreed-upon period after the notification. The duration shall be agreed on before the signing of the agreement.
- (iii) Requests for revision of the present agreement by one party must be based on prior written notification to the other party, the duration between the notification and the request becoming effective would have been agreed upon before the coming into effect of the MOU.
- (iv) Disputes and disagreements relating to the MOU or the LOA shall be resolved between the CRFM Secretariat and the other party by negotiations between the CRFM Secretariat and the other party. An impasse shall send the settlement to arbitration.

CONCLUSION

In Witness of this Agreement / Memorandum, the undersigned, duly authorized to do so, have signed this MEMORANDUM OF UNDERSTANDING (MOU) or this LETTER OF AGREEMENT (LOA).

For the Secretariat of the Caribbean Regional Fisheries Mechanism (CRFM) Secretariat, Belize City, BELIZE.

.....
Hugh A. Saul
Executive Director
CRFM Secretariat

.....
Date

For theof.....

.....
(Name, Designation)

.....
Date

Section 2.2 Guidelines to Common Space

Guidelines to Common Space

A major influence and source of reference for Caribbean fisheries is the United Nations Convention on the Laws of the Sea. In this regard the relevant Articles have been extracted from the United Nations Convention on the Law of the Sea and presented below:

PART IV ARCHIPELAGIC STATES

Article 46

USE OF TERMS

For the purposes of this Convention:

- (a) "Archipelagic State" means a State constituted wholly by one or more archipelagos and may include other islands;
- (b) "archipelago" means a group of islands, including parts of islands, interconnecting waters and other natural features which are so closely interrelated that such islands, waters and other natural features form an intrinsic geographical, economic and political entity, or which historically have been regarded as such.

Article 47

ARCHIPELAGIC BASELINES

1. An archipelagic State may draw straight archipelagic baselines joining the outermost points of the outermost islands and drying reefs of the archipelago provided that within such baselines are included the main islands and an area in which the ratio of the area of the water to the area of the land, including atolls, is between 1 to 1 and 9 to 1.
2. The length of such baselines shall not exceed 100 nautical miles, except that up to 3 per cent of the total number of baselines enclosing any archipelago may exceed that length, up to a maximum length of 125 nautical miles.
3. The drawing of such baselines shall not depart to any appreciable extent from the general configuration of the archipelago.
4. Such baselines shall not be drawn to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them or

where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the nearest island.

5. The system of such baselines shall not be applied by an archipelagic State in such a manner as to cut off from the high seas or the exclusive economic zone the territorial sea of another State.
6. If a part of the archipelagic waters of an archipelagic State lies between two parts of an immediately adjacent neighbouring State, existing rights and all other legitimate interests which the latter State has traditionally exercised in such waters and all rights stipulated by agreement between those States shall continue and be respected.
7. For the purpose of computing the ratio of water to land under paragraph 1, land areas may include waters lying within the fringing reefs of islands and atolls, including that part of a steep-sided oceanic plateau which is enclosed or nearly enclosed by a chain of limestone islands and drying reefs lying on the perimeter of the plateau.
8. The baselines drawn in accordance with this article shall be shown on charts of a scale or scales adequate for ascertaining their position. Alternatively, lists of geographical coordinates of points, specifying the geodetic datum, may be substituted.
9. The archipelagic State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.

Article 48

MEASUREMENT OF THE BREADTH OF THE TERRITORIAL SEA, THE CONTIGUOUS ZONE, THE EXCLUSIVE ECONOMIC ZONE AND THE CONTINENTAL SHELF

The breadth of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf shall be measured from archipelagic baselines drawn in accordance with article 47.

Article 49

LEGAL STATUS OF ARCHIPELAGIC WATERS, OF THE AIR SPACE OVER ARCHIPELAGIC WATERS AND OF THEIR BED AND SUBSOIL

1. The sovereignty of an archipelagic State extends to the waters enclosed by the archipelagic baselines drawn in accordance with article 47, described as archipelagic waters, regardless of their depth or distance from the coast.

2. This sovereignty extends to the air space over the archipelagic waters, as well as to their bed and subsoil, and the resources contained therein.
3. This sovereignty is exercised subject to this Part.
4. The regime of archipelagic sea lanes passage established in this Part shall not in other respects affect the status of the archipelagic waters, including the sea lanes, or the exercise by the archipelagic State of its sovereignty over such waters and their air space, bed and subsoil, and the resources contained therein.

Article 50

DELIMITATION OF INTERNAL WATERS

Within its archipelagic waters, the archipelagic State may draw closing lines for the delimitation of internal waters, in accordance with articles 9, 10 and 11.

Article 51

EXISTING AGREEMENTS, TRADITIONAL FISHING RIGHTS AND EXISTING SUBMARINE CABLES

1. Without prejudice to article 49, an archipelagic State shall respect existing agreements with other States and shall recognize traditional fishing rights and other legitimate activities of the immediately adjacent neighbouring States in certain areas falling within archipelagic waters. The terms and conditions for the exercise of such rights and activities, including the nature, the extent and the areas to which they apply, shall, at the request of any of the States concerned, be regulated by bilateral agreements between them. Such rights shall not be transferred to or shared with third States or their nationals.
2. An archipelagic State shall respect existing submarine cables laid by other States and passing through its waters without making a landfall. An archipelagic State shall permit the maintenance and replacement of such cables upon receiving due notice of their location and the intention to repair or replace them.

Article 52

RIGHT OF INNOCENT PASSAGE

1. Subject to article 53 and without prejudice to article 50, ships of all States enjoy the right of innocent passage through archipelagic waters, in accordance with Part II, section 3.

2. The archipelagic State may, without discrimination in form or in fact among foreign ships, suspend temporarily in specified areas of its archipelagic waters the innocent passage of foreign ships if such suspension is essential for the protection of its security. Such suspension shall take effect only after having been duly published.

Article 53

RIGHT OF ARCHIPELAGIC SEA LANES PASSAGE

1. An archipelagic State may designate sea lanes and air routes thereabove, suitable for the continuous and expeditious passage of foreign ships and aircraft through or over its archipelagic waters and the adjacent territorial sea.
2. All ships and aircraft enjoy the right of archipelagic sea lanes passage in such sea lanes and air routes.
3. Archipelagic sea lanes passage means the exercise in accordance with this Convention of the rights of navigation and over flight in the normal mode solely for the purpose of continuous, expeditious and unobstructed transit between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone.
4. Such sea lanes and air routes shall traverse the archipelagic waters and the adjacent territorial sea and shall include all normal passage routes used as routes for international navigation or over flight through or over archipelagic waters and, within such routes, so far as ships are concerned, all normal navigational channels, provided that duplication of routes of similar convenience between the same entry and exit points shall not be necessary.
5. Such sea lanes and air routes shall be defined by a series of continuous axis lines from the entry points of passage routes to the exit points. Ships and aircraft in archipelagic sea lanes passage shall not deviate more than 25 nautical miles to either side of such axis lines during passage, provided that such ships and aircraft shall not navigate closer to the coasts than 10 per cent of the distance between the nearest points on islands bordering the sea lane.
6. An archipelagic State which designates sea lanes under this article may also prescribe traffic separation schemes for the safe passage of ships through narrow channels in such sea lanes.
7. An archipelagic State may, when circumstances require, after giving due publicity thereto, substitute other sea lanes or traffic separation schemes for any sea lanes or traffic separation schemes previously designated or prescribed by it.

8. Such sea lanes and traffic separation schemes shall conform to generally accepted international regulations.
9. In designating or substituting sea lanes or prescribing or substituting traffic separation schemes, an archipelagic State shall refer proposals to the competent international organization with a view to their adoption. The organization may adopt only such sea lanes and traffic separation schemes as may be agreed with the archipelagic State, after which the archipelagic State may designate, prescribe or substitute them.
10. The archipelagic State shall clearly indicate the axis of the sea lanes and the traffic separation schemes designated or prescribed by it on charts to which due publicity shall be given.
11. Ships in archipelagic sea lanes passage shall respect applicable sea lanes and traffic separation schemes established in accordance with this article.
12. If an archipelagic State does not designate sea lanes or air routes, the right of archipelagic sea lanes passage may be exercised through the routes normally used for internal navigation.

Draft Agreement Establishing

The Common Fisheries Policy and
Regime

Draft Agreement Establishing the Common Fisheries Policy and Regime

Preamble

The Participating States

Being guided by the Principles contained in the Revised Treaty of Chaguaramas and in the Agreement Establishing the Caribbean Regional Fisheries Mechanism which was signed in Belize on the fourth day of February 2002;

Conscious of the mandate given at the Fourteenth Inter-Sessional Meeting of the Conference of Heads of Government held in Trinidad and Tobago, 14 -15 February 2003, to elaborate a Common Fisheries Policy and Regime;

Mindful of the relevant provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS); the 1983 Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region; the 1990 Protocol Concerning Specially Protected Areas and Wildlife in the Wider Caribbean; the 1992 United Nations Convention on Biological Diversity; the 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas; the 1994 Barbados Programme of Action for the Sustainable Development of Small Island Developing States (BPoA); the 1995 Food and Agriculture Organisation (FAO) Code of Conduct for Responsible Fisheries; the 1995 United Nations 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; the 2002 Johannesburg Declaration on Sustainable Development, the Plan of Implementation of the World Summit on Sustainable Development and the 2005 Mauritius Strategy for the Implementation of the Barbados Programme of Action;

Conscious also that some species of marine and other fisheries resources within the jurisdiction of Member States are underexploited or unexploited, and are therefore not making optimum

contribution to the social and economic development of the Caribbean Community while others are overexploited;

Aware that certain living marine resources, which are of interest to the peoples of the Caribbean region, are highly migratory, straddle national boundaries and are harvested by Third States;

Deeply conscious of the need to promote the sustainable use of living marine and other aquatic resources through the efficient conservation, management and development of such resources;

Mindful that the provisions of the Revised Treaty regarding the principles of non-discrimination and most favoured nation treatment, the right of establishment, the right to provide services, the right to move capital in the Community and the right of movement of Community nationals are applicable to such nationals who are involved in the fisheries and aquaculture sectors;

Noting that Article 60 of the Revised Treaty provides that the Community, in collaboration with competent national, regional and international agencies and organisations, shall promote the conservation, management and development of the fisheries resources in and among Member States on a sustainable basis;

Noting Also that Article 4(a) of the Agreement Establishing the Caribbean Regional Fisheries Mechanism (“CRFM Agreement”) has among its objectives the efficient management and sustainable development of marine and other aquatic resources within the jurisdictions of Member States;

Determined to ensure the long-term sustainable use and conservation of the living aquatic resources within the jurisdictions of Member States;

Recalling Resolution 59 / 230 of the United Nations General Assembly on promoting an integrated management approach to the Caribbean Sea area in the context of sustainable development;

Convinced that the concept of the Caribbean Sea as a special area in the context of sustainable development can, *inter alia*, be given effect through a Common Fisheries Policy and Regime;

Have agreed as follows:

1.0 Definitions

1.1 For the purpose of this Agreement Establishing the Common Fisheries Policy and Regime the following definitions shall apply:

- (a) ‘access agreement’ means an agreement concluded between and among Participating States or concluded by the Implementing Agency with a Participating State or States or with Third States for or on behalf of Participating States, to exploit the fishery resources of a State or group of States;
- (b) ‘aquaculture’ means all activities in fresh, brackish or salt waters aimed at producing, culturing in restricted areas, and ranching, aquatic plants and animals;
- (c) ‘common fisheries zone’ means the waters as defined in Article 5.1 of this Agreement;
- (d) ‘conservation’ means the sustainable use that safeguards ecological processes and biological diversity for present and future generations;
- (e) ‘ecosystem-based approach’ means taking account of species interactions and the interdependence between species and their habitat when making decisions;
- (f) ‘fish’ means any aquatic plant or animal or parts and derivatives thereof, and includes eggs, larvae and all juvenile stages;

- (g) fisheries management and development plans’ means specific arrangements aimed at controlling and regulating the exploitation of fisheries resources;
- (h) ‘Fisheries resources’ includes all the fishable resources, natural and cultured in the inland and internal waters, territorial seas and archipelagic waters of Participating States and in the Common Fisheries Zone;
- (i) ‘fishing’ means catching, taking or harvesting fish or aquatic flora or attempting to catch, take or harvest fish or aquatic flora or any operation at sea, on a lake or river, in connection with, or in preparation for, catching, taking or harvesting fish or aquatic flora, including placing, searching for or retrieving any fish aggregating device and searching for fish or flora;
- (j) ‘fishing effort’ means the level of fishing, as may be defined, *inter alia*, by the number of fishing vessels, number of fishers, amount of fishing gear and technology that may enhance catchability and the time spent on fishing or searching for fish;
- (k) ‘fishing vessel’ means any vessel, boat, ship or other craft, which is used for, equipped to be used for or of a type that is normally used for fishing or related activities, and all its equipment;
- (l) ‘Implementing Agency’ means the body as defined in Article 7.1;
- (m) ‘limit reference points’ means values of fish stock population parameters such as biomass or fishing mortality rate, which should be avoided because they are associated with unknown population dynamics, stock collapse or impaired recruitment;
- (n) ‘living aquatic resources’ means available and accessible living marine, brackish water and freshwater aquatic species;

- (o) 'Participating State' means a State that is a signatory to this Agreement;
- (p) 'precautionary approach to fisheries management' means, *inter alia*, that the absence of adequate scientific information should not be used as a reason for postponing or failing to take management measures to conserve target species, associated or dependent species and non-target species and their environment;
- (q) 'Revised Treaty' means the Revised Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy that was signed by Heads of Government in Nassau Bahamas on 5 July 2001;
- (r) 'safe biological limits' means indicators of the state of a stock or of its exploitation inside which there is a low risk of transgressing certain limit reference points;
- (s) 'Secretary-General' means the Secretary-General of the Caribbean Community as established by Article 2 of the Revised Treaty;
- (t) 'stock' means a fishery resources that occurs in a given management area;
- (u) 'sustainable exploitation' means exploitation of fishery resources that will not have a negative impact on the marine ecosystems and is conducted in such a way that future exploitation will not be prejudiced;
- (v) 'Third States' means states which are not Parties to this Agreement.

