

Fisheries Management and Law Advisory Programme

**Report prepared for the Governments of the
Organization of Eastern Caribbean States (OECS)**

on

**the Implementation of
Harmonized Fisheries Legislation
in the OECS Region**



**Food and Agriculture Organization of the United Nations
Rome, October 1991**

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based on the work of

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This report was prepared during the course of the project identified on the title page. The conclusions and recommendations given in the report are those considered appropriate at the time of its preparation. They may be modified in the light of further knowledge gained at subsequent stages of the project.

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EXECUTIVE SUMMARY

On the whole the harmonized fisheries laws and regulations have provided a good framework for the management and development of fisheries at both the national and regional levels. The major need is for full implementation of the existing provisions. A certain disparity exists in the levels of implementation of individual provisions among countries in the region. The convening of a workshop is recommended for early in 1992 to discuss the recommendations of the present report on the implementation of the harmonized fisheries legislation.

A number of recommendations are made in the body of the report for the improvement of the implementation of the harmonized legislation and for new harmonized provisions to be included in the legislation.

Of particular importance are the recommendations regarding the potential impact of the CARICOM Inter-Governmental Agreement on the implementation of the OECS Authority decision for the establishment of Common Fishing Zones in the OECS region. Certain provisions of the Agreement will need to be amended if the OECS common fishing zones are to be implemented.

Recommendations are also made for immediate and harmonized implementation of the provisions of the harmonized fisheries legislation dealing with the licensing of local fishing vessels, the marking of fishing vessels, and the adoption of uniform safety standards.

Recommendations are made regarding the implementation of other aspects of the harmonized fisheries legislation, including registration of fishermen, establishment of fisheries advisory committees, formulation of fisheries management and development plans and the establishment of marine reserves and fishing priority areas.

Recommendations for new harmonized provisions include the registration of local fishing vessels, the adoption of new harmonized conservation measures covering turtles, large-scale drift nets, beach seines, lobsters and conch, and the preparation of a standard OECS fisheries enforcement manual.

Outside the scope of the harmonized Fisheries Act, recommendations are made regarding the strengthening of controls over coastal zone development projects likely to impact on the marine environment.

1. BACKGROUND AND TERMS OF REFERENCE

In 1982, the Organization of Eastern Caribbean States (OECS) requested the assistance of the FAO Fisheries Law Advisory Programme in the formulation of harmonized fisheries legislation for the OECS member countries. A series of three workshops were held over the period 1983 to 1984, during the course of which fisheries officers and government lawyers from each of the islands drew up harmonized fisheries laws and regulations for the region. The harmonized fisheries laws were enacted in each country of the OECS region over the period 1983 to 1987. Harmonized fisheries regulations have been promulgated in most of the islands and are in the process of being promulgated in the remainder. Since the initial formulation of the harmonized fisheries legislation, a number of significant developments have taken place in the area of fisheries cooperation in the OECS region. An OECS fisheries desk has been established in Saint Vincent & the Grenadines, and decisions have been taken by the OECS Authority on harmonized fisheries management and development, for the establishment of a coordinated regime regarding access to OECS fishery resources, for the establishment of common fisheries surveillance zones and, more recently, for the establishment of common fishing zones. At the wider regional level, discussions are far advanced for the establishment of a regime for preferential fisheries access among CARICOM member states, and at the global level, agreement has been reached on a world-wide scheme for the marking of fishing vessels.

In the light of these developments, the OECS fisheries desk decided that the time had come to review the operation of the harmonized fisheries legislation, to assess its effectiveness and to see what further action may be required to promote fisheries management and development in the OECS member countries. A mission consisting of the OECS Surveillance officer, Mr. David Robin, the Chief Fisheries Officer of Saint Lucia, Mr. Horace Walters (consultant) and the FAO Legal Counsel, Mr. Gerald Moore was commissioned by the OECS with funding from the FAO Fisheries Management and Law Advisory Programme to undertake this review. The mission visited all of the OECS countries, with the exception of the British Virgin Islands, during the period 22 July to 11 August 1991 under the following terms of reference:

1. to discuss with the Fisheries Divisions, Foreign Affairs, Attorneys General, Coastguard and Fishermen's Organizations in each OECS member country, the state of implementation of the harmonized fisheries laws and regulations;
2. to identify problems in implementation and possible needs for further revision and improvement in the harmonized fisheries laws and regulations;
3. to identify any weaknesses in the harmonized legislation which could impede national and regional fisheries development and the formulation and implementation of management strategies;
4. to identify possible areas for the harmonization of related (maritime) legislation which could impact on fisheries management and development; and
5. prepare a first draft of any recommended changes to the harmonized fisheries laws and regulations and a report on recommended areas for the harmonization of related (maritime) legislation impacting on fisheries management and development for consideration at a follow-up workshop to be arranged for early in 1992.

2. STATUS OF IMPLEMENTATION OF HARMONIZED LEGISLATION IN EACH OECS MEMBER STATE

Antigua & Barbuda

The Act was brought into force in 1983 and the Regulations in May 1991. The Fisheries Regulations are based on the final version of the OECS harmonized fisheries regulations and incorporate the harmonized provisions regarding the regional register, the harmonized minimum conditions of access and the standardized vessel marking system for foreign fishing vessels. A Fisheries Advisory Committee has been formed. The Committee has fulfilled a very useful function in providing advice to the Minister on issues such as the licensing of foreign fishing and the formulation and implementation of the basic Fisheries Regulations. Plans are in place for the licensing and marking of local fishing vessels. A comprehensive scheme for the allocation of vessel markings, based on the FAO global standards has been developed by the Fisheries Department working in collaboration with the telecommunications authorities.

Enforcement of safety standards for local fishing vessels under the Fisheries Regulations is expected to commence in 1992. A grace period is being allowed until the necessary safety equipment becomes available locally.

No marine reserves have been declared. It is however recognized that there is an urgent need to introduce and implement measures for the protection of wetlands and inshore reef areas and that the concept of marine reserves could be used for this purpose.

Dominica

The harmonized Fisheries Act was brought into force in 1987. The Regulations have yet to be promulgated. They are, however, at the final draft stage and are expected to be promulgated soon. The draft Fisheries Regulations are based on the earlier version of the OECS harmonized fisheries regulations and thus do not incorporate the harmonized provisions regarding the regional register, the harmonized minimum conditions of access and the standardized vessel marking system for foreign fishing vessels. The Fisheries Advisory Committee has yet to be appointed. A Fisheries Development Plan was produced in 1989/90. It is to be presented for Cabinet approval as part of a national agricultural plan. Preparations are already underway for the licensing and marking of local fishing vessels and the enforcement of fishing vessel safety standards. Precise details for vessel markings are yet to be fully developed, but the scheme will follow the FAO global standards for fishing vessel marking.

No marine reserves or fishing priority areas have been declared.

Grenada

The Fisheries Act was brought into force in 1986 and the Regulations in 1987. The Fisheries Regulations are based on the earlier version of the OECS harmonized fisheries regulations and thus do not incorporate the harmonized provisions regarding the regional register, the harmonized minimum conditions of access and the standardized vessel marking system for foreign fishing vessels. In addition, fishing vessel safety regulations have been promulgated in 1990. A Fisheries Advisory Committee has been established. It has provided guidance, especially in matters relating to foreign fishing. A programme for the licensing of local fishing vessels has been initiated but is proving difficult to maintain. As a result it has met with only limited success. Vessel markings assigned to licensed vessels identify their operating base/landing site and their assigned number is specific to that

area. Enforcement of the fishing vessels safety regulations is expected to commence soon. Assistance will be required from the Grenada Coastguard to ensure success with the implementation.

No marine reserves or fishing priority areas have been declared. A fisheries management and development plan has been developed. It mainly identifies the strategies and programmes of the Fisheries Division towards the overall management of the sector.

The licensing and enforcement provisions in respect of foreign fishing vessels have been utilized and have proven to be effective.

Montserrat

A Fisheries Ordinance was enacted in 1982, which bears many resemblances to the harmonized fisheries law adopted elsewhere in the OECS region. It does not, however, include the harmonized provisions which were only formulated in 1983-4. This fact is causing some difficulties, particularly with respect to the implementation of the Agreement for the establishment of common fisheries surveillance zones. Draft Fisheries Regulations based on the harmonized fisheries regulations are now before Cabinet.

Saint Kitts & Nevis

The harmonized Fisheries Act was passed by Parliament in 1984, but has not yet been brought into force. Current plans are to bring the Act into force as a matter of urgency with the regulations following as soon as practicable. A final draft of the regulations is now being produced for submission to Cabinet. The present version of the draft regulations is based on the earlier version of the OECS harmonized fisheries regulations and thus does not incorporate the harmonized provisions regarding the regional register, the harmonized minimum conditions of access and the standardized vessel marking system for foreign fishing vessels.

It is recognized that there is an urgent need to implement management and development measures for the fisheries sector including in particular the conservation measures provided for under the harmonized fisheries laws and regulations.

Saint Lucia

The harmonized Fisheries Act was brought into force in 1984. Draft regulations have been submitted to Cabinet and are currently awaiting approval. The draft Fisheries Regulations are based on the earlier version of the OECS harmonized fisheries regulations and thus do not incorporate the harmonized provisions regarding the regional register, the harmonized minimum conditions of access and the standardized vessel marking system for foreign fishing vessels. No fisheries advisory committee has as yet been formed, and indeed cannot be formed until such time as the Regulations are promulgated. Plans are in place to commence fishing vessel marking, but these are not based on the global FAO standards. Now that this has been brought to their attention, the Fisheries Division is planning to revise the marking scheme to bring it into line with the FAO global standards. Several marine reserves and fishing priority areas have been established. However these are yet to be demarcated. A fisheries management and development plan is in place.

The enforcement provisions in respect of foreign fishing vessels have been used and have proven effective, including the compounding procedures. Local fishing vessel safety standards would be provided for under the proposed new fisheries regulations.

Saint Vincent & The Grenadines

The Act was brought into force in 1986 and the regulations in 1987. The Fisheries Regulations are based on the earlier version of the OECS harmonized fisheries regulations and thus do not incorporate the harmonized provisions regarding the regional register, the harmonized minimum conditions of access and the standardized vessel marking system for foreign fishing vessels. To date a Fisheries Advisory Committee has not been established. A programme for the registration of fishing vessels (specifically provided for under the Saint Vincent and the Grenadines Fisheries Act) was actually started but was not completed or enforced because of other priorities. Licensing of local fishing vessels has not yet been started. A fisheries management and development plan is in place.

Several "marine reserves" have been declared and actually demarcated. Currently these are not being managed on a full-time basis. It must be noted, however, that the Act provides for the establishment of marine reserves, while under the regulations these are declared as "Conservation Areas". It is recommended that the regulations be appropriately amended to bring them into line with the Act.

The enforcement provisions in respect of foreign fishing vessels have been thoroughly tested and have proven to be effective, with good use being made of the procedures for the compounding of offences. Several cases have also been brought against local fishing vessel masters, mainly for violation of conservation measures, but there have been difficulties in obtaining convictions. The main problem seems to have been non-familiarity with technical legal procedures and requirements, and difficulties in obtaining police cooperation in the determined prosecution of fisheries offences.

CONCLUSIONS AND RECOMMENDATIONS

a) Overall assessment of the law and regulations

In general the harmonized fisheries legislation appears to have worked satisfactorily in establishing a framework for the management and development of fisheries in the OECS region. Indeed none of the countries visited had any substantive problems to report, and few indicated any major areas where new harmonized legal provisions needed to be developed. One deficiency that was immediately apparent was that for the most part, with the exception of Antigua & Barbuda, the fisheries regulations are still based on the earlier version of the OECS harmonized fisheries regulations and thus do not incorporate the harmonized provisions regarding the regional register, the harmonized minimum conditions of access and the standardized vessel marking system for foreign fishing vessels. **It is recommended that all OECS Member States adopt the revised version of the harmonized fisheries regulations in accordance with the decisions of the OECS Authority in November 1988. A copy of the revised harmonized regulations, incorporating the further additional changes recommended in this report, are attached as Appendix 1 to this report. The additional recommended changes are underlined in the text.**

The major problem, however, remains one of implementation of the legislation. The problem is most pronounced in Saint Kitts and Nevis, where the harmonized Fisheries Act was enacted in 1987 but has still not been brought into force or implementing regulations promulgated. In Montserrat also, the fact that the basic Fisheries Act of 1982 remains unchanged and does not incorporate the harmonized provisions of the other OECS countries is beginning to cause difficulties in implementation

of OECS Authority decisions, in particular with respect to the implementation of the common fisheries surveillance zones, where the Montserrat legislation would not allow the Minister to designate authorized officers from outside the country as authorized officers for the purpose of the Montserrat Act. **It is recommended that Montserrat follow other OECS Member States as soon as possible in adopting the harmonized fisheries law, or amending its present law to bring it into line with the harmonized fisheries law.** It is noted in this connection that Montserrat is already adopting the harmonized fisheries regulations.

In other countries different provisions of the laws and regulations have attracted disparate levels of implementation. Different countries have different experiences with the implementation of the provisions on foreign fishing and, in particular, the provisions relating to the compounding of offences, the establishment of fisheries advisory committees, the preparation of fisheries management and development plans, the declaration of marine reserves and fishing priority areas and with the enforcement of general conservation measures, and most countries are only now embarking on the process of licensing local fishing vessels. Where such provisions have been fully implemented, however, the experience has on the whole been positive. Indeed the time would seem to be ripe for a general exchange of experience on implementation of the harmonized fisheries legislation, with the aim of bringing implementation of the various provisions of the law up to a common level throughout the region, and in particular achieving harmonized implementation of the provisions on the licensing of local fishing vessels, the marking of vessels and the establishment of common safety standards for fishing vessels throughout the region.

The only new area that may need to be covered by the harmonized fisheries law is that of the registration of local fishing vessels, in view of its impact on the availability of credit. Indeed this is a matter already provided for by the Fisheries Act of Saint Vincent and the Grenadines and the provisions of the law on this subject might usefully be extended to other countries in the region. Outside the fisheries sector, the mission identified the coastal zone management and development process as being the most significant area requiring additional controls and recommendations to this effect are made in the body of the report.

It is recommended that a workshop be organized by OECS for early in 1992 in order to review the status of implementation of the harmonized fisheries legislation and to consider the recommendations contained in the present report, and that funding for the workshop be sought from the appropriate international agencies, including FAO through its Fisheries Management and Law Advisory Programme.

b) Implementation of common fisheries surveillance zones

An Agreement establishing Common Fisheries Surveillance Zones was signed by OECS Member States in February 1991. The Agreement will now need to be ratified and its provisions translated into municipal law. It must be noted that some Member States, for example Antigua & Barbuda, have in place a Ratification of Treaties Act, that makes it mandatory for agreements of this nature to be ratified by Act of Parliament. It must also be noted that Member States that have not yet enacted the harmonized fisheries law will not be able to implement the provisions of the Agreement, as they will not have any legal basis on which to designate "members of the enforcement authority of any country or any regional or sub-regional marine enforcement entity to be authorized officers for the purposes of the Act".

Priority must therefore be given to bringing the harmonized fisheries laws into force in all OECS Member States, as well as to the ratification of the Agreement establishing Common Fisheries

Surveillance Zones, and the implementation of its provisions in national law. In this connection it is noted that the Agreement provides for fisheries officers and police and coastguard officers from other OECS Member States to be authorized officers for the purposes of the enforcement of all the fisheries laws of the OECS countries, while the national fisheries laws provide for a separate procedure of designation by the responsible Ministers. It is also noted that the powers accorded to authorized officers under the Agreement are broader than those accorded to national authorized officers under the individual national fisheries laws. While theoretically the Agreement, if given force of law as a national act in each country will over-rule inconsistent provisions of the harmonized fisheries acts, any inconsistency between the Agreement and the national laws will inevitably cause confusion in the implementation of the regional surveillance scheme, and may give unnecessary ammunition to defence lawyers in any subsequent court cases. For these reasons, it is recommended that, at the time of ratification of the Agreement, or as soon as possible thereafter, a more detailed law should be enacted in each member state giving effect to the provisions of the Agreement in their own fisheries laws, and making such amendments to these laws as may be necessary. In particular the opportunity could be taken to revise the powers of authorized officers under the national laws to bring them into line with the Agreement. In this connection it would not appear to be appropriate to accord lesser powers of enforcement to national authorized officers under the harmonized fisheries acts than those accorded to OECS enforcement personnel under the Agreement. A suggested draft law for the implementation of the Agreement is attached as Appendix 2 to this report.

It is noted that the Agreement provides for offenders once apprehended to be brought to the nearest and most convenient port of a participating Member State, and that the vessel and crew should be dealt with in accordance with the fisheries laws of the country to which they have been delivered. In this connection it should be noted that the vessel will in fact have to be delivered to the State in whose waters the offence has been committed and dealt with in accordance with that State's laws, as it will not be legally possible, even under the present Agreement, for a Participating Member State to enforce the fisheries laws of another state. Offences committed outside the fisheries waters of a State by vessels or fishermen from a third State are not offences against the fisheries laws of that State under the harmonized fisheries law as it stands at present. It is also doubtful if this would ever be constitutionally possible.

It is also to be noted that enforcement vessels, aircraft and personnel on regional surveillance and enforcement duties under the Agreement will need to be identified as such.

c) **Implementation of the OECS common fishing zones**

The decision of the Nineteenth Meeting of the OECS Authority in June 1991 to extend the Common Fisheries Surveillance Zones concept to Common Zones for Fishing by vessels of OECS Member States gives further support to the OECS integration movement. Its implementation will also provide the best conditions for expansion of the harvesting sub-sector of the fishing industry.

