ENHANCING OCEAN GOVERNANCE IN THE CARIBBEAN

Perspectives on Marine Governance in T&T:

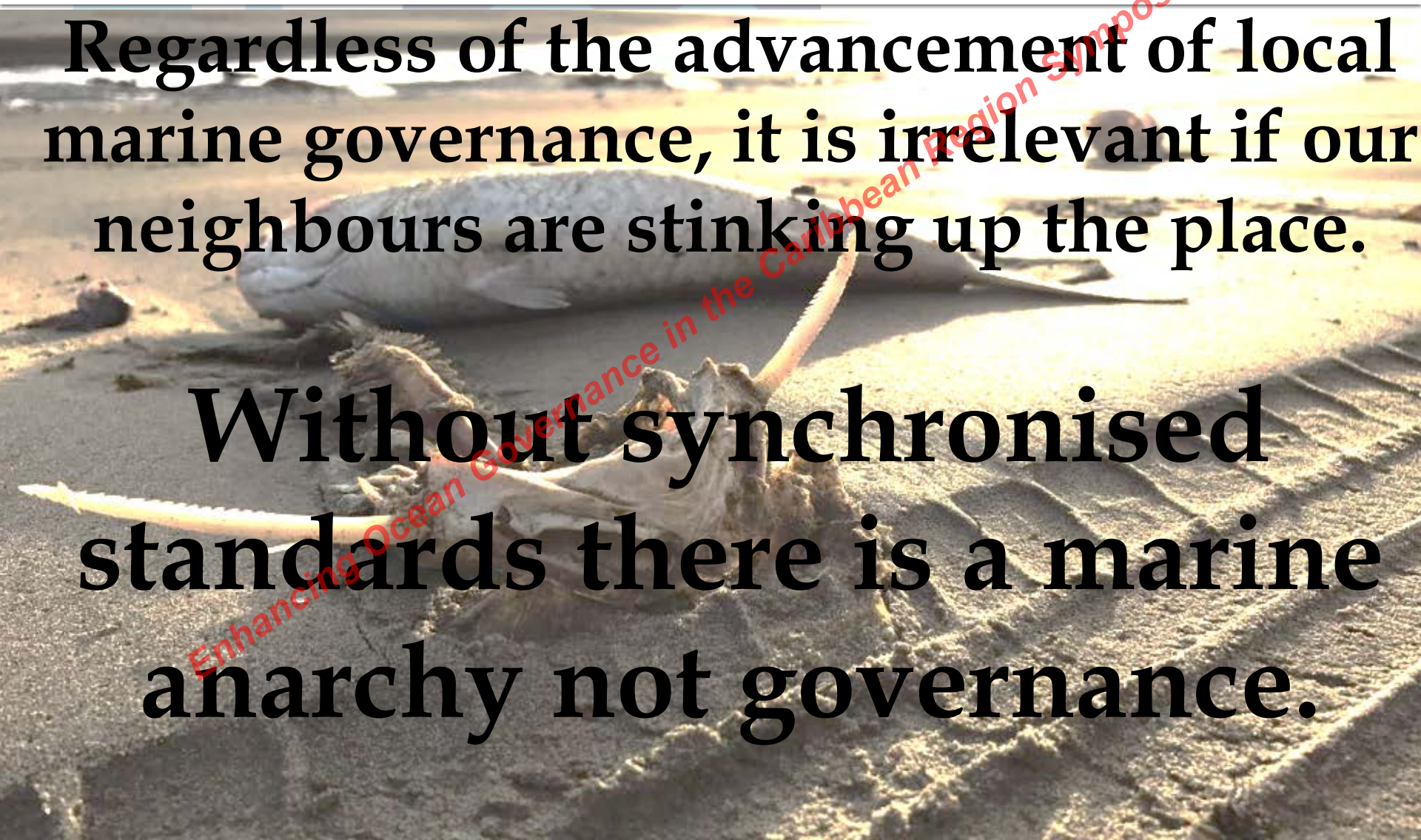
Impact of Legislation and Initiatives

30 June 2017

Enhancing Ocean Governance in the Caribbean Region Symposium

Gary Aboud
Corporate Secretary
Fishermen and Friends of the Sea

The sea is a shared space



Regardless of the advancement of local marine governance, it is irrelevant if our neighbours are stinking up the place.

Without synchronised standards there is a marine anarchy not governance.

Enhancing Ocean Governance in the Caribbean Region Symposium


The Law continues to fail grassroots, artisanal fisher folk communities
Enhancing Ocean Governance in the Caribbean Region Symposium

Dec 17th 2013 La Brea Oil Spill







Enhancing Ocean Governance in the Caribbean Region Symposium

7000 reported barrels of Bunker C fuel oil were spilled in the Gulf of Paria affecting areas from Mosquito Creek to Point Fortin. At the end of December 2013, 10 more spills occurred totalling 11 oil spills. It was speculated that the oil spills were a direct result of poorly maintained pipelines that exploded, which had not been inspected for over 17 years.

