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FEBRUARY 2022. ISSUE 2

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# JUSTICIA

*Created under the Patronage of the Turks and Caicos  
Islands' Criminal Justice Stakeholder Group*

## LETTER FROM THE EDITOR IN CHIEF

### *Island Living: Life with the Sea*

*The Turks and Caicos Islands abounds in unspoiled natural beauty and bountiful waters. With its world-renowned beaches and diverse flora and fauna, we have long been one of the most sought after vacation destinations. This enabled us to build a thriving economy through tourism and a rich culture featuring cuisine created around the wealth of fresh local seafood options. Life and culture in the TCI is indelibly tied to the sea and our environment, and these natural resources have sustained the TCI's boast of being "beautiful by nature".*

*As beautiful as the ocean surrounding us is, it comes with its unique challenges. Fortunately, there are those valiant people within our society who have dedicated themselves to protecting our natural resources and maintaining the truth of our "beautiful by nature" slogan for generations to come.*

*In this edition, we keep you abreast of the exciting work of the Criminal Justice Stakeholder group; we explore the TCI's natural resources, their socio-economic value, and the attendant risks of being an island economy. We also introduce you to a few agencies doing the work to protect and maintain our natural resources for our enjoyment.*

*We also introduce in this edition a "getting to know legislation" section featuring a Q&A on the Fisheries Protection Ordinance, which answers frequently asked questions on fishing and fishing licences in the TCI, and a Q&A on the Marine Pollution Ordinance which outlines the "dos" and "don'ts" of operating a vessel in TCI's waters.*

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# THE JUDICIARY – A NEW ERA OF MODERNISING INITIATIVES

*...the Judiciary has been busy with its continued efforts to serve the public of the Turks and Caicos Islands.*

Since the August publication of *Justicia*, the Judiciary has been busy with its continued efforts to serve the public of the Turks and Caicos Islands. Two flagship initiatives of the Judiciary have been launched in the last quarter: the launch of the new Criminal Procedure Rules 2021 and the official launch of Court Connected Mediation.

The Judiciary has also recently published the Alternative Sentencing (Breach Proceedings) Rules under the Alternative Sentencing Ordinance and has now secured an amendment to section 16 of the Supreme Court Ordinance, which removes the limitation on the provision of Legal Aid to criminal matters before the Court, and allows the Chief Justice to expand the Legal Aid Rules to provide legal aid to suitable applicants who are the subject of criminal investigations, in constitutional motions, and to pursue or defend a claim.

## CRIMINAL PROCEDURE RULES

The Criminal Procedure Rules were formally launched on 20 September 2021 over Zoom. The technical team that drafted the Rules was led by The Honourable Mrs Justice Georgis Taylor-Alexander of the Eastern Caribbean Supreme Court, and comprised of The Honourable Mr Justice Aziz, Dr Angela Brooks, Deputy Director of the ODP and Mr Oliver Smith (as he then was, now Oliver Smith QC) all of the Turks and Caicos Islands.

Immediately following the launch, our Judicial Education Institute (JEI), through the trainers listed below, delivered training to users of the Rules: the Judiciary, the staff supporting the Courts, Prosecution, the public and private Bar, the Police, the Probation Department and Prisons. This training was an intensive two-day course on the use and application of the Rules.

The learning objectives of the training were to: provide an overview of the Criminal Procedure Rules, 2021 and the legal framework under which it operates; explain the role and duties of the different stakeholders in the process; share the practical implications, duties and responsibilities to the Court as set out in Part IV of the Criminal Procedure Rules 2021; promote compliance with the mandatory requirements of the rules; develop a practical application of the principles of criminal case management; promote efficiency and effective criminal case prosecution, and describe/detail/share the essentials of disclosure, continuity of evidence and how to maintain professional objectivity and impartiality.

This training was facilitated by support and collaboration received throughout the Commonwealth Caribbean and England Wales. Our Training Facilitators were:

·**Mr. Justice C. Dennis Morrison OJ CD QC**, President of the Court of Appeal – Turks & Caicos Islands

·**Mrs. Justice Maura McGowan DBE**, Justice of Appeal – Supreme Court of England and Wales

·**Justice Gillian Lucky**, Justice of Appeal – Supreme Court Trinidad and Tobago

·**Mrs. Justice Vivian Georgis Taylor-Alexander**, High Court Judge – Eastern Caribbean Supreme Court

·**Mrs. Justice Kathy Ann Waterman Latchoo**, High Court Judge – Supreme Court Trinidad and Tobago

·**Mr. Justice Shiraz Aziz**, Supreme Court Judge – Turks & Caicos Islands

·**Mr. Justice Patrick Thompson**, Judge – Eastern Caribbean Supreme Court

·**Mr. Daarsrean Greene**, Director of Public Prosecutions – Saint Lucia

·**Dr. Angela Brooks**, Deputy Director of Public Prosecutions – Turks & Caicos Islands

·**Mr. Oliver Smith**, Private Practitioner – Turks & Caicos Islands

·**Mrs. Michelle Theobalds**, Chief Registrar – Eastern Caribbean Supreme Court

·**Mr. Daniel Francis**, Registrar – Eastern Caribbean Supreme Court.

The speech delivered by the Chief Justice at the launch of the Rules can be viewed here: <https://judicial.tc/publications/chief-justices-speech-at-the-launch-of-the-criminal-procedure-rules-20-september-2021/>

The Criminal Procedure Rules are now in practice in the Turks and Caicos Islands.



# THE JUDICIARY – A NEW ERA OF MODERNISING INITIATIVES

*Continued...*

## COURT CONNECTED MEDIATION

Court Connected Mediation has now been launched in the Judiciary with the promulgation of Court Connected Mediation Rules 2021. As we stated in our advertisement in the TCI newspapers, *“Mediation is a negotiation facilitated by a neutral third party, called the Mediator. A mediator does not have a stake in the outcome of a dispute but assists the parties to find common ground to arrive at a settlement”*. Mediation offers a painless, win-win solution. It has the added benefit of humanizing parties in dispute by giving them control over their dispute and its outcome. Its ability to resolve disputes without destroying relationships is perhaps its best and most celebrated feature.

The Judiciary’s Judicial Education Institute (JEI) provided free training to our first two batches of Mediators (forty-two persons) through the University of the West Indies (UWI), our training and certifying institution, after a launch ceremony on 30 August 2021. You may read the Chief Justice’s speech at the launch of the training here: <https://judicial.tc/publications/chief-justices-speech-at-the-launch-of-mediation-training-30-august-2021/>.

The JEI also hosted a Mediation Seminar on 23 September with a panel made up of experienced Mediators: Senator the Honourable Anthony Vieira, Her Honour Elizabeth Solomon and Mr Reginald Armour, Senior Counsel all from Trinidad and Tobago; and Mr Roger Beaudry from Canada.

We now have a Roster of Certified and Trained Mediators published in the Gazette. Our roster also includes internationally experienced mediators from Aptus in Ottawa Canada ([www.aptusrx.com](http://www.aptusrx.com)), and Dialogue Solutions from Trinidad and Tobago (<https://dialoguesolutions.org/>).

Court Connected Mediation is led by a Mediation Committee chaired by The Honourable Ms Justice Lobban-Jackson. Other members of the Committee are: the Chief Magistrate, the Registrar of the Supreme Court, and the President of the Bar Association. Any questions or inquiries you may have on using Mediation as a dispute resolution tool may be directed to this email address: [courtadr@gov.tc](mailto:courtadr@gov.tc)



# THE JUDICIARY – A NEW ERA OF MODERNISING INITIATIVES

*Continued...*

## **ALTERNATIVE SENTENCING (BREACH PROCEEDINGS) RULES**

The Breach Proceedings Rules have been issued to bring clarity in instances where persons who are subject to orders made under the Alternative Sentencing Ordinance 2019 have breached them. These include probation orders.

The Rules provide guidance to the officers directly in charge of supervision of a person subject to the court's order on what to do in cases of breach and when breach proceedings in court should be commenced. They also direct the application process to remove the confusion that previously existed on how these applications should be made and provide a timeline to the court registry on the issue of summons and the assignment of a hearing date.

The Rules also outline the form the hearing should take; the considerations that the court should take into account before making an order in respect of a proven breach of its probation order; and the sanctions that are within the court's remit to apply.

*...the Criminal Procedure Rules, Court Connected Mediation, the publication of the Alternative Sentencing (Breach Proceedings) Rules and the amendment to the Supreme Court Ordinance are all part of the Judiciary's continuous mission to improve access to quality justice.*

## **EXPANSION OF LEGAL AID**

Until the publication of Ordinance 28 of 2021 in the TCI Gazette on 25 November 2021, which amended section 16(2)(g) of the Supreme Court Ordinance, Legal Aid was limited to poor persons committed to trial before the Court on criminal charges, only. This means that there was no Legal Aid available to those who had been arrested but not yet charged, and to those who needed the assistance of jurisdictions of the court other than the criminal jurisdiction.

The amendment to the Supreme Court Ordinance now allows the Judiciary to expand the Legal Aid Rules on two fronts:

(i) to indigent persons who have been arrested but not yet charged and are the subject of criminal investigations; and  
(ii) to indigent persons who need to "prosecute or defend a claim before the Court or to seek declarations pertinent to the protection of Constitutional rights".

These initiatives: the Criminal Procedure Rules, Court Connected Mediation, the publication of the Alternative Sentencing (Breach Proceedings) Rules and the amendment to the Supreme Court Ordinance are all part of the Judiciary's continuous mission to improve access to quality justice.



# THE IMPORTANCE OF OUR INDIVIDUAL CONTRIBUTION TO THE DEVELOPMENT OF THE TURKS AND CAICOS ISLANDS

*By Mrs Rhondalee Braithwaite-Knowles, OBE, QC  
Honourable Attorney General*

There are very important personal reasons for having goals as attorneys, but there is a greater higher importance, and that is collectively, as a profession, we as members of this society are responsible for contributing to the growth and development of it.

Whether you are of this soil or have come to live among us, there is a responsibility to contribute something for your presence here, and your earlier decision to enter upon this noble profession, to learn and to work hard are indications that you are aware of your responsibilities.

You and I are products of a real struggle for economic growth and social development here in the Turks and Caicos Islands and also in the context of the wider Caribbean community, which is still referred to as the third world or the developing world. There is still the reality of continuing growth, incompleteness, the continuing reach for an economic, social, cultural and fully developed conclusion by global standards. Even as Sister States and territories in the Caribbean Community, we strive for greater integration and urgent cooperation through organisations like Caricom. Each nation on its own is struggling to survive the debilitating forces of poverty and of social and economic divisiveness. In that struggle, each country stands in urgent need of the input, the talent and the specifically disciplined capabilities of each of its citizens particularly its trained and qualified minds. Those who are trained to understand and to tackle and to conquer the challenges of this century.

*...there is a responsibility to  
contribute something for your  
presence here...*

I read once that there are four core attributes of a good citizen: education, leadership, community service, and character. The most important thing to remember is that each of these characteristics is the sum of many individual decisions. They embody a positive attitude backed by purpose. The only way to achieve your purpose is to take small actions everyday. In the end, they all add up. My hope is that we will each cultivate this attitude backed by purpose as a core goal in our lives as we consider what role we play in the development of the Turks and Caicos Islands.

I recall the words of one person who has come to live among us from a country where the competition is fierce for the opportunity to strive toward goals in education. That person implored me to, on the next available occasion, admonish the people of this country not to take for granted the opportunities supplied by the Government of these Turks and Caicos Islands to study at little or no personal expense and to be employed in positions which allow for an enviable depth of exposure and opportunity and to participate in a substantial way in the sustainable development of the Islands (I am a product of such investment).

Each small decision you make takes you one step closer. Remember the goal is not to get power, but to get your vision and your purpose across. Leaders without vision are like going somewhere strange without any directions: you are going to wind up somewhere; it just might not be in the best part of town. Too often we hear stories of persons who squander the educational, professional and economic opportunities before them foolishly thinking that family, social or political ties will be able to see them through. There is something to be said for delayed gratification and the realisation of a hard fought goal.

# THE IMPORTANCE OF OUR INDIVIDUAL CONTRIBUTION TO THE DEVELOPMENT OF THE TURKS AND CAICOS ISLANDS

*Continued ...*

The ability to succeed at a goal exists in every human being, either in a state of activity or passivity. The state of passivity exists in those who have not yet realised that they have the ability to attain the goals of which they dream. The state of activity on the other hand exists in those who have realised their potential and are in the process of achieving their goals. Trite though it may sound, the key to success is comprehensively summarised in the words aspiration, inspiration and perspiration.

Aspiration in this context refers to the dream or goal a person sets – this is the mental map of where you would like to go in life – it provides the intangible core which compels one to success. Inspiration on the other hand is the will to succeed. It may arise from God or from a desire to be better or make a difference. Perspiration is the essential and practical ingredient which enables one to achieve his or her core goals. I submit to you that you are examples of success – you aspired to achieve the professional goals that you enjoy today, inspired by God and your loved ones and you have worked hard to achieve this goal and that is why you are a member of our noble profession today.

In each generation before you the best and the brightest among us have been required to step forward and to make a difference, to fill that community's order for qualified doctors, teachers, hotel managers, nurses, artists, entrepreneurs and simply intelligent people who are committed to play the role of a good citizen and to play that role with effect and conviction. Unfortunately each time that national and community call came there were far too many of those considered the best and the brightest who could not rise to the occasion who could not meet the challenge even though they possessed the necessary education and skills. In that failing they did not only short-change their community, their friends and families which needed them but they cheated themselves of the wonderful opportunity to serve their friends and family and community with distinction.

