

**PROMOTING SUSTAINABLE FISH TRADE BETWEEN
CARICOM STATES AND THEIR TRADING PARTNERS
THE EU AND US:
THE CASE OF ST VINCENT AND THE GRENADINES**

Ferique Shortte

The United Nations - Nippon Foundation of Japan Fellowship Programme

2012-2013

14th DECEMBER, 2013



Disclaimer

The views expressed herein are those of the author and do not necessarily reflect the views of the Government of St Vincent and the Grenadines, The United Nations, Nippon Foundation of Japan, the Australian National Centre for Ocean Resources and Security (ANCORS) or the University of Wollongong.

©2013 Ferique Shortte.

Copyright Statement

Abstract

Ferique Shortte

Promoting Sustainable Fish Trade between CARICOM States and Their Trading Partners the EU and US: The Case of St Vincent and the Grenadines

Fish and fishery products are ranked among the most traded food commodities globally; the majority of fish that are being traded comes from developing countries. It is estimated that worldwide capture fisheries stands at 90 million tonnes with an estimated sale value of US\$93.9 billion. Fisheries account for up to 8% of the GDP of some of the islands in the Caribbean. The possibility exists that this figure is much higher as activities such as processing and distribution are not included in the fisheries sub-sector GDP. The fishing industry provides employment for approximately 182,000 persons in the CARICOM region. The importation of fisheries products by some CARICOM states is as high as 50-60% and consists mainly of dried, salted and smoked products.

St Vincent and the Grenadines (SVG) and other Caribbean Community (CARICOM) member states are faced with the challenges in the development in the international trade of fish and fish products. The region is particularly concerned with the fish trade measures implemented in the fisheries regulations of the US and EU. The issue of illegal, unreported and unregulated (IUU) fishing is of global concern at the moment, and developed states such as the EU and US are using trade sanctions against flag states who fail to effectively control vessels flying their flag and for flagged vessels that undermine the conservation and management measures of RFMOs.

In 2000 SVG was dealt a severe blow when the country was blacklisted and banned from exporting fish and fishery products to the EU. Other CARICOM countries were subsequently affected when the EU inspectors visited their shores. Grenada was placed on a "provisional watch list" while other countries such as St Lucia and Dominica were also blacklisted. With no trade in fish, the contribution of fisheries to the GDP is tiny. Nonetheless, a small percentage of fish from St Vincent and the Grenadines is exported to the US; in addition, some Queen Conchs are exported to neighbouring island St Lucia and Spiny Lobsters to Barbados. Presently, the bulk of the fish caught are being consumed locally.

Acknowledgements

I would like to express my profound thanks and appreciation to The United Nations and the Nippon Foundation of Japan for awarding me this fellowship and the opportunity to conduct further research into my field of expertise. I also would like to thank the Australian National Centre for Ocean Resources and Security (ANCORS), the University of Wollongong and the United Nations Division of Ocean Affairs and Law of the Sea (DOALOS) for hosting me during this fellowship.

I would like to express sincere gratitude to Professor Ma10596 Tz BT /FC.000T /FC.000T /FC.000T /FC.00

List of Acronyms

ACP	Africa, Caribbean and Pacific
BIT	Bilateral Investment Treaties
CARICOM	Caribbean Community Secretariat
CARIFTA	Caribbean Free Trade Association
CARIFORUM	Caribbean Forum
CAHFSA	Caribbean Agricultural Health and Food Safety Agency
CARIBCAN	Caribbean and Canada Agreement
CBERA	Caribbean Basin Economic Recovery Act
CBI	Caribbean Basin Initiative
CBTPA	Caribbean Basin Trade Partnership Act
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CCRF	Conduct for Responsible Fisheries
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
CDS	Catch Documentation Scheme
CFRAMP	CARICOM Fisheries Resource Assessment and Management Program
CITES	Convention on the International Trade in Endangered Species
CNFO	Caribbean Network of Fisherfolk Organizations
COTED	Council for Trade and Economic Development
CRFM	Caribbean Regional Fisheries Mechanism
CRNM	Caribbean Regional Negotiating Machinery

CROSQ	CARICOM Regional Organization for Standards and Quality
CSME	CARICOM Single Market and Economy
UNCLOS	United Nations Convention on Law of the Seas
EC	European Council
EU	European Union
EEZ	Exclusive Economic Zone
EPA	Economic Partnership Agreement
FAO	Food and Agriculture Organization
FDI	Foreign Direct Investment
FOC	Flags of Convenience
FTAA	Free Trade Area of the Americas
GATT	General Agreement on Tariffs and Trade
GDP	Gross Domestic Product
GSP	General System of Preference
HACCP	Hazard Analysis Critical Control Point
IATTC	Inter America Tropical Tuna Commission
ICCAT	International Commission for the Conservation of Atlantic Tunas
IGTF	Inter-Governmental Task Force
IOTC	Indian Ocean Tuna Commission
IPOA-IUU	International Plan of Action to Eliminate and Deter IUU fishing
IUU	Illegal, Unreported and Unregulated
LDC	Least Developed Countries
LOSC	Law of the Sea Convention

MCS	Monitoring Control and Surveillance
MFN	Most favoured Nation
NAFTA	North American Free Trade Agreement
NTB	Non-tariff Barrier
OECS	Organisation of Eastern Caribbean States
OTN	Office of Trade Negotiation
RFMO	Regional Fisheries Management Organizations
RoO	Rules of Origin
S&D	Special and Differential Treatment
SIDS	Small Island Developing States
SPS	žani

PROMOTING SUSTAINABLE FISH TRADE BETWEEN CARICOM STATES AND THEIR TRADING PARTNERS THE EU AND US: THE CASE OF ST VINCENT AND THE GRENADINES

Table of Contents

Disclaimer	v
Copyright Statement	vii
Abstract	viii
Acknowledgements	ix
List of Acronyms	xi
INTRODUCTION	xii
CARICOM: Its Structure, Mandate and Complexity	xiii
<i>CARICOM and Fisheries</i>	xvii
PART 1: LEGAL AND POLICY FRAMEWORK FOR CARICOM FISH TRADE	xviii
Chapter 1. International Legal Framework as Established by the WTO and FAO	xviii
1.1.1 Introduction	xx
1.1.2 WTO Trade Framework	xxii
1.1.3 Fisheries Subsidies	xxv
1.1.4 FAO Trade Framework	xxxi
Chapter 2. Effects of ICCAT High-Seas Fisheries Regime on CARICOM Fish Trade	xxvii
1.2.1 Introduction	xxvii
1.2.3 ICCAT	xxviii
Chapter 3. Effects of the EU and US Fisheries Legislation on CARICOM Fish Trade	xxx
1.3.1 Introduction	xxx
1.3.2 The EU	xxxii
1.3.3 The US	xxxvii
PART 2. REGIONAL FRAMEWORK FOR INTERNATIONAL TRADE OF FISH IN THE CARICOM REGION	xxxviii
2.1 Introduction	xxxviii
<i>Chapter 1. Trade Framework under CARICOM</i>	xxxix
<i>Chapter 2. Structure of Preferential Trade Agreements Between CARICOM and Other Countries</i>	xxxli

2.2.1 Introduction	~ fl
2.2.2 Canada-CARICOM Trade and Economic Co-operation Agreement (CARIBCAN)	i .
2.2.3 CARIFORUM EU Economic Partnership Agreement	i ~
2.2.4 Caribbean Basin Initiative (CBI)	i fl
2.2.5 Other Preferential Agreements and Arrangements	fi~
PART 3: REGIONAL AND INTERNATIONAL TRADE IN FISH AND FISH PRODUCTS: CASE STUDIES	fi
3.0.0 Introduction	fi
<i>Chapter 1 Domestic legal framework for achieving trade capabilities: More Developed CARICOM States Experience (Jamaica and Trinidad and Tobago).</i>	fi°
3.1.1 Trinidad and Tobago	fi°
3.1.2 Regional and International Trade Relations (CARICOM and WTO)	

4.6 European Union Ban on Fish Imports from SVG	...v
PART 5 CORRECTIVE ACTIONS TAKEN BY SVG	...v
5.1 Legislative Framework	...v
5.1.1 <i>The Fisheries Act 1986 and Regulation 1987:</i>	...v
5.1.2 <i>The Fisheries (Fish and Fish Products) Regulation, 2006:</i>	...v
5.2 Institutional Framework	...v
5.2.1 <i>Competent Authority:</i>	...v
5.2.2 <i>The National Fisheries Marketing Limited:</i>	...v
PART 6: RECOMMENDATIONS FOR ST VINCENT AND THE GRENADINES	...v
PART 7: CONCLUDING STATEMENT	...vi
PART 7: BIBLIOGRAPHY	...vi
A. <i>Articles/ Books/ Report</i>	...vi
B. <i>Legislation</i>	...vii
C. <i>Treaties</i>	...vii
D. <i>Internet</i>	...viii

**Promoting Sustainable Fish Trade between CARICOM States and Their Trading Partners the
EU and US: The Case of St Vincent and the Grenadines**

INTRODUCTION

Fish and fishery products are ranked among the most traded food commodities globally, with developing countries accounting for the bulk of the world's fish exports.¹ Fish and fishery products exported from developing countries comprise 20% of all agricultural and food-processing exports – more than tropical beverages, nuts, spices, cotton, sugar and confectionary collectively.² According to the FAO “State of the World’s Fisheries and Aquaculture”, it is estimated that worldwide capture fisheries stands at 90 million tonnes with an estimated sale value of US\$93.9 billion.³ Almost 40% of fish productivity is traded internationally, having an export value of US \$58.2 billion. On the whole, it has been observed that the global demand for fish is increasing. Fuelling this demand is an ever irrepressible growth in the global population and the seeming health benefits of eating fish.⁴ Current FAO data indicate that in most developed countries approximately 80% of the population obtain less than 20% of their animal protein supplies from fish, about 60% of those in many developing countries depend on fish for more than 30% of their animal protein supplies.⁵ Ultimately, fish provides 15.7% of the global population with animal protein intake and 6.1% of all protein consumed globally.⁶

In the Caribbean, fisheries account for up to 8% of the GDP of some islands. It is however understood that the true contribution of fisheries to economies of Caribbean countries is much higher. This is due to activities such as processing and distribution not being included in the

¹ Food and Agriculture Organization, State of World Fisheries and Aquaculture, 2012

² Cathy A. Roheim and Jon G. Sutinen, ‘Trade and Market place Measures to Promote Sustainable Fishing Practices’ (2006), 3 International Centre for Trade and Sustainable Development 1, 6

³ Food and Agriculture Organization, State of World Fisheries and Aquaculture, 2010

⁴ John Landos and Naveen Kumar, Consultation on Standards for Health & Sanitary Guidelines for Fish & Fishery Products (OECS Environment and Sustainable Development Unit, 2003) 13

⁵ Food and Agriculture Organization, Report of the Expert Consultation on Impact of international fish trade on food security, 27–30 January 2003

⁶ Food and Agriculture Organization, State of World Fisheries and Aquaculture, 2010

fisheries sub-sector GDP.⁷ Employment is provided for approximately 182,000 persons in CARICOM within the fishing industry.⁸ The industry is a significant employer of labour direct and indirect and account for up to 2-5% of employment in the region.⁹ The fisheries sector labour force of CARICOM states is comprised mostly of the socio-economically disadvantaged in the societies; included are the least educated, the rural poor, and women.¹⁰

There has been steady growth in fish exports from the Caribbean over the years; in 2000 it was estimated at approximately US\$ 150million. The annual per capita consumption of fish in the region is between 23 kg and 25 kg. Some CARICOM states import up to 50-60% of fish products. Fisheries import is usually subjugated by dried, salted and smoked fishery products.

Further to that, larger fishing vessels are now more fully equipped than most naval and coast guard vessels of the developing world. These vessels are fitted with the most sophisticated sonar echo fish finders, GPS and other navigation equipment, satellite radios and imagery services. Even simple improvements to crew cabins and amenities have given modern day fishing the edge within the fishing industry. That being said the nature of the fisheries in CARICOM countries is still predominantly small scale and artisanal. Most vessels are being powered by outboard motors and employ the use of manually operated fishing gears such as handlines and beach seines. Decked vessels on the other hand are few but are outfitted with the most modern equipment.

The issue of sustainability as will be discussed in this research is one of great concern for CARICOM countries as the development and strengthening of trade initiatives regionally and internationally will bring further changes to the fishing industry. These changes can be relative to the attitude of fishers evolving into a more aggressive “all about the money” approach rather than livelihood and proper management. Changes may also occur with respect to vessel types and fishing gear and method application.

This research examines the challenges faced by St Vincent and the Grenadines (SVG) and other Caribbean Community (CARICOM) member states in addressing development in the international trade of fish and fish products. It also analyses measures to address concerns with respect to implementing fisheries trade regulations of the EU and US and proposes measures on how to improve the contribution of the fisheries sector to national economy and promote sustainable fisheries amongst CARICOM member states.

St Vincent and the Grenadines and the rest of CARICOM comprising mainly of small island developing states place significant dependence on fisheries for food security and economic growth. Within the CARICOM fish trade is seen as a potentially important source for the generation of employment and foreign income. However, with iessmr food

Asian countries; high health and sanitary standards of developed countries; and trade restrictions to combat illegal, unreported and unregulated (IUU) fishing.

More specifically, in 2000 SVG was blacklisted and banned from exporting fish and fishery products to the EU which proved to be a severe blow to the fishing industry of the country. Other countries were subsequently affected by the EU Mission Team visit soon after; Grenada was placed on a “provisional watch list” while other countries such as St Lucia and Dominica were also blacklisted. Without the trade in fish, fisheries contribution to the GDP remains miniscule. Currently only a small percentage of fish from St Vincent and the Grenadines is exported to the US, while some Queen Conchs are exported to neighbouring island St Lucia and Spiny Lobsters to Barbados. The vast majority of fish are now being consumed locally. For these reasons, promoting sustainability in trade and strengthening fisheries relations between SVG and its developed trading partners are of paramount importance.