Widespread support has been expressed in respect of this initiative. However Member States were of the firm view that care must be taken to ensure that management controls over the level of exploitation of the fisheries resources are maintained, that control measures are put in place to prevent fronting, that the traditional fishing activities of local craft are not prejudiced by larger vessels and that Member States be compensated for resources harvested in their waters in a form appropriate to them. Concerns were also expressed regarding the lack of safety standards for fishing vessels, especially in light of the greater distances that they may now be travelling and regarding the absence of vessel identification markings.

It was generally felt that reciprocal traditional artisanal fishing at existing levels must be allowed to continue unimpeded, subject of course to any eventual general fisheries management measures. This type of fishing is in any case almost self-regulating because of the physical limitations on the scope of operations inherent in the smaller sized traditional craft. It was felt, however, that a different approach will be necessary for larger craft with their greater range and harvesting capacity. For these vessels, it is recommended that their local fishing vessel licences issued by their home country should be valid for fishing in other Member States' waters provided that the licences are endorsed by the State in whose waters they wish to fish, and subject to such terms and conditions as may be specified in such endorsement. Such endorsement could be made subject to a determination by the endorsing State that adequate resources are available and that the endorsing state is satisfied that the owners of the vessel are genuinely from the region and not merely fronting for foreign interests. The terms and conditions could include, for example, restrictions on fishing for certain species of fish, such as conch and lobster, which are traditionally regarded by fishermen as being subject to territorial rights. They could also include restrictions on areas of fishing activities, and even requirements for the landing of a certain percentage of catch. Such a scheme might provide a practicable means of implementing the decision of principle taken by the OECS Authority, while preserving a proper basis for management control over the fishery resources of the region. A supporting control measure could be achieved if as a pre-condition for the endorsement of a licence vessels are required to be registered in good standing on the regional register of fishing vessels. It is recommended that suitable amendments be adopted to the harmonized Fisheries Acts to allow for the implementation of this scheme, given that the present Acts would categorize fishing vessels from other OECS Member States as foreign fishing vessels.

It should be noted that the Authority decision to establish common fishing zones will have important implications with respect to the negotiation of the CARICOM Inter-Governmental Agreement and in particular Article 4.3(b) of that draft Agreement. As presently formulated, this paragraph, while admittedly drafted in somewhat fluid and exhortatory terms, does set down as a general principle to be followed in future negotiations that States Parties should not discriminate amongst States Parties in according the right of preferential access. This would mean, if Article 4.3(b) is accepted and implemented in practice, that the OECS common fishing zones would need to be extended to all CARICOM Member States. In addition, the wording of Article 4 of the CARICOM IGA, which in its present form limits preferential access rights to CARICOM Member States, may need to be reviewed to make sure that it would apply to British Virgin Islands, if the OECS common fishing zones decision is to be implemented in respect of BVI. It is noted that BVI is not, at present, listed as a signatory State in the draft Agreement. It is recommended that these implications of the interaction between the OECS common fishing zones and the proposed CARICOM IGA be reviewed at the OECS level as a matter of urgency and, if deemed desirable, appropriate changes sought to the wording of Article 4 and 4.3(b).

d) Caricom Inter-Governmental Agreement

In all Member States visited the subject of the CARICOM Inter-Governmental Agreement (CARICOM IGA) was raised.

It was recognized that there exists, at the political level, a genuine interest to co-operate as far as possible in granting preferential access to Non-OECS CARICOM States.

It was also recognized that a decision has been taken at the OECS Authority level to extend the OECS Surveillance Zones to the OECS Fishing Zones.

In this context, the question arises as to whether there is a sufficient supply of resources to satisfy both OECS and CARICOM vessels.

At the recent meeting of CARICOM Standing Committee of Ministers responsible for Agriculture (SCMA), the CARICOM IGA was deferred pending a re-wording which would reflect the preferential treatment to be accorded to Non-OECS CARICOM Member States.

However, as noted above, there is also a concern about the wording of Article 4.3(b) of the draft CARICOM IGA which reads as follows: "that States Parties according the right of preferential access should not discriminate amongst States Parties seeking such access, having due regard to the provision of Articles 62 and 70 of the Convention."

The application of Article 4.3(b) would make it difficult to accord any preferential treatment to OECS vessels in the OECS common fishing zones and could be viewed as having the effect of opening up a common OECS fishing zone to all CARICOM Member States without any reciprocity on the part of non-OECS Member States, access to which might exclude the BVI under the draft Agreement in its present form.

The mission therefore recommends that, if the OECS wishes to pursue its policy of establishing OECS common fishing zones, it should seek the rewording of Article 4 of the CARICOM IGA, to include, in both Article 4.1 and the opening provisions of Article 4.3 new wording along the lines of the following:

"provided that this provision shall not in any way affect or derogate from the fishing rights accorded by OECS Member States to other OECS Member States under the OECS Common Fishing Zones scheme."

This new provision would allow for the OECS common fishing zones as originally intended by the OECS Authority to be implemented. It is recommended that this proposed change be taken up as a matter of urgency before further action is taken to finalize the CARICOM IGA.

If and when the CARICOM IGA comes into force, it may be desirable to review the present minimum conditions of access in force in the OECS countries, and in particular the requirement of an access agreement for vessels from CARICOM Member States.

e) Licensing of local fishing vessels

The harmonized fisheries laws and regulations call for the licensing of local fishing vessels, their marking and the application of safety standards. To date, however, none of the islands has fully implemented these provisions, although Dominica and Antigua & Barbuda are now well into the process of implementation.

The effective implementation of the OECS regional common fisheries surveillance zones and the new proposed common fishing zone, however, will make it imperative for all OECS States to implement local fishing vessel licensing schemes. Regional cooperative surveillance schemes cannot function properly unless surveillance officers can distinguish vessels authorized to fish from those not authorized to fish. Reciprocal fishing schemes such as that proposed for the OECS region presupposes the proper authorization and identification of fishing vessels from each of the countries that form part of such schemes. In addition, the implementation of local fishing licensing schemes will provide the essential information on fishing effort necessary for proper fisheries management.

It is recommended that each island implement the provisions of the harmonized fisheries law and regulations providing for the licensing of local fishing vessels.

f) Marking of local fishing vessels

As noted above, both regional cooperative surveillance and regional common fishing regimes will require the proper marking of authorized fishing vessels. The legal basis for such marking is already contained in the harmonized fisheries laws and regulations and indeed is already being implemented in both Dominica and Antigua & Barbuda. Both of these marking schemes are based on the FAO global standards for the marking of fishing vessels. The FAO global standard markings are based on the international radio call sign for vessels carrying radios and equivalent markings for smaller fishing vessels. The Antiguan scheme incorporates identification of home fishing ports or landing places for non-radio carrying craft. In Dominica the Fisheries Division plans to carry out the vessel marking itself using standard aluminium stencils cut to the proper FAO recommended shapes and sizes.

It is recommended that the Dominican and Antiguan schemes be extended to all OECS member countries, and that the schemes be implemented in a uniform manner throughout the region using the FAO standard vessel markings and stencils cut to the prescribed shapes and sizes. It is further recommended that these standards be incorporated in the harmonized fisheries regulations and be made applicable to all local fishing vessels in the region. At present the standards are incorporated in the fisheries regulations of some of the OECS Islands only and are applicable only to foreign fishing vessels.

g) Safety standards for local fishing vessels

All of the OECS member countries visited expressed concern at the lack of safety standards for local fishing vessels, which in a number of islands has led to loss of life. Many of the OECS member countries are now attempting to draw up minimum safety standards for local fishing vessels. The increased inter-island flow of fishing vessels resulting from the implementation of the common fisheries zones, together with the emphasis on regional cooperative surveillance and enforcement schemes, will make it desirable, if not essential, that common safety standards be applied throughout the OECS region. Implementation of common minimum safety standards at a regional level will also likely affect the cost of the regional insurance coverage now being negotiated by the OECS for small fishing vessels in the region. The text of proposed minimum safety standards based on vessel size categories corresponding to those stipulated under the proposed group insurance scheme, is set out in Appendix 3 to this report.

It is recommended that these minimum local fishing vessel safety standards be further elaborated at the proposed regional workshop, and that they then be incorporated into the harmonized fisheries regulations for all countries in the region.

The adoption of such a scheme at the regional level will also allow Member States to take advantage of bulk orders for safety equipment.

h) Registration of local fishing vessels

In principle, fishing vessel licensing schemes provide a means for monitoring and controlling fishing effort on a nation's marine resources. Registration of fishing vessels, on the other hand, is aimed more at establishing for legal purposes the identity of the owner of the vessel and his legal title

and protecting the legal interests of other persons in the vessel, such as mortgage holders. Vessel marking and safety standards can be tied to either registration or licensing schemes. During the course of the OECS fisheries law harmonization workshops in 1983 and 1984, it was felt that the fisheries divisions should concentrate on vessel licensing together with marking and safety standards, and that registration of both large and small fishing vessels should be left to the merchant marine authorities under the appropriate shipping legislation. Indeed many of the merchant shipping laws in the region do allow for the registration of fishing craft, although the cut-off for mandatory registration is usually 15 GT. The harmonized Shipping Act now under consideration for all CARICOM countries specifically provides for the establishment of a separate fishing vessel registry, and does not yet specify an agreed lower tonnage limit for vessels required to be registered.

While the above views were initially shared by the mission, subsequent discussions in the OECS islands served to cast doubt on the wisdom of such an approach. In the first place, it would appear that the need for a relatively cheap scheme of vessel registration may be more deep than originally thought, especially when coupled with the proposed regional scheme for group insurance of small fishing vessels. Many fishermen do not possess the real property necessary as collateral for bank credit. On the other hand fishing vessels cannot be used as collateral for loans unless they are registered and insured. In the second place, registration under the merchant shipping acts, while theoretically ideal for the purpose of establishing title over all vessels, may in practice prove too cumbersome and costly a procedure for small-scale fishermen. In one country visited, for example, average hull values for small fishing craft were in the region of \$EC 5 000-25 000, while the transaction fee for vessel and vessel mortgage registration was in the order of US\$ 250 per transaction. Finally it may well be that vessel registration, which may overlap with vessel licensing, can in practice be more economically carried out by the Fisheries Division at the landing places at the same time as vessel licensing. Indeed OECS Member State, Saint Vincent & the Grenadines, has already introduced provisions requiring the registration of fishing vessels, in addition to their licensing, into its Fisheries Act. Similar provisions are in effect in Barbados.

In view of the above, it is recommended that the other OECS countries adopt local fishing vessel registration provisions based on those already in force in Saint Vincent and the Grenadines, as part of the harmonized fisheries legislation for the OECS region. Draft recommended vessel registration provisions are set out in Appendix 4 to this report.

While making this recommendation, it is clear from discussions with development and other banks in the region, that vessel registration will not be a panacea that will allow for unlimited credit for fishermen. Banks are traditionally reluctant to lend to fishermen and to lend money on the security of moveable assets. Nevertheless a proper and cost effective vessel registration scheme coupled with a group insurance scheme cannot but go in the right direction towards freeing up credit availability for small-scale fishermen.

i) Registration of fishermen

The harmonized fisheries laws empower the responsible Ministers to make regulations providing for the registration of fishermen. A number of OECS member countries are already implementing this provision, registering fishermen, providing them with identification and thus recognizing their status as fishermen for the purposes of loan schemes and other benefits. As inter-island flows of fishermen increase with the implementation of the common fishing zones concept, and increased emphasis is placed on regional surveillance and enforcement, the advantages of harmonized fishermen registration and uniform identification schemes are obvious. Both Saint Lucia and Grenada provide for fishermen registration and the issuance of plasticated identity cards bearing the fisherman's photograph.

In view of the above, it is recommended that the fishermen's registration schemes already introduced in Saint Lucia and Grenada, also be adopted by other countries in the OECS region as part of the harmonized fisheries regime. Draft recommended provisions for inclusion in the harmonized fisheries regulations are set out in Appendix 5 to this report.

The harmonized fisheries laws and regulations provide for the establishment of Fisheries Advisory Committees. These provisions have been implemented in most countries and experience with their use has, on the whole been positive. Such committees, if properly used, can provide a useful channel for the fishermen to express their views and can provide a means for the fisheries authorities to gain fishermen's acceptance of new regulatory and development schemes. If enthusiastic and influential members are included on the Fisheries Advisory Committees, they can also provide effective pressure groups within Government.

It is recommended that those OECS member countries that have not yet established Fisheries Advisory Committees, follow the lead of the other OECS islands in establishing them.

k) Fisheries management and development plans

The harmonized fisheries laws provide for the drawing up of fisheries management and development plans. In some cases management and development plans have already been drawn up. In other cases they have not.

The requirement for the preparation of fisheries management and development plans is not just another bureaucratic requirement. The plans should, in fact, be central to the management and development of fisheries in each country and its coordination at the regional level. At present a number of management options for various regional resources have been considered at a series of FAO/Lesser Antilles Committee meetings, but each country has been left to choose for itself among those options. Given the regional framework already provided by the harmonized fisheries laws, it is suggested that the individual country fisheries management and development plans may provide a useful mechanism for ensuring a coordinated approach towards management measures in the region.

It is therefore recommended that all countries in the region implement the provisions of the harmonized law regarding the preparation of fisheries management and development plans and that such plans incorporate a coordinated approach towards management options for individual fisheries in the region.

The details of the coordinated approach could be worked out at the proposed OECS/FAO workshop, based on the options defined in the FAO/Lesser Antilles Committee meetings. The coordinated approach and plans could also form the basis for a coordinated approach to foreign fishing access and a basis for the licence endorsement policy of each OECS country for the implementation of the common fishing zones scheme.

l) Staffing of fisheries divisions

In many of the Member States there exists a core group of staff dedicated to the concept of fisheries management and development.

However, in others there is a dire need to upgrade the staffing, both in terms of quality and numbers to allow for the orderly management and development of the sector.

An exercise has been undertaken by the OECS Fisheries Unit in a project for Institutional Enhancement of Fisheries Divisions in Member States, commitment to which has been expressed by all Governments.

The Mission is very impressed with this initiative and recommends that Member Governments give effect at the local level to the implementation of such Institutional development.

m) Coastal zone management

The mission was informed by Member States on the status of coastal zone management and development. In many states, there was a high level of sensitivity to the need to involve a wide range of Government institutions in the evaluation and approval process of projects. However, in many states, it did not appear that there was a legal requirement under the relevant legislation for the Development Control Authority or other relevant body to call for an environmental Impact Assessment (EIA) as part of the developer's responsibility. The Mission recognized the importance of this requirement and considered it necessary that institutional machinery be established with respect to the evaluation and approval of all major projects. It is recommended that:

1. **The Central Planning Unit/Development Control Authority or appropriate agency involve the relevant Governmental or non-Governmental agencies in discussion and evaluation of all major projects which invariably impact on the marine environment.**
2. **That an Environmental Impact Assessment (EIA) be made mandatory under the Development Control Authority or Land Development or other relevant Act;**
3. **That the Department of Fisheries, which has the mandate for the management and development of fisheries and particularly marine ecosystems be involved at a very early stage in the assessment of impacts of projects on the marine environment.**
4. **That an approved list of regional experts competent in the preparation of EIA relating to the marine environment, be established to enable a potential investor to choose from for the purposes of preparing such EIA.**

The selected expert would be paid by the investor for his services and would be responsible both to the investor and also to regional Government which would evaluate the EIA in question; and

5. **That there be the requirement for monitoring the environmental impact of projects during and after completion and the assured maintenance of sewerage treatment plants and outfalls, since, with time, the attention paid to such facilities tends to deteriorate.**

n) Marine reserves and fishing priority areas

Apart from fisheries divisions, very few governmental or non-governmental agencies involved in environmental management, particularly in coastal areas are familiar with the conservation provisions of the harmonized Fisheries Act which allows for the declaration of marine reserves and fishing priority areas. So far only limited use has been used of these provisions by respective states to ensure preservation of areas where fish spawn, protection of shallow areas to allow development of juvenile fish and preservation of aesthetics through protection of reefs and fauna. Even less use has

been made of these provisions by the designated development control authorities in Member States as part of their overall land and sea use development plans. Only Saint Lucia and Saint Vincent & the Grenadines have declared marine reserves, and only Saint Lucia has declared fishing priority areas.

In light of the critical need for the proper control and management of the limited land and sea areas of Member States, it is recommended that greater use be made of the marine reserves and fishing priority areas provisions of the harmonized fisheries act at the sectoral and national levels, and those that have been declared should be demarcated.

o) Conservation measures

In the OECS Member States, fisheries conservation is seen as a very necessary measure to ensure the sustainability of marine resources.

It is unfortunate, however, that in some cases the Fisheries Act has not been brought into force or the enabling regulations have not been passed thus making it impossible for some Member States to take the steps towards such conservation.

The following recommendations are therefore proposed for consideration.

Conch : A recent regional Conch Workshop held in Venezuela (15-19 July) indicates that most countries have imposed a closed season within the summer months, most commonly from July to September. Another requirement is that animals must be landed whole (with the shell intact) so that fishery management officers have the opportunity to check for maturity (a flared lip with not less than 5 mm thickness).

Some countries have banned the use of scuba gear but this may not be reasonable in deeper waters. It may be recommended to accept a common OECS closed season from July to September, issue licences annually to the known or traditional conch divers or the temporary closure of conch 'grounds' to allow for unaffected population growth. It is also imperative that animals are landed whole for easy assessment of the stocks or legality of catch.