For one thing you can make certain that you have in addition to your education the right mindset for service. For another thing you can make certain that you cultivate a will to win; that you set for yourselves a particular personal lofty goal that no matter what happens along the way no matter what distraction that you will never never deviate from this goal.



# THE IMPORTANCE OF OUR INDIVIDUAL CONTRIBUTION TO THE DEVELOPMENT OF THE TURKS AND CAICOS ISLANDS

*Continued ...*

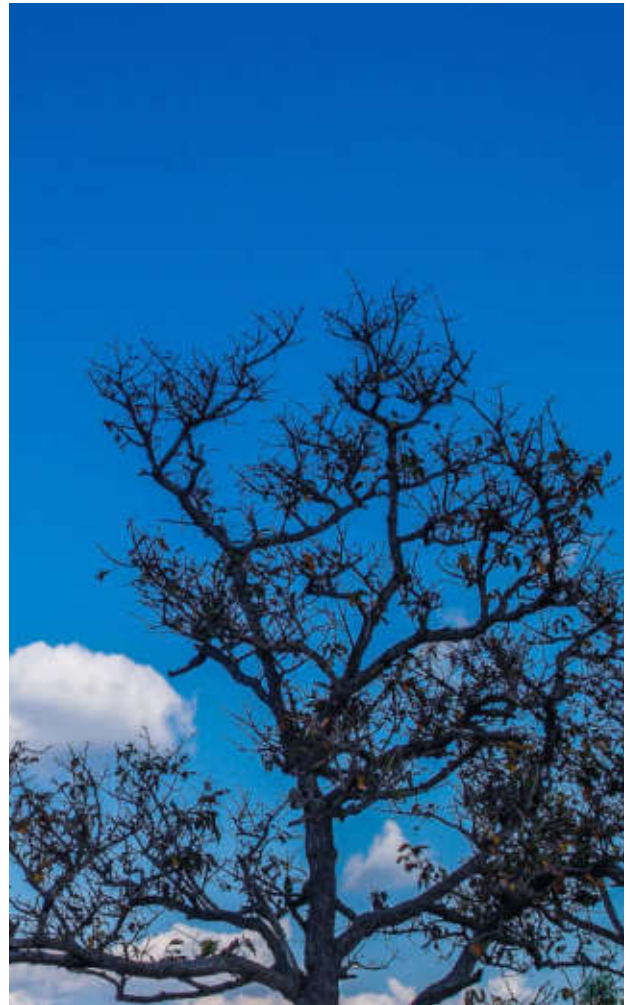
One final thing, each person's goals are different, and what comes easy to one may be difficult for another. Let me assure you that the Turks and Caicos needs each one of you to be successful in your chosen area of work, and all are valuable to the growth of this country. Therefore, do not trample on others' dreams; the Turks and Caicos Islands will need all of us. A surefire way of knowing that you aren't working towards fulfilling your own goals is being busy tearing down someone else's dream.

Look across our great profession and tell me what you see today, and tell me if you will not find examples of excellence and achievements; find your own goal for excellence and conquer it with all your might.

Strive to be not just a good lawyer, but a good person and find opportunities to be good to other people. That is where your focus should be always — being the guy or gal who gets the job done. Whether you are an associate, a law clerk, a public prosecutor, a crown counsel, or anything else.

Nothing else matters but doing your job and doing it well. Every day. Even when it's hard. Even when it's tedious. Even when it's dull. Even when the work seems small and beneath your brand-name schooling and God-given talent. It means being the guy who does his job, even when no one is looking, and no one will know the good ideas came from you. If you do that, not only the next task but your entire career, will take care of itself.

Colleagues, we each have a valuable contribution to make to the development of these Turks and Caicos Islands. Let's get busy inspiring one another to make it!



*Strive to be not just a  
good lawyer, but a good  
person and find  
opportunities to be  
good to other people.*



# ESTABLISHING THE VICTIM AND WITNESS SUPPORT UNIT IN ODPP

## *The CJSG Walking the Talk*

By Eugene Otuonye QC  
Director of Public Prosecutions

### Introduction

1. Until recently, the interests of victims and witnesses to crime have not received the attention they deserved, especially in the Common Law adversarial criminal justice system. In 2013, the United Kingdom (undoubtedly, leader of the Common Law world) launched its criminal justice system transformation Strategic and Action Plan. The care and support of victims and witnesses was and is still at the heart of this Plan. In an update of this Plan in 2014, then Lord Chancellor and Secretary State for Justice, The Rt. Hon. Chris Grayling MP, observed:

*“I have heard a lot about the experiences of victims and witnesses. These blameless individuals report a crime because they have been wronged, and society has an important role in putting that right. Too much of what I have heard tells me that we need to do more to make sure that their interests are put first. Unless victims and witnesses have the confidence to report crime and then participate in the evidence gathering and, where necessary, the trial of offenders, we have no CJJS (Criminal Justice System) [1]*

2. The “No Witness No Justice” Conference held in Bermuda in 2007, recognised the critical importance of victim and witness care and their positive experience with the criminal justice system. It highlighted that “when witnesses have ...positive interaction within the judicial system they would be more willing to support the system, and give evidence when called upon” [2]

[1]“Transforming the Criminal Justice System Strategy and Action Plan – Implementation Update” (2014)- A Forward by The Rt. Hon Chris Grayling MP, Lord Chancellor and Secretary of State for Justice(UK)

[2]A Comparative Study of Witness Care -Best Practice for Bermuda- by Nichol Smith, Attorney General Chambers, Bermuda.

[3] The CJSG is chaired by the Hon Chief Justice with membership comprising: The Judiciary, the AG Chambers, the Office of the DPP, The Police (RTCIPF), the Department of Social Development, Department of Correction and Rehabilitation (formerly HM Prisons) and the TCI Bar Association.

3. TCI recently joined this global commitment to put first the interests of victims and witnesses of crime. This article focuses on the establishment of the Victim and Witness Support Unit (VWSU) in ODPP under the auspices of the Criminal Justice Stakeholders Group (CJSG) [3]

It highlights the VWSU, as an example, not only of TCI commitment to secure and preserve the interests of victims and witnesses but to demonstrate that CJSG ‘walks the talk’ in terms of institutional collaboration and cooperation.

4. Upon assuming office in 2019, the DPP’s earliest Meetings with the Commissioner of Police raised, among other things, the Victim and Witness care and support programme. However, we did not figure out the best mechanism to bring it about. Not until it became an agenda item in the October/November 2020 Meeting of CJSG. At this meeting, the Hon Mrs Justice Mabel Agyemang, Chief Justice of TCI, presented a paper on the subject in which she made this sobering observation(excerpt):



# ESTABLISHING THE VICTIM AND WITNESS SUPPORT UNIT IN ODPP

*Continued...*

At this meeting, the Hon Mrs Justice Mabel Agyemang, Chief Justice of TCI, presented a paper on the subject in which she made this sobering observation(excerpt):

*Our legal system is not victim-friendly. Unfortunately, a system which should be aimed at providing justice for victims, appears to use victims for its own purposes by treating them as appendages to criminal justice rather than persons who have suffered injury. ....Ironically, it is in the bid to dissuade criminal conduct by making it an offence against the society, that individuals who suffer as a result of such activity are shunted aside and hardly given the consideration they deserve in the prosecution of crimes against them....In the handling of victims of crime, the lack of consideration, the lack of appreciation of emotional distress and/or the inability to recognise the trauma that sometimes accompanies crime, has been the bane of our criminal justice system. This blight is made more manifest when vulnerable witnesses such as children, disabled persons, victims of sexual crimes and persons with information regarding crime, are handled/treated with lack of consideration or respect to their vulnerabilities or sensibilities. Nor, is the lack of an appropriate regime for reparation, psychological, emotional, or social support, helpful to the goal of achieving justice.*

5. As a way forward, she made a clarion call for Victim and Witness care and support programme in these words:

*The Criminal Justice Stakeholder Group is well placed to provide a solution to this problem in order that our work will not be rendered nugatory, our victories, pyrrhic, and justice, be subjected to mockery.*

6. This was the impetus that set the ball rolling on the establishment of the VWSU. Firstly, the DPP accepted the CJSG's request to host the VWSU in his Office. This is such an honour, although it came with associated resource challenges and other cross-cutting issues. Secondly, the DPP, supported by CJSG, made a budget bid by way of Business Case, for the creation of 2 posts of Victim and Witness Support Officers and office and other infrastructure with which they would work.

## Outcomes - Government Support, Recruitment and Training

7. In the 2021-22 Budget, the Cabinet approved, and the House of Assembly appropriated a start-up funding for the post of the VWS Officer. Informed and encouraged by this start-up funding, and given the prospects of more resourcing in subsequent financial years, the VWSU has now been incorporated in the restructured ODPP. Consequently, the newly recruited Director of Business Operations (DBO) will have oversight of the VWSU when it becomes fully operational.

8. The recruitment process for the first VWS Officer has started. The successful candidate should be in post latest by March 2022. Meanwhile, the TCI Government, through its Estate Department is assisting the ODPP to source and secure suitable accommodation in Providenciales and Grant Turk for the VWSU.

9. Training assistance for VWS Officers, Prosecutors and Police is being explored by the Criminal Justice Adviser, Dr Anna Russell. Recently, the Prosecutors received insights on Victims and Witness Care and Support from Hon Mr Justice Shiraz Aziz who sensitised the Prosecutors on the expectations of the Judiciary in relation to securing and protecting the interests of victims and witnesses. [4]

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[4] The occasion was the Orientation Programme for newly recruited Prosecutors in ODPP. Hon Justice Aziz presented on "the expectations of the Judiciary".

# ESTABLISHING THE VICTIM AND WITNESS SUPPORT UNIT IN ODP

*Continued...*

10. It is pertinent to note that, the Victim and Witness Support Programme and the establishment of the VWSU in particular, have been preceded by underpinning legislative framework. Many thanks to the political directorate. The recently enacted Vulnerable Witness Ordinance and the Sexual Offences Ordinance have a significant bearing on the operations of the VWSU. They provide the legislative framework for special measures orders and associated arrangements geared towards enhancing the experience of victims and witnesses (especially the vulnerable among them) as they interact with and navigate through the criminal justice system.

## Launching the Victim and Witness Support Programme

11. The VWS Programme and the VWSU will be formally launched in the first quarter of 2022/23 Financial Year as a joint and collaborative initiative of the CJSG. The launch, among other things, will (a) highlight why and how the interests of victims and witnesses should be put first in our criminal justice delivery; (b) kick-start the campaign to regain the trust and confidence of victims and witnesses in the criminal justice system, and (c) serve as public education and sensitization on the civic, moral and legal obligation not only to report crime, but more importantly, to assist in bringing perpetrators to justice.

What will the VWSU do:

12. In summary, the responsibilities of VWSU and its Officers would involve interaction with victims and witnesses on hands-on basis, providing timely information to victims and witnesses on:

(a) Court processes and procedures (including any Special Measures Orders under the Vulnerable Witnesses and Sexual Offences Ordinances); (b) Court schedules/dates; reminders, either in person or through other communication channels, including brochures.

13. Specifically, they will carry out the following responsibilities:

(a) Interview victims and witnesses and other persons or groups closely associated with victims and witnesses such as families, school personnel, employers or neighbours to assess service needs;

(b) Conduct a Needs Assessment for victims and witnesses in cases going to trial to ensure that they can give their best evidence;

(c) Arrange crisis and psychological counselling (through relevant professionals) and direct advocacy services to victims and witnesses by advocating for their rights and expressing their feelings and needs to prosecutors, judicial officials, the Police or other relevant Law Enforcement Agency (LEA) concerned with the case

(d) Acts as liaison between victims, witnesses and prosecutors, law enforcement, Prisons, medical, social workers and court personnel to convey information and assist in resolving problems related to hostile or unwilling witnesses, specific treatment plans for offenders, violations of no contact orders, and court security;

(e) Educates victims and witnesses and their families about the Criminal Justice system that pertain to their situation;

(f) Refers victims and witnesses and their families to various community resources by assessing needs, locating appropriate options and proposing available choices to victims and witnesses so that early and on-going needs are addressed and the effects of victimization are minimized;



# ESTABLISHING THE VICTIM AND WITNESS SUPPORT UNIT IN ODPP

*Continued...*

(g) Monitors the progress of each assigned case by attending hearings and trials and consulting with prosecutors and police to ensure that the victim and witness interests and rights are recognized and protected.

(h) Where applicable and required, to arrange for safe house, courthouse waiting areas, transportation and lodging for victims and witnesses as needed.

Conclusion

13. The Victim and Witness Support Unit being established in ODPP is a joint and collaborative initiative of the CJSG. It is also a milestone that demonstrates CJSG's tangible commitment to put the interests of victims and witnesses of crime on the priority pedestal of the criminal justice system.





# The Otherside of the Coin

## *RTCIPF - ODPP Attachment*

*By Tavana Wilson*

*Police Constable, RTCIPF*

I returned to the Royal Turks and Caicos Islands Police Force (RTCIPF) to resume my duties, having recently been awarded the degree of Master of Laws in Legal Practice. Upon my return, I expressed my interest in putting my degree to use to the Commissioner of Police (CoP), Mr Trevor BOTTING. We decided that I should undertake a three (3) month attachment at the Office of the Director of Public Prosecution (ODPP) to complement my academic achievement. A request was made by the CoP to the Director of Public Prosecution (DPP), Mr Eugene Otuonye, QC, for me to undertake said attachment which was granted.