Clean up efforts on coastal areas of La Brea





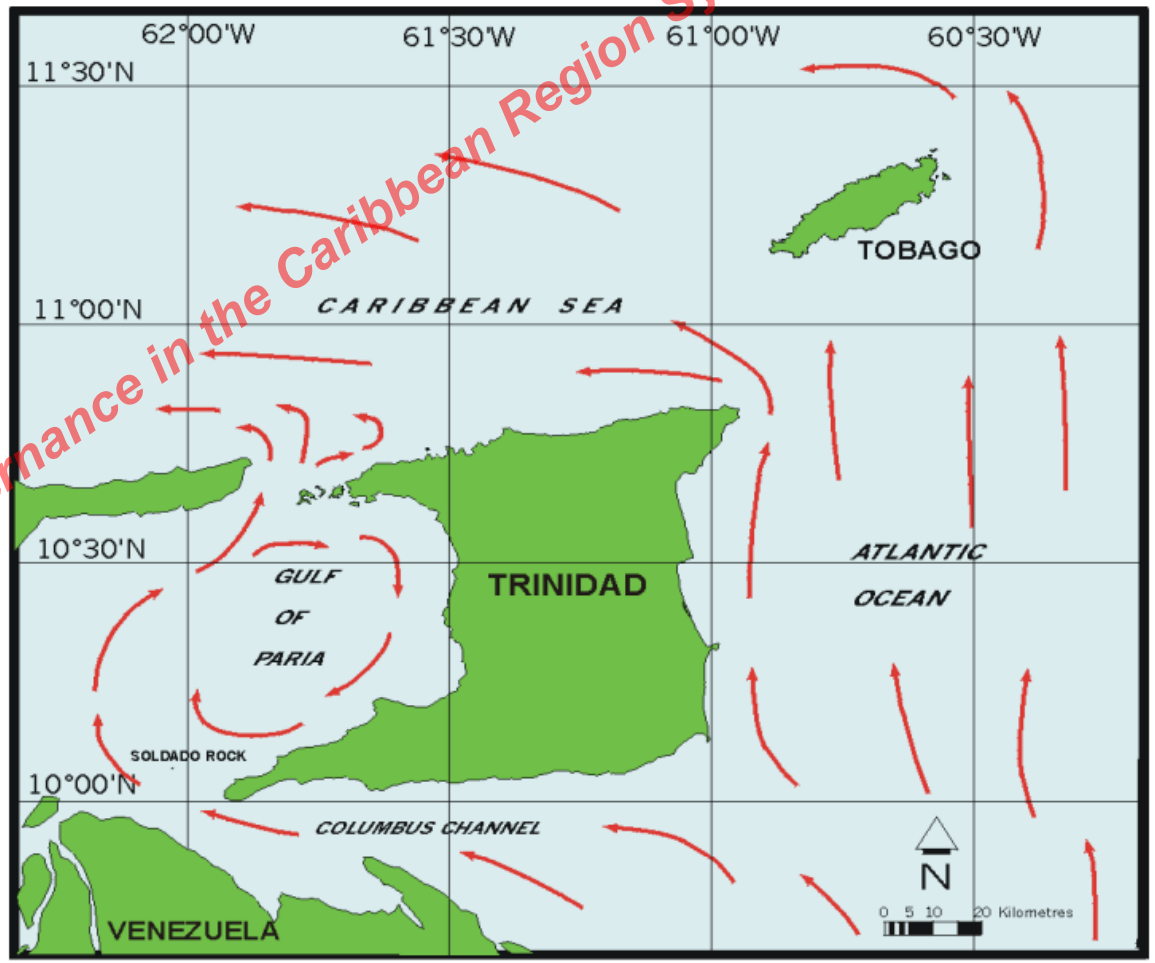




Enhancing Ocean Governance in the Caribbean Region Symposium

Tidal currents and surface winds pushed the oil ashore

The ocean currents in the Gulf of Paria move in a "gyre". The tides pushed the 7000 reported barrels of spilt bunker oil (with the dispersant COREXIT 9500) into the Aripero Lagoon, up the Aripero River and into the Aripero Mangroves where we believe it still remains today buried under the sand.



Enhancing Ocean Governance in the Caribbean Region Symposium

The eventual result of the oil spill is the millions of dead fish washing ashore from Mosquito Creek to Point Fortin, displaying marks similar to those fishes exposed to the *Deepwater Horizon Blowout* 2010, Gulf of Mexico. The toxins in the fish bio-accumulate and bio-magnify in the marine food chain affecting the marine predators.









Enhancing Ocean Governance in the Caribbean Region Symposium

For the past four years, whenever there is heavy rainfall, thousands of dead or dying fish wash ashore daily. FFOS have refuted claims that these fish were dumped bycatch, or overcatch, but are sick and dying, and have video recorded many, many of these fish in the throes of death.







Enhancing Ocean Governance in the Caribbean Regional Symposium

Accredited local laboratory concludes "significant threat to human health"

FFOS had commissioned an accredited local laboratory to test fish from La Brea, the results which indicated "significantly contaminated….thereby posing a significant threat to human health".

The Government immediately collected samples from landing sites (the origin of the fish remains unknown) which were analysed in the US.

The fish were deemed "safe for human consumption" yet no fish were collected from Petrotrin's Red Zone, the most heavily impacted oil spill area.

Enhancing Ocean Governance in the Caribbean Region Symposium

THE UNIVERSITY OF TRINIDAD AND TOBAGO
Administration Building
UTT O'Meara Campus
Lots #74 - 98 O'Meara Industrial Park, Arima
Mail: P.O. Bag 724, Couva
Telephone: (868) 642-8888 / 723-4888
Fax: (868) 643-1617 Website: www.utt.edu.tt

- The sand samples had quite different levels of POPs from each other so averages of the replicates for each, as well as a joint average of both, are quoted in Table 1. These sand levels range from 100 to 35,000 times the values of the same pollutants in the fish samples in the area.

CONCLUSIONS

- It is clear that the Gulf is significantly contaminated with a variety of Persistent Organic Pollutants (PAHs and PCBs).
- It is clear too that these pollutants have worked their way into the fish in the area.
- This analysis cannot conclude that this contamination is the source of the Fish Kill.
- What can be said, however, is that these pollutants are present in larger amounts than they should be since ideally their levels should be zero. POPs are bio-accumulated in the lipid (fat) layers of organisms. Even if they are not the source of fish death, their presence in the marine ecosystem will eventually lead to higher and higher levels in fish and, when consumed by people, to high levels in human, thereby posing a significant threat to human health.

