

European Fisheries Development Advisors Network (EFDAN):

Vision Paper

on core elements of Fisheries Partnership Agreements in the reformed EU Common Fisheries Policy

About EFDAN

In the 1980s, the European fisheries development advisors met for the first time, in Brussels. The main purpose of the meeting was to establish a network of fisheries development experts in the EU Member States and neighbouring countries, in order to exchange information and expertise and to strengthen European co-operation in the field of international fisheries development co-operation. This objective is still valid. Over the last decade, the meetings of EFDAN have become a more open international forum, gathering not only national development agencies and ministries, but also multilateral organisations, including the European Commission, development banks, knowledge institutions and civil society. The focus is still on international co-operation in support of fisheries development and management in developing countries. The network's website (<http://www.cofish.org/>) was originally created in support of the Fisheries Development Advisors' meeting of 2008, but has developed into an inter-active knowledge platform combining existing information networks and partner institutions working in the fisheries sector, primarily in West Africa.

The network meets regularly (approx. once a year) to discuss and exchange information on topical issues in the field of fisheries and development co-operation, ongoing activities, and possibilities for improved co-operation under ongoing and planned development projects. The network is informal and as such does not have an official mandate. Participants from bilateral development agencies and ministries do not officially represent the views of their governments with regard to fisheries development and corresponding policies, but participate as experts/advisors. However, the EFDAN participants provide strategic and technical advice to their respective organisations on relevant processes, primarily within the EU and the FAO. The network can, for example, assist in developing joint positions, e.g. with regard to the ongoing reform of the EU Common Fisheries Policy (CFP). It also mobilises and invites resource persons from developing countries with whom information can be shared.

Purpose of this document

This vision paper summarises some of the main issues and develops potential joint recommendations with regard to policy coherence between the external dimension of the reformed CFP and development and environmental policies, including the effectiveness of fisheries governance. In addition, the paper aims to grow awareness of the opportunities that this reform implies.

The participants of the network will decide individually on how to use or consider this paper in their respective contexts. Possible target groups include national ministries with responsibility for development co-operation and/or fisheries, Members of the European Parliament, NGOs, and stakeholders in partner countries.

Key EFDAN observations and suggestions

The Fisheries Partnership Agreements are an integral part of the EU's Common Fisheries Policy and its ongoing reform. The EU currently (March 2012) has agreements with 20¹ developing states in Africa and the Pacific through which the EU purchases fishing access rights, and also provides sectoral support earmarked for the development of the partner countries' fisheries sectors. However, only half of the 700 EU-flagged vessels active in developing countries' waters are fishing under FPAs; the remaining half is fishing under private license arrangements in waters under national jurisdiction where the EU have no FPAs. Moreover, around 400 vessels of EU origin² operate under joint ventures established in third countries with a European partner and with European capital.

For some coastal States, fisheries access agreements provide an important source of income, and while they have the potential to contribute to a positive development in the partner country, it is crucial that the EU, and other long-distance fishing nations, act responsibly and coherently when negotiating access to and fishing on developing States' fisheries resources.

Key issues for access agreements to be a vehicle for development include: sustainable management based on effective governance systems, accounting for the coastal States' diverging situations and development perspectives, appropriate transparency on behalf of all partners involved, and the need to enable the fisheries sector to contribute to food security and the creation of wealth at fishing-community and national levels. Small-scale fishing communities in developing countries are increasingly recognised for their contribution to food security and the implementation of responsible fisheries; they play an important role as providers of protein and rich and nutritious food for the poor, and generally use more environmentally-friendly fishing methods, in addition to providing livelihoods for millions of people.

Against this background, EFDAN has identified the following specific issues and principles as particularly important to attend to within the framework of CFP reform and the renewal of agreements and protocols:

- **Food security and the state of fish stocks**

Access to fisheries resources should only be negotiated where a surplus exists as a result of the coastal State not having the capacity, or the desire, to harvest the entire allowable catch. The impacts of a potential agreement on the needs of small-scale fishers and their communities should be evaluated before entering into negotiations for an agreement to harvest any surplus. Assessing the basis for negotiations requires a comprehensive approach in order to acquire scientific information and advice on the state and management of fish stocks and related issues. The estimated current and future total fishing effort in the areas concerned, including that of the coastal State, any other distant water fishing nations and the EU, needs to be included in the analysis.

The parties to bilateral agreements also need to consider the regional nature of fisheries management and the provisions in the UN Fish Stocks Agreement to take into account the special requirements of developing States, in particular the vulnerability of developing States which are dependent on the exploitation of living marine resources, including for meeting the nutritional requirements of their populations, so that when there are several agreements covering any one stock, each of these agreements individually supports those provisions.

¹ Some of these agreements are currently dormant as in no protocol in force

² In most cases, joint venture companies involving EU vessels are officially composed of 51% local capital.

- **Transparency and definitions**

The negotiation and implementation of agreements should be based on publicly available ex-ante, interim and ex-post evaluations, in turn based on well-defined environmental, social, economic and governance aspects of the fisheries, and accounting for access rights and governance approaches in the coastal State. This should include a participatory and transparent dialogue on how the EU can contribute to fulfilling the developing country's priorities for a sustainable development of its fisheries sector, communicating the benefits to both parties, and incorporate trade- and traceability-related issues.

- **Payments to and investment needs by the coastal State**

Developing countries need further investments in their fisheries in order to safeguard the future contribution of their fisheries sector to poverty alleviation and food security, particularly in infrastructure supporting small-scale fisheries but also in more general terms to improve the management of fish stocks and to enhance fish trade in domestic, regional and global markets. Payments for EU vessels' access to fish resources should be related to market prices (be market-oriented) in terms of the resource they target and take into consideration the costs incurred by the coastal State as a result of EU vessels' activities within their waters. These payments, for access, should be de-coupled from the sectoral support - which needs to be tailored to the specific needs and absorption capacity of the coastal State.

- **Compliance and exclusiveness**

Where there is a fisheries agreement, EU vessels should only be entitled to pursue these fisheries within the remit of the agreements in order to ensure that all EU vessels are covered by the same regulatory framework (clause of exclusivity). By the same token, compliance with fishing regulations and requirements by EU vessels needs to be ensured in partner country and EU waters equally. In addition, the EU should not support the transfer of its excess fishing capacity to developing countries where they may fish under less strict requirements, but should strive to ensure that all EU vessels (whether under EU flag, owned by EU companies or operating with EU capital) operating in waters outside EU waters follow the same technical, environmental and social standards as in the EU.

In cases where EU vessels fish in coastal waters where no FPAs exist, it would be desirable to develop a form of good governance agreement to define the responsibilities of the parties involved, in order to achieve environmentally, socially and economically sustainable agreements from the perspective of both partners. Global instruments, such as the FAO Code of Conduct for Responsible fisheries, should form the basis of such agreements.

In conclusion, the future CFP will need to reinforce Policy Coherence for Development. To this end, regular assessments of the economic, social and environmental impacts of all EU policies that affect fisheries development in the third countries concerned should be undertaken and published. This would require the putting in place of a collaborating mechanism between the European Commission and EU Member States with interventions in developing countries' fisheries sector, and include trade as well as development aid and other forms of bilateral cooperation. Such a mechanism ought to also facilitate the mobilisation of the support necessary (funds as well as technical support) to achieve common goals.

Reference Documents:

- Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the Common Fisheries Policy (COM/2011/0425 final - 2011/0195 (COD))
- COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS on External Dimension of the Common Fisheries Policy (COM/2011/0424 final)