Before undertaking the attachment, I was given a very clear mandate by the CoP to enhance the relationship between the RTCIPF and the ODPP to foster a better working relationship between the two agencies. In complying with this mandate, I was tasked to prepare a report that gives a biweekly overview of my attachment at the ODPP. The reports noted from personal observation items of concern during the specific period under review. Particularly, said items of concern looked at the RTCIPF Officers compliance with case file submission requirements and the RTCIPF Officers compliance with the case file instructions given by the ODPP. The items of concern contained within the report acted as an assessment for RTCIPF Officers and have been most critical in establishing accountability and promoting transparency in the RTCIPF where case files are concerned.

Nevertheless, the RTCIPF as one of the agencies in the Turks and Caicos Islands (TCI) that investigates criminal matters and the ODPP as the agency in TCI responsible for prosecuting criminal matters, both equally and respectively, rely on case file instructions to be provided and case file submission requirements to be complied with. Thus, this report essentially allowed me to take stock of the challenges faced by the ODPP in getting a case file submitted by RTCIPF Officers to a trial ready state and provide useful feedback. The report in noting the RTCIPF Officers compliance and

the ODPP challenges with the RTCIPF Officers compliance, further went on to provide recommendations geared at addressing both issues. Thereby effectively identifying areas where we can enhance the working practices between the two agencies.

During my time at the ODPP I found that my academic achievement complimented the attachment in several ways. I regularly put forth points and challenged decisions regarding case files. I also formed conclusions and participated in discussions based on the analysis of the information contained within said cases files. To effectively participate in these discussions and assessments, I also had to display my ability to communicate those conclusions coherently and confidently. My ability to quickly propose solutions was also an asset that I was able to hone and to assist with solving problems by thinking outside of the box. These experiences allowed me to build upon some very valuable transferable skills.

*Before undertaking the attachment, I was given a very clear mandate by the CoP to enhance the relationship between the RTCIPF and the ODPP to foster a better working relationship between the two agencies.*



## The Otherside of the Coin

*Continued...*

As a currently serving member of the RTCIPF, this attachment has challenged me to critically and objectively look at the RTCIPF Officers and their case file submissions. In doing so, this prompted me to thoroughly consider the current existing RTCIPF Officers means and method of compliance and reflect on my own compliance with case file submission requirements in the past. Furthermore, this attachment has given me invaluable insight into the ODPP, which in the beginning was an agency I knew very little about. During my time at the ODPP I have been fortunate enough to work closely along with several prosecutors and administrative staff and as a result, I have gained a better understanding of the role and duties of the ODPP. During my time at the ODPP, I have reviewed files, given written advice, attended court, assisted in preparing case file bundles for matters as they progressed through the different stages in the court. I have served documents on counsel, lodged documents at court and sat in meetings with the different agents in the criminal justice system

My time at the ODPP was nothing short of amazing and I am grateful for those who took the time to sit with me, answer questions and involve me in their “getting a file trial-ready” process. This attachment has provided me with a first-hand look into the work-life of a prosecutor and has given me hands-on experience I will never forget. As a result of this attachment, I now have a newfound appreciation for the work the ODPP does, and I look forward to the RTCIPF and the ODPP working together in the future to strengthen their working relationship as partners in Criminal Justice.



# DEPARTMENT OF CORRECTION AND REHABILITATION

*Reducing reoffending and protecting the public*

*By Senior Officer Leerose Lewis,  
Rehabilitation lead, HMP Grand Turk*

The Department of Correction and Rehabilitation (DCR) has experienced substantial positive change during year one of the Prison 2023 programme. Protection of the public through Specific, Measurable, Achievable, Realistic and Time-bound (SMART) interventions. Rehabilitation will now be at the centre of what we do.

The formation of the DCR has seen transformational change. The new logos are a testament to the close working relationship developing between the Correctional and Probation staff with one purpose. The Rehabilitation Department has now been opened in HMP Grand Turk, staffed by Senior Officer Leerose Lewis, two dedicated correctional officers and a probation office. Its new role is strategic.

As part of Prison 2023, the draft Prisoner Development Model (PDM) will grow to underpin a new phase of offender management. It will be challenging but opportunistic in promoting new ways of working with prisoners to develop them as they move through custody towards reintegration into communities on release.



# DEPARTMENT OF CORRECTION AND REHABILITATION

*Continued ...*

Our role as correctional and probation professionals will be to fully engage with prisoners in determining their needs and risks, and strengths; to provide interventions at various levels that challenge offending behaviour; and to provide them with opportunities to take responsibility for addressing their behaviour, developing actual life skills to support community integration.

Our aspiration for all sentenced prisoners:

*“Each prisoner should have a personalized custody or Prisoner Development Plan, developed together with him or her, which reflects his or her own needs, strengths and risks. It should identify and engage all the other agencies and disciplines within and outside prison that are needed to support change”.*

The PDM contains the necessary standards and conditions for effective prisoner development unique to the TCI. They ensure that the work completed with those in custody is challenging, motivating, appropriate, timely, essential and supportive, ultimately playing its part to deliver a safer community.

Our operational standards will provide a framework for the effective engagement with prisoners and the continuous improvement of service provision by:

- Setting precise requirements for prisoner engagement and supervision which are understood by all concerned
- Enabling the professional judgement of managers and practitioners to be exercised within a framework of accountability
- Placing priority on the protection of the public from serious harm and supporting reducing the likelihood of re-offending
- Underlining the importance of the effects of crime on victims
- Ensuring that sentenced persons and the public can have confidence that supervision of prisoners is an effective means of helping them become more responsible and law-abiding citizens

*“Each prisoner should have a personalized custody or Prisoner Development Plan, developed together with him or her, which reflects his or her own needs, strengths and risks. It should identify and engage all the other agencies and disciplines within and outside prison that are needed to support change”.*





# DEPARTMENT OF SOCIAL DEVELOPMENT AND WELFARE "MENTOR ME" PROGRAMME

*By: Vinette Beckford*

*Senior Social Worker*

*Department of Social Development & Welfare  
Ministry of Home Affairs, Transportation and  
Communication*

The Department of Social Development and Welfare, in collaboration with the Criminal Justice Stakeholder Group of the Turks and Caicos Islands, has organized a "MENTOR ME" Programme in October 2021, against the background that stakeholders should play a pivotal role in the lives of children and adolescents in leading by example and utilizing the expertise of key stakeholders. This programme is set to commence in January 2022.

The motivation behind this initiative stemmed from the engagement of members of the group in communities, where it has been observed that more intensive work needs to be implemented. Some of the areas of intervention in which these personnel are engaged include the impartation of knowledge and skills based on their area of expertise, as well as modelling positive behaviour which can successfully inspire young people to chart a positive future and to emulate positive and meaningful behaviour.

The main objective of the "MENTOR ME" programme is to positively impact a targeted group of young people as a preventive measure to curb crime in the TCI and to provide mentoring to boys and girls at risk, to deter them from a life of crime. The target group includes children and adolescence between the ages of 11 -17, as well as "at risk youth", who have violated the law, or have indulged in a life of crime.

Ongoing mentorship activities is expected to take place at public schools on Providenciales and Grand Turk islands, and special sessions will be held on the family islands occasionally. This will be introduced through a phased basis, where Phase 1 of the "Mentor Me" programme will include one (1) primary and one (1) high school on Providenciales and one (1) high school on Grand Turk islands. The designated mentors include CJSJG Members, Cabinet Members as well as HOA Members.

The program is currently at the prepping stage, where administrators have been sensitized on the schedule activities and the procedures that should be followed. Stipulations are that mentees will be given surveys to complete, which will enable the organizers of the programme to pair mentees with the right mentor, based on interest. Ground rules, conversations and contact with mentee will be established, and a mentoring log will be kept along with Mentor and Mentee Roles and responsibilities.

Schools are required to send permission letters to parents of the participants, requesting consent for their child/ren to participate voluntarily. Afterwards, mentees will be required to complete an application form which requests information about their school attendance, competency levels and areas of interest. It is also vital that all participants sign a confidentiality agreement. Both mentors and mentees will assess the progress of the programme periodically using a prepared set of guidelines.



# BAR ASSOCIATION AND JUDICIARY LAUNCH NATIONAL MOOT COURT COMPETITION

*By: The TCI Bar Council*

On Friday, 29th October 2021, a joint partnership between the Turks and Caicos Islands Bar Association and the Judiciary of the Turks and Caicos Islands resulted in the launch of a nationwide National Moot Court Competition. The Competition was launched and is being supported by the Ministry of Education and the Department of Youth. In a virtual ceremony attended by members of the Bar, the Judiciary, the Ministry of Youth, and prospective participating schools and youth organizations, The Honourable Mrs Justice Mabel Agyemang, Chief Justice of the Turks and Caicos Islands marked the occasion as a bold initiative in which those young people who will be participating in the Competition could rightly see themselves as part of pioneering something new and rewarding in the TCI. Also in attendance was the Honourable Rachel Taylor, Minister for Education and Youth who congratulated the Bar and the Judiciary and confirmed her Ministry's commitment to the competition, hailing it as a crucial introduction to the efforts to continue providing the youth of the TCI with ongoing opportunities to develop their skills and receive mentorship.

The competition, which is the first of its kind in the TCI, targets youth between 14 – 17 across the country. This year's participants will make up teams of two advocates from 10 schools and youth organisations across the TCI. Each team has been paired with two mentors who will meet with the students between October 2021 through February 2022 to coach them in the art of court advocacy, the competition rules, assist the competition preparation, and generally, mentor them and provide guidance toward future career goals, hopefully in law. Mentors are volunteer attorneys practising across various legal disciplines within the TCI and are supported by the guidance of Ms Arnelle Taylor, Mr Dominique Rolle, and Mr Andrew Mitchell, QC.

The national rounds of the competition will commence in February 2022 and culminate with a final round between two teams in early April 2022. It is hoped that the 2021-2022 Competition period mark the beginning of an annual competition series sponsored by the Bar Association in partnership with the Judiciary with the endorsement and support of the Ministry of Education.



# BAR ASSOCIATION AND JUDICIARY LAUNCH NATIONAL MOOT COURT COMPETITION

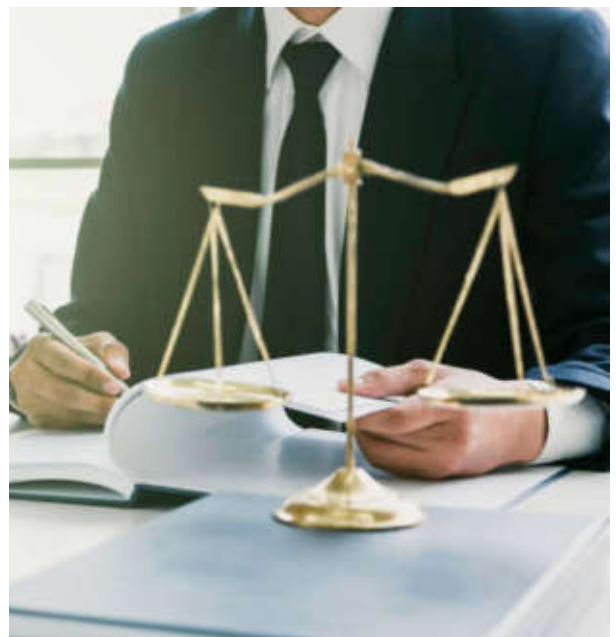
*Mooting, the  
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unique opportunity  
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legal system and  
the role of lawyers  
in society.*

*Continued...*

At the suggestion of the current Chief Justice, it is hoped that the national series would eventually result in the appointment of competitors for the TCI in international mooting competitions.

Mooting, the arguing of a hypothetical legal case, provides high school and college students with a unique opportunity to learn about the legal system and the role of lawyers in society. It also aids in the development of written, critical thinking, and oral advocacy/public speaking skills. For High School students contemplating tertiary education or for College Students intending to pursue further studies or embarking on a quest for employment, participation in such competitions can provide an advantage in their candidature. Winners of the National Competition will receive a “floating” trophy held by their respective school or organisation for the year. Each team member will receive a corresponding Trophy. Members of the winning teams will also have the opportunity to intern with a Judge for a week. They will also benefit from a lunch reception held in their honour under the patronage of the Chief Justice and the Judiciary. The Council is currently seeking out other potential donors for prizes amongst the profession and community to incentivise participating students as much as possible. This includes, but is not limited to, firms offering one or two-week mini-pupillages to national candidates in recognition for their participation and achievement.

Anyone interested in learning more about the Competition or about how they can support this year’s Competition should reach out to the Competition’s Co-Chair, Ms Arnelle Taylor, at [at@wessexfairchild.com](mailto:at@wessexfairchild.com)



# OUR ENVIRONMENT

## *The Caribbean and The Environment*

*By Justice Shiraz Aziz*

In the Caribbean and other small islands, one vulnerability exists; the openness to natural disaster. These incidents may not always be predicted or prevented. The ability of these small islands to recover quickly is limited and may take years.

We the people all have a part to play in protecting our planet earth.

In recent times along with the COVID-19 pandemic, the Caribbean has had its share of natural disasters, including most recently this month (April 2021) the eruption of the La Soufriere volcano in St. Vincent.

It is evident that we have to be prepared as the question is no longer, if there will be another natural disaster, but when and where. The effect on people is real and harsh, especially when many of the islands are in debt and depend on imports. People have had to be relocated, homes and educational facilities destroyed, farms no longer in existence or washed away by floods, hospitals damaged with only limited services available. BUT the Caribbean people are resilient, strong, motivated and focused. Caribbean people will ensure that their brothers and sisters are provided for in times of need.

Protect our Earth.



