



ATLAFCO/ATLAFCO

*CONFERENCE MINISTERIELLE SUR LA COOPERATION HALIEUTIQUE ENTRE LES
ETATS AFRICAINS RIVERAINS DE L'OCEAN ATLANTIQUE*

*MINISTERIAL CONFERENCE ON FISHERIES COOPERATION AMONG AFRICAN STATES
BORDERING THE ATLANTIC OCEAN*

Tuna Fisheries Transparency Initiative (TTI) in ATLAFCO zone

Report of the Workshop No. 2

«The Partnership Agreements for Sustainable Fishing
(SFPAs) and the good governance of the fisheries in
ATLAFCO area»

El Jadida, Morocco
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Table of Contents

Opening session	6
Session 1, the new sustainable fishing partnership agreements (SFPAs): general aspects (President: Angaman Konan)	6
Review of all agreements in ATLAFCO zone countries	6
The sectoral support, decisive component of the SFPAs for good governance of the coastal countries fishery sectors	7
Discussions.....	7
Session 2, Fishery Agreements: contribution to the process of the national fisheries sector development, complementarity and overall coherence (Presidents: Angaman Konan and Shep Helguilè).....	8
Contribution to the modernization of the fisheries sector, Mauritania	8
Contribution to the modernization of the fisheries sector, Cabo Verde.....	9
Contribution to the fisheries industry, Côte d'Ivoire.....	9
Prospects of improving the contribution of the SFPAs in the process of the fisheries sector development of the coastal countries	9
The effects of sectoral support on the research, the case of Morocco	10
Complementarity of policies and more national -value: the case of the tuna fisheries	10
The West Africa communities food security: the case of pelagic resources	11
The contribution of the pelagic trawlers of the EU to the Food Security	11
In the prospects of a more formalized follow-up of the policies coherence, the REPAO has planned to:.....	11
Presentation of the global initiative for greater transparency and equity in fisheries.....	12
Discussions.....	13
Session 3, the role of the SFPAS as a vector of good governance (President: Alexandre Rodriguez)	14
The SFPAs and the promotion of good governance, the point of view of the French shipowners	14
The SFPAs and the promotion of good governance, the point of view of the WWF.....	15
The SFPAs and the promotion of good governance, the point of view of the environmental justice Foundation	15
The SFPAs and the promotion of good governance, the point of Mauritania 2000	16
The SFPAs and the promotion of good governance, the point of the European Federation of Trade Unions of Workers of the sea	17
Discussions.....	18
Session 4, toward the harmonization of the conditions of access to fisheries resources (President: Samuel Quatey)	18
Operating mode of the Gabon vis-a-vis the harmonization of conditions of access.....	18
Operating mode of Sao Tome and Principe and application of rules of transparency, João Gomes Pessoa Lima, Director of Fisheries, Sao Tome and Principe	19
The tuna fisheries transparency Initiative in the harmonization of the conditions of access (TTI).....	20
For a harmonization of the conditions of access to fisheries resources, legal elements	20
Discussion around the harmonization of access to fisheries resources and considerations to take into account, led by Anaïd Panossian	20
Session 6, Conclusion and Next Steps (President: Angaman Konan)	21
1. Context of Fisheries Agreements with African Countries bordering the Atlantic Ocean	31

1.1	Brief Background and Overview	31
1.2	Review of current and previous fisheries agreements of countries bordering the Atlantic Ocean	35
1.3	Public Bilateral Agreements between Coastal States and the EU	36
1.3.1	Brief Background.....	36
1.3.2	Objectives of FPAs/SFPAs	37
1.3.3	Current Status.....	37
1.3.4	FPAs/SFPAs between the EU and African countries	38
1.4	Public Bilateral Agreements between Coastal States and Various Countries	39
1.5	Bilateral Agreements between Coastal States and the Private Sector	40
1.6	Private Agreements between Two Companies	41
1.6.1	Joint Venture Companies	41
1.6.2	Vessel Charter Agreement	41
1.7	Summary of all Agreements	42
1.8	Review of Fisheries Agreements in Mauritania, Senegal, Ghana and Gabon and their Effects on the Fisheries Sector and Domestic Economy	50
1.8.1	Mauritania	50
1.8.2	Senegal	51
1.8.3	Ghana	53
1.8.4	Gabon	55

Presentation of the document

The document presents, for each of the 6 sessions, the summary of each of the presentations as well as the key elements of discussions. It then presents the resolutions in the matter of governance of fisheries and harmonization of conditions of access to the fishery resources of the coastal countries of ATLAFCO area.

The agenda is in appendix 1 and the meeting preparation document in appendix 2 the introductory address by the Executive Secretary of ATLAFCO in Appendix 3 and the list of participants in Appendix 4.

Acknowledgments

The Secretariat of ATLAFCO thanks all the delegates and experts who have participated in the second workshop entitled: "The Partnership Agreements for Sustainable Fishing and the good governance of the fishery in ATLAFCO area ", carried out in the framework of the Initiative for the transparency in the tuna fishery (TTI). He thanked particularly the speakers for the quality of their presentations and their contributions to the discussions.

The Secretariat expresses its gratitude to the European Union for the funding of this initiative as well as to the Japanese cooperation and the Ministry of Agriculture and Maritime fisheries of Morocco for their respective support to the organization of this second workshop. It also wishes to stress the active participation of the Long Distance Fisheries Advisory Council (LDAC) in the Organization of the workshop.

The drafting of the synthesis of the sessions and recommendations has benefited from the participation of Hayat Assara, Diénaba Beye, Papa Gora Ndaye and Pierre Failler who has ensured the coordination, as well as of the whole of the people who have worked for the translation of the documents.

Working sessions

The workshop was held on 2 and 3 June 2016. It consisted of 6 thematic sessions and a session dedicated to the preparation of recommendations draft. A summary of each session is presented below. It highlights the key elements of the presentations and the discussions that have followed.

Opening session

The Chairman of ATLAFCO Mr. Adjoumani Kobenan Kouassi, Minister of Animal and Fishery Resources, represented by Mr. Konan ANGAMAN, Minister Adviser, welcomed the participants and recalled the context of the holding of the workshop and the importance of progressing in the process of the fisheries governance of the Atlantic seaboard of Africa and therefore to define guidelines for the harmonization of the conditions of access to the fishery resources of the coastal countries. The Executive Secretary of ATLAFCO, Mr. Abdelouahed Benabbou, introduced the workshop emphasizing the main points especially the importance of the cooperation between the countries, regional fisheries organizations and the ICCAT. He thanked, to this effect, all the delegates for their participation as well as the technical partners.

Session 1, the new sustainable fishing partnership agreements (SFPAs): general aspects (President: Angaman Konan)

Review of all agreements in ATLAFCO zone countries

Pierre Failler, University of Portsmouth, UK



The multiplicity of fisheries agreements between African States bordering the Atlantic Ocean and distant-water fishing countries (or their nationals) is a manifestation of the diversity of situations encountered and the need to harness each of them to the best effect. However, in the absence of an evaluation of the various agreements in force, African coastal countries are unable to assess the economic and social benefits accruing from such agreements, as well as the associated environmental impacts.

It is only tunas, out of all species targeted by longline fleets, which could potentially benefit from the regional management of access. Tunas are not the subject of strong commitment by States to relinquish their claim to sovereign rights as is the case with demersal and small pelagic resources.

Several fisheries organizations (SRFC, CPCO, COREP, COPACE, ATLAFCO), a tuna fisheries management organization (ICCAT) and an international fisheries management organization covering Area 47 (SEAFO) operate on the border with the Atlantic and as such, can organize (or participate in) the management of regional fisheries agreements. Presentation of the SFPAs and the experience first returns

Roberto Cesari, DG-MARE, EU



The presentation on the New Sustainable Fisheries Partnership Agreements (SFPAs) of the European Union focuses on the description of the role of these agreements, in line with the new Common Fisheries Policy of the Union and as an instrument of good governance of the oceans and fisheries. It has as objective the description of the new philosophy which governs the action of the Union to the bilateral level, based on a solid and highly developed legal framework, the most modern standards of control and monitoring of the fleets that operate in the framework of these agreements, the sustainability nature and scientifically based of these activities, the policy of transparency and the synergies between the new European fisheries policy and its development policy (the SFPAs)

sectoral support and the European development Funds) as well as the economic impact of these agreements in the third country.

The sectoral support, decisive component of the SFPAs for good governance of the coastal countries fishery sectors

Anaïd Panossian, independent consultant, Morocco



The sectoral support is a novelty outcome of the reform of the CFP in 2002, intended to frame a form of partnership between the EU and third countries more advanced than the former financial support implemented in the form of targeted actions. The 2002 reform has therefore introduced a specific dimension to the financial counterpart of the EU, in addition to the access rights (EU funding and ship owners), the EU must fulfill a part fully funded by it to support the development of the fisheries sector of the partner country, in conformity with their national strategy sectoral. This is part of the EU objective to discard of the purely commercial dimension of these agreements, and to introduce a more genuinely partnership dimension, embedded in the implementation of responsible and sustainable fishing practices.

It is a budgetary approach, on the basis of projects proposed by the partner country and approved jointly. This sectoral support is based on indicators of specific outcome and is the subject of a specific and continuous follow up. The axis typically selected are the scientific research, control and monitoring, support to the health component, capacity building, training and infrastructure.

The reform of the CFP in 2013 has strengthened this sectoral support in creating mechanisms of monitoring and control more rigorous. The implementation of this sectoral support has met, and meeting again, some difficulties, which are often related to the lack of capacity of the partner States, and to a complex involvement of the EU. This scalable tool presents a real interest in the governance and the standardization of good fishing practices. On the basis of recent evaluations (the Audit Court report, the European Parliament, etc.), recommendations will be made to make it more efficient.

Discussions

The presentations allowed examining the new SFPAs as well as their contributions to the process of development of the national fisheries sector. The past and present SFPAs signed by the EU with ATLAFCO Member States have been reviewed. The discussions have focused on several points of which the importance of putting in place and to harmonize the agreements on fisheries evaluation mechanisms. In this regard, it has been stressed the paramount place of assessments and scientific cooperation to able having both the knowledge of stocks and of the social and economic effects of the SFPAs. Considering the depletion of practically all the fish stocks with the exception of tuna and a few deep species for which fisheries agreements are made with the EU, it was decided to ensure transparency in their negotiations and implementation.

The participants inquired about the mission of joint committees and the nationality of the seafarers when it comes to agreements on shared stocks between several coastal states. They also relied on the weakness of the research of the coastal countries which is yet decisive for the assessment of the agreements. For this, it has been proposed the strengthening of the skills of officers including researchers of coastal States in order to take account of emerging issues such as the impact of climate change on fisheries. The need was expressed to improve the capacity of the evaluation of the agreements effects, in all their forms, both for the Member States and for the regional organizations. In addition, a guarantee of the respect of the employees work conditions in terms of the human rights and labor respect was requested, particularly for women.

