

EU-ACP FISHERIES AGREEMENTS

The implementation challenge

A member of the Environmental Justice Foundation documents illegal fishing in Sierra Leone

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EU-ACP fisheries agreements have been reformed under the new European Common Fisheries Policy. Resource sustainability, good maritime governance and local fisheries development are the key elements. The agreement signed between the European Union and Mauritania was the first of its kind and a test case.

The European Union (EU) imports 60% of all fisheries products consumed across the continent, making it the world's largest market. Historically, the creation of international exclusive economic zones prompted the EU to negotiate fisheries agreements with developing countries - particularly ACP countries - to ensure access of its fleets to these resources. Fourteen fisheries partnership agreements (FPAs) are presently in force, 11 of which concern tuna and three other fish species. After heavy criticism, the agreements were remodelled during the reform of the Common Fisheries Policy (CFP) in 2002. In addition to other features, the partnership concept was introduced and substantial improvements made.

However, challenges remain, the most significant being financial. In exchange for financial compensation, poor developing countries are more or less forced to accept the intrusion of foreign fishing vessels that - according to scientists and local fishing communities - should not be in their waters. Overfishing ensues. Béatrice Gorez, coordinator of the Coalition for Fair Fisheries Arrangements, points out however that it is the attitude of fishing companies, not the fisheries agreements, which leads to overexploitation of fisheries resources. Senegal is a prime example. Following a breach of the memorandum of understanding in 2006, some 40 European trawlers immediately relocated and took up the Senegalese flag, which meant they continued overfishing but without offering any financial compensation.

The second challenge relates to 'value for money', says Gorez. In the framework of fisheries agreement negotiations, the European Commission has always sought to clinch maximum catch volumes in exchange for the lowest possible financial compensation. This attitude may seem at odds with the United Nations Convention on the Law of the Sea, which states that only catch surpluses can be negotiated with foreign fleets.

To find out more

CFFA
Coalition for Fair Fisheries Arrangements

<http://www.cape-cffa.org/?lang=en>

CTA
Agritrade
<http://agritrade.cta.int/Fisheries>

European Commission
Green paper: Reform of the Common Fisheries Policy
<http://tinyurl.com/ow6pkj>

Directorate-General for Maritime Affairs and Fisheries
http://ec.europa.eu/fisheries/index_en.htm

Greenpeace
The plunder of a nation's birthright. The fishing license scandal: a drama in five acts
<http://tinyurl.com/q7gqx54>

SSNC - Swedish Society for Nature Conservation
To draw the line: EU fisheries agreement in West Africa
<http://tinyurl.com/o8ga5z3>

Improving knowledge for

Finally, although there has long been a lack of transparency in agreement negotiations and implementation, pressure from NGOs has led to significant progress towards greater transparency, especially with the publication of agreements and ex-ante assessment findings.

Testing the EU-Mauritania Fisheries Partnership Agreement

The EU has responded to overfishing by reforming the CFP, which came into force in 2013. According to FAO, 57% of global fish stocks are exploited to the maximum, while 13% are overexploited. Brussels has fully integrated these concerns in the new FPAs, renamed sustainable fisheries agreements (SFAs). The pilot SFA signed between Mauritania and the EU in July 2012 integrates two key concepts to counter these concerns - resource access based solely on surpluses, and negotiation transparency with full stakeholder participation. Fishing opportunities are also gradually being freed from financial contribution obligations.

There is heated debate in Europe on this EU-Mauritania Fisheries Partnership Agreement. According to Gorez, European fishing companies have been highly reluctant since they have been forced to stay out of Mauritanian waters, and they generally refer to it as the 'non-access agreement'. For Gorez, the key feature of the agreement is that Mauritania has accepted that the conditions imposed on European fleets also apply to other foreign fleets. The sustainable fisheries principles underlying the SFA thus apply de facto to Chinese, Russian and European vessels operating under private licenses.

These are indeed major advances, but they still have to be applied. The SFA signed with Mauritania will be a good test. This agreement, endorsed with only a slight majority by the EU Council of Ministers, was subsequently rejected by the European Parliament Fisheries Committee. Despite opposition from some members, the fisheries protocol was finally adopted by the European Parliament in early October 2013.

Another key issue concerns the capacity of some ACP countries to sustainably manage and control their fisheries. This is crucial since small Pacific islands with sparse resources have to manage an impressive area within a 200 nautical mile radius. The collection and recording of catch data is another sensitive issue; a difficult task for offshore fishing fleets but also with respect to small-scale fishermen's landings. On this latter point, there is a multiplication in landing sites, while local fisheries resources are also sometimes underestimated for the purpose of negotiating more substantial licenses with foreign countries.

The regionalisation issue

Much to the regret of ACP countries, fisheries agreement

more effective management

Fisheries management is a major issue for most of the 15 Pacific Island countries. Fisheries resources are essential to the economies of these states in terms of employment, financial income, industrialisation and food security. Population growth, overfishing and climate change pose a real threat, which could be overcome through more efficient management, but not without access to sound information.

This challenge is addressed by the Scientific Support for the Management of Coastal and Oceanic Fisheries in the Pacific Islands Region (SciCoFish) project.

Funded by the EU and managed by the Secretariat of the Pacific Community, the 4 year project aims to gather reliable and regularly updated scientific data. This involves training observers, while strengthening national fisheries databases and modelling bioeconomic parameters, all of which should help facilitate negotiations between the EU and Pacific Island countries on fisheries agreements.

The results so far - according to the independent assessment

negotiations are still conducted on a strictly bilateral basis for African countries, unlike those under way for Pacific countries. If grouped under regional negotiations, African countries would have more weight, particularly on issues of common interest, such as controlling illegal, unreported and unregulated fishing, research and fisheries management.

The harmonisation of resource access conditions is also a priority. For instance, sharks are included in the fisheries agreement signed with Madagascar, whereas they are not considered in the Mauritius agreement. “The solution would be to set up a regional framework with harmonisation of access conditions. This is not incompatible with the signing of bilateral agreements reflecting specific local situations,” says Gorez. Moreover, greater consistency between the different EU initiatives (trade, development, etc.) regarding fisheries in a given region should be given priority, she continues. This suggests that greater synergy is necessary between the EU Directorate-General for Maritime Affairs and Fisheries and the Development Directorate.

“A new fisheries legislation has been drawn up and should now be implemented, but that is extremely difficult,” Gorez concludes, particularly with respect to European vessels fishing outside areas covered by SFAs. Progress has been achieved, however, as the responsibilities attached to good governance and sustainable fisheries are now shared among different stakeholders, including coastal countries, flag states and importing countries.

conducted by Poseidon Consultants - have been quite satisfactory. Overall, SciCoFish enables Pacific Island countries to manage their fisheries more effectively by enhancing knowledge and expertise and providing access to reliable data.

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