



## Saint Kitts and Nevis

# National plan of action to prevent, deter and eliminate Illegal, Unreported and Unregulated (IUU) Fishing

31<sup>st</sup> July 2015

Prepared by the Ministry of Agriculture, Marine Resources and Cooperatives, through its Department of Marine Resources (DMR), in close coordination with all key stakeholders, and with technical guidance from the Food and Agriculture Organization of the United Nations (FAO).



## TABLE OF CONTENTS

---

	<b>Page No.</b>
Table of contents	2
Acronyms and abbreviations	4
Executive Summary	5
1. Introduction	6
1.1 Purpose	6
1.2 FAO Int'l Plan of Action to Prevent, Deter & Eliminate IUU Fishing	6
1.3 Definition of IUU Fishing	7
1.4 Why is IUU Fishing a problem for St. Kitts and Nevis	8
1.5 Fisheries profile	9
1.5.1 Small-scale fisheries	9
1.5.2 Industrial fisheries	10
1.5.3 Fisheries policies and management	11
1.5.4 Fisheries legal framework and institutions	12
1.5.5 Fisheries information and research	13
1.6 Treaties and agreements	13
1.6.1 Membership of regional fishery bodies	14
1.7 Impact of UU Fishing	15
1.8 Scope of the NPOA-IUU	16
2. All State Responsibilities	17
2.1 International instruments	17
2.2 National legislation	18
2.2.1 Legislation	18
2.2.2 State control nationals	18
2.2.3 Vessels without nationality	19
2.2.4 Sanctions	19
2.2.5 Non cooperating States	20
2.2.6 Economic incentives	20
2.2.7 Monitoring, control & surveillance	20
2.2.8 Cooperation between States	22
2.2.9 Publicity	22
3. Flag State Responsibilities	23
3.1 Fishing vessel registration	23
3.2 Record of fishing vessels	23
3.3 Authorization to fish	24
3.4 Measures to control transport and re-supply vessels	25
3.5 Implementing obligations of flag State under FAO agreement	26
4. Coastal State Responsibilities	27

5.	Port State Measures	27
5.1	Advance notice of access	28
5.2	Denial of access	28
5.3	Designated ports	29
5.4	Evidence indicating IUU Fishing	29
5.5	Cooperation with port States and through RFMOs	30
6.	Internationally Agreed Market Related Measures	31
6.1	Trade-related measures	31
6.2	Catch documentation schemes	31
6.3	Transparency of markets	32
6.4	Information dissemination	32
7.	Regional Fisheries Management Organizations	33
7.1	Party compliance	33
7.2	Non-party compliance	33
7.3	Innovation	33
7.4	Inclusion of non-contracting parties	34
8.	Special Requirements of Developing Countries	34
	ANNEX	36

## ACRONYMS AND ABBREVIATIONS

CARICOM	Caribbean Community
CCCFP	Caribbean Common Community Fisheries Policy
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
COFI	Committee on Fisheries (FAO)
CRFM	Caribbean Regional Fisheries Mechanism
DMR	Department of Marine Resources
EAF	Ecosystem Approach to Fisheries
EC\$	Eastern Caribbean Dollar; US\$1 = EC\$2.70
EEZ	Exclusive Economic Zone
EU	European Union
FAD	Fish Aggregating Device
FAO	Food and Agriculture Organization of the United Nations
ICCAT	International Commission for the Conservation of Atlantic Tunas
IPOA-IUU	International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
IUU	Fishing Illegal, Unreported and Unregulated Fishing
MAMRC	Ministry of Agriculture, Marine Resources and Cooperatives
MCS	Monitoring, Control and Surveillance
NEAFC	North East Atlantic Fisheries Commission
NOAA	National Ocean and Atmospheric Administration of the USA
NGO	Non-governmental Organization
NPOA-IUU	National Plan of Action to Prevent, Deter and Eliminate IUU Fishing
PSMA	2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
SIDS	Small Island Developing State
UNFSA	United Nations Agreement for the Implementation of the Provisions of the United
UNCLOS	United Nations Convention on the Law of the Sea of 10 December 1982
VMS	Vessel Monitoring System
WECAFC	Western Central Atlantic Fishery Commission (FAO)

## **EXECUTIVE SUMMARY**

This is St. Kitts and Nevis' National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (NPOA-IUU). The Plan has been developed in accordance with the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, adopted by the Food and Agriculture Organization of the United Nations in 2001.

Protection of the coastal and marine ecosystem is a priority for St. Kitts and Nevis. The fisheries sector plays a key role in the sustainable management of the marine resources and conservation of threatened aquatic species, while supplying essential food, nutrition, employment, income and export earnings to the population of the country and to tourists.

All fishing activities that degrade the marine environment and threaten the health of fish stocks in the Exclusive Economic Zone (EEZ) of St. Kitts and Nevis and the wider Caribbean region are also a threat to the health and livelihoods of the people in St. Kitts and Nevis, and to the supply of fish, lobster and conch to other markets.

Coastal marine resources, particularly reef ecosystems, are already under stress from legitimate small-scale fisheries activities so the additional impact on these resources –that are also important for tourism, coastal protection and aquatic biodiversity- by illegal, unreported and unregulated (IUU) fishers will be disastrous.

In order to ensure long-term benefits from fisheries for the people of St. Kitts and Nevis, and to place the livelihoods of the fisherfolk and those dependent on the fisheries value chain at the core of decision making and management processes, this NPOA-IUU has been developed in a participatory manner through two stakeholder consultations held in April and May 2015, followed by a validation workshop in July 2015.

The Government of St. Kitts and Nevis has only limited resources for fisheries management, and therefore heavily relies on ownership and active participation by fishers, their representative organizations as well as other government agencies and NGOs, in the implementation of this NPOA-IUU.

Being a Caribbean small-island developing state (SIDS) with many neighbouring islands, St. Kitts and Nevis relies to a large extent on regional and bilateral cooperation to prevent, deter and eliminate IUU fishing. St. Kitts and Nevis is committed to further developing its fisheries management capacity and to working with neighbouring States and overseas territories, both in the region and internationally, to ensure the conservation and long-term sustainable use of fish stocks and the protection of the marine environment.

St. Kitts and Nevis has adopted fisheries management measures and recommendations developed regionally within the frameworks of the Western Central Atlantic Fishery Commission (WECAFC) and the Caribbean Regional Fisheries Mechanism (CRFM), and will enact and amend new legislation that incorporates principles contained in the 1995 UN Fish Stocks Agreement, the 1993 FAO Compliance Agreement, the 1995 FAO Code of Conduct for Responsible Fisheries, the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA), the 2014 Voluntary Guidelines on Flag State Performance and the 2014 Caribbean Community Common Fishery Policy (CCCFP) to a large extent. This NPOA IUU also provides a record of actions already underway. There are, however, a number of matters to be considered for further action and these are listed at the end of the document. St. Kitts and Nevis will review the NPOA-IUU on an ongoing basis and will submit any revisions to FAO, as required.

## 1. INTRODUCTION

### 1.1 Purpose

This document represents St. Kitts and Nevis' National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (NPOA–IUU). The NPOA–IUU has been developed in accordance with the FAO International Plan of Action to prevent, deter and eliminate IUU fishing (IPOA–IUU<sup>1</sup>). The IPOA–IUU was adopted by the Committee on Fisheries (COFI) of the Food and Agriculture Organization of the United Nations (FAO) in 2001, and later in that year, endorsed by the FAO Council.

### 1.2 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

The IPOA–IUU was developed as a voluntary instrument within the framework of the 1995 FAO Code of Conduct for Responsible Fisheries<sup>2</sup>. The objective of the IPOA–IUU is to combat illegal, unreported and unregulated (IUU) fishing by providing all States with comprehensive, effective and transparent measures by which to act, including through appropriate regional fishery management organizations (RFMOs) or arrangements established in accordance with international law.

The IPOA–IUU called on States to develop and implement NPOAs–IUU by June 2004, to further achieve the objectives of the IPOA–IUU, and to give full effect to its provisions as an integral part of their fisheries management programmes and budget.

The IPOA–IUU serves as a comprehensive “toolbox” of measures to address IUU fishing in a range of situations and contexts. The IPOA–IUU contains general measures targeted at all States, as well as measures targeted specifically at flag States, coastal States and port States. It also contains market-related measures, ways to support the special requirements of developing countries in their achievement of the objectives of the IPOA–IUU, and measures to be taken by States through RFMOs. Some of the IPOA–IUU provisions reflect obligations that many States have accepted as binding, either through internationally agreed instruments, RFMOs or through national legislation.

#### **The IPOA and this NPOA–IUU accordingly incorporate the following principles and strategies:**

**Participation and coordination:** To be fully effective, the IPOA–IUU should be implemented by all States either directly, in cooperation with other States, indirectly through relevant RFMOs or through FAO and other appropriate international organizations. The participation of stakeholders in combating IUU fishing, including industry, fishing communities and non-governmental organizations is encouraged.

**Phased implementation:** Measures to prevent, deter and eliminate IUU fishing should be based on the earliest possible phased implementation of NPOAs–IUU together with regional and global action in accordance with the IPOA–IUU.

<sup>1</sup> The full text of the IPOA –IUU can be found at: <http://www.fao.org/docrep/003/y1224e/y1224e00.htm>

<sup>2</sup> The Code of conduct for Responsible Fisheries can be found at:  
<ftp://ftp.fao.org/docrep/fao/005/v9878e/v9878e00.pdf>

**Comprehensive and integrated approach:** Measures to prevent, deter and eliminate IUU fishing should address factors affecting all capture fisheries. In taking such an approach, States should embrace measures building on the primary responsibility of the flag State and using all available jurisdiction in accordance with international law, including port State measures, coastal State measures, market-related measures and measures to ensure that nationals do not support or engage in IUU fishing. States are encouraged to use all these measures, as appropriate, and to cooperate to ensure that measures are applied in an integrated manner. NPOAs–IUU should address all economic, social and environmental impacts of IUU fishing.

**Conservation:** Measures to prevent, deter and eliminate IUU fishing should be consistent with the conservation and long-term sustainable use of fish stocks and the protection of the environment.