The discussions also focused on the need for developing an institutional and legal framework binding in each coastal state, this is to ensure that the agreements are an integral part of their

strategy of exploitation of fisheries resources located in the area under national jurisdiction. Proposals for the strengthening the States capacities to develop and implement strategies and definition of priorities which may benefit from the sectoral support were also made. It has also been suggested a reappraisal and an increase in the budget allocated to the sectoral support related to tuna fishing agreements. It was, moreover, discussed the strategic place of local fisheries for States, particularly the small scale fishing and its role in the food security and the fight against poverty; this could be reinforced by a support to States to achieve their objectives in terms of the sustainability of fisheries, development of coastal communities and the creation of value added. The improvement of the technical processes of the funded projects implementation in the framework of the sectoral support was requested, this to ensure effective use of the proposed projects.

In addition, the participants discussed the question of the transparency in the management of the sector, including for the activities of the European fishing fleet operating in the framework of all the fishing agreements. This could be done in particular by the encouragement to better information and the involvement of the civil society and of the fisheries professional organizations in the process of development, follow up and assessment of the SFPAs. Finally, a harmonization of the fight against illegal fishing devices including the MCS between the EU and the coastal states has been requested by the participants.

Session 2, Fishery Agreements: contribution to the process of the national fisheries sector development, complementarity and overall coherence (Presidents: Angaman Konan and Shep Helguilè)

Contribution to the modernization of the fisheries sector, Mauritania

Lamine Camara, director of fisheries, Mauritania



Aware of the importance of its fisheries sector, Mauritania has developed and implemented several policies aimed at ensuring the sustainability of the exploitation of that sector. The last policy to date is the strategy of responsible management for a sustainable development of the fisheries sector and of the maritime economy developed for the period 2015-2019.

This strategy, which is built around six priority axis, introduced a new paradigm for the management of fisheries, namely the management by quotas which is based on the monitoring of catches.

To operationalize this vision, the Department of Fisheries has developed and adopt a new code of fisheries (Act No. 017-2015 of 29 July 2015 establishing the Code of fisheries which provides 2 schemes of exploitation: National Scheme and Foreign Schemes); and texts have been taken for its application (Decree 2015-159 concerning the application of the Code of fisheries, decree laying down the modality of access, model of concession contracts, etc.).

While recalling that the financial compensation paid by the European Union in the framework of fishing agreements are not a development assistance, but the sale by States of a access to their stocks, the SFPAS contribute to raise the standards of management and development of fisheries to international standards, in particular with regard to the sustainable development of fisheries. This is done through:

- The granting of fishing opportunities in the form of quotas (and not in terms of the number of vessels or fishing licenses) is in phase with the provisions of the new reform of fishing;
- The obligation of the exit of the Mauritanian fishing zone in the harbor of the ports of Nouadhibou or Nouakchott. This new provision should allow to facilitate the operations of control at the time of the exit of the ships (the previous agreement allowed exists from

poorly accessible areas for the GCM), and thereby foster a better application of the fisheries regulation

- The satellite tracking of vessels. The provisions and the measures taken in the new agreement should allow consolidating the implementation of the SSN system. This should result in an improvement of the control and surveillance of fisheries functions and the establishment of favorable conditions for the implementation of the fisheries management plans.
- The introduction of the new Category 11 of pelagic species in the fee of landing obligatorily to Nouadhibou is in harmony with the strategic directions of the sector to boost the creation of local value added
- The improvement of the employment of Mauritanian seafarers on board

Contribution to the modernization of the fisheries sector, Cabo Verde

Juvino Viera, Director of Fisheries, Cabo Verde

Presentation not given

Contribution to the fisheries industry, Côte d'Ivoire

Shep Helguilè, Director of Fisheries, Côte d'Ivoire



The Fisheries Partnership Agreement (FPA) between la Côte d'Ivoire and the European Community contributes in a marginal way in the supply of raw materials (tuna) of Ivorian canneries. In effect, the whole of the catches taken by the European vessels in the EEZ of Côte d'Ivoire represents less than 10% of the products currently processed by the canneries and less than 5% of the actual capacity of the whole of the plants. However the social impacts upstream and downstream are important.

The financial contribution is exclusively intended for the support of the fisheries administration of and has contributed to the development of policy documents: These have placed the emphasis on the updating of the regulation and monitoring of the EEZ through the strengthening of collaboration with the National Navy and the current installation of the Fisheries Monitoring Center.

Prospects of improving the contribution of the SFPAs in the process of the fisheries sector development of the coastal countries

Aboubacar Sidibe, in-IBAR, African Union



The SFPA is an international agreement signed between the European Union (EU) and the third country in 2015 and which allows the EU vessels to fish the surplus resources within the EEZ of the partner country in a regulated environment. This agreement concerns the tuna stocks in their migration along the coasts of Africa and the Indian Ocean, and the stocks of other varieties of fish (mixed agreements) within the exclusive economic zone of the partner country. The SFPA allows the EU to pay to the partner countries a financial contribution composed of two elements: (i) payment of access rights to the EEZ and (ii) financial sectoral support ". This sectoral support aims to foster the development of sustainable fishing in the partner countries in strengthening their scientific capacity and administrative provisions for the sustainable management of fisheries and the activities of monitoring, control and surveillance.

Despite past and ongoing efforts, the coastal countries in Africa are always faced with certain challenges that are among others: lack of knowledge on fisheries resources, weakness of the monitoring systems control and surveillance of fisheries, weakness of systems for the management

of shared stocks, continued degradation of the coastal marine environment and weak human capacity, technical and institutional in most of the countries of ATLAFCO zone. However, the current context is favorable to improve this situation, including the political will of the African States to reform their sectoral policy by the adoption of the Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa with the strong will of the technical and financial partners (TFPs) to support them in this process with the involvement of all stakeholders of the fisheries sector in Africa.

In this framework the SFPAs may substantially contribute to this process of reform for an integrated development of the sector. The support actions identified in this partnership are very compatible with the performance sought in the fisheries sector at the level of third countries in Africa: (i) improvement of scientific knowledge on which are based the agreements to fix the fishing opportunities (surplus), (ii) strengthening the governance, by including a clause on the Protection of Human Rights, and (iii) Promotion of Sustainable Fishing in the waters of partner countries, by subjecting it to regular monitoring.

As well for Improvement The contribution of the SFPAS in the area ATLAFCO, it is crucial to strengthen and/or to put in place systems of Fisheries Information (FIS) "independent national" more adapted to the realities of the context; to strengthen the technical and scientific capacity for the estimation of the surplus production (surplus), to promote participatory governance and inclusive of the fisheries on the basis of transparency and accountability.

The effects of sectoral support on the research, the case of Morocco

Abdelmalek Faraj, NHRI, Morocco



The funding that receives the INRH in the framework of the sectoral support the SFPAs with the EU represents 15% of its annual budget. Overall, approximately one quarter of the amount of the sectoral support (14 M€) is intended to research, the other budget items being the infrastructure, training and various. In the framework of the support to research activities, it should be noted several strategic projects such as the aquaculture laboratory and the aquaculture farm of Dakhla for the development of aquaculture, the campaigns of scientists prospections, the inventory and assessment of coastal resources .Prospecting for bedrock and the establishment of oceanographic observation platforms for tracking resources and the marine environment and the harmonization of operating systems and strengthening the network of scientific correspondents.

Complementarity of policies and more national -value: the case of the tuna fisheries

Angaman Konan, Ministry of Animal Resources and Fisheries, Côte d'Ivoire



The fisheries products have long been involved in trade between West Africa and Europe. In the Seventies, Senegal already signed fisheries agreements with France and Italy and in the Eighties with the European Economic Community (EEC) with fishing opportunities offered to Spain. The United Nations Convention on the Rights of the Sea of 1982 enshrines and oversees the relations between the States in the field of cooperation in fisheries in specifying that the fisheries agreements must wear on the surplus of available stock that cannot exploit the coastal countries, thus putting an end to the exploitation sometimes uncontrolled in the economic zones of exclusive coastal States likely now to 200 water sports. The European Union has continued to maintain its fishing fleet, including tuna systematizing its fisheries cooperation through the fishing agreements that become partnership agreement for a sustainable fishery (SFPAS) since Lomé 4. These agreements meet the needs of its internal market and remain consistent with its common fisheries policy. As well, the new generation of SFPAs is committed to worry about the sustainability of the fisheries and issues of human rights in the States signatory partners during that coastal States themselves are confronted with issues of

poverty, governance of fisheries, and weakness of the system of monitoring, control and surveillance of fisheries and for the creation of more-value. The taken into account in the SFPAS targeted actions (support to the department of fisheries, scientific research, to training, to the monitoring of fisheries, the artisanal fishing, etc.) has made it an instrument of complementary development of national policies. In addition, the activities of the European tuna fleet in the ports of the partner States (transshipment, landing a part of capture, victualing, etc.) creates an economic dynamic which supports the local fisheries economy

The West Africa communities food security: the case of pelagic resources

Gaoussou Gueye, CAOPA, Senegal



The small pelagic species are of essential resources to food security in West Africa, they are the species most consumed. In terms of the creation of jobs, the small scale fishing is one of the main suppliers of the African continent. For example, in Senegal and Mauritania, according to a study, in 2015, of DG Development, the chain of processing of small pelagic species has created successively in these countries, 50, 000 and 1000 jobs. And women are located in the center of the activities of this sector. They are present at all stages: pre-financing and preparation of campaigns of fishing; receipt of the fish; processing; marketing. Their main issue is to ensure the supply for the food security of the population but they have enormous difficulties to access these small pelagic species, linked to the overexploitation of the resource and the competition of enterprises of the fish meal.

That is why the CAOPA had organized a *side event* at the COFI 2012 to ask, among others, FAO, a better study of the impacts of the exploitation of small pelagic species on food security, to support an aquaculture based on species which do not require a food based on unsustainable exploitation of the stocks of small pelagic species.

But for a coherence of European Policies conducted in West Africa, the issues must focus on the fishing agreements (access to the resource and the sectoral support).

With regard to the recommendations of the Study by DG Development on small pelagic species in West Africa, it requires among others the strengthening of international fisheries governance framework (Via CECAF ... SRFC); reducing post-harvest losses; support for local processing industries to human consumption. Therefore, EU policies should help to implement these recommendations for a coherent approach to sustainable development and food security.

The contribution of the pelagic trawlers of the EU to the Food Security

Gerard van Balsfoort, PFA, EU



After a brief introduction on the pelagic trawler Association, the presentation focuses on the relevance of the pelagic fisheries in the north-east Atlantic and West Africa by European vessels for food security in Africa. It also put the following two questions:

- Why the governance and management of fisheries must they be effective to maximize the outputs (N E Atlantic can be for example)?
- How can the European fleets actively contribute to the improvement of the collection of data, the cooperation industry-science and the management of the effective fisheries?

Policy coherence in the fisheries sectors in West Africa

Papa Gora Ndaye, REPAO, West Africa

In the prospects of a more formalized follow-up of the policies coherence, the REPAO has planned to:



- Create a general equilibrium model on the policies coherence in the fishing sectors with endogenous data (mainly composed by indicators of fishing) and exogenous data composed of indicators derived from other levels of coherence;
 - Strengthen the mechanism of the coherence follow up with a continuous intelligence indicators and the annual publication of a report on the situation of the coherence
- Generate the commitment of the actors and support their networking to promote their effective participation in the formulation and implementation of fisheries policies at the national and regional levels.

