



AFRIFISH-net



**ATTN.:**

**Chair and Executive Secretary of ATLAFCO- COMHAFAT  
2, Rue Ben Darkoul Souissi. Rabat, Maroc.  
E-mail: [secretariat.comhafat@gmail.com](mailto:secretariat.comhafat@gmail.com)**

**Chair and Director, Executive Secretary of AU-IBAR  
Kenindia Business Park, Museum Hill,  
Westlands Road P.O. Box 30786-00100 Nairobi-Kenya  
E-mail: [ibar.office@au-ibar.org](mailto:ibar.office@au-ibar.org)**

LDAC Madrid (Spain) & AFRIFISH-Net Port Victoria (Kenya), 31 May 2024

Dear Chair and Secretary of ATLAFCO-COMHAFAT,  
Dear Chair and Secretary of the African Union Inter-African Bureau of Animal Resources (AU-IBAR),

The LDAC and AFRIFISH-Net have been following with interest the discussions and outcomes of the COMHAFAT Workshop on "*Fisheries access arrangements to African Coastal States from the Atlantic*" which was held in Abidjan on 25 and 26 October 2023.

We would like to show our support to the recommendations included in your report under Appendix 3<sup>1</sup>. In particular, we would be interested in opening up a discussion within our framework of mutual cooperation (i.e. MoU LDAC-COMHAFAT and LDAC-AFRIFISH-Net) to help making progress with the following recommendations:

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<sup>1</sup> Abidjan Report: [https://www.comhafat.org/en/files/actualites/doc\\_actualite\\_52204107.pdf](https://www.comhafat.org/en/files/actualites/doc_actualite_52204107.pdf)

**Abidjan Report - Recommendation 3. Adoption of a common regional approach to negotiating fisheries agreements:** *Coastal African States must commit to strengthening their negotiating position by establishing regional and international partnerships. Regional cooperation, particularly for shared stocks, can strengthen their collective bargaining power, while collaboration with specialized international organizations can provide them with technical support and legal expertise."*

Below are our reflections and feedback with regard to Recommendation 3:

- a. The LDAC and AFRIFISH-Net support the initiative of developing common standards for negotiation of fisheries arrangements for African countries, in accordance with international law. This will allow leverage between coastal states and a common approach to negotiations.
- b. To make this possible, the LDAC and AFRIFISH-Net find positive the aim included in the MoU between COMHAFAT and AU to set up an expert group tasked to produce such guidelines for negotiating fisheries access arrangements and encourage to consult all concerned stakeholders.
- c. The LDAC and AFRIFISH-Net stand ready to offer their technical expertise if pertinent as European and African stakeholders organisations for such purpose. Further avenues of collaboration could be explored during the next LDAC annual coordination meetings with COMHAFAT, with the support and participation of AFRIFISH-Net and AU.
- d. A regional approach is particularly relevant for highly migratory, straddling and shared stocks. This is a view shared by the EU for the management of its distant water fishing fleet. The recent EU evaluation report of its Sustainable Fisheries Partnership Agreements (SFPAs) indeed acknowledges the following for the case of West Africa: *"The regional network of SFPAs in West Africa (Morocco, Mauritania, Senegal, The Gambia, Guinea Bissau) was effective in providing the EU a tool to ensure a regional coordination of fishing pressure deployed by its own fleet on shared stocks, but was not effective in promoting the international management of fishing pressure deployed by other fishing fleets on shared stocks, whether national or foreign"*<sup>2</sup>.

<sup>2</sup> See pages 102 and 123 of EU SFPAs report:

[https://www.ldac.eu/images/evaluation\\_and\\_analysis\\_of\\_the\\_sustainable\\_fisheries\\_July\\_2023.pdf](https://www.ldac.eu/images/evaluation_and_analysis_of_the_sustainable_fisheries_July_2023.pdf)

**Abidjan Report – Recommendation 5. Transparency and stakeholder participation:** *African Coastal States must promote transparency in fishing agreement negotiations and in their implementation, ensuring that relevant information is publicly accessible. They should also encourage the participation of stakeholders, including local communities, artisanal fishers, non-governmental organizations and scientists, to ensure equitable representation of the interests and concerns of all parties involved.*

Below are our reflections and feedback with regard to recommendation 5:

- a. The LDAC and AFRIFISH-Net wish to remind the importance of full transparency of fishing activities and timely transmission of the catch data and of the landings of all foreign fleets operating within the EEZ waters of African Coastal States.
- b. Transparency and non-discriminatory treatment between comparable fleets are essential in fishing access arrangements, be they government to government agreements (like EU SFPAs with African Coastal States) or other direct agreements signed between African Coastal States and foreign companies/operators/administrations. In the case of the EU SFPAs, there are transparency clauses in fisheries agreements and non-discrimination clauses. We are convinced that the whole of agreements signed and the list of authorised fishing vessels within Coastal States' waters should be made public. That could also facilitate the detection of all illegal fishing taking place within the EEZ of the Coastal States. A good example to follow is the recent publication by Senegal of the list of fishing vessels that operate within the waters.
- c. Transparency on beneficial ownership of locally flagged vessels is also key to fight IUU fishing, and we fully support the commitment taken by the OACPS in their contribution made to the UNSG Report on Oceans and the Law of the Sea in 2022<sup>3</sup>, that "*states should take measures, either as flag states or coastal states, to update and implement national legislation requiring reporting of ultimate beneficial owners of fishing vessels and companies whenever flagging or granting authorisation to fish and maintaining a register of beneficial owners of fishing vessels at the national levels*".
- d. To secure environmental, economic, and social sustainability in fisheries, the LDAC and AFRIFISH-Net also believe in the need to foster

<sup>3</sup> [https://www.un.org/depts/los/general\\_assembly/contributions77/OACPS.pdf](https://www.un.org/depts/los/general_assembly/contributions77/OACPS.pdf)

meaningful engagement with civil society organisations and other relevant bodies around fisheries access arrangements.

- e. The LDAC and AFRIFISH-Net encourage African Coastal States to strengthen their cooperation in fisheries science. Robust and reliable science is a complex matter for migratory species, but essential for sustainable and transparent management.

To conclude, we look forward to kicking-off work with you and provide further guidance to the elements stated above. As a first step, we will discuss the Abidjan report recommendations as well as your work plan on this subject at our forthcoming LDAC-CFFA workshop on fisheries investments in third countries, which will be held in Berlin on 23 May 2024 – you can find more information in our website:

<https://ldac.eu/en/meetings/archive/ldac-cffa-seminar-on-the-role-of-fishing-companies-with-investments-and-operations-in-third-non-eu-countries>.

Yours sincerely,



Long Distance Advisory Council  
C/ Muñoz de Balboa nº 49, 3ª Izda.  
28001 Madrid (España)  
CIF: G85099243

Iván LÓPEZ VAN DER VEEN (LDAC Chair)



Gaoussou GUEYE (AFRIFISH-Net Chair)



Long Distance Advisory Council  
C/ Muñoz de Balboa nº 49, 3ª Izda.  
28001 Madrid (España)  
CIF: G85099243

Alexandre RODRÍGUEZ (LDAC Secretary)



AFRIFISH-Net Secretary General

Namadoa OKELOH (AFRIFISH-Net Secretary)