The research addresses two specific areas. Firstly, the current difficulties experienced by SVG in complying with stringent regulations set by the EU and US regarding the implementation of health and sanitary measures. The Second aspect focuses on the development of small-scale fisheries to increase economic growth and promote sustainable trade in the CARICOM region while fighting against Illegal, Unreported and Unregulated fishing.

Apart from highlighting measures that will help address the gaps in the implementation of relevant EU and US regulations on fish trade, the research will also propose alternative solutions or options to address general fisheries sustainability issues in SVG. One of these options is the adoption of a sound management framework to promote the utilization of some species that are considered underutilized. The second proposal is to increase relatively low per capita consumption of fish and fish products and inadequate distribution of fish products. The third is promoting self-sufficien.000018 1Ø#6 792 1 611.99998H‡0.88002 Tm [(s)-1(uf)-7(f)2(i)-2(c)3” s(c)3” s(c)3” s(c)

revenue contribution for LDCs¹⁶. CARIFTA ceased its existence on 1 May 1974; it was replaced by the Caribbean Community and Common Market also known as CARICOM.

On 4 July 1973 the Treaty of Chaguaramas established the Caribbean Community and Common

To achieve this it aims to strengthen the legal and institutional framework, in part through the creation and implementation of a common CARICOM Fisheries Policy.¹⁹

As a result of the Caribbean Community and Common Market in 1991 the CARICOM Fisheries Unit was established. Located in Belize its aim was to execute the CARICOM Fisheries Resource Assessment and Management Program (CFRAMP), which subsequently ended in 2001.²⁰ Out of CFRAMP the Caribbean Regional Fisheries Mechanism (CRFM) was developed. CRFM is an intergovernmental organization whose mission is *“to promote and facilitate the responsible utilization of the region's fisheries and other aquatic resources for the economic and social benefits of the current and future population of the region”*.²¹

The Inter-Governmental Agreement establishing the CRFM was signed in 2002. The CRFM consist of three bodies – the Ministerial Council, the Caribbean Fisheries Forum and the Technical Unit. Its member states include all those of CARICOM.

The CRFM is one of the key institutions within CARICOM Fisheries. This institution is vital because it focuses on improving fisheries management information systems; strengthening the capacity of national fisheries administrations to manage fisheries; promoting fishers' involvement in development; implementing and monitoring fishery management plans; improving scientific capability in the region's fishery sector; supporting Caribbean researchers and managers in the sustainable management of aquatic resources; supporting the development of a multi-stakeholders approach to coastal zone management; and promoting the rational use and management of fisheries resources in the Caribbean.²²

Another CARICOM organisation that was established is the Caribbean Network of Fisher folk Organizations (CNFO). This fisher folk network of body is located in CRFM Member states. Its purpose is to improve the quality of life for fisher folk and develop a sustainable and profitable

¹⁹ Food and Agriculture Organization, State of World Fisheries and Aquaculture, 2002, 129

²⁰ Food and Agriculture Organization, State of World Fisheries and Aquaculture, 2002, 129

²¹ Caribbean Community (CARICOM) Secretariat, Fisheries Caribbean Agribusiness
<<http://www.agricarib.org/primary-dropdown/fisheries>>

²² Agreement Establishing CRFM (Article 9) 8. Also additional information about the functions of the units within the mechanism can be found in the agreement.

industry through networking, representation and capacity building. It is a coordinating unit, consisting of fisher folk leaders from the various member states.²³

CARICOM member states, like other parts of the world, are also faced with the mounting challenges affecting the fishing industry. They are also met with the challenge of creating a sustainable food production system and retaining a steady supply of healthy food at affordable prices while pressure is mounting on almost all elements affecting the process.²⁴

Sustainable trade in fish and fishery products is being viewed as a means of livelihood and food security for CARICOM nationals. In talking about sustainable fish trade, one must first ask “What is sustainable fish trade?” and “Can sustainable fish trade be achieved?” There is no predefined meaning for the term “sustainable fish trade”. Simply put, it is “the manner in which the trade in fish and fish products is conducted and coordinated so as to allow for a viable ecosystem meanwhile, ensuring the efficient and adequate distribution of fish globally”. Institutions and countries have been grappling with the idea of developing ways in which sustainability in fish trade can be achieved. According to Article 6.14 of the FAO Code of Conduct for Responsible Fisheries;

International trade in fish and fishery products should be conducted in accordance with the principles, rights and obligations established in the World Trade Organization (WTO) Agreement and other relevant international agreements. States should ensure that their policies, programmes and practices related to trade in fish and fishery produc

PART 1: LEGAL AND POLICY FRAMEWORK FOR CARICOM FISH TRADE

Chapter 1. International Legal Framework as Established by the WTO and FAO

1.1.1 Introduction

Currently, there is no specific legal framework governing the international trade in fish and fish

The evolution of international trade has seen the movement of trade further than tangible goods and into the exchange of services and ideas. Resultant of earlier arrangements put in place by the governments of 23 countries under the 1947 General Agreement on Tariffs and Trade (GATT); gave birth to the WTO in 1995. The WTO represents a transformed and institutionalised GATT system which integrated the earlier trade agreements from the post-war years²⁸.

1.1.2 WTO Trade Framework

Just before the formation of GATT in 1947, there were significant dialogues involving the governments of the appropriate post-war financial and trade arrangements which were anticipated would govern the global economy. Consequently, with regards to international finance, the International Monetary Fund was established. The mandate of the IMF was to maintain exchange rate parities by granting loans to countries that were under exchange rate pressure²⁹. In addition, the World Bank was also established to deal with international development and infrastructure financing. In other words the objective of the World Bank is to provide financing for infrastructure of countries, that is; roads, schools and hospitals among others. These arrangements

GATT was somewhat a flexible institution; at its heart rests bargaining and deal-making, countries were also provided significant opportunities to pull out of specific disciplines.³² Different to that, the rules of the WTO apply to all members subjected to binding dispute settlement procedures. Groups that are hoping to implement multilateral disciplines on numerous different areas ranging from the environment standards to investment policies, are attracted to this aspect of WTO membership. On the contrary, it is a cause for concern to groups that see multilateral rules to be unsuitable. Some groups even worry that the adoption of specific rules may be a disadvantage of the ability of governments to regulate domestic activities and handle market failures.³³

The WTO can be seen as an organisation that creates codes of conduct for its member government. Having said; the primary function of the WTO is to act as a forum for international cooperation on trade-related policies. The codes for codes of conduct would usually originate from the exchange of trade policy commitments in intervallic negotiations.³⁴

In a way the WTO can be viewed as a market. It fosters the environment where countries can come together to exchange market access commitments on a mutual grounds. The fact of the matter is, the WTO is actually a barter market. Unlike trading in a town with a medium of exchange such as money, states usually barter, for example tariff reduction of an imported product for market access of another.³⁵ Within the WTO are a set of specific legal obligations regulating trade policies of member states in addition the WTO has established a framework for trade policies; it does not outline or identify outcomes. In other words the WTO does not concern itself with the outcome of the negotiations; all that matters is that the trade rule as it has stipulated are being adhered to by parties involve.³⁶

CARICOM states sees the WTO as a vital tool for ensuring equality in a global rules-based trading regime applying to members of disproportionate economic and political influence.

³² Bernard Hoekman and Michel Kosteci, *The Political Economy of the World Trading System: WTO and Beyond* (Oxford University Press, 2001) 41

³³ Bernard Hoekman and Michel Kosteci, *The Political Economy of the World Trading System: WTO and Beyond* (Oxford University Press, 2001) 41

³⁴ Ibid 42

³⁵ Ibid

³⁶ Ibid 42

Currently all CARICOM member states are members of the WTO with the exception of the Bahamas and Montserrat. In addition only a few CARICOM countries are financially able to afford a permanent office in Geneva. During WTO meetings each country votes individually, however the Office of Trade Negotiation (OTN) collectively house the trade expertise for the islands and is the main negotiating body for CARICOM.³⁷

The WTO framework linked CARICOM's perspectives to the positions of developing country groups. Perspectives include; striking a favourable balance when negotiating market access for agricultural and non-agricultural produce and ensuring the adequacy of special and differential treatment.³⁸

Steps were taken by CARICOM members to strengthen the Community's integration grouping. It was agreed by the member States of the Community *"to advance beyond the Common Market towards more comprehensive integration, recognizing that while it had achieved significant liberalization of the market for goods, the further development of the regional economy was constrained by restrictive Treaty provisions limiting the free movement of services and capital and skilled labour"*.⁴² It was out of this that the concept of the CARICOM Single Market and Economy (CSME) emerged.⁴³

1.1.3 Fisheries Subsidies

Subsidies are embedded deeply in the history of many c

and surveillance measures. Some examples of good subsidies would include; finance and other resources allocated by Government to facilitate fisheries management program such as port sampling and on board fisheries observers.

Article I of the GATT/ WTO agreement call for members to treat other members the same way they treat their 'favourite or most favoured' States with whom they have the least restricted trade. However as an exception to this principle, within the GATT agreement, provision has been made for general system of preferences. This allows developing states who are WTO members to have some measure of preferential treatment when trading. This GSP is also somewhat limited with regards to product coverage, benefits developing members can obtain, the amount of cuts to tariff, rules of origin, or non-tariff barriers application.⁵⁶ Additionally Article III of GATT stipulates that WTO members should treat imported products from other WTO members with the same favour that they give to their domestic products.⁵⁷ Similar products that are being imported from these developed states are also being produced in the CARICOM region; this is as a means of obtaining variety and diversity. These imported products are being treated with the same respect that the locally produced once are given. For example salted cod imported from the EU and Canada are being treated the same as salted shark produced in Trinidad and Tobago. The same goes for imported frozen tuna loins and smoked products.

Additionally, CARICOM states are faced with the stringent effects of GATT Article XX General Exceptions when imposed by developed countries. This is especially in the case of sub section (b) where it implies application of sanitary and phyto-sanitary measures and sub section (g) implying the application of fisheries conservation measures.⁵⁸ These issues can only be discussed using examples of states laws and agreements. They will be addressed in greater

the WTO that have significance with regards to fish trade, namely; the SPS Agreement, TBT Agreement, Agreement on the implementation of anti-dumping measures, Import licensing procedure and Agreement on TRIPS.

1.1.4 FAO Trade Framework

International fish trade has become a quarrelsome issue globally. It is estimated to be a major cause of both wealth and widespread pockets of poverty. For some the rewards realized is gigantic, meanwhile the circumstances for generating wider and fairer sharing of this benefit are yet to be seen. Hence trade is being described as both free and partial.⁶⁰ Nonetheless, the feeling that trade should be united and recognise the needs and respect the diversity of national development patterns is also attaining merit. Because of the WTO, the interrelations of trade, the usage of global natural resources and the potential of these natural resources to contribute to enhancement of standards of living and sustainable development have now become globally accepted. In fact, all of this is realized and carefully crafted into the preamble to the Marrakech Agreement which established the WTO.⁶¹ It states: *...trade and economic endeavour should be conducted with a view to raising standards of living ... and expanding the production of and trade in goods and services, while allowing for the optimal use of the world's resources in accordance with the objective of sustainable development, seeking both to protect and preserve the environment and to enhance the means for doing so in a manner consistent with their respective needs and concerns at different levels of economic development.*⁶²

There are various internationally legally and non-legally binding instruments that have made mention of issues that can have an impact on international fish trade. For instance; Law of the Sea Convention (LOSC), UN Fish Stocks Agreement, FAO Compliance Agreement, FAO Code of Conduct for Responsible Fisheries, International Plan of Action to Deter and Eliminate –IUU Fishing, FAO Port State Measures Agreement and Regional Fisheries Management

European Communities Definitive Safeguard Measure on Salmon complaint by Chile; European Communities Trade Description of Sardines complaint by Peru; Chile Measures affecting the Transit and Importing of Swordfish Complainant by European Communities; United States Import Prohibition of Certain Shrimp and Shrimp Products Complainants by India; Malaysia; Pakistan; Thailand. These are just a few of the fisheries related disputes which arose due to GATT Article XX.

⁶⁰ J Kurien, *Responsible fish trade and food security* (FAO Fisheries Technical Paper, No. 456, 2005) 1

⁶¹ Ibid

⁶² Marrakesh Agreement (1994) – Establishing the World Trade Organization (WTO)

Organizations.⁶³ Apart from specific articles found in the FAO Code of Conduct for Responsible Fisheries and the Internationalod3ernatQ q 0.12 w 0 g q 0 0.000018 m 0 792 1 611.999986 792 1 611.999986 0.00

thesis. It states: *International trade in fish and fishery products should be conducted in accordance with the principles, rights and obligations established in the World Trade Organization (WTO) Agreement and other relevant international agreements. States should ensure that their policies, programmes and practices related to trade in fish and fishery products do not result in obstacles to this trade, environmental degradation or negative social, including nutritional, impacts.*⁶⁶

protect human health; however it is widely utilised and disguised as a barrier hindering the trade in fish products. A prime example of the application of SPS as a disguise is the EU health and safety regulations and its application against St Vincent and the Grenadines. Other non-tariff barriers affecting the importation of fish are: technical requirements, trade distortions through subsidies and dumping, import licensing.⁶⁷

Notwithstanding, contained in the code of conduct is Article 11 which further elaborates the principles mentioned in Article 6.14. This was accomplished by highlighting two crucial aspects

The IPOA-

product throughout the entire process from unloading, transshipment, processing, export, and wholesale and retail markets through to the final product is purchase by consumers in any market form or processing.⁷⁷

Similarly trade documentation also term as statistical document program (SDP) is in reference to schemes that were developed by Regional Fisheries Management Organizations (RFMOs) where documentation was required to accompany certain fish and fish products through international trade. One of its purposes is to identify the origin of the fish for the purpose of determining levels of unreported fishing.⁷⁸ As these documentation schemes continue to change, they are being complemented by a few other national and regional based systems of documentation. For example the development of new regulations by states with the aim of preventing, deterring and eliminating IUU fishing.