The use of a framework for the analysis of the coherence of policies in the area of the fishery is an innovative approach because never in West Africa the public policies of fisheries have been analyzed and put into perspective under the angle of the coherence. Furthermore, a battle is won by adding on the agenda of ECOWAS the coherence of fisheries policies in West Africa. This device would to deepen and broaden the participation of actors in the design, monitoring, implementation and evaluation of development policies in the matter of fishing.

Presentation of the global initiative for greater transparency and equity in fisheries

Andréa Durighello, FITI



The fishery is an essential source of jobs, protein and trade for coastal communities around the world. Yet, it is well established that in many parts of the world, the fish stocks are threatened by overfishing, the degradation of marine ecosystems and climate change. In its report of 2010 on the situation of world fisheries, FAO identified the lack of transparency as contributing to all of these disturbing trends. In effect, the lack of information that is publicly accessible and/or considered reliable on the management and exploitation of marine resources remains a major obstacle for an informed decision making that would support a sustainable development and use of ecosystems and food resources. The lack of transparency in the sector also prevents to control who has access to the resource, what are the conditions of access to this resource and what price is paid as consideration, thus opening the way to the overcapacity of fishing, to corruption and high levels of IUU fishing. It is this observation which is at the origin of many international efforts aimed at reforming the fisheries sector in seeking to improve the access to the information. There are among others:

- The Code of Conduct for Responsible Fisheries of the FAO
- The Voluntary Guidelines for responsible governance of land regimes applicable to lands, to fisheries and forests in the context of national food security FAO;
- The Voluntary Guidelines aimed to ensure the sustainability of the artisanal fishing in the context of food security and the eradication of the poverty of the FAO;
- The strategy for the reform of the fishing and aquaculture in Africa of the African Union in 2014; and
- The common fisheries policy of the European Union.

Although transparency has been recognized in both the regional and international processes, progress to remedy the opacity in the fishing sector remains limited and inconsistent. This is in part due to the fact that there is no global consensus as regards the specific information that the governments and the fishing sector should make public, nor as regards how such information should be published. Important agreements and directives evoke the reforms in the sense of transparency in general terms without however specify the details. The initiative for the transparency in the fisheries sector (the Fisheries Transparency Initiative - The FITI) has been established to support such reforms. The FITI seeks to make fishing more responsible and more sustainable through the

transparency and participation. To achieve this, the FITI will produce information publicly accessible, reliable and generally accepted in the form of national reports on a regular basis. These reports will be established through a consultative process including all groups of stakeholders. The vision of the approach of the FITI is to provide reliable information and to establish a multi-stakeholder environment based on the confidence that is conducive to a collective action in favor of better governance of the fishing sector.

Discussions

The presentations were confirmed the membership of the participants to the needs of strengthening the capacity of the Fisheries Research, National Evaluation of the SFPAS, of strengthening the political weight of third States by report to the organizations for economic integration and the importance of small pelagic species in ecosystems and for food security. Taking into account the overexploitation of the majority of the stocks, it was suggested to develop aquaculture. However, the heavy investments and the time frame for achieving long enough before to obtain convincing results have been underlined. The participants also exchanged on the necessary improvements to the coherence and the complementarity between the SFPAS and other development policies of the European Union. Similarly, they exchanged on the strengthening of the coherence between the SFPAS and the policies of sustainable development, good governance and the protection of the environment of the coastal States.

The need to ensure the coherence of the public policies of fishing to international levels, regional, supranational and national level has been expressed. In this regard, it has been noted the importance of involving all stakeholders including regional cooperation, international in the governance of fisheries including in the design, monitoring and implementation of the evaluation of the policies of development.

During the discussions, it was requested that a number of specific points are taken in the recommendations of the workshop:

- The taken into account in the negotiations and the implementation of the SFPAS of (i) the resolution of the 103th Session of the ACP Council of Ministers held in Dakar on 26 and 27 April 2016; (ii) the Agenda 2030 on the sustainable development of the United Nations adopted in 2015 by the UNGA; the policy framework and strategy of reforms of the fishery of the African Union;
- The strengthening of the partnership between the EU and the coastal countries in a perspective that is beneficial to the two parties (capacity building in management/implementation of the SFPAS of national administrations and other actors, including the strengthening of the local industry by the landing and local processing of catches and supply markets and local industries ; the strengthening of scientific capacities, technical and administrative actors of third countries);
- The involvement of the EU in the management of the financial contribution of the SFPAS;
- The regular evaluation of the SFPAS and other fisheries agreements ;
- The taken into account in the SFPAS the importance of small pelagic stocks for the food and nutritional security of third country;
- The promotion of aquaculture as a palliative to the scarcity of fisheries resources;
- The registration of the SFPAS in a governance framework Integrated Regional (strengthening of the cooperation with the regional fisheries organizations and organizations of economic integrations);
- The harmonization of the conditions of access to fisheries resources of coastal States for the fisheries of tuna, small pelagic and demersal species ;

- The strengthening of regional governance consistent by the establishment of arrangements for the management to promote a common management of shared stocks and straddling stocks and highly migratory species.

Session 3, the role of the SFPAS as a vector of good governance (President: Alexandre Rodriguez)

The SFPAs and the promotion of good governance, the point of view of the institutions

Rafael Centenera, Director General, International Management of Fisheries and RFMOS, Spain



The new common fisheries policy has helped to improve the partnership agreements with the African countries (Regulation (EU) No. 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the common fisheries policy; Title II; partnership agreements of sustainable fishing; Article 31). This new Regulation, in conjunction with the international rules as the UNCLOS Convention, has changed the framework of our relations with coastal African countries, making them more equitable and beneficial to both parties.

The fisheries agreements can assist in the improvement of the governance of fisheries in the third country in many ways and more specifically in : improving the research capacities of the scientific institutes; helping to the determination of the surplus; developing the monitoring, control capabilities and of monitoring; improving the fight against IUU fishing ; encouraging the strengthening of the capabilities to arrive at the development of a sustainable fisheries policy of the third country; obtaining funds from the EU and the rights of access of the fleets; increasing the processing sector and the activity in the ports of landing of The fleet of the EU; improving the capacity of the seamen signed on the fleet of the EU.

The SFPAs and the promotion of good governance, the point of view of the French shipowners

Michel Goujon, Orthongel, France



For the French fleet, the fishing agreements are essential to driving their fishing activity. We favor the partnership agreements for sustainable fishing (SFPAs) which are to our eyes the most complete, transparent and fair of the fact many provisions designed to secure the access of vessels to the EEZS, ensure a sustainable exploitation and a monitoring of the activity of vessels, to preserve the interests of the coastal countries and strengthen the benefit to the coastal countries and to guarantee for the European taxpayer a good use of the funds of the EU.

Progress is still possible in order on the one hand, to facilitate the implementation of the SFPAS, for example by a regional approach with respect to the boarding of the sailors or observers, the inspection of vessels, and, on the other hand, reduce costs redundant to armaments, simplify and accelerate the procedures for renewal of licenses, improve the supply of local markets and expand even more the high transparency of current SFPAS.

Finally, the French fleet is strongly committed to this that the SFPAS retain their fair character with regard to the relations between operators and coastal countries but also vis a vis competing fleets.

Fair and transparent agreements: fundamental tools for the improving oceans governance

Julio Morón, Opagac, Spain



In the Atlantic Ocean, approximately 35 to 40% of total tuna catches are obtained in the EEZS of the riparian countries, all members of ATLAFCO. A good governance of the oceans requires of the fisheries agreements are fair and transparent as a fundamental

tool for the sustainable use of tuna resources in the Atlantic Ocean. The fleet of tuna of the EU is covered by the partnership agreements for sustainable fishing (SFPAS) which constitute a world reference for the transparency and sustainability. The fleet associated (i.e. the vessels flying the flag of countries outside the EU but controlled by the investments of the EU in the coastal countries) is also covered by the fisheries agreements with coastal countries which respect the principles of the Initiative for the transparency in the tuna fishing (TTI), namely: direct payment to the national treasury of the coastal countries of the royalty; the establishment of the text of the fishing agreement including all conditions associated with the license and in accordance with the national legislation in force ; and the obtaining of fishing licenses whose validity is endorsed by the coastal State.

The SFPAs and the promotion of good governance, the point of view of the WWF

Raúl García, WWF, Spain



The new external dimension of the common fisheries policy of the EU has been built by a set of stakeholders and a political consensus. This is reflected for example in the guidance developed by LDAC which is composed of all the stakeholders. The principles such as transparency, responsibility and participation apply not only in the European Union but also at the international level. We must therefore ensure the consistency between the various policies of the EU and to be more strategic with respect to the implementation of the external dimension of the CFP, including through the SFPAS. It should be more to work with the RFMO. In this context, the EU should improve the coordination and cooperation with ATLAFCO Member States, not only in respect of the conditions of access or of the SFPAS, but also at the level of the ICCAT in order to ensure a broader engagement on the measures for the conservation of fisheries managed to the international scale.

The WWF and other NGOs are working together to ensure the full implementation of the CFP, including the mechanisms relating to IUU fishing, the control of the authorities and of the measures of regulations in order to improve the governance at the scale of the EU and globally. We consider these tools as the most powerful in the world. In parallel, European consumers and associations (transformers and starting) are increasingly sensitized to the sustainability, the conditions of work and the traceability. Such conditions and standards are often difficult to meet for many West African countries producers. However, there are examples of exporting countries that have strengthened their governance and MCS and who derive benefits.

We welcome the commitment and the efforts of ATLAFCO to work together with the EU and other partners in order to improve the governance of fisheries. Such efforts must be deployed to artisanal fisheries which must be properly managed in the framework of national plans. The sustainability is critical in terms of food security and the future of fishing communities. Assistance for the development of the EU and the contribution of sectoral SFPAS can be very useful for improving the management of fisheries, programs of data collection by the communities, the assessments of fisheries poor in data. This allows also encouraging the fishing communities and the participation of civil society and the use of traditional knowledge by including the implementation of co-management process, traditionally in place previously in the African fisheries.

The SFPAs and the promotion of good governance, the point of view of the environmental justice Foundation

Irene Vidal, the environmental justice Foundation, EU



The environmental justice foundation (EJF) is a registered charity in the United Kingdom. She works internationally to protect the environment and human rights. The Foundation has worked for several years for the good health of the oceans and the people who depend on them. His work specializes on the protection of marine

resources, combat IUU fishing and the promotion of sustainable management of fisheries. With surveys in the sea and in working closely with the affected communities, EJF promotes the construction of the transparency and traceability within the lines of supply and markets. With a main office in London, EJF has agencies in Liberia, Sierra Leone, Ghana, Côte d'Ivoire, Spain, Germany and South Korea. Its ambition is to secure the fisheries managed properly and durable and so the conservation of marine biodiversity and marine ecosystems as well as of human rights.

One of the objectives of the European Union is the improvement of the governance of the oceans at the international level, this is why the external dimension of the EU of the common fisheries policy must become a tool to promote the good governance of the fishery in the world, not only in establishing the SFPAS, but also through its active participation in RFMOS, a struggle against the illegal, unreported and unregulated fishing (IUU) and the sustainable management of the fleets of the EU outside Community waters.