*Protect our Earth*



# PORTS SUPPORTING ECONOMIC DEVELOPMENT AND PROSPERITY IN THE TCI

*By Delton B. Jones,  
Director of Ports, Ports Authority*

## 1. LEGAL CONTEXT AND MANDATE

The Turks and Caicos Islands (TCI) is a maritime country. The Turks and Caicos Islands Ports Authority (TCIPA) is a government statutory body established by Ordinance 15 of 2007 to manage the TCI's seaports. It commenced operations in January 2008.

The functions of TCIPA are shown in section 5 of the Turks and Caicos Islands Ports Authority Ordinance (2008). They are very expansive and include, among other things:

- a) general management and control of ports;
- b) establishment and control of lighthouses and day markers
- c) establishment and control of berths within ports;
- d) provision, maintenance and control of cranes, rafts, trucks launches, bollards and other machinery, apparatus, tackle and gear used in ports and territorial water for securing, loading, unloading and maintenance of vessels
- e) establishment, maintenance and control of transit sheds and other buildings in ports;
- f) general supervision and control of territorial water and vessels and wrecks therein;
- g) loading and unloading of vessels in ports
- h) regulation and control of merchant shipping; and advising the government on matters related to ports, Merchant shipping and marine pollution prevention and control.

Ports in the TCI operate in conformity with international conventions and codes such as SOLAS, STCW, MARPOL and Port Marine Safety Code. The International Ship and Port Facility (ISPS) Code which is an annex to SOLAS is the main code affecting port operations. The Merchant Shipping (Ship and Port Facility Security) Regulations 2004, which is consistent with the ISPS Code sets the framework for port security in the TCI.

The work plan of the Ports Authority is influenced by international conventions and codes, which are enacted by local legislation and other national legislation. Some of the key legislation, include:

- Merchant Shipping Ordinance (2004)
- Merchant Shipping (Ship and Port Facility Security) Regulations 2004.
- Transient Vessels Ordinance (2009)
- Marine Pollution Ordinance (2010)

The TCIPA operates three (3) ports on Providenciales, Grand Turk and South Caicos. Small community ports are also located on North Caicos and Salt Cay. The ports on Grand Turk and Providenciales are operated as 'landlord ports' due to stevedoring services being contracted to a private sector company, which owns and maintain all stevedoring equipment. South Caicos port is operated as 'public port'. The Ports Authority is responsible for all aspects of port operations. The three major ports are compliant with the ISPS Code and have updated Port Facility Security Plans in place.



**SOUTH DOCK, PROVO**  
Photo provided by the Ports Authority

# PORTS SUPPORTING ECONOMIC DEVELOPMENT AND PROSPERITY IN THE TCI

Vision 2040 notes that “our infrastructure must be world-class by 2040” (page 23) and “we must significantly enhance our seaport infrastructure to facilitate greater efficiency of international trade which will in turn contribute to greater business competitiveness and diversity” (page 25).

*Continued...*

The ports have facilities or appropriate arrangements to enable the discharge of government functions (such as customs and immigration). TCIPA has an approved staff complement of 58, divided between administrative (10 ) and security staff (48). The majority of the staff are based at South Dock, Providenciales.

Collaborative working relationships exist with key government departments active in the maritime sector.

## 2. NATIONAL DEVELOPMENT CONTEXT

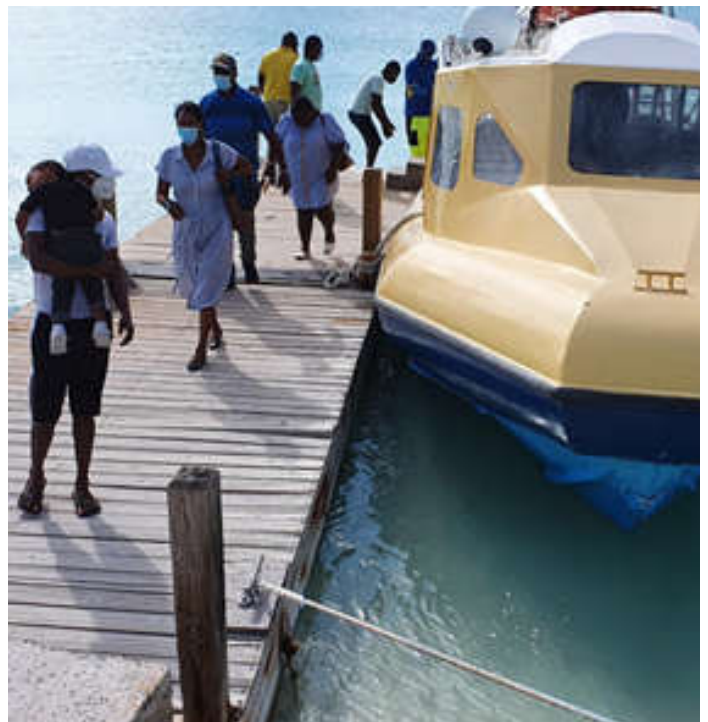
Ports facilitate international trade and commercial relations between nation-states. Efficient and effective ports promote the growth and development of the tourism and construction sectors and support lowering of the cost of living and doing business in the Turks and Caicos Islands (TCI). Ports also support sustainable livelihoods and employment opportunities in the TCI. Domestic ports also support safe transport of domestic cargo, agriculture products and residents

and tourists (spreading the benefits of tourism). Domestic ferries also support travel for social and cultural functions and health, education and social services in the Caicos Islands.

The Ports Authority is currently positioned under the Ministry of Immigration and Border Services and reports on its activities to the Minister of Immigration & Border Services (in accordance with an annual Sponsorship Letter). Effective accountability, financial policies and oversight arrangements are in place.

The TCIPA is managed to support the TCI’s overall development objectives. In terms of the national development plan (Vision 2040), the Ports Authority’s operations support attainment of Sustainable Development Dimension 1 (SDD1) - High national income and wealth. Among the Necessary Conditions (NC) for achieving SDD1 is NC 1.6 - Adequate Infrastructure (transportations, roads, ports, electricity, water and telecommunications)

*Ports also support sustainable livelihoods and employment opportunities in the TCI.*



**BELLEFIELD LANDING, NORTH CAICOS**  
Photo provided by the Ports Authority

# PORTS SUPPORTING ECONOMIC DEVELOPMENT AND PROSPERITY IN THE TCI

*Continued...*

In this regard, the Medium Term Development Strategy (page 37) states:

*“with respect to the three main sea ports (those at Providenciales, Grand Turk and South Caicos), efforts will be undertaken to commence the rehabilitation, modernization and expansion work in line with the Transport Infrastructure Master Plan or a port development plan... Such actions will contribute to improving the operational and cost efficiency, capacity and security of the ports. This action will be led by Ports Authority.”*

### 3. PRINCIPLES, GOALS AND OBJECTIVES

#### VISION

To become one of the Caribbean’s leading ports by providing professional and quality services to the people and businesses of the Turks and Caicos Islands

#### MISSION

A financially self-sustaining public service that provides the most efficient maritime transportation facilities to the people and businesses of TCI

#### VALUES

One Team, Passion, Efficiency, Responsiveness, Professionalism, Integrity, Accountability

#### GOALS/ STRATEGIC OBJECTIVES

- **Goal 1 - Secure ports** - Ensure ports comply with international security conventions and codes to protect the reputation of TCI
- **Goal 2 -Safe ports** - Entrench safety culture to enhance the safety of port workers and visitors to ports
- **Goal 3 - Resilient ports**- Develop port infrastructure based on sound economic and technical appraisals
- **Goal 4 -Sustainable ports** - Develop sustainable financial and HRM frameworks
- **Goal 5 Effective Partnerships and collaboration** - Collaborate with stakeholders to increase awareness of the importance of the maritime sector

*VALUES: One Team, Passion, Efficiency, Responsiveness, Professionalism, Integrity, Accountability*



SOUTH CAICOS PORT  
Photo provided by the Ports Authority

# PORTS SUPPORTING ECONOMIC DEVELOPMENT AND PROSPERITY IN THE TCI

*Continued...*

## 4. CURRENT STRATEGIC PRIORITIES

1. Maintain compliance with international security and conventions and codes and good practice
2. Enhance port safety in accordance with international conventions and codes and good practice
3. Refurbish, expand and maintain the ports system to support prosperity and poverty reduction in the TCI
4. Consolidate partnerships and awareness programs
5. Encourage an internal Ports culture of learning for personal development and growth
6. Minimize environmental impacts from shipping and port related activities



**SOUTH DOCK, GRAND TURK**  
Photo provided by the Ports Authority



# OUR BLUE-GREEN ECONOMY: THE CARIBBEAN SEA

*By Justice Shiraz Aziz*

Throughout the wider Caribbean, it has become a harsh realization that urgent emphasis must be placed on the protection, conservation and preservation of our planet Earth and its natural resources. We are the stewards of the environment that surrounds us because we are a family of people and a family of islands that face similar trials and tribulations. The urgent emphasis comes after having lived through many months of emergency regulations and tough restrictions as a result of the Coronavirus pandemic. This pandemic has highlighted many problem areas within our countries, but in the same vein has illustrated the wonders of our greenery and, by glorious contrast, the beautiful, vibrant exotic sea life and biodiversity in our waters. In many countries and small island states, the lockdown restrictions are currently ongoing. Therefore our focus must turn to health and safety, progress, conservation and stability in daily life through what has been termed the 'new normal.'



The new normal has come about because of the pandemic and society adapting to changes in the way we carry out our daily lives. The pandemic will continue to be a constant reminder of the fact that - we are susceptible to greater environmental harm if we continue to abuse or neglect our environment and our natural resources.

It is quite evident that despite developing sciences and innovative or state of the art technology, we could not deter the coronavirus from unleashing its havoc on mankind, the effects of which have been extremely unfortunate coupled with negative impacts on health and economy throughout the world.

In an article entitled "Why 'One-Planet Compatibility' is Essential to Build Resilience in a post-COVID World" (Blum and Wackernagel 2020) the situation post Covid was assessed and the following statement could not be any more true:

*"All its ingenuity, its resilience, its courage even, humanity has been humbled by a microorganism that has disrupted, even destroyed, many lives around the world. While we are still weathering the storm, we are also equipped with fresh insights on how to focus on resilience and position ourselves for a better and safer future for all."*

*We are the  
stewards of the  
environment that  
surrounds us...*

## OUR BLUE-GREEN ECONOMY: THE CARIBBEAN SEA

*Continued ...*

It may well be a valid argument that this pandemic has reduced demands on mother nature - as in our eco-friendly and bionomical footprint mainly due to travel restrictions on movement via land, air and seas. This in itself is an important concern as the Caribbean territories depend on tourism for the most part to sustain their economies.

What is, therefore, common to the Caribbean communities and, in particular our peoples, are the beautiful mountains, rainforests, seas and waters that surround the breathtaking, vibrant, beautiful and ever welcoming islands and territories. It has been said that the sea is at the origin of life on Earth and is what makes the Earth livable and comfortable for people. This is certainly the case in the wider Caribbean, as the seas provide many with a vital source of water, nourishment, protection, employment, and income. This is also true for many other small island states beyond our region. Even better is the fact that it is impossible not to feel a sense of calm, pride, relaxation, and homeliness when around, in, or on our seas. Our family of islands and the territorial seas share common bonds. They enhance a sense of family and togetherness, rich in natural resources, and they are truly beautiful by nature. This explains, in one sense, why the Caribbean Sea, which is a body of water adjacent to the Atlantic Ocean, southeast of the Gulf of Mexico and other surrounding waters, including the islets, reefs and cays, are our blue economy which must be safeguarded.

The "blue economy" ideology seeks to promote economic growth, social inclusion, and preservation or improvement of livelihoods while at the same time ensuring the environmental sustainability of our waters and seas. There is another element to the blue economy: the potential for new pharmaceuticals and opportunities for research and development of new drugs to treat health issues. The blue economy is a source of sustainable development which naturally implies that economic development embraces the concepts of inclusivity and sustainability. Although we speak of the 'blue economy' referring to the beautiful seas and beaches, it is only natural to consider territories with diverse but just as important extensive and rich sea life such as Guyana. Guyana is a land of many waters, whose indigenous and other peoples depend on those waters in daily life.

*The "blue economy"  
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The discovery of oil is or has been seen as a blessing as the potential for employment and wealth has increased. However, with that comes a genuine concern for the environment as there is a need to protect the lands and seas from downstream air and water pollution. In protecting the waters, it has been clearly postulated that the environmental impacts of human development and recent civil engineering projects are becoming increasingly detrimental to its previously nearly untouched portion of the Amazon Rainforest and populous coastal cities. This is and of itself drives us to push for sustainable development in every sense of the term.

The result of sustainable development in our blue economy would be realized by focusing on protection, preservation and conservation for our natural resources in order that such resources are not damaged and depleted. It is us, each and every one of us, as stakeholders and stewards of the blue [and green] economy who must ensure that it is protected and preserved for the benefit and enjoyment of future generations to come.

## OUR BLUE-GREEN ECONOMY: THE CARIBBEAN SEA

*Continued ...*

*"The need to balance the economic, social, and environmental dimensions of sustainable development in relation to oceans is a key component of the blue economy."*

As stated by the World Bank in its paper "The Potential of the Blue Economy: "The need to balance the economic, social, and environmental dimensions of sustainable development in relation to oceans is a key component of the blue economy."

Apart from the industries mentioned earlier, the potential of the Caribbean Sea, if adequately protected, is enormous. This would include having a sustainable energy source through adapting policies of sustainable development.