**Transparency:** The IPOA–IUU should be implemented in a transparent manner in accordance with Article 6.13 of the 1995 FAO Code of Conduct for Responsible Fisheries.

**Non-discrimination:** The IPOA–IUU should be applied without discrimination in form or in fact against any State or its fishing vessels.

### **1.3 Definition of Illegal, Unreported and Unregulated fishing**

The IPOA–IUU defines IUU fishing. St. Kitts and Nevis uses this internationally accepted definition in this NPOA–IUU and other fisheries related legislation.

#### **Illegal fishing refers to activities:**

- conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;
- conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or
- in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.

#### **Unreported fishing refers to fishing activities:**

- which have not been reported, or have been misreported to the relevant national authority, in contravention of national laws and regulations; or
- undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.

#### **Unregulated fishing refers to fishing activities:**

- in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or
- in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.

#### 1.4 Why is IUU fishing a problem for St. Kitts and Nevis?

IUU fishing undermines efforts to conserve and manage fish stocks in capture fisheries. In the face of IUU fishing, the Department of Marine Resources of St. Kitts and Nevis and regional fishery management organizations or arrangements St. Kitts and Nevis is member off (e.g. CRFM, WECAFC) can fail to achieve the agreed fisheries management goals and objectives. This situation leads to the loss of both short- and long-term social and economic opportunities and to negative effects on food security and environmental protection. In the extreme, IUU fishing can lead to the collapse of a fishery or seriously impair efforts to rebuild stocks that have already been depleted. If IUU fishing continues it can completely destroy the benefits of effective fisheries management.

Those who conduct IUU fishing are unlikely to observe rules and regulations to protect the aquatic environment and stocks from harmful fishing activities, such as harvesting juvenile fish, berried lobsters, or targeting fish during spawning activities. To avoid detection these illegal fisheries often violate basic safety-at-sea requirements, putting themselves and others at risk. Moreover, they tend to deny the crew members the basic labour rights including those concerning wages, safety standards and working conditions.

IUU fishers gain an unjust advantage over legitimate fishers. They benefit unfairly from sacrifices made by legitimate fishers for the sake of stock conservation and fisheries management. IUU fishers are “free riders”, who don’t care about the other fisher’s livelihoods and income. They put the coastal fisheries communities social cohesion at risk, cause conflicts and their illegal practices often leads to violence, accidents and sometimes even casualties.

Illegal fishing undermines the morale of legitimate fishers and encourages them to disregard rules as well. Therefore, if IUU fishing is not dealt with by the government and fisheries stakeholders, it will increase further and create a downward spiral of violence and management failure.

One major challenge for St. Kitts and Nevis is the export of Caribbean spiny lobster (*P. argus*) and queen conch (*S. gigas*), which are traded with neighbouring French Overseas Territories. This trade has being carried out for many years and is done mainly with the use of small open fishing vessels. This often involves transshipment activities at sea.

Another major challenge is that St. Kitts and Nevis is currently (2015) at risk of becoming a non-cooperating third country in the fight against IUU fishing as a vessel registered under St. Kitts and Nevis Ship Registry (located in England) has been identified as conducting IUU fishing, hence, failing to carry out its duties as a Flag State. Moreover, a number of weaknesses in the St. Kitts and Nevis Fisheries Act 1984 and Fisheries Legislations 1995 resulted in deficiency and lack of transparency in addressing international fisheries laws and standards. Also, steps need to be taken regarding transparency in the traceability of fish and fish products exported and within our domestic markets. On a local scale, the lack of human capacity, as well as an inadequate framework to manage and enforce regulations has caused insufficient compliance amongst fishers. Hence, a number of improvements to the fisheries legislation had to be made, such as those relating to monitoring, control and surveillance as well as licensing systems.

The unreported nature of IUU fishing makes it particularly difficult to quantify; available information strongly suggests that, despite apparent improvement in some regional situations, the amount of IUU



fishing worldwide is increasing as IUU fishers seek to avoid compliance with stricter fishing regulations that are being imposed to deal with downturns in a growing number of fish stocks. While some estimates suggest that IUU fishing may account for as much as one-third of total catch in the world's oceans, fully reliable data on IUU fishing are by definition scarce.

IUU fishing is a dynamic, multi-faceted problem that cannot be effectively addressed by any single strategy. A multi-pronged approach is required at international, regional and national levels, with ownership and buy-in from all stakeholders involved in fisheries in St. Kitts and Nevis.

The combat against IUU Fishing by St. Kitts and Nevis has therefore three sides:

- 1) prevent that IUU fishing occurs and has negative impacts on the St. Kitts and Nevis EEZ and the wider Caribbean region,
- 2) prevent that St. Kitts and Nevis' ports are used in IUU fishing related operations, and
- 3) prevent that St. Kitts and Nevis' flagged fishing vessels and fish transshipment/transport vessels support IUU fishing operations in other parts of the world.

## 1.5 Fisheries profile

St. Kitts and Nevis is a twin-island small island developing State with a total land area of 267 km<sup>2</sup> and a surrounding EEZ of about 22,024 km<sup>2</sup>. Marine fishing and aquaculture take place, but marine fisheries are predominant. They consist of the small-scale subsistence fishery, the coastal commercial fishery and the industrial fishery, described below.

### 1.5.1 Small-scale fisheries

In St. Kitts and Nevis, the fisheries of nearshore marine waters are of cultural, subsistence and economic importance, and are essentially small scale. The following categories of fisheries have been acknowledged by the DMR: (a) small coastal pelagic fishery; (b) small offshore pelagic fishery; (c) large offshore pelagic fishery; (d) shallow shelf and reef finfish fishery, (e) shallow shelf and reef lobster fishery; (f) shelf and deep slope fishery; (g) conch fishery; and, (h) sea turtle fishery.

The majority of the St. Kitts and Nevis fishing fleet consists of locally constructed pirogue type vessels: usually made with wood and fiberglass. These could be decked or undecked, and are usually between 6 to 12 meters (m) in length. These vessels are usually powered by outboard engines. The total number of fishing vessels operating in the commercial capture fisheries of St. Kitts and Nevis within its EEZ was estimated at 254 in 2013 (see Tables 1 and 2) (DMR, 2014). The number of vessels in the fishery sector showed an overall increasing trend during the 2008 -2010 period.

Table 1: Number of undecked powered vessels by L.O.A. (length overall) and type

L.O.A. (metres)	Seiners others	Multi-purpose	2013
Up to 5.9	3	59	67
6 – 11.9		171	180
Total	3	230	247

Table 2: Number of decked vessels / tonnage and total power by L.O.A. (length overall)

L.O.A. (metres)	Multipurpose	Gross Tonnage	Power
12 – 17.9	4	30	1245 hp

The fishing fleet and fishing gears used in St. Kitts and Nevis to target the marine fisheries are mostly artisanal in nature. The gears utilized in St. Kitts and Nevis include fish pots or fish traps, hand and trolling lines, cast nets, gill nets, hoop nets, spears, spear guns, lobster hook, diving gears (including SCUBA tanks), lobster traps, pelagic long line gear, seines and fish aggregating devices (FADs).

The number of fishers (part time and full time) increased rapidly over the period 2010 -2013, from 58 to 72 fulltime fishers, and from 545 to 664 part-time fishers. Added to these are some 20 occasional fishers, bringing the total number of active fishers to 756. On an estimated population of 52 000 persons (2014) this would mean that of the population of working age (15 to 64 years), more than 2 percent is deriving an income from fishing.

The export value of fish and fisheries products, including conch and lobster, from small-scale fisheries added up to 1.8 million USD in 2010 and 2.7 million USD in 2013 (Global Trade Atlas, 2014). The USA, Canada, Norway and the United Kingdom were the main export markets. The export value in 2013 represents about 1% of the total CARICOM fish and fisheries exports.

Much of the potential for increasing small-scale fisheries production in St. Kitts and Nevis is from the offshore areas using longlines, fish aggregating devices (FADS), fisheries access agreements with neighbouring states and on shore aquaculture development.

### **1.5.2 Industrial fisheries**

Generally speaking, there are no industrial scale fishery activity in the EEZ of St. Kitts and Nevis. However, industrial fisheries and fish transport/transhipments are practiced by vessels registered at the Registrar of Shipping of St. Kitts and Nevis; vessels which are foreign owned, operated and crewed, but flagged by St Kitts and Nevis.

The number of St. Kitts and Nevis' fishing vessels that are active in the ABNJ and EEZs of other countries has fluctuated largely over recent years. It fluctuated between 3 and 11 fishing vessels (trawlers) over the period 2010 -2014. Currently (2015) there are 18 fishing vessels (trawlers + one trawler/factory ship) registered. Ten trawlers operate in FAO area 34 (Eastern Central Atlantic) and 7 operate in FAO area 47 (South East Atlantic).

In addition, one is under repair and another registered vessel is laid up. The trawlers are licensed in Mauritania, Guinea-Bissau, Sierra Leone and Angola and the companies owning the vessels are registered in Belize, Marshall islands, Seychelles, Cyprus, Canada, Spain and Latvia. As such, the fishing operations are very international.

Gears used are mid-water pelagic trawls of the types Atlantic 3 and 4 and Sirius, generally made in Russia, European Union or Iceland. The main target species of the trawlers are horse mackerel, mackerel and sardines. In 2014 the trawler fleet caught more than 160 000 tonnes of fish, according to the available mates receipts. This trawler fleet generally stays for long periods (up to a year) at sea and gets supplies from other vessels. Their fish caught is transhipped at sea (often in the ABNJ area) to transhipment vessels flagged by other countries. The reporting of the catch by some of these trawlers in recent years appears to be incomplete, causing the statistics provided by St. Kitts and Nevis to FAO to underestimate the catch by St. Kitts and Nevis' flagged trawler fleet.

The number of St. Kitts and Nevis flagged transhipment vessels is 18. Fourteen of these vessels operate within FAO area 27 (North East Atlantic), which is within the mandate area of NEAFC and the

Norwegian Economic Zone. These transshipment vessels comply with NEAFC port state measures and flag state measures. Four of the transshipment vessels operate in area 34. It is not known to which ports these vessels deliver.