The presentation of the EJF will focus on the manner in which the African countries should take advantage of good governance principles integrated in the policy of external fishing of the EU and its consistency with the development policy of the EU by using, inter alia, good practices and cooperation as a point of reference for their own external policy internal and of fishing and by the establishment of fisheries management systems and robust, transparent and responsible. The attention of EJF will focus on one of the main pillars of good governance, a system of monitoring control and surveillance (MCS), which with other elements; will help to maximize the income of the fishery for the country, to protect the fisheries resources and ecosystems as well as the means of subsistence and the food security of local communities.

The SFPAs and the promotion of good governance, the point of Mauritania 2000

Nedwa Nech, Mauritania 2000, Mauritania



Mauritania has a long experience of partnership with the European Union which date of more than thirty years. The financial contribution of these agreements has contributed in a very significant way to the budget of the State and the economic development of the country. But despite this important financial contribution, the direct impact on the development of the sector such as ports, infrastructure of landing, the chain of cold and processing infrastructure and recovery is not very significant. There has been support for the renovation of a few infrastructures, including the artisanal port of Nouadhibou and the fish market in Nouakchott.

With regard to the food security, the marketing channels short and little developed lack of road infrastructure, cold chain and adapted transportation. The recent choice for the recovery of small pelagic species has focused on the manufacture of fish meal. However, this entails negative effects on food security at the level of the country and the region, because this mode of processing is done from products which are the most consumed in the West African region.

The organizations of production and the organizations of civil society are little associated negotiations of agreements. We also note a predominance of industrial fishing actors to the detriment of artisanal fisheries in the areas of consultation and decision making... However, several advances can be put in before. This concerns first of all the awareness of CSOS and op to strengthen the dialog between the various actors of the sector, thus they are more present at the level of networking national, regional and international levels to advocacy for more transparency in the fishery, in Mauritania, which has been the engine of the commitment of the Mauritania to extend the transparency to the maritime fishing launched on 19 January 2015. At the level of the SFPAS 2015-2019, the major issues of governance and sustainability have been proclaimed, such as the publication of agreements, the participation of the actors in the negotiations. At the social level and food security we can note the increase of the number of national marine on the boats as well as the 2

per cent which are allocated to the government to participate in food security at remote sites in Mauritania.

In conclusion, it should be noted significant results at the level of the " soft ", such as the realization of strategies, particularly for scientific research, of a framework for investment, of plans for the management of fisheries, such as for the octopus, shrimp, the mule. In contrast, low results at the level of the »hard ", such as the infrastructure of landing, cold, of transport are to be noted.

The SFPAs and the promotion of good governance, the point of the European Federation of Trade Unions of Workers of the sea

Juan Manuel Trujillo Castillo, European Federation of Trade Unions of Workers of the sea, Spain



The Convention of the International Labor Organization (ILO) of 2007 on the work of the fishermen (No. 188) aims to ensure that all the workers of the sea are exercising their profession in decent working and living conditions. In 2012, an agreement was concluded with Européche/COGECA in order that the ILO Convention is transposed into the legal framework of the EU. The SFPAS must include social clauses: the 1998 ILO Declaration on Fundamental Principles and Rights at Work; and the conditions of employment including pay; the conditions of life and work on board; the issuance of a copy of the contract of work at each marine; the issuance of a payroll; the social clauses of the State of the flag; the right of visits of representatives of unions when the ship is at the berth.

The role of the SFPAs in the strengthening of regional cooperation, the example of the ICCAT

M'Hamed Idrissi, ICCAT, Spain



The presentation began with a general presentation of the ICCAT, its 50 Contracting Parties (CPCs), among which 15 are also members of the ATLAFCO, the objectives and the scope of the conservation and management measures undertaken within its area of Convention which covers all the Atlantic Ocean and its adjacent seas. She then reviewed the close cooperation between ICCAT and other tuna RFMOS on several issues of common interest, including the lists claw and IUU fishing (IUU), the process of Kobe, etc. The process of modernization of the ICCAT is the subject of continuous, based on reviews of its performance conducted by third parties following the decisions of the General Assembly of the United Nations, is also presented. In terms of regulation, the past two decades constitute the period during which the ICCAT has adopted several binding measures relating to the excess fishing capacity and the fight against IUU fishing, with special attention for stocks such as those of red tuna, of tropical tuna, swordfish, as well as other species of tuna and related species. These Regulations are also intended to ensure that the requirements for submission of data by all CPCs are completed, and that CSIS has statistics necessary to carry out its work of stock assessment to even be able to provide scientific advice to the Commission, and also the need to ensure transparency between the CPCs by the respect in particular to the conditions of access to waters under the jurisdiction, including those of non-Contracting Parties (NPC). The Recommendation by ICCAT on Access Agreements [Rec. 11-06], establishing the communication and other requirements relating to access agreements, as amended by the Rec. 14-07, has been the subject of a detailed presentation by Mr. Idrissi, given its importance for this workshop ATLAFCO on the agreements of Partnerships for Sustainable Fisheries (SFPAS).

It continues by the presentation of the evolution of the enormous amount of work carried out by the ICCAT for the fight against IUU fishing, in particular through the strengthening of regulations for the disposal of flags of convenience, the prohibition of the use to the ports and access to the markets of the CPCs, the establishment of patterns of joint inspection, and this, for that the IUU activities are more lucrative for the criminals. The results obtained have been found to be satisfactory in the light of the significant drop in the number of IUU vessels in 2004; however, the slight increase of

recent years should be taken with a lot of attention. He recalled that the list of measures of control and surveillance (MCS) adopted by ICCAT includes, in addition to the general registry of ships and of records specific to the species, the establishment of a list of IUU which is regularly checked and cross with the other tuna RFMOS; this is reinforced by the inspections to the ports, the mechanisms of traceability of the catches (statistical documents and electronic document capture), monitoring through the VMS, the programs of regional observers -ROP- (bluefin tuna and transshipment), as well as inspections at sea on board vessels. ICCAT has always supported the establishment of the Global Register of the FAO and the international policies aiming at the strengthening of MCS practices. To support the efforts for the protection of endangered marine species, ICCAT has adopted a number of measures concerning the sharks and the mitigation of by-catch on the cetaceans, turtles and sea birds.

It is concluded with the emphasis on the interest for the 22 African States bordering the Atlantic Ocean, members of the ATLAFCO, to be more and more active within RFMOS (ICCAT and other), better yet as members. At the end, a brief presentation, in the guise of announcement, is given on the Program of the ICCAT for the marking of tropical tunas in the Atlantic Ocean (AOTTP) which is in the process of implementation by the Secretariat of the ICCAT. The 1st year, tagging activities are planned to commence from mid-June 2016. The ICCAT seeks, in this regard, the support of the members of the ATLAFCO in order to grant the authorization of access to their EEZS to the fishing vessel chartered by the Consortium contracted to run this program.

Discussions

The discussions focused on several points including the need to strengthen the transparency and the participation of organizations of civil society in the negotiations of the fisheries agreements. In the regime of partnership agreements of sustainable fishing (SFPAS), it is appropriate to introduce social clauses so that the working conditions of the people of the fishing in the coastal countries are identical to those of the European fishermen sailors. Even if it has been recalled that the SFPAS's role is not to improve the conditions of local populations in coastal countries, however, it is clear that the SFPAS can play a role in the strengthening of regional cooperation, especially between the regional bodies of fishing in terms of access to resources. In order that the SFPAS is a win-win partnership, the priorities in terms of sectoral support must be clearly defined. In this launched, research, and the management of the stocks must be prioritized in even the support given to artisanal fishing

Session 4, toward the harmonization of the conditions of access to fisheries resources (President: Samuel Quaatay)

Operating mode of the Gabon vis-a-vis the harmonization of conditions of access

Gwladys Annick Ntsame Biyoghe, Assistant Director General of Fisheries and Aquaculture, Gabon



In the framework of the rational exploitation of fishery resources in its territorial waters, Gabon has signed with the European Union a fisheries partnership agreement based solely on the exploitation of tuna. The logic applied to the access of the tuna fleets are reflected in the memorandum of agreement whose duration is variable. It is essentially:

- The definition of the area of fishing;
- Of the conditions for obtaining a right of access to the resource;
- The terms of the payment of the right of access;
- The establishment of a tracking system via a program of boarding of observers on board;

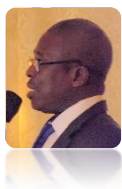
- The control of movements of fleets which must report their entry and exit of the EEZ of Gabon.

The protocol in force provides opportunities for the EU to fish for tuna and other highly migratory species for 27 tuna seiners and 8 pole-and-line vessels, based on a reference tonnage of 20 000 tons. Signed in 2013 for duration of 3 years, it shall end on the 23 July 2016. The management of the current protocol is characterized by:

- The implementation of the mechanisms provided for in the area of monitoring, control and monitoring of activities and in particular those relating to the shipment of the Gabonese observers aboard (first embarkations in May 2016),
- The participation of Gabonese scientists in the counting of the catches, the strengthening of the system for monitoring of activities (VMS, ERS, AIS, etc.) and the improvement of the tools of consultation between the two parties (regular holding of joint commissions as a means of improvement of the implementation of the Protocol).

Operating mode of Sao Tome and Principe and application of rules of transparency, João Gomes Pessoa Lima, Director of Fisheries, Sao Tome and Principe

João Gomes Pessoa Lima, Director of Fisheries, Sao Tome and Principe



The legal framework of the fishery is especially made by: Act No. 9/2001-law of the fisheries and fishery resources, which adopts a conservationist approach for the exploitation and management of fisheries resources; Act n° 13/2007 - Act of maritime safety and the prevention of pollution of the sea; Decree-Law No. 28/2012 - General regulations on the exercise of fishing activities and fisheries resources in STP It also specifies the obligation and the provisions required for the obtaining and use of a license for commercial fishing vessels and science; Decree-Law No. 12/2000 - health rules for the export of fish products to the European markets.

All the fishing agreements or other similar agreements concluded between the Government of the Republic of Sao Tome and Principe and the other State or an economic organization which has the mandate to negotiate these agreements on behalf of its Member States, of an association or any other organization representative of the shipowners or charterers of foreign vessels, giving of fishing rights in the waters under national jurisdiction for the vessels of these States, organizations, associations or other groups should be fully published one month after its signing in the Official Journal of the Republic.

The list of fisheries agreements or similar agreements, of vessels authorized to fish or to conduct activities related to fishing in the waters on the national court, the ships under the national flag authorized to fish or to conduct activities related to fishing outside the waters under national jurisdiction, and all the related revenues will be regularly updated and published at the end of each semester in the Official Journal or in a government Internet site, or by other means which is easily accessible to the public.

The objectives expected by the Government with the publication of the Act on the act of transparency are:

- Act in accordance with that the constitutional right of access to information by the citizens;
- Increase the responsibility and reduce corruption;
- Improve the decision-making process and accelerates the corrective measures;
- Give more credibility and support has the public policies of the State;
- Reinforces the reforms of the management of public finances.