⁷⁷ Inter-American Tropical Tuna Commission, 'Consideration of a Catch Certification System' (2002) IATTC-69-14, Inter-American Tropical Tuna Commission 1, 1

⁷⁸ La Jolla, 'Expert Consultation Of Regional Fisheries Management Bodies On Harmonization Of Catch Certification' (Report No 697, Food and Agriculture Organisation, 9-11 January 2002) 1, 9

Chapter 2. Effects of ICCAT High-Seas Fisheries Regime on CARICOM Fish Trade

1.2.1 Introduction

According to the FAO a lot of pressure is being exerted on the fishing industry globally due to capture fisheries. The FAO further estimated that of the 600 stocks of fish which it currently reports on, 25% are overfished and a further 52% fully exploited.⁷⁹ While overfishing and its



Figure 2 - The map is an illustration of the area of competence for ICCAT (all of the light blue shaded area)

The management of fisheries on the high-sea presents a naturally intrinsic challenge to all wanting to conserve and manage fisheries in this area. Flag states are being task with the responsibility of exercising control over vessels flying their flag and fishing on the high-seas. This however rarely occur as some flag states often lack the political will to exercise effective control over their vessels and sometimes, they just do not have the capabilities to do so, even if they would like to. As a result of this, there is a large increase in illegal, unregulated and unreported (IUU) fishing activities.⁸⁰

The International Commission for the Conservation of Atlantic Tunas (ICCAT) has recommended trade sanctions (import bans) against countries whose fishing vessels and activities undermine the effectiveness of the conservation and management measures of the organisation. ICCAT is responsible for the conservation of tunas and tuna-like species in the Atlantic Ocean and adjacent seas. It was established in 1969, at a Conference of Plenipotentiaries and is directly concerned about 30 species of tuna and tuna like fish. These include: Yellowfin tuna, Bigeye tuna, Skipjack, Albacore, Atlantic Bluefin, Southern Bluefin, Mediterranean

⁸⁰ Richard Tarasofsky, 'Enhancing the Effectiveness of Regional Fisheries Management Organizations through Trade and Market Measures' (2007) 07/04 Energy, Environment and Development Program 1, 2

Swordfish, sailfish, blue and white marlin, Spanish and king mackerel, small tunas such as black Skipjack, frigate tuna, and Atlantic bonito. The organisation also assumes responsibility for some

measures that have been adopted by the RFMOs in an effort to achieve all around effective conservation and management and to combat IUU fishing.

Within the regime of ICCAT numerous trade measures have been adopted to encourage and ensure compliance with the conservation and management measures that have been established. Included among the list of conservation and management measures for ICCAT are: Technical characteristics of the fishing gear, Closed fishing season, records of vessels authorised to fish, landing and transshipment of fish, implementation of a Port Sampling Plan aimed at collecting fishery data and Catch limits and quota. The Resolution by ICCAT Concerning Trade Measures Paragraph 6 (c) states; “*c) the adoption of non-discriminatory trade restrictive measures*” as an action that can be taken by the Compliance Committee against Contracting Parties and Cooperating non-Contracting Parties who “*...failed to discharge their obligations under the ICCAT Convention in respect of ICCAT conservation and management measures, in particular, by not taking measures or exercising effective control to ensure compliance with ICCAT conservation and management measures by the vessels flying their flag*” or non-Contracting Parties “*that have failed to discharge their obligations under international law to co-operate with ICCAT in the conservation and management of tuna and tuna-like species*”.⁸⁴

In previous years ICCAT have emphatically demonstrated its powers against states that undermined its management measures. In 1994 and 1995 ICCAT implemented the Bluefin Tuna Action Plan and Swordfish Action Plan respectively. These two action plans can lead to relevant species from non-member states being prohibited from importation due to vessels of those states undermining the effectiveness of the ICCAT conservation measures for those species.⁸⁵ Contained in each individual Action Plan are procedures leading up to the adoption of trade measures against states for non-compliance. Firstly, ICCAT identifies non-members whose vessels were found fishing for the relevant species in an unsustainable manner that undermines relevant conservation and management measures. ICCAT then requests identified non-members to take corrective actions against the conservation measures that were violated. Failing to comply

⁸⁴ Resolution by ICCAT Concerning Trade Measures 03-15, Paragraph 2 a (i) and (ii)

⁸⁵ FAO Fisheries Department, *Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*, (FAO Technical Guidelines for Responsible Fisheries, No. 9, Rome, FAO 2002) 49

will cause I

to report.⁹¹Over the years ICCAT has been operating a Bluefin Tuna Statistical Document

1.3.2 The EU

The EU in 2008 decided to take a major step in the fight against IUU fishing through the approval of Regulation No 1005/2008. The version of definition for IUU used by the EU was obtained from the IPOA-IUU. The measures outlined in the EU IUU Regulation apply to all IUU fishing and related activities conducted in EU waters, maritime zones under the jurisdiction of third States, and on the high seas. According to the EU Regulation No 1005/2008 only vessels of third states which can provide information regarding the legality of the catch and having the information validated by their flag state will be allowed to enter in EU ports. In order to facilitate the importation of fish into the community, the EU requires a certificate validated by the flag state and containing information demonstrating the legality of the fish products. The certificate further requires additional information proving that the flag state is fulfilling its duties under international law ensuring that flagged vessels comply with international rules on conservation and management of fisheries resources. The EU regulation also made provision for the listing of fishing vessels on an IUU list that it has established. Based on information obtained by the EU, vessels will be listed as such when there are sufficient grounds that fishing vessels flagged by a third state have been engaged in IUU fishing and the flag state has not taken satisfactory action to address such IUU fishing. Not only did the regulation made provisions to list IUU vessels, flag states are also affected. After being given enough time by the EU to respond to the breach in conservation and management measures, the EU will *adopt non- discriminatory, legitimate and proportionate measures with respect to those States, including trade measures.*⁹⁸

Under the regulation, the importation and exportation of marine fisheries products are prohibited from entering the EU territories unless they have been validated by the flag or exporting state and provided with the necessary documentation.⁹⁹ This is a move that mirrored ICCAT, CCSBT, IATTC and IOTC implementation of Statistical Document Program and Catch Certification. The regulations provides for the listing of vessels and flag states who failed to comply with internationally agreed and RFMO measures to combat IUU fishing.

The EU will also establish and publicise a list of non-cooperating states. Non-cooperating states according to the EU are those states that fail to discharge their obligations to ensure that their

⁹⁸ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community System to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, paragraph 10, 15, 25 and 31.

⁹⁹ David J Doulman, 'Challenging Times for Sustainable Fisheries: Combating Illegal, Unreported and Unregulated Fishing' (2012) 18 Vertic Brief 1, 9

flagged vessels adhere to EU agreed conservation and management measures. In addition, fish imports from these states and their vessels will be prohibited and accompanying catch certificates rejected. Purchase and/ or reflagging of non-cooperating state's vessels is prohibited, vessels will be denied entry for the purpose of refuelling and other services. Private trade arrangements between nationals of non-cooperating states shall be prohibited or terminated, a proposal will be made for the termination of any standing bilateral fisheries agreement or fisheries partnership agreement with such state and the EU will not enter in any further bilateral fisheries agreement or fisheries partnership agreements with such state.¹⁰⁰

Prior to the implementation of the regulation states from whom the EU imported marine products were provided with ample advance notice, yet a number of these countries encountered significant difficulties in complying with the rigorous requirements of the regulation.¹⁰¹

St Vincent and the Grenadines (SVG) has never been listed as being in support IUU in accordance with the provisions in the EU Regulations; however, most recently in January 2012 a detailed letter was sent from the EC Secretariat to the Fisheries Division of SVG. The letter gave a report of S VG flagged vessels conducting at sea transshipment with a mother ship flagged to another state. SVG immediately conducted its own investigation and made urgent efforts to rectify the issue. In November 2012, Belize another CARICOM member state operating an open registry was also served with a notice to control its flagged fishing vessels.¹⁰²

Incorporated in the regulation also are control measures for third country fishing vessels that want to utilize EU member states port facilities. Before transshipment of fish can occur between EU flagged vessel and fishing vessel flagged by a third country, there are certain conditions which must be fulfilled and transshipment must be conducted at a designated port.¹⁰³

¹⁰⁰ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community System to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, Articles 31-38

¹⁰¹David J Doulman, 'Challenging Times for Sustainable Fisheries: Combating Illegal, Unreported and Unregulated Fishing' (2012) 18 *Vertic Brief* 1, 10

¹⁰² Adele Ramos, 'Belize trying to avert EU sanctions over IUU fishing on high seas', *The Amandala* (online), 14 June 2013 <<http://amandala.com.bz/news/belize-avert-eu-sanctions-iuu-fishing-high-seas/>>

¹⁰³ Further information on Port State Control established by the EU is documented in Section 1 Article 4, 5 and 6 of Council Regulation (EC) No 1005/2008 of 29 September 2008.

1.3.2.1

the financial resources, infrastructure or expertise to develop such a laboratory, at best only basic microbial test can be conducted with a great degree of accuracy. The possibility exist that these tests can be conducted outside of the country, but even that option has a measure of cost attached to it. Currently SVG is in a position where it has a laboratory capable of conducting ‘above basic’ tests with accurate results, however the EU claims that it is insufficient. SVG attempted to utilize the resources of an accredited regional laboratory and this proved to be a very costly option. As a result SVG is without a market for its fishery products in the EU. Further to laboratory capabilities and accreditation, the EU hygiene legislation contains precise requirements on the structure of and types of fishing vessels, landing sites, fish processing establishment and product flow, the operational processes to be conducted, freezing, storage and transportation.¹⁰⁵

The Importation of fishery products into the European Union is subjected to official certification of a Competent Authority. This certification is based on the European Commission recognising the presence of a Competent Authority in the third country. This formal recognition is a pre-requisite for the country to gain eligibility and permission to export fish products into the EU territory. It further shows that some degree of reliability and accountability has been placed on the Competent Authority by the Commission. The Competent Authority must be a public entity armed with the necessary legislative powers and resources for ensuring credible inspection and controls all the way through the process chain, encasing all applicable areas of hygiene and public health.¹⁰⁶ In essence, the Competent Authority must be sanctioned, organized and resourced to implement efficient inspection and assure credible public health and animal health confirmations in the accompanying fishery products certificate destined for the EU. Additionally the EU will only permit imports from approved fishing vessels and establishments that have been inspected by the competent authority of the third country and found to meet EU requirements. The EC further maintains and publish a list of these approved establishments on its website.

¹⁰⁵ European Commission, ‘EU Import Conditions for Seafood and other Fishery Products’ Directorate-General for Health and Consumers, 2

¹⁰⁶ European Commission, ‘EU Import Conditions for Seafood and other Fishery Products’ Directorate-General for Health and Consumers, 2

1.3.2.2 Traceability

Another aspect of the EU certification system is traceability. The EU Traceability Regulation No.178/2002 defines 'traceability' as "*the ability to trace and follow a food, feed, food-producing animal or substance intended to be, or expected to be incorporated into a food or feed, through all stages of production, processing and distribution*".¹⁰⁷ This aspect of traceability was cited as a major deficiency within the EU export regime of SVG. The EU legislations on food production require that food business operators implement and maintain procedures, based on HACCP principles. HACCP is a risk-based system that can be adopted by all food businesses irrespective of the size and nature of the business.¹⁰⁸ The EU also developed laws governing fish and fishery products on board fishing vessels. These laws cover hygiene conditions on board fishing vessels, equipment and facilities on fishing vessels, health standards applicable to fishery products and packaging, storage and transportation of fishery products. Laws were even developed to govern the use of potable water in relation to fish processing.¹⁰⁹ Further to that, the EU set limits for certain micro-organisms in specified, these include: *Listeria monocytogenes* in ready-to-eat food, the presence of *Salmonella* in cooked crustaceans and molluscan shellfish, the quantity of of vh 0.12 0 0 0.12 72 672.47998 Tm [(No.178/)-2(2002)-301(de)3(f)2(i)-2(ne)3(s)-1()-301(€)2(t)-

agreement to which the United States is a party, including catch limits or quotas, capacity restrictions, and by-catch reduction requirements;

(B) Overfishing of fish stocks shared by the United States, for which there are no applicable international conservation or management measures or in areas with no applicable international fishery management organization or agreement, that has adverse impacts on such stocks; and

(C) Fishing activity that has an adverse impact on seamounts, hydrothermal vents, and cold water corals located beyond national jurisdiction, for which there are no applicable conservation or management measures or in areas with no applicable international fishery management organization or agreement.”¹¹¹

The second component of the amendments involves the listing of nations whose vessels have been found to be engaged in IUU fishing. It states:

developing countries also the majority of states with open vessel registry are developing states. The US listing these states as being in support of IUU is considered as discrimination against the states.