Dr. Natasha Ramroop Singh — 2016-09-22

Date

2016-09-22

Till today, over 18 species of fish and pelicans, osprey, corbeaux, bottlenose dolphins, crabs, stingrays and shrimp continue to wash ashore daily either dead or dying.



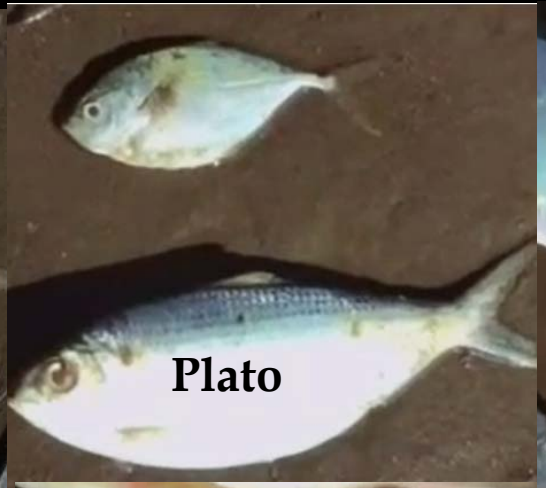






Enhancing Ocean Governance in the Caribbean Region Symposium

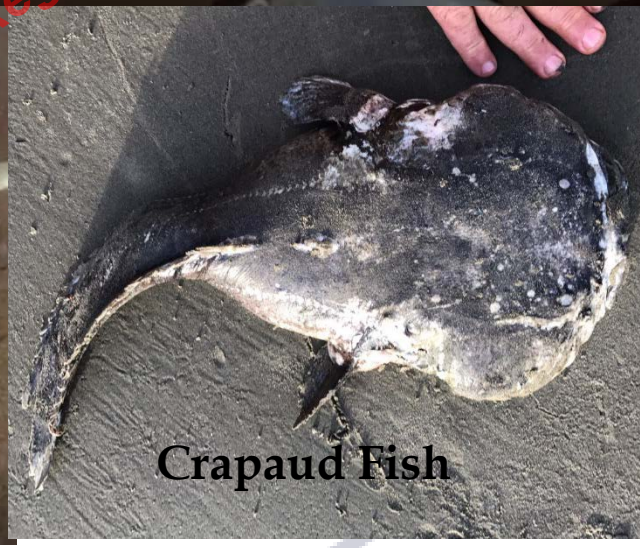














Enhancing Ocean Governance in the Caribbean Region Symposium

Would you knowingly feed your families these fish?



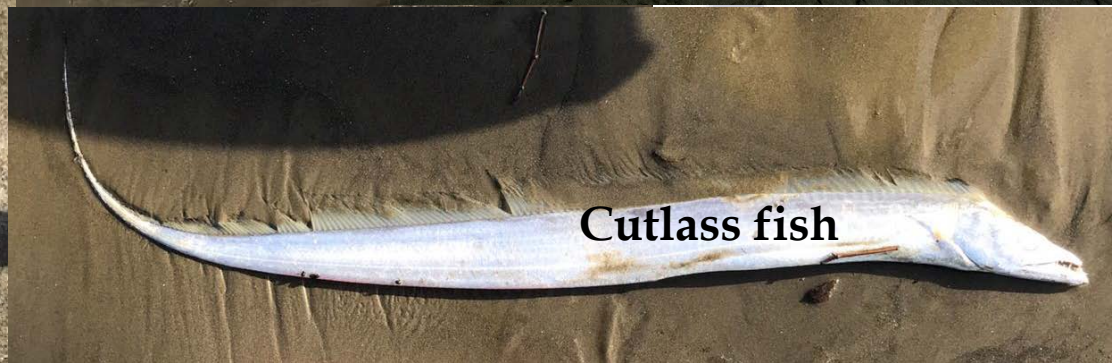












Enhancing Ocean Governance in the Caribbean Region Symposium

All types of species continue to wash ashore dead only in this area





Enhancing Ocean Governance in the Caribbean Region Symposium

The Effects of the Dec 17th 2013 La Brea Oil Spill

For three years the IMA and EMA have misrepresented this disaster claiming that fishermen are dumping these fish.

Does this look like dumped fish to you?

Where are the net markings?

Enhancing Ocean Governance in the Ca

The Effects of the Dec 17th 2013 La Brea Oil Spill

The trawlers are catching these shrimp which are being exported and sold locally as well. Trinidad exports 15M USD in fish and shrimp annually. How much of these fish and shrimp comes from this "significantly contaminated" area?



National Oil Spill Contingency Plan (NOSCP) : Use of Corexit 9500

The NOSCP mandates that "dispersants should be applied no closer than three nautical miles up-current from important marine fisheries".

Isn't the Aripero Lagoon an important fishery?