The tuna fisheries transparency Initiative in the harmonization of the conditions of access (TTI)

Javier Garat, CEPESCA, Spain

Presentation given by Julio Moron (see Session 2)

For a harmonization of the conditions of access to fisheries resources, legal elements

Philippe Cacaud, independent consultant, France



The rights of coastal States to regulate access to the fishery resources in their maritime areas are defined in the Convention on the Law of the Sea of 1982. The SRFC and the FCWC have adopted conventions to promote the harmonization of the conditions of access of foreign fishing vessels in the Member States EEZs.

The presentation examines the main provisions of these two conventions and compares them with the existing initiatives in other parts of the world, including the minimum conditions for access (MCA) harmonized in the FFA for vessels fishing in the Pacific Ocean and the project of MCAs in the course of development in the Indian Ocean by the Fisheries Commission of the south-west of the Indian Ocean. In this regard, it is recommended to:

- Reassess the existing MCAs in West Africa and develop protocols in the framework of conventions in order to establish specific MCAs;
- Broaden the geographic scope of application of the MCAs relating to tuna fishing to the whole of the Member States of the SRFC, the FCWC and the COREP;
- Broaden the scope of the MCAs to other areas (e.g. prior inspection, support vessels, use of drift DCPs, respect of ILO standards on the conditions of work on board fishing vessels and support;
- Take the MCAs as reference standards for the coastal States and not the SFPAS;
- To consider the MCAs as an instrument for the strengthening of regional cooperation;
- To promote the MCAs as an instrument for the improvement of the transparency and non-discrimination between fleets.

Discussion around the harmonization of access to fisheries resources and considerations to take into account, led by Anaïd Panossian

For the SRFC region, the minimum conditions of access (MCA) must be reassessed and new protocols developed. The role sectoral support in the framework of the SFPAS has been the subject of many discussions. With regard to the MCA, it is a good entry door to bring transparency in the management of fisheries resources, but they should be accompanied by action plans implemented. The ATLAFCO can play a role for that the plans of actions for implementation of the WCA are effective. The ATLAFCO has also been called upon to support the States to streamline the efforts to win the battle for transparency, in particular as regards information on landings, and the needs for capacity-building for the collection of data. AU/IBAR was also called upon to strengthen the capacities of States in the negotiations of the fisheries agreements. For the enlargement of the field of application of the MCA, its feasibility has raised a lot of questions. It was also recalled that transparency requires the publication of data and information on the agreements of private fishing signed by the States.

Session 6, Conclusion and Next Steps (President: Angaman Konan)

The last meeting was devoted to the adoption of the workshop conclusions and the recommendations related to the harmonization of the conditions of access to fisheries resources

Recommendations

The participants of the workshop have adopted the conclusions and recommendations presented below.

<p>The recommendations of the workshop on “The partnership agreements for sustainable fishing and the good governance of the fisheries in the ATLAFCO area”</p>
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- A. Highlighting the importance of the fisheries sector for the economic growth, its contribution to the creation of employment, food security and poverty reduction of the countries of the ATLAFCO area;
- B. Recognizing the extent of the catches made in the coastal countries waters within the framework of fisheries agreements that have several forms including that of a sustainable fishery partnership agreement (SFPA) contracted between the EU and a coastal country;
- C. Recognizing the more comprehensive character of the SFPAs vis-a-vis other forms of contractual arrangements, in the matter of increased transparency and improved governance in the coastal countries especially by the fact that they have progressively substituted the commercial logic of access to the fisheries resources (“*pay to fish*”) to that of a wider partnership based on the principles of equity, sustainability of resources and solidarity;
- D. Considering the SFPAs as a key component of the external dimension of the EU Common Fisheries Policy and therefore as a tool that can contribute to the development of the coastal countries and its fishing communities;
- E. Recognizing the need for a coherent national policy and legislative framework to integrate fisheries agreements, in any forms, into a national strategy and to better take advantage of it;
- F. Considering the lack of impacts assessments (*ex ante* and *ex post*) induced by the various agreements except the ones done by the EU;
- G. Recognizing the existence of sub-regional conventions specific to the minimal conditions for access measures;
- H. Recognizing the importance of the domestic fishing especially artisanal for the supply of the national markets and more generally to contribute to the food security of the region;
- I. Convinced that the SFPAs, if adequately implemented, may constitute an effective tool for the improvement of the governance of fisheries and particularly the transparency, the development of research capacity building, national monitoring and management;

The participants recommend:

1. The improvement of scientific knowledge of fish resources of the coastal States and the scientific advice formulated for the assessment of fishing opportunities and estimation of the surplus which can be the subject of a fisheries agreement;
2. The strengthening of the regional scientific cooperation by:
 - The support of the African Network of Institutes of fisheries research and science of the Sea (RAFISMER)
 - The strengthening of the capacity, role and functioning of the Fishery Committee for the Eastern Central Pacific (CECAF) for a better scientific underpinning of sustainable management of small pelagics and cephalopods and the need to promote regional management of these shared stocks;
 - The boosting of the scientific joint committees for the monitoring of implementation and of scientific assessment of fishing agreements.
3. The promotion of the transparency by better information of the civil society organizations and representative structures of fisheries in the process of the development and implementation of the SFPAs:
 - By ensuring a free access of the public to information relating to all the agreements, including licenses lists (including IMO numbers), financial payments, sanctions on vessels and projects carried out under the EU sectoral support;
 - By promoting the vertical integration of the fishing professional organizations of the countries of the region;
 - By performing regular assessments of the Agreements and their economic, social and environmental impact, in particular related to the use of sectoral support.
 - By encouraging the data release on fishing effort in the waters of the coastal states, including foreign fleets.
4. The allocation of SFPAs sectoral support to the efficient development of coastal States fisheries and the achievement of the actions considered to be priorities;
5. The establishment of a national strategic framework in which the role of the fisheries agreements is clearly defined and of instruments of policies that take account of the regional conventions on the minimal conditions of access;
6. The acknowledgment of the strategic importance of local fisheries for coastal States, especially the small scale fishing and its role in food safety, the fight against poverty and the development of coastal communities;
7. The intensification of the cooperation with the regional fisheries organizations in order to strengthen regional governance of fisheries resources and in particular by the establishment of mechanisms for the joint management of the main species (tuna and tuna-like species, small pelagic, demersal stocks, etc.);
8. The implementation of the existing regional conventions related to the minimal conditions for access (e.g. granting of fishing licenses, inspection of vessels, boarding of observers, etc.);
9. The harmonization of the labour conditions for sea workers in terms of minimum pay and decent living conditions on board in all ATLAFCO's area countries;

10. The harmonization of the data management of catches of vessels operating in the framework of fisheries agreements and the establishment of automatic catch data transmission mechanisms (e.g. AIS, ERS, e-logbook...).
11. The support of ATLAFCO for the implementation of the minimum conditions of access, particularly in the Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa

Appendix 1: Agenda

Day 1: Thursday 2 June 2016

OPENING AND INTRODUCTION OF THE WORKSHOP	
08:00-09:00	Registration
09:00-09:30	Official Opening
09:30-09.45	Introduction of the workshop
THE NEW PARTNERSHIP AGREEMENTS IN THE AREA OF SUSTAINABLE FISHING (SFPAS): GENERAL ASPECTS	
09:45-12:45	<p><i>The fisheries agreements concluded by the Member States of the ATLAFCO and new SFPAs:</i></p> <ul style="list-style-type: none">• Review of all agreements in the countries of the zone ATLAFCO, Pierre Failler, University of Portsmouth• Presentation of the SFPAS and first returns to experience: Roberto Cesari DG-MARE, European Commission• The sectoral support, decisive component of the SFPAS for a good governance of the fisheries sector of the coastal countries, Anaïd Panossian• Discussion around the framework of implementation of the agreements of the current fisheries and the prospects offered by the SFPAS
12:45-13:45	Lunch

THE FISHERIES AGREEMENTS: CONTRIBUTION TO THE PROCESS OF DEVELOPMENT OF THE NATIONAL FISHERIES SECTOR, COMPLEMENTARITY AND OVERALL COHERENCE	
13:45-16:00	<p><i>Contribution to the development process, a few national examples and possible improvements:</i></p> <ul style="list-style-type: none"> • Contribution to the modernization of the sector of fisheries, Mauritania, Lamine Camara, Director of Fisheries, Mauritania • Contribution to the fishing industry, the Côte d'Ivoire, Shep Helguilè, Director of Fisheries, Côte d'Ivoire • Prospects of improving the contribution of the SFPAS in the process of development of the fisheries sector of the coastal countries, Sidibe Boubakar, AU -IBAR • Discussion around possible improvements
16.00-16.15	Coffee break
16:15-18:00	<p><i>Complementarity of policies and overall coherence</i></p> <ul style="list-style-type: none"> • Complementarity of policies and more-value national: the case of the tuna fisheries, Angaman Konan, CRO, Côte d'Ivoire • The food security of communities of West Africa: the case of pelagic resources, Gaoussou Gueye, CAOPA • The contribution of the pelagic trawlers of the EU to the food security, Gerard van Balsfoort, PFA • Policy coherence in the fisheries sectors in West Africa., Papa Gora Ndaye REPAO, • Presentation of the global initiative for greater transparency and equity in the fishing, Andréa Durighello, FITI • Discussion focused on the important elements of the complementarity and coherence, led by Diénaba Beye, SRFC <p style="text-align: center;">Synthesis and Recommendations</p>
18.00	End of the first day

Day 2: Friday 3 June 2016

THE ROLE OF THE SFPAS AS A VECTOR OF GOOD GOVERNANCE PRESIDENT: ALEXANDRE RODRIGUEZ, LDAC,	
09.00-10.30	<p>The SFPAS and the promotion of good governance, the point of view:</p> <ul style="list-style-type: none"> • Of the institutions: <ul style="list-style-type: none"> ▪ Director General, International Management of Fisheries and RFMOS, Spain, Rafael Centenera, • The shipowners : <ul style="list-style-type: none"> ▪ France, Michel stud, Orthongel ▪ Spain, Julio Morón, OPAGAC • NGOs: <ul style="list-style-type: none"> ▪ WWF, Raúl García ▪ Environmental Justice Foundation, Irene Vidal ▪ Mauritania 2000, Nedwa Nech ▪ European Federation of Trade Unions of Workers of the sea, Juan Manuel Trujillo Castillo
10.30-11.00	Coffee break
THE ROLE OF THE SFPAs AS A VECTOR OF GOOD GOVERNANCE	
11.00-12.30	<p><i>Discussion around the SFPAS and their interaction with the process of good governance</i></p> <ul style="list-style-type: none"> • Discussion around the key factors of the contributions of the SFPAS to the good governance of fisheries in Africa, including in the area of strengthening of management capabilities, research and monitoring, control and monitoring, led by Abdelmalek Faraj, NHRI • Discussion around the role of the SFPAS in the strengthening of regional cooperation through the regional bodies of fishing (RFMOS and ORP), led by M’Hamed Idrissi, ICCAT <p align="center">Synthesis and Recommendations</p>
12.30-14.00	Lunch