In its fight against IUU fishing, in 2009 the US published its first biennial US Congress report identifying countries whose vessels have been engaged in IUU fishing. Included in the report were six countries whose vessels were involved in IUU fishing during the period 2007 to 2008.¹¹³ In addition to publishing the list of IUU countries the US also published the description of corrective actions taken by these countries in order to address their IUU situation.¹¹⁴ Also outline in the Magnuson-Stevens Fishery Act, the US Government will work along with countries that it has identified as being in support of IUU in taking remedial actions against IUU fishing.¹¹⁵

Conversely, if a country fails to take action, the US Government could impose import unilateral sanctions on fisheries products from that particular country.¹¹⁶ Upon completion of the remedial process each country will be certified by the US Government as either having adopted effective measures to combat IUU fishing or as still having vessels engaged in IUU fishing. In case of the latter, the vessels of that country could be denied entry into US ports and the importation of fish and fisheries products prohibited.¹¹⁷

Contained in the biennial congress report that US authorities will create is information indicating that the identified state has produced sufficient evidence of enforcement action against the accused vessel for IUU fishing, that the RFMO has acknowledge that the state has adopted and implemented sufficient measures to eliminate and deter IUU fishing and exercise control over its flagged vessels.¹¹⁸ Additionally the state must also provide evidence that it has adopted measures

¹¹³ David J Doulman, 'Challenging Times for Sustainable Fisheries: Combating Illegal, Unreported and Unregulated Fishing' (2012) 18 Vertic Brief 1, 10

¹¹⁴ Ibid

¹¹⁵ Ibid

¹¹⁶ Ibid

¹¹⁷ Ibid

¹¹⁸ Mary Ann Palma, Martin Tsamenyi and William Edeson, Promoting Sustainable Fisheries : The International Legal and Policy Framework to Combat Illegal, Unreported and Unregulated Fishing (Martinus Nijhoff Publishers, 2010) 242

There are no clearly defined methods for the US to gather fisheries violation information against other states. This thus implies a lack of transparency in the system used by the US; the data gathering system is not definite and is therefore contrary to the principles of the WTO. The data gathering system is based on the ability of the US to validate testimony and evidence; to determine if multiple sources have provided information supporting the identification. The system however takes into account the data collections methodology and the specificity of the information provided. The credibility of the individuals or organisations providing the information is also considered and so too is the susceptibility of the information to tampering and falsification.¹²⁵ All in all, the information obtained whereby the US can base their accusation against states and their flagged vessel is nothing but just 'hear say'.

and minimize handling.¹²⁸ Other factors are; increasing competition from larger producers of more developed countries, the reduction in capability of governments to protect the sector because of commitments made to international development financing bodies, and multilateral and bilateral trade commitments, and finally high input cost to production.¹²⁹

Chapter 1. Trade Framework

The CARICOM Common Fisheries Policy was born as a result of the United Nations General Assembly Resolution 54/225 on the initiative of Caribbean States headed by members of CARICOM. The

stock found in regional fisheries and in the territorial waters of Member States will have to be shared to expedite the intra-regional movement of capital and labour in the region's fisheries.¹³⁸

The rules of the Revised Treaty of Chaguaramas establishing the CARICOM Single Market is fashioned in the light of the WTO/ GATT 1947. The rules of the CARICOM Single Market are carefully crafted so as to allow for the free movement of goods among CARICOM Member States.¹³⁹ The Community also has in place Rules of Origin; these are guidelines specifying which goods qualify as originating within the Community for the purpose of determining appropriate import and export duties.¹⁴⁰ Most fish and fish products originating from CARICOM Member States do not carry a tariff except to encourage sustainable harvesting and trade. For example; in St Vincent and the Grenadines fish species with the exception of queen conch and spiny lobsters are exported without tariffs. A tariff of EC \$1 per LB (pound) is currently being charged on the exportation of spiny lobsters and EC \$0.50 per LB (pound) on queen conch.¹⁴¹

Disciplines on subsidies are also included in the Revised Treaty including special provisions on subsidies to agriculture. Other areas addressed in the treaty are: dumping, quantitative restrictions and safeguards, all these areas serve to create rules to facilitate the movement of Community produced goods.¹⁴² Further to that rules are also provided in the Revised Treaty to grant freedom of transit within CARICOM with regards to goods, vessels and other vehicles transporting Community goods.¹⁴³ In essence, fish and fish products originating within the Community can move throughout CARICOM without obstruction to trade. Even if in transit, fisheries products are protected from discriminations such as those that can be initiated through sanitary and phytosanitary measures and tariff barriers.

¹³⁸ The Revised Treaty of Chaguaramas Establishing the Caribbean Community, including the CARICOM Single Market and Economy, signed 5th July 2001, Chapter IV Article 60

¹³⁹ The Shridath Ramp

Chapter 2. Structure of Preferential Trade Agreements Between CARICOM and Other Countries

2.2.1 Introduction

The Council for Trade and Economic Development (COTED) is the primary arm of CARICOM which deals with issues relating to trade and economic development on behalf of the Community. The agency comprises trade ministers that were nominated by Member States. The legal mandate of COTED includes to:

- (a) Promote the development and oversee the operation of the CSME;*
- (b) Evaluate, promote and establish measures to enhance production, quality control and marketing of industrial and agricultural commodities so as to ensure their international competitiveness;*
- (c) Establish and promote measures to accelerate structural diversification of industrial and agricultural production on a sustainable and regionally integrated basis;*
- (d) Determine and promote measures for the accelerated development and marketing of services;*
- (e) Promote and develop policies and programmes to facilitate the transportation of people and goods;*
- (f) Promote measures for the development of energy and natural resources on a sustainable basis;*
- (h) Promote and develop policies for the protection of and preservation of the environment and for sustainable development.¹⁵¹*

Relative to the trade in fish and fisheries products, the primary objectives of COTED are the promoting of sustainable development for the FOTED are the

facilitation of regional positions, coordination of negotiating strategy and taking lead positions where appropriate during negotiations.¹⁵⁶

The significance of the region's trading position has been strengthened in most international forum dealing with trade issues, including the WTO. This is owed to the smallness of the islands, the lack of competitiveness and the need for protection against international competition. Under bilateral negotiations that CARICOM is involved in agriculture has been well excluded. In one such negotiation up to 70% of tariff lines for agriculture were excluded.¹⁵⁷

Over the last few decades one of the major concerns for developed states regarding the importation of fish and fish products from developing countries is the management of the resource. Essentially, CARICOM countries must ensure that their catches are sustainably harvested in order to relieve the growing pressure on the resource.

The following are examples of agreements between CARICOM and other states. It gives an overview of the terms and arrangements negotiated by CARICOM.

2.2.2 Canada-CARICOM Trade and Economic Co-operation Agreement (CARIBCAN)

The existence of trade and economic relations between the Caribbean and Canada dates back to the 18th century. During that time the British Northern Atlantic Colonies exchanged fish and other staples for Caribbean rum, molasses and spices.¹⁶¹ At the Commonwealth Heads of Government meeting in Nassau on October 1985, Canada committed to establish an economic and trade development assistance program for Commonwealth Caribbean countries and territories; this program was called CARIBCAN. The following year on 15 June 1986, most commodities with Commonwealth Caribbean origin were granted duty-free access to the Canadian market. The objectives of CARICOM in participating in an enhanced trade agreement with Canada are to:

- (a) *Preserve, build on and broaden the scope of the current instruments of trade and economic co-operation;*
- (b) *Where possible, deepen disciplines to improve market access for CARICOM exports of goods and services;*
- (c) *Broaden the country coverage to include all CARICOM states;*
- (d) *Stimulate increased flows of Canadian investment into the region; and provide a comprehensive framework for development co-operation initiatives.*¹⁶²

A total of 18 countries are eligible to receive the duty-free benefits accorded under CARIBCAN, they include: Anguilla, Antigua-Barbuda, The Bahamas, Barbados, Belize, Bermuda, the British Virgin Islands, the Cayman Islands, Dominica, Grenada, Guyana, Jamaica, Montserrat, St.

¹⁶¹ CARICOM, Office of Trade Negotiation 'Perspectives of Regional Organizations on the Trade Relations between Latin America and the Caribbean and Canada: Current and Future Status' (Seminar Paper SP/SRREECALC/Di N° 9-12, CARICOM Secretariat, 30 March 2012) 3

¹⁶² CARICOM Secretariat, *Background to Negotiations on CARICOM Canada Trading Arrangements* (28 October 2008) Office of Trade Negotiation CARICOM Secretariat
<http://www.crn.org/index.php?option=com_docman&task=doc_view&gid=386&tmpl=component&format=raw&Itemid=113>

Christopher (St. Kitts) and Nevis, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago, and the Turks and Caicos Islands.¹⁶³

2.2.2.1 CARIBCAN Rules of Origin

In order to qualify for the duty-free tariff treatment allowed to Commonwealth Caribbean countries, products must be:

(a) *Wholly obtained or produced” as defined in section 2(1) of the Commonwealth Caribbean Countries Tariff Rules of Origin Regulations (“Regulations”) or,*¹⁶⁴

(b) *As set out in section (2) of the Regulations, at least 60% of the ex-factory price of the goods as packed for shipment to Canada must originate in one or more beneficiary countries or Canada.*¹⁶⁵

Paragraph 3 and 4 of the memorandum further states that...

3) *The 60% qualifying content may be cumulated from various beneficiary countries or Canada.*

4) *The goods must be finished in the beneficiary country in the form in which they were imported into Canada.*¹⁶⁶

In 2006 a request made by Canada to the WTO for an extension for the waiver of the WTO’s MFN principle towards CARIBCAN countries was granted until 2011. Since then CARICOM and Canada have embarked on negotiations for a reciprocal trade and development agreement.¹⁶⁷

Salted and canned fish and fish products are among the products mainly imported by CARICOM countries from Canada. The main composition and value of imported fish is as follows; herring US\$17 million, sardines US\$12 million, cod US\$2.1 million and haddock and other fish US\$1.9

¹⁶³ Private Sector Organisation of Jamaica, Canada-CARICOM Negotiations (2008) PSOJ
<<http://www.psoj.org/?q=canada-caricom-negotiations>>

¹⁶⁴ The official version of the Commonwealth Caribbean Countries Tariff Rules of Origin Regulations is located on the Department of Justice website at: <http://lawslois.justice.gc.ca/eng/regulations/SOR-98-36/page-1.html>.

¹⁶⁵ Canada Border Services Agency, ‘Rules Of Origin Respecting Commonwealth Caribbean Countries’ (Memorandum D11-4-5, Canada Border Services Agency, 10 April 2013) 1

¹⁶⁶ Ibid

¹⁶⁷ Trade Policy Review Report by Jamaica, WT/TPR/G/242 (7 December 2010) 13 [VI 52]

million. Due to the considerations given by CARICOM to these products as basic food staples, the tariffs that are applied to the products by CARICOM are usually low or zero.¹⁶⁸

2.2.2.2 Fish Trade

2.2.3 CARIFORUM EU Economic Partnership Agreement

There is a long standing history between the countries of the European Union and those of the Africa, Caribbean and Pacific. One of the very first formal trade agreement between the EU and the ACP was the Lomé I Convention established in 1975. Out of the Lomé I Convention other trade agreements between both parties were negotiated.¹⁷² The CARIFORUM EU Economic Partnership Agreement (EPA) is the most recent arrangement between CARICOM states and the EU.¹⁷³ However, before the CARIFORUM EU Economic Partnership Agreement (EPA) came into existence, there was the EU ACP Cotonou Partnership Agreement. This agreement was signed on June 2000 in Benin and was the latest economic partnership between the EU Member States and Members of the ACP group of countries at the time.¹⁷⁴ The focus of the Cotonou Agreement was on supporting regional integration such as the CARICOM Single Market and Economy (CSME). It also encouraged the fostering and establishment of relationships between ACP countries.¹⁷⁵ In 2005 and 2010 the agreement was reviewed and amended; its focus was shifted to development support of the parties involved. Later the trade provisions of the Cotonou Agreement were replaced by the CARIFORUM EC Partnership Agreement.¹⁷⁶

The CARIFORUM EU Economic Partnership Agreement (EPA) was signed by CARIFORUM Countries, that is, CARICOM countries and the Dominican Republic, on 15 October 2008. The EPA does not have a defined period of duration but it affords exporters of nearly all CARIFORUM originated goods with duty free and quota free access to the EU market.¹⁷⁷ One

CARICOM Countries in order to assist with the costs of adjustment and implementation of the EPA is one of the most striking aspects of the agreement.¹⁸⁰

2.2.3.1 Fish Trade

Contained in the EPA is a chapter on agriculture and fisheries, which explicitly highlights fisheries within the CARIFORUM region and highlights the significance of fisheries and the need for sustainable utilization relative to food security, employment, poverty alleviation, foreign exchange earnings and social stability of fishing communities.¹⁸¹ Additionally, it highlights the fragile nature of the marine ecosystem and the susceptibility of the resources. The EPA further

islands from exporting to the EU. Therefore it is difficult for CARIFORUM States to adequately reap benefits from the EPA in this regard.

2.2.3.2 EPA Rules of Origin

Within the EPA, rules of origin apply to production and trade in both directions, meaning, trade from the EU countries to CARIFORUM countries and vice versa.¹⁸⁶ CARIFORUM has taken the position that the provision of distorted rules of origin would not have any useful effect, especially regarding developed economies and the availability of materials and production facilities in the EU.¹⁸⁷

As they stand, the requirements of the rules are that, for fish to be qualified for preferential treatment it must originate:

- a) From inland waters or within the 12 nautical miles territorial waters of the countries, or;
- b) From vessels belonging to either the CARIFORUM states or the EU. Based on the simple rule about the ownership of vessels, the EU allows fish caught in the Exclusive Economic Zones (EEZs) of CARIFORUM states to qualify for origin treatment; however those vessels which are either leased or chartered must be operated by operators from a CARIFORUM country, and also that EU operators would be given the right of first

2.2.3.3 Sanitary and Phytosanitary Measures (SPS)

The EU has made it mandatory that those countries wanting to trade in fish and fisheries products with them must develop and implement health and safety legislations in accordance with those of the EU. The EU further stated that it will not relax its health and safety laws for any country; irrespective of how stringent they are, as these laws are there to protect the health of its citizens.