2.0 Vision, Goals and Objectives

2.1 Vision:

The vision that inspires the establishment of the Common Fisheries Policy and Regime is as follows:-

Participating States cooperating and collaborating in the conservation, management and sustainable utilization of the fisheries resources and related ecosystems for the welfare and wellbeing of the people of the Caribbean.

2.2 Goals:

The Goals that under-pin the Common Fisheries Policy and Regime are to:-

Establish a Common Fisheries Policy and Regime within the context of the Revised Treaty, for the conservation, management, sustainable utilization, and development of fisheries resources and related ecosystems, and the promotion of competitive trade for the present and future social and economic benefits to the people of the Participating States.

2.3 Objectives:

The objectives of the Common Fisheries Policy and Regime are:-

- (a) To use fisheries resources to improve income and employment opportunities, alleviate poverty and to contribute to food security and nutrition in the Participating States;
- (b) To transform the fisheries sector towards being market oriented, internationally competitive and environmentally sustainable;
- (c) To increase production and diversification of primary fish production and value-added, processed fishery products;

- (d) To enhance the capacity of Participating States to provide an adequate supply of fish and seafood for their consumers;
- (e) To improve the welfare and livelihood of fishers and fishing communities;
- (f) To set out harmonized measures and operating procedures for fisheries management, trade in fish and fishery products, fish quality assurance and the administration of the fishing industry consistent with the Revised Treaty and other relevant international agreements;
- (g) To build institutional capabilities of Participating States to, *inter alia*, conduct research, collect and analyse data, improve networking and collaboration among Participating States, formulate and implement policies, and make decisions;
- (h) To promote and conduct research to facilitate decision-making regarding sustainable use, management and conservation of the fishery resources, including aquaculture.
- (i) To provide technical assistance to Participating States, *inter alia*, on the delimitation of maritime boundaries;
- (j) To safeguard the aquatic environment from pollutants and hazardous waste, in order to sustain fisheries production and to protect fishing communities from the impact of global warming, climate change, and natural disasters;
- (k) To promote the sustainable development of aquaculture, including mariculture in the Caribbean Region as a means of *inter alia* increasing export earnings;
- (l) To establish and maintain effective monitoring, control and surveillance systems to protect the fisheries and ecosystems;

- (m) To establish and maintain an effective sanitary and phytosanitary regime for the fishing industries of Participating States;
- (n) To promote integrated coastal and wider marine ecosystems management in an effort to enhance the conservation and management of species and habitat;

Principles

3.1 Fundamental Principles

The following fundamental principles shall guide the application of the Common Fisheries Policy and Regime:

- (a) Compliance with the Revised Treaty and other applicable regional and international legal instruments and agreements;
- (b) Use of the best available scientific information in fisheries management decision-making, taking into consideration traditional knowledge concerning the resources and their habitats as well as environmental, economic, and social factors;
- (c) Consideration of the welfare and special needs of traditional, subsistence, artisanal and small scale fishers, in particular their access to rights-based fisheries as well as access to traditional fishing grounds;
- (d) Use of the precautionary approach to conserve, manage and exploit the fishery resources;
- (e) Promotion of an ecosystem- based approach to the management and conservation of fisheries resources including the protection of biodiversity, fragile ecosystems and critical fisheries' habitats in the marine environment and their rehabilitation where necessary;

- (f) Use of best practices in the harvesting, handling and processing of fish and fishery products in order to maintain their nutritional value, quality and safety, reduce waste and minimize any unfavourable impact on the environment;
- (g) Collaboration and co-operation with national, regional and international agencies on fisheries matters in the best interest of the Participating States;
- (h) Inclusion of stakeholders in all aspects of fisheries management, planning and development;
- (i) Equitable allocation of access rights and other benefits to ensure fair treatment for all;
- (j) Resolution of disputes in a peaceful and timely manner;
- (k) Promotion of good governance of fisheries through transparency and accountability;
- (l) Commitment to the collection, pooling, and sharing of data and information, and the dissemination thereof in a timely manner;
- (m) Trade in fish and fishery products according to agreed standards;
- (n) Management of fishing capacity and fishing methods to ensure resource sustainability and protection of the ecosystem;
- (o) Integration of fisheries into coastal area planning and management to ensure that the needs of coastal fishing communities are met;
- (p) Promotion and expansion of aquaculture production as a means of, inter alia, improving food and nutrition security, income and employment opportunities, and poverty alleviation.

- (q) Eradication of the use of destructive fishing gear and methods, and illegal, unreported and unregulated fishing;
- (r) Clear definition of responsibilities at the national and regional levels.

3.2 General Undertaking on Implementation

Participating States shall take all appropriate measures, to secure fulfillment of the obligations arising under this Agreement or resulting from actions taken by the Implementing Agency. Participating States shall abstain from any measures which could jeopardise the attainment of the objectives of this Agreement.

4.0 Scope of Policies

4.1 The policy shall extend to access within the Common Fisheries Zone, the conservation, management, development, and use of all fishery resources, within the Common Fisheries Zone including the welfare of fishers, and the production, processing, marketing and trading of fishery and aquaculture products, where such activities are practised in the territory or the waters of Participating States.

5.0 The Common Fisheries Zone

5.1 Without prejudice to the delimitation of their maritime boundaries, Participating States, hereby establish a Common Fisheries Zone, which shall consist of the waters which would otherwise be under their jurisdiction, beyond the limits of their territorial sea.

6.0 Access to Fisheries Resources

6.1 In the Territorial Waters of Participating States

- (a) Participating States shall have absolute authority in their respective territorial waters to manage access to fisheries resources taking into account such conservation and management measures as may be adopted from time to time by competent regional and international bodies.
- (b) Participating States shall determine the status of their stock or fisheries resources in their respective territorial waters and, in the event of surplus, may allocate licences to such other Participating States or Third States, pursuant to the applicable management plan.

6.2 In the Common Fisheries Zone

Subject to the Revised Treaty as well as to the relevant provisions of the 1982 United Nations Convention on the Law of the Sea, access by Participating States and Third States to fisheries resources within the Common Fisheries Zone shall be as follows:

6.2:1 Participating States

- (a) The Implementing Agency in collaboration with Participating States shall be responsible for determining access by and operation of fishing vessels.
- (b) The Implementing Agency working in collaboration with Participating States and competent Regional Fisheries Management Organizations (RFMOs) and other relevant regional, sub-regional and international agencies and organizations, shall, prior to granting access to the resources of the Common Fisheries Zone determine the status of the fisheries resources and establish conservation and management measures, in accordance with the fundamental principles set out in this Agreement.
- (c) Fishing vessels of Participating States, being not less than fifty-one percent owned and operated by persons of said States shall be granted access to resources in the Common Fisheries Zone, subject to such conservation and management measures

and criteria for allocation of fishing opportunities as may be adopted from time to time.

- (d) The Implementing Agency working in collaboration with Participating States shall review applications by vessels operating under bare boat chartering arrangements and determine whether to grant access to the resources within the Zone;
- (e) Participating States shall be authorised by the Implementing Agency to fish in the Common Fisheries Zone for fish species or groups of species which have been determined by the Implementing Agency or a competent body to be underexploited or unexploited or where there is a surplus. Fishing for species or groups of species which on the basis of the best available scientific evidence has been determined nearing full exploitation or overexploitation, shall be restricted to a particular Participating State or States under whose jurisdiction those resources would lie but for the Common Fisheries Zone, subject to any applicable conservation and management measures.
- (f) Authorisation to conduct commercial fishing in the Common Fisheries Zone shall be restricted to fisheries resources which have been determined by the Implementing Agency or a competent body to be underexploited or where there is a surplus.
- (g) The total catch shall not exceed the total allowable catch, or be inconsistent with any other appropriate reference point, established for the target fish species or groups of species.
- (h) Participating States, Third States, entities and individuals fishing in the Common Fisheries Zone shall comply with such conservation and management measures and other terms and conditions established or adopted by the Implementing Agency.

- (i) Fishermen of Participating States who have fished in the exclusive economic zone of their respective states prior to these zones forming part of the Common Fisheries Zone shall continue to fish under a licence issued by the respective national fisheries management authority.
- (j) The Implementing Agency shall give due consideration to the respective capacities of less developed countries in the application of this part of the Agreement.

6.2:2 Third States

- (a) Access to the Common Fisheries Zone by a Third State shall be:
 - (i) allowed only after the status of the target species or groups of species has been determined, the appropriate reference point and other conservation and management measures established and a surplus exists which is not being harvested by Participating States;
 - (ii) by written access agreement between the Implementing Agency and the Third State and by licences issued to vessels and personnel of the Third State by the Implementing Agency. Such licences shall include conditions for the proper management, conservation and control of the fishery.
 - (iii) All such access agreements shall be deposited with the Secretary - General
- (b) The Implementing Agency shall ensure that all fishing vessels of a Third State seeking access to the Common Fisheries Zone shall be at least 51%-owned by persons of the Third State and duly registered within the said State.

6.3 On the entry into force of this Agreement application of Article 6.2:2 shall be suspended to such time as may be agreed by Participating States. Notwithstanding such suspension, a Participating State may grant access to a Third State at an earlier date than that agreed

6.4 The provisions of this Article notwithstanding, all current fisheries agreements shall remain in force until the date of expiration.

7.0. Implementation

7.1. The Implementing Agency

The Implementing Agency shall be the Caribbean Regional Fisheries Mechanism (“CRFM”) consisting of the Ministerial Council, the Caribbean Fisheries Forum (herein after called “the Forum”) and the Technical Unit serving as the executing arm, subject to such amendments to the Agreement establishing the CRFM as are necessary.