Seamoss: There has been no control over the harvesting of marine algae anywhere, and with the current dramatic decline in population it is necessary to at least have in place measures that can be implemented as required.

In Saint Lucia, the following has been proposed as an additional regulation under part vii of the recently Cabinet-approved 1991 Fisheries regulations: "No person shall disturb, damage, take from the fishery waters, have in his possession, purchase, expose for sale, sell, export or import any marine alga except with the written permission of the Chief Fisheries Officer and in accordance with any such conditions as the Chief Fisheries Officer may specify".

Lobsters: Based on a recent morphometric study on local lobster landings it is recommended that carapace length is the most appropriate size limit due to its ease of measurement and consistency. The additional size limits of total length and weight are more greatly affected by sex, and the degree of correlation

between these two morphometric features and carapace length does justify using others as strictly dependent (and thus replaceable) variables. Use of a 95-mm carapace length as the sole size limit for lobsters is recommended for the region.

Turtles: It has been determined (at least in Saint Lucia) that no fisherman is dependant on the turtle resource as a livelihood. It is recommended therefore that if the same obtains throughout the region, then a complete moratorium on all species of turtles be effected for an indefinite period.

In addition, it should be noted that Annexes to the Protocol concerning Specially Protected Areas and Wildlife (SPA) in the Wider Caribbean have been adopted in June 1991 which, when brought into force, would put a total ban on the taking of turtles.

Beach Seines and Drift Nets

Traditionally beach seining activities have taken place on a number of beaches in the islands. This usually involves more than one beach seine owner per beach/area and often resulted in some sort of conflict. A system has been developed by fishermen of the islands where one owner was allocated a day or set when his net could be cast and would utilize the entire day or set for the purposes of beach seining. This system known as the "turns system" has proven to be very successful and has alleviated a number of problems associated with this sort of fishing activity. There has however been a problem when the net has been set and the arc formed and another net owner casts his net inside the already formed arc.

It is recommended that beach seine activities be regulated and an authorized body (i.e., Fishermen's Co-operative) be the local management authority while the Department of Fisheries would assume overall management responsibility.

It is further recommended that the "turn system" be formalized such that a seine owner would be allocated a day or set on the specific seining beach and would only be allowed to conduct seining activities when next his turn arrives.

It is also recommended that the use of large scale driftnets be specifically discouraged. In the case of small drift gillnets, these should be controlled, mesh sizes increased, specific periods of soak time be introduced and fishing be allowed only in areas approved by the Department of Fisheries.

Scuba Diving

In the OECS Member States diving is assuming a level of importance to tourism, while at the same time impacting negatively on marine habitats. Such habitats are being preserved both for the enhancement of the ecosystem as well as for the benefit of locals and visitors.

Scuba diving activities should be controlled by the appropriate authority for the following reasons:

- a) To control overfishing of certain inshore reef fish species.
- b) To control visitors use in order to minimize impacts.

- c) For user protection by the establishment of safety standards.

The following Regulations are recommended:

Diving facilities (Fishing, commercial diving or resort operators)

- 1) A person should be required to apply to the appropriate authority for a licence¹ to operate a scuba or Hookah diving facility.
- 2) All operators should be registered.
- 3) Resort operators should ensure that all diving associated equipment is properly maintained according to standard operating procedures (a condition of the licence).

Tank (Scuba) Filling stations:

- 1) All persons (national as well as non-nationals) should possess some form of identification attesting to an acceptable level of scuba certification e.g., PADI Open Water Certification.
- 2) No tank should be accepted by filling stations unless the following conditions are met:
 - tanks possess a current internal inspection stamp (usually 6 months to 1 year)
 - tanks possess current hydro-static test inspection stamp (usually every 3 years)
 - tanks should only be filled for certified divers.

Note: All tank inspections and testing must be carried out by a company legally licensed to do so.

Fishing:

No-one should use scuba gear for fishing (including spear guns) within the territorial waters of the country unless special approval is given in writing by the Chief Fisheries Officer.

¹Licence: All operators should be required to pay an annual licence fee. One condition of the licence would stipulate the maximum number of divers per dive master or instructor on a dive.

One other condition of licence would ensure that diving statistics are provided.

Marine Reserves:

All temporary visitors (e.g. Yachters and others) wishing to dive in a marine reserve can only do so through a licensed operator unless special approval is given in writing by the Chief Fisheries Officer.

- p) Fish processing and health controls
-Marketing and infrastructure

Continued expansion of the fisheries industry in the OECS region is likely to result in increased processing of fish for consumption in the region and outside. This expansion may eventually require the introduction of health and processing standards aimed at assuring constant delivery of quality products. At the present time, however, the priority need would appear to be more for the construction of the necessary landing and marketing infrastructure facilities, without which adequate quality standards can never be attained. In a few cases, however, it may be useful to implement the provisions of the harmonized fisheries laws regarding the licensing of fish processing establishments, in order to establish minimum controls over export processing establishments, and provide such establishments with the necessary documentation that may enable them to break into export markets outside the OECS region. Such controls will also be required for intra-island trade as that trade expands.

- q) **Controls over fish aggregating devices (FADs)**

In one country (Saint Vincent & the Grenadine) the problem of the regulation of FADs has been raised. For the most part the setting out of FADs is likely to remain a Government responsibility, and it may be difficult for Governments to attempt to restrict fishing around such FADs. Where FADs are set out by private enterprises, however, and eventually where Government-owned FADs may be allocated to individual cooperatives or fishermen's associations, it may become necessary for Governments to adopt regulations governing their use and the rights to fish in their vicinity. **The text of model regulations governing the setting out of FADs, safety requirements for navigation, and rights to fish near FADs, prepared for countries in the South Pacific, is attached as Appendix 6 to the present report for the consideration of the proposed OECS workshop.**

- r) **Controls over foreign fishing**

Experience with controls over foreign fishing in the region has been mixed. So far no substantial foreign fishing effort has been licensed, nor indeed is it expected that it will be licensed in the future, now that the US interest in the regional sword-fishery has diminished. The regional discussions on a scheme for preferential access by CARICOM vessels have been described above.

In the area of enforcement controls, a number of countries in the region have had very positive experience with the compounding provisions of the harmonized fisheries law. In Saint Vincent and the Grenadines, for example, a number of foreign fishing vessels have been apprehended and dealt with under the compounding provisions for amounts up to \$EC 350 000. Saint Lucia also reports positive experience with compounding, which provides a useful supplement to the revenue of the fisheries division. A number of other countries have appeared reluctant to deal with foreign fishing vessels under these provisions, and face the consequential responsibilities of having to provide for the safekeeping of foreign vessels during protracted court proceedings.

In view of the above, it is suggested that OECS member countries review the experience of those countries that have used the compounding procedures in cases of illegal foreign fishing

and give consideration to making full use of these procedures in appropriate cases in the future.

A further element worth commenting on is the application of the stowage of gear provisions in the harmonized fisheries legislation. In many cases it is not easy to prove that a foreign fishing vessel was actually fishing, although the circumstances of the case all point to that conclusion. In such cases it is often useful to include an alternative charge of improper stowage of fishing gear, which is by definition more easy to prove. It is noted in this connection that while a number of countries provide for substantial fines for improper stowage of fishing gear by foreign vessels on a par with the penalties for illegal fishing, some other countries have limited the maximum fine to \$5,000. In the case of Antigua & Barbuda, this seems to have been necessitated by the fact that the penalty for improper stowage of gear is contained in the Regulations. In other cases the fine is actually set out in the Act. In this connection it is noted that the Antiguan regulations provide also for an alternative penalty of imprisonment for 6 months for non-compliance with the stowage of gear provisions. It would appear that this is ultra vires the basic Fisheries Act, which empowers the Minister under Section 39(3) to make regulations providing for a penalty of a \$ 5 000 fine only. The penalty of imprisonment would also be contrary to the provisions of the UN Convention on the Law of the Sea. **It is recommended that in all cases consideration be given to increasing the maximum fine to a level commensurate with that for illegal foreign fishing and that in the case of Antigua & Barbuda the penalty be included in the Fisheries Act itself and revised to eliminate the penalty of imprisonment.**

s) Enforcement manuals

Although Fisheries Divisions are charged with the responsibility of ensuring that the functions and the provisions of the fisheries laws and regulations are implemented, they lack the equipment and manpower to meet all of the enforcement requirements. Recognition of this limitation has led to the provisions in law whereby police officers and customs officers are designated as enforcement officers and members of the enforcement authorities of any country or any regional or sub-regional marine enforcement entity may be designated as authorized officers.

As most fisheries enforcement activities are likely to be undertaken by agencies which fall outside the executive authority of fisheries divisions, it is imperative that their activities be guided especially when they are enforcing without the presence of a fisheries officer.

It is therefore recommended that an OECS fisheries enforcement manual be developed for use by enforcement personnel. The manual should cover the provisions of the fisheries laws and regulations of the various OECS Member States, standard operating procedures, fish identification charts, standard fish and gear mesh size measurement procedures. A first draft of the enforcement manual should be prepared by the OECS Fisheries Unit taking into account similar enforcement manuals in other countries and regions (including the South Pacific), for presentation to the forthcoming OECS/FAO workshop.

APPENDIX 1

REVISED HARMONIZED FISHERIES REGULATIONS²

PART I - PRELIMINARY

SHORT TITLE

1. These Regulations may be cited as the Fisheries Regulations 198..

PART II - FISHERIES ADVISORY COMMITTEE

FISHERIES ADVISORY COMMITTEE

2. (1) There is hereby established a Fisheries Advisory Committee.
- (2) The Fishery Advisory Committee shall be composed of the following persons:
 - (a) the Permanent Secretary, Ministry of Agriculture, Natural Resources and Industrial Development, or his representative, who shall be the Chairman;
 - (b) the Chief Fisheries Officer, or his representative, who shall be the Secretary;
 - (c) at least 3 persons who shall be appointed by the Minister from among professional fishermen to represent the views of professional fishermen;
 - (d) such other persons as the Minister may think fit to appoint.
- (3) The quorum for conducting the business of the Fisheries Advisory Committee shall be 4 members including the Chairman and the Secretary.
- (4) The Fisheries Advisory Committee may invite the head of any government department or his representative or such other person as it may think fit, to participate in its meetings where matters of concern to that department or person are being discussed or where it considers that his presence would benefit the deliberations of the Committee.
- (5) The functions of the Fisheries Advisory Committee shall be:

²Note: These Revised Harmonized Fisheries Regulations are based on those circulated to OECS Member States in 1990, but incorporate the further additional changes recommended in this report. The additional recommended changes are underlined in the text.

- (a) to advise the Minister on fisheries management and development;
 - (b) to consider and advise the Minister on the plan for the management and development of fisheries in the fishery waters and on each review of the plan;
 - (c) to consider and advise the Minister on the need for any amendment to the Act or to these Regulations;
 - (d) to consider and advise the Minister on any proposals for access agreements, joint ventures investment in fisheries, or development projects in the fisheries sector;
 - (e) to consider and advise the Minister on any initiative for the regional harmonization of fisheries regimes, including any regional licensing scheme for foreign fishing vessels;
 - (f) to advise the Minister on the coordination of the policies and activities of Government departments and ministries with respect to any of the above matters;
 - (g) such other functions as the Minister may from time to time assign to the Fisheries Advisory Committee.
- (6) The Fishery Advisory Committee may establish its own procedures.

PART III - FOREIGN FISHING VESSELS

APPLICATIONS

3. Every application for a foreign fishing licence shall be:
- (a) in the appropriate form, or contain the information set out in Schedule I to these Regulations; and
 - (b) addressed to the Minister and be in writing, or in the form of a telex or cable.

LICENCE FORM

4. Every foreign fishing licence shall:
- (a) be in writing in the form set out in Schedule 2 to these Regulations; or
 - (b) be in the form of a telex or cable containing the information set out in Schedule 2 to these Regulations.

FEES

5. (1) The fee payable for the issue of a licence in respect of a foreign fishing vessel is the amount set out for vessels of that kind in Schedule 3 to these Regulations.

- (2) Where a foreign fishing vessel is authorized to fish in accordance with an access agreement, the fee payable for the issue of a licence shall be as set out in that access agreement.

6. Regional Register and Good Standing

1. In this Section,

"Regional Register" means the register of fishing vessels established by the Organization of Eastern Caribbean States (maintained at Kingston, Saint Vincent) according to procedures established by its member governments.

"Good standing" in relation to a foreign fishing vessel means the original status granted to vessels when accepted for inclusion on the regional register in accordance with the criteria agreed upon by the Member States.

2. No licence shall be issued in respect of a foreign fishing vessel unless that vessel is registered on the regional register and the vessel for which the licence is sought has good standing on that register.

GENERAL CONDITIONS

7. (1) Every foreign fishing licence issued under Section of the Act shall be subject to the following general conditions:
- (a) no fishing shall be undertaken in the fishery waters except as authorized by the licence;
 - (b) any change in the information set out in the application form shall be notified to the Chief Fisheries Officer as soon as practicable and, in any case not later than 7 days from the date of the change;
 - (c) no fish may be trans-shipped from or onto the vessel while in the fishery waters except with the permission of the Chief Fisheries Officer and in accordance with such conditions as he may specify;
 - (d) the master and each member of the crew of the vessel shall while in the fishery waters comply with any directions given to him by any authorized officer, and in particular, shall on request by the officer:
 - (i) stop the vessel;
 - (ii) permit an authorized officer to board the vessel and co-operate with him in any inspection; and
 - (iii) bring the vessel into port.
 - (e) the master of the vessel shall, while in the fishery waters, take all reasonable measures and precautions to avoid causing damage to any local fishing operations including non-commercial operations.

- (2) Every foreign fishing licence issued under Section 8 of the Act in respect of a foreign fishing vessel with an overall length of 60 feet or more shall be subject to the following general conditions in addition to the general conditions prescribed in the preceding sub-regulation:
- (a) The vessel shall at all times while in the fishery waters:
 - (i) fly the flag of its flag state; and
 - (ii) display clearly the name of the vessel in English in large letters on the bows and stern of the vessel; and
 - (iii) display identification markings in accordance with the specifications set out in Schedule 10 to these Regulations.
 - (b) The master of the vessel shall cause a logbook to be maintained on a daily basis in such form as the Chief Fisheries Officer may from time to time require for the purpose of recording the fishing operations of the vessel while within the fishery waters;
 - (c) The logbook maintained under paragraph (b) shall be transmitted in its original and unaltered form to the Chief Fisheries Officer or to any other person or organization designated by him:
 - (i) not later than 45 days after the completion of the voyage to which the logbook relates; or
 - (ii) at any other time at the request of the Chief Fisheries Officer or of any authorized officer.
 - (d) The master of the vessel shall cause reports in the form specified by the Chief Fisheries Officer to be made to the Chief Fisheries Officer or to such other person or organization as the Chief Fisheries Officer may designate containing the information set out in paragraph (e) at the following times:
 - (i) immediately upon entry into the fisheries waters;
 - (ii) every Wednesday or such other day that the Chief Fisheries Officer may specify while the vessel is in the fishery waters;
 - (iii) immediately upon departure from the fishery waters; and
 - (iv) such other times as the Chief Fisheries Officer may specify.
 - (e) Each report made under paragraph (d) shall contain details of:
 - (i) the international radio call sign (or the number assigned to the vessel under any regional register);
 - (ii) the position of the vessel at the time of reporting;

- (iii) the total catch by species on board the vessel at the time of reporting;
 - (iv) such other matters relating to the fishing operations as the Chief Fisheries Officer may from time to time require.
- (f) The master or owner of the vessel or his authorized local representative shall notify the Chief Fisheries Officer or such other person or organization as the Chief Fisheries Officer may designate of the estimated time of entry of the vessel into any port in Grenada at least 24 hours prior to such entry.
- (g) The master of the vessel, shall, while in the fishery waters, allow any fisheries officer or other person designated in writing by the Chief Fisheries Officer to board and remain on board the vessel as an observer and shall:
- (i) allow the observer full access to all equipment, including navigation and communication equipment, records and documents and to any fish on board the vessel;
 - (ii) allow the observer to make such tests, observations and records and to take and remove such samples as he may reasonably require in connection with the vessel's activities in the fishery waters; and
 - (iii) provide, without charge, food and accommodation at least equivalent to that provided for officers of the vessels.
- (h) The Master of the vessel shall proceed to such port or place as the Chief Fisheries Officer may require to allow an observer to board or disembark from the vessel, or for an inspection for the purpose of monitoring compliance with the Act, the regulations, or any applicable fisheries agreement.
- (3) Every foreign fishing licence issued under Section 8 of the Act in respect of a foreign fishing vessel with an overall length of less than 60 feet shall be subject to the following general conditions in addition to the general conditions prescribed in subregulation 1:
- (a) The vessel shall at all times while in the fishery waters display identification markings in accordance with the specifications set out in Schedule 10 to these Regulations.
 - (b) The master of the vessel shall provide such information on the fishery operations carried out in the fishery waters, in such form and at such times as the Chief Fisheries Officer may require.
- (4) Any records, logbooks or notifications required to be maintained or made under this Regulation shall be maintained or made in English.
- (5) A foreign fishing licence issued under Section 8 of the Act shall not be transferable.

LOCAL REPRESENTATIVE

8. No licence shall be issued in respect of a foreign fishing vessel unless there is appointed a local representative who is authorised to act on behalf of the master, owner, or charterer of that vessel and who is able to accept legal responsibility on behalf of the master, owner, or charterer for any action, juridical or otherwise, taken in respect of that vessel.

