

OPINION

LDAC Recommendations for MAKING SFPAs EVALUATIONS MORE EFFICIENT

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In the context of the review by the EC of the Terms of reference of SFPAs ex-ante ex-post evaluations, the LDAC would like to make some recommendations regarding both the content of these evaluations and the evaluation process, to make the whole exercise more efficient.

First of all, the LDAC wants to emphasize that ex-ante ex-post evaluations have seen considerable improvements in the last ten years. SFPAs evaluations are now made publicly available as soon as they are finalized, and the views of a large number of stakeholders, both in the EU and in the third country, are actively sought in the process of evaluating SFPAs. This contributes to make SFPAs the most transparent bilateral fishing agreements in the world.

1. Strengthening the evaluation process

SFPAs evaluations have the potential to become an essential tool for dialogue on sustainable fisheries between the EU, the third country and their stakeholders, particularly to help third countries stakeholders understand the positive impacts of the SFPA, and, whenever there is a problem, to identify clearly where the problem is and how to concretely solve it. To achieve this, steps could be taken to strengthen the evaluation process:

1.1 Increase third countries stakeholders' awareness about the SFPA

In most partner countries, the content of an SFPA and its impacts are not well understood. Sometimes, this means that there is a low level of acceptance of the SFPA by the local population. Ex ante ex post evaluation could help address these issues. The EU delegation in third countries, particularly those where there is a fisheries attaché, should actively disseminate the evaluation reports to local stakeholders (including local fishing sector, fish processors, NGOs, media, etc) in host countries prior to the negotiations and engage with these stakeholders in discussions about the impacts of SFPAs based on these evaluations.

1.2. Increase transparency during the implementation of the agreement/protocol

The evaluation reports raise crucial concerns, including on issues such as catch data, impacts on ecosystems, the effectiveness of EU funds spent under sectoral support, etc. It would be vital to understand how these concerns are addressed during the duration of the protocol, and what concrete steps are taken, successfully or not, to address these concerns. To achieve that, the minutes of the Joint committees and Joint scientific committees that oversee the implementation of the protocol should systematically be made public and their recommendations, and how they have been dealt with, examined in the evaluations. For example, the JSC of the mixed SFPAs have constantly highlighted the refusal of some fleets (like the Baltic states pelagic trawlers) to embark observers on board, and have always recommended to condition the renewal of the licences for these vessels to the embarkment of an observer on board. This recommendation has not been echoed in the evaluations of mixed SFPAs.

2. Strengthening the content of evaluations

The existing evaluation reports contain a great deal of information and a good level of analysis on many aspects. However, and provided it doesn't lead to increased costs that could not be met, the content of the evaluations could be improved if the following issues were incorporated:

2.1 Governance/Transparency

In the last years, increasing emphasis has been put in the SFPAs on governance issues, including transparency (in particular regarding the overall fishing effort) and non-discrimination of treatment regarding technical and financial condition with regards to other distant water fleets by the partner countries. This means that any measure and technical condition agreed between the EU and the third country aiming at protecting resources and fishing communities that depend on those resources, should be applied to all foreign vessels. These two aspects of governance are crucial to promote sustainable fisheries. Yet, whether and how these clauses have been respected is hardly discussed in SFPAs evaluations. The concrete implementation of the transparency and non-discrimination clauses should be part of SFPAs evaluations, based on interviews with stakeholders.

2.2 Impacts on ecosystems/by-catch

The evaluation reports do not adequately discuss the impacts of EU vessels operations on marine ecosystems. These include, for example, the by catches and incidental catches of sensitive species such as marine mammals, seabirds or sharks and rays. It needs to be noted that data on these by catches are collected by all EU fleets and transmitted to

their flag state. The evaluation reports, on the basis of corresponding work done in the JSC, should better report on these impacts and on the concrete solutions to mitigate them identified by scientists and stakeholders. Also, on this subject however it is important that any effort on data collection and on the development and application of mitigation measures must apply to all national and foreign fleets active in the same fishery in the waters of the SFPAs in question.

2.3. Market and consumer issues

Evaluations should investigate the “market dimension” linked to the SFPAs, notably, the markets for EU fleets benefitting from the SFPAs (whether local or remote), and the possible sourcing dimensions for the EU market; they should explore market possibilities for EU fleets fishing under SFPAs, meaning providing fisheries products:

- to the EU market (taking in account the role of trade agreements and their rules of origin);
- to the local market in the partner SFPAs countries (including processing);
- in neighbour landing countries (including processing);
- via transshipment to other regions of the world;
- to the overall relevance for global and regional food security.

Evaluations should also look at how to promote sustainable fisheries value chains at consumers levels in EU and partner countries through SFPAs.

Finally, evaluations should consider the sanitary constraints: for example, ensuring that the third country maintains its sanitary approval for exporting tuna on the EU market is essential when EU fleets are landing tuna for local canneries, with the view to reexport the processed tuna products to the EU market.

2.4 Social issues

2.4.1 Women in fisheries¹

SFPAs evaluations could contribute to better identify the impacts of SFPAs on women in fisheries in the third country, on shore (trade and processing) or at sea, as well as their needs. This would help identify, including through interviews of local women groups, needs that should be given due consideration in sectoral support, when part of the sectoral support is affected to local fisheries development.

¹ Vid. Advice of the LDAC: “Addressing role of women in fisheries – example of EU SFPAs” https://ldac.eu/images/EN_LDAC_Advice_on_Women_in_Fisheries_SFPAs_26May2020.pdf

2.4.2 Labour aspects

The evaluation reports tend not to consider in detail the implementation of the social clause of SFPAs². These aspects, including better working and living conditions on board, job attractiveness, development of professional training, should be given more consideration, particularly given the EU commitment³ regarding the 2007 ILO Convention on Work in the Fishing Sector.

2.5 Contribution of SFPAs to Sustainable Development Goals (SDGs) and Policy Coherence for Development

The EU should develop quantitative and qualitative indicators, and collect the relevant data, to assess how the various aspects of SFPAs (fleets access, sectoral support, markets, fisheries management and control) contribute to achieve the SDGs⁴.

Through its commitment to Policy Coherence for Development (PCD), the EU should ensure that the cumulative impacts of its various actions contribute as effectively as possible to the SDGs, namely the promotion of sustainable fisheries, and food security at national and regional level (in relation to 2.4 above). The SFPAs evaluation is the ideal tool to evaluate the impact in the third country of the various EU policies that affect fisheries in the third countries concerned.

Evaluations should list these actions: fisheries (including EU and third country actions at regional level and bilateral dialogues under Council Regulation (EC) No. 1005/2008 (EU IUU Regulation), aid, trade, investments), and suggest how to increase synergies between these actions, and with the partner countries. For example, evaluations could explore how to address, together with SFPAs partners, sustainability issues at RFMO level.

² ETF, “European Social Partners committed to overcome social deficiencies in the Common Fisheries Policy (CFP)”, 1 December 2015. Available at: <https://www.etf-europe.org/european-social-partners-committed-to-overcome-social-deficiencies-in-the-common-fisheries-policy-cfp/>

³ ILO, “EU-wide legislation adopted to improve working conditions in the fishing sector”, press release, 19 December 2016. Available at: https://www.ilo.org/brussels/press/press-releases/WCMS_537359/lang-en/index.htm

⁴ Including SDGs on Sustainable fishing (SDGs 12 and 14), Jobs and economy (SDG 8), food security (SDG 2), poverty reduction (SDG 1). More information about SDGs at: <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>