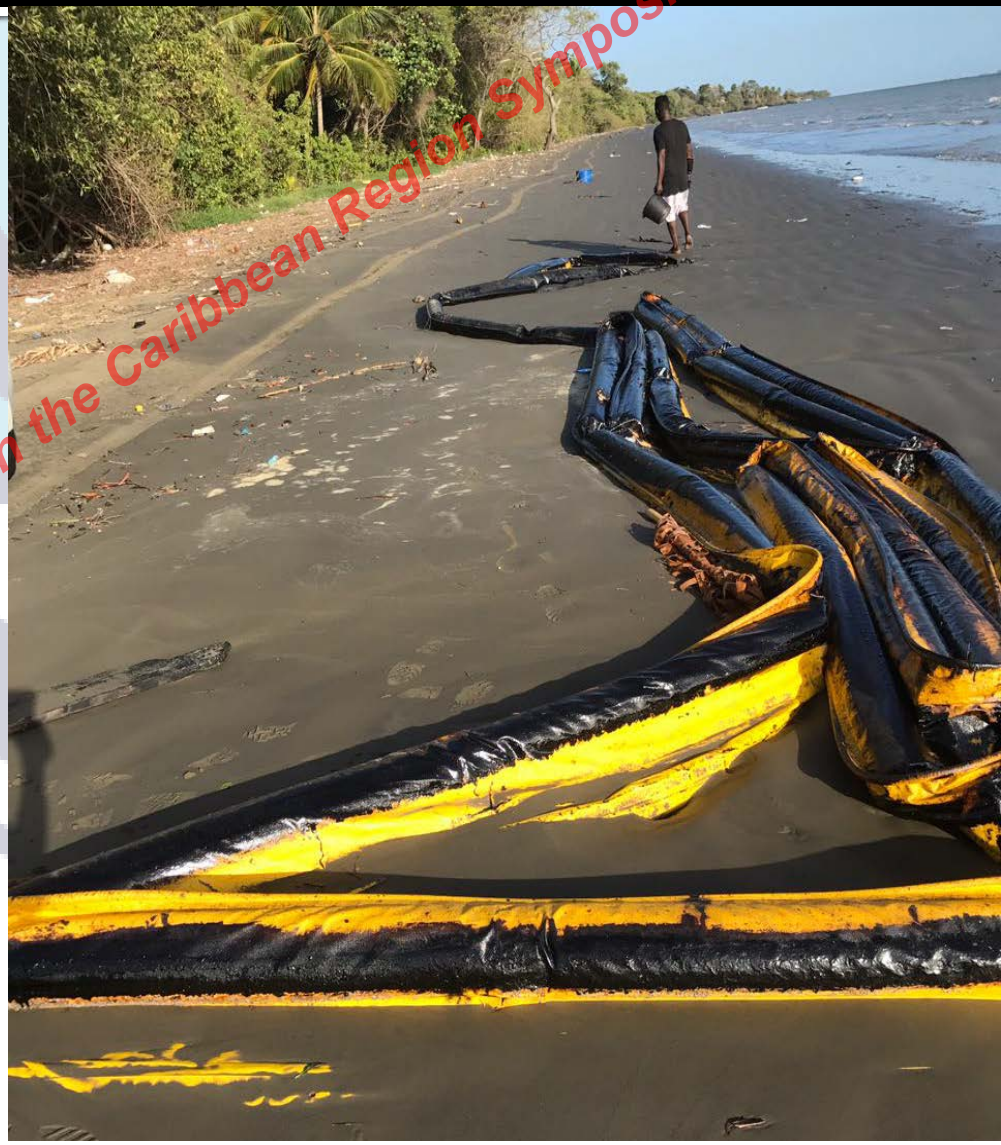
- Petrotrin's President at that time reportedly stated that "COREXIT 9500 was applied to two spills which occurred 2-3 miles offshore" from the Aripero Mangroves, La Brea.
- **BUT** FFOS delegates and shoreline community on Station Beach, La Brea observed dispersant chemicals being sprayed 60 feet from the shoreline at rising tide.

Enhancing Ocean Governance in the Caribbean Region Symposium

Boom found on Point Sable Beach

- No independent verification of emergency equipment obligations (booms, skimmers, dispersants)

This boom found on Point Sable Beach, La Brea on 27th May 2017 –**Petrotrin said it's not theirs, but this type is sold locally …. SO WHERE DID IT CAME FROM? Tobago? Mayaro?**



Enhancing Ocean Governance in the Caribbean Region Symposium

National Environmental Assessment Task Force (NEATF)

- Where is the report of the NEATF that was promised by then Prime Minister Kamla Persad-Bissessar in January, 2014 to address the environmental impact of the December 2013 Petrotrin oil spill that devastated Trinidad's South West Peninsula?
- FFOS submitted several Freedom of Information Act (FOIA) requests for a copy of the final NEATF report in August 2014.
- Up to this day, this report was never made public.
- On July 10, 2015, almost a year later, the Permanent Secretary of the Office of the Prime Minister replied to FFOS and stated that the request for the report was denied.

Enhancing Ocean Governance in the Caribbean Region Symposium

Why the secrecy ?

Freedom of Information Act (FOIA)

- The Office of the Prime Minister is reported to have explained that the NEATF report received a Certificate of Exemption because it is "a document which has been considered by Cabinet and which is related to an issue that is or has been before Cabinet."

Without **FREEDOM OF INFORMATION** there is **NO MARINE GOVERNANCE**.

We are locked out by law because the FOIA contains 9 exempt clauses which act as 9 stone walls and most of the worlds coastal territories have no transparency or public accountability in disaster preparedness, response and remediation.

We need WORLD standards that have benefits for compliance and penalties for non-compliance.

Enhancing Ocean Governance in the Caribbean Region Symposium

April 23rd 2017 another major understated Oil Spill











Enhancing Ocean Governance in the Caribbean Region Symposium

The Minister of Energy stated that Tank 70 ruptured releasing 300 barrels of fuel oil into the Gulf of Paria food basket. Does the extent of this damage really look like it was caused by 300 barrels?

Investigations into April 23rd 2017 Oil Spill

2003 Risk Assessment Report

Tank:	70	Roof	Fix	Int. insp.	1980
Product	FUELOIL	Joints	Weld	D [m]	42.0
Built	1949	Temp. °C	?	fill H [m]	15.8
Cap. bbl	150,000	Insulation	-		

General condition

failed	poor	treshold	reasonable	good	excellent
5	4	3	2	1	0

internal	Main deficiencies	external
* uneven settlements, i.e. more in centre	* concrete ring beam failed and displaced outwards + tank pad very poor * no bund + tank on hill * annular plate edge too narrow and badly corroded	

HSE

Due to increased stresses on annular seams these could open up. Tank would empty in short period of time. Product would travel down-hill and reach the sea.