STOWAGE OF GEAR

9. The following is the prescribed manner in which fishing gear shall be stowed for the purposes of section _____ of the Act:

- (1) Any foreign fishing vessel that is not licensed under section _____ of the Act or a regional access agreement shall keep its fishing gear stowed in such a manner as not be readily available for fishing.
- (2) The following particular requirements shall apply to the specified categories of vessels:
 - (a) in the case of purse seiners:
 - (i) the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;
 - (ii) the helicopter, if any, shall be tied down;
 - (iii) launches shall be secured.
 - (b) in the case of trawlers, all nets, trawlboards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and either stowed below deck or securely lashed to some part of the superstructure of the vessel.

PART IV - LOCAL FISHING LICENCES

FORM OF LICENCE AND APPLICATION

10. Every licence in respect of a local fishing vessel and every application for such a licence shall be in writing in the appropriate form set out in Schedules 4 and 5 to these Regulations.

FEES

11. The fee payable for the issue or renewal of a licence in respect of a local fishing vessel is the amount set out in Schedule 6 to these Regulations.

GROUND FOR REFUSAL OF A LICENCE

12. No licence in respect of a local fishing vessel may be issued or renewed unless:

- (a) an application has been made in accordance with Regulation 8 and is true and correct

in every way;

- (b) any information requested by the Minister or the Chief Fisheries Officer and relevant to the proposed fishing operation has been provided in the manner requested;
- (c) the fee prescribed under Regulation 8 has been paid.

GENERAL CONDITIONS

13. Every licence in respect of a local fishing vessel shall be subject to the following general conditions:

- (a) any change in the information set out in the application form shall be notified to the Chief Fisheries Officer as soon as practicable and in any case no later than 7 days from the date of the change;
- (b) the vessel shall display the identification markings assigned to it by the Chief Fisheries Officer in accordance with the specifications set out in Schedule 10 to these Regulations;
- (c) the vessel shall comply with the law relating to safety and with such safety standards as the Chief Fisheries Officer may from time to time determine by Notice published in the Gazette;
- (d) no fishing shall be undertaken except as authorized by the licence;
- (e) no fish may be trans-shipped from or onto the vessel except with the permission of the Chief Fisheries Officer and in accordance with such conditions as he may specify;
- (f) the master of the vessel shall, if so required by the Chief Fisheries Officer, cause a logbook to be maintained on a daily basis in such form as the Chief Fisheries Officer may from time to time require for the purpose of recording the fishing operations of the vessel;
- (g) any logbook maintained under the preceding paragraph shall be transmitted in its original and unaltered form to the Chief Fisheries Officer at such time as he may require;
- (h) the master and each member of the crew of the vessel shall comply with any direction given to him by an authorized officer;
- (i) the master and each member of the crew of the vessel shall comply with the requirements of the Act and of any Regulations or other instruments made under the Act;
- (j) if the vessel is fishing in waters other than the fishery waters, the vessel shall comply with such written laws relating to fishing of any other country, if any, as may be recognized by the Government of as having force in those waters.

PART V - FISH PROCESSING ESTABLISHMENT LICENCES

FORM OF LICENCE AND APPLICATIONS

14. Every licence to operate a fish processing establishment and every application for such a licence shall be in the appropriate form set out in Schedules 7 and 8 to these Regulations.

ISSUE OF LICENCES

15. No licence to operate a fish processing establishment shall be issued unless the Minister is satisfied that the establishment has been constructed in such a manner as to allow for its operation in accordance with any applicable standards set out by law.

FEES

16. The fee payable for the issue or renewal of a licence to operate a fish processing establishment is the amount set out for establishments of that kind in Schedule 9 to these Regulations.

LICENCE CONDITIONS

17. Every licence to operate a fish processing establishment shall be subject to the following conditions:

- (a) The establishment shall be maintained and operated in a clean and sanitary manner.
- (b) Accurate records shall be maintained relating to the operations carried out in the establishment, including records of quantity, species and quality of fish imported, received, processed, sold or exported, and all such records shall be open to inspection by any authorized officer.
- (c) Returns concerning the operations of the establishments shall be made to the Chief Fisheries Officer as he may from time to time require.

PART VI - FISHERY CONSERVATION MEASURES

LOBSTER

18. (1) In the Regulation "undersize" means:
- (a) less than 25 centimetres in length when laid flat and measured from immediately behind the rostral horns to the rear edge of the telson or a carapace length of less than 95 millimetres measured from immediately behind the rostral horns to the maximum concavity of the rear edge of the carapace as illustrated in Schedule 10 to these Regulations; or
 - (b) less than 680 grams in weight; or
 - (c) having a tail weighing less than 200 grams.

- (2) No person shall harm, take, have in his possession, sell or purchase:
 - (a) any lobster carrying eggs; or
 - (b) any lobster which is undersize; or
 - (c) any lobster which is moulting.
- (3) No person shall capture any lobster other than by hand, loop, pot or trap.
- (4) No person shall have in his possession or sell any lobster that has been speared, hooked or otherwise impaled.
- (5) No person shall remove the eggs from a lobster, or have in his possession, sell or purchase a lobster from which the eggs have been removed.
- (6) The Minister may by Notice published in the Gazette declare any period as a closed season for lobsters.
- (7) No person shall fish for lobster during the period of a closed season for lobsters.
- (8) No person shall land from a fishing vessel any lobster that is not whole.

TURTLES

19. No person shall:
 - (a) fish for, take, sell, purchase or have in his possession any turtle or part thereof;
 - (b) disturb, take, sell, purchase or have in his possession any turtle eggs; or
 - (c) interfere with any turtle nest.

CONCH

20. (1) No person shall take sell or purchase or have in his possession any immature conch.
- (2) The Minister may by Notice published in the Gazette declare any period as a closed season for conch.
- (3) No person shall fish for conch during the period of a closed season for conch.
- (4) In this Regulation, "immature conch" means:
 - (a) a conch the shell of which is smaller than 18 centimetres in length; or
 - (b) a conch the shell of which does not have a flared lip; or
 - (c) a conch with a total meat weight of less than 225 grams after removal of the digestive gland.

CORAL

21. No person shall take or collect coral from the fishery waters except with the written permission of the Chief Fisheries Officer in accordance with such conditions as he may specify.

AQUARIUM FISH

22. No person shall import, sell or export any aquarium fish except with the permission of the Chief Fisheries Officer and in accordance with such conditions as he may specify.

FISHERIES RESEARCH

23. Part VI of these Regulations shall not apply to fishing operations which are conducted solely for the purpose of fisheries research provided that permission has been granted in respect of such operations by the Chief Fisheries Officer under Section 24 of the Act and that the operations are carried out in accordance with the conditions of such permission.

PART VII - MISCELLANEOUS PROVISIONS

OFFENSES AND PENALTIES

24. Any person contravening any of the provisions of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding 5000 dollars.

COMMENCEMENT

25. Except as otherwise provided, these regulations shall come into operation on

SCHEDULE 1

FORM A

APPLICATION FORM FOR A FOREIGN FISHING LICENCE

(FOR A VESSEL WITH AN OVERALL LENGTH OF 60 FEET OR MORE)

FISHERIES REGULATIONS 19

INSTRUCTIONS - Underline surnames.

For "address" provide complete mailing address.

If not applicable, write NA - leave no blanks.

Specify unit s of measurement if not metric.

ADDRESS TO -

I hereby apply for a fishing licence to fish in the fishery waters.

- 1. Name of Vessel -
- 2. Name of Owner -
- 3. Address of Owner -
- 4. Name of Charterer -
- 5. Country of Registration -
- 6. Country Registration Number -
- 7. Details of Radio -/ Frequency -
Number of Channels -/ Radio Call Sign -
- 8. Operational Base or Bases (port/country) -
- 9. Name of Vessel Master -
- 10. Address of Vessel Master -
- 11. Type of Fishing Operations -
- 12. Proposed fishing areas -
- 13. Period of licence requested (maximum 12 months)
- 14. Proposed commencement date of fishing operations -

- 15. If previously licensed under the Act -
 - state the number of the last licence held -
 - specify any changes to information previously provided -
 -
 -
- 16. Current fishing licences held elsewhere in the region (state the number of each licence and the name of each licensing country) -
-
-

QUESTIONS 17-27 TO BE COMPLETED ONLY IF APPLYING FOR A FISHING LICENCE FOR THE FIRST TIME.

- 17. Normal total number of crew -
- 18. Hull materials -
- 19. Year built -
- 20. Place of construction -
- 21. Gross tonnage -
- 22. Overall length -
- 23. Main engine power -
- 24. Fuel capacity -
- 25. Daily freezing capacity for each freezing method -
- 26. Storage capacity for each storage method -
- 27. Type and quantity of fishing gear to be used -

ATTACH A RECENT SIDE-ON PHOTOGRAPH OF THE VESSEL IF APPLYING FOR A FISHING LICENCE FOR THE FIRST TIME.

I understand that I am required to report any changes in the information contained in this form to the Chief Fisheries Officer within 7 days of the change.

Signature of Applicant Date

Specify whether owner, charterer or agent

Print name of Applicant

Address of Applicant

NOTE Any licence issued on the basis of this application form is liable to cancellation if any of the information given in this application form is incorrect.

FORM B

APPLICATION FORM FOR A FOREIGN FISHING LICENCE
(FOR A VESSEL WITH AN OVERALL LENGTH OF LESS THAN 60 FEET)

FISHERIES REGULATIONS 19

INSTRUCTIONS - Underline surnames.
For "address" provide complete mailing address.
If not applicable, write NA - leave no blanks.
Specify units of measurement if not metric.

ADDRESS TO -

I hereby apply for a fishing licence to fish in the fishery waters.

1. Name of Vessel -
2. Name of Owner -
3. Address of Owner -
4. Name of Charterer -
5. Country of Registration -
6. Country Registration Number -
7. Details of Radio -/ Frequency -
Number of Channels -/ Radio Call Sign -
8. Operational Base or Bases (port/country) -
9. Name of Vessel Master -
10. Address of Vessel Master -
11. Type of Fishing Operations -
12. Proposed fishing areas -
13. Period of licence requested (maximum 12 months)
14. Proposed commencement date of fishing operations -

15. If previously licensed under the Act -

- state the number of the last licence held -

- specify any changes to information previously provided -

.....
.....

16. Current fishing licences held elsewhere in the region (state the number of each licence and the name of each licencing country):.....

.....

QUESTIONS 17-21 TO BE COMPLETED ONLY IF APPLYING FOR A FISHING LICENCE FOR THE FIRST TIME.

17. Normal total number of crew -

18. Overall length -

19. Engine power -

20. Type of fishing operation -

21. Type and quantity of fishing gear to be used -

I understand that I am required to report any changes in the information contained in this form to the Chief Fisheries Officer within 7 days of the change.

Signature of Applicant Date

Specify whether owner, charterer or agent

Print name of Applicant

Address of Applicant
.....

NOTE Any licence issued on the basis of this application form is liable to cancellation if any of the information given in this application form is incorrect.

SCHEDULE 2

LICENCE NUMBER :

FOREIGN FISHING LICENCE

FISHERIES ACT 19

The person named as the licence holder below is hereby licensed in accordance with section 8 of the Fisheries Act 19 to use the vessel described below for fishing in the fishery waters at the times and in the areas specified in this licence and in accordance with the conditions set out in this licence and prescribed from time to time in the Fisheries Regulations.

Name of vessel :

Name of licence holder:

Licence period: From To

Radio call sign [regional register no.] or registration no.:

Authorized fishing areas:

Authorized fishing times:

Authorized target species/quota (where applicable):

Special Conditions:

-
-
-
-

Permitted trans-shipment (where applicable):

Permitted use of fish aggregating devices (where applicable)

.....
Signature of the Minister or his Delegate

Date

SCHEDULE 3

FEES FOR FOREIGN FISHING LICENCES

Size of vessel (overall length)	Fee Payable per year
Less than 30 feet (9.68 metres)	dollars
30 feet or more up to 60 feet (19.36 metres)	dollars
Over 60 feet	dollars

For vessels authorized to fish in accordance with the terms of an access agreement the fee payable shall be as set out in that access agreement.

SCHEDULE 4

FORM B

APPLICATION FORM FOR A LOCAL FISHING LICENCE

FISHERIES REGULATIONS 19

INSTRUCTIONS - Underline surnames.

For "address" provide complete mailing address.

If not applicable, write NA - leave no blanks.

Specify units of measurement if not metric.

ADDRESS TO -

I hereby apply for a local fishing vessel licence for the vessel described below:

- 1. Name of Vessel -
- 2. Name and age of Owner -/.....years
and address
- 3. Name and address of charterer -
- 4. Name and address of any other -
person having an interest in
the vessel
- 5. Registration no.
- 6. International radio call sign (if any) -
- 7. Name and age of master -/..... years
and address -

8. Nature of fishing operation to be undertaken (X as appropriate)

- (a) Trolling
- (b) Trapping
- (c) Longlining
- (d) Seining
- (e) Gillnetting
- (f) Trawling
- (g) Handlining
- (h) Any Other

9. Nature of vessel (attach full description, including hull construction, main engine type and power, where and when built, history of use)

10. Number of crew expected -

11. Fish storage capacity for each storage method -

12. Operational base -

13. Fishing area -

I declare that the vessel described above is a local fishing vessel within the meaning of the Fisheries Act. 198 .

I understand that I am required to report any changes in the information contained in this form to the Chief Fisheries Officer within 7 days of the change.

Signature of Applicant Date

Specify whether owner, charterer or agent

Print name of Applicant

NOTE Any licence issued on the basis of this application form is liable to cancellation if any of the information given in this application form is incorrect.

SCHEDULE 5

LICENCE NUMBER :

LOCAL FISHING VESSEL LICENCE

FISHERIES ACT 19--

The person named as the licence holder below is hereby licensed in accordance with section 11 of the Fisheries Act 19 to use the vessel described below for fishing in accordance with the conditions set out in this licence and prescribed from time to time in the Fisheries Regulations.

Name of vessel :

Name of licence holder:

Licence period: From To

Vessel Registration Number :

Radio call sign :

Permitted trans-shipment operations (where applicable):

Permitted use of fish aggregating devices (where applicable):

Special Conditions:

-
-
-
-

.....
Signature of the Minister or his Delegate

Date

SCHEDULE 6

FEES FOR LOCAL FISHING VESSEL LICENCES

Size of vessel (overall length)	Fee Payable per year
Less than 10 feet (2.23 metres)	No fee.....
10 feet or more up to 30 feet	_____ dollars
30 feet or more up to 60 feet (19.36 metres)	_____ dollars
Over 60 feet	_____ dollars

SCHEDULE 7

APPLICATION FORM FOR
FISH PROCESSING ESTABLISHMENT LICENCE

FISHERIES REGULATIONS 19

INSTRUCTIONS - Underline surnames.
For "address" provide complete mailing address.
If not applicable, write NA - leave no blanks.
Specify units of measurement if not metric.

ADDRESS TO -

I hereby apply for a licence to operate a fish processing establishment at the place and in the manner described below:

- 1. Name of applicant -
- 2. Address of establishment -
- 3. Name and address of owner of establishment -
.....
- 4. Name and address of lessee (if leased) -
.....
- 5. Kinds of fish to be processed -
and sources of supply -
- 6. Nature of processing operation (Attach full particulars)
- 7. Principal place/country for marketing -

Signature of Applicant Date

Specify whether owner or lessee:

Print name of Applicant

NOTE Any licence issued on the basis of this application form is liable to cancellation if any of the information given in this application form is incorrect.

SCHEDULE 8

LICENCE NUMBER :

FISH PROCESSING ESTABLISHMENT LICENCE

FISHERIES ACT 19

The person named as the licence holder below is hereby licensed in accordance with sub-section 17(1) of the Fisheries Act 19 to use the premises described below as a fish processing establishment in accordance with the conditions set out in this licence and prescribed from time to time in the Fisheries Regulations.

Name of licence holder:

Licence period: From To

Address of the fish processing establishment:

The species of fish authorized to be processed:

The type of processing authorized to be carried out:

Further conditions:

-

-

.....
Signature of the Minister or his Delegate

Date

SCHEDULE 9

FEEES FOR FISH PROCESSING ESTABLISHMENT LICENCE

For fish processing establishment
of any kind

dollars

SCHEDULE 10

SPECIFICATIONS FOR THE MARKING OF FISHING VESSELS

1. CONTENT OF IDENTIFICATION MARKS

- (a) Any vessel that has been assigned an International Telecommunication Union Radio Call Sign shall display that Radio Call Sign as its identification mark.
- (b) Any vessel that has not been assigned an International Telecommunication Union Radio Call Sign, other than a vessel referred to in paragraph 1.(c) of this Schedule, shall display an identification mark consisting of the characters allocated by the International Telecommunications Union to the flag state of the vessel, followed by a hyphen and the licence or registration number assigned to that vessel by its flag state.
- (c) Any vessel that has not been assigned an International Telecommunication Union Radio Call Sign, but is normally carried on board another vessel for use in fishing operations shall display the identification mark assigned to that other vessel.

2. LOCATION OF MARKING

- (a) Identification marks shall be prominently displayed -
 - (i) on the vessel's port and starboard side or superstructure, high above the waterline, but not on the flare of the bow or on the stern, in such a way as to be clearly visible both from the sea and from the air; and
 - (ii) for vessels other than undecked vessels, on a horizontal surface of the vessel, athwartships, with the top of the letters and numbers towards the bow of the vessel: where an awning or other temporary cover is placed so as to obscure the marking, the awning or other cover shall bear the same identification mark.
- (b) Identification marks shall be so placed that they -
 - (i) are not obscured at any time by fishing gear whether stowed or in use;
 - (ii) are clear of flow from scuppers or overboard discharges and of areas that might be prone to damage or discolouration occurring during or as a result of catching operations; and
 - (iii) do not extend below the waterline.