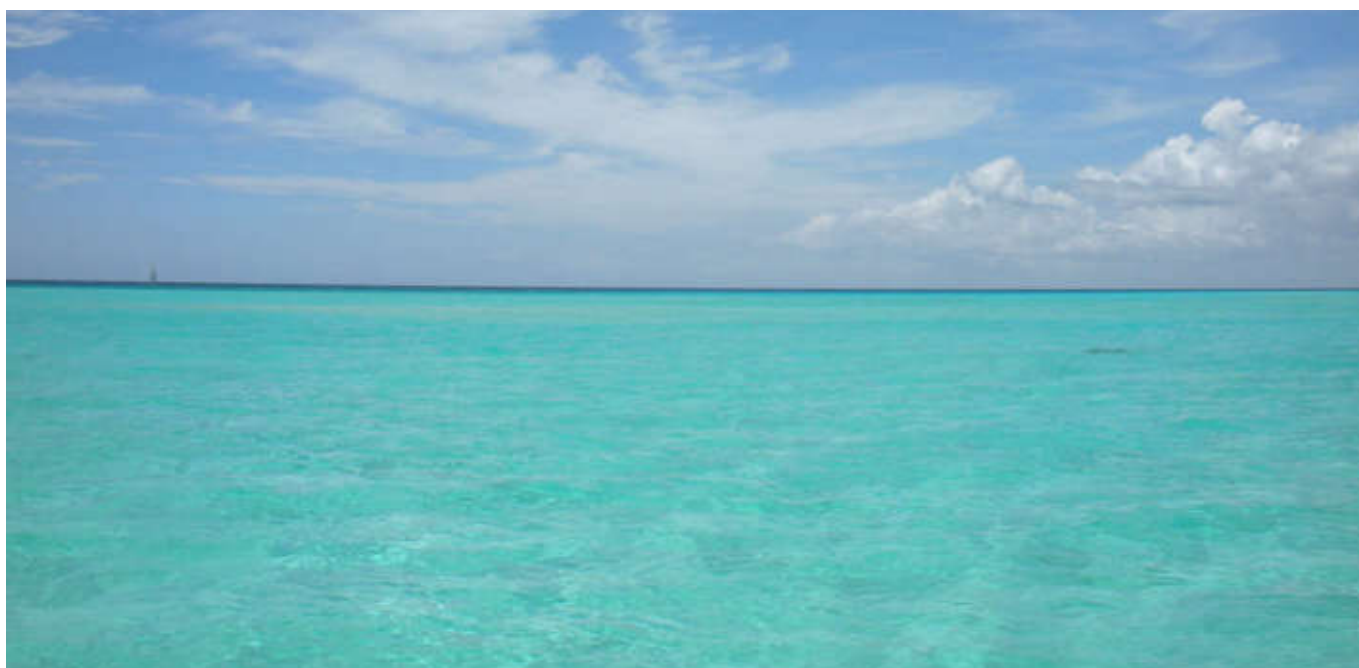
The blue economy visualization is low-carbon, efficient and clean. It is also an economy that is based on sharing, circularity, collaboration, solidarity, resilience, opportunity and interdependence (UNEP 2015).

Its growth is driven by investments that reduce carbon emissions and pollution, enhance energy efficiency, harness the power of natural capital - such as the oceans - and halt the loss of biodiversity and the benefits that ecosystems provide (UNEP 2013).

Blue growth, or environmentally sustainable economic growth on the seas, is a strategy of sustaining economic growth and job creation necessary to reduce poverty in the face of worsening resource constraints and climate crisis.

In many Caribbean territories the sea and its resources are a part of our common heritage and an important part of many cultures, whose beliefs and practices are closely associated with the marine and coastal environment. It cannot be any truer to state that we have a very special relationship with our sea and the health of our wellbeing and economy. In other words, there is a mutually inclusive relationship between the two.

How wonderful it is to be able to discover and observe the wonders of nature in our seas, to know that our communities can once again thrive on our seas without over exploitation of its resources?





# OUR BLUE-GREEN ECONOMY: THE CARIBBEAN SEA

*Continued ...*

Protecting and preserving our seas and the rich life below the surfaces are key to sustaining its critical market. Therefore, a transition must be made towards continuing to blue what is known as our green economy. Blueing the green economy is of itself a concept of ensuring sustainable development through sustainable activity. We do so by embracing and enhancing our environmental and coastal management capabilities. We must strive to ensure that we adequately protect our 'blue'. To do so, we must embark on environmental programmes and policies, engage with the youth and support schools and their awareness programmes, educate communities to protect and raise support for recycling major ocean pollutants, and re-socialise our people to change current fishing marine methods and practices.



The territories' governments must ensure that laws, plans, and policies are in place to prevent pollution and degradation. Still, we must remember that a collaborative approach is needed to protect our beautiful blue economy. Indigenous knowledge about the ocean and its resources must also contribute to this process. Only greater and continued education of all people, complemented by greater public awareness through the media, can change our unsustainable consumption and production patterns. This type of exposure provides people at all levels of education, particularly the youth of today and leaders of tomorrow, with the knowledge and skills needed to manage our seas and their resources sustainably.

We recognise that the judiciary in our territories has a vital role in the protection and preservation of 'our' environment. There are many instances through delivered decisions of Judges where the Courts have addressed critical environmental issues. Some of us recall the world congress on justice, governance and law for environmental sustainability. More than 150 judges, prosecutors, public auditors and enforcement agencies from some 60 countries, hosted by the UN Environment Programme (UNEP), quietly got together in Rio. The event marked a decade of progress since the global judges' symposium in Johannesburg in 2002, which spelled out for the first time in unequivocal terms the crucial role that judges have to play in interpreting and enforcing environmental law nationally and internationally.

*a collaborative approach is needed to protect our beautiful blue economy...*



## OUR BLUE-GREEN ECONOMY: THE CARIBBEAN SEA

*Continued...*

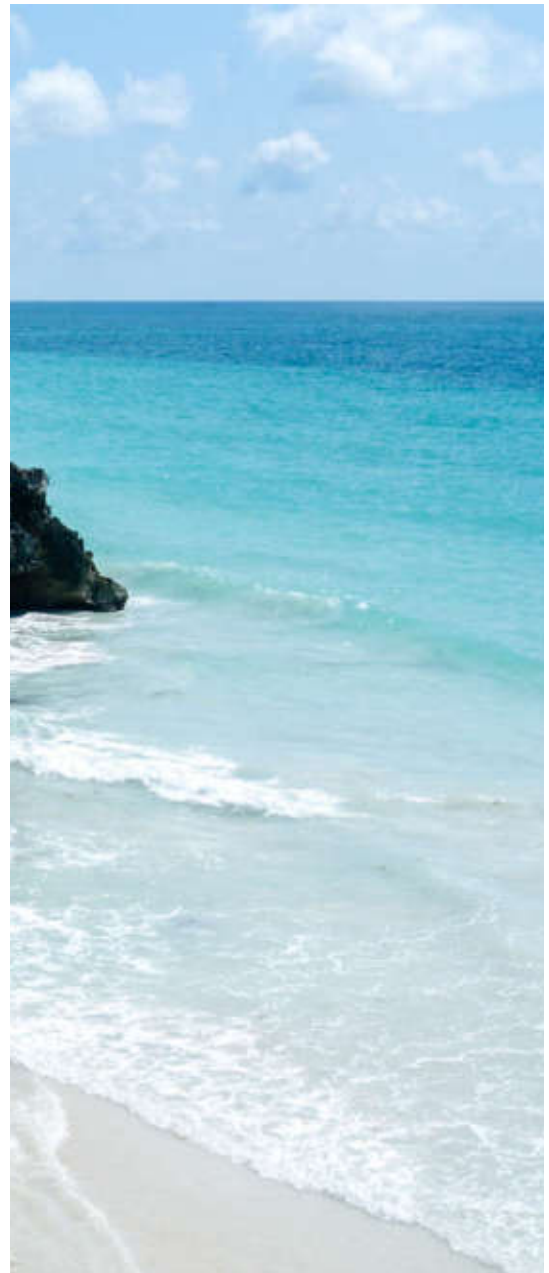
There is now widespread acknowledgement of an international "common law" of the environment based on sustainability and inter-generational equity principles. There is also expanded awareness of environmental issues among the judiciary and the development of specialist courts and tribunals in many countries. One need look no further than the Environmental Commission in Trinidad and Tobago, designated to be the premier environmental court in the region, setting the trend in environmental decision-making and the utilisation of case management methodology and court information technology.

Last but certainly not least, there are also smaller initiatives and programs that can be developed and promoted to highlight environmental awareness within the courts. These programs can and do include the court environs and the wider community, ranging from bringing a plant to work, beautifying court gardens and greenery. The volunteer outreach programmes around our beaches and coasts and in some territories may include the Courts adopting a part of a road or highway and planting flowers and shrubs to signify a commitment to the environment.

Let's celebrate together the beauty, wealth and the promise of our blue economy. Let us remember that the oceans are the lungs of our planet, providing the majority of the oxygen we breathe. We do acknowledge the right to life as a human right. One may have a hurdle to overcome in arguing, in my view, that the right to life does not include the right to a clean and healthy environment. This can be traced back to the 1948 UN Declaration on Human Rights and evolved with the 1972 Stockholm Principle 1, 1992 Rio Principle 1 and the 1998 Aarhus Convention. As Justice Winston Anderson of the Caribbean Court of Justice has noted:

*"Without environmental integrity, any reference to human rights is largely illusory."*

Keeping our marine and coastal environment healthy and pollution-free must therefore be the priority of everyone in this Caribbean family.



*Without  
environmental  
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illusory.*

# Fighting Invasive Species in TCI: Saving the Rock Iguanas

*Simon Busuttil*

*TCI Iguana Partnership Biosecurity Advisor*

*Turks and Caicos National Trust*

The Turks and Caicos National Trust (TCNT) was founded by Government Ordinance in 1992. Its particular purpose is to preserve the natural, historical and cultural heritage of the Turks and Caicos Islands. Its primary roles have been acquiring and managing sites such as Little Water Cay, Cheshire Hall, and Wade's Green Plantations, raising awareness, educating the public, and advising the government.

Across the world, the three most significant threats to biodiversity and, thus, our natural heritage are the direct destruction of habitats, the effects of global climate change, and invasive alien species (IAS). The latter are species of plants or animals that humans have introduced, either deliberately or accidentally, to areas where they are not native, which then go on to cause a problem for the native wildlife, and often, people.

IAS are particularly problematic for islands. Islands are hotspots of biodiversity. Isolated on islands, animals and plants have evolved into unique or endemic species, the most well-known of which, in TCI, is the rock iguana. TCI also has endemic species of other reptiles such as snakes and lizards and several species of plants such as the Caicos pine.

The most well-known invasive species in our islands is probably the Lionfish. From the Pacific, these fish were first reported in Caribbean waters in 2004. It is now probably too late to get rid of them. The best we can hope for is to encourage their hunting and encourage restaurants to find innovative ways of serving them!

*Over the past ten years, \$2.7 million has been invested in research and management of the Turks and Caicos Rock Iguana ...*

Given its mandate to conserve the Country's natural heritage, the National Trust in TCI is working within a partnership to increase the understanding and efforts directed at countering IAS in the TCI. This work focuses on protecting the TCI rock iguana, the most widely recognised animal species in TCI and which has been the subject of a hugely successful world-class conservation effort. Over the past ten years, \$2.7 million has been invested in research and management of the Turks and Caicos Rock Iguana by the European Union, UK Government, San Diego Zoo, the Pine Cay Homeowners Association and others. This has resulted in the species no longer being considered Critically Endangered (i.e. on the verge of extinction). Most of the work has focused on Little Water Cay ("Iguana Island") and adjoining Cays.



Top: Pine needles prevent vegetation from growing beneath the trees  
Bottom: Local plants such as sea grapes begin to reemerge as pine trees are cleared.

Photo Credits: Simon Busuttil



# Fighting Invasive Species in TCI: Saving the Rock Iguanas Contn'd

*Contn'd*

Four Invasive Alien Species are being tackled – cats, rats, green iguanas and Australian pines. Each requires a different approach.

Cats were introduced to Pine cay in 1973 when construction workers introduced them to the island whilst building the Meridian Club. A scientist John Iverson, studying iguanas on the island then, recorded the number of iguanas there falling from over 5,000 before cats to fewer than 30 in the years after they arrived. As Pine Cay is joined through Water Cay and Half Moon Bay, we were beginning to find the remains of iguanas on Little Water Cay, killed by cats. Cats were humanely removed from Pine, Water and Little Water Cays in 2019. Therefore, we should soon see an increase in the number and visibility of iguanas on the island.

Rats have been introduced worldwide since humans started moving between countries in ships. They have probably been in TCI since the 17th Century. They have affected the iguana population as they eat iguana eggs and babies. It is also believed they are interrupting the germination process of the fruit seeds and therefore reducing the food supply of iguanas. The rats on Pine, Water and little Water Cays are black or ship rats and can easily climb trees where they also eat nesting birds' eggs and young. National Trust and Pine Cay staff are reducing the number of rats through carefully targeted and controlled poisoning and are monitoring the results. There has already been an increase in the number of nesting birds on Little Water Cay.