7.2 Powers of the Implementing Agency

The Implementing Agency shall:

- (a) Establish and keep under review measures governing access to waters and resources and to the sustainable pursuit of fishing activities within the Common Fisheries Zone and on the High Seas by vessels of Participating States
- (b) Decide on catch and fishing effort limits, the allocation of fishing opportunities among Participating States, as well as on the conditions associated with those limits;
- (c) Keep under review in the Common Fisheries Zone, and as far as possible in the waters under the jurisdiction of Participating States, the state of fisheries resources, including their abundance and the level of their exploitation, as well as the state of the fisheries based thereon and the state of the supporting ecosystems;

- (d) Keep under review the economic and social aspects of the fishing industry and decide on any measures aimed at its sustainable development;
- (e) Adopt conservation, management and recovery plans as far as necessary to maintain stocks within safe biological limits and maintain biodiversity and ecosystem health;
- (f) Establish appropriate cooperative mechanisms including the imposition and enforcement of sanctions for effective monitoring, control, surveillance and enforcement;
- (g) Where excess fishing capacity exists, establish mechanisms to reduce capacity to levels commensurate with the sustainable use of fisheries resources;
- (h) Encourage, coordinate and, as appropriate, adopt measures for the development of human resources in all aspects of fisheries to meet the objectives of the Common Fisheries Policy and Regime;
- (i) Encourage, recommend, coordinate and undertake data collection, research and development activities;
- (j) Assemble, publish or disseminate information regarding exploitable living aquatic resources and fisheries based on these resources and the ecosystems;
- (k) Promote, establish and maintain strategies and programmes for the responsible development and management of freshwater, marine and brackish water aquaculture and for coastal fisheries enhancement;
- (l) Establish and maintain a fishing fleet register containing the information that it receives from Participating States regarding the fishing vessels under their jurisdiction or flying their flag;

- (m) Adopt appropriate measures to ensure the right of consumers to safe, wholesome and unadulterated fish and fishery products;
- (n) Encourage the establishment and maintenance by Participating States of effective safety and quality assurance systems to protect consumer health and prevent commercial fraud;
- (o) Set minimum standards for safety and quality assurance and ensure that these standards are effectively applied by the Participating States;
- (p) Adopt measures to promote and facilitate the production of value-added products by Participating States;
- (q) Create new fishing opportunities for Participating States through, *inter alia*, the negotiation of access agreements with Third States, and the adoption of measures which facilitate and encourage vessels of Participating States to take advantage of high seas fishing opportunities;
- (r) Represent the interest of the Region and of Participating States at regional and international fisheries fora;
- (s) Mobilize technical and financial resources, in collaboration with multilateral and bilateral donor agencies, to promote and enhance the research, administrative and management capacities of Participating States and regional fisheries institutions;
- (t) Adopt measures to encourage compliance with the provisions of the Common Fisheries Policy and Regime;
- (u) Impose sanctions where a breach of the Common Fisheries Policy and Regime warrants such treatment;
- (v) Delegate powers for the efficient and effective execution of its responsibilities;

- (w) Develop protocols in consultation with the Participating States to provide for the governance and operation of the Common Fisheries Policy and Regime;
- (x) Encourage, measures for the development of sport and recreational fisheries, and the ornamental fisheries sub-sector;
- (y) Adopt measures to prevent living aquatic species that are at risk from being extirpated or becoming extinct, including making provisions for the recovery of such species that are extirpated, endangered or threatened as a result of human activity; and managing species of special concern to prevent them from becoming endangered or threatened. The Implementing Agency shall achieve this by coordinating:
 - (i) the preparation and adoption of recovery strategies and the preparation and implementation of action plans, and
 - (ii) the activities of the Participating States relating to the protection of species at risk;
- (z) Perform such other acts and engage in such processes as are necessary for the effective implementation of the Common Fisheries Policy and Regime.

7.3 Membership in the Implementing Agency

Membership shall be open to Signatories to the Agreement establishing the Caribbean Regional Fisheries Mechanism.

7.4 Function of the Implementing Agency

- (i) The Implementing Agency shall give effect to the Objectives of this Agreement, as set out in Article 2.

- (ii) In seeking to give effect to the Objectives, the Implementing Agency shall be guided by the Principles set out in Article 3 of this Agreement, the Community Agricultural Policy in particular, the Fisheries Management and Development provisions of the Revised Treaty as set out in Articles 56 and 60 of the said Revised Treaty and the decisions and recommendations made by the Organs of the Caribbean Regional Fisheries Mechanism.

8.0 Conservation and Management of Fisheries Resources

8.1 The Implementing Agency and Participating States shall formulate, adopt and revise management and conservation measures on the basis of the best scientific evidence available.

8.2 The Implementing Agency and Participating States shall make decisions in developing harmonized fisheries conservation, management and development strategies. To this end, the Implementing Agency shall:

- (i) Adopt and apply appropriate harmonized fisheries management tools and approaches as follows:
 - (a) Participating States and the Implementing Agency shall, as far as possible, develop and implement conservation, management, and recovery plans specific to the fishery which would include appropriate harmonized fisheries management strategies.
 - (b) Participating States shall adopt fisheries conservation, management and recovery plans as far as necessary to maintain stocks within safe biological limits for the respective fisheries.
 - (c) Conservation, management and development plans shall be drawn up on the basis of the ecosystem-based approach and precautionary approach to

fisheries management and take account of any limit reference points recommended by relevant scientific bodies.

- (d) Participating States undertake to adopt immediate preventative measures if there is evidence of a risk that fishing activities could seriously threaten the conservation of fisheries resources or degradation of the essential fish habitat;
 - (e) Where Participating States fail to take such preventative measures, the Implementing Agency shall have the power so to do and to apply sanctions where appropriate;
 - (f) Where Participating States take action to manage, or rehabilitate their fisheries, they should notify the Implementing Agency in a timely manner.
- (ii) Conduct monitoring, control and surveillance of all aspects of fisheries operations, including the establishment of vessel monitoring systems, and programs to secure the elimination, deterrence and prevention of illegal, unreported and unregulated fishing.
- (iii) As deemed necessary by the Implementing Agency, Participating States shall, to the limit of their capabilities:
- (a) monitor, control and undertake surveillance of their maritime space and, where possible, co-operate in monitoring, controlling and undertaking surveillance of contiguous space in order to eliminate, deter and prevent illegal, unreported and unregulated fishing;
 - (b) establish an appropriate vessel monitoring system to monitor the position and activity of vessels flying their flag or under their Registry;

- (c) adopt port and “at sea” inspection schemes;
- (d) take inspection and enforcement measures necessary to ensure compliance with the rules of the Common Fisheries Policy and Regime; and
- (e) ensure that appropriate and effective measures are taken against violators of the rules established by the Common Fisheries Policy and Regime and the measures developed thereunder by the Implementing Agency, to manage, conserve, protect and ensure the orderly development and control of the fisheries of Participating States.
- (f) establish appropriate monitoring, research and education programmes, and management response plans and adaptation strategies to mitigate the impact of global warming, climate change and sea level rise and other environmental changes on the fisheries sector;
- (g) cooperate with relevant Regional Fisheries Management Organisations in the management of shared, straddling and highly migratory resources.

9.0 Data Collection and Research

9.1. The Implementing Agency shall decide on the use, management and conservation of the living aquatic resources, including aquaculture, on the basis of the best scientific evidence available and acting in collaboration with the competent agencies and institutions of Participating States.

To this end, the Participating States acting in collaboration with the Implementing Agency shall:

- (a) facilitate research into and comprehensive studies of the living aquatic resources and ecosystems, marine and freshwater, falling within the scope of this

Agreement, including the effects of global warming and climate change, environmental, oceanographic, ecological, biological, social and economic factors and fishing technologies;

- (b) compile data on the status of and changes in population of living aquatic resources and on factors affecting the distribution, abundance and productivity of harvested species and dependent or related species or populations;
- (c) ensure the acquisition of catch, effort, social, economic, demographic and other relevant statistics;
- (d) establish and maintain national and regional databases containing catch and effort data on harvested populations, including licensing, registration, social, economic and other relevant data on the fishers and other resource users who depend upon or use the harvested populations.
- (e) where such data and information as mentioned in Articles 9.1(a), 9.1(b), 9.1(c) and 9.1 (d) are collected by Participating States only, each Participating State shall make the information collected available to the Implementing Agency at least on an annual basis.
- (f) analyse, disseminate and publish the information referred to in Articles 9.1 (a), 9.1 (b), 9.1 (c) and 9.1 (d) above at least on an annual basis in accordance with agreed procedures, and in a manner consistent with any applicable confidentiality requirements;
- (g) identify and study stocks or populations of unutilized and underutilized living aquatic resources to determine their distribution, abundance and productivity, sustainable harvest levels, and appropriate harvesting methods

- (h) identify conservation and management needs and analyse the effectiveness of management and conservation measures;
- (i) ensure national and regional capacity for addressing data collection and research needs specified in this Section.

10. Intellectual Property Rights

10.1 Ownership of Intellectual Property Rights

- (a) All intellectual property rights in data, documents and products developed by the Implementing Agency within the context of the Common Fisheries Policy and Regime shall be owned by the Implementing Agency and Participating States shall retain ownership of any data, information or product they have submitted to the Implementing Agency.
- (b) All intellectual property rights in data, documents, and products developed within the context of the Common Fisheries Policy and Regime shall be owned by the Implementing Agency with a licence for use to the Participating States which compiled the same.
- (c) where a Participating State provides assistance to the Implementing Agency to develop a product, the intellectual property rights in such product will be jointly owned by the Implementing Agency and the Participating States

10.2 Confidentiality of data

The Implementing Agency and every Participating State shall maintain the confidentiality of, and refrain from using or disclosing, any confidential and proprietary information of any other Participating State.

10.3 Confidentiality of individuals providing data

The identity of individuals from whom research data or information is obtained shall be kept strictly confidential. No information revealing the identity of any individual shall be included in any report or in any other communication, unless the individual concerned has given his prior consent in writing to such inclusion.

11.0 Dissemination of Information

Subject to Section 10:

- 11.1** Participating States and the Implementing Agency shall make available, by dissemination through appropriate channels, information on proposed major programmes and their objectives as well as knowledge resulting from any research.
- 11.2** Participating States, acting individually or in co-operation with other Participating States and with the Implementing Agency, shall actively promote the flow of all forms of relevant useful information and the transfer of knowledge resulting from research and implementation of successful management programmes especially to interested Participating States.
- 11.3** Participating States shall produce and disseminate reports on their activities at regular intervals, by electronic means or otherwise to the Implementing Agency and to other interested Participating States.
- 11.4** Without prejudice to the right of a Participating State to resort to the procedures for the settlement of disputes provided for in this Agreement, nothing in this Agreement shall be deemed to require a Participating State, in fulfilment of its obligations under this Agreement, to supply information, the disclosure of which is contrary to the essential interests of its security.

11.5 Participating States and the Implementing Agency shall disseminate relevant information to stakeholders, including but not limited to, fishermen and fish processors, to enable them to be familiar with regional and international developments in fisheries and thereby facilitate informed decision-making on their part.

12.0 Registration of Vessels

12.1 Participating States shall take into account the available fisheries resources when registering fishing vessels.

12.1(i) The Implementing Agency shall assist in maintaining the balance at all times by requiring that:

- (a) Each Participating State shall keep an updated national register of fishing vessels flying its flag. Such register shall include the minimum information on vessel characteristics and activity that is necessary for the management measures established by the Implementing Agency.
- (b) Each Participating State shall make available to the Implementing Agency the information referred to in Article 12.1 (a) above.
- (c) The Implementing Agency shall maintain a regional fishing fleet register containing the information that is received under Article 12.1 (b) above and shall make it available to Participating States. The provisions of Article 10.2 and 10.3 shall apply to such register.

12.2 A Participating State that operates an open register for fishing vessels from Third States authorised to fly its flag shall comply with and shall ensure compliance by its fishing vessels with the following conditions which are aimed at securing the eradication of illegal, unreported and unregulated fishing:

- (a) Ensure that there is a genuine link between the State and the vessel by, *inter alia*, effectively exercising its jurisdiction and control in administrative, technical, resource management, and social matters;
- (b) Ensure strict compliance with conservation measures, whether general or specific, arising from this Agreement or from actions of the Implementing Agency or from competent international or regional fisheries management organisations pertaining to the target species, or area or ecosystems on which the vessel operates;
- (c) Maintain a detailed register from which the owners and operators of fishing vessels, and as appropriate, a resident agent of the owner of the vessel can be readily identified;
- (d) Establish and maintain vessel monitoring systems to continuously monitor the position, movement and activity of such vessels
- (e) Establish and maintain on board observer programmes to monitor the operation of such vessels and collect data and information on the fishing activities.
- (f) Any vessel acting in violation of the obligations set out in Article 12.2 (b) should be penalised by the Participating State;

13.0 Marketing and Trade of Fisheries Resources

13.1 Each Participating State, in collaboration with the Implementing Agency, shall:

- (a) enact, keep updated and enforce appropriate harmonised food quality assurance legislation and policy for fish and fishery products from the point of harvest to the point of sale;

- (b) encourage market stability by appropriate means, implemented in compliance with the Caribbean Region's international commitments, particularly with regard to the provisions of the World Trade Organisation;
- (c) promote policies on the production and marketing of fishery products which take account of the need to conserve and use the resources in a sustainable manner;
- (d) develop markets in fishery products which will include the adoption of measures designed to ensure that supply is better matched to demand in terms of both quality and quantity, and increase the return on products;
- (e) encourage the development and application of common marketing standards for products from fish and fisheries resources thus keeping products of unsatisfactory quality off the market;
- (f) implement programmes to improve product quality;
- (g) monitor developments in internal and external markets and disseminate information to Participating States and, as appropriate, to Third States.
- (h) adopt measures and programmes:
 - (i) to strengthen human resource and institutional capacities and capabilities in fish processing, quality management and distribution and trade in fisheries products;
 - (ii) to acquire, transfer and develop fish processing technologies, improve technical and economic efficiencies in the processing of fisheries products.

14.0 Links with other organizations

14.1 The Implementing Agency shall develop strategic alliances and partnerships with competent Regional Fisheries Management Organizations (RFMOs) and Bodies and other relevant national, regional, and international agencies and organizations.