3. TECHNICAL SPECIFICATIONS

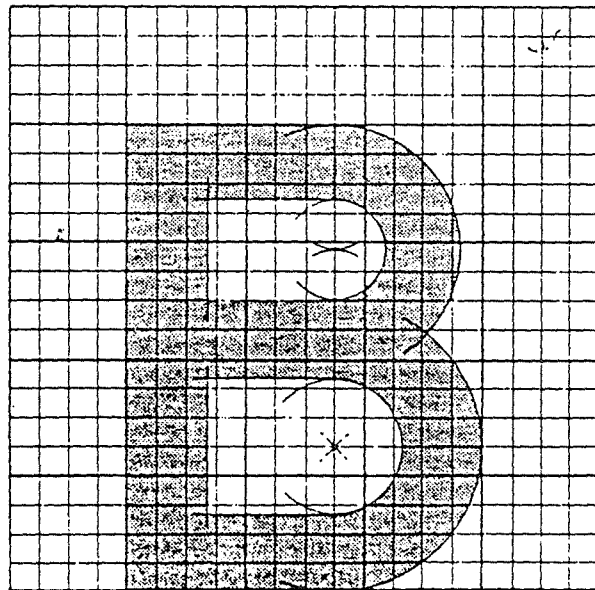
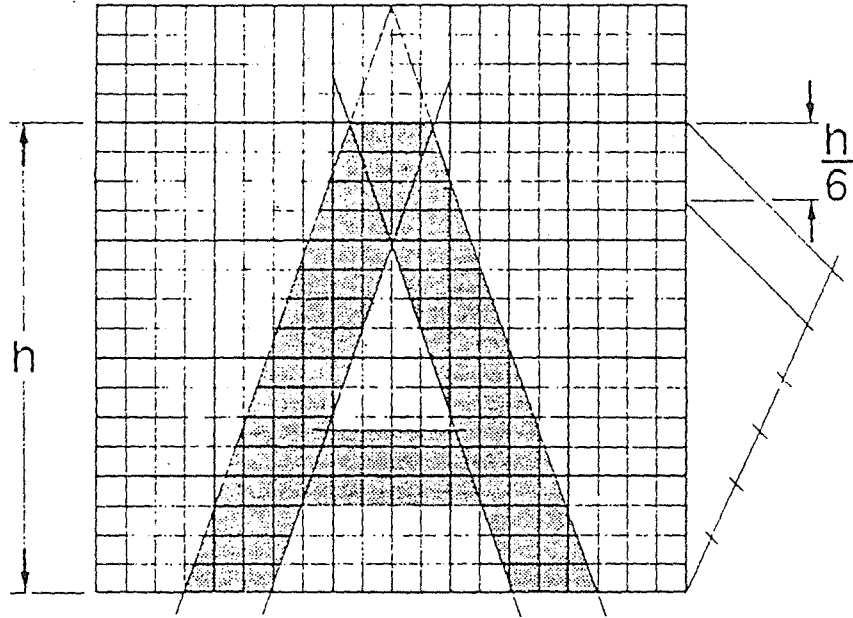
- (a) Block lettering and numbering shall be used throughout.
- (b) The width of the letters and numbers shall be in proportion to the height as set out in the annex to this schedule.
- (c) The height of the letters and numbers shall be in proportion to the size of the vessel in accordance with the following criteria:

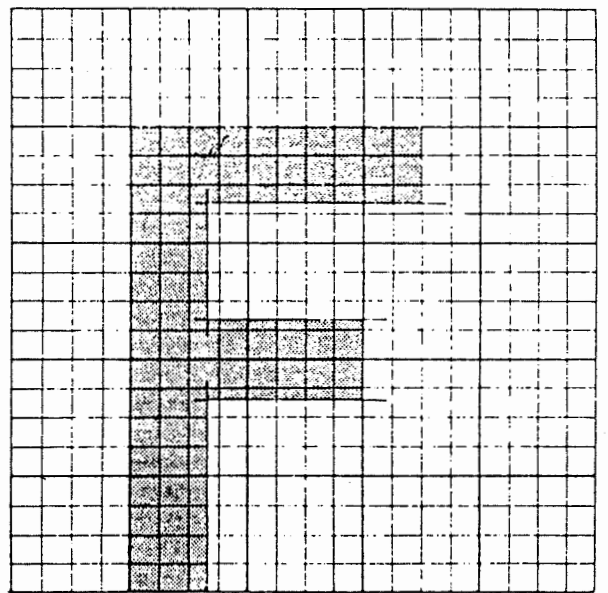
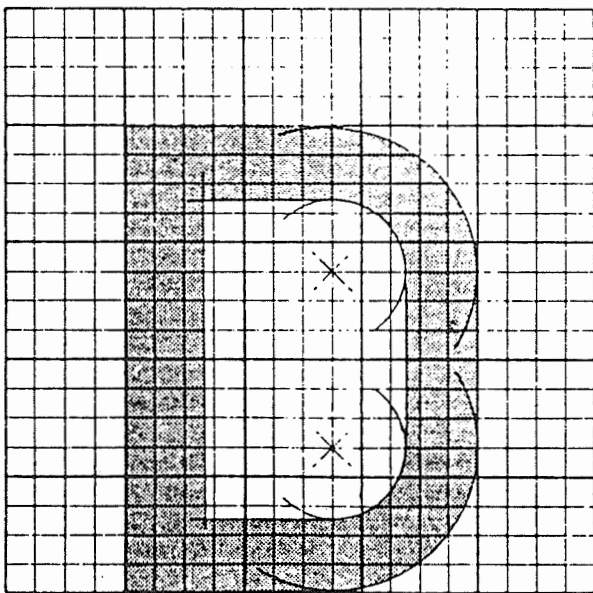
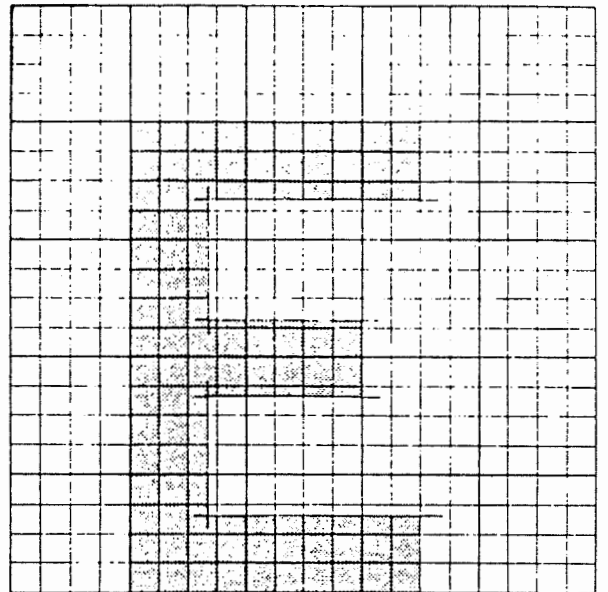
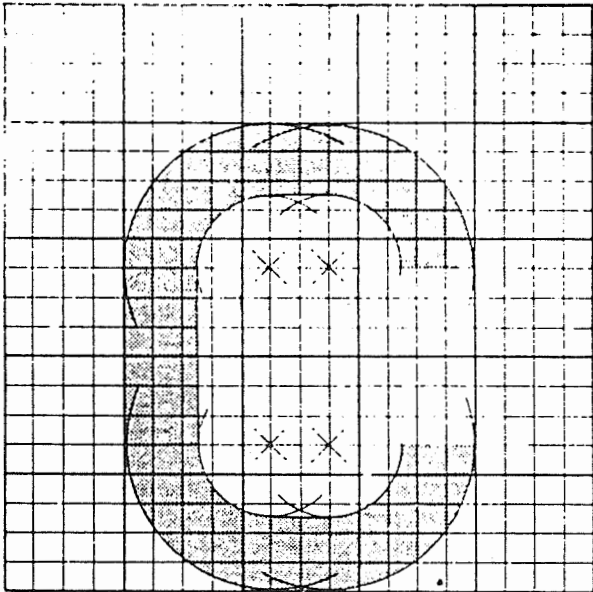
- (i) for identification marks on the side or superstructure of the vessel:

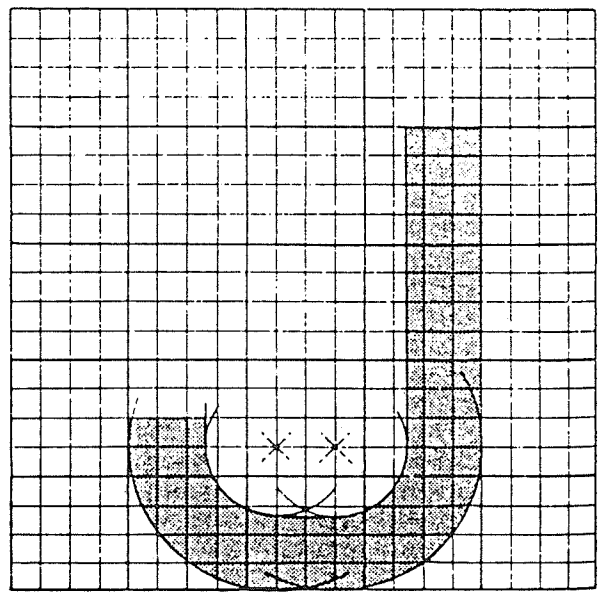
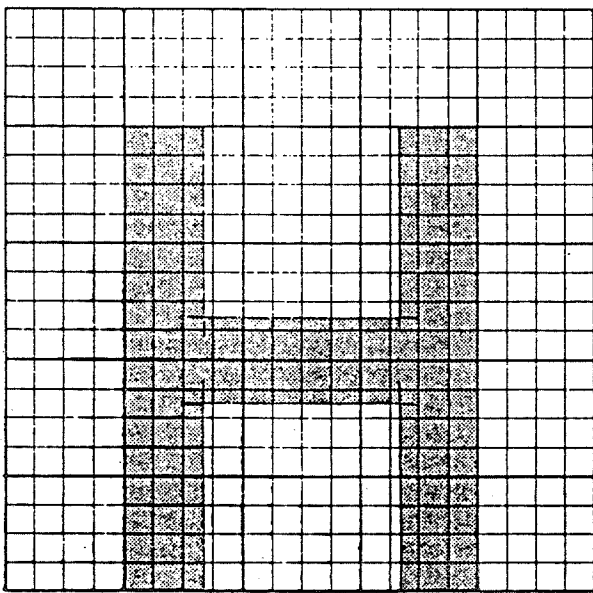
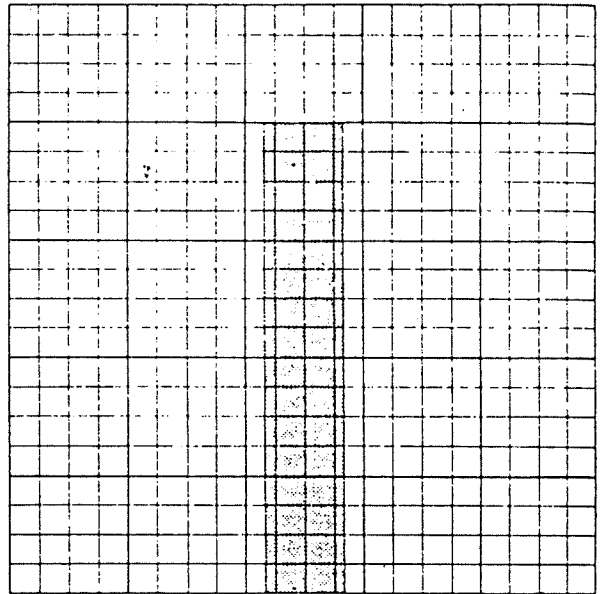
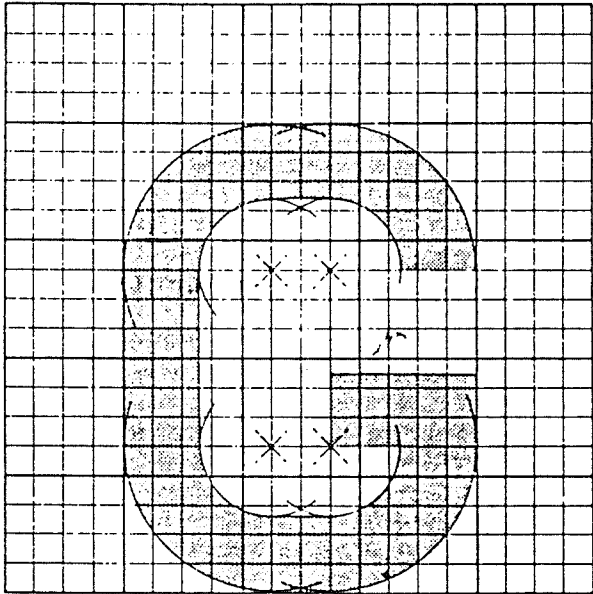
Length overall of Vessel in metres (m)	Minimum height of let and numbers in metres
25 m and over	1.0 m
At least 20 m but less than 25 m	0.8 m
At least 15 m but less than 20 m	0.6 m
At least 12 m but less than 15 m	0.4 m
At least 5 m but less than 12 m	0.3 m
Under 5 m	0.1 m

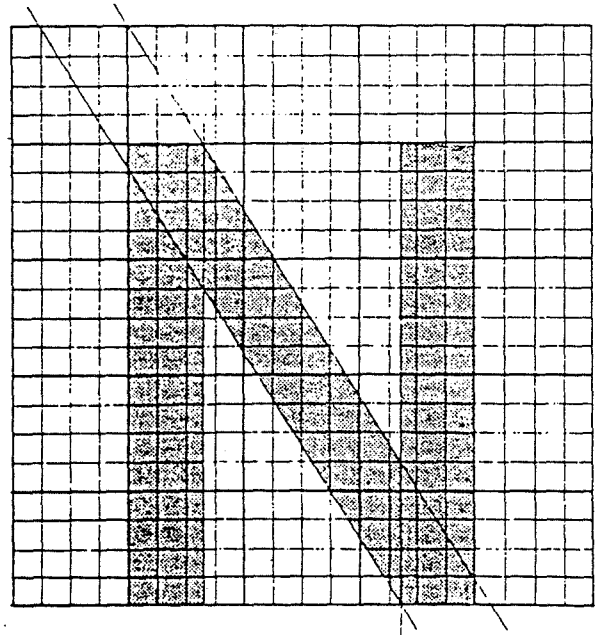
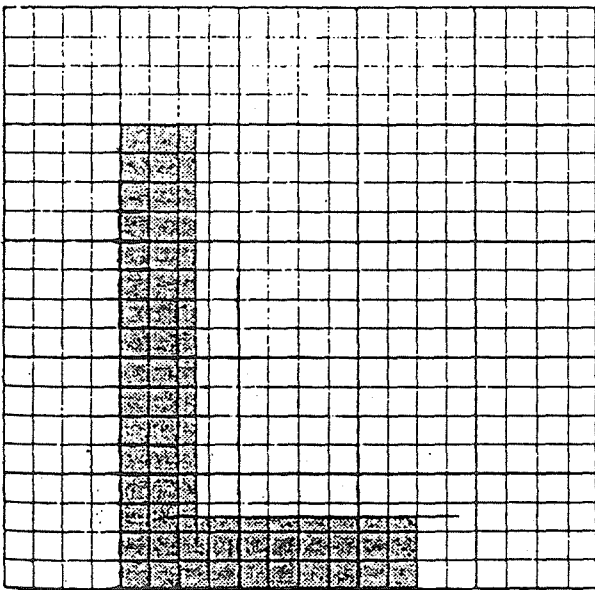
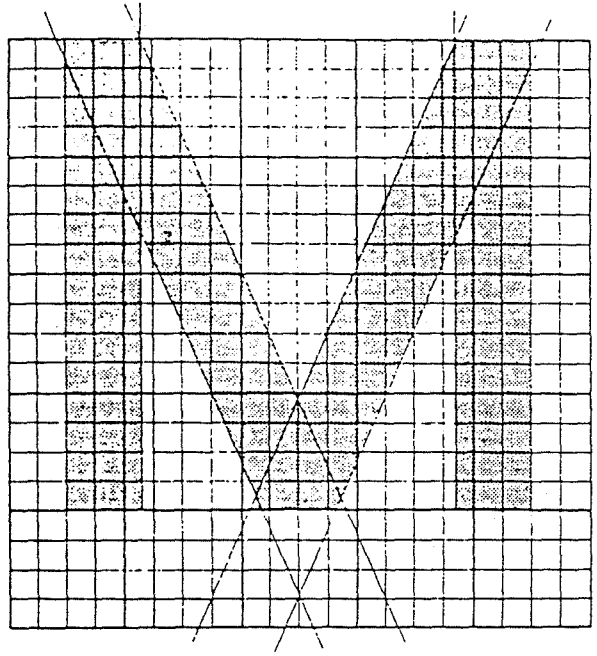
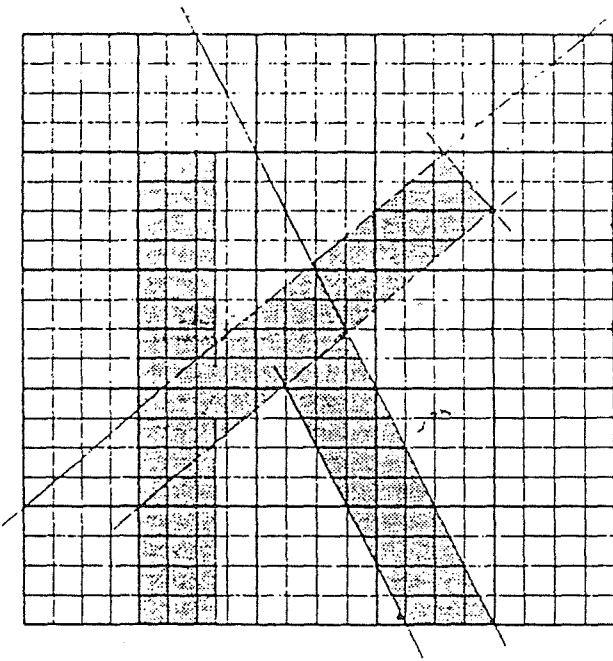
- (ii) For identification marks to be displayed on horizontal surfaces on vessels of 5 metres length overall and over, the height of the letters and numbers shall be not less than 0.3 metres.
- (d) The length of the hyphen shall be half the height of the letters and numbers.
- (e) The width of the stroke for all letters, numbers and the hyphen shall be one sixth of the height of the letters and numbers.
- (f) The space between letters and/or numbers, except in the case referred to in paragraph (g), shall not exceed one quarter of the height of the letters and numbers nor be less than one sixth of that height.
- (g) The space between adjacent letters having sloping sides shall not exceed one eighth of the height of the letters nor be less than one tenth of that height.
- (h) Identification marks shall be white on black background or black on a white background: the background shall extend to provide a border around the letters and numbers of not less than one sixth of the height of the letters and numbers.
- (i) Good quality marine paints shall be used in the marking of vessels in accordance with these specifications: Retroreflective or heat-generating substances may also be used.
- (j) The identification marks, and the background shall be maintained in a good condition at all times.