### **1.5.3 Fisheries policies and management**

St. Kitts and Nevis Fisheries Department has operated on a Draft Management Plan since 1998 which provided for the management of various fisheries. However, the creation of the Department of Marine Resources (DMR) in 2010 signalled a major shift in the focus of fisheries to an Ecosystem Approach to Fisheries (EAF) Management. In light of this change, the Centre for Resources Management and Environmental Studies (CERMES) in Barbados assisted the DMR in scoping the future for fisheries management over the next 10 years using EAF.

There are a number of factors that are driving EAF management in St. Kitts and Nevis: (a) chemical runoff as a result of agricultural activities; (b) ill-planned coastal developments; (c) construction of structures on the seabed; (d) sand mining; (e) maritime transport activities; (f) tourism; (g) carbon sequestration and (h) user conflicts.

FAO's project on "Strengthening Fisherfolk Organizations in St. Kitts and Nevis" (TCP/STK/3401) assisted in application of the EAF through various training sessions of fisherfolk in 2013. This project offered training to fishers in bookkeeping business planning and basic economics required for the day-to-day management of fisherfolk organizations. A National Training Workshop on Fisheries co-management was held in Nevis on June 4 – 6 2013 with 45 participants who agreed that:

- Strong fisherfolk organizations are required for co-management in fisheries;
- All fishers that are not members of a cooperative should be encouraged to join. It was argued that St. Kitts and Nevis is in a "Do or Die" situation and if no action is taken, all fisherfolk will have to find other jobs in a few years as fish resources will be completely depleted;
- The outdated Fisheries Management Plan must be updated to adopt the EAF approach to fisheries management. The lack of an adopted fisheries management plan was considered a serious gap in management and should be resolved as soon as possible;
- Fisherfolks should be encouraged to sell their fish to the cooperative instead of urging them to look for short term benefits. The ministerial decisions on these issues should be reversed as soon as possible in order to support reviving cooperatives. The potential role of the cooperatives in the export of fish should be promoted by the government as well;
- Capacity building and training of fishers in management measures should continue and the government should be asked to support requests from fishers in this respect. It was also recommended that surveys be carried out to investigate interest in membership of the cooperatives and what these cooperatives should be involved in; and,
- A strategic plan for co-management should be prepared.

Some fundamental cornerstones of the EAF strategy promoted by the DMR include the following:

- Minimising deterioration in water quality that can arise from urban areas (e.g. sewage from humans and animal husbandry, chemical discharges, solid waste and factory effluent) by controlling pollution and managing waste;
- Prohibiting activities that destroy coral reefs, reduce mangroves and damage the structural complexity of seagrasses.
- Enlisting the assistance of NGOs to help communities protect fish habitats;
- Increasing the use of FADS to catch near shore and offshore pelagics; and,
- Increasing investments in the aquaculture sector to ensure food security and the availability of

protein.

#### **1.5.4 Fisheries legal framework and institutions**

The Department of Marine Resources (DMR) has primary responsibility for fisheries management in SKN. Its purpose is to ensure the optimum utilisation of fisheries resources in the waters of St. Kitts and Nevis for the benefit of the people and economy of St. Kitts and Nevis through management and development. The DMR is responsible by law for fisheries management including conservation of resources and development of the fisheries. The Fisheries Act (1984) was in the process of being superseded by the development of a new Fisheries, Aquaculture and Marine Resources Bill<sup>3</sup> (2015) during the time this NPOA was being developed and adopted. The new Bill establishes the legislative framework for fisheries, aquaculture and marine resources.

The Bill applies to fishing and fishing related activities in waters under national jurisdiction as well as to fishing activities of national vessels in areas beyond national jurisdiction (ABNJ) and non-living marine resources. It introduces guiding principles, including the ecosystem approach to fisheries and the precautionary approach. It charges Department of Marine Resources with the administration of the Act, describes the functions and duties of the Minister and the Director, and provides the basis for the establishment of the Fisheries Advisory Committee and such other Committees that may be required. The Act requires collaboration with other countries, including at the regional level through appropriate organizations, in the management of certain stocks.

The Bill requires fisheries policies to be developed and updated regularly and the development of fisheries management plans for the most important fisheries. It introduces the basis for taking fisheries conservation and management measures, including gear, vessel, area and time related measures and for implementing applicable international conservation and management measures agreed by regional fisheries management organizations. The Bill also introduces the basis for local fisheries management areas, co-managed by local fisheries management authorities.

The Bill requires all fishing activities to be licensed, as well as fish processing and aquaculture, and allows for access by foreign vessels. It also determines minimum conditions for access agreements and requires national vessels to be authorized to operate in areas beyond national jurisdiction. The Bill introduces the obligation for all fishers and vessels to be registered and in some cases, such as divers to be certified.

The Bill requires the establishment of registers that contain information about fishers, fishing vessels, legal proceedings and other relevant information, and addresses access to information and confidentiality of information.

Specific trade related provisions provide the basis for coordination among relevant competent authorities and addresses certification, food safety and aquatic animal health.

The Bill also introduces the legislative framework for aquaculture on land and at sea, and subjects all aquaculture activities licensing and registration. It provides for the designation of aquaculture zones, and introduces management measures in relation to aquaculture, the introduction of species, waste water and use of chemicals.

The Bill establishes a monitoring, control and surveillance unit, provides the basis for the designation of

---

<sup>3</sup> Further called Bill throughout this document.

inspectors and observers, provides for their functions and powers, and limits their liability. The Bill also requires masters, crew members and other persons to assist them in carrying out their functions, and prohibits them from being obstructed or assaulted. The Act provides the basis for the introduction of a vessel monitoring systems (VMS). It introduces requirements for entry and use of ports by foreign vessels, consistent with international and regional requirements.

The Bill addresses requirements for arrested persons and seized items, and introduces provisions related to evidence, including certificate evidence, presumptions and onus of proof. In relation to legal procedures, the Act provides for powers for forfeiture and liability. In terms of administrative provisions, the Act provides the basis for taking administrative measures. Furthermore, the Act introduces revised offences, fines, penalties and sanctions.

### **1.5.5 Fisheries information and research**

One of the primary responsibilities of the DMR is the collection of data to assess the status of the various fisheries target stocks and the marine ecosystem in general. Fisheries-related statistics are compiled for integration into national economic development planning and environmental management and planning. However, these activities are curtailed by the limited staff available to collect data and information at the fish landing sites, for analysis and reporting.

Information for management decisions also comes from a variety of other sources, including the Customs and Excise Department export database; records of the Basseterre Fisheries Complex (a government fish processing unit) and anecdotal information from fishers. The regional fishery bodies (CRFM and WECAFC) also provide substantial information for management purposes.

Information on the high seas fishing and fish transshipment fleet is currently collected by the Registrar of Shipping and reaches through the Department of Maritime Affairs and the DMR. A more effective system of information exchange is under development, which will be accompanied by a Memorandum of Understanding (MoU) between the agencies involved, and will guarantee better and more complete information in support of fisheries management duties as coastal, flag State and port State.

### **1.6 Treaties and agreements**

St. Kitts and Nevis has ratified and is party to the following international treaties and agreements:

- **1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES):** St. Kitts and Nevis supports closer cooperation between CITES and FAO to improve the applicability of CITES provisions to commercial fisheries and trade in aquatic species. In particular, listing of Queen Conch (*Strombus gigas*) in Appendix II (this requires trade in the species to be regulated) has been of importance to fisheries management of this species in St. Kitts and Nevis.

St. Kitts and Nevis is actively involved in the CFMC/WECAFC/CRFM/OSPESCA Working Group on Queen Conch, implements recommendations by WECAFC, and follows up on efforts by CRFM towards better management and conservation of this important species for fisheries.

Similarly, St. Kitts and Nevis is supportive of the recent sharks and rays listings in the CITES Appendix II and aims to produce a National Plan of Action for sharks in the near future.

- **1977 Torremolinos International Convention for the Safety of Fishing Vessels;**
- **1982 United Nations Convention on the Law of the Sea (UNCLOS):** provides, *inter-alia*, the framework for the rational management of marine resources and confers on coastal States rights and responsibilities for the management and use of fishery resources within the area of their national jurisdiction; and
- **1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas** (FAO Compliance Agreement). This agreement aims to ensure the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks through effective implementation of the relevant provisions of the UNCLOS Convention.
- **1995 United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks**, also called the **UN Fish Stocks Agreement (UNFSA)**. This agreement promotes good order in the oceans through the effective management and conservation of high seas resources by establishing, among other things, international standards for the conservation and management of straddling fish stocks and highly migratory fish stocks. The UNFSA aims to ensure that measures taken for the conservation and management of those stocks in areas under national jurisdiction and in the adjacent high seas are compatible and coherent, and that there are effective mechanisms for compliance and enforcement of those measures on the high seas.
- **2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA)**. This agreement aims to prevent IUU-caught fish from entering international markets through implementation of harmonized measures by countries, and through regional fisheries management organizations (RFMOs). It removes incentives to engage in IUU fishing.
- **2012 Cape Town Agreement on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 not yet Ratified**

St. Kitts and Nevis has ratified and is party to the following regional treaties:

- The CARICOM agreement
- The OECS agreement
- 1983 Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention)
- 2000 Cartagena Protocol on Biosafety to the Convention on Biological Diversity

### **1.6.1 Membership of regional fishery bodies**

#### **Western Central Atlantic Fishery Commission**

The Western Central Atlantic Fishery Commission (WECAFC) was established in 1973 by Resolution 4/61 of the FAO Council under Article VI (1) of the FAO Constitution. Its Statutes were amended by the FAO Council at its Seventy-Fourth Session in December 1978 and by the Hundred and Thirty-first Session of the FAO Council in November 2006. The general objective of the Commission (consisting of 34 member countries and the European Union) is to promote the effective conservation, management and development of the living marine resources of the area of competence of the Commission, in accordance with the FAO Code of Conduct for Responsible Fisheries, and address common problems of fisheries management and development faced by Members of the Commission. The Commission is a Regional Fishery Advisory Body. WECAFC can issue non-binding resolutions and fisheries management

recommendations and provides for technical advice and services to its members. St. Kitts and Nevis is an active member of this commission and its working groups since 1985.