15.0 Dispute Settlement

The procedures for the Settlement of Disputes set out in Articles 188 to 192 of the Revised Treaty as well as the procedure set out in Article 15.1 of this Agreement may be adopted for the settlement of disputes arising under this Agreement.

15.1 Adjudication

- (a) Any dispute which may arise concerning the interpretation or application of any provision of this Agreement shall be notified to the Secretary- General by a Participating State. The Secretary- General shall appoint an Adjudicator, within ten (10) days of receipt of a notification of a dispute. The Adjudicator shall give a decision in writing within twenty two (22) days of his appointment.
- (b) In the event that a Participating State is not in agreement with the decision made by the Adjudicator, it may give notice to the Implementing Agency that the question be referred to an Arbitral Tribunal whose decision shall be final and binding. Pending the decision of the Arbitral Tribunal, the Implementing Agency, as it considers necessary, may act on the basis of the decision of the Adjudicator.
- (c) The expenses of adjudication, including the fees and subsistence allowances of the Adjudicator and experts engaged for the purposes of dispute settlement shall be borne equally by the Parties to the dispute unless the Secretary-General, taking into account the circumstances of the case, otherwise determines. Where a Third Party intervenes in the proceedings, that party shall bear the costs associated with the intervention.

15.2 The Arbitral Tribunal

The Tribunal shall be constituted as follows:

- (a) Each of the Participating States parties to a dispute shall be entitled to appoint one arbitrator from the List of Arbitrators established and maintained by the Secretary-General. The two arbitrators chosen by the parties shall be appointed within fifteen days following the decision to refer the matter to arbitration. The two arbitrators shall, within fifteen days following the date of their appointment, appoint a third arbitrator from the List who shall be the Chairman. As far as practicable, the arbitrators shall not be nationals of any of the parties to the dispute.
- (b) Where either party to the dispute fails to appoint its arbitrator under Article 15.2 (a) above, the Secretary-General shall appoint the arbitrator within ten days. Where the arbitrators fail to appoint a Chairman within the time prescribed, the Secretary-General shall appoint a Chairman within ten days.
- (c) Where more than two Participating States are parties to a dispute, the parties concerned shall agree on the two arbitrators to be appointed from the List of Arbitrators within fifteen days following the decision to refer the matter to arbitration and the two arbitrators shall within fifteen days of their appointment appoint a third arbitrator from the List who shall be the Chairman.
- (d) Where no agreement is reached under Article 15.2 (c) above, the Secretary-General appoint the two arbitrators within ten days and where the arbitrators fail to appoint a Chairman within the time prescribed the Secretary-General shall appoint the Chairman within ten days.
- (e) Notwithstanding Articles 15.2 (a) (b) ,(c) and (d) above, Participating States parties to a dispute may refer the matter to arbitration and consent to the

Secretary-General appointing a Sole Arbitrator from the list of Arbitrators. The sole Arbitrator shall not be a national of a Party to the dispute.

- (f) The Rules of Procedure of the Arbitral Tribunal shall be as follows:
 - (i) The Arbitral Tribunal shall establish its own Rules of Procedure.
 - (ii) The procedure shall assure a right to at least one hearing before the Arbitral Tribunal as well as the opportunity to provide initial and rebuttal written submissions.
 - (iii) The Arbitral Tribunal's hearings, deliberations and initial report, and all written submissions to and communications with the Arbitral Tribunal, shall be confidential.
 - (iv) The award of the Arbitral Tribunal shall be confined to the subject matter of the dispute and shall state the reasons on which it is based.
 - (v) Where the parties cannot agree on the interpretation or implementation of the award, either party may apply to the Arbitral Tribunal for a ruling within thirty days of the award. The term of the Arbitral Tribunal shall come to an end unless an application for a ruling has been received, in which case it shall continue for such reasonable time, not exceeding thirty days, as may be required to make the ruling.
 - (vi) Decisions of the Arbitral Tribunal shall be taken by a majority vote of its members and shall be final and binding on the Participating States parties to the dispute.
- (g) A Participating State which is not a party to a dispute but wishes to intervene in the hearing shall deliver a notification to the parties to a dispute and to the

Secretary-General and shall thereafter be entitled to attend all hearings and to receive written submissions of the parties to a dispute and may be permitted to make oral or written submissions to the Arbitral Tribunal.

- (h) Where proceedings have commenced, the Arbitral Tribunal may, on its own initiative or on the request of a party to the dispute, seek information and technical advice from any expert or body that it considers appropriate, provided that the parties to the dispute so agree and subject to such terms and conditions as the parties may agree.
- (i) The expenses of the Arbitral Tribunal, including the fees and subsistence allowances of arbitrators and experts engaged for the purposes of a dispute, shall be borne equally by the Participating States parties to the dispute unless the Arbitral Tribunal, taking into account the circumstances of the case, otherwise determines. Where a Third Party intervenes in the proceedings, the party shall bear the costs associated with the intervention.

16.0 Public Awareness

16.1 The Implementing Agency and Participating States shall be committed to ensuring public awareness of good conservation, exploitation, and management policies and practices in relation to, *inter alia*, this Policy and the Caribbean Sea as a special area in the context of sustainable development by:

- (a) Strengthening Regional and sub-regional institutions to assist in enhancing the capacity of citizens, especially fishers and fishing communities to employ methods of conserving, sustaining and preserving the living aquatic resources and of avoiding overexploitation of them.
- (b) Rewarding communities for promoting and maintaining acceptable standards favourable to sustaining living aquatic resources.

- (c) Collaborating with educational institutions to introduce Sustainable Use of Marine and Aquatic Resources in the school curriculum.

17.0 Inspection, Enforcement and Sanctions

17.1 Inspection and Enforcement

Participating States shall take such inspection and enforcement measures necessary to ensure compliance with the rules of this Policy and Regime in their territory or in the waters subject to their sovereignty or under their jurisdiction. Participating States undertake to assist the Implementing Agency in the application of this Article to the Common Fisheries Zone. They shall also take enforcement measures relating to the fishing activities of their nationals beyond the Common Fisheries Zone and of fishing vessels flying their flag.

These measures shall include:

- (a) spot checks and inspections on fishing vessels, the premises of businesses and other bodies involved in or concerned with activities relating to this Policy;
- (b) monitoring of fishing vessels;
- (c) investigation, legal pursuit of infringements and sanctions in accordance with Article 17.2;
- (d) preventative measures in accordance with Article 17.2;
- (e) measures to prevent the involvement of their nationals in fisheries activities that do not respect the applicable conservation and management measures, without prejudice to the primary responsibility of the flag State.

17.2 Follow-up of infringements

Sanctions

1. Participating States shall ensure that appropriate measures are taken, against the natural or legal persons responsible where the rules of this Policy have been breached.
2. The measures taken in accordance with paragraph 1 above shall be capable, in accordance with the relevant provisions of national law, of effectively depriving those responsible of the economic benefit of the infringements and of producing results proportionate to the seriousness of such infringements.
3. The sanctions arising from the proceedings referred to in paragraph 2 above may include:
 - (a) fines;
 - (b) seizure of prohibited fishing gear and catches;
 - (c) sequestration of the vessel;
 - (d) temporary immobilisation of the vessel;
 - (e) suspension of the licence;
 - (f) withdrawal of the licence.
4. Participating States shall take immediate measures to prevent natural or legal persons found committing a breach of this Policy from continuing to do so.
5. Detailed rules for the application of this section may be adopted by the Implementing Agency in collaboration with Participating States.

17.3 State Liability

A Participating State found by a competent court or tribunal to be in serious breach of its obligations under this Agreement shall be liable in damages to those directly harmed by the breach in question.

18.0 Signature

18.1 This Agreement shall be open for signature on the _____ day of _____ 2007

19.0 Ratification and Depositary

19.1 This Agreement and any Amendments thereto shall be subject to ratification by Participating States in accordance with their respective constitutional procedures.

19.2 Instruments of Ratification shall be deposited with the Secretary-General who shall transmit certified copies to the Participating States.

20.0 Entry into Force

20.1 This Agreement and any Amendment thereto shall enter into force one month after the date of deposit of the seventh Instrument of Ratification by the Signatories referred to in Article 7.3.

21.0 Accession

21.1 Any State that is a signatory to the Caribbean Regional Fisheries Mechanism Agreement may accede to this Agreement after it has entered into force.

21.2 Instruments of Accession shall be deposited with the Secretary-General.

22.0 Registration

22.1 This Agreement and any Amendment thereto shall be deposited with the Secretary-General and also registered with the Secretary-General of the United Nations.

23.0 Amendments

23.1 A Participating State or the Implementing Agency, may, by written communication addressed to the Secretary-General, propose an amendment to this Agreement.

23.2 Notice of any proposed amendment of this Agreement shall be transmitted to the Participating States by the Secretary-General at the same time as the agenda of the meeting of the Implementing Agency at which the amendment is to be discussed.

23.3 Any proposed amendment of this Agreement received by the Secretary-General from a Participating State shall be presented to a regular or special meeting of the Implementing Agency for approval and, if the amendment involves important technical changes or imposes additional obligations on the Participating States, it shall be considered by a technical advisory working group of specialists convened by the Implementing Agency prior to the regular or special session at which the proposed amendment will be considered.

23.4 Any such proposed amendment of this Agreement shall require the unanimous approval of the Ministerial Council of the Implementing Agency and shall enter into force one month after the date on which the seventh Instrument of Ratification is deposited with the Secretary-General as well as with the Secretary-General of the United Nations.

23.5 A State which becomes a Party to this Agreement after the entry into force of amendments in accordance with sections 23.3 and 23.4 shall be considered as a Party to this Agreement as amended.

24.0 Reservations

24.1 Reservations may be entered to this Agreement with the consent of the Participating States.

25.0 Withdrawal

25.1 A Participating State may withdraw from this Agreement by giving one year's notice in writing to the Secretary-General who shall promptly notify the other Participating States. Such withdrawal shall take effect one year after the date on which the notice has been received by the Secretary-General, unless the Participating State before the withdrawal becomes effective notifies the Secretary-General in writing of the cancellation of its notice of withdrawal.

25.2 A Participating State that withdraws from this Agreement undertakes to honour any financial or other obligations duly assumed as a Participating State; including any proceedings to which it became a party before the withdrawal becomes effective.

26.0 Status of Protocols

26.1 The Protocols which are prepared under this Agreement shall form an integral part of this Agreement and, unless expressly provided otherwise, a reference to this Agreement or to any of its provisions includes a reference to the Protocols relating thereto.

27.0 Authentic text

27.1 The Original of this Agreement Establishing the Common Fisheries Policy and Regime shall be deposited with the Secretary-General and Registered with the Secretary-General of the United Nations.

DELIMITATION OF MARITIME BOUNDARIES WITHIN CARICOM

[Background Paper]

Development of Relevant Rules for Delimitation of Maritime Boundaries, including Practical Illustrations of the Operations of such Rules

Introduction

1. The development of the principles of international law with respect to maritime boundaries delimitation currently relate to mainly six areas, namely, internal waters, territorial sea, archipelagic waters, exclusive economic zone (EEZ), continental shelf and the extended continental shelf. Other areas of delimitation, which are sometimes met with are historic waters, contiguous zones and areas of joint development by neighboring States. The focus of this report will be the maritime zones most often come under consideration for delimitation by and between CARICOM States, that is to say, territorial sea, archipelagic waters, the EEZ and the continental shelf. Some member States, in particular The Bahamas, Barbados, Guyana, Suriname and Trinidad and Tobago, have potential claim to extended continental shelf and so some attention will be paid to the rules and procedure relating to the delimitation of such areas.
2. The United Nations Convention on the Law of the Sea (UNCLOS), which was signed in Jamaica in 1982 and entered into force in 1994, made significant contribution to the development of maritime delimitation law. The UNCLOS recognized a 12-nautical mile limit for the territorial sea, archipelagic waters zone, where the requirements set out in the Convention are met, the 200-nautical mile EEZ limit and an extended continental shelf beyond 200-nautical miles up to 350-nautical miles from the baselines of the coastal States concerned. The new or extended zones greatly extended the potential maritime jurisdiction of coastal States and ushered in an era of growth in the conclusion of delimitation treaties unprecedented in maritime boundary making. The majority of the world's potential maritime boundaries are yet to be settled.