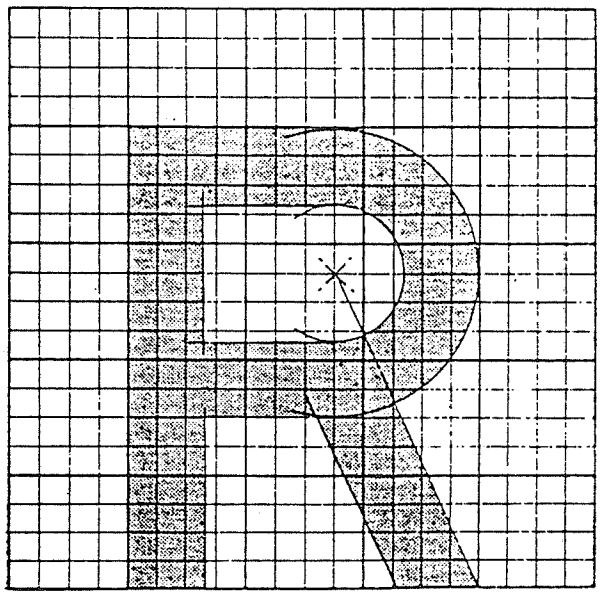
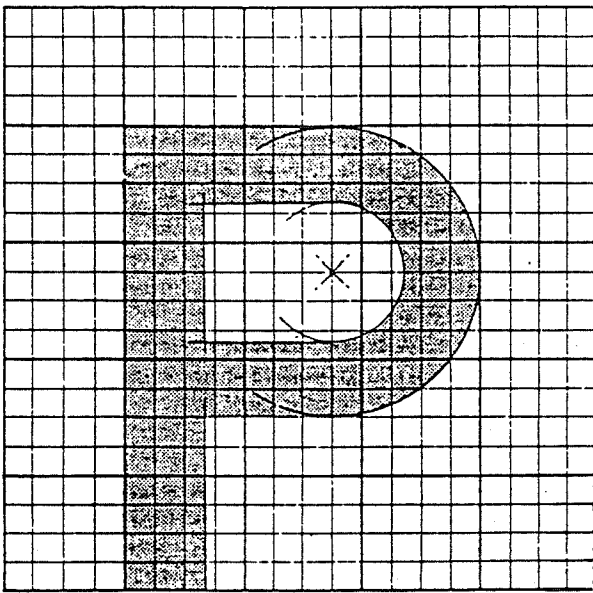
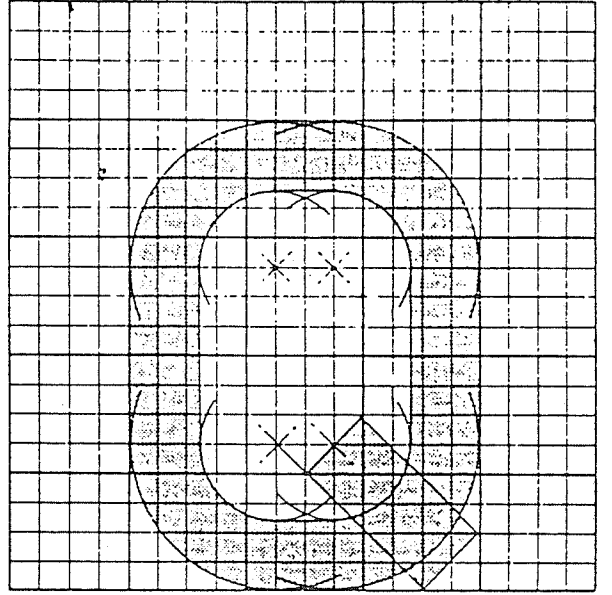
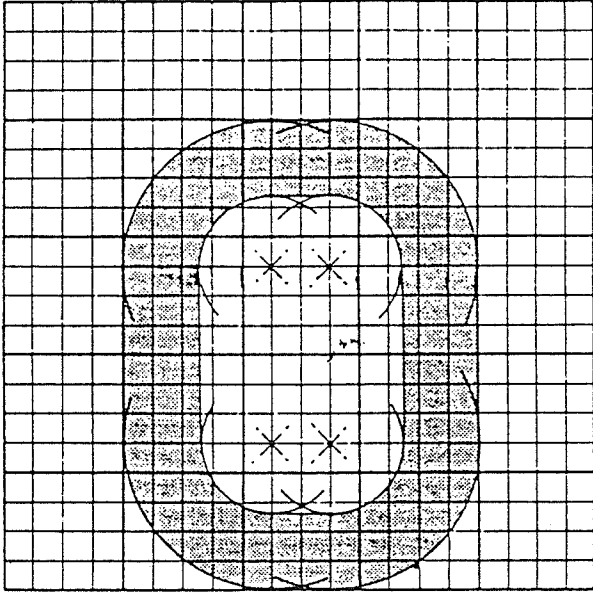
Alphabet and Numbers

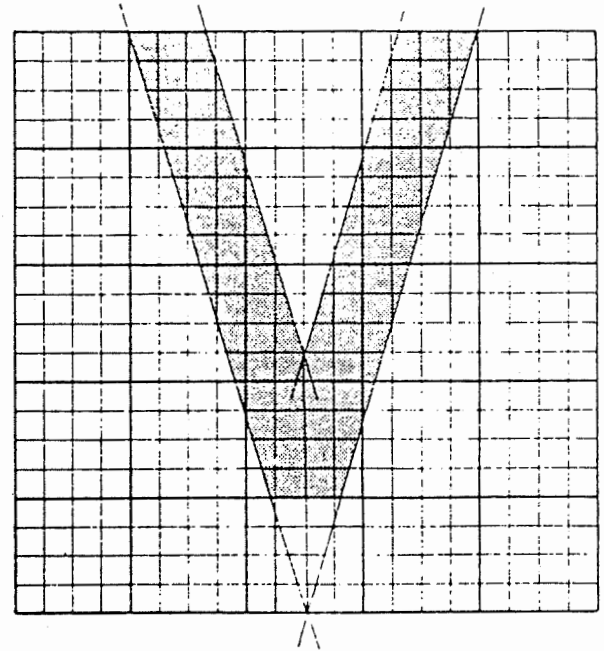
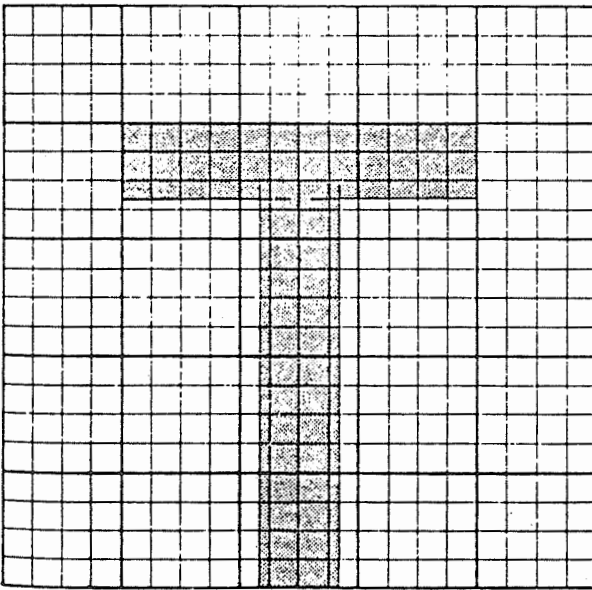
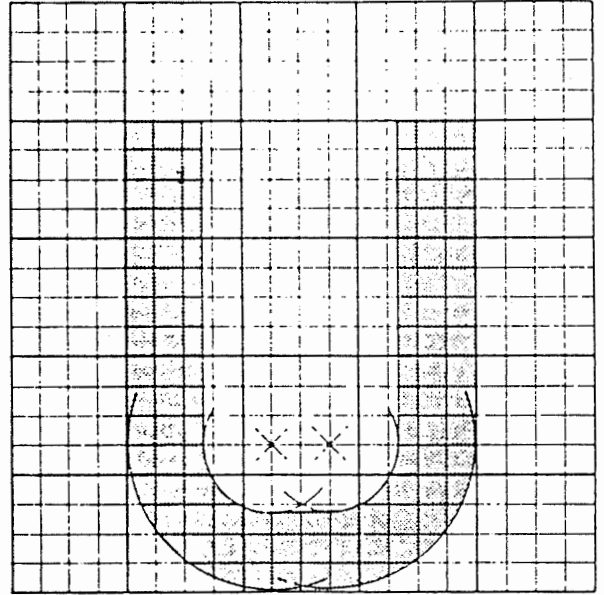
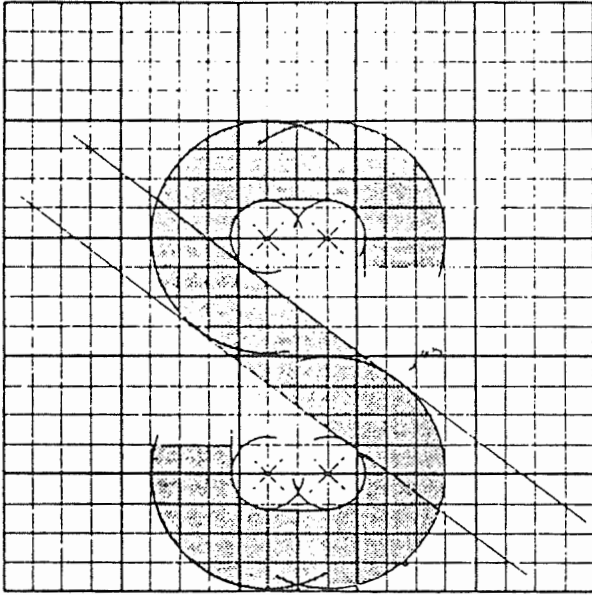


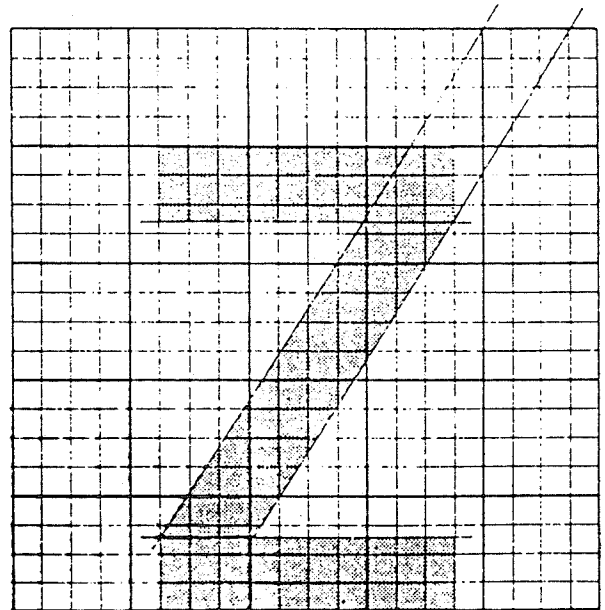
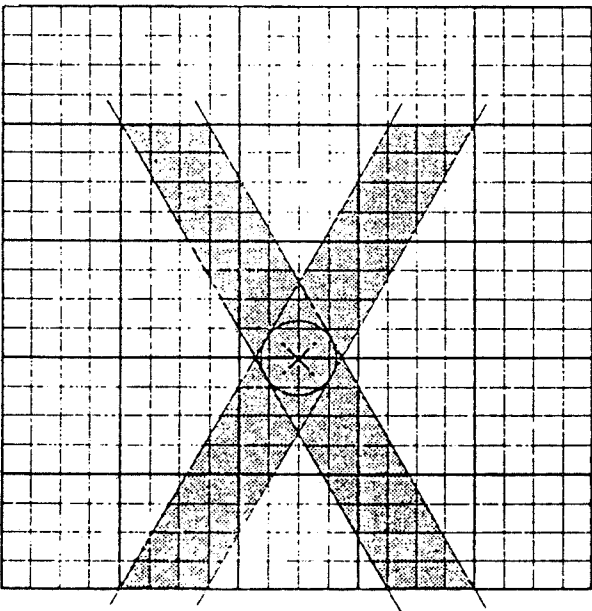
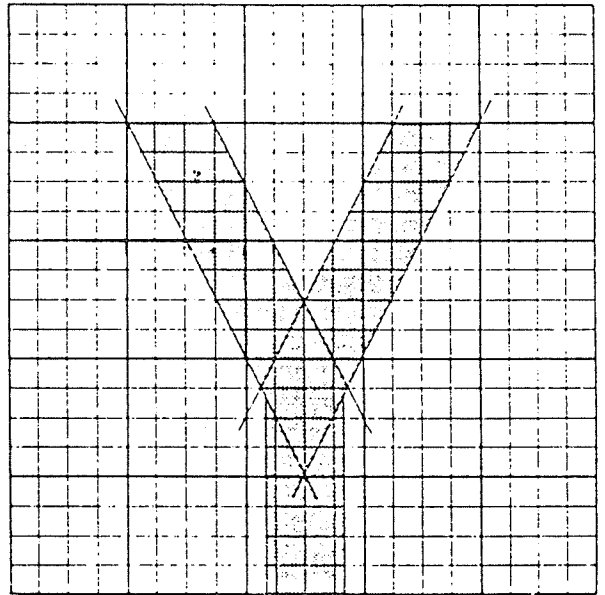
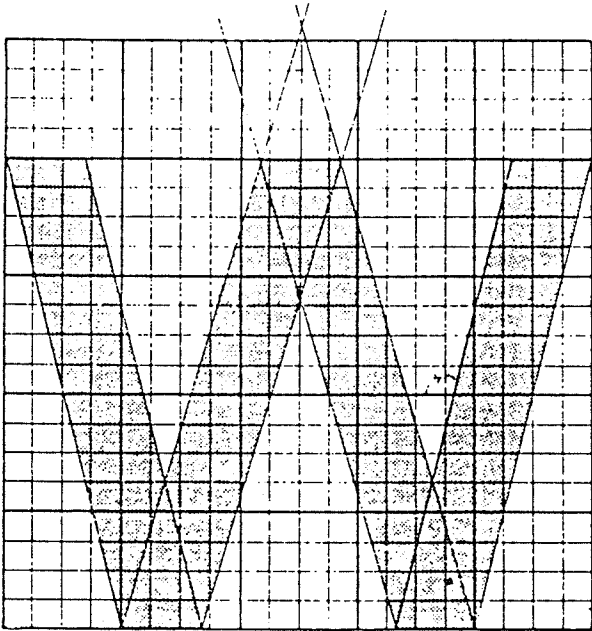


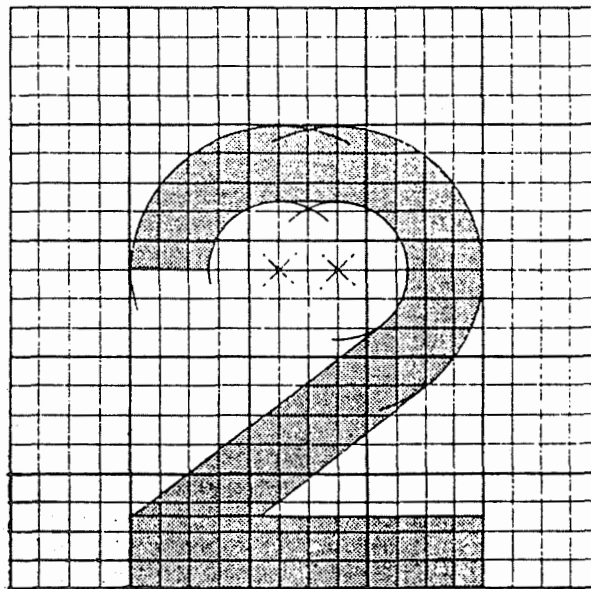
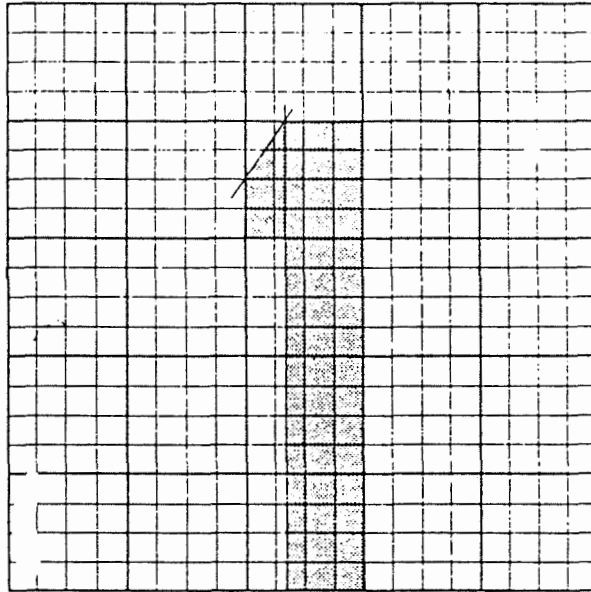