#### **Caribbean Regional Fisheries Mechanism**

The Caribbean Regional Fisheries Mechanism was established by means of a regional intergovernmental agreement signed on 4 February 2002.<sup>4</sup> This agreement entered into force upon signature of any seven Member States or Associate Members of CARICOM. The organization adopted its own rules of procedure on 5 August 2002 and was officially inaugurated in Belize City, Belize, on 27 March 2003. The CRFM, in other words, is a rather recently established Regional Fishery Advisory Body, especially when compared with many other existing regional fisheries bodies. Currently, the CRFM membership consists of the following CARICOM members and CARICOM associate members (which include some United Kingdoms' Overseas Territories): Anguilla, Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago and Turks and Caicos Islands. St. Kitts and Nevis is an active member of this mechanism, which is involved in various joint working groups with other RFBs.

#### **North East Atlantic Fisheries Commission**

The North East Atlantic Fisheries Commission (NEAFC) is the Regional Fisheries Management Organisation (RFMO) for the North East Atlantic, one of the most abundant fishing areas in the world. The area covered by the NEAFC Convention stretches from the southern tip of Greenland, east to the Barents Sea, and south to Portugal. NEAFC's objective is to ensure the long-term conservation and optimum utilisation of the fishery resources in the Convention Area, providing sustainable economic, environmental and social benefits. To this end, NEAFC adopts management measures for various fish stocks and control measures to ensure that they are properly implemented. NEAFC also adopts measures to protect other parts of the marine ecosystem from potential negative impacts of fisheries. St. Kitts and Nevis is a cooperating non-contracting party to NEAFC.

Having the status of cooperating non-Contracting Party includes a commitment to fulfil all the relevant requirements set by NEAFC, including VMS and reporting. St Kitts and Nevis is not aiming to engage in fishing in the NEAFC Regulatory area, but rather to support fishing through transshipment activities. The current status of cooperating non-Contracting Party is therefore the suitable status, and it would not be appropriate to take any steps towards becoming a full NEAFC Contracting Party.

#### **International Commission for the Conservation of Atlantic Tuna**

St. Kitts and Nevis is not a contracting or cooperating non-contracting party of the International Commission for the Conservation of Atlantic Tuna (ICCAT), but recognizes its mandate for the management of tuna resources in the ABNJ areas of the Atlantic Ocean.

### **1.7 Impact of IUU Fishing**

Protection of the marine ecosystem is a key issue for St. Kitts and Nevis in its bid to ensure food security for its people. All fishing activities that harm the marine environment and threaten the health of fish stocks in the EEZ and the wider Caribbean region is a threat to the health and livelihoods of the people of St. Kitts and Nevis and to the supply of fishery products, particularly Queen Conch (*Strombus gigas*), Caribbean Spiny Lobster (*Panulirus argus*), small coastal pelagic, large or ocean pelagic and reef/bank and slope fishes.

---

<sup>4</sup> Agreement establishing the Caribbean Regional Fisheries Mechanism. Multilateral, signed on 4 February 2002, 2242 *United Nations Treaty Series* pp. 271, 273-290. This agreement entered into force on 4 February 2002 (as available at <<http://www.caricom-fisheries.com/LinkClick.aspx?fileticket=k2y%2b0jOz%2ffY%3d&tabid=124>>. Hereinafter CRFM Agreement.

Coastal marine/reef resources are already under stress from legitimate fishers, and recovery of stocks of lobster, queen conch and reef fishes is promoted. The stock status of these resources is largely “unknown”, but they are considered as fully exploited, without scope for any increase in harvests. Consequently, the additional impact of IUU fishing and their disregard for the state of stocks is a recipe for disaster.

St. Kitts and Nevis is conscious of the fact that, apart from some opportunities to increase landings of small (coastal) and large (oceanic) pelagics (including dolphin fish, wahoo, billfish, blackfin tuna) through the use of Fish Aggregating Devices (FADs), there is limited scope for further expansion of fisheries within the EEZ of the country. St. Kitts and Nevis is not a contracting party of the International Commission for the Conservation of Atlantic Tuna (ICCAT), and thus has not been assigned a quota for the main tuna fisheries in the Atlantic; however, cooperates through CRFM to which it is a party.

Along with partners of other SIDS in the region, St. Kitts and Nevis is concerned with the long-term sustainability of lobster and queen conch resources in particular, as these are major export products providing longer term economic benefits. The high value of lobster and conch make them vulnerable to IUU fishing and the transboundary relationships between the stocks mean that management failures and IUU fishing in other country’s EEZ may impact the stock and harvest in the St. Kitts and Nevis EEZ.

St. Kitts and Nevis is very limited in its fisheries management capacity and resources, and relies heavily on regional and bilateral cooperation to combat IUU fishing. St. Kitts and Nevis is committed to further develop its own management capacity, using an Ecosystem Approach to Fisheries (EAF) and fisheries co-management arrangements, as well as to work with neighbouring States in the region (e.g. Antigua and Barbuda, Guadeloupe, St Maarten, Montserrat and Saba/St Eustatius), WECAFC, CRFM and International Organizations to ensure the conservation and long-term sustainable use and conservation of fish, lobster, conch stocks, and the protection of the aquatic environment.

## **1.8 Scope of the NPOA–IUU**

St. Kitts and Nevis’ NPOA–IUU closely follows the structure of the IPOA–IUU. Like the IPOA–IUU, this NPOA–IUU addresses general measures targeted at all States, as well as measures targeted specifically at flag States, coastal States and port States. The NPOA–IUU focuses on both coastal, small-scale fisheries conducted within the EEZ of St. Kitts and Nevis, and on industrial fisheries in the Areas Beyond National Jurisdiction (ABNJ), and the high seas under the auspices of the respective RFMOs.

St. Kitts and Nevis is in the process of adopting its new fisheries management legislation that is consistent with the 1993 FAO Compliance Agreement, the 1995 UN Fish Stocks Agreement, the 1995 FAO Code of Conduct for Responsible Fisheries, the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA), the 2014 Voluntary Guidelines on Flag State Performance and the 2014 Caribbean Community Common Fishery Policy (CCCFP).

The legislation also makes provision for management measures that may be required by RFBs and RFMOs, including the WECAFC, CRFM and NEAFC. As a result, St. Kitts and Nevis’ NPOA–IUU is largely a record of actions already underway.

At the end of this document is a list of priority actions aimed at enhancing St. Kitts and Nevis’ ability to address IUU fishing. This NPOA–IUU will be reviewed, and if necessary, revised every four years and formally submitted to FAO.



## 2. ALL STATE RESPONSIBILITIES

### 2.1 International instruments

The IPOA–IUU calls on States to give full effect to relevant norms of international law in order to prevent, deter and eliminate IUU fishing. States are encouraged as a matter of priority to ratify, accept or accede to the 1982 UN Convention, the 1995 Fish Stocks Agreement, the 1993 FAO Compliance Agreement and to implement the 1995 FAO Code of Conduct for Responsible Fisheries, including its related IPOA–IUUs and strategy and to become members of, or cooperate to establish new, RFMOs where appropriate.

St. Kitts and Nevis is in compliance with relevant norms of international law related to the conservation and management of marine living resources. In fact, St. Kitts and Nevis is a party to the following instruments:

**TABLE 2: LIST OF INSTRUMENTS RATIFIED BY ST KITTS AND NEVIS**

<b>Instrument</b>	<b>Status</b>
1946 The International Convention for the Regulation of Whaling (IWC)	Adherence (in 1992)
1982 UN Convention on the Law of the Sea (UNCLOS)	Ratified
1993 FAO Compliance Agreement	Ratified
1993 Convention on Biological Diversity	Ratified
1994 International Seabed Authority	Party (since 2014)
1995 UN Fish Stocks Agreement	Accessed on 6 July 2015
2000 The Cartagena Protocol on Biosafety to the Convention on Biological Diversity	Accession (in 2001)
2009 FAO Port State Measures Agreement	Accessed on 6 July 2015
2014 Caribbean Community Common Fisheries Policy	Adopted in October 2014

St. Kitts and Nevis is actively taking steps to implement the 1995 FAO Code of Conduct for Responsible Fisheries, the 2003 FAO Technical Guidelines on the Ecosystem Approach to Fisheries, and is in the process of implementing the IPOA–IUU. Another IPOA to be implemented through the development of an NPOA is the IPOA–IUU-shark. Moreover, in line with WECAFC14 Resolution WECAFC/14/2012/1 on Strengthening the Implementation of International Fisheries Instruments, St. Kitts and Nevis aims to ensure adherence of its fisheries to the 2008 International Guidelines for the Management of Deep-Sea Fisheries in the High Seas, and the 2010 International Guidelines on Bycatch management and reduction of discards.

Inter-American Convention (IAC) for the Protection and Conservation of Sea Turtles, promoting Turtle Excluder Devices (TEDs) in fisheries, as well as the Protocol Concerning Specially Protected Areas and Wildlife (SPAW protocol) under the Cartagena Convention, which promotes Marine Protected Areas (MPAs), are regional agreements that are relevant to St. Kitts and Nevis' fisheries, and the usefulness of cooperating with these organizations is being reviewed.

The revised Bill incorporates and will adhere to vessel specification in line with FAO's standards specifications for the marking and identification of fishing vessels, as well as an MSC plan, High seas fishing fleet policy, and fish and fish product traceability relating to UNCLOS and FAO Code of Conduct for responsible Fisheries. With the following provisions being made, St. Kitts and Nevis will be in the

position to register through its Registrar of Shipping, license, and inspect all its flagged vessels active outside waters of the country. This would provide for better linkages between State and vessels, and increase overall flag State performance, as is the DMR's intention.

## **2.2 National legislation**

### **2.2.1 Legislation**

The IPOA-IUU states that national legislation should address, in an effective manner, all aspects of IUU fishing.

