

Agreement on the management of Marine biodiversity and fisheries between the governments of The Netherlands, Aruba, Curacao, St. Maarten, Bonaire, St Eustatius and Saba

The governments of The Netherlands, Aruba, Curacao, St Maarten, Bonaire, St Eustatius and Saba,

In pursuit of updating and effectuating their compliance with all applying international conventions and adherent protocols,

Committed to safeguard the sustainable management of marine biodiversity (the living and non-living resources) in the Dutch Caribbean,

Endorsing the objective of the protection of species and habitats in the water column and on the seabed of the Exclusive Economic Zone (EEZ) for the Dutch Caribbean, as well as in the zone between the borders of the Island marine parks and outer borders of the territorial sea, with a particular focus on special areas such as the Saba Bank and particular species,

Recognize that these objectives must be realized through a common and coordinated effort,

Acknowledge their sovereign responsibilities and rights for the management of marine biodiversity and fisheries in the Dutch Caribbean,

Have agreed to:

Article 1

1. A Dutch Caribbean committee on marine biodiversity and fisheries, hereinafter referred to as the 'committee', shall be installed.
2. The committee shall be responsible for:
 - a. the coordination of the implementation of the Management plan for the natural resources of the EEZ for the Dutch Caribbean as set out in annex II of this agreement;
 - b. ensuring active management of EEZ for the Dutch Caribbean by developing common and coordinated policies;
 - c. ensuring continuous stakeholder involvement in the development and implementation of the management plan;
 - d. exploring avenues for financing the sustainable management of the natural resources by the finances acquired through licenses and permits;
 - e. ensuring active law enforcement, including enforcement of fisheries legislation by developing common and coordinated policies;

- f. supporting the organization and implementation of sustainable and viable traditional coastal fisheries, recreational fisheries, fisheries on the Sababank and (semi)industrial fishery on pelagic species in territorial waters and the EEZ for the Dutch Caribbean.

Article 2

The committee shall develop an integrated research and monitoring plan taking as much as possible into account:

- international and national obligations;
- the different competences of signatories and counterparts, and
- the possibilities of using local capacity.

Article 3

1. Within 3 years after the first meeting of the committee as referred to in article 4.2 and every three years thereafter, the committee shall conduct an evaluation of:
 - a. the working practices of the committee and their impact for the responsibilities, referred to in article 2, paragraph 2;
 - b. the management and monitoring activities conducted in the Dutch Caribbean Exclusive Economic Zone or in the zone between the borders of the Island marine parks and outer borders of territorial sea, and
 - c. the impact of the activities, referred to under b, for the protection of species and habitats in the water column and on the seabed.
2. The evaluation will take into account the views of the signing parties and the stakeholders.
3. The committee can issue recommendations based on the evaluation about its working practices or concerning the sustainable management of the Dutch Caribbean exclusive economic zone.
4. The evaluation and the recommendations shall be made public.

Article 4

1. The establishment of the committee and its working practices will follow the terms of reference, referred to in annex I.
2. The committee shall convene for the first time within 2 months after four signatories have signed the agreement;

Article 5

The signatories can renew the agreement by mutual consent of signatories involved, after five years of the signing by the first signatory.

ANNEX I: Terms of reference Dutch Caribbean Committee on Marine Biodiversity and Fisheries (CMBF)

Name:

Full name: Dutch Caribbean Committee on Marine Biodiversity and Fisheries
Abbreviation: CMBF

Responsibilities:

The responsibilities of the committee are set out in the Agreement in article 1, paragraph 2.

Membership:

- The Committee comprises one representative from each of the signatories of the agreement;
- The representatives will be appointed on request by its respective signatory and should have full mandate to act efficiently and effectively within the committee;
- The representatives are appointed for a maximum of five years. They can be re-appointed only once;
- The chairmanship of the committee rotates every year among the members of the committee in alphabetical order of the names of the signatories they represent.

Secretary:

- The committee will appoint the secretary of the committee which will facilitate the work of the committee;
- The secretary will function as address for the committee;
- The secretary will be responsible for:
 - organising the bi annual meetings of the secretary;
 - communication of the committee;
 - facilitate the chairman;

Guidance:

- Decisions of the committee are taken on the basis of consensus;
- At least twice a year a committee meeting will be organised;
- Time, location agenda en documentation, will be available six week in advance;
- Every signatory is responsible for covering the expenses of their own representative(s);
- The costs of the work of the Committee and the secretariat are initially borne by the signatories together. If the committee carries out separate tasks for one or more specific signatories, then these costs are borne by those signatories concerned;
- The meetings are hosted alternately by the signatory presiding the committee;

Observers:

- The following observers are allowed to attend the annual meetings of the committee and have the right to speak in the meetings:
 1. Dutch Caribbean Nature Alliance
 2. Royal Dutch Coastguard
- Others can be invited by or make a request to the presidency to attend and speak at a meeting of the committee. The chairman, presiding that meeting decides on a request before the start of the meeting and only after consulting all the other signatories.