3. The CARICOM States are all littoral States. All, but two, are situated in the Caribbean Sea, a large semi-enclosed sea, approximately 1,943,000 square kilometres in size. The current geopolitical nature of the CARICOM area will influence the delimitation of maritime boundaries in the region. Within CARICOM the Organisation of Eastern Caribbean States (OECS) forms a sub-regional grouping with competence to deal with delimitation matters to the extent that the members delegate the authority to deal with such matters. There are many dependent territories in the Caribbean Sea falling under the jurisdiction of the great maritime metropolitan powers of the United Kingdom, United States of America, the Republic of France and the Kingdom of the Netherlands. These powers are experienced in maritime boundary making, they have expertise, up to date technology in boundary making, financial resources, which enable them to offer flexibility and attractive trade-offs, such as grants and loans, unrelated to delimitation considerations. Three relevant geographic factors are the ring of islands in the eastern Caribbean Sea forming a convex shaped feature in that area, the numerous islands, rocks and cays in the eastern and other parts of the Caribbean Sea, and the presence of several States, which claim archipelagic status. These include, Antigua & Barbuda, Bahamas, Grenada, Jamaica, St. Vincent & the Grenadines, and Trinidad & Tobago.

Background to Delimitation in CARICOM

4. The St. John-Mariscal Treaty between the United Kingdom (British Honduras - Belize) and Mexico signed in 1893 and entered into force in 1897, dealing with the delimitation of internal waters, and the Treaty between the United Kingdom (Trinidad) and Venezuela signed in 1942 (February) and entered into force in September of that year are the two first delimitation agreements in the CARICOM region. Since those early treaties of the colonial era, the independent States of CARICOM have concluded eight delimitation treaties and Montserrat, a non-independent Member State, has through the United Kingdom concluded a delimitation agreement with France with respect to Guadeloupe. A further five maritime boundary delimitation agreements have been concluded by the United Kingdom on behalf of its dependent territories in the Caribbean recently.

5. Currently, there are a number of boundary disputes involving maritime delimitation with CARICOM States, and with respect to which third party intervention has been sought. These include Guyana and Venezuela, Guyana and Suriname, Belize and Guatemala, and Barbados and Trinidad and Tobago.
6. Negotiations to settle maritime boundaries commenced in a number of cases, but have to date have not achieved a successful conclusion. Among such cases are Grenada and Venezuela, Grenada and Trinidad and Tobago, Antigua and Barbuda and France, Jamaica and UK (Cayman Islands), and Barbados and Trinidad and Tobago (now suspended pending settlement by arbitration). Preparations for negotiation of maritime boundaries between Dominica and Venezuela, and between Antigua and Barbuda and St. Kitts and Nevis have been in the making for sometime.
7. A number of delimitation agreements in the Caribbean Sea and Atlantic Ocean areas entered into between some CARICOM States, and by these States with third States, will impact on delimitation of maritime boundaries of other Member States, and so will the boundaries agreed between third States in certain cases. These cases will be pointed out later in the report.
8. The delimitation agreements so far concluded by CARICOM Member States will no doubt point to the approach that others might take in future maritime boundary negotiations. Useful precedents with respect to the weight attached to certain geographic features for the purposes of delimitation are being developed, and the form and, where appropriate, the content of delimitation agreements are being standardized. See Treaty Series No. 6 1897 C.8653. That Treaty was succeeded to by Trinidad and Tobago upon independence and was superseded by the 1990 Treaty, which entered into force in 1991, between Trinidad and Tobago and Venezuela.

These are in order of date signed:

- Haiti and Cuba 1977, entered into force 1978;
- Haiti and Colombia 1978, entered into force in 1979;

- St. Lucia and France (Martinique) 1981, entered into force that same year;
- Dominica and France (Martinique and Guadeloupe) 1987, entered into force 1988;
- Trinidad and Tobago and Venezuela 1990, entered into force 1991;
- Jamaica and Colombia 1993, entered into force 1994;
- Jamaica and Cuba 1994 entered into force 1995;
- Barbados and Guyana 2003, (not yet in force).
- UK (Montserrat) and France (Guadeloupe) 1996, entered into force 1997.
- UK (Anguilla) and US (US Virgin Islands) 1993, entered into force 1995;
- UK (Cayman Islands) and Honduras 2001, entered into force 2002;
- UK (Turks and Caicos Islands) and Dominican Republic 1996, (not yet in force);
- UK (Virgin Islands) and US (Puerto Rico and US Virgin Islands) 1993, entered in to force 1995;
- UK (Anguilla) and France (St. Martin and St. Barthelemy 1996, entered into force 1997.

General Rules of Maritime Boundary Delimitation

9. The rules governing maritime boundaries delimitation encompass the principles and methods of delimitation. The broad general principle of every maritime boundary settlement is the achievement of an equitable solution, consistent with international law. The UNCLOS sets out the general principles of delimitation with respect to certain maritime areas. For example, in respect of the territorial sea, it states that, ‘Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured’ (article 15 of the Convention).

10. Archipelagic waters are created by States, which meet the requirements set out in Part IV of the UNCLOS. An archipelago is defined as ‘a group of islands, including parts of islands, interconnecting waters and other natural features which are so closely interrelated

that such islands, waters and other natural features form an intrinsic geographical, economic and political unity, or which historically have been regarded as such' (art. 46).

11. The delimitation rules relating to the EEZ and the continental shelf are similar, but rather different from those of the territorial sea. The operative parts of articles 74 (EEZ) state that, 'the delimitation of the exclusive economic zone between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of International Court of Justice, in order to achieve an equitable solution.'⁷ Both articles 74 and 83 of UNCLOS provide for provisional arrangements of a practical nature may be made in the spirit of understanding and cooperation pending agreement on a final delimitation agreement.

12. In applying article 38 of the Statute of the International Court of Justice in conjunction with the relevant delimitation provisions of the UNCLOS and relevant Judgments of the Court, a number of factors or equities that influence an equitable solution in boundary settlements have been identified. These factors include adjacency or proximity, concave / convex coastline, general direction of the coast, distance between coasts, ecology, economic considerations, equality of States, geography, geology, geomorphology, historic rights, islands, length of coastline, macrogeographical. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:
 - (a) international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
 - (b) international custom, as evidence of a general practice accepted as law;
 - (c) the general principles of law recognized by civilized nations;

- (d) subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto considerations, presence of third States, and proportionality. Brief examples of the application of some these factors will be given below.

13. Adjacency or proximity sometimes amount to an equitable criterion in maritime boundary delimitation between neighboring States. As the International Court of Justice (ICJ) pointed out in the North Sea Continental Shelf cases, the adjacency criterion does not imply absolute proximity and the literature on the subject, as well as the general terminology, is vague, with various terms, such as “near”, “close”, “close to its shores”, “off its coast”, “opposite”, “in front of its coast”, “in the vicinity of”, neighbouring the coast”, “adjacent to”, and “contiguous”, being applied interchangeably. The Court did not regard proximity as a ground of title to areas of the continental shelf, but indicated that proximity may afford one of the tests to be applied and an important one in the right conditions. Adjacency or proximity, as an equitable factor in delimitation, is considered to be more a method or a test of an equitable delimitation rather than a principle on which delimitation is undertaken. The Court of Arbitration in the Continental case between Great Britain and France stated that under certain conditions proximity might be an appropriate test or method for delimiting the boundary of the continental shelf. The Chamber of the ICJ, which heard the Gulf of Maine case between Canada and the United States of America summarised the effect of adjacency on delimitation as one in which international law confers on a coastal State a legal title to an adjacent continental shelf or maritime zone adjacent to its coasts; but that it would not be correct to say that international law recognises the title conferred on the State by adjacency of that shelf or zone, as if the mere natural fact of adjacency produced legal consequences. The equitable factor of adjacency is relevant in the CARICOM region, because of the geographic configuration of the Caribbean Sea, particular its eastern section.

14. Concave / convex coastline is an important factor in particular maritime boundary delimitation. In particular cases, concave or convex geographic features may trigger a particular approach to boundary settlement in order to achieve an equitable solution. This is because the use of the equidistance method of delimitation could result in disadvantageous treatment of States with concave coastline features. In such cases, mitigating measures need to be taken, if an equitable solution is to be achieved. The ICJ pointed out that the effect of the use of the equidistance method in the case of a concave or recessing coast is to pull the line of boundary inwards, in the direction of the concavity. The Court went on to point out that a State should not enjoy continental shelf rights considerably different from those of its neighbours merely because in the one case the coastline is roughly convex in form and in the other it is markedly concave, although those coastlines are comparable in length. In a similar vein, the Tribunal in the Guinea and Guinea-Bissau arbitration noted the ‘amputation’ effect, which the concavity factor could generate in the Guinea Bissau and Sierra Leone area of West Africa.

15. The effect of concavity was clearly illustrated in the CARICOM region by the Dominica and France (Martinique and Guadeloupe) boundary negotiation when France initially insisted on applying the equidistance method of delimitation. That approach See ICJ Reports 1969, North Sea Continental Shelf cases, Judgment, p. 30, paragraph 41. 9 See Reports of International Awards Vol XVIII, P. 50, paragraph 81. 10 See ICJ Reports, 1984, Gulf of Maine case, p. 296 and paragraph 103. 11 See ICJ Reports, 1969, p. 17 and paragraph 8. 12 See Guinea/ Guinea-Bissau Arbitration, Award 1985, paragraphs 103 - 104 would have cut-off Dominica’s EEZ 138 nautical miles (n. m.) short of its 200 n. m.

Having rejected that approach and succeeded in persuading the French to apply the equitable principle, whereby all the equitable factors were considered and balanced up, Dominica achieved an EEZ zone that runs the full 200 miles recognised under UNCLOS.¹³

16. The general direction of the coast of a State may be relevant to the delimitation of a given area, as was found to be the case by the ICJ in the Tunisia and Libya Continental case 14.

The Court of Arbitration in the Channel Islands case between Great Britain and France found that the prolongation of the general direction of the Channel coasts of Great Britain and France was not a relevant factor in the delimitation of the maritime boundary between the two countries in the Atlantic region.¹⁵ The geographic location and the proximity of the islands of the eastern Caribbean Sea will cause the general direction of the coasts, constituting an arc on the Caribbean Sea and Atlantic Ocean, which will be relevant to delimitation in the sub-region.

17. Economic factors do not often influence the actual line of delimitation, except when the subject matter of a case concerns living or non-living resources. The ICJ has made several pronouncements ruling out economic factors as relevant equitable consideration. In the boundary delimitation treaties to date in the Caribbean there is ample evidence that economic factors have played a prominent role in some cases, for example, in the Trinidad and Tobago –Venezuela Agreement 1990, the Jamaica – Colombia 1994 Agreement, and the United Kingdom (Cayman Islands) – Honduras Agreement of 2002.
18. The numerous geographic features in the Caribbean Sea and the opposite and adjacent locations of many States and dependent territories make geography the dominant equitable consideration in the region. The problem for negotiators is attaching relative weight to competing relevant geographic features. The ICJ has offered some guidance as to how the relevant geographic features might be applied in given cases.
19. Geological and geomorphological factors are no longer important equitable factors in the delimitation of the EEZ or the continental shelf up to 200 nautical miles from the base points from which the territorial sea is measured, since the UNCLOS came into force. Both factors may still be relevant in the delimitation of the extended continental shelf beyond 200 nautical miles.
20. Historic rights may be relevant in given delimitation cases, but generally these rights do not carry much weight as an equitable factor.

21. Islands, which are located in a delimitation area, often constitute relevant or special circumstances through creating a distortion in the geographical configuration of the particular delimitation area. The influence of an island on the delimitation line in given cases depends on factors, such as location, size, population, economic activities, as well as the political and constitutional status. In considering the influence of islands in the Continental Shelf case between Great Britain and France, the Court of Arbitration stated See the Dominica Case Study in *Practical Steps in Negotiating Maritime Boundary Agreements-A Guide to Small States*, pp. 210 - 233. Carl W. Dundas, Commonwealth Secretariat 14 See ICJ Reports 1982, p.63, paragraph 78. See Reports of International Arbitral Awards Vol. XVIII P. 115, paragraph 247. See, for example, ICJ Reports 1969, North Sea Continental Shelf cases, pp. 51 - 53, paragraphs 94 and 97; and Reports 1984, Gulf of Maine Case, p.342. See ICJ Reports 1969 p.49, paragraph 91, and Reports 1984, p. 271, paragraph 37. See ICJ Reports 1982, p.75, paragraph 102; and Reports 1984, pp.340 - 341. that, “the existence of the Channel Islands close to the French coast, if permitted to divert the course of the mid-Channel median line, effects a radical distortion of the boundary creative of inequity.” In that case, the Court of Arbitration awarded no more than a zone of twelve miles of seabed and subsoil to the north and west of the islands, in order to effect a median line boundary between Great Britain and France. In another situation in the case of Tunisia and Libyan Arab Jamahiriya Continental Shelf, the ICJ concluded the half-effect method of delimitation was the one that would serve to achieve the abatement of inequity. Similarly, ICJ awarded only half-effect to Seal and Mud Islands, which are off the coast of Nova Scotia, Canada, in the Gulf of Maine case between the USA and Canada. The issue of whether or not an independent island State has any special status with respect to continental shelf rights came up for consideration by the ICJ in the case of Malta and Libya, where the Court stated that Malta, being an independent State, the relationship of its coasts with the coasts of its neighbours was different from what it would be if it were part of the territory of one of them.
22. The majority of CARICOM States are geographically insular. There are numerous islets, cays, reefs, rocks and uninhabited islands that may influence maritime boundary delimitation in the region. Aves Island, which is owned by Venezuela and situated nearer

to the Eastern Caribbean States than to Venezuela, and Navassa Island, situated near to Haiti, between the latter and Jamaica, is claimed by both the USA and Haiti, are two cases in which islands are likely to play a significant part in maritime boundary settlement within the CARICOM region.