The Fisheries Act 2002, which is a second revised version of the act of 1984, has been the main fisheries legislative document for St. Kitts and Nevis' fisheries in the last decade. It provided for the conservation, management, sustainable utilization and development of fisheries resources.

The Act did not define IUU fishing and was generally considered outdated by all stakeholders involved. Therefore, the Government of St. Kitts and Nevis initiated, with assistance from FAO, a process in 2015 to review and re-write the Bill and its most important regulations; a process that should be concluded before the end of 2015, and will include all necessary legislation that enables effective implementation of this NPOA.

The new Bill (2015), which addresses IUU fishing matters within the EEZ and in the high seas (Areas Beyond National Jurisdiction) of St. Kitts and Nevis incorporates, permits and encourages the use of tools identified in the IPOA-IUU "toolbox". Fisheries Management Regulations to be implemented under the Bill are currently being updated based on the Fisheries Regulations of 2002, the draft regulations of 2013, regional agreement on harmonized measures for Queen Conch and Lobster from CRFM and WECAFC, and on the various stakeholder consultations on the new fisheries legislation held in the first semester of 2015.

### **2.2.2 State control over nationals**

The IPOA-IUU calls on States, to the greatest extent possible, to take measures or cooperate to ensure that their nationals do not support or engage in IUU fishing, and to cooperate to identify those nationals who are the operators or beneficial owners of IUU fishing vessels.

St. Kitts and Nevis will maintain a register of the operators or beneficial owners of vessels flying its flag, including their nationality. In this way, St. Kitts and Nevis can identify its nationals should a vessel be involved in IUU fishing. It is recognized that nationals of St. Kitts and Nevis are currently not working on St. Kitts flagged vessels that fish in the ABNJ. Therefore, in terms of activities of St. Kitts and Nevis vessels in the high seas, the focus will be to meet international obligations.

From 2016 onwards, St. Kitts and Nevis will therefore register its ABNJ fishing and support vessels in the Global Record of Fishing Vessels Refrigerated Transport Vessels and Supply Vessels (Global Record). This is a voluntary, phased and collaborative global initiative intending to make information available on

vessel identification and other relevant data with the aim of providing a reliable and rapid way to contrast data with other sources. Fishing vessels as well as other vessels involved in fishing operations are included, and RFMOs have already started to work on implementation of this record.

The Bill (2015) requires registered vessels of St. Kitts and Nevis to be authorized to fish on the high seas (ABNJ) and it is an offence for any ship that is registered in St. Kitts and Nevis at the Department of Marine Resources or at the St. Kitts and Nevis Registrar of Shipping and/or is entitled to fly, its flag, to fish in the zone of another State without authorization from that State and adherence to its laws.

Nationals of St. Kitts and Nevis engaged in or supporting IUU fishing within the jurisdictional waters of the country as well as internationally shall be prosecuted in accordance with the fisheries Bill and other relevant legislation. In addition, St. Kitts and Nevis will make an effort to increase awareness among its nationals about the detrimental effects of IUU fishing.

The Bill (2015) is following the Voluntary Guidelines on Flag State Performance and as such, addresses the way St. Kitts and Nevis controls the activities of its nationals in the ABNJ.

### **2.2.3 Vessels without nationality**

The IPOA–IUU calls on States to take measures consistent with international law in relation to vessels without nationality on the high seas that are involved in IUU fishing.

St. Kitts and Nevis is a member of the International Maritime Organization (IMO) and will support any effort of that body to prevent vessels from becoming stateless<sup>5</sup> during their transfer to a new flag.

Any information received on vessels without nationality will be passed on to neighbouring States and relevant RFMOs, as appropriate.

### **2.2.4 Sanctions**

The IPOA–IUU provides that sanctions for IUU fishing by vessels and nationals under its jurisdiction should be of sufficient severity to effectively prevent, deter and eliminate IUU fishing and to deprive offenders of the benefits accruing from such fishing.

The new St. Kitts and Nevis Bill (2015) and its related regulations endeavour to deter fisheries-related offences through successful prosecution and deterrent penalties. Penalties for fisheries-related offences under the regulations include fines, suspension or revocation of a license, forfeiture of fish/catch, vessel, gears and imprisonment. The penalties for offences committed inside the waters of St. Kitts and Nevis have increased substantially under the 2015 Fisheries Regulations.

In collaboration with the relevant RFMOs and RFBs St. Kitts and Nevis will, as required, propose IUU

---

<sup>5</sup> Stateless vessels are those that are unregistered or that have two or more registrations contrary to international law

fishing vessels in the Regional Fishing Vessel Register. This action would deny the vessel the possibility to be licensed to fish in any RFMO member State's EEZ. Establishment of the regional fishing vessel register is foreseen in 2017 by CRFM and WECAFC/FAO, following a training workshop in 2016.

### **2.2.5 Non-cooperating States**

The IPOA-IUU recommends that all possible steps should be taken, consistent with international law, to prevent, deter and eliminate the activities of non-cooperating States to a relevant RFMO that engage in IUU fishing.

St. Kitts and Nevis will work together with all RFMOs to which it belongs or cooperates with to prevent, deter and eliminate the activities of non-cooperating States that engage in IUU fishing. The Bill (2015) prohibits St. Kitts and Nevis flagged vessels to engage in activities with vessels whose flag States are not party or cooperating non-contracting parties to these RFMOs, particularly NEAFC.

### **2.2.6 Economic incentives**

The IPOA-IUU provides that States should avoid conferring economic support, including subsidies, to companies, vessels or persons that are involved in IUU fishing.

Economic support will be withheld from companies, vessels and persons that are involved in IUU fishing. In particular, access to any fuel subsidy and duty free importation of vessels, fishing equipment and gears, will be denied to anyone involved in IUU fishing.

### **2.2.7 Monitoring, control and surveillance**

The IPOA-IUU calls on all States to undertake comprehensive and effective MCS of fishing from its commencement, through the point of landing, to final destination.

St. Kitts and Nevis will act in line with the Agreement establishing the Caribbean Community Common Fisheries Policy (CCCFP) and particularly its article 14.3, which states:

In implementing Article 14.1[Inspection, Enforcement and Sanction], Participating Parties shall, inter alia:

(a) monitor, control and undertake surveillance of their maritime space and co-operate in monitoring, controlling and undertaking surveillance of areas contiguous to their maritime space in order to prevent, deter and eliminate illegal, unreported and unregulated fishing as appropriate;

(b) establish an appropriate vessel monitoring system to monitor the position and activity of vessels flying their flag;

- (c) adopt port and “at sea” inspection schemes;
- (d) take inspection and enforcement measures necessary to ensure compliance with the rules of this Agreement;
- (e) ensure that appropriate and effective measures are taken against violators of the applicable rules and in particular that such measures are capable, in accordance with the relevant provisions of national law, of effectively depriving those responsible of the economic benefit of the infringements and of producing results proportionate to the seriousness of such infringements.

Consequently, it is the aim of St. Kitts and Nevis to carry out as much of the above as possible in close collaboration with other neighbouring Caribbean States as far as small-scale fisheries is concerned. The development of MoUs with neighbouring states and overseas territories is therefore a priority for the period 2015 -2018. Relevant standard operating procedures (SOPs) from the Prosecution and Enforcement Manuals for CARIFORUM Member States: Volume 1 – Fisheries Prosecution Manual, developed by the CRFM with support from the EU ACP Fish II project in 2014 will be applied also for its small-scale fisheries in particular.

The Bill (2015) sets out the requirements for vessel licensing and these are elaborated in the regulations. For the industrial/high seas vessels, in line with the FAO Compliance agreement St. Kitts and Nevis will make available the information to FAO, relevant RFMOs and to the general public (the latter via a website). All foreign fishing vessels, including any locally based foreign fishing vessels (which is currently not an issue), are required to be listed in the Global Record with vessel, flag, owner, operator, master and fishing master details.

St. Kitts and Nevis is supportive of the development of a cost-effective Caribbean regional VMS. Its vessels registered for the ABNJ/High seas are obliged to be compliant with RFMO VMS requirements, as well as the fisheries management measures and recommendations set by these RFMOs, including those related to the terms and conditions of access that cover target species and any bycatch restrictions, closed areas, operational restrictions and reporting.

The ratification of the Port State Measures Agreement (PSMA) in 2015, followed by capacity building of port, customs and fisheries inspection officers in 2016 further enhances the MCS capabilities. In this respect, it is noted that the involvement of St. Kitts and Nevis in NEAFC already requires implementation of most PSMA measures. Similarly, to implement the MCS requirements as flag state, St. Kitts and Nevis aims to promote consistency with the 2014 Voluntary Guidelines for Flag State Performance.

Coordination and collaboration between the key institutions involved in MCS (Department of Marine Resources, Department of Maritime Affairs, Customs and Excise Department, Coast guard and Ministry of Finance, and other specific government agencies in both St. Kitts and Nevis), as stated in the Bill (2015) will be through the Fisheries Advisory Council (FAC), which will meet frequently from early 2016 onwards.

To be more effective in its MCS functions, the Department of Marine Resources will require additional skilled staff particularly in the fisheries inspection area and the operations of the national and regional VMS. Additional trained personnel will also be required to achieve adequate observer coverage and ensure that the PSMA compliant practices are guaranteed.

## 2.2.8 Cooperation between States

The IPOA–IUU calls on States to coordinate their activities and cooperate directly, and as appropriate through relevant RFMOs, in preventing, deterring and eliminating IUU fishing.

St. Kitts and Nevis is a member of WECAFC, CRFM and cooperating non-contacting party of NEAFC, and participates to its best ability in the implementation of RFMO and RFB measures to combat IUU fishing.

In accordance with the PSMA St. Kitts and Nevis will exchange data and information, and investigate IUU fishing activities. Harmonization of measures to combat IUU fishing, as taken by the RFMOs and RFBs, and in line with the CCCCFFP is encouraged by St. Kitts and Nevis.

St. Kitts and Nevis expects to benefit from technology and knowledge transfer by other countries and WECAFC members in particular, as well as capacity building efforts targeting SIDS, and as such intends to participate in the Regional Working Group on IUU Fishing, as established by the 15<sup>th</sup> session of WECAFC (2014) in close collaboration with CRFM and OSPESCA.

