

10 PRIORITIES FOR THE FUTURE OF SUSTAINABLE FISHERIES PARTNERSHIP AGREEMENTS

May 2020





Stichting BirdLife Europe & Central Asia gratefully acknowledges financial support from the European Commission and the Mava Foundation.

The content of this publication is the sole responsibility of the producers and cannot be regarded as reflecting the position of the funders mentioned above.

Cover photo: Silvio Augusto Rusmigo / BirdLife Europe & Central Asia
Design & Layout: Marianna Colonna, Digital Communication Officer, BirdLife Europe & Central Asia

Sustainable Fisheries Partnership Agreements: Are they truly sustainable?2

Our recommendations:

- Increase transparency3
 - Compliance with EU obligations6
 - Scientific knowledge8
 - Rethinking financial support objectives11
-

Sustainable Fisheries Partnership Agreements: are they truly sustainable?

In a world where fishing resources are increasingly coveted and marine habitats face threats posed by climate change and human activities, both the European Union (EU) and third country coastal States involved in Sustainable Fisheries Partnership Agreements (SFPAs) must take their responsibilities to achieve sustainable fisheries. These include the sustainable management of marine resources (i.e. maintaining healthy fish populations and marine ecosystems), supporting the fisheries-dependent communities of third countries, and the protection of sensitive species such as seabirds from the impacts of fishing. It is imperative that these challenges be overcome. This can be achieved by adopting a concerted approach at regional level for the negotiation and implementation of these agreements in regions such as West Africa and the Indian ocean, with due consideration for the fact that marine ecosystems know no borders.

SFPA sectoral support¹ provided to coastal States by the EU is key to institutional capacity building, the development of scientific research and better monitoring, control and surveillance. However, key challenges remain, including transparency of the decision making process which should include local fishers, fish processors -up to 90% of whom are women-², scientists and NGOs, and ensuring that public money supports the public good.

Furthermore, SFPAs can contribute to food security and safeguard the self-sustaining capacities of local communities. This is achieved with measures such as zoning areas for protecting local small-scale fisheries activities, supporting better fisheries management, and reserving a portion of caught fish for landing, processing and consumption at the local or regional level.

In November 2019, BirdLife Europe & Central Asia, the Coalition for Fair Fisheries Arrangements (CFFA) and the World Wide Fund for Nature (WWF) European networks, together with their African partners Coalition nationale de plaidoyer Environnemental à Madagascar (CNPE), Confédération Africaine des Organisations de Pêche Artisanale (CAOPA), the Regional Partnership for Coastal and Marine Conservation (PRCM) and the Federation of Artisanal Fishermen of Indian Ocean (FPAOI) gathered in Brussels for a series of discussions. The heart of all discourses across this period focused on how to make Sustainable Fisheries Partnership Agreements between the EU and coastal States in west and east Africa truly sustainable so that they contribute to the achievement of the United Nations Sustainable Development Goals. Meetings with key decision makers from the European institutions and a technical workshop were conducted. Based on the outcomes of these discussions, BirdLife Europe, CFFA and WWF present the following recommendations on the future of SFPAs.

¹ The sectoral support is the part of the financial contribution provided by the EU to the Coastal States which must, with the agreement of the two parties, be spent towards the development of sustainable fisheries.

² FAO, The State of World Fisheries and Aquaculture 2012, Rome (also available at www.fao.org/docrep/016/i2727e/i2727e00.htm); World Bank, 2010, Field Research Data for the West African Regional Fisheries Programme in Sierra Leone, Freetown: Statistics, Sierra Leone.

Increase transparency

1. To sustainably manage marine resources, mandate the reporting of all foreign fishing activities in the Exclusive Economic Zones (EEZ) of coastal States

Fishing activities of the EU's Distant Water Fleet, together with other non-EU vessels, have a cumulative impact on fish stocks and the marine ecosystem. The coastal States should, therefore, reinforce transparency (i.e. number of vessels, catches, bycatch) beyond the EU SFPAs by establishing a regulatory framework that allows the systematic publication of any other access agreements (private and public), as well as information on joint ventures and chartering arrangements in line with Article 238 of the 2019 United Nations General Assembly Resolution 74.18.