Green iguanas are native to the forested areas of central and northern South America. They make popular pets and have been introduced to Florida, including Miami. These are big animals. An adult can be 1.2m long, and they can lay 60 eggs twice a year. By comparison, the TCI rock iguana lays just about 6 eggs once a year. In the forests where they live, most of the baby green iguanas would get eaten by the many predators there. By contrast, on islands with no natural predators, their numbers can rise to plague proportions. On Grand Cayman (about twice the size of Providenciales), the government has been forced to act and have, so far, killed 1.2 million green iguanas. There are still over 100,000 remaining, and it is expected that the control programme will have to continue indefinitely. The cost so far has been over \$8 million. Green iguanas devastate agriculture and landscape plantings, cause expensive and disruptive power outages and can cause damage to docks, roads and even runways through their burrowing. In addition, they can put pressure on local iguana species by spreading disease and through competition for food and suitable burrows



*Four Invasive Alien Species are being tackled – cats, rats, green iguanas and Australian pines. Each requires a different approach.*

Photo Credits: Simon Busuttill



## Fighting Invasive Species in TCI: Saving the Rock Iguanas

*Contn'd*

We have had a few green iguanas on TCI, particularly on Providenciales, and sightings are becoming more frequent. They are probably getting here in containers or shipments of bulk goods from Miami or the DR. Staff from DECR and TCNT and volunteers have caught and killed three so far in 2021. Others have escaped into the bush. A reporting hotline has been set up, and information materials are now being distributed, including in Creole, so people know what to look for. It will be far more cost-effective to prevent this damaging species from becoming established than dealing with it once it is. The number for reporting is (649) 344 8296.

Lastly, National Trust staff and volunteers are removing Australian pine or Casuarina trees from Half Moon Bay between Little Water and Water Cays. In the right places, Australian pine trees (often known locally as cedars) can be majestic trees providing shade and a place to put a hammock or picnic bench. However, when they fall, their leaves or needles create a thick blanket on the ground, preventing other plants from growing. Often this is not a problem, but on Half Moon Bay, the dense forest of trees prevents native plants such as sea-grape from growing. These native plants provide food and moisture for the rock iguanas, for which this place is a nature reserve. So it makes sense to remove them as part of the site's management to benefit the iguanas.

***The number for reporting  
Green Iguanas is  
(649) 344 8296***

*National Trust  
staff and  
volunteers are  
removing  
Australian pine or  
Casuarina trees  
from Half Moon  
Bay between Little  
Water and Water  
Cays. ...*







# Please Report Invasive Green Iguanas



**Green iguanas are not native to the Turks & Caicos Islands. They pose a serious threat to the endemic Turks & Caicos rock iguana and to our native and landscape plants. Please report any green iguanas you see to the Iguana Hotline: WhatsApp +1649 344-8296**

**Help us protect our unique flora and fauna!**



Photo Credit: Simon Busuttill

Invasive green iguanas have **dark bands on the tail** and a large round scale on the lower jaw. Not all



Photo Credit: Simon Busuttill



Photo Credit: Simon Busuttill

# ROLE OF THE IMMIGRATION DEPARTMENT IN PROTECTING OUR BORDERS

*By Derek Been,  
Director of Immigration*

Illegal immigration is probably the single most significant strategic risk to the long term viability of the Turks and Caicos Islands. These Islands face an ongoing illegal immigration crisis.

The broad mandate of the Immigration Department is **“to better protect the borders, economic, cultural and social being of the Turks and Caicos Islands by ensuring that only persons with legal rights to work, reside and visit are able to do so in accordance with the relevant laws.”**

## IMMIGRATION AND TCI'S TERRITORIAL WATERS

One of the Immigration Department's key challenges is illegal migrant landings on our Islands through our territorial waters.

Immigration Officers will process the illegal migrants, but it is actually officers of the Royal Navy, Customs Officers or Police Officers who board vessels whilst in the territorial waters of the Islands; be they landing lawfully or preparing to land in contravention of the Immigration Ordinance (s.60).

TCI's Beautiful by Nature calm, blue waters and generally good weather attracts our tourists - which is essential to our economy - but are also a key pull factor for illegal migrants, who can get here relatively easily by boat. These sloops, as they are colloquially called, carry smuggled people, drugs, guns and other contraband.

The economic fall out of illegal migration begins with the costs aligned with each person repatriated from an intercepted vessel. Which is approximately US\$1,300.00 per migrant being the cost of airfare, security, rations, etc.





# ROLE OF THE IMMIGRATION DEPARTMENT IN PROTECTING OUR BORDERS

*Continued ...*

TCIG has spent more than US\$10 million in repatriation over the past 5 years. This figure does not consider police, radar and other associated costs. On the other hand, those who land successfully and assimilate into the illegal community often become an added burden to the health and education sector in the short term, hence the need for constant removal.

Of the 1,187 persons repatriated from April through October 2021, 282 were removed from the Islands, while the remaining were removed from apprehended vessels. It is critical that the Department continues and intensifies efforts to remove over-stayers from the communities. During the Fiscal Years 2018/19, 2019/20 and 2020/2021, the following number of persons repatriated from the Islands due to land apprehension were: 654, 557 and 110, respectively, which represents twenty-five (25) per cent of the total number of 5,279 persons repatriated for the periods under review.

One of the challenges the Department faces is the allure of assisting illegal migration to criminals. The custodial sentences and fines currently stipulated in the Immigration Ordinance (2018 Revised) for the substantive offenders such as the boat captains and smugglers probably do not match the crime; nor act as a deterrent. As oftentimes the convicted captains are repeat offenders.



The deterrence is minimized as the business seems lucrative. The Immigration Department received information from interviews conducted that captains or vessel owners receive at least US\$1,000 per person for a voyage. The returns from a vessel with over 100 persons is therefore substantial.

Currently, the only charge available to people smugglers under the current iteration of our Immigration Ordinance is that of assisting illegal entry under section 105. The maximum penalty is a fine of \$20,000 or a 4 year imprisonment term, or both.

This punishment is not equal to the advantage that the smugglers take of people and the profit made off of people “*who need to escape poverty, natural disaster, conflict or persecution, or lack of employment and education opportunities, but do not have the options to migrate legally*” (<https://www.unodc.org/unodc/en/human-trafficking/migrant-smuggling/crime.html>). After a short stint in prison, the smugglers are able to quickly re-engage in their illicit trade.

*The punishment is not equal to the advantage ...*

# ROLE OF THE IMMIGRATION DEPARTMENT IN PROTECTING OUR BORDERS

*Continued ...*

In terms of the Immigration Department's efforts to curb vessel landing, we have been working with our main enforcement partners, the Royal Turks and Caicos Islands Police Force, Labour Department, Planning Department, Environmental Health, Public Health, Customs, Business Licence, United States Coast Guard and Commonwealth of the Bahamas Coast Guard. Our joint intelligence efforts are evolving, and we anticipate considerable success from this initiative.

TCIG hopes to soon sign a Ship Rider Agreement with the Bahamas on November 30, 2021, closing a critical maritime operational gap and providing additional coverage for the Islands.

Two of the Immigration Department's long-term objectives are to safeguard our economy by enabling, facilitating and managing lawful trade with necessary, legal, human capital; and to improve communication with the public, which this article seeks to do.

While there is constant discourse on the two objectives, economics and social aspect of illegal migration, there is less conversation on the cultural impact of illegal migration.

Like neighbouring Caribbean states, the Turks and Caicos Islands is located in a complex migratory environment and susceptible to the arrival of irregular migrants. Over the past five years, over two thousand persons have been repatriated from illegal interceptions, successful landings and apprehensions from daily compliance or planned operations.

While we appreciate that the continued economic growth of Islands remains a significant pull factor to immigration in general, and we are aware that many nationalities reside legally in the country, we remain cognizant of the need for balance in the makeup of persons permanently resident in these islands. This can be addressed strategically by policy and law. Yet, we still face those who continue to arrive as legal immigrants and become illegal over-stayers due to lapse in status granted upon arrival to the Islands. Those of Haitian nationality again disproportionately represent the single largest over-stayer group.

The TCI community is faced with an almost imminent "creolisation" of society. This is a source of anxiety and growing tension between Haitians and TC Islanders in particular.

Today in a population of approximately 40,000, it is conservatively estimated that Haitians make up about 40 per cent of that number.

One is left to wonder if that is the melting pot that we envisaged, or the one that we accidentally and involuntarily were given. Some even suggest that with this "incursion" there will be a full scale cultural takeover and TC Islanders being displaced in their native land in a few years.

Hence, our role to protect not only the economic, but also cultural and social heritage of these Islands.

*Similar to neighbouring Caribbean states, the Turks and Caicos Islands is located in a complex migratory environment and susceptible to the arrival of irregular migrants...*





# THE ROYAL TURKS AND CAICOS ISLANDS POLICE FORCE MARINE BRANCH (RTCIPF-MB)

*By Dexter Anthony,  
Police Constable, Marine Branch*

The Turks and Caicos Islands (TCI) is a British Overseas Territory which is an archipelago comprising forty (40) Islands and cays, ten (10) of which are inhabited.

The TCI occupies a landmass of 193 square miles and sits on top of the world's third-largest coral reef system. It is located approximately 106 nautical miles north of Haiti and the Dominican Republic, southeast of The Bahamas islands and approximately 575 nautical miles from Miami.

## ROYAL TURKS AND CAICOS POLICE FORCE PROFILE

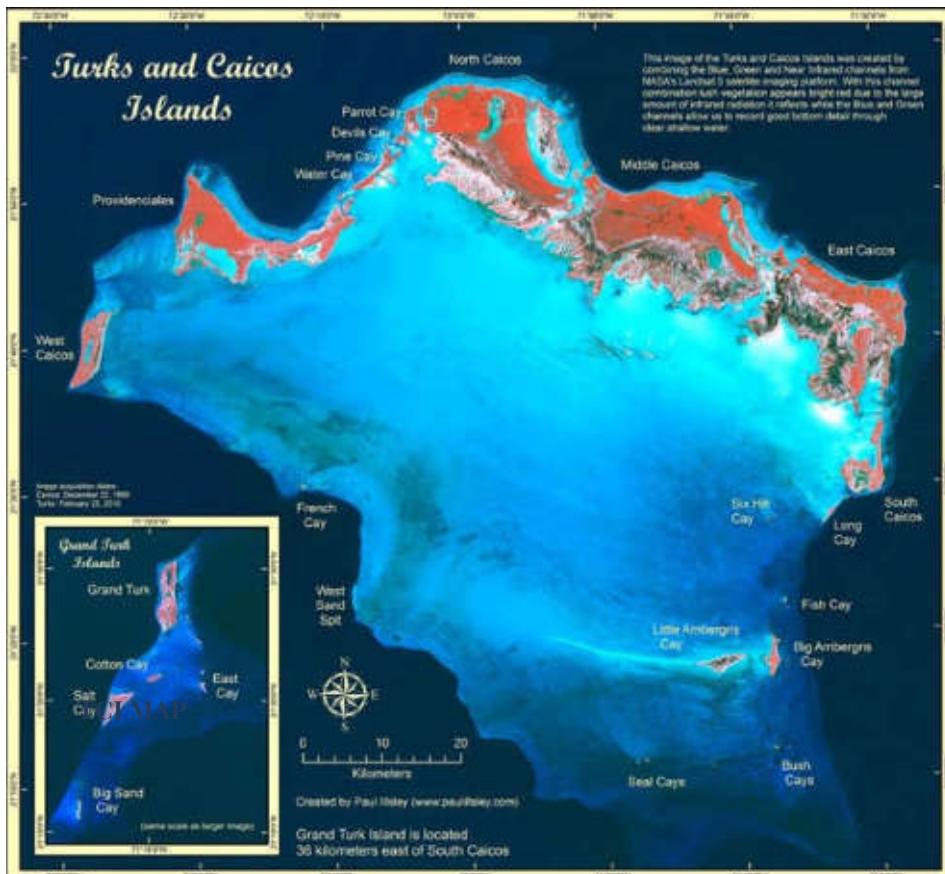
Having been established in 1799, it is said to be the oldest police force to date. With about 223 years of existence, many generations of both Turks and Caicos Islanders and expatriates have moved through the ranks, developing themselves to be prominent members of society.

On the other hand, as the islands develop, the vast number of uninhabited islands and coastlines in the TCI became an ideal location for illicit activities. This led to the establishment of the Marine Division within The Royal Turks and Caicos Islands Police Force (RTCIF) in 1981 by the TCI government. The division's primary functions were to respond to search and rescue (SAR) reports and to counter illegal fishing, migration, and drug trafficking.

## POLICE MARINE UNIT (PMU)

The RTCIPF is made up of two divisions with various departments. The Police Marine Unit (PMU) falls under The Crime and Specialists Operations Department headed by an Assistant Commissioner of Police (Assistant CoP), who is supported by a Superintendent, Assistant Superintendent (Marine Commander), and an Inspector (Deputy Marine Commander).

*The Police Marine Unit (PMU)  
falls under The Crime and  
Specialists Operations  
Department headed by an  
Assistant Commissioner of Police*





## THE ROYAL TURKS AND CAICOS ISLANDS POLICE FORCE MARINE BRANCH (RTCIPF-MB)

*Continued...*

The unit comprises two bases of operations; one in the capital Grand Turk and with the main base in Providenciales. It is operated with a staff of about twenty-one (21) officers and a fleet of two (2) vessels.

The PMU's mission is to protect the borders of TCI from illicit activities and respond to all water-related incidents and emergencies; conduct rescues and recoveries of persons and property from water. The unit provides responses operations within the territorial waters of TCI, which spans twelve (12) nautical miles from the baseline, and along creeks and streams to deter crime, encourage safe boating and promote water safety. These same functions are also carried out alongside other foreign agencies, including the United States Coast Guard, DEA, and The Bahamas Coast Guard through the Operation Bahamas Turks and Caicos (OPBAT) initiative.