NOTE: this exact same scenario has actually occured around 1985 on tank 72.

Annular ring shows considerable corrosion externally, therefore likelyhood is scored as 4.

Enhancing Ocean Governance in the Caribbean Region Symposium

FFOS acquired the 2003 Risk Assessment Report done by Shell Global Solutions which deemed Tank 70 and eleven others as high risk tanks, yet there was no evidence of any maintenance over the past 14 years.

Investigations into April 23rd 2017 Oil Spill: Tank 70 ruptured

FFOS have information that Tank 70 contained 125,000 barrels at the time of rupturing and all of its contents escaped.



Investigations into April 23rd 2017 Oil Spill

This 125,000 barrels of fuel oil have caused mass mortality along the coasts of Venezuela, Aruba and Curacao. Up until the time of this document, the Minister of Energy has still not responded to numerous requests to show the reports of Tank 70's volume prior to and post the tank's rupturing.

To have MARINE GOVERNANCE there must be transparency. Government officials must be held accountable for disseminating misleading, incomplete and erroneous information at times of national disasters.

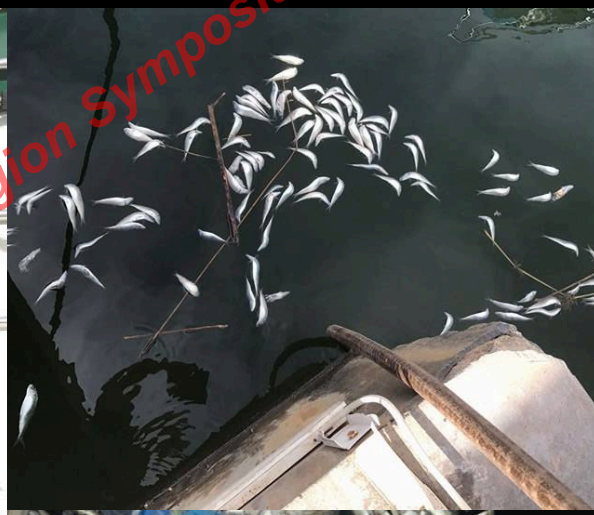
There is **NO LAW** that mandates transparency in the reporting of the causes, extent, damage and remediation of oil spill or chemical industry disasters. All of the local agencies such as the EMA, IMA, Maritime Division, MEEI, share one mandate of being accountable to their Line Minister who has direct control over their appointment, promotion or removal especially since most of them are still on contract.

Enhancing Ocean Governance in the Caribbean Region Symposium

Chaguaramas Fish Kills











Enhancing Ocean Governance in the Caribbean Region Symposium

Global standards exist already= Extractive Industries Transparency Institute EITI

- The World Bank financed and engineered the establishment of EITIs in countries which had extractive sectors worldwide.
- We have had great success in Trinidad and Tobago with 3 years of audits and reports and the EITI is about to be embraced by its own legislation.
- Compliant countries reap various rewards and there is energy revenue transparency.

Enhancing Ocean Governance in the Caribbean Region Symposium

EITI- Does it serve any global effort to promote marine governance?

- The narrow EITI objectives serve its purpose but is that purpose enough?
- Why hasn't the EITI in Norway mandated the inclusion of environmental management, environmental standards and auditing of marine resources?
- Why hasn't the EITI mandated global comparative indices to compare oil and gas royalties based on volume extracted?

Enhancing Ocean Governance in the Caribbean Region Symposium

Global standards exist already= Extractive Industries Transparency Institute (EITI)

Why is there secrecy about how much they are paying my country for our oil and gas compared to how much they are paying in Timor-Leste?

You see….bray as we want…we are a third world country and without money there is **NO** environmental management, there are **NO** enforcing institutions and there is **NO** effective marine governance.

Enhancing Ocean Governance in the Caribbean Region Symposium

Global standards should exist for Fisheries Industries Transparency Institutes -FITI

Why hasn't the World Bank also financed Fisheries Industries Transparency Institutes with a mandate to establish a co-ordinated worldwide Marine Governance standard for all stakeholders worldwide.

What are they waiting for?

Globally almost every single species in every marine space is either over fished or on the brink of collapse.

Enhancing Ocean Governance in the Caribbean Region Symposium

Fisheries Act, Chapter 67:51: Shrimp trawling

Shrimp trawlers scrape the ocean bottom with large steel "tickler" chains sparing nothing in its path.

Shrimp trawling has been likened to dynamite fishing in terms of sustainability according to the World Resources Institute in its 1996 State of the World Report.

Enhancing Ocean Governance in the Caribbean Region Symposium

Trinidad is globally rated as having the highest bycatch discard of 14.73 kg of valuable juveniles which are dumped for every kg of shrimp caught.

Less than 7% is harvested and 93% is discarded. Is this a sustainable fishery? Where are the international standards and agencies?