The EU should incentivise such reporting by other Distant Water Fishing Nations (DWFN) by legally embedding this component of transparency within the SFPA (as in the latest Mauritanian Protocol¹). The EU should insist that coastal States publish such information, especially for assessing the “surplus” of marine resources available within their EEZs, the sustainability of stocks and the state of the marine environment. In addition, the EU should ensure the phasing out of private fisheries agreements and favour SFPAs that provide a legal and financial framework which can guarantee a fair and sustainable access to resources, respect for local and sustainable artisanal fisheries, and support the resilience of the marine environment.

2. Increase the engagement of civil society in SFPA negotiations and implementation discussions for fair and sustainable Agreements

The coastal States and the EU should make sure that all relevant stakeholders at local, national and regional levels are systematically and transparently consulted prior to negotiations and during the implementation period of the SFPA Protocol. This should be a strong requirement within the provisions of the Agreement itself and a condition for the EU to provide technical or financial support to the coastal State.



Landing site in Joal, Senegal.
© Aliou Diallo / REJOPRA

¹ European Union, Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania for a period of four years, Official Journal of the European Union L315/3, 1.12.2015, Article 1, § 6. « Mauritania undertakes to make public any public or private agreement granting access to its EEZ by foreign vessels, including: countries or other entities participating in the agreement; the period(s) covered by the agreement; the number of vessels and types of gears authorised; the species or stocks authorised for fishing, including any catch limit applicable; the measures concerning reporting, monitoring, inspection and surveillance which are required; a copy of the written agreement».

In addition, civil society should be invited to the Joint Committees and the Joint Scientific Committees as observers, and coastal State governments and EU institutions should take it upon themselves to host open and consultative procedures that guarantee a structured dialogue with all relevant stakeholders. On the EU side, this could include a delegation of the EU Long Distance Advisory Council (LDAC).

The EU and the coastal States should ensure the terms and conditions for good governance and sustainability set out in the Cotonou Agreement and in the future EU strategy for Africa, as well as the provisions on public participation and access to information set out in the Aarhus convention are transposed into SFPAs. This recommendation relates, for instance, to the need for principles of good governance to apply, including for stakeholder involvement and the suspension of the EU's sectoral support in case of corruption or other criminal use of the funds. Further, there is an urgent need for the EU to have a stronger human rights clause in SFPAs, allowing for an Agreement to be denounced in case of a breach of universal rights, especially with regards to the right to food².

The EU must increase the European Parliament's involvement in the negotiation process and the implementation of SFPAs, as funding for these Agreements comes directly from European taxpayers. The European Parliament has a crucial role to play in reinforcing the democratic and transparent processes of these discussions.

² 'Fisheries and the right to food', Report presented at the 67th Session of the United Nations General Assembly [A/67/268] <https://un-docs.org/A/67/268>

Compliance with EU obligations

3. Improve alignment of SFPAs with the Sustainable Development Goals (SDGs) and with European environmental obligations to meet the highest international standards

Coastal States and the EU should ensure that all SDG targets and that the aspects of the 2019 United Nations General Assembly Resolution 74.18 related to agreement negotiations are well embedded in SFPA Agreements and Protocols. For example, when negotiating access agreements and arrangements with developing coastal States, greater attention should be paid to fish processing and processing facilities within the national jurisdiction of the developing coastal State. States should also increasingly look into the improved management of marine resources, including by the transfer of technology. This involves assistance for monitoring, control and surveillance (MCS), as well as compliance and enforcement within areas under the national jurisdiction of the developing coastal State that is providing fisheries access.

The EU should further develop quantitative and qualitative indicators as part of the ex-ante and ex-post evaluations to explicitly assess the various aspects of SFPAs including fleet access, sectoral support and environmental impact, and their contribution to achieving the SDGs. Sufficient and adequate resources should be invested as to collect relevant and necessary data to develop these indicators.