### VISION STATEMENT:

*"To make the Turks and Caicos Islands a safe and secure country in which to visit, invest and live"*

### MISSION STATEMENT:

*"Working in partnership nationally, internationally and with our community to protect life and property, prevent and detect crime, and maintain the peace"*



SEA GUARDIAN (right) SEA PURSUIT (left)  
Photo Credit: RTCIPF SOCO Department



# THE ROYAL TURKS AND CAICOS ISLANDS POLICE FORCE MARINE BRANCH (RTCIPF-MB)

*Continued...*

To date, there has been the establishment of several other agencies and departments that provide coverage for border and maritime security, such as Customs, Immigration, the Department of Environment and Coastal Resources (DECR), Maritime, and The Coastal Radar Station.

In accordance with the force’s Vision and Mission Statement, border security remains the primary role of the PMU. The unit does so by enforcing the laws that govern the TCI and also supplementing other departments within the RTCIPF as well as other government departments/agencies and local partners.

The PMU serves as part of the national preparedness and response team after disasters and can be called upon to respond to emergencies 24 hours a day, 7 days a week.

As an essential department and the first line of defence in protecting TCI’s borders, the role of the officer carrying out these functions comes with very high risks. However, they remain dedicated and continue to work day and night tirelessly to ensure that the best is done with the resources available.

For the year 2021, the MPU has carried out several joint operations within territorial waters to deter and apprehend persons involved in illegal immigration and illegal fishing; breach of COVID-19 protocols, customs, and immigration regulation. With the efforts of the local law enforcement departments and the guidance of the Office of the Director of Public Prosecutions (DPP), the persons in the table below were prosecuted and sentenced.

The last quarter of 2021 has seen an increase in the number of local vessels being stolen. The motives are not known; however, it coincides with new methods of operations used in the illegal migration trade. **Boat owners are asked to properly secure and use the necessary surveillance and tracking equipment/devices to monitor and keep track of vessels at all times. Keep records, photos, and serial numbers of all equipment and property onboard vessels.**

*As an essential department and the first line of defense in protecting TCI’s borders the role of the officer carrying out these functions comes with very high risks...*

Vessels and Migrant Interceptions				Illegal Fishing Interceptions			
2020		2021		2020		2021	
Migrants				Poachers			
Male	1322	Male	1002	Total	32	Total	19
Female	306	Female	297	No. of Ves	7		5
Children	13	Children	11				
Total	1641	Total	1310				
No. of Vessels	17		16				





## THE ROYAL TURKS AND CAICOS ISLANDS POLICE FORCE MARINE BRANCH (RTCIPF-MB)

*Continued...*

### FUTURE PLANS, DEVELOPMENT AND TRAINING

The COVID-19 pandemic has slowed the progress of many initiatives. However, the PMU continues to invest and train its staff. The recently concluded Boarding and Rummage training, which involved officers from various departments of border security, stand as a testament for further collaborations and skill-sharing; thus, strengthening our ability to combat and detect illicit activities and improve joint operations.



### POLICE, BORDER OFFICERS, IMMIGRATION, CUSTOMS

**Photo Credit: Marine Constable Kareem Jack**

As a unit, we continually strive to increase surveillance capabilities and patrol TCI's borders. With the support of The Turks and Caicos Islands Government, the Unit aims to update its surveillance and monitoring systems, increase its staff numbers and vessel fleet.

Partnership with local stakeholders will continue with the aim to promote boat safety, security, and educate seafarers of the risks involved on the open seas and look encourage the creation of a boat owner association/ group to share information. We will endeavour to work alongside agencies that educate contacts or victims of the illegal migration trade on the many risks involved.

## BOATING SAFETY TIPS

### QUICK TIPS

#### **Follow a departure checklist.**

- Always wear a life jacket.
- Avoid alcohol.
- Be especially careful on personal watercrafts.
- Children younger than age 13 must wear a U.S. Coast Guard approved PFD while underway.
- Enroll in a boater education class.
- Don't overload your boat.
- Operate at a safe speed.
- Always have a passenger serve as a lookout in addition to the operator.
- Watch out for low water areas or submerged objects.
- Check operation/ status of safety, distress, radio equipment communication devices (VHF Radio, cellphone)
- Be weather-wise,
- Check engine and fuel status,
- Create a passage plan and always tell someone of it. (Times of departure and return and destinations)

#### **Always wear a Personal Flotation Device (PFD) or Life Jacket**

- Most boating fatality victims were found (recovered) NOT wearing a PFD.
- Always carry extra PFD's in both adult and child sizes.
- Children younger than 13 years old must wear a PFD while underway.

#### **Avoid Alcohol**

- The probability of being killed in a boating accident doubles when alcohol is involved.
- Operating a boat under the influence is just as dangerous as driving a car after you've been drinking





# THE ROYAL TURKS AND CAICOS ISLANDS POLICE FORCE MARINE BRANCH (RTCIPF-MB)

*Continued...*

## BOATING SAFETY TIPS

### QUICK TIPS

#### **Enroll in a Boater Education Course**

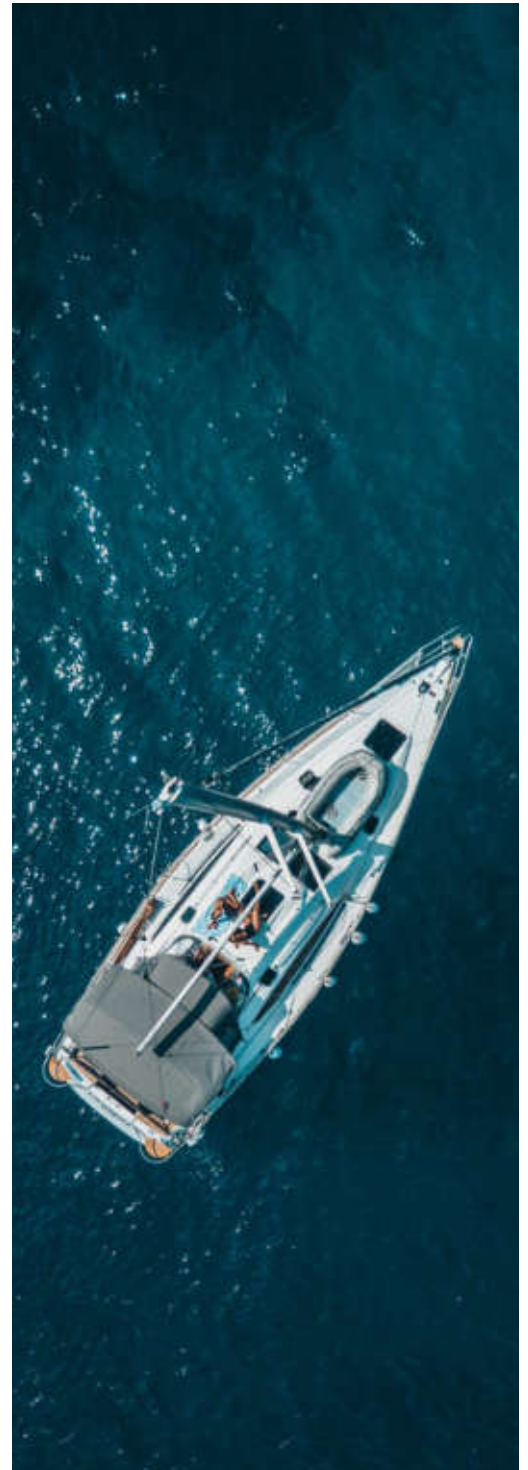
- It's a good idea for the whole family to enroll in a boater education course.
- A majority (52%) vessels involved in boating accidents are operated by persons 26-50 years of age.

#### **Be Especially Careful On Personal Watercraft (PWC)**

- PWC operators and passengers must wear a U.S. Coast Guard approved PFD.
- Before you borrow or rent a PWC, take the time to learn how to operate the vessel and the rules of the waterway.
- Obey the 50-foot rule! Maintain a 50-foot distance from other PWC's, vessels, persons, shore, or stationary platform or other objects unless operating at headway (idle) speed.

#### **Operate at a Safe Speed**

- Although there are no numerical speed limits on the water, citations may be issued for excessive speed or reckless operation. Use common sense, and operate at a safe speed at all times – especially in crowded areas.
- Excessive speed is a rate of speed greater than is reasonable or prudent without regard for conditions and hazards or greater than will permit a person to bring the boat to a stop within the assured clear distance ahead.



# THE MARINE POLLUTION ORDINANCE, EXPLAINED

*Answers adopted by Walter Hanchell,  
Senior Port Facility Security Officer,  
Ports Authority*

## 1/ Is my boat required to have a WC and holding tank?

Yes, unless your boat falls within the exception described below.

Section 18(2) requires an existing ship to be fitted with a toilet and a holding tank connected to a toilet unless the owner can show under section 18(5) that the ship is unsuitable to be fitted with a holding tank or is equipped with a sewage treatment plant. Further, the Ordinance requires any new ship to be designed with a WC and holding tank.

The Ordinance defines a ship, at section 2, as “a vessel of any type whatsoever and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms; and includes an aircraft when it is on the surface of the water.”

**If this rule is not followed, the sentence on conviction is a fine of up to \$50,000 or imprisonment for one year or to both.**

## 2/ Can I dump my sewage in the water?

Whether the boat is large or small, you are not allowed to discharge sewage from the ship into the marine environment unless such was necessary to save life or in accordance with procedures set out by the regulations: section 17.

**If this rule is not followed, the sentence on conviction is a fine of up to \$100,000 or imprisonment up to 5 years or both, plus the cost of clean up.**

## 3/ Can I throw my garbage overboard?

No.

The Ordinance defines garbage in section 20 as solid galley waste, paper, rags, plastics, glass, metal, bottles, crockery, junk and other kinds of domestic waste as well as operational waste (other than fresh fish and parts of fish), generated during the normal operation of the ship and liable to be disposed of continuously or periodically.

You are not allowed to discharge garbage from the ship into the marine environment unless such was necessary to save life or in accordance with procedures set out by the regulations: section 21.

**If this rule is not followed, the sentence on conviction is a fine of up to \$50,000 or imprisonment for one year or to both.**

## 4/ Where can I paint my ship?

On land, away from the water.

Section 61 of the Ordinance requires that no painting shall be performed in the marine environment for ship maintenance on the exterior areas of the ship where paint or debris might spill into the water without permission from the Director.

**If this rule is not followed, the sentence on conviction is a fine of up to \$5,000**



# THE FISHERIES PROTECTION ORDINANCE, EXPLAINED

*Answers adopted by Kathy Lockhart,  
Assistant Director, Fisheries  
Fisheries and Maritime Resource Management*

## 1/ Do I need a licence to fish?

Yes.

Regulation 4(1) of the Fisheries Protection Regulations requires a licence to take any marine product from TCI waters.

Section 2 of the Fisheries Protection Ordinance defines marine product as any fish, aquatic animal (including turtles, sharks, dolphins, shellfish, molluscs, sponges) and vegetable matter.

By regulation 4(2), there is an exception for Turks and Caicos Islanders who may not require a licence (except during any closed season for that particular marine product or by a prohibited form of fishing) to remove marine product from marine waters for their own pleasure or recreation or for consumption in his home.

A Commercial Fisherman's Licence (see regulation 6(g)) allows the holder to engage in commercial fishing and to sell marine products caught.

### Cost of the licence:

Residents other than Islanders \$80

Visitors \$750

A Sport Fishing Licence (see regulation 6(h)) is described in more detail below.

**If these rules are not followed, the sentence on conviction is a fine of up to \$50,000 or imprisonment up to 12 months.**



## 2/ Does my commercial fishing boat also have to be licensed?

Yes.

Any boat used for commercial fishing, even if that boat is chartered out to someone else, must have:

a/ an Access Agreement Licence: for commercial fishermen, who are not Turks and Caicos Islanders, and commercial fishing vessels which are not owned or operated by Turks and Caicos Islanders, operating within the fishery limits, which is the licence required under regulation 6(1)(e); or

b/ a Commercial Fishing Vessel Licence: these are issued only to Turks and Caicos Islanders and authorize the use of a particular vessel for commercial fishing by the holder of a commercial fishermen's licence in any area of the fishery limits other than the Mouchoir Bank. This particular licence is required under regulation 6(1)(i). The licensed vessel may not be used for hire or reward unless there is an Islander aboard at all material times: regulation 30(2)

**Cost of the Commercial Fishing Vessel Licence** (valid from date of issue to the 31st day of July next):

Boats not exceeding 20ft

\$70 Local Owned

\$4,000 Foreign-Owned

Boats exceeding 20ft but not exceeding 30ft

\$250 Local Owned

\$6,000 Foreign-Owned

Boats exceeding 30ft

\$350 Local Owned

\$8,000 Foreign-Owned

Regulation 5(4) requires the number of the fishing licence to be displayed in a prominent place on the boat.

**If these rules are not followed, the sentence on conviction is a fine of up to \$50,000 or imprisonment up to 12 months or both.**

# THE FISHERIES PROTECTION ORDINANCE, EXPLAINED

*Continued ...*

### 3/ Does my sportfishing boat have to be licensed?

Yes.

Any boat used for sport fishing, or the captain/master of any boat used for sport fishing, must have:

a/ a Sports Fishing Charter Vessel Licence: authorizing the use of a particular vessel for hire or other reward by persons fishing for sport in any area of the fishery limits other than the Mouchoir Bank required under regulation 6(1)(j);

**Cost of Sport Fishing Charter Vessel Licence** (valid from date of issue to the 31st day of July next):

Boats not exceeding 20ft

\$400

Boats exceeding 20ft but not exceeding 30ft

\$600

Boats exceeding 30ft

\$1,000

or

b/ a Sport Fishing Licence, authorizing the holder to engage in fishing in any area of the fishery limits and allows the holder to retain one day's fishing for consumption not exceeding 10 pounds; to retain one fish of unlimited size as a trophy, and to release alive marine product that exceeds the limit. This licence does now allow fishing in the Mouchoir Bank and requires that the catch must be reported to the DECR within 7 days. This licence is required under regulation 6(1)(h). You cannot sell any marine product taken while fishing for sport: regulation 25.