At the bilateral level, collaboration on marine surveillance is good with the neighbouring countries, but the intention is to strengthen this further.

## 2.2.9 Publicity

The IPOA–IUU calls on States to publicize widely, including through cooperation with other States, full details of IUU fishing and actions taken to eliminate it, in a manner consistent with any confidentiality requirements.

St. Kitts and Nevis will use the media to publicize IUU fishing incidents and resulting convictions as a means of deterring IUU fishing and supporting compliance with international agreements and domestic fisheries laws. Notifications of IUU fishing incidents will also be passed to the relevant RFMOs and RFBs for publication on their websites (as appropriate).

### **3. FLAG STATE RESPONSIBILITIES**

St. Kitts and Nevis has incorporated into its Bill (2015) all relevant provisions of the 2014 FAO Voluntary Guidelines for Flag State Performance<sup>6</sup>. As a consequence, St. Kitts and Nevis aims to adhere to the purpose and principles of these guidelines, as well as to the related measures in these guidelines and the PSMA.

#### **3.1 Fishing vessel registration**

The IPOA–IUU calls on States to ensure, including through appropriate fishing authorization and vessel registration procedures, that their flag vessels and vessels under charter do not engage in or support IUU fishing.

The Bill (2015) requires St. Kitts and Nevis fishing vessels that desire to operate in or outside the EEZ to be registered at the Registrar of Shipping. On application to be registered, the vessel is required to be inspected to ensure it is fit for fishing and conforms to safety, construction and hygiene standards on board of fishing vessels that are in line with the Torremolinos International Convention for the Safety of Fishing Vessels (1977) and the Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol related to the same convention.

Notification of any change of ownership or modification to a registered vessel is required within 30 days and a further inspection is mandatory, as stated in the Bill (2015) and applied by the Registrar of Shipping.

The Bill requires that the Register, including High Seas Fishing vessels registration be maintained at the St. Kitts and Nevis Registrar of Shipping, gets permission which can only be granted upon obtaining a valid licence from the DMR. This Register is a record of its flagged fishing and fish transshipment vessels that have been issued with high seas fishing permits.

Foreign vessels under charter to St. Kitts and Nevis interests are required to be in “good standing” on the registers of the RFMOs and RFBs that the country is party to or cooperating with, before they can be registered on the Fishing Vessel Register and be eligible to apply for a licence to fish or for transshipment of fish. Any vessel that is on any IUU vessel list of an RFMO will be denied registration, at least until the moment the vessel is removed from such list.

With regard to fishing vessel registration, articles 14 to 24 of the Voluntary Guidelines for Flag State Performance will be applied by St. Kitts and Nevis in its Fishing Vessel Register and by the St. Kitts and Nevis Registrar of Shipping.

#### **3.2 Record of fishing vessels**

The IPOA–IUU calls on each flag State to maintain a record of fishing vessels entitled to fly its flag. Each flag State’s record of fishing vessels should include, for vessels authorized to fish on the high seas,

<sup>6</sup> These guidelines are available at: <http://www.fao.org/3/a-mk052e.pdf>

all information set out in paragraphs 1 and 2 of Article VI of the 1993 FAO Compliance Agreement, as well as the additional information specified in paragraph 42 of the IPOA-IUU.

St. Kitts and Nevis applies the Voluntary Guidelines for Flag State Performance in terms of record keeping of vessels that are flying its flag, and includes, for vessels authorized to engage in fishing and fishing related activities on the high seas, all the information set out in paragraphs 1 and 2 of Article VI of the 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (the “Compliance Agreement”).

This record also includes, inter alia:

- a) the previous names, if any and if known;
- b) name, address and nationality of the natural or legal person in whose name the vessel is registered;
- c) name, street address, mailing address and nationality of the natural or legal persons responsible for managing the operations of the vessel;
- d) name, street address, mailing address and nationality of natural or legal persons with beneficial ownership of the vessel;
- e) name and ownership history of the vessel, and, where this is known, the history of noncompliance by that vessel, in accordance with national laws, with conservation and management measures or provisions adopted at a national, regional or global level; and
- f) vessel dimensions, and where appropriate, a photograph, taken at the time of registration or at the conclusion of any more recent structural alterations, showing a side profile view of the vessel.

St. Kitts and Nevis will keep a record of vessels in accordance with relevant subregional, regional and international standards and requirements, including these of FAO, IMO, CRFM and NEAFC.

St. Kitts and Nevis will regularly update its national Fishing Vessel Registry, information at the St. Kitts and Nevis Registrar of Shipping and related records, and will carry out, prior to registration, verification of vessel records and, where applicable, history. Standards and criteria will be introduced for these registries to avoid flagging of non-compliant vessels, reduce incentives for reflagging and flag hopping practices.

The international Maritime Organization (IMO) Assembly agreed to include fishing vessels of 100 gross tonnage or more in the IMO Number Scheme, through the adoption of Resolution A.1078 (28)<sup>7</sup>. The Scheme is now applicable to both merchant ships and fishing vessels. The St. Kitts and Nevis Registrar of Shipping applies since 2014 this Resolution and implements it currently, using an IMO Number that is associated with the vessel for its entire life, even when subject to changes of flag, ownership, name, etc. The IMO number will also be used as Unique Vessel Identifier (UVI) in the lists transferred to the Global Record, similar as is done with regards to the exchange of information with IHS-Fairplay.

St. Kitts and Nevis vessel registries will supply on an annual basis the updated vessel information and records to the Global Record, and will progressively implement over the coming years new measures as smaller vessels will be included as well.

### **3.3 Authorization to fish**

---

<sup>7</sup>Available at: [ftp://ftp.fao.org/FI/DOCUMENT/global\\_record/2015/inf9e.pdf](ftp://ftp.fao.org/FI/DOCUMENT/global_record/2015/inf9e.pdf)



The IPOA–IUU calls on States to ensure that no vessel is allowed to fish unless so authorized, in a manner consistent with international law for the high seas. A flag State should ensure that each of the vessels entitled to fly its flag fishing in waters outside its sovereignty or jurisdiction holds a valid authorization to fish issued by that flag State. Where a coastal State issues an authorization to fish to a vessel, that coastal State should ensure that no fishing in its waters occurs without an authorization to fish issued by the flag State of the vessel.

The Bill (2015) requires authorizations to fish and for fishing related activities (e.g. licensing) that ensure that no vessel is allowed to operate unless so authorized in a manner consistent with international and national laws and the with sustainability of the fish stocks in mind.

The measures taken by St. Kitts and Nevis, in line with the Voluntary Guidelines for Flag State Performance include the following:

- a) appropriate scope for authorization of fishing and fishing related activities, including conditions for the protection of marine ecosystems;
- b) prior assessment of a vessels history of compliance and ability to comply with applicable measures; and
- c) minimum information requirements in the authorization that allow identification of accountable persons, areas and species, including:
  - a) the name of the vessel, and, where appropriate, the natural or legal person authorized to engage in fishing and fishing related activities;
  - a) the areas, scope and duration of the authorization to engage in fishing and fishing related activities;
  - b) the species, fishing gear authorized, and where appropriate, other applicable management measures; and
- a) relevant conditions under which an authorization issued may, where required, include those in paragraph 47 of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing (the “IPOA-IUU”)<sup>8</sup>.

### **3.4 Measures to control transport and re-supply vessels**

The IPOA–IUU calls on flag States to ensure their fishing, transport and support vessels do not support or engage in IUU fishing. The IPOA–IUU also calls on States to ensure that, to the greatest extent possible, all of their fishing, transport and support vessels involved in transshipment at sea have a prior authorization to tranship issued by the flag State, and report specified information to the national fisheries administration or other designated institution.

Any authorized transport and support vessels that have been involved in IUU fishing in St. Kitts and Nevis EEZ or an area of the high seas subject to international conservation and management measures adopted by RFMOs and promoted by RFBs will be subject to prosecution. It is an offence under the Bill (2015) for such vessels not registered in St. Kitts and Nevis, to carry out related activities, such as

<sup>8</sup> Available at: <http://www.fao.org/docrep/003/y1224e/y1224e00.htm>

refuelling and transshipping within the EEZ of the country.

St. Kitts and Nevis requires that all transshipment of fish and fisheries products by its flagged vessels within its EEZ is done at port, authorized by the port authority (Department of Maritime Affairs), unless otherwise approved under *force majeure*, by the same port authority. Administrative procedures for transshipment at port are determined by the Port Authority.

All fish and fisheries products transshipments at sea by its flagged vessels in Areas Beyond National Jurisdiction (ABNJ) will be conducted after authorization by the Director of Marine Resources, in compliance with the procedures specified in the Bill (2015). Transshipments at sea shall be done in accordance with the relevant rules established by the relevant coastal State, the relevant RFMO and any relevant rules of international law. This applies to both fishing vessels and transshipment vessels.

### **3.5 Implementing obligations to discharge the role of the flag State under the FAO Agreement on Port State Measures**

In accordance with the PSMA, which has been acceded by the Government in July 2015, and particularly its PART 5 (article 20) on the “Role of flag States”, St. Kitts and Nevis will:

1. require the vessels entitled to fly its flag to cooperate with the port State in inspections carried out pursuant to this Agreement.
2. request other Port States to inspect a vessel entitled to fly its flag if there are clear grounds to believe that this vessel has engaged in IUU fishing or fishing related activities in support of such fishing, and is seeking entry to or is in a port.
3. encourage vessels entitled to fly its flag to land, tranship, package and process fish, and use other port services, in ports of States that are acting in accordance with, or in a manner consistent with this Agreement.
4. where, following port State inspection of one of its flagged vessels, St. Kitts and Nevis receives an inspection report indicating that there are clear grounds to believe that the vessel has engaged in IUU fishing or fishing related activities in support of such fishing, St. Kitts and Nevis, through its Department of Marine Resources, shall immediately and fully investigate the matter, and upon sufficient evidence, take enforcement action without delay in accordance with its laws and regulations.
5. report to other Parties of the PSMA, relevant port States and, as appropriate, other relevant States, regional fisheries management organizations and FAO on actions it has taken in respect of vessels entitled to fly its flag that have been involved in IUU fishing, as a result of port State measures taken pursuant to the PSMA.