4. Ensure SFPAs are contributing to improve compliance with conservation and management measures in regional fora

The coastal States should, as soon as possible following consultation with civil society, adopt regional minimum terms and conditions (MTCs) for access to resources, in particular for shared resources like small pelagics. They should also adopt joint management measures to better monitor fishing activities in their waters, in order to create a level playing field regionally. MTCs should be coherent with sustainability standards to ensure the protection of the marine environment of coastal States.

The EU and coastal States, with the support of all relevant stakeholders, should build upon the MTCs defined by coastal States to ensure that fishing activities under SFPAs and any arrangement for other DWFN are aligned with regional and international standards. This regional approach should be developed in coherence with other environmental and social regional initiatives, as well as with Regional Fisheries Management Organisations' (RFMOs) conservation and management measures.



Dakar, Senegal
© Jean-Karim Dangou /
Unsplash

For instance, the coastal States should make Remote Electronic Monitoring (REM) systems (REM) compulsory, and require IMO numbers for all vessels above 12 metres in length. The additional information given by an efficient regional monitoring and surveillance system can contribute to more harmonised scientific research as well as to better understanding of interconnected marine ecosystems, cost-effective MCS and compliance at regional level.

The EU should ensure that the MTCs adopted by coastal States are implemented through the SFPAs. Where MTCs have not been adopted, the EU should support coastal States in reinforcing regional cooperation to align with best practices worldwide. Finally, the EU should undertake an extensive and thorough assessment of the MCS gaps of its Distant Water Fleet and of inspection needs in the coastal States before the renewal of any SFPAs Protocol.

Scientific knowledge

5. Improve data collection on impacts of fishing on marine ecosystems and local fishing communities

Before signing a mixed SFPAs, the EU and coastal States should ensure that scientific data has been collected to demonstrate the existence of a “surplus” of marine resources (from a biological point of view) that the EU may access. Quantitative, qualitative and gender disaggregated data should also be compiled on the socio-economic aspects of the fisheries, including: employment generated in the fisheries value chains, contribution to national nutrition needs, level and repartition of income along the value chain, employment conditions, etc.



Scientist scribing observations on fishing vessel © Augusto Rusmigo

Stakeholders, including civil society and fishing communities holding important local knowledge of the fisheries, should be consulted.

The EU should condition its access to fisheries on the fleet's compliance with data collection and reporting requirements under the EU Data Collection Regulation (2017/1004). The EU should make scientific observations (either with observers or REM) mandatory on all EU vessels outside of European waters. This will improve systematic data collection on the status of the marine environment, such as the health of fish populations, as well as the bycatch of non-targeted species, including sensitive species like seabirds, megafauna and sea turtles.