Trawling effects

It has been estimated that across fisheries worldwide, up to ¼ of any given catch is bycatch

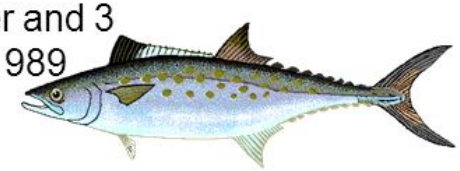
Much higher in trawling operations; shrimp fisheries > 35% of global fisheries discards

Fishery	Kg discard per Kg landed
Trinidadian shrimp trawl	14.70
GOM shrimp trawl	10.30
NW Atlantic fish trawl	5.30
Atlantic Menhaden purse seine	0.30
NW Atlantic Hake trawl	0.01

Case Study: GOM shrimp fisheries discarded 19 million red snapper and 3 million Spanish mackerel in 1989

(Alverson 1994)





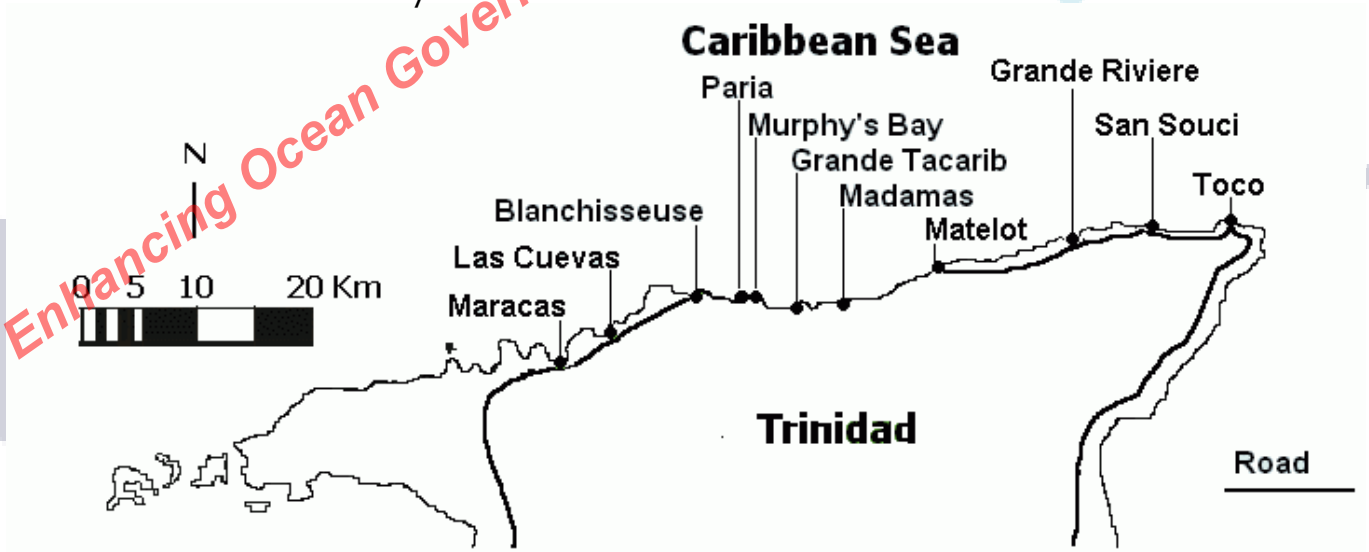
Enhancing Ocean Governance in the Caribbean Region Symposium

Fisheries Act, Chapter 67:51: "One Strike Out"

▪In 1999, the **"One Strike Out"** Agreement contained in the Shrimp Trawlers Regulations was signed by the Fisheries Division and all other stakeholders including the Shrimp Trawler Owners Association, in an attempt to regulate zones for shrimp trawlers on the North Coast and to regulate minimum required depth for industrial shrimp trawling in the Gulf of Paria.

▪Is it deliberate that it is almost impossible to satisfy the criteria for prosecution for these poaching shrimp trawlers? The shrimp trawler must be boarded by a Fisheries Officer on a Coast Guard vessel while the poacher has his nets submerged and is in the act of trawling. When the Coast Guard bends the first Boca onto the North Coast, the poaching trawlers simply lift their nets off the seafloor and with hanging nets the Law permits them to erroneously claims that they are washing their nets out in the restricted area/time.

Enhancing Ocean Governance in the Caribbean Region Symposium



Government has not yet enforced the "one strike out" provision even though year after year for decades the trawlers violate the Law in broad daylight.

- Annually for 4 months straight, the tiger shrimp are poached outside the regulated season, outside the regulated zone, east of Saut d'Eau , under the cover of night, inside of 2 miles from the coast measured from point to point. And the Coast Guard seem to be deliberately unresponsive.

- To date, there have been no successful judicial prosecutions even though all of the complicated requisite evidence was obtained and the charges were lawfully executed in December 2014. All copies of the Agreement have disappeared.

Enhancing Ocean Governance in the Caribbean Region Symposium

The Coast Guard has been hindered by limited powers of arrest which are easy to change, but which remain archaic. Simple amendments can facilitate law and order.

- Every year fishers suffer from the loss of nets, pots, often at risk at loosing their lives. Invaluable fishery biodiversity continues to be wiped out and the once fertile banks have been turned into marine deserts so much so that even the shrimp trawlers are claiming bankruptcy and every species is on the brink of collapse.

- The hatched shrimp float to the surface and are not destroyed by the tickler chains. And yet even the shrimp fishery has been fished to the brink of collapse and nothing is being done locally, regionally or globally. According to published media reports several trawler vessels were discovered with hulls converted for the transportation of illicit cargo including diesel.

But again there are no standards to guide or lead us so. Whoever has more power to lobby, more influence or connection, can sway enforcement or non-enforcement. No Government is accountable to anyone but themselves. While our fishery is being wiped out and our communities are being impoverished for all time, the shrimp trawlers return annually.