**TOWARD A HARMONISATION OF THE ACCESS CONDITIONS TO FISHERIES
RESOURCES**

PRESIDENT: SAMUEL QUAATEY, DIRECTOR GENERAL FISHERIES, GHANA

14.00-15.30	<p><i>Example of the tuna fishery: Understanding the logic of applied to the access of the tuna fleets</i></p> <ul style="list-style-type: none"> • Operating mode of armaments French and Spanish representatives ORTHONGEL, ANBAC, Opagac • Operating mode of the Gabon, Gwladys Annick Ntsame Biyoghe, Assistant Director General of Fisheries and Aquaculture, Gabon • Operating mode of Sao Tome and Principe and application of rules of transparency, João Gomes Pessoa Lima, Director of Fisheries, Sao Tome and Principe • Initiative for transparency in the tuna fisheries in the harmonization of the conditions of access (TTI), Javier Garat, CEPESCA
15.30-16.00	Coffee break
16.00-17.00	<p><i>For a harmonization of the conditions of access to fisheries resources</i></p> <ul style="list-style-type: none"> • Introduction by Philippe Cacaud • Discussion around the harmonization of access to fisheries resources and considerations to take into account, led by Anaïd Panossian, independent expert • Synthesis and Recommendations
CONCLUSIONS AND NEXT STEPS	
17.00-18.00	<p><i>Adoption of the conclusions of the workshop on the priorities and actions to be undertaken, definition of next steps and the development of a roadmap including guidelines for the harmonization of the conditions of access to fisheries resources</i></p>
18.00	End of the workshop

Extract from the report "Review of the fisheries agreements, past and present concluded by some member countries of the African Union, AU-IBAR September 2015

Summary

The multiplicity of fisheries agreements between African States bordering the Atlantic Ocean and distant-water fishing countries (or their nationals) is a manifestation of the diversity of situations encountered and the need to harness each of them to the best effect. However, in the absence of an evaluation of the various agreements in force, African coastal countries are unable to assess the economic and social benefits accruing from such agreements, as well as the associated environmental impacts.

It is only tunas, out of all species targeted by longline fleets, which could potentially benefit from the regional management of access. Tunas are not the subject of strong commitment by States to relinquish their claim to sovereign rights as is the case with demersal and small pelagic resources.

Several fisheries organizations (SRFC, FCWC, COREP, CECAF, ATLAFCO), a tuna fisheries management organization (ICCAT) and an international fisheries management organization covering Area 47 (SEAFO) operate on the border with the Atlantic and as such, can organize (or participate in) the management of regional fisheries agreements. Given ICCAT's current mandate, it can contribute its scientific expertise to a regional initiative, while ATLAFCO, or an organization established expressly for this purpose, can manage the access to tuna resources.

Nonetheless, the implementation of the said initiative requires the political commitment of all coastal states in the form of a Government resolution that would initiate the process of the implementation of regional fisheries agreements. The first step will consist of harmonizing national regulatory frameworks and creating an AU Group of Experts that is able lay the building blocks of the initiative as well as provide support to coastal countries in order to develop their capacity to negotiate and manage agreements. The second step will comprise the political validation of the selected institutional structure, at the level of the AU, and the third step will involve institutionally implementing the process of allocating access to tuna resources and the management of agreements.

Introduction

The establishment of exclusive economic zones (EEZs) in the late 1970s changed the conditions of access by distant-water fishing fleets to waters, which were, from then on, considered the jurisdiction of coastal countries.

Fishing vessels had to pay access fees to the authorities of the concerned coastal countries to, access fishing areas that were previously under an open access regime⁴. Three types of contracts gradually came into being: the public bilateral fisheries agreement concluded between the flag State and the coastal State, the private agreement between a producers' organization or vessel and a coastal State (free license and fishing convention that go beyond simple access to resources⁵) and private agreements between two enterprises (a joint venture between a national company and a foreign ship-owner and the chartering of foreign vessels by a national ship-owner). All these arrangements are referred to using the generic term «agreement»⁶. Despite the differences in their implementation, there is a common thread: the lack of transparency with regard to both their

financial and fisheries aspects. Furthermore, in view of the difficulties faced by coastal States in acquiring industrial fishing fleets, the value addition of granting fishing rights to foreign vessels is increasingly being questioned. In addition, ever since the negotiation of the first fisheries agreement between Senegal and the European Union (EU) in 1979, there has been some controversy⁷ surrounding the role of fisheries agreements in the development process⁸ of African countries. Although these agreements constitute significant budgetary resources for coastal countries and thus contribute to the countries' economic and social development, they also seem to hamper the development of national fishing capacities. Over and above fisheries agreements, fishing holds an important place in the economies of most African countries, and particularly those that border the Atlantic Ocean, namely Mauritania, Senegal and Ghana, and to a lesser extent Gabon, which are the four key countries that are the subject of this study. It is for this reason that the African Union, in a recently developed document which defines the Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa⁹, is committed to promoting the sustainable development of national fisheries and the drafting of fisheries agreements that are equally beneficial for all parties. It notes that numerous fisheries agreements result in the significant loss of benefits for African countries due to their flawed formulation as a result of weak negotiating capacities. The relatively low involvement of fishing communities in the negotiation process contributes to the development of such agreements. In this regard, the last Conference of Ministers of Fisheries and Aquaculture held in March 2014 in Ghana recommended that fisheries agreements are negotiated at the regional level and receive technical support from regional economic communities with a view to increasing the resulting benefits for African countries.

In order to improve the capacities of African countries and regional organisations¹⁰ in the area of negotiations and the formulation of fisheries agreements, the sharing information on the lessons learnt and good practices in countries which have implemented such agreements or are currently doing so is indispensable. The trans-boundary nature of fish stock including tuna¹¹, makes it equally important to address regional capacity building with regard to negotiating, implementing and monitoring fisheries agreements that target migratory stocks so as to ensure their optimal management. It is within this context that the consultancy has been structured with the starting point being Africa's border with the Atlantic Ocean (geographic scope of this report), to be subsequently expanded to include other regions on the continent. The ultimate goal is to develop equitable agreements, which will contribute to the sustainable exploitation of fishery resources during their implementation.

The main objective of the report is to present a situational analysis of fisheries agreements in Africa, together with key lessons learnt in the course of their implementation with a view to developing agreements that have the most appropriate geographic scale and are the most equitable. There are three specific objectives linked to the main objective. They consist of firstly conducting an evaluation of the efficiency of various types of agreements taking into account national disparities. This will be followed by an assessment of the opportunities and constraints relating to the implementation of regional agreements as well as the formulation of a number of recommendations for their development, including a structured work plan.

Among all the fisheries agreements in force in West and Central Africa, for a number of years, bilateral agreements on tuna and tuna-like species have been the most common and most significant in financial terms. They replaced the so-called mixed bilateral agreements which include both demersal resources (coastal fish, prawns and cephalopods, and pelagic resources (tunas and small pelagic)¹². The depletion of demersal resources along the Atlantic coast has gradually led to the

withdrawal of distant-water fishing fleets from African coastal waters. However, there are still some notable exceptions such as the agreement between Mauritania and the EU, whose new protocol was recently signed¹³ and includes all pelagic and demersal resources, except cephalopods¹⁴, and the agreement between Morocco and Guinea-Bissau with the EU that is smaller in scope. Tuna and tuna-like species are the only category of fish in the Atlantic being managed under the auspices of the International Commission for the Conservation of Atlantic Tunas (ICCAT). Bilateral agreements specific to small pelagic are non-existent. Access by foreign vessels to national EEZs is done through the issuance of free licences¹⁵, the establishment of joint ventures¹⁶ or charters¹⁷. Furthermore, no regional management measures exist for catches of small pelagic, even though management plans have been developed in recent years for sardinella (SRFC and COREP) as well as for bonga fish and mullets (SRFC). This is more reason why a detailed assessment of tuna agreements is opportune as we move towards regional agreements. It is worth mention that the only agreements that are currently the subject of regional management measures exist for catches of small pelagic, even though management plans have been developed in recent years for sardinella (SRFC and COREP) as well as for bonga fish and mullets, (SRFC). This is more reason why a detailed assessment of tuna agreements is opportune as we move towards regional agreements. It is worth mention that the only agreements that are currently the subject of regional management are the Pacific tuna agreements¹⁸. There is therefore a precedent that can be referred to.

This document is composed of three sections. The first section presents the context and main challenges facing African countries bordering the Atlantic in terms of the formulation and management of fisheries agreements, and specifically tuna agreements. The second section analyses the relevance and feasibility of the implementation of regional agreements of straddling and migratory stocks. The last section sets out recommendations for capacity building at national and regional levels, as well as proposals for a supranational framework for negotiations and the management of regional fisheries agreements.

1. Context of Fisheries Agreements with African Countries bordering the Atlantic Ocean

1.1 Brief Background and Overview

The United Nations Convention on the Law of the Sea (UNCLOS) of 1982 officially gave all coastal States the right to establish a 200-mile EEZ limit from their shorelines¹⁹. Article 62 of the Convention states that «The coastal State shall determine its capacity to harvest the living resources of the exclusive economic zone

Where the coastal State does not have the capacity to harvest the entire allowable catch, it shall, through agreements or other arrangements and pursuant to the terms, conditions, laws and regulations referred to in paragraph 4, give other States access to the surplus of the allowable catch (...).» The said article confers a legal basis to fisheries agreements. The notion of « surplus » alluded to in the UNCLOS text (although not explicitly defined) implies knowledge of the optimal

level of harvesting and the national fishing capacity. Other than the challenges in defining the surplus for each species involved in the absence of a scientific evaluation and fisheries development plans for the majority of West African, this notion cannot be applied at country-level to pelagic fisheries, in particular tuna and tuna-like species and oceanic migratory fish that are independent of an EEZ. Although Article 64 deals with such species, it does not specify the modalities of access by foreign fishing vessels to national EEZs. In fact, it considers that for highly migratory species, the coastal State and distant-water fishing nations shall cooperate, «directly or through appropriate international organizations with a view to ensuring conservation and promoting the objective of optimum utilization of such species throughout the region, both within and beyond the exclusive economic zone ». It therefore remains silent on the manner in which foreign fleets can access national EEZs of coastal States in respect of tuna and tuna-like species.

For countries that have longline fleets, the establishment of EEZs has been done using diverse approaches.

For EU Member States, since the entry into force of the Hague Resolution in 1976²⁰, on the extension of fishing zones to 200 nautical miles off the North Sea and North Atlantic Coast, the negotiating mandate was transferred from the State to the European Intergovernmental Authority (European Economic Community until 1992, the European Community until 2009 and since then, the European Union²¹). This decision resulted in the conclusion of agreements between the Community and third countries either defining the terms of exchange of access rights (reciprocity) in the case of shared zones or stocks, or conditions for the purchase of access rights to fishing areas that fall under the sovereignty of States that are not members of the supranational European organization (third-country EEZs). Fisheries agreements adopted a new legal framework following the entry into force of the European Council's decision of July 19, 2004 and for 10 years, would be referred to as fisheries partnership agreements (FPAs). From the end of 2014, they acquired a new denomination, « sustainable partnership fisheries agreements (SPFAs) ».