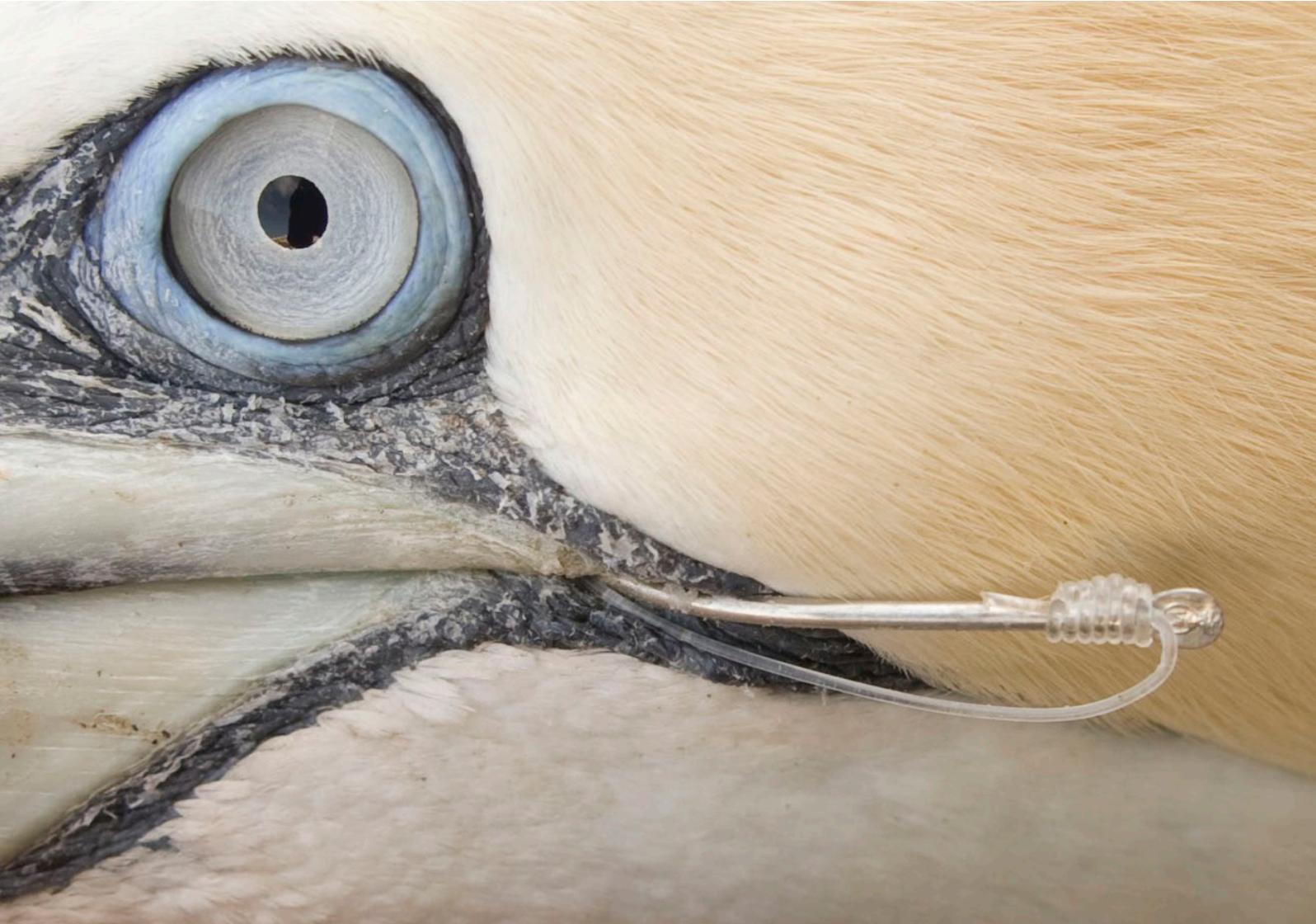
Successful collection of data from these observations means electronic logbooks used by fishers will need to introduce sections for bycaught species. This data should be available to the public and systematically shared with the coastal States.

6. Ensure systematised and continual assessments of the environmental and social impacts of EU fleets fishing in distant waters are carried out

The EU should review the terms of reference of the ex-ante and ex-post evaluations to better take into account the governance, social, economic and environmental impacts of SFPAs in coastal States. This must include the gender perspective, given women's crucial roles in the fishing sector and in coastal communities. Currently, there is no systematic and continual assessment of the environmental and social impacts of EU fishing activities in coastal States' waters.

At the present, scientific research is mainly focused on the assessment of fish stocks and the socio-economic impacts for EU fleets. The EU should ensure the environmental impacts of their fleets on coastal areas are limited, such as the case of multi-species trawl fisheries which threaten biodiversity on the seabed, and should respect measures of restricted access to fisheries areas near to the coast.

The EU and the coastal State in an SFPA should ensure that a Joint Committee is held only if a Joint Scientific Committee has been organised beforehand to inform the discussions. The Joint Committee discussion should reflect the Joint Scientific Committee's assessments of environmental and social aspects. These assessments should form the basis of the SFPA's annual review to efficiently address local challenges. The minutes of these Joint Committees need to be publicly available to allow other experts and stakeholders to provide additional inputs to the assessments undertaken.