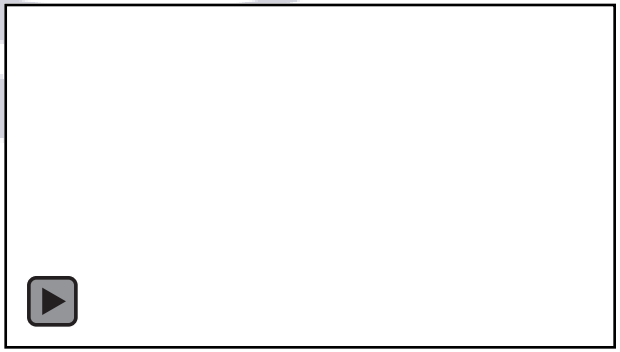
Enhancing Ocean Governance in the Caribbean Region Symposium

Seismic Surveys: The law continues to permit and encourage marine seismic surveys to bomb the sensitive auditory capacity, making the fish blind to hunt, unable to escape predators, to migrate and to shoal.

- Seismic surveys destroys spawning cycles and scatters shoals. It is unknown if the fishery will ever recover from these ongoing and continuous blasts.

In today's world there is more and more research being conducted yet there is little being done to determine the effects of seismic surveys on all species- marine mammals and species lowest in the marine food web. Oil companies and their global network provide funding for research which often does not provide a clear picture of the impact of anthropogenic sound on the marine ecosystems.

Enhancing Ocean Governance in the Caribbean Region Symposium



Seismic Surveys: In 1997, FFOS consulted the FAO in Rome, acquired scientific studies, which raised very serious concerns about the short, medium and long term impacts of seismic detonations.

The cables which contain electronic discharges are miles long and discharge 1000's of individual blasts in synchrony at intervals of seconds. The volume of these discharges are equivalent to the sound of jumbo jets 80 feet from human ears.



For decades fishers have complained about the effects of seismic surveys on the seas and their livelihoods.

Enhancing Ocean Governance in the Caribbean Region Symposium

Seismic Surveys: Air guns used in offshore oil exploration can kill tiny marine life

- FFOS have held several public campaigns and the entire fishery is united in serious and measured concerns that seismic surveys are unsustainable- scattering schools, preventing spawning, and now there is a study that shows micro organisms, which form the basis of the food chain, are being destroyed by seismic blasts.
- The Matter is now before the Appeal Court and we will not stop because all over the world, coastal communities are crying out that seismic bombings are destroying our environment and livelihood and pauperizing our communities.

Enhancing Ocean Governance in the Caribbean Region Symposium





Seismic Surveys: Again where is the global standard?

Where are the international bodies who spend hundreds of millions of USD on furniture annually?

- There is **NO** marine governance if there are **NO** standards to unilaterally protect innocent transboundary communities who are without a voice and even FFOS, with a powerful national lobby representing 20,000 strong, the government literally slams the door and the turns their backs on us.

Enhancing Ocean Governance in the Caribbean Region Symposium





EM Act 2000: Consent Orders

We are talking about marine governance so just consider this fact:
We risk our lives to report environmental violations in which there have been widespread destruction of wetlands, sea grass, riverine ecosystems, coastlines, forest reserves! When we make the report the EMA have the discretion to simply meet the violator behind closed doors and work out a "consent order" that allows the developer to continue with one deficiency – the regulator conducts the affairs without transparency, without any consultations with those who have been violated and is not obligated to share the proceedings or the information which is assessed to determine the remedy. What happens when regulators function without transparency? The public interest is replaced with private business.
These consent orders have been used without remediation and so without a regional standard our Governments have legislated a secret regulatory fiefdom in which secret wealth can be privately acquired under the broad brush of environmental management.

Enhancing Ocean Governance in the Caribbean Region Symposium

EM Act 2000: Consent Orders

With all of the legislative and operational deficiencies, Trinidad and Tobago has the most modern and comprehensive environmental legislation in this region. And since we share the same water, shouldn't we have the same environmental management standards?

Caricom has failed us!

Why haven't CARICOM played a more active role in establishing and enforcing standards to govern the sustainable management of our shared fisheries resources?

Enhancing Ocean Governance in the Caribbean Region Symposium

Water Pollution (Fees) Amendment Regulations, 2006: Polluter Pay Principle

- Polluters are required to pay a fixed annual permit fee of $10,000, regardless of their size, aspects of a polluter's business, and levels of pollution.
- This present fee structure is contrary to the internationally accepted environmental principle known as the "**POLLUTER PAY PRINCIPLE.**"
- Justice Devindra Rampersad in October 2012, found the Water Pollution (Fees) Amendment Regulations, 2006, **to be illegal and beyond the legal authority of the EM Act**.

The taxpayers will ultimately bear the burden of the pollution!

Enhancing Ocean Governance in the Caribbean Region Symposium

Fisheries Act, Chapter 67:51

The new Draft Fisheries Bill even after exhaustive public consultations in which all stakeholders objected unanimously to certain clauses, has never been transparently aired after numerous public consultations with all of the primary stakeholders nor has it ever gone to Parliament.

Up until today, there are no designated spawning areas for fishermen not to catch fish, no maximum catch rates or catch size regulations.
There are no maximum speeds for vessels in any areas, no protected recreational or spawning areas, so it's a take as much as quickly as you can culture.

Can you imagine that any person whether experienced or not, 3 or 93, can captain any artisanal or recreational vessel, at any speed, at any time, in any place, whether blind or deaf, whether drunk sober or in between and no LAW is broken.

Innocent people continue to die because ultimately there is no regional standard to ensure training and therefore no supporting services have evolved.

Joe Vieria died because a captain was drunk and careless and not looking at where he was going.

Enhancing Ocean Governance in the Caribbean Region Symposium

Accidents at Sea and Marine Governance.