Eastern European countries, that were members of the Union of Soviet Socialist Republics (USSR), could access fishery resources until the late 1970s within the context of more general agreements concluded with African socialist countries (Angola, Guinea, Mauritania, etc.). Many joint ventures were created with the national shareholder being the Government itself (while the other shareholder was a fishing company from a Member State of the USSR)²². Their chaotic operations could not withstand the collapse of the Soviet Bloc, especially since it marked the end of their access to extremely cheap fuel. The charter system gradually enabled vessels flying the flag of a Baltic State (Estonia, Latvia and Lithuania), mainly from Russia or Poland, to resume fishing operations along the African coast. Nevertheless, the integration of several Eastern

European countries to the EU²³ significantly reduced the number of large capacity vessels in the Eastern European fleet. Today, it is only vessels from the Russian Federation that ply Africa's Atlantic waters. They primarily operate in markets of countries from Central Africa and the Gulf of Guinea.

The Asian continent is essentially represented in the waters of the Atlantic coast bordering Africa by Japan, China and South Korea. Japan, which was very active in tuna fishing in the 1970s and 1980s, gradually disappeared from the African Atlantic maritime scene. Some longliners, however, continue to operate off the coast of Gabon and São Tomé and Príncipe. At the time, Japan had entered into contractual arrangements through the National Fishing Federation (the umbrella body of Fisheries Cooperatives) that represents the entire industry and is mandated to negotiate on behalf of the Japanese Government. Agreements were signed with most African countries in EEZs where

tunas migrate. Unlike Japan, China and Korea have considerably increased their presence in the Atlantic waters. The former has generally been involved in demersal fisheries and more recently, tuna fisheries using a fleet of surface longliners. All catches are destined for the Chinese market. The latter, however, has in recent years developed a fleet of longliners, along the Japanese model which consists of maintaining the quality of catches over the quantity fished. The target is the Asian market as a whole, with special focus on sushi. Caribbean countries are also represented in the Atlantic waters. These so-called Flags of Convenience

Countries (FOCs) allow foreign ships to fly their flag, including tuna vessels belonging to EU ship-owners. This is how the Netherlands Antilles, Belize, Cuba, Panama, Saint Vincent and the Grenadines have found themselves fishing in African waters. These vessels all operate under the free licensing system. Some African countries like Liberia, Côte d'Ivoire, Equatorial Guinea and Cape Verde are home to vessels whose owners, mainly based in Europe, want to either benefit from more favorable tax and organizational regimes (including labor and safety codes) or in the case of tuna vessels, seek to access the fishing quotas allocated per country by ICCAT, on the one hand, and waters of third countries which have an agreement with the EU and whose limit of the number of authorized vessels has already been attained, on the other hand²⁴. These vessels operate both under free license system and sub-regional or bilateral agreements between coastal States.

The total reported catch by all fleets is about 5 million tons annually. Catches by African fleets rapidly increased from 2.5 to approximately 4.7 million tons between 1990 and 2012²⁵ (cf. figure below). In contrast, those of European fleets, inclusive of all countries (EU and Russia) steadily declined from 3 to 0.5 million tons over the same period. The collapse of the Soviet Bloc's fleets partially explains this phenomenon since they accounted for about 50% of the European total catch between 1970 and 1988. The other explanation is the gradual withdrawal of fleets of the three key European countries, namely Spain, France and Italy, whose catch decreased by over 60% between the late 1980s and 1992. The transfer of vessels from some EU Member States to FOCs also contributed to this situation. It is for this reason that Caribbean countries in late 2000 and beginning of the next decade had a catch volume of about 500,000 tons. Asian countries occupied a lower position in terms of the total catch as a result of the gradual withdrawal of Japan from the 1970s (the Japanese catch dropped from 250,000 to 28,000 tons during this period). The progressive entry of Chinese fleets (and those of the Chinese province of Taiwan) and Korean ones, to a lesser extent, contributed to higher volumes of catches, although the figure remained low at 150,000 tons per year.

Whistleblowing by international NGOs²⁶ on illegal fishing practices, lack of catch reports, etc. from Asian fleets lead us to the assumption that these data represent the minimum volume of catches.

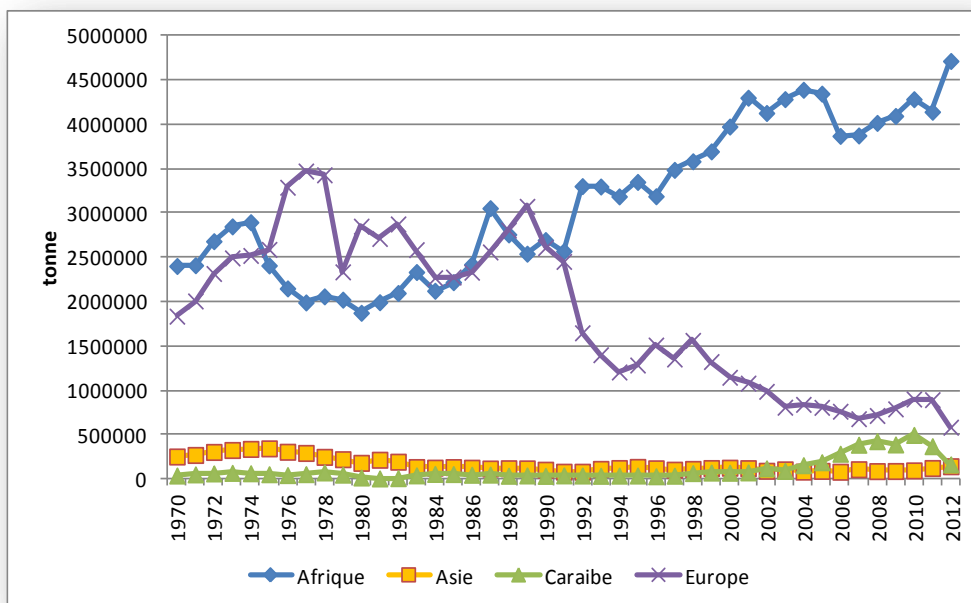


Figure 1 : catches of the vessels flying the flag of a country in Africa, Asia, the Caribbean and in Europe in the areas FAO 34 and 47

Source: FAO FISHSTAT 2015

The main species fished by fleets are small pelagic (approximately 3.5 million tons on average over the period 1970-2012, accounting for over 65% of the total catch). Demersals and unidentified marine fish and others (comprising all groups of species whose percentage was negligible) weighed nearly 30% of the total catch, representing about 1.5 million tons per year, while tuna and tuna-like species represented an estimated 500,000 tons per year (8% of total catch).

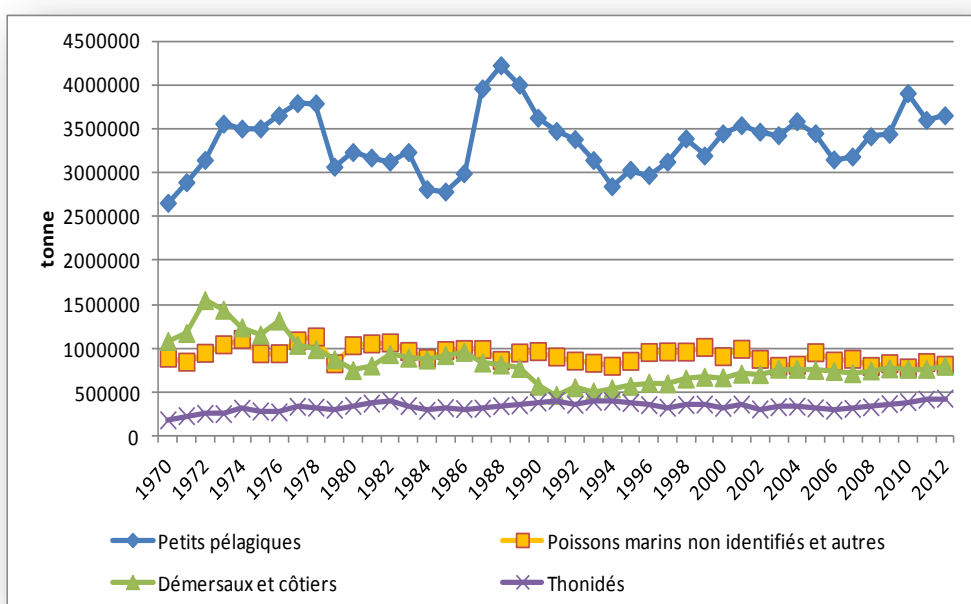


Figure 2 : main groups of species caught by the whole of the fleets in the areas FAO 34 and 47

Source: FAO FISHSTAT 2015

Foreign-owned fleets primarily target tuna resources. Apart from Ghana, no other African country harvests tunas using industrial units²⁷. The majority of small pelagic fall under artisanal fisheries with the exception of Morocco, Mauritania, Namibia and South Africa that own or operate industrial units (mainly national units in Morocco and South Africa with some Moroccan-Spanish joint ventures in the former through the vessel charter system and the bilateral agreement with the EU and Mauritania and within the framework of joint ventures in Namibia, mainly with Spanish vessel owners). Demersal resources are targeted by a variety of national, artisanal and industrial fleets (most joint venture companies), Asian fleets (free licenses or fisheries agreements) and EU fleets (fisheries partnership agreements). The decline of resources (the halving of catch volumes in 1970 and 1992) is a reflection of the reduction of joint ventures fleets and also the disinterest on the part of EU Member States to gain access to these resources²⁸.

On the whole, the share of catches in the Atlantic waters off Africa by foreign vessels gradually decreased to 16% in 2012 compared to 62% in 1976 (900,000 tons against 3.6 million tons respectively). The context is no longer one of an all-out expansion of fleets of major fishing nations like Spain and Japan nor the strategic positioning around certain segments deemed most important from an economic stand-point. Demersal fishing is completely disappearing be it in the context of bilateral agreements or joint venture companies. The fishing of small pelagic is still present through the chartering of vessels and fishing conventions as is the case with Mauritania and more recently, Gabon within the framework of a public-private partnership or the Mauritania-EU bilateral agreement (simply to meet the needs of former Soviet Bloc Member States) or joint ventures. In the case of tuna and tuna-like species, the fishing trend has continued, especially under the strategy of « reflagging » European operators or the quest for quality by Korean ship-owners.

1.2 Review of current and previous fisheries agreements of countries bordering the Atlantic Ocean

There are several categories of agreements governing access to fishery resources in African coastal countries by foreign fleets:

- Public bilateral agreements between States or political entities are arrangements negotiated between two States or political entities (e.g. the EU) that define the terms of access by vessels to the coastal State's fishery resources. Fisheries Partnership Agreements (FPAs) developed by the EU fall in this category. This model of an agreement may involve the financial contribution of vessel owners (case of European FPAs) or otherwise (case of some Chinese agreements including the one with Mauritania).
- Private agreements between a producers' organization (PO) or a vessel owner and a State are founded on the principle of the payment of an access fee that is determined either on the basis of the vessel's fishing capacity or the catch volume. The EU's PO tuna vessels access the EEZs of West African coastal countries that do not have an FPA with the EU through this type of arrangement.
- Private agreements between two companies comprise two main forms: a joint venture created using foreign and national capital in a fishing nation to guarantee the same conditions of access as those granted to national vessels²⁹ and a vessel charter agreement that enables national fisheries companies to use foreign vessels to exploit domestic resources in exchange for remuneration (fixed or variable depending on the contract).