23. The length of coastlines is a potential equitable factor, which may be of relevance to some delimitation between CARICOM States. The ICJ pointed out in the Malta and Libya case mentioned above that: “consideration of the comparability or otherwise of the coastal lengths is a part of the process of determining an equitable boundary on the basis of an initial median line; the test is a reasonable degree of proportionality.”
24. The general or macrogeographical features of an area can generate relevant delimitation considerations. This has been recognised and commented upon by the ICJ in the Malta and Libya case 24 and by the Arbitral Tribunal in the Guinea-Guinea Bissau Continental Shelf dispute.²⁵ The semi-enclosed status of the Caribbean Sea, together with the general convex Atlantic and concave Caribbean coasts, will have an effect on some delimitation outcomes in CARICOM.
25. The presence of third States is a potential factor to be taken into account when delimiting maritime boundaries. The ICJ pronounced on this issue in the Malta- Libya case. The proximity of some CARICOM states to each other or to third States makes it inevitable that this factor will be encountered frequently in the CARICOM region.
26. The concept of proportionality in delimitation of maritime boundaries has to do primarily with the test for an equitable outcome of a given delimitation exercise. The recent antecedent of the proportionality factor may be summed up as follows: the ICJ See Reports of International Arbitral Awards Vol. XVIII, P. 94. See ICJ Reports 1982, p. 89. See ICJ Reports 1984 p.336 See ICJ Reports 1985, p. 42. See ICJ Reports, 1985, p. 49, and 1984, pp. 322 & 334. See ICJ Reports 1985, p.50, paragraph 69. See Arbitration Tribunal Award 1985, paragraph 108. See ICJ Reports 1985, p.26 enunciated it in the North Sea Continental Shelf cases, the Court of Arbitration refined its scope in the

Continental Shelf case between Great Britain and France, its method of application was clarified in the Tunisia-Libya Continental Shelf case, its role was expanded in the Gulf of Maine case between the USA and Canada, and eventually the ICJ elevated its status to that of a separate equitable criterion in the Malta- Libya Continental Shelf case. The proportionality factor may be of considerable import in boundary settlements in the southern and eastern Caribbean Sea areas.

27. Security considerations are often taken into account in delimitation settlements, although such considerations seldom influence the construction of the actual boundary lines. However one of the chief functions of boundary delimitation is to define the limits of a coastal State's jurisdiction in order to ensure the provision of effective security for living and non-living resources.

Methods of delimitation

28. Certain methods of delimitation, for example, equidistance/median line, are often treated both as a principle and as a method of delimitation. Many delimitation exercises are based on the application of many strands of delimitation principles and a combination of various methods of delimitation.
29. Equidistance is often described as both a principle and a method of delimitation. There are situations in which the application of the equidistance approach yields acceptable results by providing sound equitable delimitation between the parties. In some cases however equidistance, whether applied as a principle or as a method, yield delimitation that is patently inequitable, and so other methods based on different principles are used. The ICJ has on occasion drawn attention to the strengths and weaknesses of equidistant, as a method of delimitation. It has pointed out that the equidistant method of delimitation is a convenient one, which is capable of application in almost all circumstances. It also attributes the virtue of the equidistant method of being user-friendly for competent hydrographers, who can de facto trace an equidistant boundary on appropriate maps and charts in a manner that most other hydrographers would accept. But the ICJ also

indicated certain disadvantages of the equidistance method, namely that in certain geographic circumstances the equidistant method leads to inequity. This disadvantage is seen markedly in cases of concave coastlines, where the delimitation lines tend to project inwards and thus run nearer to the coastline, while delimitation lines in cases of convex coastlines behave in the opposite manner. The case of delimitation of maritime boundaries between Dominica and France (Guadeloupe and Martinique) illustrates the classic case of inequity, which can result if the equidistant method is applied in certain cases. The application of that method to the Dominica – France (Guadeloupe and Martinique) would have cut-off Dominica's EEZ at 62 nautical miles from the baselines from which the territorial sea is measured, while applying other See ICJ Reports 1969, p. 52. See Reports International Arbitral Awards Vol. XVIII, P.57. See ICJ Reports 1982, p. 91. See ICJ Reports 1984, pp. 334-335. See ICJ Reports 1985, p. 48. See ICJ Reports 1969, p. 23. See *ibid.* p. 49 methods based on the balancing up of the equity factors, Dominica make good its maritime claim of 200 nautical miles. Equitable principles are based on equity and as the name implies are more in the nature of principles rather than methods of delimitation. Indeed, equitable principles often utilise a combination of methods to produce an equitable solution to overlapping boundary claims.

The application of the equidistant method frequently achieves an equitable boundary settlement. The utilisation of the equitable principles approach (in contrast to the equidistance) consists in the balancing up of all the equitable factors present in the delimitation area, evaluating the relative weight of each factor.

31. The general principle of equity plays an important role in maritime boundary delimitation, whose goal is to produce an equitable outcome. The ICJ has equated equity with the legal concept of justice.
32. Median line is sometimes treated as a principle and as a method of delimitation. As the Court of Arbitration put it in the Great Britain and France case, “ in a situation where the coasts of two States are opposite each other, the median will normally effect a broadly equal and equitable delimitation.”

33. Perpendicularity is a method of delimitation used to construct a line perpendicular to the coast or to the general direction of the relevant coast. The ICJ has recognised and applied this method of delimitation. Thus the ICJ, in the Tunisia-Libya Continental Shelf case, stated that “the factor of perpendicularity to the coast and the concept of prolongation of the general direction of the land boundary are, in the view of the Court, relevant criteria to be taken into account in selecting a line of delimitation calculated to make an equitable solution.
34. The UNCLOS of 1982 introduced some new maritime zones and stipulated requirements, which States have to meet in order to claim such zones. These requirements are relevant when negotiating boundary delimitation agreements. Some of these zones, which were recognised in UNCLOS, attracted definition and attributes, which must be met by States seeking to make claims to such zones. Many CARICOM States are positively affected by the international recognition of these zones, which greatly expanded the potential jurisdiction of coastal States in the region. These maritime zones are the archipelagic waters, territorial sea, the exclusive economic zone (EEZ) and the extended continental shelf.
35. Archipelagic States are defined and described in Part IV of UNCLOS. The definition of an archipelagic State is set out in Article 46 and the rules for constructing baselines to determine the extent of the limits of archipelagic waters are contained in Article 47. Six CARICOM States have met the requirements of Articles 46 and 47. A relevant consideration to some CARICOM Member States is the obligation of an archipelagic State to recognise traditional fishing rights and other legitimate activities of the other. See case study of the Dominica- France negotiations in *Practical Steps in Maritime Boundary Agreements. A Guide to Small States*, pp. 210-233 Carl W Dundas Commonwealth Secretariat. See for example, ICJ pronouncements in Reports 1969 p. 53; 1982 p. 59, 1985 p.39. See ICJ Reports 1982 p.60 See Reports of International Arbitral Awards, Vol. XVIII, p. 112 See ICJ Reports 1982, p. 85 These are: Antigua and Barbuda, the Bahamas, Grenada, Jamaica, St Vincent and the Grenadines, and Trinidad and Tobago

immediately adjacent neighbouring States in certain areas falling within archipelagic waters.

36. The UNCLOS recognised the extension of the territorial sea of coastal States up to 12 nautical miles from the baselines. Many CARICOM States have benefited. However due to the geographic configuration of the Caribbean Sea and the particular location of some of the States, they are not able to attract the full 12-mile territorial sea and are subject to Article 15 of UNCLOS, which sets out the applicable rules to the delimitation of the territorial sea opposite or adjacent neighbouring States.
37. The EEZ and the continental shelf converge in practice (though not necessarily the legal concepts of the two) up to a distance of 200 nautical miles from the baselines from which the territorial sea is measured, and the rules of delimitation, as set out in UNCLOS Articles 74 and 83 respectively, are similar. Some CARICOM States may not be able to realise their full 200 nautical miles EEZ, because of the presence of third States in the delimitation areas.
38. The UNCLOS of 1982 recognised States jurisdiction over certain resources in the continental shelf beyond 200 nautical miles from the baselines of the coastal State from which the territorial is measured. Special rules are set out in Article 76 of UNCLOS deals with the definition of outer limits of this area (which is sometimes called the ‘extended continental shelf’). The definition of the continental shelf in this Article will profoundly influence the delimitation procedures with respect to this area. Only certain CARICOM States will meet the requirements of Article 76, and able to proffer claims to extended continental shelves.

Developments in respect of delimitation in CARICOM

39. Maritime boundary delimitation within CARICOM will be influenced significantly by the geographic considerations in the Caribbean Sea, which washes the coasts of thirteen of its fifteen Member States. The Caribbean Sea is a large semi-enclosed sea, which, under

UNCLOS, enjoys a special regime of co-operation with respect to the management, conservation, exploration and exploitation of living resources of the sea.

40. A number of geopolitical factors present in the CARICOM region will influence on maritime boundaries delimitation of its Member States. Among these are the large numbers of islands, rocks, reefs, cays, sandbanks and islets; and more than a third of the Member States meet the requirements of UNCLOS to claim archipelagic status, four large maritime metropolitan powers, namely, France, Great Britain, The Netherlands and the United States of America, have several dependent territories with potential maritime boundaries with CARICOM States. Even before the UNCLOS entered into force, these metropolitan powers claimed fisheries jurisdiction of up to 200 nautical miles and began to enforce their maritime claims by concluding delimitation treaties in the region. See Article 51 of UNCLOS. These potential claimants are Bahamas, Barbados, Guyana, Suriname and Trinidad and Tobago. See Articles 122 and 123 of UNCLOS. See Venezuela (Aves Island) and USA (US Virgin Is.) 1978; Venezuela (Aves Is.) and The Netherlands (Saba and St. Eustatius) 1978; and Venezuela (Aves Is) and France (Guadeloupe and Martinique) 1980.
41. Economic considerations will also influence maritime boundary delimitation within CARICOM. The natural resources potential of a delimitation area had often played a part in negotiating maritime boundary settlements. For the greater part of the Caribbean Sea, scientific research obtained to date suggests that it is only modestly endowed with natural resources, living and non-living. Nonetheless, significant deposits of hydrocarbon have been discovered in the southeast area of the Caribbean Sea, and favourable sedimentary strata are believed to exist in the southern and eastern parts of the area. Agreements have been concluded with oil companies from time to time with respect to exploration for hydrocarbon in offshore areas by a number of States and dependent territories in the Caribbean Sea.
42. As a relevant economic factor in maritime delimitation, the exploitation of the fisheries potential of the Caribbean Sea has persistently caused jurisdictional difficulties, even for

CARICOM Member States. Examples abound, Jamaican fishermen have experienced problem in Nicaraguan and Colombian waters, fishermen from Trinidad and Tobago and Grenada from time to time encounter difficulties in Venezuelan waters, and Barbadian fishermen have recently had problem in the waters of Trinidad and Tobago. French fishermen from Guadeloupe and Martinique often fish in the waters of Antigua and Barbuda, Dominica and St Lucia. The extension of the territorial sea up to 12 nautical miles and the EEZ up to 200 nautical miles, made possible by UNCLOS, has increased the incidence of violation of the jurisdiction of CARICOM States by their neighbouring States and territories, and also by distant fishing fleets from countries as South Korea and Japan.

Maritime boundary treaties concluded by CARICOM –Member States

43. At the present time, the independent Member States of CARICOM have entered into eight maritime boundaries delimitation treaties. The dependent Member State of Montserrat has, through the Government of the United Kingdom, concluded a maritime boundary treaty with France (Guadeloupe) in 1996 and entered into force in 1997. (In 1893 UK signed a treaty with Mexico delimiting, *inter alia*, the internal waters between British Honduras (Belize) and Mexico.) The Associate Members of CARICOM have had five treaties concluded on their behalf by the United Kingdom. A brief summary of the main features of the concluded treaties is set out below in order of date of conclusion.