#### 4. COASTAL STATE RESPONSIBILITIES

In the exercise of sovereign rights of coastal States for exploring and exploiting, conserving and managing the living marine resources under their jurisdiction, the IPOA–IUU calls on coastal States to implement measures to prevent, deter and eliminate IUU fishing in waters under their jurisdiction. Measures which coastal States should consider are: effective MCS; cooperation and exchange of information with other States and RFMOs; ensuring that all fishing is authorized; ensuring all vessels are registered; logbook requirements; controls on transshipment/processing of fish; regulation of fishing access; and avoiding licensing vessels with an IUU fishing history.<sup>9</sup>

St. Kitts and Nevis is taking measures to combat IUU fishing by foreign fishing vessels through use of its own MCS systems and through strengthened regional and international cooperation. This is being achieved through regional cooperation (see also sections 2.2.7 and 2.2.8), including collaboration in regional databases and information exchanges, enforcement cooperation and progressive introduction of the VMS system in the coming years. Current enforcement measures applied by the DMR, supported by the coast guard, Department of Maritime Affairs (port and flag state inspectors) and Customs and Excise Department on the basis of the Bill (2015) and other legislation, policy and fisheries management measures, have been reasonably effective in fighting IUU fishing within St. Kitts and Nevis EEZ.

The MCS system, supported by the necessary legal provisions, will include improvements in the licencing of vessels and fishers, a well-functioning record keeping system of vessels, enforcement of logbook use, complete reporting, vessel entry in the EEZ control and notices, collaboration with agencies in neighbouring countries and the RFBs/RFMOs.

Moreover, possibilities for joint enforcement actions, including air surveillance patrols, provided by the USA, Netherlands and France to bolster this effort, should be explored. The CCCFP implementation, ensuring better collaboration between CARICOM states, and the re-orientation of WECAFC towards an RFMO are expected to enhance this cooperation.

#### 5. PORT STATE MEASURES

The IPOA–IUU calls on States to use port State measures, in accordance with international law, to control port access by fishing vessels in order to prevent, deter and eliminate IUU fishing.

St. Kitts and Nevis acceded the 2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA)<sup>10</sup> in July 2015 and aims to ensure, through port State measures, the long-term conservation and sustainable use of living marine resources and marine ecosystems in the EEZ of the country, as well as elsewhere by its flag vessels.

St. Kitts and Nevis intends to integrate or coordinate fisheries related port State measures with the broader

<sup>9</sup> See 2.2.7 Monitoring, control and surveillance.

<sup>10</sup> The PSMA is available at: [http://www.fao.org/fileadmin/user\\_upload/legal/docs/1\\_037t-e.pdf](http://www.fao.org/fileadmin/user_upload/legal/docs/1_037t-e.pdf)

system of port State controls, take appropriate measures to exchange information among relevant national agencies, and to coordinate the activities of such agencies in the implementation of the PSMA. MoUs between the relevant departments are being prepared (2015) to facilitate coordination and joint action.

St. Kitts and Nevis will implement the requirements of the PSMA in its legislation and procedures following the Legislative Template prepared by FAO.

## 5.1 Advance notice of access

The IPOA–IUU calls on States to require vessels seeking access to their ports to seek prior permission to enter their ports and to provide reasonable advance notice of their entry into port, a copy of their authorization to fish, and details of their fishing trip and quantities of fish on board, in order to ascertain whether the vessel may have engaged in, or supported, IUU fishing.

The master of any foreign fishing vessel that wishes to enter St. Kitts and Nevis waters must give at least 48 hours advance notice of their intention to do so and 24 hours notice prior to port entry. This would be similar for foreign merchant vessels. The foreign vessel should supply along with the request for port entry, the information as can be found in Annex A of the PSMA<sup>11</sup>.

Although this is currently not relevant, St. Kitts and Nevis will require all locally based foreign fishing vessels to be inspected and cleared by a fisheries officer after each port call, before any cargo or personnel can be off-loaded.

In conformity with international law and Article 10 of the PSMA in particular, St. Kitts and Nevis provides port access to foreign flagged vessels for reasons of *force majeure* or distress or for rendering assistance to persons, ships or aircrafts in danger or distress.

## 5.2 Denial of access

The IPOA–IUU calls on each port State, where it has clear evidence that a vessel has engaged in IUU fishing activity, to prohibit the vessel from landing or transhipping fish in its port, and to report the matter to the vessel’s flag State.

Any foreign fishing vessel that is suspected of IUU Fishing may be denied entry into St. Kitts and Nevis EEZ and if it has entered the EEZ, will be directed to leave those waters, as specified in the Fisheries Bill (2015).

In line with article 9 (paragraph 3) of the PSMA, St. Kitts and Nevis shall communicate any denial of entry to its assigned ports, based on its decision taken pursuant to paragraph 1 of Article 9 of the PSMA to the flag State of the vessel as well as relevant coastal States, regional fisheries management organizations and other international organizations.

---

<sup>11</sup> Annex A of the PSMA can be found on pages 24 and 25 of the PSMA.

If a vessel is in port and there is clear evidence that it has been involved in IUU fishing, an offence is considered to have been committed within the EEZ of St. Kitts and Nevis (such as in case the required information or evidence is not provided) therefore legal action can be initiated. In such a case, St. Kitts and Nevis would inform the flag State and respective RFMO of the details of the case as well as any RFMO member State affected. In accordance with paragraph 6 of article 9 of the PSMA, St. Kitts and Nevis shall “deny such vessel the use of its ports for landing, transshipping, packaging, and processing of fish and for other port services including, inter alia, refuelling and resupplying, maintenance and dry docking. Denial of such use of ports shall be in conformity with international law”. In terms of the use of ports and their facilities St. Kitts and Nevis applies Part 3 (Use of Ports), article 11 of the PSMA to the extent possible.

### **5.3 Designated ports**

The IPOA–IUU encourages States to publicize ports to which foreign flagged vessels may be permitted admission and to ensure that these ports have the capacity to conduct inspections.

St. Kitts and Nevis has two ports that are designated to which vessels may request entry pursuant to the PSMA, these are the Basseterre deep water Port (St. Kitts) and Long Point port (Nevis), and exercises its sovereign right to inspect any fishing vessel in these ports.

Inspection of foreign vessels in port (including those that are not licensed to fish but come for duty free fuel or repair) will follow Part 4 (Inspections and Follow-up Actions) of the PSMA. While the current number of foreign fishing and fish transshipment vessels that visit the port is negligible, St. Kitts and Nevis aims to have in place by the end of 2016 a proper inspection procedure. Inspectors shall then be capable carrying out their work according to Annex B of the PSMA. The inspectors will use the reporting format on the results of the inspection, as presented in Annex C of the PSMA.

Initial capacity building for port inspection procedures and introduction of standard operating procedures has been carried out in July 2015 with support from FAO and NEAFC, and is likely to be continued in 2016, after ratification of the PSMA, with study tours to the USA for some port officers/inspectors.

In the longer term it would be beneficial to have at-port inspectors trained to a regional standard and a role is foreseen for WECAFC and NEAFC in terms of implementing a capacity building programme.

### **5.4 Evidence indicating IUU fishing**

If, in the course of an inspection, a port State finds that there are reasonable grounds to suspect that a vessel has engaged in or supported IUU fishing, the IPOA–IUU calls on port States to immediately report the matter to the flag State of the vessel and, where appropriate the RFMO. The port State may take other action with the consent of, or upon the request of, the flag State.

St. Kitts and Nevis will continue its policy of informing the flag State of a vessel, if it has reasonable grounds to suspect any of its vessels have engaged in or supported IUU fishing. Reports will also be made to NEAFC, WECAFC, and CRFM, as appropriate and as may be required by the agreement.

Where evidence is found indicating that a foreign vessel in port has encouraged or supported IUU fishing, St. Kitts and Nevis will apply Article 18 (port actions following inspection) of the PSMA.

## 5.5 Cooperation with port States and through RFMOs

The IPOA–IUU calls on States to cooperate, as appropriate, bilaterally, multilaterally and within relevant RFMOs, to develop compatible measures for port State control of fishing vessels. The IPOA–IUU also encourages States to consider developing, within relevant RFMOs, port State measures building on the presumption that fishing vessels entitled to fly the flag of States not parties to a RFMO and which have not agreed to cooperate with that RFMO, which are identified as being engaged in fishing activities in the area of that particular organization, may be engaging in IUU fishing.

St. Kitts and Nevis will continue to cooperate, mainly through regional organizations (CRFM, WECAFC, NEAFC), with other port States in the Caribbean region, to agree on mechanisms and information exchange to combat IUU fishing. St. Kitts and Nevis aims to implement the CCCFP, Resolutions WECAFC/14/2012/1<sup>12</sup> on Strengthening the Implementation of International Fisheries Instruments and WECAFC/15/2014/9<sup>13</sup> on the implementation of the Port State Measures Agreement and the FAO Voluntary guidelines on Flag State Performance in the region, and any other port State inspection related measures that may be adopted by the NEAFC, such as Recommendation 12/2015 “ Recommendation on the Amendment of Recommendation 09:2014 Regarding Port State Measures”<sup>14</sup> and any other relevant RFMOs.

Through FAO, RFBs/RFMOs and the port authorities, all flag states will be informed of PSMA ratification and implementation by St. Kitts and Nevis.

---

<sup>12</sup> The WECAFC 14 Report with this resolution is available at: <http://www.wecafc.org/en/sessions-and-meetings/sessions/commission-reports.html?download=57:report-of-the-fourteenth-session-of-the-western-central-atlantic-fishery-commission-panama-city-panama-6-9-february-2012>

<sup>13</sup> The WECAFC 15 report with this resolution is available at: <http://www.wecafc.org/en/sessions-and-meetings/sessions/commission-reports.html?download=58:wecafc-15th-session-report>

<sup>14</sup> Available at: [http://neaafc.org/system/files/Rec12\\_amendments-to-Rec9\\_2014-PSC\\_2.pdf](http://neaafc.org/system/files/Rec12_amendments-to-Rec9_2014-PSC_2.pdf)

## 6. INTERNATIONALLY AGREED MARKET RELATED MEASURES

St. Kitts and Nevis is member of the World Trade Organization (WTO) since 1996 and is obliged to conduct its international trade in accordance with the principles, procedures, rights and obligations established under the WTO agreements.