CARIFORUM has developed health and safety legislation in accordance with the legal requirements of the EU. The islands have designated “competent authorities” in each state, and have established the regional body CAHFSA, through which it will direct all information regarding the implementation of the SPS chapter.¹⁹⁰

2.2.4 Caribbean Basin Initiative (CBI)

The Caribbean Basin Initiative (CBI) encompasses the Caribbean Basin Economic Recovery Act (CBERA) and the Caribbean Basin Trade Partnership Act (CBTPA). CBI is the operative and preferred name given to U.S. trade preferences for the Caribbean including CARICOM States and Central American region. The CBTPA component of the agreement was due to expire in September 2010; however it was extended until 30 September 2020. In addition, the General Council of the WTO gave approval for a further waiver of MFN principles for the CBI up to 2014.¹⁹¹

Among the goals of the US Trade and Development Act of 2000 are the expansion of trade benefits to the countries in the Caribbean Basin, the reauthorization of trade adjustment assistance programs and the renewal of the generalized system of preferences. The CBTPA is a “*comprehensive program to promote economic revitalization and facilitate expansion of economic opportunity in the Caribbean Basin region*”.¹⁹² The Caribbean Basin Economic Recovery Act of 1983 (CBERA) and the Caribbean Basin Economic Recovery Expansion Act of

¹⁹⁰ Caribbean Regional Negotiating Machinery, ‘The Cariforum-EC Economic Partnership Agreement (EPA): Agricultural and Fisheries Sectors in the EPA’ (EPA Brief 3200.3/EPA-01[08], CARICOM Secretariat, 2008) 8, [29]

¹⁹¹ Trade Policy Review Report by Jamaica, WT/TPR/G/242 (7 December 2010) 13 [V 53]

¹⁹² Quote made by then President of the US Ronald Reagan on February 1982 in a speech before the Organization of American States.

Caribbean Basin Initiative (CBI).¹⁹⁹ Although the GSP afforded to Mexico authorizes duty-free importation into the US, the range of articles eligible for the preference was narrower than that of the Caribbean Basin region.²⁰⁰ The CBERA was revised to include NAFTA out of this revision and canned tuna which did not have duty free access into the US has now been given preferential access.

2.2.5 Other Preferential Agreements and Arrangements

Over the years CARICOM has been involved in bilateral trade agreements with a number of other countries including: Costa Rica, Colombia, Cuba, the Dominican Republic and Venezuela.²⁰¹ The CARICOM-Colombia Agreement on Trade, Economic and Technical Cooperation afforded unilateral preferential access to some goods originating from CARICOM into Colombia. The negotiated period for this arrangement was four years. At the end of the four-year period the preferential trade scheme became reciprocal, bearing in mind the development differences between Colombia and CARICOM Countries. In addition some less developed countries of CARICOM were not obliged to grant any concessions under this agreement.²⁰²

The CARICOM-Cuba Agreement was signed on 3 July 2000; it offers duty-free access on a list of goods agreed by both CARICOM and Cuba.²⁰³ The CARICOM-Dominican Republic Free Trade Agreement came into force in 2000; it provides bilateral duty-free access for a number of

PART 3: REGIONAL AND INTERNATIONAL TRADE IN FISH AND FISH PRODUCTS: CASE STUDIES

3.0.0 Introduction

This section of the thesis will highlight the trade status of four CARICOM islands; Trinidad and Tobago and Jamaica which are considered more developed CARICOM States, then Belize and Grenada considered as less developed CARICOM States. As mentioned previously, the trade in fish and fisheries products is not governed by a set international legal framework. Fish and fisheries products are being traded as commodities just like all other products globally; for example coffee, cotton and electrical appliances. Within this section some of the various regional and international trade agreements and trade measures adopted by these four countries will be discussed. It will become evident the ease with which these islands are able to trade regionally and internationally and how such a trading system was achieved. This section will also focus on the institutional, political and legal framework upon which each island's trading regime is based. Special interest will also be paid to the relationship of each island with the WTO.

The discussions will be within the overall context of trade as it is difficult to single out fish as an independent commodity. Special attention will be paid to the islands trade in agricultural produce; this is because in the CARICOM region the Fisheries Department constitute a part of the Ministry of Agriculture and any discussions involving agriculture will usually include fisheries as a whole. Having said, the FAO estimated that fish comprises up to 20% of all agricultural produce exported from developing countries.

Fisheries in CARICOM member states play an important role for economic and social stability. In addition, its role as an integral contributor to employment, food security, foreign exchange and a primary contributor to income generation cannot go unnoticed. This is especially evident in some coastal communities. Within CARICOM, countries that are party to the Caribbean Regional Fisheries Mechanism (CRFM) have the obligation to collect, manage, suitably utilise scientific data and information to advise the fisheries management planning and decision making process, and fulfil obligations to international reporting. In part, this therefore translates that the fisheries management regime implemented by states can impact the sustainability of trade in the CARICOM region.

Chapter 1 Domestic legal framework for achieving trade capabilities: More Developed CARICOM States Experience (Jamaica and Trinidad and Tobago).

3.1.1 Trinidad and Tobago

The main policy objective of Trinidad and Tobago is to get to a position where it can be viewed as an economic hub for the Western Hemisphere and to attain full integration into the Latin American economy while perfecting the already achieved Caribbean Community and Common Market (CARICOM).²⁰⁶ In order to achieve such goals the twin island state is pursuing, to reduce the cost of conducting business in the country, encourage investment in human capital, and to improve the efficiency of the overall economic system²⁰⁷.

As a member of CARICOM Trinidad and Tobago is a leader. It has been very instrumental in the implementation of the Revised Treaty of Chaguaramas.²⁰⁸ Within the treaty it is recognised as a more developed state.²⁰⁹

Trinidad and Tobago has been a long standing Member of the WTO. The WTO was commissioned on 1st January 1995, soon after; on 1 March 1995 Trinidad and Tobago joined and became a member.²¹⁰ The island has kept a working programme of notifications to the WTO and has never been a complainant against in any WTO dispute. Not only that, but it has lent its support as a consultant to a defendant in a single case. Trinidad and Tobago has declared its commitments in extended GATS negotiations and also has ratified the Fourth Protocol.²¹¹ As a CARICOM Island, at least all its trading partners are granted MFN treatment. With regards to the Doha Development Agenda, Trinidad and Tobago has actively supported the efforts to encourage special and differential treatment for developing countries. It has advocated "less than full reciprocity" for developing countries as a key principle in the formulation of the modalities for t-6(-)-381(W)†11.999986Q]pb0-2(a)3(i)-2[Gk'ü2(a)ber.

The overall responsibility for trade policy formulation and implementation lies with the Ministry of Trade and Industry. The trade policy of Trinidad and Tobago is based on diversifying the economy by aiding the expansion of all sectors (except oil manufacturing) through the provision of policy legislation to enable such and trade agreements negotiation with third countries.²¹³

The mandate of the trade policy in Trinidad and Tobago is to:

- a) *Enhance and sustain market access opportunities for goods and services in traditional markets.*
- b) *Facilitate the improvement and sustainability of CARICOM trade in goods and services.*
- c) *Enhance market access in new markets.*
- d) *Promote the expansion of services exports.*
- e) *Oversee the implementation of trade agreements.*
- f) *Facilitate expansion of goods and services exports.*²¹⁴

The Government has made it clear that trade policy would "*focus on the further liberalization of domestic markets, the continuation of the divestment programme and the upgrading of all aspects of infrastructure*". While formulating trade policy, it was recognize that there is a general trend towards the abolition of trade preferences in favour of joint trading agreements.²¹⁵ To this end, a joint venture trading system for the fisheries sector will be viewed as a viable trade option for the Government. In other words the Government of Trinidad and Tobago will look favourably at an arrangement where and investor establish a shrimp of fish processing plant which will purchase and process fish caught in Trinidad and Tobago's waters and landed by Trinidad and Tobago fishers.

The Trade Ministry has specific trade objectives, which include: the negotiation and management of the country's participation in trade and economic arrangements, nurturing commercial relations with trading partners, and the enhancement of export competitiveness.²¹⁶

²¹³ Trade Policy Review Trinidad and Tobago, Report by the Secretariat, WT/TPR/S/151 (17 August 2005) 15

²¹⁴ The Government of Trinidad and Tobago, *About the Trade Directorate* Government of Trinidad and Tobago, Ministry of Trade, Industry and Investment

<<http://www.tradeind.gov.tt/Aboutus/Divisions/Trade/AbouttheTradeDirectorate.aspx>>

²¹⁵ Trade Policy Review Trinidad and Tobago, Report by the Secretariat, WT/TPR/S/151 (17 August 2005) 16

²¹⁶ Trade Policy Review Trinidad and Tobago, Report by the Secretariat, WT/TPR/S/151 (17 August 2005) 16

The Ministry of Trade and Industry is also responsible for WTO matters. This Ministry collaborates with the Ministry of Foreign Affairs, in providing representation Trinidad and Tobago at the WTO.²¹⁷

Trade policy a-6(nt.000018 m 0 0.12 8522(a)3n 99.810596 Tz BT /F4 100 Tf 0.12 0 0 0.12 72 709.080017 Tm

Trade and Industry as the most competitive non-energy sector in the country.²²⁷ Quite notably, opportunities are available for investment. Such opportunities exist in onshore processing, establishing fish farming or aquaculture facilities and offshore harvesting. Trading internationally involves the export of chilled or frozen tuna, snapper, flying fish and shrimp.²²⁸

3.1.1.1 Foreign Investment System

Foreign investors are encouraged to invest in Trinidad and Tobago through foreign direct investment (FDI) regime. Investors are able to invest in all sectors of the country and there are no restrictions or disincentives towards this²²⁹. Currently, the Government of Trinidad and Tobago is in the process of developing new investment legislations. There was scheduled to occur in early 2012 the implementation of an Investment Policy upon which the relevant legislations will be based²³⁰. Among the numerous industries targeted by the Government for investment and development are fishing and fish processing. With the interest in diversifying the economy in mind, the Government is also emphasizing investment in steel, aluminium and polypropylene. The idea is that these can be used as inputs for prospective downstream manufacturing. Within the fishing industry this will mean the construction of processing facilities and equipment, construction of fish storage bins and bags, packaging material and other utensils necessary for the daily operation of section in the industry²³¹.

Foreign investment is governed by the 1990 Foreign Investment Act. The permission is given to foreign investors to own 100% of share capital in a private company. Investors are allowed to own limited quantities of lands for residential and trading purposes²³². Legally there are no performance requirements for investors. However, through negotiated incentives, the Government encourages ventures that are employment creating and attract foreign exchange, provide training and/or technology transfer, increase exports, and have contents which are locally

²²⁷ Bruce McKenzie, Mark Wilson and Coryse Tesheira, *Trinidad and Tobago investment Guide 2011-2012* (CITI Bank Investments, 2011) 28

²²⁸ Bruce McKenzie, Mark Wilson and Coryse Tesheira, *Trinidad and Tobago investment Guide 2011-2012* (CITI Bank Investments, 2011) 28

²²⁹ Trade Policy Review Trinidad and Tobago, Report by the Secretariat, WT/TPR/S/260 (1 February 2012) 14

²³⁰ Ibid

²³¹ Ibid 15

²³² Trade Policy Review Trinidad and Tobago, Report by the Secretariat, WT/TPR/S/151 (17 August 2005) 18

produced²³³. No restrictions are enforced on profits, interest, dividends, repatriation of capital, distributions or gains on investment. Within the fisheries sector this translates to investment opportunities in the shrimp industry as it is one of the least invested avenue with a growing global demand. Trinidad and Tobago is involved in a number of bilateral investment treaties (BITs). These BITs include: Canada, China, Cuba, France, Germany, India, Mexico, South Korea, Spain, Switzerland, the United Kingdom, and the United States. Trinidad and Tobago has ratified all these agreements. Generally, these BITs provide for national treatment, and contain procedures for the settlement of disputes²³⁴. In addition, the country is a signatory to the International Centre for the Settlement of Investment Disputes (ICSID) Convention and the Multilateral Investment Guarantee Agency (MIGA)²³⁵.

3.1.2 Regional and International Trade Relations (CARICOM and WTO)

Trinidad and Tobago has been a long standing member of the WTO. Most favourable nation (MFN) treatment is granted to all of its trading partners and the WTO agreement has been invoked through its domestic court system²³⁶. Without any bias to previous bindings, Trinidad and Tobago bound all of its tariffs at ceiling rates during the Uruguay Round²³⁷. Specified ceiling limits by the WTO are; Developed countries 99%, Developing countries 73% and Transition economies 98%.²³⁸ Imported fish products are subjected to an average tariff rate 29.2%. Usually, the importation of fish for processing purposes is duty-free, while those imported for consumption are faced with a 20% to 40% tariff application²³⁹.

As an active supporter of efforts promoting special and differential S&D treatment for developing countries Trinidad and Tobago has made clear its consideration of special and differential S&D as an integral part of the negotiating process. Further to that, it has made a submission, on behalf of the ACP Group, advising progress in the discussions on operationalization of S&D in the post Doha era and on issues relative to S&D being putting into

²³³ Trade Policy Review Trinidad and Tobago, Report by the Secretariat, WT/TPR/S/151 (17 August 2005) 18

²³⁴ Trade Policy Review Trinidad and Tobago, Report by the Secretariat, WT/TPR/S/260 (1 February 2012) 15

²³⁵ Ibid

²³⁶ Trade Policy Review Trinidad and Tobago, Report by the Secretariat, WT/TPR/S/151 (17 August 2005) 19

²³⁷ Ibid

²³⁸ World Trade Organization, *Understanding the WTO* (World Trade Organisation, 5th ed, 2011) 12

²³⁹ R H Singh, et al, 'Review of Agricultural Policies in Trinidad And Tobago' [2005] *The Department of Agricultural Economics and Extension, The University of the West Indies*, 12

practice²⁴⁰. One of area for which the country is hoping to gain S&D is in regards to fishing subsidies. Currently, fisher-folks of Trinidad and Tobago are granted subsidies by the government. These subsidies are granted in the following forms: VAT exemption on equipment, engine parts and reduce duty on new fishing vessels. Additionally, the fishermen also receive subsidies on oil and fuel used in fishing vessels.²⁴¹ As a developing state it is difficult to compete on the same scale with distant water fishing nations (DWFN) without the input of subsidies. Even so, sometimes these subsidies are not nearly enough to aid in gaining adequate returns from fishing.