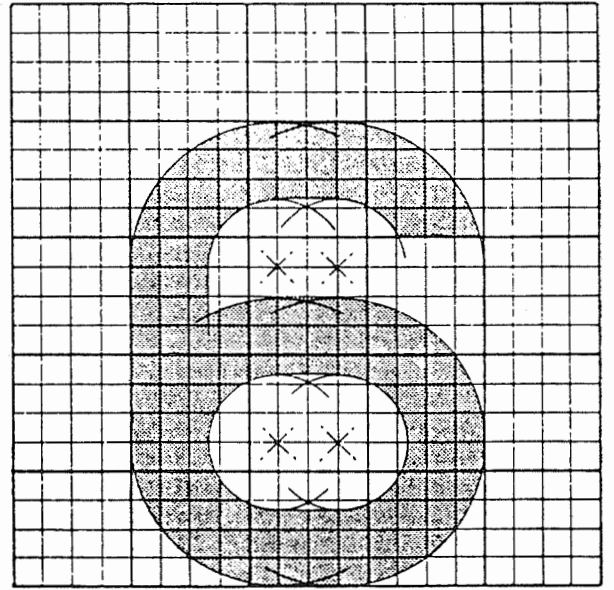
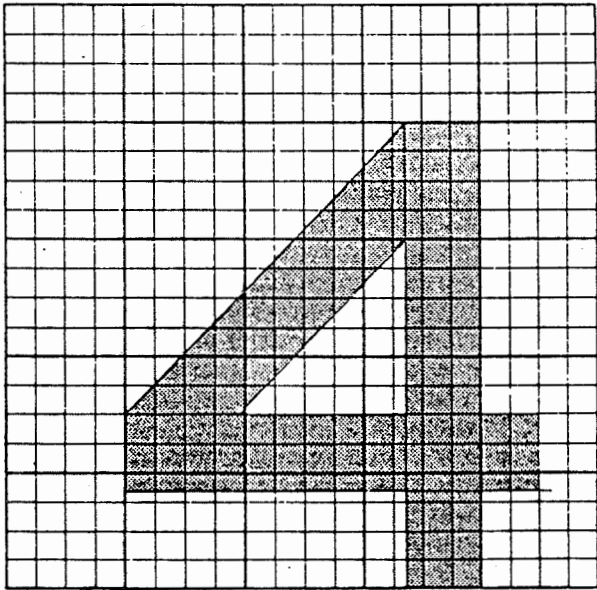
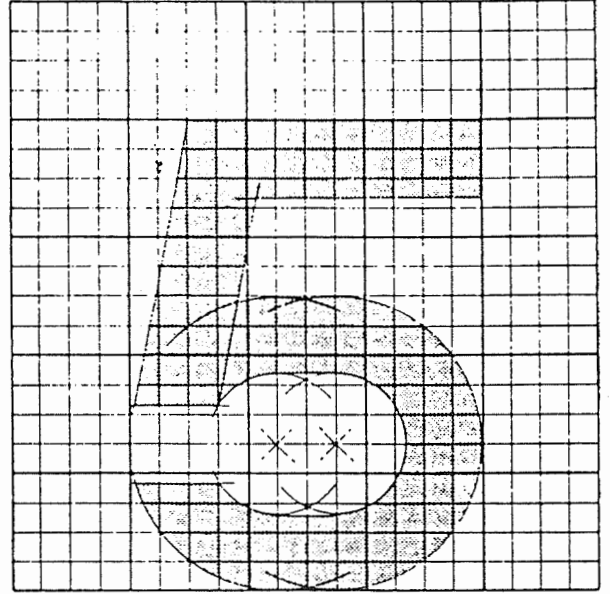
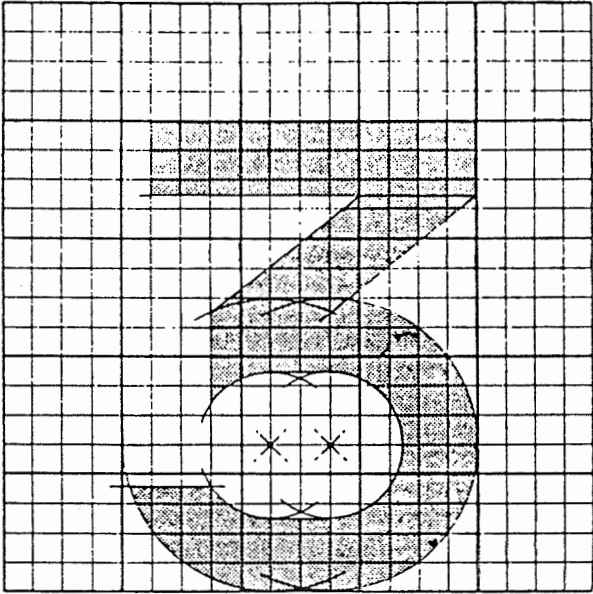


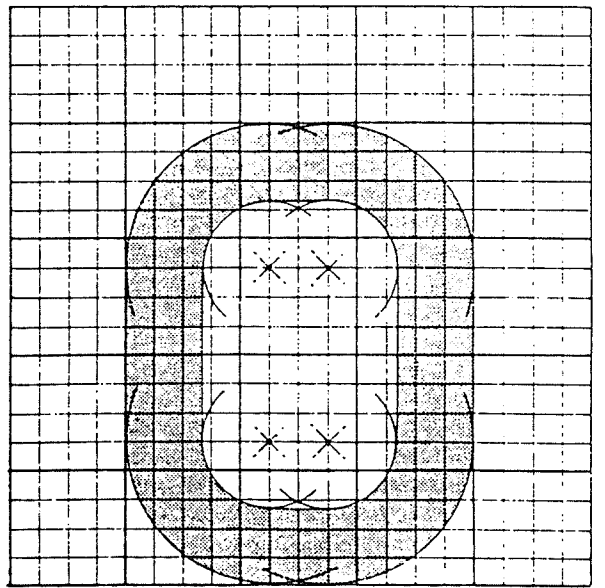
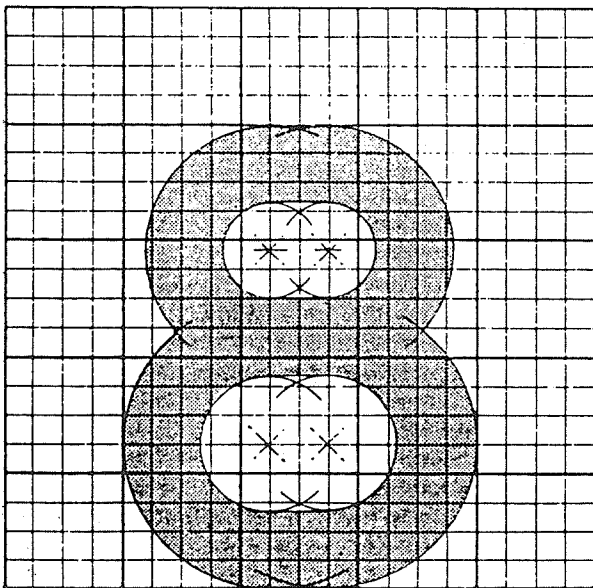
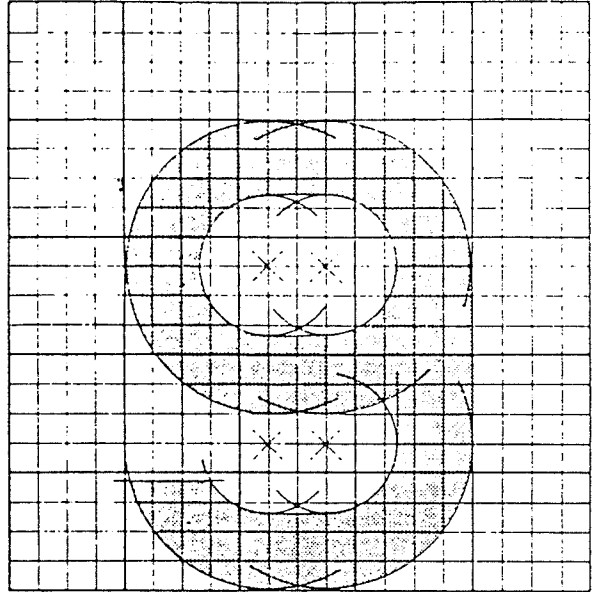
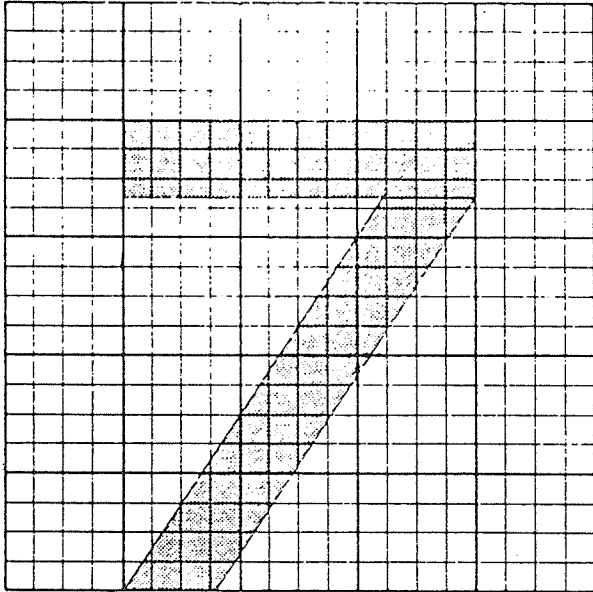












APPENDIX 2

**SUGGESTED DRAFT LAW FOR THE IMPLEMENTATION OF THE AGREEMENT
ESTABLISHING COMMON FISHERIES SURVEILLANCE ZONES OF PARTICIPATING
STATES OF THE OECS****A BILL
FOR THE OECS COMMON FISHERIES SURVEILLANCE ZONES AGREEMENT
IMPLEMENTATION ACT, 1991**

AN ACT to provide for the implementation of the Agreement establishing Common Fisheries Surveillance Zones of Participating Member States of the Organization of Eastern Caribbean States and to make consequential and other amendments to the Fisheries Act 198_.

ENACTED by the Parliament of _____ .

SHORT TITLE

1. This Act may be cited as the OECS Common Fisheries Surveillance Zones Agreement Implementation Act, 1991.

INTERPRETATION

2. For the purposes of this Act -

" the OECS Common Fisheries Surveillance Zones Agreement" means the Agreement Establishing Common Fisheries Surveillance Zones of Participating Member States of The Organization of Eastern Caribbean States, 1991, as set out in the Schedule to this Act.

AGREEMENT GIVEN FORCE OF LAW

3. The provisions of the OECS Common Fisheries Surveillance Zones Agreement shall have the force of law in _____.

AMENDMENTS TO THE FISHERIES ACT

4. Section 27 (2) [Powers of authorized officers - Section 28(2) in the case of Grenada and Saint Christopher & Nevis and Section 33(2) in the case of Saint Vincent & the Grenadines] is hereby repealed and replaced by the following:

(2) Any authorized officer may, without a warrant -

(a) enter and search any premises, other than premises used exclusively as a dwelling house, in which he has reason to believe that an offence has been committed under this Act or where he has reason to believe that fish illegally taken are being stored;

- (b) take samples of any fish found in any vessel, vehicle or premises searched under this section;
- (c) seize any vessel (together with its gear, stores and cargo), vehicle, fishing gear, net or other fishing appliance which he has reason to believe has been used in the commission of an offence under this Act or in respect of which the offence has been committed;
- (d) seize any fish which he has reason to believe has been caught in the commission of an offence under this Act or is being possessed in contravention of this Act;
- (e) seize any explosive or poison which he has reason to believe has been used or is being used possessed in contravention of this Act;
- (f) arrest the master, owner or charterer of any vessel seized where he has reason to believe that the vessel has been used in contravention of this Act, and any other person whom he has reason to believe has committed an offence under this Act.

APPENDIX 3**DRAFT HARMONIZED SAFETY STANDARDS FOR FISHING
VESSELS FROM OECS MEMBER STATES**

The minimum safety standards proposed herein are based on vessel classification by size (length overall), corresponding to the size categories stipulated under the proposed group insurance scheme for fishing vessels from OECS Member States. It suggests prescribed safety equipment commensurate to the size of the craft.

In producing this draft, much consideration was given to the limited carrying capacities of the majority of fishing vessels operating region-wide and the economic standing of fishermen. This list suggests an amount of safety equipment, believed to be affordable to fishermen, stowage of which aboard their vessels should not pose any problem.

The question arose as to what safety equipment, if any, should be recommended for smaller craft in the 20 ft and under size category, which operate say, within three miles of the nearest land. Based on information received from regional coastguards, it appears that these size craft create their most difficult search and rescue cases, as they generally lack safety equipment, have no means of indicating that they are in distress and are radar-invisible. For these reasons it is recommended that these vessels carry safety equipment. A lower level of safety equipment which may be prescribed by the Chief Fisheries Officer to this category of vessels on an individual vessel basis is provided.

It is also recommended that any Harmonized Safety Fishing Regulation which are promulgated should in addition to safety equipment, make provisions for Power to Inspect, Obstruction of Officers, Minimum Number of Crew and Failure to Carry Prescribed Equipment or Minimum Number of Crew, based on the Grenada Fisheries (Fishery Vessels Safety) 1990 Regulations.

TABLE 1

CLASS 1 VESSELS

(Vessels 20 ft (6 m) and under)

- (a) A hand-held bailer capable of removing water from the vessel.
- (b) One life-jacket for each person aboard the vessel.
- (c) A battery-operated water-proof torch.
- (d) A small glass mirror capable of being used as a reflector.
- (e) A pair of oars, or sails, suitable to the size of the vessel.
- (f) At least two flares suitable for use during daylight.
- (g) At least two flares suitable for use at night.
- (h) A radar reflector.
- (i) A hand-held or weather compass.
- (j) Non-perishable rations sufficient to sustain two persons for at least two days stowed in a water-tight container.
- (k) For vessels propelled by machinery, at least 5 gallons of reserve fuel, stowed in a closed container, separate from the tank feeding the motor.
- (l) For vessels propelled by machinery, 1 kilogramme fire extinguisher approved for use on class A, B and C fires.
- (m) For vessels propelled by machinery, a basic tool kit comprising an adjustable spanner, a pair of pliers, a flat screwdriver, a Phillips screwdriver and a plug spanner if appropriate.
- (n) For vessels propelled by machinery, a basic spare kit comprising fuel lines, fuel filters, and if appropriate two spark plugs and a pull cord.
- (o) At least 3 gallons of drinking water, stowed in a covered container.

TABLE 2

CLASS 1 VESSEL

(Vessel 20 ft (6 m) and under)

(May be required by the Chief Fisheries Officer in lieu of the requirement at Table 1).

- (a) A buoyancy aid for each person aboard the vessel.
- (b) A battery-operated water-proof torch.
- (c) A radar reflector.
- (d) A mirror capable of being used as a reflector.

TABLE 3CLASS II VESSELS

(Larger than 20 ft (6 m) up to 30 ft (9 m))

- (a) A hand-held bailer or mechanical bilge pump capable of removing water from the vessel.
- (b) One life-jacket for each person on board the vessel.
- (c) A battery-powered water-proof torch.
- (d) A glass mirror capable of being used as a reflector.
- (e) A pair of oars or sails, suitable to the size of the vessel.
- (f) At least two flares, suitable for use during daylight.
- (g) At least two flares, suitable for use at night.
- (h) A radar reflector.
- (i) A hand-held or other compass.
- (j) Non-perishable rations, sufficient to sustain three persons, for at least two days, stowed in a covered container.
- (k) For vessels propelled by machinery, at least 10 gallons of reserve fuel, stowed in a closed container, separate to the tank feeding the motor.
- (l) A VHF marine transceiver.
- (m) Port and starboard lights in accordance with the International Regulations for Preventing Collision at Sea.
- (n) 2-kilogramme fire extinguisher approved for use on Class A, B and C fires.
- (o) For vessels propelled by machinery, a basic tool kit comprising an adjustable spanner, a Phillips screwdriver, pair of pliers, a flat screwdriver and plug spanner if applicable.
- (p) For vessels propelled by machinery, a basic spare kit comprising a fuel line, fuel filler(s) and, if appropriate, 4 spark plugs and pull cord.
- (q) At least 5 gallons drinking water, stowed in a covered container.
- (r) An anchor with at least 15m of chain cable or rope.