### 6.1 Trade-related measures

The IPOA–IUU encourages States to take steps, consistent with international law, to prevent fish caught by vessels identified by the relevant RFMO to have been engaged in IUU fishing being traded or imported into their territories.

It is an offence to bring into St. Kitts and Nevis fish and fishery products that have been taken illegally in another State<sup>15</sup> or in areas of high seas that are subject to international conservation and management measures. To enhance this provision of the Bill (2015), and to strengthen its MCS capability, the Government of St. Kitts and Nevis is exploring the establishment of joint and reciprocal surveillance and enforcement arrangements with neighbouring island States, such as the Caribbean Netherlands (Saba, St Eustatius), France (Guadeloupe), UK (Montserrat), and Antigua and Barbuda. Where there is an agreement with another State, prosecution of the offence can take place in St. Kitts and Nevis and any penalties remitted according to conditions of the agreement.

St. Kitts and Nevis will continue to supply (as requested) information to CRFM, WECAFC, NEAFC and other relevant RFMOs on vessels suspected of IUU fishing in their respective areas of competence, and implement relevant trade related measures adopted by these RFBs.

Collaboration between the Coast guards, Department of Maritime Affairs inspectors, Customs officers and Fisheries enforcement officers will reduce the changes that IUU caught fish will be landed. Extension of powers of enforcement officers will allow more effective implementation of trade related measures.

Compliance with CITES, particularly in relation to Queen Conch, and certain shark, ray, turtle, coral and cetacean species is among the main priority areas for St. Kitts and Nevis in order to continue to access its export markets. In this respect, St. Kitts and Nevis aims to prepare its Non-Detriment Findings (NDF) for Queen conch in 2016, following the endorsement of a regional standard NDF format by the 16<sup>th</sup> session of WECAFC.

### 6.2 Catch documentation schemes

The IPOA–IUU suggests that certification and documentation requirements should be standardized to the extent feasible, and electronic schemes developed where possible, to ensure effectiveness, reduce opportunities for fraud, and avoid unnecessary burden on trade.

<sup>15</sup> Fisheries Bill (2015)

St. Kitts and Nevis aims to apply the newly developed “FAO Guidelines for Catch Documentation Schemes of Fish and Fishery Products” upon endorsement by COFI in 2016.

Measures will be taken to implement the catch documentation and certification schemes for St. Kitts and Nevis’ vessels that are (and will be) adopted by NEAFC and any other relevant RFMOs and RFBs to which St. Kitts is, or may become a member. Recognizing the demands from importing countries and increasing requirements for traceability, St. Kitts and Nevis will aim to accommodate these needs within its limited resources and capacity.

In this respect, St. Kitts and Nevis aims to comply with the Catch certification requirements as outlined in European Commission Regulation 1005/2008 (“the IUU Regulation”) to prevent, deter and eliminate illegal, unregulated and unreported (IUU) fishing<sup>16</sup>, and in particular with the format as presented in Annex II of this regulation. The modified EU regulation compliant catch certification form will be used from August 2015 onwards.

### **6.3 Transparency of markets**

The IPOA–IUU calls on States to take steps to improve transparency of their markets to allow the traceability of fish or fish products.

Together with the import markets, St. Kitts and Nevis aims to develop measures to improve the transparency of markets, to allow the traceability of fish and fish products. Technical assistance and capacity development will be required to comply with these increasing demands.

In this respect, it is foreseen that St. Kitts and Nevis Customs and Excise Department will implement the latest updates related to fish and fishery products of the Harmonized Commodity Description and Coding System (HS) in collaboration with the World Customs Organization<sup>17</sup>. It is foreseen that specific HS codes for Queen Conch will be introduced in 2017 and applied by the St. Kitts and Nevis Customs and Excise Department.

### **6.4 Information dissemination**

The IPOA–IUU calls on States to take measures to ensure that their importers, transhippers, buyers, consumers, equipment suppliers, bankers, insurers, other service suppliers and the public are aware of the detrimental effects of doing business with vessels identified as engaged in IUU fishing, and should consider measures to deter such business. Similarly, the IPOA–IUU calls on States to take measures to ensure that their fishers are aware of the detrimental effects of doing business with importers, transhippers, buyers, consumers, equipment suppliers, bankers, insurers and other service suppliers identified as doing business with vessels identified as engaged in IUU fishing.

In an endeavour to prevent, deter and eliminate IUU fishing, St. Kitts and Nevis will include awareness-

<sup>16</sup> Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02008R1005-20110309&from=EN>

<sup>17</sup> Available at: <http://www.wcoomd.org/en/topics/nomenclature/overview.aspx>



raising and information dissemination on IUU fishing in its Fishery Management Plans (FMPs). In this respect it is noteworthy that St. Kitts and Nevis aims to adopt various regionally developed FMPs, including their measures, and implement these at national level. The regional FMPs generally contain stakeholder consultations and out-reach programmes for the general public, fishers, etc. in the start-up and implementation phases. The first of these regional FMPs that will be covered under national regulations in St. Kitts and Nevis are those related to Queen Conch and Spiny Lobster.

The Bill (2015) makes it an offence to conduct business or trade in fish or fishery products derived from IUU fishing. A listing of businesses involved in trade of IUU caught fisheries products and non-compliant businesses in St. Kitts and Nevis by the DMR to raise awareness among fishers is foreseen in the coming years.

## **7. REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS**

### **7.1 Party compliance**

The IPOA–IUU calls on States to ensure compliance with and enforcement of IUU fishing-related policies and measures adopted by any RFMOs by which they are bound. States should cooperate in the establishment of such organizations in regions where none currently exists.

St. Kitts and Nevis will continue to work through RFMOs (e.g. NEAFC) and RFBs (e.g. CRFM and WECAFC) to implement the IPOA–IUU. St. Kitts and Nevis regards these organizations to be in the forefront of taking measures to implement the IPOA–IUU. It is expected that St. Kitts and Nevis will in the coming years be actively involved in the implementation of the CCCFP, and the IPOA-IUU through, *inter alia*, information and data sharing mechanisms, MCS, VMS, and the development of documentation and certification schemes.

### **7.2 Non-party compliance**

The IPOA–IUU calls on States to give effect to their duty to cooperate by agreeing to apply the conservation and management measures by RFMOs to which they are not members, or by adopting measures consistent with those conservation and management measures, and should ensure that vessels entitled to fly their flag do not undermine such measures.

Consistent with the 1995 UN Fish Stocks Agreement which was acceded on 6 July 2015, St. Kitts and Nevis will cooperate and act consistently with the conservation and management measures agreed by RFMOs to which it is not a member.

### **7.3 Innovation**

The IPOA–IUU encourages States, acting through relevant RFMOs, to take action to strengthen and develop innovative ways, in conformity with international law, to combat IUU fishing.

St. Kitts and Nevis' Department of Marine Resources has always been supportive of RFMO and RFB measures to combat IUU fishing, including submission and exchange of statistics and other information, adherence to management measures (where appropriate), VMS and MCS initiatives, etc. St. Kitts and Nevis will be an active partner in the Regional Working Group on IUU fishing, established recently at the 15<sup>th</sup> session of WECAFC, in close coordination between CRFM and WECAFC, and with substantial support from NOAA.

#### **7.4 Inclusion of non-contracting parties**

The IPOA–IUU encourages States, acting through relevant RFMOs, to encourage non-contracting parties with a real interest in the fishery concerned to join those organizations and to participate fully in their work. Where this is not possible, the RFMOs should encourage and facilitate the participation and cooperation of non-contracting parties, in accordance with applicable international agreements and international law, in the conservation and management of the relevant fisheries resources and in the implementation of measures adopted by the relevant organizations. RFMOs should address the issue of access to the resource in order to foster cooperation and enhance sustainability in the fishery, in accordance with international law.

St. Kitts and Nevis acknowledges that the effectiveness of RFMOs depends on securing the membership and participation of all States and entities fishing in an area, or for species covered by an RFMO. In this respect, St. Kitts and Nevis is already a cooperating non-contracting party of NEAFC and participates in the work of the Commission as such. Having the status of cooperating non-Contracting Party includes a commitment to fulfil all the relevant requirements set by NEAFC, including regarding VMS and reporting. St Kitts and Nevis is not aiming to engage in fishing in the NEAFC Regulatory area, but rather to support fishing through transshipment activities. The current status of cooperating non-Contracting Party is therefore the suitable status, and it would not be appropriate to take any steps towards becoming a full NEAFC Contracting Party.

### **8. SPECIAL REQUIREMENTS OF DEVELOPING COUNTRIES**

FAO encourages States, with the support of FAO and relevant international financial institutions and mechanisms, to cooperate in supporting training and capacity building and consider providing financial, technical and other assistance to developing countries, including in particular the least developed among them and small island developing States, so that they can more fully meet their commitments under the IPOA–IUU and obligations under international law. Such assistance should be directed in particular to help such States in the development and implementation of national plans of action.

FAO also encourages States, with the support of FAO and relevant international financial institutions and mechanisms, where appropriate, to cooperate to enable: review and revision of national legislation and regional regulatory frameworks; the improvement and harmonization of fisheries and related data collection; the strengthening of regional institutions; and the strengthening and enhancement of integrated MCS systems, including satellite monitoring systems.

In order to strengthen the capacity of St. Kitts and Nevis to implement the IPOA-IUU and this NPOA-IUU in particular, the country welcomes, as Small Island Developing State (SIDS), any assistance it may be provided by other states, NGOs and regional and international organizations in the form of capacity building, training and technical assistance.

ANNEX:

## Saint Kitts and Nevis NPOA -IUU implementation timeline for first 24 months