Together with ACP and CARICOM partners; Trinidad and Tobago has made a call for, balanced results that take into account the issues affecting the more vulnerable Members of the WTO and for a more meaningful special and differential S&D treatment²⁴².

Trinidad and Tobago is currently involved in numerous trade initiatives globally. These trade initiatives are being pursued in a perspective that recognizes both regional and bilateral trade agreements as corresponding to agreements at the multilateral level (See illustration Figure 4).

Figure 4 - Trinidad and Tobago global trade initiatives

In this regard that Trinidad & Tobago has been an active member of the Caribbean Community (CARICOM) and more and more through the regional grouping it has sought expanded market access with third countries²⁴³. To this effect a section of Trinidad and Tobago's fish is traded regionally. They are currently one of the major suppliers of shrimp and Flyingfish (*Hirundichthysaffinis*) throughout the region. This process is said to foster the gradual incorporation of small economies into the multilateral system and make available the necessary breathing space for the development of small firms within such economies²⁴⁴.

The centre of Trinidad & Tobago's interests has been on securing expanded market access for domestic exporters of goods and services. Simplifying rules which govern such access proved meaningful in overcoming supply side constraints and also increased inflows of foreign direct investment²⁴⁵.

As a CARICOM member, Trinidad & Tobago has grasp the concept of the CARICOM Single Market and Economy (CSME) and remains committed to the goals of the CSME. The goal of CSME involves the removal of constraints and restrictions which prohibit the free movement of goods, services and capital throughout the CARICOM Region²⁴⁶.

3.1.3 Challenges for Trinidad and Tobago

In spite of its capabilities in exporting a number of locally produced goods to the EU market, the idea of exporting fish and fish products have eluded Trinidad and Tobago for some time. This is because the EU import regime revolves around health and safety a great deal. What is lacking in Trinidad and Tobago and thus, hindering exports to the EU are the following: health standards and procedures, industry personnel trained and qualified in quality assurance practices and environmental standards as well as certified HACCP status and post-harvest management competencies and practices.²⁴⁷ Flying fish is a key species to the country and CARICOM region as a whole. Trinidad and Tobago is lacking the relevant mechanisms for surveillance purposes to control illegal fishing.²⁴⁸ Additionally, as the fisheries of the island is mainly artisanal and

²⁴³ Trade Policy Review Trinidad and Tobago, Report by the Secretariat, WT/TPR/S/151 (17 August 2005) 8

²⁴⁴ Trade Policy Review Trinidad and Tobago, Report by the Secretariat, WT/TPR/S/151 (17 August 2005) 19

²⁴⁵ Ibid 9

²⁴⁶ Ibid

²⁴⁷ Strategic Plan for the Development of the Fish and Fish Processing Industry in Trinidad and Tobago (20th September, 2005) 32

²⁴⁸ Ibid

employs the use of some semi-industrial and industrial fleets, it is difficult for Trinidad and Tobago to compete with the prices for shrimp, when placed on the US market.²⁴⁹

3.1.4 Jamaica

Jamaica is one of the original and active Members of the WTO who when it comes to developing countries within the WTO and the DDA negotiations strongly supports special and differential treatment²⁵⁰. Jamaica's trade policy and development goals are broad based and set within several policy frameworks. Its regional trade policies are set in the context of CARICOM, the 2001 New Trade Policy, the 2009 National Export.12 72 3()-441(P)-5(ol)-2(i)-2(c)-6(y)19(,)-441(t)-2(h

been importing traditional agricultural produce²⁵⁶. Not only that, but it has continued to pursue unilateral preferential access within these countries²⁵⁷

failing to implement such controls will be banned from exporting their products to the EU. Overnight Jamaica lost its main export market for conch; however other fish and fishery products were still permitted to enter into the EU on a provisional basis.²⁶⁴ As a response to this action by the EU, the government of Jamaica conducted a legislation reform and enacted the necessary legislations base on those of the EU.²⁶⁵ Subsequent inspections were being conducted by the EU and discrepancies were found. The Jamaican government wrote to the EU giving them the assurance that these discrepancies had been rectified. As a result in December 2000 the EU established special import conditions for Jamaica, and it was once again permitted to export conch to the EU.²⁶⁶

In light of the effects of globalisation and the demands of competing market, the agricultural sector can be diversified in many ways so as to improve its competitive advantage²⁶⁷. The Jamaican Government is in support of this while at the same time ensuring that consistently high traditional exports are maintained. Increasing resources in areas such as organic farming and aquaculture is another area where focus is also being placed. This will enable the cultivation of plants that contain nutrients which can be extracted for the medicinal purposes and fish production to assist in the improvement of the global foods security situation²⁶⁸. Similarly the Jamaican Government is encouraging the development of oyster culture projects; this involves developing marketable products produced from mangrove oysters to be promoted and marketed regionally and internationally.²⁶⁹ Ornamental fish production is a blooming area in the area of aquaculture. One of the primary aims within the area of aquaculture is the establishing of ornamental fish production as a small business enterprise in inner-city communities.²⁷⁰ Presently one of the main highlight of the Aquaculture Branch in Jamaica is the production of Red Tilapia hybrid male Fingerling. This type is usually produced and sold to farmers for growth and cultivation purposes after which they are sold regionally and internationally.²⁷¹

²⁶⁴ Spencer Henson and Steve Jaffee, 'Jamaica's Trade in Ethnic Foods and Other Niche Products: The Impact of Food Safety and Plant Health Standards' (2005) 18 *Agriculture and Rural Development Discussion Paper* 1, 33

²⁶⁵ Ibid 35

²⁶⁶ Spencer Henson and Steve Jaffee, 'Jamaica's Trade in Ethnic Foods and Other Niche Products: The Impact of Food Safety and Plant Health Standards' (2005) 18 *Agriculture and Rural Development Discussion Paper* 1, 35

²⁶⁷ Jamaica Promotions Corporation, 'Investing in Jamaica 2012' [2012] *Jamaica Promotions Corporation* 1, 12

²⁶⁸ Ibid

²⁶⁹ CRFM, 'Report of Eighth Annual Scientific Meeting' Volume 1, Supplementary 1, (20-30 June 2012) 31

²⁷⁰ Ibid

²⁷¹ Ibid 30

There is a growing demand for products to be exported overseas and not to mention from the tourist trade, this means that there will be a need for expansion and improved efficiency in the trade industry²⁷². At present agriculture including fisheries contributes 5.6% to the Jamaican economy and provide employment for over 18% of the workforce. This is likely to increase due to Jamaican products enjoying increasing marketability globally. For instance, shrimp production accounts for 80% of tourism consumption. Such a high demand, which most likely will grow with the tourism industry, creates an avenue for investment in facilities that can farm shrimp on a sustainable basis to levels that are sufficient to meet current and future demand²⁷³.

Manufacturing is another integral part of Jamaica's economy. From this more than US\$700 million in foreign exchange earnings is being contributed and 8.3% of the country's gross domestic product (GDP) represented. Included in the sector are small, medium and large enterprises which manufacture for both the domestic and export markets. A significant amount of Jamaican manufactured brands are internationally recognised and have become synonymous with excellence²⁷⁴. This includes for example the popular "Rainforest Seafood's" Jamaica's leading producer of various fisheries products such as fish fingers, breaded fish fillets and popcorn shrimp.²⁷⁵ Relative to the trade policy of the Government to foster an environment which encourage investment and develop enterprise and market niche Rainforest Seafood received a total of a half-a-million US dollar worth of duty during its developmental stages.²⁷⁶ At the moment some of the company's top customers within CARICOM are Antigua, Barbados and St Lucia, further to that Rainforest also has processing operations and fishing vessels in Belize and Honduras.²⁷⁷

²⁷² Jamaica Promotions Corporation, 'Investing in Jamaica 2012' [2012] Jamaica Promotions Corporation 1, 12

²⁷³ Ibid

²⁷⁴

3.1.6 Jamaica's Investment & Trade Agreements

In an effort to facilitate the smooth inward flow of business, Jamaica has negotiated with various countries and entered into a number of Bilateral Investment Treaties (BITS) and Double Taxation Agreements (DTAs)²⁷⁸. Additionally, the island is actively involved in several multilateral trade agreements allowing goods made in Jamaica, mainly with Jamaican raw material, to enter partner countries duty free. In some instances, Jamaica will also receive select goods from its trading partners under special tax reduction provisions²⁷⁹. One such arrangement is in the Caribbean Basin Initiatives (CBI) the Enterp

Jamaica also has trade agreements with the WTO; in particular the Uruguay Round of Agreements (1986-1994). This resulted in the establishment of the January 1995 World Trade

(iii) increase the flow of net positive returns from investment”

Jamaica’s Government has developed what is known as a National Export Strategy. Outlined in this strategy are specific trade agreements that have been negotiated. These negotiated trade agreements are being used as the basis for the selection of export markets. One example is negotiated Economic Partnership Agreement (EPA) which afforded Jamaica innumerable opportunities for accessing the US\$64 trilli

3.1.8 Challenges for Jamaica

Similar to other CARICOM states Jamaica's fisheries sector is artisanal in nature and has its own associated drawbacks. On the other hand its inland fisheries, aquaculture, is a booming industry with exports to US, France and UK.²⁹² The major challenges for aquaculture stem from farming practices and the certification of the facilities and also high import controls imposed by states.²⁹³ The government is faced with substantial ongoing costs associated with further improvements in capacity and operational expenses because of EU control measures.²⁹⁴ The government also admitted that current capacity is a representation of "*bare bones*" of what is necessary and that added investments will be required, especially in laboratory testing capabilities.²⁹⁵

There is also the problem of not being able to store large quantities of product for later distribution.²⁹⁶ There are also challenges in fish trade on the local market where weak import regulation enforcement is causing the importation of cheap poor quality product which is competing with current retailers/ buyers and preventing access to new consumers.²⁹⁷ In addition, some locals have a poor perception of fresh-water fish in terms of taste and quality in comparison to marine product that is based on inferior imports and the products of some farms.²⁹⁸

²⁹² Jamaica National Export Strategy: Aquaculture, (2008) 6

²⁹³ Ibid

²⁹⁴ Spencer Henson and Steve Jaffee, 'Jamaica's Trade in Ethnic Foods and Other Niche Products: The Impact of Food Safety and Plant Health Standards' (2005) 18 Agriculture and Rural Development Discussion Paper 1, 35

²⁹⁵ Ibid

²⁹⁶ Jamaica National Export Strategy: Aquaculture, (2008) 6

²⁹⁷ Ibid 14

²⁹⁸ Ibid

has contributed significantly to the economy of the island, contributing 7.1% to the GDP. The Ministry of Agriculture and Fisheries reported that in 2003 fisheries generated a total of US \$55.3 million for fish and fish products exports alone. Farmed shrimp was the major contributor generating US \$46 million.³⁰⁵ The fishing industry

CARIBCAN agreement.³¹⁰ Similarly, through the CBI fisheries products exported to the US also enjoy duty-free access.³¹¹ However, it must be noted that the CBI was updated in 2000 and now offers duty-free access to tuna which was previously omitted from the agreement.³¹²

of the view that training should be specific to implementation and diverge from simple dissemination of information³²¹.

Belize is an original Member of the WTO; in 1983 it became a contracting party to GATT.

Within the WTO Belize has souq 0 .8105z2119982 612.11948m [(W)-.37 612.2 1 611.9Gb5z2.000018 1 W2(o)

commitments compared with other developing countries. Notably, preliminary and a revised offer on services have already been submitted by Belize³²⁷.

The trade policy of Belize is influenced by its participation in the Caribbean Community and Common Market (CARICOM). Through CARICOM Belize also conducts its common external policy and negotiations. Simply put, after Belize formulates its national trade policies, they are then fed into CARICOM³²⁸. Through regional cooperation in negotiations Belize gains greater weight because of its position, regional cooperation also provides a useful lever supporting the limited human resource base of the island. Being a member of CARICOM further improves Belize's capabilities in negotiating or administering trade agreements. Agreements can be done at the bilateral and regional levels. In addition, because of the advantageous geographic location of Belize, it has undergone steps to work more closely with its Mexican and Central American neighbours³²⁹.

3.2.2 Challenges for Belize

Due to the limited institutional capacity of the country it is difficult for Belize to participate in negotiations and administer the increasing number of preferential agreements. It is also a burden for Belize to observe the commitments that it has undertaken. This is to say that, it is a challenge for Belize apply and implement adjustments that may be necessary to fulfil the complex obligations from bilateral, subregional, and regional agreements³³⁰. The investment system of Belize offers a wide-ranging programme geared at promoting domestic and foreign investment. The island also grants fiscal and other benefits to entities engaged solely in international or export-oriented activities³³¹. One of the main challenges that Belize is facing is defining and implementing changes necessary for the country to adapt to reductions in trade barriers and dist

The Trade Policy Unit (TPU) within the Ministry of Foreign Trade is tasked with the implementation of “*all trade related matters, performing a direct and hands-on role in trade policy formulation, coordination, and implementation of obligations*”. Primarily, the Unit's tasks are to be an advisor to other ministries and acting on the behalf of Belize regarding its obligations to trade policy issues relative to participation in CARICOM, ACP-EU relations, the WTO Agreements, the FTAA; and developing the country’s regional and bilateral trade policy. The TPU has a staff of five technical workers³³³.