44. The Haiti- Cuba delimitation of maritime boundary agreement was signed in 1977 and entered into force in 1978. At time of signature, both States had recently extended their jurisdiction to cover the declared EEZ of 200 nautical miles. The main feature of the delimitation was that it took place between two opposite States and it was done on the basis of the principle of 'equidistance or equity, as the case requires'. The island of Navassa, considered by the USA See Data Atlas for the Caribbean Region-Chart 4-7, International Union for Conservation of Nature and Natural Resources, Gland, Switzerland- IUCN Project Number 1037. These include Antigua and Barbuda, Bahamas, Barbados, Belize, Cuba, Honduras, Jamaica, Nicaragua, St. Vincent and the Grenadines,

Trinidad and Tobago, Puerto Rico, Netherlands Antilles and British Virgin Islands. An unincorporated territory, was not used by Haiti as a base point in the delimitation. The boundary line defines the limits of the EEZ and continental shelf between the two countries, and the agreement provides for cooperation between them with respect to the exploration, exploitation, conservation and administration of living and non-living marine resources. As one of the earliest maritime boundary delimitation agreements in the Caribbean Sea, and being based on both principles of equidistance and equity, there is no doubt that this agreement had an effect on later ones in the region.

45. The Haiti- Colombia delimitation agreement of 1978, which entered into force in 1979, was based on the equidistance principle. The main purpose of the agreement was to determine the limits of the jurisdiction of the respective States. This agreement was concluded prior to the development of economic activities in the area and not as a result of such activities. The agreement covered marine and submarine areas in deep waters at an average distance of about 360 nautical miles from each coast.

46. St. Lucia and France (Martinique) concluded a delimitation agreement in 1981, which entered into force that same year. The agreement defined the maritime boundary between St. Lucia and the French Caribbean Department of Martinique. The delimitation applied the equidistance method, declaring that in the circumstances, that method constituted an equitable way of delimiting the boundary. The factors, which influenced the delimitation, included the opposite coasts of the two islands, similar shape, size and geomorphology and location along the north-south direction along the same axis in the eastern Caribbean Sea, with only 17 nautical miles of sea separating them. There is an absence of any geographic features that would distort the delimitation area. The geographic factors dominated the delimitation and other factors, such as the independence factor, did not appear to yield any advantage for St Lucia.

The important considerations of living resources, the marine environment and scientific research did not attract any treatment in the agreement. This was the first maritime boundary delimitation agreement concluded by a Member State of the OECS with a

metropolitan power, acting on behalf of a Caribbean Overseas Department. The agreement covered the territorial sea, EEZ and the continental shelf between St Lucia and Martinique.

47. Dominica and France (Guadeloupe and Martinique) agreement was signed in 1987 and entered into force in 1988. It was based on the rules and principles of international law as expressed in the UNCLOS. Specifically, this agreement was based on equitable principles after the Parties rejected the application of the equidistance method of delimitation. This was a classic case of the equidistance method yielding results, which would be patently inequitable, had it been applied; for it would have the effect of cutting off Dominica's EEZ at 62 nautical miles from the baselines instead of its full entitlement of 200 miles permitted by UNCLOS. The relevant geographic features were the concave coastline of Dominica in relation to the location and distorting features of the French Departments of Guadeloupe to the north and Martinique to the south of Dominica. The boundary agreement was followed by an accompanying fisheries access agreement with the European Economic Community.

48. Trinidad and Tobago and Venezuela signed a maritime boundary treaty in 1990, which entered into force in 1991. This treaty superseded all previous delimitation treaties between the two countries, including the historic delimitation treaty of 1942, between the United Kingdom (Trinidad) and Venezuela, which was the forerunner of all continental shelf delimitation treaties. The delimitation line runs from the potential tri-junction with Grenada in the Caribbean Sea across the Gulf of Paria and the Columbus Channel to the outer edge of the continental margin in the Atlantic Ocean. The total length of the boundary is about 440 nautical miles, of which 235 nautical miles are located in the Atlantic sector. The boundary's terminal appears to be on the outer edge of the continental margin at its point 22. The Parties reserve the right to negotiate a future extension of the boundary line if the margin is proved to be nearer to 350 nautical miles and further than its current position. The treaty states that the boundary travels from the outer limits of the EEZ and thereafter towards point 22, at Latitude 11 ° 24' 00" North and Longitude 56 ° 06' 30" West which is situated approximately on the outer edge of

the continental margin which delimits the national jurisdiction of Trinidad and Tobago and Venezuela and the International Seabed Area which is the common heritage of mankind. Here the treaty broke new ground and is believed to be the first of its kind to purport to delimit parts of the extended continental shelf recognised by UNCLOS. The Parties indicated that in case of determining that the outer edge of the continental margin is located closer to 350 nautical miles from the respective baselines, further negotiation would take place between them in conformity with the provisions of international law. The treaty states that its provisions do not prejudice the rights of third parties. The treaty is a multipurpose one, which takes account of living and non-living resources, specifically hydrocarbon exploitation and fishery interests, as well as navigation and pollution control.

49. Jamaica and Colombia signed a delimitation treaty in 1993, which entered into force in 1994. The centrepiece of this treaty is the creation of a Joint Regime Area (JRA), which is delimited with respect to third States. The treaty deals with the delimitation of the maritime space between the two States, including the outer limits of the JRA, and non-renewable resources. There is provision for the establishment of a Joint Commission to oversee the implementation of the activities within the JRA, which is about 4,500 square nautical miles. The JRA covers an area in whose proximity Jamaican fishermen have long fished, and so this solution might set a useful precedent for CARICOM Member States. The legal characteristics of the JRA have come under scrutiny, as it is. This agreement was initialed by both sides, but the EEC never signed it on the ground that there was a reciprocal imbalance in favour of Dominica, in that Dominica's fishermen could fish in the inner 6 miles within the waters of Guadeloupe and Martinique and French fishermen could not do so in Dominica's waters. This provision is in line with international law on the issue. See also the United States' response to Dominica's protest note about granting full weight to Aves Island in the US-Venezuela boundary treaty of 1978. Believed that a legal vacuum exists with respect to which State is responsible for activities in a particular location within the zone. This lack of internal delimitation within the JRA appears to be temporary and may bring it within the realm of Article 74(3) of UNCLOS. The JRA encompasses areas that project beyond the 200 nautical miles limits

of both States, although those areas are within the continental shelf of one or the other States party to the treaty.

50. The Jamaica and Cuba delimitation agreement was signed in 1994 and entered into force in 1995. This agreement delimits the marine and submarine areas, that is to say, the EEZs and continental shelves between the two States. The method of delimitation was equidistant, which the Parties held to offer an equitable settlement.
51. The UK (Montserrat)-France (Guadeloupe) delimitation agreement establishes an all-purpose maritime boundary between Montserrat and Guadeloupe. Montserrat, being a dependent territory of UK, is the only non-independent Member State of CARICOM. The boundary line extend for a distance of 74 nautical miles, beginning in the east near to an equidistant tri-junction with Antigua and Barbuda and in the west at the at the end point of the agreed boundary between France (Guadeloupe) and Venezuela (1980). The method of delimitation was simplified equidistant, which yielded an equitable result. The strict equidistant line was simplified for convenience and the adjustments were made on an area-compensated basis.
52. The Barbados- Guyana exclusive economic zone co-operation treaty was signed in 2003 and is not yet in force. This treaty establishes provisional arrangements pursuant to paragraph 3 of Article 74 of the United Nations Convention on the Law of the Sea (the Convention), under which a zone of co-operation has been created within the joint jurisdiction of Guyana and Barbados. The zone has been created in the overlapping outer limits of the exclusive economic zone of the two States. Consistent with the objective of the provisional arrangements provided for in paragraph 3 of Article 74, the treaty recites its transitional nature pending the eventual delimitation of the respective maritime zones of the Parties. The Co-operation Zone, which has been created by the treaty, is concerned primarily with the regulation, management and development of living and non-living resources of the zone. The joint civil and administration jurisdiction within the zone is thus aimed at economic development, although the treaty refers also to security and environmental issues. The treaty provides for the Parties to enter into a joint fishery

licensing agreement, talks with respect to such an agreement should begin with three months after the treaty enters into force. The joint jurisdiction over non-living resources will be managed by a joint non-living resources commission to be established by the Parties. The geographical extent of the Co-operation Zone is described as the area of bilateral overlap between the exclusive economic zones encompassed within each of their outer limits measured to a distance of 200 nautical miles from the baselines from which the breadth of the territorial. See Report 2-18 of the International Maritime Boundary Series, eds. J.I. Charney and L.M. Alexander, American Society of International Law, 1996. The Parties undertake to respect the rights of third States in the Co-operation Zone in accordance with international law and in particular, Article 58 of the Convention.

Existing delimitation agreements in CARICOM- Associate Members

53. UK (Anguilla) - France (St Martin and St. Barthelemy) concluded a delimitation agreement in 1996, which entered into force in 1997. The agreement established an all-purpose boundary, which extends for a distance of 83 nautical miles. In the west, the agreed boundary begins near to an equidistant tri-junction with the Dutch island of Saba, and in the east the agreed boundary ends close to an equidistant tri-junction with Antigua and Barbuda. The delimitation line is a simplified equidistant line, which was done in the interests of administrative convenience, and for which adjustments area compensation was made.

54. UK (British Virgin Is) –United States (Puerto Rico and US Virgin Is.) concluded a delimitation treaty in 1993, which entered into force in 1995. The treaty establishes maritime boundary between the British territory of British Virgin Islands and the US territories of Puerto Rico and US Virgin Islands. The boundary is a simplified equidistant line. The reason for the boundary was given as the potential overlap created by the extension of maritime jurisdiction by both sides to 200 nautical miles. The Parties agreed that the equidistant method provided an equitable solution for the maritime boundary delimitation in the area.

55. UK (Anguilla) – US (US Virgin Islands) concluded a delimitation treaty in 1993, which entered into force in 1995. The boundary line is about 1.34 nautical miles in length and is an equidistance line 42 nautical miles from the respective coasts. It is a one-segment line, which forms the boundary between the British territory of Anguilla and the US territory of US Virgin Islands. There were no special circumstances in the delimitation area and the Parties believed that an equidistant line provided an equitable methodology.
56. UK (Turks and Caicos Islands)- Dominican Republic concluded a delimitation agreement in 1996, which has not yet entered into force. The agreement established a maritime boundary between Turks and Caicos Islands and the Dominican Republic for all purposes. The delimitation line runs north of the equidistant line between the opposite coasts of Turks and Caicos Islands and the Dominican Republic. The line runs for a distance of 283 nautical miles from a tri-junction with Haiti in the west out to the limit of 200 nautical miles in the east. Perhaps to take account of the difference in the length of the relevant coastlines, the boundary line runs about 7 nautical miles to the north of the equidistant line throughout its length.
57. UK (Cayman Islands) - Honduras concluded a delimitation treaty in 2001, which entered into force in 2002. It established an all-purpose maritime boundary about 220 nautical miles between the British territory of Cayman Islands and Honduras. The delimitation concerns the Honduran islands of the Swan Islands (Islas Santanilla o del Cisne) and Cayo Gorda, which are 182 and 212 nautical miles apart from the Cayman Islands. The agreed boundary ends at an equidistant tri-point with Cuba in the west, and in the east it approaches a notional tri-point with Jamaica. The treaty took account of certain economic considerations with respect to both parties, namely the preservation of traditional fishing rights for the Cayman Islanders, and account of certain Honduran oil concessions.

Outstanding potential maritime boundaries' claims in CARICOM

58. CARICOM Member States have approximately 48 potential maritime boundaries to be delimited, of which only 7 have been finally settled and one, provisional arrangements,

Guyana-Barbados 2003, have been agreed. A total of approximately 39 potential maritime boundaries remain to be delimited.

59. The Associate Members of CARICOM have approximately 12 potential maritime boundaries to be delimited, of which 5 have been concluded, with 7 remaining.
60. A number of boundary negotiations have been going on for some time or preparation for negotiations have long been made with little movement on either side, and are yet to be concluded. These cases include Antigua and Barbuda and France (Guadeloupe and St Barthelemy), negotiations began in the mid-1980s; Grenada –Trinidad and Tobago; Grenada-Venezuela, in both cases negotiations started in the '90s without achieving an outcome; Dominica-Venezuela, negotiations were deferred due to unrest in Venezuela in the '90s and have not been activated; Antigua and Barbuda and St Kitts and Nevis were both prepared for negotiations with their expert teams in place, but negotiations failed to get off the ground; and Jamaica and UK (Cayman Islands) have been moving at a slow pace since late '90s.
61. With respect to the Associate Members of CARICOM, the picture is more encouraging. There are ongoing negotiations between UK (Cayman Islands) and Cuba; contact has been made between UK (Anguilla) and the Netherlands (Saba); the internal boundary between Anguilla and the British Virgin Islands is soon to be completed, and the negotiations between UK (Turks and Caicos Islands) and the Bahamas are ongoing.