- On 10th January 2009 at 3:30am 3 marine biologists – Ryan Mohammed (survivor), Carl Ramjohn (deceased) and Floyd Lucas (deceased) and the Captain Cyril Adolphus (survivor) set out east of Mayaro, to conduct a marine life survey as component of an EIA application.
- They released a 300 ft long seine insuring that the net was lit with flotation buoys at the beginning and end and the vessel was also lit at the stern and bow according to international standards. The nets became entangled with another vessel, thereby overturning their boat in the sea.
- The Maritime Services Division could not have any record of vessels operating on that date, in that vicinity and had no record of the visual description of local and foreign vessels operating in Trinidad and Tobago waters.

Enhancing Ocean Governance in the Caribbean Region Symposium

Floyd Lucas left behind his young wife and a 2 month old baby. Carl Ramjohn, left behind his pregnant newly-wed wife. They received no compensation and no apology and until we have good public administration on our seas, these brothers lives would have been lost in vain.



Accidents at Sea and Marine Governance.

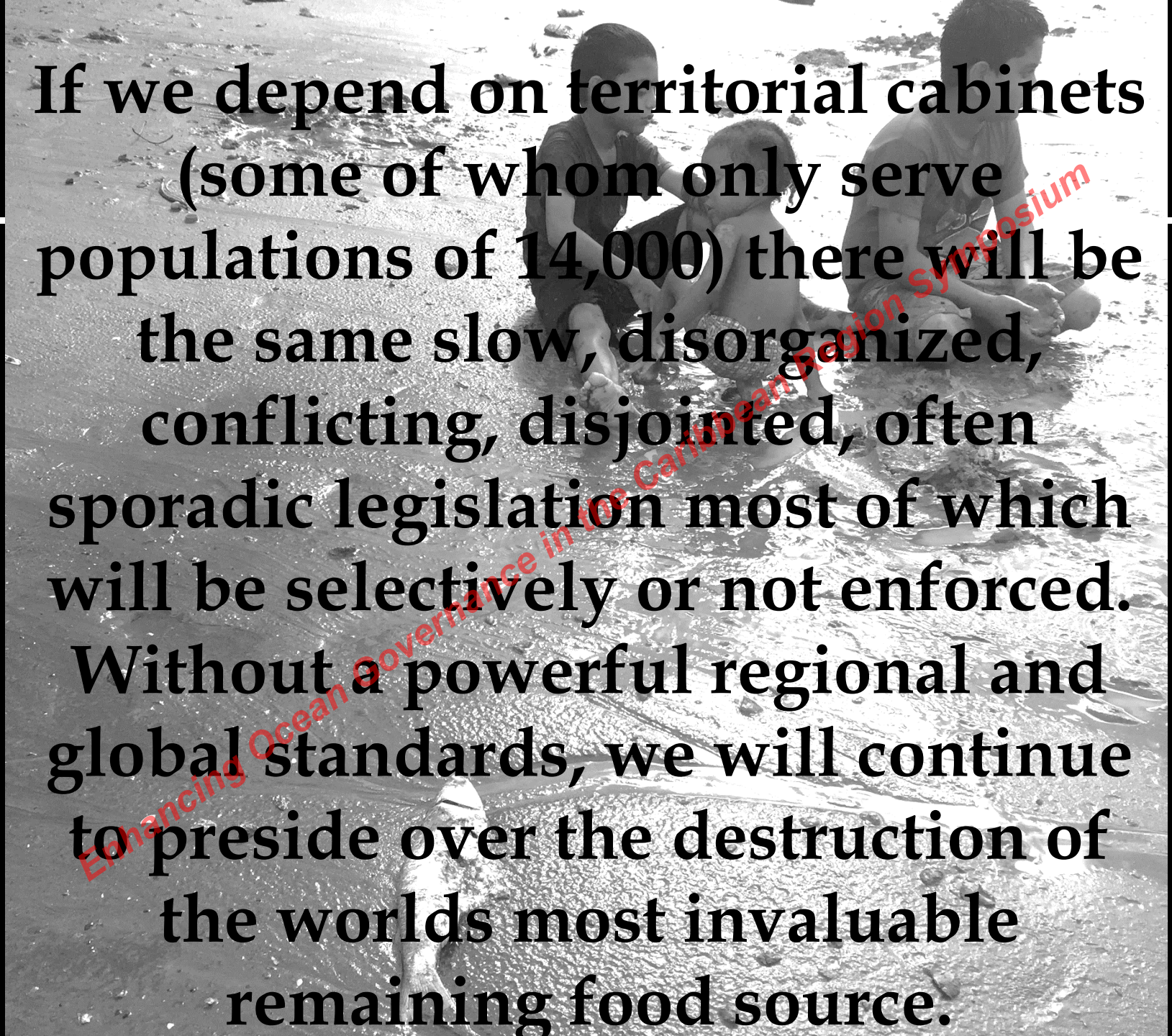
- 16th August 2009, 13 year-old Paige Welch lost her left arm when a 28-foot pirogue operated by a soldier, collided into her kayak at Scotland Bay, Chaguaramas. Part of Raquel Welch's back (close to her spine) was ripped off during the accident, and bones in her left arm were also shattered.
  Instead of preparing legislation to mandate right of ways (ROWs) for commercial vessels operating in our territorial waters, they urged boat handlers and operators to be cautious when operating their vessels…..DUHHHH !!!!!!!



Enhancing Ocean Governance in the Caribbean Region Symposium

- June 22nd 2013, 14 year old Lilly Blades was 25 feet from the shoreline in Las Cuevas when a boat driven by our own 21-year-old fisherman ran over her leaving her dead.
- On June 1st 2016, a St. Vincent national, Elvin Joseph died as a large pleasure craft was cruising through Chaguaramas and slammed into his dinghy close to the shore.





Enhancing Ocean Governance in the Caribbean Region Symposium

Thank you



Gary Aboud
Corporate Secretary
Fishermen and Friends of the Sea
gary@modealive.com
674-5483
355-7672