A major challenge for Belize as it relates to fisheries is averting the imposition of trade sanctions by the EU due to Belizean flagged fishing vessels being accused of conducting IUU fishing activities on the high-seas. Most recently in November 2012 the EU through its Commission served Belize with a notice stating that unless the country takes control of its high-seas fishing fleet and properly standardize and manage the operations of the registry exporting privileges to the EU will be banned. Prior to that, the European Union Commission blacklisted Belize claiming that Belize and seven other countries had failed to fulfil their duty to cooperate in the fight against IUU fishing. The Official Journal of the EU stated that ‘Belize failed to fulfil its obligations as a flag state in combating IUU fishing on the high seas. The EU further stated that such act by Belize undermines the conservation and management of living resources on the High-³³⁴

³³³ Trade Policy Review Belize, Report by the Secretariat, WT/TPR/S/238 (29 September 2010) 17

³³⁴ Adele Ramos, ‘Belize trying to avert EU sanctions over IUU fishing on high seas’, The Amundaa711(h)ItTJETQ.12 w0 gq0 0.0000

3.2.3 Grenada

The government of Grenada has identified fisheries as a sector having significant potential for growth which could lead to further development of the country. The fishing industry plays an important role in contributing to the development of rural economy, as well as a vital linkage to the tourism sector. Not only that, the fisheries sector in Grenada has been a significant source of income for women in the country. The government established a fisheries school during the 1980s this imparted the knowledge necessary to enable the country to become an exporter of both fresh and processed fish products.³³⁵

One of the primary focuses of the government is to further develop the fishing industry by adopting measures to increase fish exports and the value addition and enhance the manufacturing components of the industry. This would then be streamline as a significant contributor to the socio economic development of the economy. At the moment, exports from fish account for 51% of agricultural exports and 31% of the overall production in the agriculture sector.³³⁶

In 2002 an Inspection Mission from the European Commission made a visit to Grenada. The Mission Team in its final report recommended that the government of Grenada institute measures to upgrade the island's status from a European Community List II to a List I. This will ensure further and future fish exports from Grenada to enter into the EU. The government Grenada made an application and was accepted to be a part of the European Commission's Strengthening Fishery Products (SFP) program.³³⁷ This program was designed to help ACP countries improve health conditions of fishery products. The island has adopted the Hazard

fish accounted for 28% of goods traded in the EU.³⁴⁷ Further to that, the government has indicated that the contribution from fisheries to the GDP of Grenada stands at 1.4%.

Grenada is firmly committed to the multilateral trading system; it considers its participation in the WTO as high priority. This is largely because of concerns about the erosion of preferences and the outcome of agriculture negotiations. In addition the country is more actively involved in WTO negotiations and in the implementation of the WTO obligations. Grenada heavily dependent on regional cooperation when it comes to trade policy issues, this is partially due to significant limitations in human and technical resource when it come to trade policy formulation and implementation³⁴⁸.

The categorization of Grenada's external trade is done by a number of preferential trade

PART 4: THE CASE OF ST VINCENT AND THE GRENADINES

4.1 Brief Overview of the Fisheries

St. Vincent and the Grenadines is a chain of 32 islands located approximately 100 miles (161 km) west of Barbados. The main island St. Vincent is 18 miles (29 km) long and 11 miles (18 km) wide. It has rugged mountain ranges and is densely forested in most parts. The northern part of the island consist mostly of mountainous terrains and lush forest, it is being dominated by a 4,048 ft (1,234 m) volcano call La Soufrière. St. Vincent and the Grenadines is a parliamentary democracy within the Commonwealth of Nations of which Queen Elizabeth II is head of state. Parliamentary elections are held and a Prime Minister and the Cabinet control the government.

4.2 St Vincent and the Grenadines Fish Trade

Agriculture makes up the bulk of all exports, accounting for some 75% in total; in 2005, bananas alone accounted for some 32% of the total exports.³⁵⁸

During the 1980 - 1990s SVG had a vibrant fish export industry. Although the export market was and still is small, it generated significant revenue for all those involved. The bulk of the fish export from SVG is concentrated within the Grenadines; primarily Bequia, Canouan and Union Island. Fishing is the main source of income for 33%, 25% and 8% of the residents of each island respectively. Approximately 85-95% of adult males in the Grenadines is either fisher or involved in fishing related activities.³⁵⁹ Fish is exported mainly to the EU territories of Martinique and Guadeloupe, which was made possible under the Lomé I Convention, which at that time was the trade agreement between EU and ACP countries. Fish export to Martinique and Guadeloupe consisted mostly of Spiny lobsters (*Panulirus argus*), Reef fishes such as parrotfish (*Scaridae* spp.) and deep water Demersal like snappers (L--1(n1(t)-2(l)-12u)-1(t4792 l(noua)3(n)-70(a)3(nd)-70(Uni)-2

for Grade 2 in Martinique. Lobsters were exported live by air to Martinique and Barbados; this is in addition to local sale to residents, hotels, tourists and local yachts.³⁶² Although SVG was prohibited from exporting fish to EU territories, export of live lobsters to Barbados is still on going.

report its Bigeye Tuna catches to ICCAT and for the involvement of Vincentian registered fishing vessels in Illegal, Unreported and Unregulated (IUU) fishing activities.³⁶⁹ The trade prohibition dealt a severe blow to the fishing industry of SVG causing significant loss of revenue. In an effort to rectify this issue and to avoid other sanctions, the Government of SVG established an inter-ministerial committee whose purpose was to develop a remedial action plan for the removal of the prohibition on Bigeye tuna. The plan included the establishment of a suitable management framework for regulating of the fishing activities of SVG flagged vessels on the high seas. This measure ensured compliance with ICCAT management measures. The plan was approved by SVG's Cabinet and upon its implementation in 2003. ICCAT lifted the prohibition on the export of Bigeye tuna from SVG.³⁷⁰

Under WTO rules, the prohibition could have been challenged by SVG. However, the SVG authorities realized that there was a lack of significant grounds to challenge ICCAT's ruling. The prohibition of the trade of Bigeye tuna also included Belize, Cambodia, Honduras and Equatorial Guinea and thus ruled out any possible discriminatory action against SVG under rules of trade. The prohibition was transparent as ICCAT had provided a format in which reporting was supposed to be conducted. Finally, it is common for RFMOs to implement trade sanctions for high-seas fisheries violations. In fact it is contained within the convention of some RFMOs; this therefore dispelled the notion that the prohibition was unilateral.

At the 2004 ICCAT scientific meeting SVG agreed to work in collaboration with Japan, USA and Chinese Taipei, to continue to strengthen the regulation governing the country's high seas fishing fleet. In November 2006, St Vincent and the Grenadines became a contracting party to ICCAT, the island is now able to harvest a number of species on which ICCA placed catch limits and quotas restriction.³⁷¹ The species caught and quotas allotted to SVG include: 75mt of Swordfish, 100mt of Northern Albacore Tuna, 100mt of Southern Albacore Tuna, 2100mt of Bigeye Tuna and Yellowfin tuna. Currently SVG is submitting its annual catch and registration

³⁶⁹ Recommendation by ICCAT Concerning the Importation of Atlantic Bluefin Tuna, Atlantic Swordfish, and Atlantic Bigeye Tuna and their Products from St Vincent and the Grenadines 02-16

³⁷⁰ Fisheries Division: Corporate Plan and Advance Proposals Fiscal Years 2012 - 2014

³⁷¹ Ibid

statistics to ICCAT prior to the stipulated deadline, as well as complying with its other obligations under the ICCAT convention.

SVG does not have a designated trans-shipment port for fish. As a result, high-seas fishing vessels flying the flag of St. Vincent and the Grenadines and are operating within the ICCAT Convention Area, land and trans-ship their catches in Trinidad and Tobago where there are 2 designated transshipment ports. Presently, the collaboration and communication with ship owners for obtaining fishery statistics is good; all relevant data is being received and on time. However, St. Vincent and the Grenadines saw the need to establish an independent port sampling program to validate landings and trans-shipping activities at these ports. Therefore, St. Vincent

- 1) A competent authority should be declared, with defined tasks and powers.
- 2) All EU legislation relevant to fish trade should be adopted and enacted as this ensures

financial capacity and equivalent domestic measures. In addition, the EU refuses to reduce or compromise its health and safety standards for any developing country.

These standards are so difficult to achieve that without any compromise by the implementing state they can constitute technical barrier to trade (TBT). Furthermore, the EU has its health and safety standards so skilfully wrapped up in international law and in the WTO agreements that it is virtually impossible to prove them as being TBTs legally.

St Vincent and the Grenadines has developed and enacted the Fisheries (Fish and Fish Products) Regulations 2006. This regulation contains the health and safety standards for the exportation and importation of fisheries products. To further support the regulation, the Competent Authority has been working closely with the St. Vincent and the Grenadines Bureau of Standards (SVGBS) whose responsibilities are for the preparation, promotion, and implementation of national standards in relation to goods, services, processors, and practices. The St. Vincent and the Grenadines Bureau of Standards (SVGBS) has accepted the Code of Good Practice for the Preparation, Adoption and Application of Standards contained in the TBT Agreement. However, while some national standards are compulsory, others are voluntary.³⁷⁵

conducted by the government of SVG, these standards impose an estimated costs of /F4 1 ds3()-90(a)-2(he)30

should be aware that the non-submission of necessary information within the specified time limits or the submission of false or misleading information can have unfavorable consequences”.

The questionnaire was completed by the relevant authority in SVG and submitted to the EU in the middle of 2013.

According to the FAO, capture fisheries is on the decline and IUU fishing activities are a major contributor to this decline. The FAO has published numerous legally and non-legally binding agreements outlining the duties of flag states regarding vessels flying their flag. On this basis of international law, once again the EU has sorted to wrap its own legislation in these agreements. They have twisted these agreements so much that it is virtually impossible for states to challenge the EU legislation.

PART 5 CORRECTIVE ACTIONS TAKEN BY SVG

5.1 Legislative Framework

5.1.1 The Fisheries Act 1986 and Regulation 1987:

The fishing industry in SVG is governed by six legal instruments. St Vincent and the Grenadines (SVG) Fisheries Act No. 8 of 1986 and the Fisheries Regulations No. 1 of 1987 are the overarching pieces of legislation governing the management of fisheries resources in St Vincent and the Grenadines (SVG). These two pieces of legislation were revised and amended in 2009. In addition to the fisheries act and regulation, there is the Fisheries (Fish and Fish Products) Regulations 2006. This regulation encompasses all aspects of health and safety with regards to “Hygiene standards applicable to fishery products on board fishing vessels”, “Standards for

- f) Implementation of restrictions on some fishing gears. This includes regulation of mesh sizes in order to allow juveniles to escape.
- g) Cooperating and collaboration with other states for the protection of species and ecosystem.

All in all, the measures that are stipulated in these acts and regulations further help in the deterring and/ or elimination of Illegal, Unreported and Unregulated (IUU) fishing domestically and on the high-seas. As demonstrated in this thesis developed states such as the European Union (EU) and the United States(US) are now moving towards the imposition of trade sanctions on coastal states whose vessels are involved or states who directly or indirectly support Illegal, Unreported and Unregulated (IUU) fishing activities. In order to further strengthen the position of SVG in relation to IUU fishing, officials are currently developing the St Vincent and the Grenadines Illegal, Unreported and Unregulated (IUU) Fishing Regulations. This will complement the High-seas Fishing Act 2001 and Regulations 2003.

The Government of SVG has had its focus on the development of a commercially viable fishing industry with a view to trade. So much so, they have been actively participating in the global scheme of international fisheries management by applying recommended measures such as those found in the FAO Compliance Agreement and FAO Code of Conduct for Responsible fishing among others. Additionally, the Government has met the legislative, administrative and reporting obligation of international and regional agreements such as those belonging to the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the European Union (EU). One such action is the development and implementation of the aforementioned Fisheries (Fish and Fish Products) Regulations 2006.

This regulation was done in accordance with the guidelines as stipulated by the EU. It was enacted and implemented at the national level in order to ensure those standards the equivalence of those of the EU were achieved.

5.1.2 The Fisheries (Fish and Fish Products) Regulation, 2006:

This regulation was issued by the Minister in exercise of power conferred in the Fisheries Act.³⁷⁹

Stipulated in this regulation are the requirements for hygiene conditions on board fishing vessels,

Available in the “Schedule” section of the Regulation is a series of “Checklists for official controls”. Elements relative to hygiene and assessment of the physical attributes and facilities of the processing establishment are included in one checklist. Meanwhile, the other assesses the elements of the fishing vessels.³⁸⁵

5.2 Institutional Framework

5.2.1 Competent Authority:

The Fisheries Division of St Vincent and the Grenadines was accepted and declared by the EU as the Competent Authority. The Division is the Competent Authority for the official control of fish and fishery products destined for export. The Chief Fisheries Officer (CFO) is thus the head of the Competent Authority. That being said, the responsibilities of the Chief Fisheries Officer (CFO) as the head of the Competent Authority include; the final verification and signing of audit and inspection reports, health certificates and other documents necessary for the exportation of fish and fish products from SVG. The members of the Competent Authority are free of any ties with any processing establishment and operations are uncompromised. Furthermore, the

developed for the approval and suspension or withdrawal of processing establishments, the reporting of inspections conducted and the issuance of health certificates, just to name a few. By the same token, these procedure manuals include; a Fish Inspection Manual, a Manual on Official Control of Fisheries Products and a Procedure Manuals on the Structure and Duties of the Competent Authority(Fisheries Division) and its Personnel. Overall, SVG has made significant strides towards rectifying the health and safety issues as identified by the EU. Even more so, the island now has what is probably the most modern fisheries export facility throughout CARICOM and also a proper system in place to accompany.