TABLE 4CLASS III VESSELS

(Larger than 30 ft (9 m) up to 40 ft (12 m))

- (a) One bailer and one manual bilge pump.
- (b) A life-jacket for each person aboard the vessel.
- (c) A battery-powered water-proof torch.
- (d) A glass mirror capable of being used as a reflector.
- (e) At least three flares or orange smoke generators suitable for use during daylight.
- (f) At least three flares suitable for use at night.
- (g) A radar reflector.
- (h) At least 15 gallons of reserve fuel stowed in closed container(s) separate from the tank feeding the motor(s).
- (i) A hand-held or other compass.
- (j) Non-perishable rations sufficient to sustain four persons for five days.
- (k) A VHF marine transceiver.
- (l) Port, starboard and masthead lights in accordance with the International Regulations for Preventing Collisions at sea.
- (m) At least one 5-kilogramme fire extinguisher approved for use on Class A, B and C fires.
- (n) At all times on board or in tow, liferaft or dinghy, capable of carrying all persons on board the vessel together with a pair of oars or a motor.
- (o) A basic tool kit comprising an adjustable spanner, a pair of pliers, two flat and a Phillips screwdriver, one of which must be small and the other large, and plug spanner if applicable.
- (p) An anchor with at least 15 m of chain, cable or rope.
- (q) A basic spare kit comprising fuel line, fuel filler(s) and, if appropriate, 4 spark plugs and a pull cord.
- (r) At least 10 gallons drinking water, stowed in a closed container.

TABLE 5CLASS IV VESSELS

(Vessels larger than 40 ft (12 m) up to 66 ft (20 m))

- (a) An efficient bilge pump.
- (b) A life-jacket for each person aboard.
- (c) A battery-powered water-proof torch.
- (d) A glass mirror capable of being used as a reflector.
- (e) At least three flares or orange smoke generators suitable for use during daylight.
- (f) At least three flares suitable for use at night.
- (g) At least 50 gallons of reserve fuel stowed in a tank or container separate from the tank feeding the motor(s).
- (h) A mounted compass.
- (i) Non-perishable rations sufficient for four persons for five days.
- (j) A VHF marine transceiver.
- (k) Port, starboard, masthead and stern lights in accordance with the International Regulations for Preventing Collisions at Sea.
- (l) At least two five-(5)-kilogramme fire extinguishers approved for use on Class A, B and C fires, one of which is next to the sleeping cabin entrance and the other next to the machinery space entrance.
- (m) A liferaft or dinghy, on board or in tow, capable of carrying all persons on board the vessel together with a pair of oars.
- (n) A tool kit, to enable the crew of the vessel to effect minimum repairs to the vessel systems while at sea.
- (o) A basic spare kit, to enable the crew of the vessel to effect minimum repairs to the vessel systems while at sea.
- (p) At least 15 gallons of fresh drinking water stowed in a covered container.
- (q) An anchor with at least 20 m chain cable or rope.
- (r) Manual or power fire pumps, water from which must reach any part of the vessel.
- (s) A sound signalling device.

TABLE 6CLASS V VESSELS

(Vessels larger than 67 ft (20 m))

- (a) An efficient bilge pump system.
- (b) A life-jacket for each person aboard the vessel.
- (c) A battery-powered water-proof torch.
- (d) A glass mirror capable of being used as a reflector.
- (e) At least four flares or orange smoke generators suitable for use during daylight.
- (f) At least four flares suitable for use at night.
- (g) At least 100 gallons of reserve fuel stowed in a container or tank separate from the tank feeding the motor(s).
- (h) A mounted compass.
- (i) Non-perishable rations sufficient to sustain five persons for four days.
- (j) A VHF marine transceiver.
- (k) Port, starboard, masthead, stern lights and fishing or trawling lights as appropriate, in accordance with the International Regulations for Preventing Collision at Sea.
- (l) At least one 5-kilogramme fire extinguisher, approved for use on Class A, B and C fires near to the entrance of each compartment.
- (m) A liferaft or dinghy carried on board, capable of carrying all persons on board the vessel, together with a pair of oars.
- (n) A basic tool kit, to enable the crew of the vessel to effect minimum repairs to the vessel system, while at sea.
- (o) A basic spare kit, to enable the crew of the vessel to effect minimum repairs to the vessel systems while at sea.
- (p) At least 20 gallons of drinking water stowed in a covered container.
- (q) An anchor with at least 25 m chain cable or rope.
- (r) A powered fire pump from which water must reach any part of the vessel.

- (s) A sound signalling device in accordance with the International Regulations for Preventing Collisions at Sea.
- (t) Sufficient lubricating oil to effect a complete oil change on all engines.

APPENDIX 4**DRAFT PROVISIONS FOR THE HARMONIZED FISHERIES LAWS
PROVIDING FOR THE REGISTRATION OF LOCAL FISHING VESSELS****PART IV BIS - REGISTRATION AND SEAWORTHINESS OF LOCAL FISHING VESSELS**

26 A (1) No local fishing vessel shall put to sea unless there is in existence a valid certificate of registration and a valid certificate of seaworthiness issued in respect of that vessel.

(2) Application for a certificate of registration and a certificate of seaworthiness shall be made on behalf of the owner to the Chief Fisheries Officer.

(3) Upon receipt of an application made under Sub-section (2), the Chief Fisheries Officer shall as soon as possible thereafter inspect the fishing vessel to which the application refers and if satisfied that the vessel is seaworthy and fit for the purpose of fishing, shall issue to the owner a certificate of registration and a certificate of seaworthiness in respect of that vessel.

REGISTER OF LOCAL FISHING VESSELS

26 B (1) The Chief Fisheries Officer shall keep a Register of local fishing vessels registered under Section 26 A and shall cause to be entered from time to time in the Register the name and identification number of the vessel, the name and address of the owner, the place of mooring or beaching of the vessel and such other particulars as may be prescribed.

(2) The Chief Fisheries Officer may also, on written application by the owner of any local fishing vessel registered under section 26 A or other person holding a mortgage or other lien over such vessel, cause to be entered in the Register of local fishing vessels in respect of such vessel details of any mortgage or other lien over the vessel.

(3) The contents of the Register of local fishing vessels shall be prima facie evidence of the facts contained therein in all proceedings under this Act.

CHANGE OF OWNERSHIP TO BE NOTIFIED

26 C (1) On the sale or other change of ownership of a local fishing vessel registered under section 26 A, the previous owner and the new owner shall, within seven days of the sale or other change in ownership, notify the Chief Fisheries Officer of the change in ownership (stating the name and address of the new owners) and return to the Chief Fisheries Officer for cancellation the certificate of registration issued in respect of the vessel.

(2) The Chief Fisheries Officer shall issue to the new owner of the local fishing vessel a new certificate of registration.

INSPECTION OF LOCAL FISHING VESSELS

26 D (1) The Chief Fisheries Officer, or any fisheries officer designated by the Chief Fisheries Officer for this purpose, may at any time inspect without notice any local fishing vessel for the purpose of determining whether the vessel is sea-worthy and fit for the purpose of fishing.

(2) Where on any inspection under Sub-section (1), the Chief Fisheries Officer, or any fisheries officer designated by the Chief Fisheries Officer for the purpose of carrying out inspections under this Section, is satisfied that the vessel is not sea-worthy or is unfit for the purpose of fishing, he may cancel the certificate of seaworthiness in respect of that vessel.

OFFENCES

26 E (1) No local fishing vessel shall put to sea unless there is in existence in respect of such vessel a valid certificate of registration and a valid certificate of seaworthiness issued in accordance with the provisions of this Act.

(2) Where a local fishing vessel is used in contravention of Sub-section (1), the master, owner and charterer of that vessel is each guilty of an offence and shall each be liable upon summary conviction to a fine not exceedingdollars.

APPENDIX 5

**DRAFT RECOMMENDED PROVISIONS FOR INCLUSION IN THE HARMONIZED
FISHERIES REGULATIONS PROVIDING FOR FISHERMEN'S REGISTRATION SCHEMES,
LOCAL FISHING LICENCES AND REGISTRATION OF FISHERMEN**
(Based on the draft Fisheries Regulations of Saint Lucia)

17.Bis (1) The Chief Fisheries Officer shall keep or cause to be kept a Register of local fishermen in which shall be entered -

- (a) the name of any applicant for a licence as the charterer, owner or master of a local fishing vessel; and
 - (b) the name of any local fisherman who requests in writing or in person that his name be registered as a local fisherman.
- (2) Every person who is a citizen of _____ and whose name is entered in the Register of local fishermen shall be given a registration card and number signifying that he is registered as a local fisherman.
- (3) A registration card issued under Sub-Regulation (2) shall be kept in safe custody by the local fisherman to whom it is issued and shall be produced at any reasonable time when so required by an authorized officer.

APPENDIX 6**MODEL REGULATIONS GOVERNING THE SETTING OUT OF FADS, SAFETY REQUIREMENTS FOR NAVIGATION, AND RIGHTS TO FISH NEAR FADS AS PREPARED FOR COUNTRIES IN THE SOUTH PACIFIC REGION.****PART FISH AGGREGATING DEVICES****PLACING OF DEVICES**

****.** (1) No person shall place a fish aggregating device in _____ waters except with the permission of the Chief Fisheries Officer and in accordance with such conditions as he may specify or as are otherwise specified in this Part.

(2) The permission of the Chief Fisheries officer under this regulation may be given in the form of a telex or cable or in writing whether as a condition of the licence or otherwise.

(3) Permission to place a fish aggregating device shall not confer any exclusive right to fish in the vicinity of the device.

(4) The master of any vessel placing a fish aggregating device shall notify the Chief Fisheries Officer of the nature and location of the device within 1 month or such other period as the Chief Fisheries Officer may specify.

(5) Any person who contravenes this regulation shall be guilty of an offence and shall be liable to a fine not exceeding _____ dollars.

DESIGNATED FISH AGGREGATING DEVICES

****.** (1) The Chief Fisheries Officer may, by notice published in the Gazette, declare any fish aggregating device to be a designated fish aggregating device for the purposes of this regulation.

(2) Subject to sub-regulation (3), no person shall fish within a radius of one nautical mile from a designated fish aggregating device except with the permission of the Chief Fisheries Officer and in accordance with such conditions as he may specify.

(3) The Chief Fisheries Officer may, by notice published in the Gazette, declare that any class of persons who are citizens of _____ may fish within a radius of one nautical mile from a designated fish aggregating device or a class of designated fish aggregating devices.

(4) Any person who contravenes this regulation shall be guilty of an offence and shall be liable to a fine not exceeding _____ dollars.

MARKING OF DEVICES

- **.** (1) Any fish aggregating device placed in _____ waters shall -
- (a) be clearly marked with the name of the owner and of the vessel from which the device was placed;
 - (b) bear a radar reflector and such other equipment or markings as the Chief Fisheries Officer may from time to time require.
- (2) Any person who contravenes this regulation shall be guilty of an offence and shall be liable to a fine not exceeding _____ dollars.

DISPOSAL OF UNAUTHORIZED DEVICES

****.** Any fish aggregating device placed in _____ waters otherwise than in accordance with a permission given under regulation 31 or found in _____ waters without a marking or piece of equipment required under regulation 33 may be used or disposed of in such manner as the Chief Fisheries Officer may direct.

APPENDIX 7

**LIST OF PERSONS INTERVIEWED BY THE OECS/FAO MISSION
ON IMPLEMENTATION OF HARMONISED FISHERIES LAWS**

ANTIGUA/BARBUDA

Mr Eustace Royer	-	Chief Fisheries Officer
Miss Cheryl Jefreys	-	Fisheries Officer
Mr Colin Murdock	-	Senior Foreign Service Officer
Mr Hessey	-	Legal Officer - Attorney General's Office
Mrs Yvonne Maginley	-	Director General of Tourism
Mr Weston	-	Permanent Secretary Ministry of Agriculture, Lands and Fisheries
Lt/Commander Gilmore	-	Coastguard Commander
S/Sgt Henry	-	Antigua/Barbuda Coastguard
Mr Tyrone Peters	-	Physical Planning/Development Control Authority
Ms. Candia Williams	-	Conservation Officer
Mr Oscar Bird	-	Chairman Historical Conservation and Environmental Commission
Mr Everett Lake	-	Caribbean Alliance Insurance Co.

COMMONWEALTH OF DOMINICA

Mr Eluid Williams	-	Permanent Secretary, Ministry of Agriculture
Ms. Gloria Augustus	-	Fisheries Officer
Honourable Brian Alleyne	-	Minister of Foreign Affairs
Mr Justin Copel	-	Permanent Secretary, Ministry of Foreign Affairs
Ms. Gail Royer	-	Acting State Attorney
Mr Kevin John	-	Ministry of Legal Affairs
Ms. Norma Rolle	-	Promotions Officer National Development Corporation
Mr Vincent Philbert	-	National Development Corporation
Sargeant Frederick	-	Dominica Coastguard
Mr Newman Collins	-	Deputy Comptroller Customs and Excise
Mr Olwyn Norris	-	General Manager Port Authority
Mr Raphael Francis	-	Physical Planning Department
Mr Boniface Xavier	-	Chief Environmental Health Officer
Mrs Patricia Charles	-	Manager, Dominica Agricultural Industrial Development (AID) Bank
Mr Mellitus Pascal	-	Loans Officer Dominica AID Bank

GRENADA

Mrs James Findlay	-	Chief Fisheries Officer
Mrs Gloria Payne Banfield	-	Permanent Secretary, Ministry of Foreign Affairs
Ms Allace Thomas	-	OECS/CARICOM Desk Officer, Ministry of Foreign Affairs
Mr Keith Friday	-	Legal Officer
Inspector Frank Redhead	-	Grenada Coastguard
Mr Paul Phillips	-	Biologist, Department of Fisheries
Mr Dennis Clarke	-	Ministry of Finance - Budget Division
Mr Roger Naimool	-	Board of Tourism
Mr Ronald Haywood	-	Supervisor Marine Section Port Authority
Mrs Sonia Roden	-	Senior Project Officer, Industrial Development Corporation (IDC)
Dr. Samuel LuJan	-	Senior Investment Promotion Officer (IDC)
Mr Patrick Bobb	-	Comptroller of Customs and Excise
Mr John Adams	-	Physical Planning Unit Engineer

MONTSERRAT

Mr Anthony Maloney	-	Permanent Secretary, Ministry of Agriculture and Chairman Building Board
Mr Franklyn Michael	-	Director of Agriculture
Mr John Jeffers	-	Assistant Fisheries Officer
Mrs I. Bramble	-	Ministry of External Affairs
Honourable John Osborne	-	Chief Minister
Mr David Crowther	-	Deputy Commissioner of Police
Sargeant Morson	-	C.O. Coastguard Vessel
Mr Oranachalam	-	Legal Officer
Mrs Angela Greenaway	-	Senior Economist Development Unit

SAINT CHRISTOPHER/NEVIS

Mr Joseph Simmonds	-	Fisheries Officer
Mr Theodore Mills	-	Chief Health Inspector
Honourable Tapley Seaton	-	Attorney General
Mr Carl Atterbury	-	Legal Officer
Mr John Irish	-	Foreign Affairs Officer
Mr Ralph Wilkins	-	Assistant Fisheries Officer
Mr Oliver Spenser	-	Old Road Fishermen's Cooperative
Mr W. Bristol	-	Sandy Point IFishermen's Cooperative
Mr A. Gumbs	-	Dieppe Bay Fishermen's Cooperative
Mr C. James	-	Cooperatives Officer
Inspector Ivor Blake	-	Coastguard Commander
S/Sargeant Pat Wallace	-	Deputy Coastguard Commander

Mr Larkland Richards - Permanent Secretary Ministry of
Tourism and Labour

SAINT LUCIA

Mr Erroll Walker - Ministry of Legal Affairs
Mr Peter Murray - Fisheries Department
Mr Vaughn Charles - Fisheries Department
Mr Keith Nichols - Fisheries Department
Ms Sarah Jennings-Clarke - Fisheries Department
Mr Stephen Fontenelle - Acting Permanent Secretary, Ministry
of Agriculture
Mr Geoffrey Jennings-Clarke - Lloyds Ins. M. & C. Limited
Mr Daniel Girard - Managing Director, Saint Lucia
Development Bank
Mr Matthew Lafeuielle - Customs and Excise
Mr Keith Millar - Environmental Health Officer
Ministry of Health
Mr M. Hosein - Central Planning Unit Div. Control
Authority
Ms N. Augier - Tourist Board
Mr Petrus Compton - Ministry of Foreign Affairs
Inspector George - Marine Police
Sargeant Joseph - Marine Police
Captain Flavius - Marine Police

SAINT VINCENT AND THE GRENADINES

Mr Jeffrey Venner - Permanent Secretary, Ministry of
Agriculture
Mrs Irma Young - Permanent Secretary, Ministry of
Foreign Affairs
Ms Jennifer Cruickshank - Fisheries Assistant
Lt. Commander Martin - Coastguard Commander
Petty Officer May - Coastguard
Mr Simon Despointes - Proprietor Villamar Enterprises
Mr Oscar Ramjeet - Solicitor General
Mr Hugh Phillips - Permanent Secretary, Ministry of
Trade and Tourism
Mr Bentley Browne - Central Planning Unit
Mrs Janet Woods - Manager of Tourism
Mr Benson Cheiveton - Acting Chief Environmental
Mr Clyde Robinson - Secretary, Goodwill Fishermen's
Cooperative

ORGANIZATION OF EASTERN CARIBBEAN STATES (OECS)

Dr. Vaughan Lewis	-	Director General - Central Secretariat, Saint Lucia
Mr Augustus Compton	-	Director of Administration and Functional Cooperation - Central Secretariat, Saint Lucia
Mr Daven C. Joseph	-	Fisheries Development Officer, Fisheries Unit, Saint Vincent and the Grenadines

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