**Cost of Sport Fishing Licence** (valid from date of issue to the 31st day of July next):

Residents other than Islanders: \$60

Visitors: \$30

Regulation 5(4) requires the number of the fishing licence to be displayed in a prominent place on the boat.

**If these rules are not followed, the sentence on conviction is a fine of up to \$50,000 or imprisonment up to 12 months or both.**

### 4/ Does my ordinary fishing boat have to be licensed?

Yes.

Any boat used for fishing must have an Ordinary Fishing Vessel Licence authorizing the use of a particular vessel for fishing other than commercial fishing and other than for hire or reward by persons fishing for sport in any area of the fishery limits other than the Mouchoir Bank, as required by regulation 6(1)(k).

There is an exemption from this rule if the boat already has an Access Agreement Licence, a Commercial Fishing Vessel Licence, or a Sports Fishing Charter Vessel Licence; or if the boat will be in the TCI for less than 1 month.

**Cost of Ordinary Fishing Vessel Licence** (valid from date of issue to the 31st day of July next):

Boats not exceeding 20ft

\$30 Local Owned

\$150 Foreign-Owned

Boats exceeding 20ft but not exceeding 30ft

\$50 Local Owned

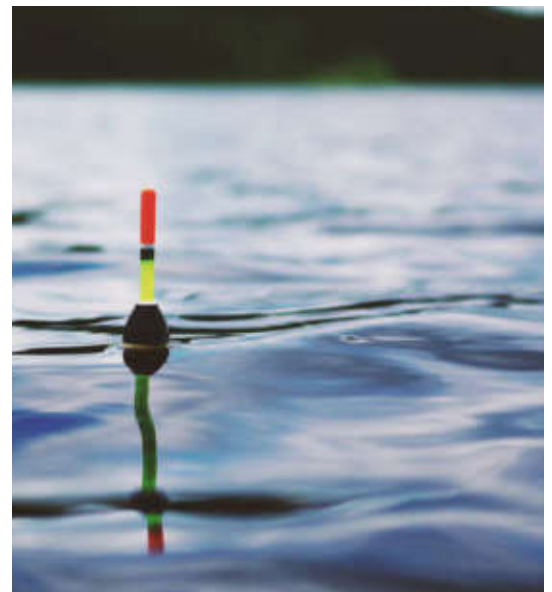
\$200 Foreign-Owned

Boats exceeding 30ft

\$75 Local Owned

\$300 Foreign-Owned

**If these rules are not followed, the sentence on conviction is a fine of up to \$50,000 or imprisonment up to 12 months or both.**





# THE FISHERIES PROTECTION ORDINANCE, EXPLAINED

*Continued ...*

## 5/ How do I apply for these licences?

Except for a Commercial Fisherman's Licence, an application for these licences is made by completing the form contained in Schedule 2 of the Fisheries Protection Ordinance. The form may be found at internal page 59 of the Ordinance. See what the form looks like by following this link: <http://online.fliphtml5.com/fizd/ppqo/#p=36>

To get a hard copy of the various forms, persons may visit the various Fisheries and Marine Resources Management locations in Providenciales, South Caicos and Grand Turk. Payment for the various licences is accepted only at the Treasury. Once a receipt is obtained from the Department of FMRM, the receipt can be taken to the Treasury for payment and returned to the Department for issuance of the licence.

On an accurate, complete application, most licences will be issued within the same day. The Foreign Fishing Assistant Licence application will take more time, as it requires the Fisheries Advisory Committee to meet.

For a Commercial Fisherman's Licence, if the applicant is not a Turks and Caicos Islander, regulation 7(3)(c) requires that the applicant submit a valid work permit, a National Insurance Card, a completed request for assistance form, a completed assistance form and 2 recent photographs.



A permanent residence certificate and card if the applicant is a permanent resident. The request for assistance form is set out at Schedule 5 of the Fisheries Protection Ordinance. The form may be found on internal page 77 of the Ordinance and can be viewed by following this link: <http://online.fliphtml5.com/fizd/ppqo/#p=36>

## 6/ What methods of fishing may I use?

Hook and line fishing with a baited hook is currently allowed.

Longline fishing is not allowed. Longline fishing is a type of pelagic fishing, and there is a separate license required for pelagic (deep-sea) fishing in the Turks and Caicos Islands (pelagic, in relation to fish species that are migratory in nature, includes the various species of tuna, billfish, oceanic shark, wahoo and mahi-mahi. Pelagic fishing means fishing activities specifically designed to target pelagic fish)

You may also fish with a cotton net with a mesh size of 1.25 inches or 3.25 inches or greater. Gill nets are not allowed. The net must not be left unattended, nor should it cross tidal channels: regulations 27(1), (2)

Wire mesh of minimum hexagonal size 1.5 inches; or rectangular size 1 inches x 2 inches is allowed: regulation 28(1)

Fish traps with a panel that will deteriorate within 6 weeks; fish pots and traps which are registered with DECR and are conspicuously marked with the Commercial Fisherman's Licence; must be checked within 48 hours; and unless in possession of a commercial trap fishing vessel licence, no more than 20 pots/traps shall be employed regulations 28(2), (3), (5-7)

# THE FISHERIES PROTECTION ORDINANCE, EXPLAINED

*Continued ...*

## 7/ What methods of fishing are banned?

**No** explosive, poison or noxious substance (unless in self-defence of an attack from a marine animal) when fishing (regulation 9(1)(a)). Noxious substances include bleach, dogwood and quicklime (r9(1)(b)).

**No** scuba equipment or any artificial breathing device other than a snorkel when taking marine products unless your fishing licence specifically allows you to so do (regulation 9(1)(c)).

**No** Hawaiian sling for the taking of marine product, unless you have a commercial fishing licence which permits you to so do, or you have a lionfish licence which permits you to so do (regulation 9(1)(d)).

**No** net or trap with intent to take any species of marine product in any part of the area known as Bell Sound, bounded on the North by a line running in an easterly direction from Horse Cay to Sail Rock Point (regulation 9(1)(e)).

**No** fish aggregating device without permission from the Minister (regulation 34(1))

**No**, you are not allowed to have a spear gun or a gill net in your possession when fishing (regulations 9(1)(f), (g))

**No**, you are not allowed to throw food in the water to feed or attract or harvest any marine life without permission (regulation 9(1)(h))

**No**, you are not allowed to break, remove or cause damage to any coral reef or marine plant within the fishery limits of the TCI (regulation 9(1)(i)).

**If these rules are not followed, the sentence on conviction is a fine of up to \$50,000 or imprisonment up to 12 months or both.**

## 8/ Are there fishing seasons?

Yes.

Crawfish (including lobster): No fishing for crawfish from 1 April to 31 July inclusive: regulation 12(1). Where the 1 April is a Good Friday or a Sunday, the close season shall commence 31 March: regulation 12(6). Where the 1st day of August is a Sunday, the close season shall end on midnight on that day instead of 31 July: regulation 12(7).

Nassau Grouper: no fishing for Nassau Grouper from 1 December to 28 February inclusive: regulation 12(2). See more information on the Nassau Grouper here: (<https://www.fisheries.noaa.gov/species/nassau-grouper>)

Stone Crab: no fishing for Stone Crab from 1 June to 15 October inclusive: regulation 12(3).

No buying of crawfish, Nassau Grouper or Stone Crab during the close season for that species regulation 12(5)(b).



# THE FISHERIES PROTECTION ORDINANCE, EXPLAINED

*Continued ...*

## 9/ Are there limitations on the size of crawfish (including lobster) I can catch and how I can catch them?

Yes.

Crawfish: you are not allowed to fish for crawfish smaller than 3.25 inches measured from the front of the groove between the horns directly above the eyes, along the middle of the back to the back shell or 5 oz.: regulation 14(2)(a)

You are not allowed to take any crawfish by using a device that may wound or kill them; or one that is carrying eggs: regulations 15(1)(a),(b), (c). You know that a lobster is carrying eggs as under its tail, you will see the clusters of eggs. A picture of an egg-carrying lobster can be viewed here: <https://www.thoughtco.com/distinguish-male-lobster-from-female-lobster-2291789>

You are required to keep the crawfish in whole condition until they are sold/processed: regulation 15(3).

The master of any boat fishing for crawfish is required by the law to carry a measuring gauge on his boat regulation 14(4).

## 10/ Are there limitations on the size and type of Stone Crab I can catch?

Yes.

You are not allowed to catch a female Stone Crab or any Stone Crab, the claw of which measures less than four inches in length: regulation 20. A short video explaining the physical differences between a male and female stone crab can be viewed here: <https://www.youtube.com/watch?v=orDyJJa1m7k>

## 11/ Are there limitations on the type and size of conch I can pick up?

You are not allowed to pick up conch smaller than 7 inches measured from the spiral tip to the foremost edge; and where the conch meat, when removed from the shell and the digestive gland is removed, is under 8oz; and a conch fillet is a minimum weight of 4oz.: regulation 14(2)(b).

Export of queen conch is not allowed from 15 July to 15 October every year: regulation 18(1).

The master of any boat looking for conch is required by the law to carry a measuring gauge on his boat: regulation 14(4).

## 12/ Are there limitations on the size of turtles I can catch and how I can catch them?

Yes.

You may not catch a hawksbill turtle or a green turtle that is smaller than this: a minimum curved shell measurement of 18 inches (or 1 ½ feet) in length: regulation 14(2)(c)(i), (ii).

See more information on the Hawksbill Turtle here:

<https://www.fisheries.noaa.gov/species/hawksbill-turtle> . See more details on the Green Sea Turtle here: <https://www.nwf.org/Educational-Resources/Wildlife-Guide/Reptiles/Sea-Turtles/Green-Sea-Turtle>

You are not allowed to take a turtle at any beach or place above low water mark; collect, buy or sell any turtle eggs; or keep any turtle in captivity: regulation 17(1)(a),(b),(e).

The master of any boat fishing for turtle is required by the law to carry a measuring gauge on his boat: regulation 14(4).



# THE FISHERIES PROTECTION ORDINANCE, EXPLAINED

*Continued ...*

## 13/ Are there species of turtle that I am banned from catching?

Yes.

Regulation 17(1)(c) states that you are not allowed to fish for Kemp's Ridley Turtles. See more information on Kemp's Ridley Turtles here: <https://www.fisheries.noaa.gov/species/kemps-ridley-turtle>

Regulation 17(1)(c) states that you are not allowed to fish for Leatherback Turtles. See more information on Leatherback Turtles here: <https://www.fisheries.noaa.gov/species/leatherback-turtle>

Regulation 17(1)(c) states that you are not allowed to fish for Loggerhead Turtles. See more information on Loggerhead Turtles here: <https://www.fisheries.noaa.gov/species/loggerhead-turtle>

Regulation 17(1)(c) states that you are not allowed to fish for Olive Ridley Turtles. See more information on Olive Ridley Turtles here: <https://www.fisheries.noaa.gov/species/olive-ridley-turtle>



## 14/ Are there limitations on the size of Nassau Grouper I can catch?

Yes

If you have a Sport Fishing Licence, you may not catch a Nassau Grouper that is smaller than 21 inches long: regulation 14(2)(d)(i).

If you have a Commercial Fisherman's Licence, you may not catch a Nassau Grouper that is smaller than 17 inches long: regulation 14(2)(d)(ii).

## 15/ Are there limitations on the size and type of Snapper I can catch?

Yes.

You may not catch a Snapper smaller than 7 inches long. Excluding deep-water red and black snapper: regulation 14(2)(e)

## 16/ Are there limitations on the size of Bonefish I can catch?

Yes.

You may not catch a Bonefish that is smaller than 20 inches long: regulation 14(2)(f)

## 17/ Are there any marine products I am banned from fishing?

Yes.

No parrot fish: regulation 19

No shark or ray for commercial purposes: regulation 21

No sea cucumber: regulation 22

No finfish from any spawning aggregation (that is, a group of fish of the same species that are gathered together for the purpose of spawning) except for mutton snapper: regulation 23

No marine mammals: regulation 26



## Writer's Nook, a poem

### *Storms Called Life*

Thinking back on September 12, 1988  
and all the hurricanes since that date  
causing chaos; a devastating effect –  
Families picking up the pieces after the wreck.

Today I reflect on the storm we face called Life.  
Whether a sprinkle or downpour; its lessons rife  
with excessive precipitation called fear,  
sometimes weakening our judgment; our paths unclear.

The clouds of doubt they hang so low,  
Making the feeble unable to grow,  
An unstable structure which will not stand;  
The foundation being sucked in by quicksand.

What about the emotional storms?  
They are like cyclones, quite out of the norm;  
The internal atmospheric pressure,  
Hardly a human dropsonde the data can measure.

These are the storms that pose a threat  
to the steps on life's journey, some riddled with regret;  
A mental tornado draining all resolve,  
A weight so heavy, we can hardly move.

Though storms are inevitable; soon they will pass;  
There are brighter days ahead; just check the forecast.  
Keep clearing the debris the tornado has left behind,  
And very soon, there will be peace of mind.

No matter how hard the gales will blow –  
There's one sure thing we all should know;  
Be steadfast; be resolute, and we're bound to see  
the rainbow; it's a guarantee.

Barbara McKenzie  
September 2021



Barbara McKenzie is the Court Reporter at the Turks and Caicos Islands Judiciary. She moved to the TCI at the end of 2017 from her homeland of Jamaica.