5.2.2 The National Fisheries Marketing Limited:

The New Kingstown Fish Market was also reinvented and renamed to the 'National Fisheries Marketing Ltd'. As a matter of fact, the complex was outfitted with brand new air blast freezers, holding freezers, a plate freezer, chill rooms and ice machines. The layout of the building was done in a manner so as to reduce the risk of cross contamination. It includes multiple foot baths and hand-wash stations which are strategically placed, also present is an 'air blow chamber' placed at the entrance of the clean processing area to remove any hair, dust or unwanted debris found on staff clothing. Further to that, the product processing line flows in one direction from dirty processing such as descaling and gutting to clean processing such as filleting and packaging. Equally important, all access points are clearly marked with entrance or exit signs, other necessities included are staff changing and locker rooms, toilets and equipment and utensil storage. There is also the presence of trained and certified supervisors and a quality control officer.

Uniquely, the National Fisheries Marketing Ltd is a twofold enterprise. Apart from facilities to process products destined for export. It also houses the local fish market where consumers can purchase their fish for personal use.

PART 6: RECOMMENDATIONS FOR ST VINCENT AND THE GRENADINES

<i>OBJECTIVES</i>	<i>RECOMMENDATIONS</i>
Achieve an effective legal and policy framework in international trade in fish and fish products	Develop a national strategy for the trade in fish and fish products. Develop a ‘Supplementary Guide to the

<p>Sustainable management of fish products, namely Queen Conch and Spiny Lobster</p>	<p>Develop and implement Catch Certification Scheme for SVG, starting with species which are most traded internationally.</p> <p>Implement an export quota system for these species as they may be close to being fully exploited. A quota system for conch and lobster exports is necessary to show that SVG is trying to fish the stock/ species sustainably.</p>
<p>Addressing trade measures to effectively control IUU fishing</p>	<p>Ensure adequate control over nationals through the strengthening of domestic legislation and the development of an effective MCS strategy</p> <p>Exercise proper control over high-seas fishing vessels through the strengthening of legislations to include new development and issues. Also through the implementation of effective monitoring procedures such a VMS.</p> <p>Adhere to the flag state duties as prescribed by the relevant international legal and non-legal binding instruments.</p> <p>Develop and implement Catch Certification Scheme for SVG.</p>
<p>Ensure adequate steps are being taken to maintain wholesomeness and integrity of fish products</p>	<p>Develop health and safety standards based on internationally accredited standards.</p> <p>Adoption and development of comprehensive HACCP plans for each product to be exported</p> <p>Ensure that standards do not contribute as barriers to trade.</p>

Overall, St Vincent and the Grenadines need to develop products and market them as a Brand unique to the island. Work needs to be conducted on processing forms and species type.

PART 7: COLCLUDING STATEMENT

The role of International trade has become essential in connecting food producers to food consumers. Thus, trade can create the direct and indirect means of achieving food security and raise the standard of living for all those involve. At present there exist challenges in satisfying

PART 7: BIBLIOGRAPHY

A. Articles/ Books/ Report

1. Bernal, Richard, 'CARIFORUM-EU Economic Partnership Agreement Negotiations: Why And How' (2008) *33 Journal of Eastern Caribbean Studies*
2. Bendini, Roberto, 'The European Union and the world Trade Organisation' [2013] *European Parliament*
3. Beckford, Dr Delroy S, 'Trade Remedies within the CARICOM Single Market and Economy: Some Thoughts on the Challenge for Achieving a Coherent Administration' (*Research Paper, Rutgers University*)
4. Canada Border Services Agency, 'Rules Of Origin Respecting Commonwealth Caribbean Countries' (*Memorandum D11-4-5, Canada Border Services Agency, 10 April 2013*)
5. Caribbean Export Development Agency, 'The Cotonou Agreement Explained' (*Trade Wins 2001*)
6. CARICOM, Office of Trade Negotiation 'CARICOM-Canada Negotiations: Prospects for the CARICOM Agriculture and Fisheries Sector' (*Trade Brief Ref: 31000.3/1-2010-07-28, CARICOM Secretariat, 28 July 2010*)
7. CARICOM, Office of Trade Negotiation 'Perspectives of Regional Organizations on the Trade Relations between Latin America and the Caribbean and Canada: Current and Future Status' (*Seminar Paper SP/SRREECALC/Di N° 9-12, CARICOM Secretariat, 30 March 2012*)
8. CARICOM Regional Fisheries Mechanism, 'Report of Fourth Annual Scientific Meeting' *Volume 1, Supplementary 1, (10-20 June 2008)*

19. Food and Agriculture Organization,, Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, (*FAO Technical Guidelines for Responsible Fisheries, No. 9, Rome, FAO 2002*)
20. Food and Agriculture Organization, Report of the Expert Consultation on Impact of international fish trade on food security, 27–30 January 2003
21. Food and Agriculture Organization, State of World Fisheries and Aquaculture, 2002
22. Food and Agriculture Organization, State of World Fisheries and Aquaculture, 2010
23. Food and Agriculture Organization, State of World Fisheries and Aquaculture, 2012
24. Freckleton, Marie, et al, Caribbean trade and integration: trends and future prospects (*Latin America and the Caribbean in the World Economy, 2010*)
25. Government of Grenada, ‘Grenada National Report on Sustainable Development’ (*Report, Ministry of Finance, 2004*)
26. Grynberg, Roman, WTO fisheries subsidies negotiations: implications for fisheries access arrangements and sustainable management (2003) *27 Marine Policy*
27. Haughton, Milton O, ‘Fisheries Subsidy And The Role Of Regional Fisheries Management Organisations: The Caribbean Experience’ [2002] *CARICOM Regional Fisheries Mechanism*
28. Henson, Spencer and Steve Jaffee, ‘Jamaica’s Trade in Ethnic Foods and Other Niche Products: The Impact of Food Safety and Plant Health Standards’ (2005) *18 Agriculture and Rural Development Discussion Paper*
29. Hoekman, Bernard and Michel Kostecki, *The Political Economy of the World Trading System: WTO and Beyond* (Oxford University Press, 2001)

30. Hornbeck, J. F, 'CARICOM: Challenges and Opportunities for Caribbean Economic Integration' [2008] *Congressional Research Services*
31. Inter-American Tropical Tuna Commission, 'Consideration of a Catch Certification System' (2002) IATTC-69-14, *Inter-American Tropical Tuna Commission*
32. Islam, M. Rafiqul, *International trade law of the WTO* (Oxford University Press, 2006)
33. Jagdeo, Bharrat, Food Security in CARICOM (*CARICOM View, 2011*)
34. Jamaica Promotions Corporation, 'Investing in Jamaica 2012' [2012] *Jamaica Promotions Corporation*
35. Kurien, J, Responsible fish trade and food security (*FAO Fisheries Technical Paper, No. 456, 2005*)
36. La Jolla, 'Expert Consultation Of Regional Fisheries Management Bodies On Harmonization Of Catch Certification' (*Report No 697, Food and Agriculture Organisation, 9-11 January 2002*)
37. Landos, John and Naveen Kumar, Consultation on Standards for Health & Sanitary Guidelines for Fish & Fishery Products (*OECS Environment and Sustainable Development Unit, 2003*)
38. McKenzie, Bruce, Mark Wilson and Coryse Tesheira, 'Trinidad and Tobago investment Guide 2011-2012' (*CITI Bank Investments, 2011*)
39. Ministry of Industry Investment & Commerce 'National Export Strategy: Jamaica' (*Report, Ministry of Industry Investment & Commerce, 2009*)
40. Palma, Mary Ann, Martin Tsamenyi and William Edeson, Promoting Sustainable Fisheries : The International Legal and Policy Framework to Combat Illegal, Unreported and Unregulated Fishing (*Martinus Nijhoff Publishers, 2010*)

41. Parker, Joan, David Doulman and Jean Collins, 'Citation Analysis for the 1995 FAO Code of Conduct for Responsible Fisheries' (2010) *34 Marine Policy*
42. Pelzman, Joseph and Gregory Schoepfle, 'Impact of the Caribbean Basin Economic Recovery Act on Caribbean Nations' Exports and Development' [1988] *University of Chicago*
43. Pregelj, Vladimir N, 'Caribbean Basin Interim Trade Program: CBI/NAFTA Parity' [2005] *Congressional Research Service*
44. Recommendation by ICCAT Concerning the Importation of Atlantic Bluefin Tuna, Atlantic Swordfish, and Atlantic Bigeye Tuna and their Products from Belize 02-16
45. Reilly, Alan, 'From Farm to Fork – New European Food Hygiene Regulations', (1–2 February 2007) *FAO and University of Akureyri Symposium*
46. Resolution by ICCAT Concerning Trade Measures 03-15
47. Roheim, Cathy A and Jon G. Sutinen, 'Trade and Marketplace Measures to Promote Sustainable Fishing Practices' (2006), *3 International Centre for Trade and Sustainable Development*
48. Shridath Ramphal Centre for International Trade Law, Policy and Services 'Revised Treaty of Chaguaramas Establishing the Caribbean Community and the CARICOM Single Market And Economy: Factsheet' (April 2011) *The University of the West Indies*
49. Singh, R H, et al, 'Review of Agricultural Policies in Trinidad And Tobago' [2005] *The Department of Agricultural Economics and Extension, The University of the West Indies*
50. Strategic Plan for the Development of the Fish and Fish Processing Industry in Trinidad and Tobago (20th September, 2005)

51. Sumaila, Ussif Rashid et al, The World Trade Organization and global fisheries sustainability (2007) *88 Fisheries Research*
52. Symmonds, Andrea, 'Towards a Regional Policy on Migration within the Context of the CSME' (*Caribbean Centre for Development Administration, 2008*)
53. Tarasofsky, Richard, 'Enhancing the Effectiveness of Regional Fisheries Management Organizations through Trade and Market Measures' (07/04/2007) Energy, Environment and Development Program
54. Trade and Export Development Division, Ministry of Foreign Affairs, Environment, Foreign Trade and Export Development, 'Aid for Trade Case Story: Grenada' [2011] *Organisation for Economic Co-operation and Development*
55. Trade Policy Review Belize, Report by the Secretariat, WT/TPR/S/134 (14 June 2004)
56. Trade Policy Review Belize, Report by the Secretariat, WT/TPR/S/238 (29 September 2010)
57. Trade Policy Review Grenada, Report by the Secretariat, WT/TPR/S/190/GRD (1 October 2007)
58. Trade Policy Review Jamaica, Report by the Secretariat, WT/TPR/S/139 (11 October 2004)
59. Trade Policy Review Jamaica, Report by the Secretariat, WT/TPR/S/242 (7 December 2010)
60. Trade Policy Review Report by Grenada, WT/TPR/G/190/GRD (1 October 2007)
61. Trade Policy Review Report by Jamaica, WT/TPR/G/242 (7 December 2010)
62. Trade Policy Review St. Vincent and the Grenadines, Report by the Secretariat, WT/TPR/S/190/VCT (1 October 2007)

63. Trade Policy Review Report by the Secretariat OECS-WTO Members, WT/TPR/S/190 (1 October 2007)
64. Trade Policy Review Trinidad and Tobago, Report by the Secretariat, WT/TPR/S/151 (17 August 2005)
65. Trade Policy Review Trinidad and Tobago, Report by the Secretariat, WT/TPR/S/260 (1 February 2012)
66. University of the West Indies Project for Trinidad and Tobago on 'Ecosystems, Societies, Consilience, Precautionary principle(ECOST): Development of an assessment method of the societal cost for best fishing practices and efficient public policies' (Project no. 003711) 2007
67. Valdimarsson, Grimur, 'Fish in the Global Food Chain: Challenges and Opportunities', (1–2 February 2007) *FAO and University of Akureyri Symposium*
68. Ventura-Dias, Vivianne, 'Globalization and Development' (*Economic Commission for Latin America and the Caribbean, 2002*)
69. Whalley, J, 'World Trade Organization International Development of the Social & Behavioural Sciences [2001] *Economic Science Text*

11.999986 0.00001801 WintQ.196 Migha 0 0710 y 702L8NÚ9998637021p0 19999860.020610 792 h 091890596 00018/FW

B. Legislation

1. Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community System to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
2. Fisheries Act 1986
St Vincent and the Grenadines Act
3. Fisheries (Fish and Fish Products) Regulation 2006
St Vincent and the Grenadines Regulation
4. Hygiene rules for on the hygiene of foodstuffs (EC) 853/2004
European Union Regulation
5. Traceability Regulation No.178/2002
European Union Regulation
6. Magnuson-Stevens Fishery Conservation and Management Reauthorisation Act 2006
United States Regulation

C. Treaties

1. *The Revised Treaty of Chaguaramas Establishing the Caribbean Community, including the CARICOM Single Market and Economy*, entered into force 5th July 2001
2. *Marrakesh Agreement Establishing the World Trade Organization (WTO)* (entered into force 1 January 1995)

D. Internet

1. Caribbean Community (CARICOM) Secretariat, Fisheries Caribbean Agribusin(s)-1(hu)4(s)-22(/-22(/-22

11. The Government of Jamaica, Inventory of Jamaica's Trade Agreements,
www.pioj.gov.jm/piojdocs/special/E4C64EAA61.doc
12. The Government of Trinidad and Tobago, About the Trade Directorate Government of Trinidad and Tobago, Ministry of Trade, Industry and Investment
<http://www.tradeind.gov.tt/Aboutus/Divisions/Trade/AbouttheTradeDirectorate.aspx>
13. WREN media, Country profile - Trinidad and Tobago (July 2013) New Agriculturist
<http://www.new-ag.info/en/country/profile.php?a=3023>