Potential delimitation problems on the horizon

62. The islet of Aves Island, which belongs to Venezuela, is set to influence in favour of the latter the delimitation of maritime boundaries between the members of OECS and Venezuela. Aves Island is of coral formation and lies about 300 nautical miles northward of the Venezuelan mainland and 125 nautical miles west of Dominica. The island is barren and treeless with vegetation consisting of shrubs and inhabited by seabirds. Despite the fact that the island is incapable of sustaining human habitation without

external support, the Venezuelan navy constructed a scientific research station on the island in 1978. Before that in 1973, the island was declared a wildlife sanctuary. Aves Island, notwithstanding its size and distance from mainland Venezuela, has been treated as an island, and not as a rock, and given full weight as a base point, thus attracting full EEZ of up to 200 nautical miles from the baselines of its territorial sea by the metropolitan powers of USA and The Netherlands, and almost full weight by France (Guadeloupe and Martinique). The USA See treaties US-Venezuela 1978, Netherlands-Venezuela 1978 and France-Venezuela 1980 justified its position on Aves Island by pointing out that the United States uses islands and rocks as base points for measuring the territorial sea and the 200 mile zone over a large percentage of the stretch of the United States coast. It pointed out that the practice had a bearing on their Pacific boundaries, where they had a number of island territories for which they wished to receive full recognition. The Deputy Legal Adviser of the State Department went on to state that from the point of view of the national interest of the United States, the security interest, the resource interest, and control over as much area as possible, that principle served the United States' general boundary position very well. The Government of Dominica protested to the US and received a response that Dominica's position was not prejudiced in any way in international law.

63. Navassa Island, an unincorporated uninhabited islet situated near to the coast of Haiti between that country and Jamaica, is claimed by the United States. The location of this feature, coupled with the stated US delimitation policy referred to in paragraph 62 above, is likely to complicate delimitation between Jamaica and Haiti.

Maritime boundary differences or disputes involving CARICOM States

64. The Barbados - Trinidad and Tobago dispute is reported to involve both maritime boundaries and fisheries access arrangements. Since this matter is sub-judice, in that the matter has been submitted to third party settlement, the substance or merit of each country's case cannot be discussed here. A similar caution has to be observed with

respect to the Guyana-Suriname maritime boundary dispute, which has been submitted to third party settlement.

65. The longstanding land and maritime boundary disputes of Belize-Guatemala-Honduras and Guyana –Venezuela, which involves sovereignty and delimitation questions, have been submitted to third party intervention with a view of finding a settlement.

Options for amicable maritime settlement in CARICOM

66. Differences over maritime boundary delimitation have begun to appear between Member States of CARICOM with less than one quarter of the potential boundaries settled. It is important that urgent practical steps be taken to ensure that maritime boundaries be settled amicably without acrimony and in a cost-effective manner. An appropriate strategy, which involves the CARICOM and OECS Secretariats, should be devised to assist Member States to undertake boundary negotiations. There are some Member States, which have the required expertise and financial resources to undertake such negotiations, but those States, which are not able to do so, may need assistance to negotiate even with other CARICOM States, in order to create a level playing field in negotiations.
67. Maritime boundary delimitation is in essence a bilateral matter between the coastal States involved, but the preparation for negotiation can be done to a large extent on a multilateral level in appropriate cases. For example, it would See Feldman, Report 96th Congress 2nd Session, Senate, Executive Rept. No. 96-49. Three treaties establishing maritime boundaries between US and Mexico, Venezuela and Cuba. Source: the Government of Dominica 1980 be prudent for the OECS Members affected by the geographic location of Aves Island to take a common position on the treatment of that island for the purposes of delimitation of boundaries with Venezuela.
68. The exploitation of natural resources, living and non-living, in the CARICOM region is also a reason to examine the ways in which the definition of each Member State's

jurisdiction would facilitate improved utilisation of such resources. A common fisheries regime may operate with greater efficiency, if the full extent of the common area of jurisdiction is defined.

69. The potential maritime boundaries claims yet to be settled can be conveniently grouped in four categories, namely, CARICOM Member States and metropolitan powers; CARICOM Member States and other Caribbean States; intra-CARICOM (other than OECS Members); and intra-OECS Members.
70. It is of interest to note that the majority of maritime boundaries delimited thus far by CARICOM countries fall within the first and second categories. Indeed, so far only the Guyana-Barbados Agreement of 2003, which is a provisional arrangement under UNCLOS, has been concluded between two CARICOM Member States, and there is no delimitation agreement between an OECS and a CARICOM (not being an OECS Member) State or between two OECS Members.
71. It is tempting to propose an orderly progression from the first to the fourth categories of potential delimitations set out in paragraph 69 above, or the other way, that is, from the fourth to the first category, but from a pragmatic viewpoint, that approach might not be attractive to some States, which have their priority in resource exploitation. The States concerned should therefore be willing to indicate their preferences and seek assistance and facilitation through the CARICOM or OECS Secretariats, as the case may be.
72. The role of the respective Secretariats should be clearly stated and perhaps be limited to preparatory assistance in technical areas. There should be guidelines to re-affirm the neutrality and impartiality of Secretariat staff in the preparatory assistance offered. Where two or more CARICOM States or two or more OECS Members are involved in negotiations, personnel from the respective Secretariats, should not be involved, except as observers to the proceedings. If the respective Secretariats offer preparatory assistance to a Member State, any other Member State, whose interest is likely to be affected, should be offered similar assistance.

Preparation for maritime boundary negotiation

73. In order to achieve maximum advantage during the negotiation of maritime boundary agreements, a State should ensure that it has in place the following:
- Relevant up-to-date maritime legislation;
 - A hydrographical and technical report; and
 - A negotiating brief.
74. Many CARICOM Member States have up-to-date maritime legislation, which takes account of the provisions of the UNCLOS, particularly those articles dealing with the delimitation of the various maritime zones. There should be an audit of maritime legislation in CARICOM States to ascertain the current standing of such legislation. It should be remembered that legislation that is consistent with the UNCLOS is the best way to achieve maximum claims to maritime jurisdiction. The choice of base points, archipelagic or otherwise, may influence the size and shape of maritime areas claimed. A proper legislative framework creates the legal environment best suited for undertaking the important task of hydrographical and technical survey, which should form the basis for constructing charts and maps of the maritime areas of a particular State.
75. It is necessary for any State, which is about to commence negotiation in respect of maritime boundary delimitation to cause a hydrographical and technical survey to be carried out by an experienced and qualified hydrographer. The survey should include a technical report accompanied by charts and maps showing base points and potential geographic coordinates for the provisional boundaries with neighbouring States. In appropriate cases, the report should address the question of whether or not the State satisfies the technical criteria set out in the UNCLOS for an archipelagic State. On the technical aspects, the survey should address the issue of the use of an appropriate geodetic datum, which will help to ensure that the exact location of the boundary is determined in relation to the coastal State. It is now possible, through the use of satellite position fixing methods to determine the geographical position of any chosen site on a single geodetic datum. There are differences between the datums used, and so it is necessary to indicate the particular datum used in quoting geographical positions on

maritime limits. Many parts of the Caribbean have been charted on North American Datum. Maritime boundary delimitation requires accurate maps and charts. Some Caribbean islands are incorrectly positioned on some older small-scale British Admiralty charts. A hydrographical and technical report should address the relationship between the EEZ and the continental shelf (including the extended shelf beyond 200 nautical miles, if any), and instance any potential difficulties with the claims of neighbouring States.

76. A carefully prepared negotiating brief that takes full account of the hydrographical and technical report is essential for every negotiating team undertaking delimitation negotiations. The brief should examine in detail the legal, technical and economic considerations with respect to the maritime areas, which would form the subject of the negotiations. It should have regard to the relevant decisions of the ICJ and awards by arbitral tribunals. An examination of relevant State practice in maritime boundary delimitation is also desirable. The policy options open to the negotiators with respect to the method to be pursued to achieve an equitable solution should be dealt with in the brief. The natural resource potential of the area to be delimited should form an important aspect of the brief.

Negotiating strategy

77. CARICOM Member States need to formulate, individually or collectively to the extent feasible, a negotiating strategy, which takes account of up-to-date techniques in maritime boundary negotiations. These negotiations usually entail a large political and economic content, and there is seldom any opportunity to re-open a boundary agreement once it is concluded. This means that boundary negotiators should be well acquainted with the negotiating techniques likely to achieve an equitable solution in a particular case. Every effort should be made to develop a pool of expertise in maritime boundary negotiations, particularly where negotiation with third States are involved. Where national or regional expertise is not available, the services of competent advisers in the appropriate legal, hydrographical or technical field should be secured to assist the conduct of the negotiation.

78. A multidisciplinary team, preferably consisting of representatives from the Foreign Ministry, Ministry of Mines (if any), Fisheries Department, Survey Department and the Attorney General's Department. The negotiating team should have a leader, who may be the chief spokesperson. The need to make area-based compensation trade-offs often arises in maritime boundary negotiation, but this should be done only after careful consideration and preferably in respect of areas about which much is known. A negotiating team would not wish to lightly trade-off a potential oil field or a rich fishing bank for an area with little natural resources.

Conclusions

79. CARICOM States need to pay greater attention to defining the limits of their national jurisdiction. Collectively, the common fisheries regime may require them to define the extent of their maritime jurisdiction.
80. The CARICOM Secretariat and the OECS Secretariat should develop guidelines, which would enable them to assist their Member States to prepare for boundary negotiations without appearing to be favouring any particular Member. They should have the ability to assist Member States when they are negotiating with third States.
81. The CARICOM Secretariat should consider establishing a small technical unit to assist Member States with preparation for maritime boundary negotiation. The unit's tasks would include human resource development with respect to maritime boundary negotiating teams of Member States (including OECS).

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A SAMPLE MEMORANDUM OF UNDERSTANDING

Memorandum of Understanding

for Cooperative Research in the Caribbean Coastal Marine Productivity (CARICOMP) Program

Between

The CARICOMP Steering Committee

and

(give name of institution)

WHEREAS, the *(give name of institution)* has agreed with the Steering Committee to participate in the formation of cooperative network of Caribbean marine research institutions under the Caribbean Coastal Marine Productivity (CARICOMP) Programme and,

WHEREAS, the *(give name of institution)* sent a representative to the December 1990 Ecosystem Methods Monitoring Workshop held at the Discovery bay Marine Laboratory in Jamaica and

WHEREAS, the representative of *(give name of the institution)* has helped to write the Level 1 and 2 Ecosystem Monitoring Methods manual that provides the basic environmental ecosystem monitoring protocols for the CARICOMP network and

WHEREAS, the representative of the *(give name of the institution)* has participated in discussions and informally agreed to the administrative arrangements for the program contained within the CARICOMP Program contained within the CARICOMP Program Proposal including

the establishment of a Data management Center at the University of the West Indies in Kingston and the creation of an ad hoc Advisory Committee:

NOW therefore, the parties agree to the following:

ARTICLE I

The (*give the name of the institution*) agrees to participate in the CARICOMP network of cooperating Caribbean marine research institutions; such cooperation includes but is not limited to:

1. Selection of and support of a Site Director and technical assistance as is required to discharge the protocols for the Level 1 environmental and ecosystem monitoring measures established at December 1990 Methods Workshops in Discovery Bay, Jamaica.
2. Agreement that the laboratory Director and / or Site Director will serve as a member of the CARICOMP *ad hoc* Advisory Committee which will meet once per year with the Steering Committee to review progress and make any needed scientific and administrative changes in the program.
3. Purchase, to the extent possible, of the minimum equipment required for the Level 1 monitoring protocols as specified by the CARICOMP Level1 Methods Manual, and *ad hoc* Advisory Committee, and the Steering Committee.
4. Responsibility for accurate reporting of data to the DMC as specified and timely communications with the DMC, Steering Committee, and the other cooperating institutions as requested.

ARTICLE II

The Steering Committee will administer the CARICOMP program for the benefit of all the participating institutions. This will include but is not limited to:

1. Administration of the CARICOMP Program including but not limited to the operation of the DMC and organization of the regular meetings of the *ad hoc* Advisory Committee.
2. Purchase and distribution of minimal equipment required for the level 1 monitoring protocols over and above that which an institution is capable of supplying.
3. Timely communications with the DMC and cooperating institutions and involvement in major program decisions with the *ad hoc* Advisory Committee.
4. Raising of central funds to support the regional participating institutions and the central administration of the program.

ARTICLE III

The initial term of this agreement is one year commencing on signing. It will be received at each meeting of the *ad hoc* Advisory Committee or at any time at the request of either party.

For Director of: (give name of institution)

For: CARICOM Steering Committee

Date