Northern gannet, *Morus bassanus*, caught on hook © David Grémillet

7. Prevent negative impacts of fishing activities on non-targeted species

The coastal States should ensure that they locally test mitigation measures of bycatch, such as by making it a research priority to be financed by sectoral support. Some existing measures have proven effective to avoid the incidental catch of non-targeted species worldwide; others require testing to be adapted to the fishing gear used, the conditions provided by the marine waters in which vessels are fishing and the ecology of species while taking into account the results of the risks and sensitivity mappings for future negotiations.

The EU should explicitly state that such mitigation measures are mandatory in all SFPAs for the EU Distant Water Fleet, following the rationale of the EU Technical Measures Regulation (2019/1241) that currently only targets fishing activities in EU waters.

Rethinking financial support objectives

8. Increase transparency to better tailor sectoral support to the needs of the coastal States

The EU and coastal States should publish annual reports on the use of sectoral support. Both parties must ensure that its use contributes to a national strategy that protects the most vulnerable populations and supports the sustainable management of marine ecosystems.



Women fish processors from the co-operative USCOFEP-Cl in Locodjro, Côte d'Ivoire
© Andréa Durighello / GIZ

The EU and coastal States should ensure that the identification of sectoral support spending priorities is a transparent and participatory process, involving the scientific as well as local communities, including women fish processors. Mechanisms to support these communities' participation should be in place. These could include training sessions and structured dialogues, such as monitoring committees who assess the spending.

9. Improve EU policy coherence between SFPAs' financial contributions and other policies such as the European international partnerships policy and the neighbourhood policy, and rethink their models for supporting sustainable fishing in developing coastal States

The EU should ensure there is a clear de-coupling between sectoral support and the EU's compensation for access possibilities, with different rules for what goes towards supporting sustainability. Sectoral support financed by the EU should be tailored to local needs and promote sustainable fisheries.

The EU should only renew its financial support via an SFPA if the objectives, previously identified in determining the budget value, have been achieved by the coastal State. For increased accountability of coastal State, this decision should rely on results-based indicators, such as the number of stocks assessed rather than the number of projects financed. The relevant stakeholders in the coastal States should also benefit directly from this support.

The EU should ensure that the implementation of SFPAs is better aligned with the EU's overall aid and development policy objectives (Policy Coherence for Development), through collaboration between relevant European decision makers responsible for fisheries management and development support (Directorate-

Landing site in Joal, Senegal. © Aliou Diallo / REJOPRA.



General for Development and Cooperation and Directorate-General for Maritime Affairs and Fisheries). For instance, tools used by DGDevCo to manage budget and technical assistance are more appropriate for monitoring and ensuring transparency, unlike the tools currently used by DG MARE. In this respect, DG MARE should review its process and rethink its model for the determination and implementation of sectoral support. This can be done through a transition to budget support with a national strategy for each coastal State, supported by capacity building through technical assistance.

10. Gradually, increase the contribution of European vessel owners for their access to coastal States' waters

Whilst EU funding through SFPAs should be increasingly tailored to the needs of the coastal State to develop its fisheries sustainably, the EU should also start a gradual but rapid transition for European vessel owners to fund 100% of the access costs to third country waters under SFPAs. Different schemes could be implemented for different fleets. For instance, for tuna fleets, it is acceptable to have a system of payment based on the percentage of the value of fish estimated to be caught. For mixed-fisheries, however, a flat fee system or another system might be more appropriate.



For further information, please contact:

Justine Guiny, International Biodiversity Policy Officer, BirdLife Europe - justine.guiny@birdlife.org

Antonia Leroy, Illegal Fishing Policy Officer, WWF European Policy Office - aleroy@wwf.eu

Béatrice Gorez, Coordinator, Coalition for Fair Fisheries Agreements” - cffa.cape@gmail.com



Joint Position Paper May 2020