On the Atlantic border, the first category of agreements essentially concerns the EU fleet, particularly within the context of tuna FPAs. Practically all countries whose EEZ is crossed by shoals of tuna and tuna-like species have signed a fisheries agreement with the EU (cf. section 1.3). Despite the existence of other public agreements, there is very scanty documentation on them (cf. section 1.4). The second category is found in virtually all coastal countries (cf. section 1.5). Fishing licenses issued to POs or vessels mainly relate to tuna fisheries. Longliners and tuna vessels operate in a large area as compared to demersal trawlers and should be able to follow the movement of stocks from one EEZ to another, hence the need for multiple free licenses.

The third category of agreements first manifested itself in the form of joint ventures. At the time when many African countries gained their independence, many European foreign fishing companies feared for their future and therefore decided to «nationalize » their companies based in coastal countries, transforming them into joint enterprises. Later, following the failed attempts to introduce national industrial vessels, coastal States called for the creation of joint ventures. They were essentially designed for demersal fisheries. It is only recently that a joint venture for tuna fisheries using pole-and-line boats was established in Dakar (cf. section 1.6). Some FPA protocols have a provision³⁰ on the promotion of this type of company, but in actual fact none has been incorporated in this context. The vessel charter arrangements are relatively limited since it is only Ghana that uses this type of agreement to enhance its fishing power, while Mauritania applies it with fleets of the former Soviet satellite states for small pelagic fishing.

There is no existing regional agreement concerning the border with the Atlantic coast in terms of access by foreign vessels to national EEZs as well as by national vessels to various sub-regional EEZs. A regional agreement may be public or private. Such agreements, however, exist in the South Pacific where some tuna agreements are managed by the Pacific Islands Forum Fisheries Agency, an organization that brings together several Pacific countries³¹. The idea of a regional joint access system has been mooted severally since the early 1990s in West Africa, and is particularly been driven by the SRFC (cf. section 2.1).

1.3 Public Bilateral Agreements between Coastal States and the EU

1.3.1 Brief Background

Community Fisheries Agreements (CPAs) officially arose from the European Union's Council Resolution of November 3, 1976³² on the extension, by the European Economic Community (EEC), of the limits of fishing zones to 200 nautical miles from the coast bordering the North Sea and the North Atlantic. This decision led to the conclusion of agreements between the EEC and third countries defining: 1) conditions for exchange of access rights (reciprocity) in the case of shared stocks or zones³³ or 2) the terms of purchase of access rights to fishing areas under the sovereignty of States that are not members of the EEC (third-country EEZs)³⁴.

Bilateral agreements between the EEC Member States and third countries have since been replaced by CFAs.

Accession to the EEC by new countries with a tradition of fishing such as Spain and Portugal (in 1986) contributed to the increased number of CFAs.

Since the first CFA signed in 1977 with the United States³⁵, in total 31 agreements have seen the light of day, mainly with African and Indian Ocean (17) countries as well North Atlantic countries (11); only one agreement was signed with a Latin American country (Argentina) while three agreements were recently concluded with Pacific countries. Following the European Council's Resolution of July 19, 2004 which defines the policy framework for bilateral agreements that provide for financial contribution from the EU, CFAs were replaced by fisheries partnership agreements (FPAs); from late 2014 to date, they are referred to as sustainable fisheries partnership agreements (SFPAs).

1.3.2 Objectives of FPAs/SFPAs

The objective of FPAs/SFPAs is threefold. Firstly, they ensure access by EU fleets to third-country fishing, secondly they assist third countries to ensure the sustainable management of their resources and promote the development of national fisheries and thirdly, they contribute to supplying the European market.

These objectives are broken down in a more practical way in implementing protocols. The European Council³⁶ recently recalled, in the conclusions of its session held on March 19, 2012, that FPAs between the EU and a third country³⁷ would also have the following objectives:

- conserve resources and their ecosystems through the rational and sustainable exploitation of marine resources living in waters under the jurisdiction of coastal States;
- ensure economic benefits for all stakeholders;
- integrate developing coastal States into the global economy;
- strive for better global governance of fisheries;
- contribute to the promotion of respect for human rights and democratic principles; and
- take into account the interests of the outermost regions of the European Union located in the vicinity of the coastal States.

1.3.3 Current Status

In August 2015, there were 19 FPAs out of which 14 were active and 10 were specific to highly migratory species. They comprise:

- 4 FPAs with a « mixed » protocol in force targeting several groups of species (pelagic and/or crustaceans and/or demersals: Greenland, Guinea-Bissau, Morocco and Mauritania;
- 10 FPAs with a protocol in force targeting highly migratory species (tuna):
 - 6 in the Atlantic Ocean covering Cape Verde ; Côte d'Ivoire ; São Tomé et Príncipe, Gabon, Senegal and Liberia;
 - 5 in the South West Indian Ocean covering Comoros ; Madagascar ; Mauritius ; Seychelles and Tanzania ;
 - 1 in the West-Central Pacific Ocean³⁸ covering Kiribati ;
- 5 dormant FPAs (no protocol in force) covering Gambia, Equatorial Guinea, Micronesia, Mozambique and Solomon Islands.

The European budget's allocation to fisheries agreements increased from € 5 million³⁹ in 1981 to € 163 million in 1990, attained € 300 million in 1997, approximately € 200 million in 2009 and € 80 million in 2015. Until recently, West African mixed or multi-species agreements were the most significant with Mauritania (totaling € 67 million per year within the framework of the protocol signed in 2012 and € 57 million in the one signed in July 2015), Morocco (€ 30 million per year for the current protocol) and Guinea-Bissau (€ 9.2 million per year).

The amount budgeted for tuna agreements is much lower considering that the most significant one of all, signed with Seychelles, represents € 5.3 million annually. It is followed by Gabon (€ 1.35 million per year under the protocol signed in 2014). The bell curve trend in budgets dating back to 1980, clearly illustrates the decline of the fishing conditions for demersal species in coastal countries. It also indicates the reduction in EU fleets, including most demersal fishing units that are fast becoming obsolete⁴⁰.

1.3.4 FPAs/SFPAs between the EU and African countries

In 1979, the first fisheries agreement between the European Economic Community and Senegal was signed.

Since then, 11 other agreements were concluded with countries bordering the Atlantic Ocean. All of them are still in force, except the one with Angola, denounced in 2006 due to a mismatch between the demands of both parties and one with Guinea, suspended in 2009, following the political abuses of government in power⁴¹.

In August 2015, there were 10 FPAs with African countries on the Atlantic coast, including 8 with a protocol in force (Cabo Verde, Côte d'Ivoire, Gabon, Guinea-Bissau, Liberia, Mauritania, Morocco, São Tomé and Príncipe and Senegal). The 2 other FPAs, signed before 2006 are dormant (Gambia and Equatorial Guinea whose protocols were not renewed in 1996 and 2000 respectively).

The negotiation of a new protocol usually revolves around aspects regarding the fishing capacity (adjustment of the number of vessels and tonnage) and the financial contribution⁴² (more specifically, the financial compensation). Generally, although parties agree or reach a compromise on the first aspect, it happens that, as was the case with Senegal in 2006, the second aspect constitutes the main source of disagreement to the extent that negotiations stall. It is for this reason that it was only in 2014 that a new protocol was concluded.

Other aspects such as clauses relating to transparency⁴³ or human rights⁴⁴ make negotiations drag on or significantly delay them. A case in point is the current protocol with Mauritania, which does not contain a transparency clause on the transmission to the EU of information on the fishing effort, a provision that has been the subject of lengthy discussions in the negotiation rounds⁴⁵. The one with the Gabon was hampered by, among other things, the clause on human rights, so much so, that the renewal of the current protocol took over a year and a half (between 2012 and 2014).

Table 1 Active FPAs/SFPAs between African coastal countries bordering the Atlantic and the EU

Country	Date of expiry	Type	Annual contribution of the EU	Part assigned to the support to the policy of fishing
Cabo Verde	22.12.2018	Tuna	550 000 €/ 500 000 €**	275 000 €/ 250 000 €**
Côte d'Ivoire	30.6.2018	Tuna	680 000 €	257 500 €
Gabon	23.7.2016	Tuna	1 350 000 €	€ 450 000
Guinea-Bissau	23.11.2017	Mixed	9 200 000 €	3 000 000 €
Liberia	5 years*	Tuna	715 000 €/ 650 000 €/ 585 000 €**	357 500 €/ 325 000 €/ 292 500 €**
Mauritania	4 years*	Mixed	55 million €	4 million €
Morocco	4 years*	Mixed	30 million €	14 million €
Sao Tome and Principe	22.5.2018	Tuna	710 000/ 675 000 €	325 000 €
Senegal	19.11.2019	Tuna (+ hake)	1 808 000 €/ 1 668 000 €	750 000 €

*: The date of entry into force is unknown; **: The amount per period of the Protocol. Source: Dg-Mare

Another provision which is of great importance for the operability of EU vessels, is the so-called exclusivity clause, which does not allow, in one form or another⁴⁶, EU vessels to fish in the waters of a third country, where there is a signed SFPAs, without an implementing protocol in force. Thus, EU vessels have not been able to fish in the waters of the Gambia since 1996 and Equatorial Guinea since 2000. They could not also fish in Gabon from the end of 2011 to mid-2013 between the two protocols as well as in Senegal between 2006 and 2015, in Morocco between 2011 and 2013 and in Guinea-Bissau between April 2012 and November 2014.

The clause is therefore highly detrimental to the operations of EU fleets. Nevertheless, EU ship-owners have managed to counter this constraint by using vessels flying flags of convenience, which are not obliged to comply with the exclusivity clause.

1.4 Public Bilateral Agreements between Coastal States and Various Countries

Several countries have concluded bilateral fisheries agreements with West African coastal States: China, Japan, South Korea, Russia and the United States (cf. table below). Beyond the knowledge of the existence of agreements, it is extremely difficult to analyze their terms because most of them are not in the public domain, particularly those with China (Pauly et al., 2013). Overall, these agreements are not transparent and often contain controversial provisions (European Parliament, 2012).

Further, these agreements are characterized by a low level of obligation be it to the coastal State or RFMOs such as ICCAT. Catch reports are often wanting. For example, the combined catch of all Chinese vessels in West African waters was estimated at 190,000 tons per year representing a value of € 200 million (Mallory, 2012) ⁴⁷. Using non-official sources, Pauly et al. (2013) estimate the number of Chinese tuna vessels operating in West Africa at 23 (22 longliners and one seiner) ⁴⁸ and the tuna catch at 15,000 tons per year between 2,000 and 2011. Catch reports from vessels flying

the Chinese flag, for all species in the ICCAT zone that ranged from approximately 5,000 tons (2011) to 11,000 tons (2003) over the same period⁴⁹ are well below the estimates made by Pauly et al.

The Russian Federation signed a fisheries agreement with Morocco in February 2013 to renew the one signed in 2011 for a two-year period⁵⁰. The agreement includes a clause on the signing on board of local seamen, similar to European FPAs. This agreement is part of Russia's new strategy for fisheries agreements, based on a combination of business targets and support to the third country's fisheries sector (like FPAs). The Russian Federation also signed an agreement with Senegal that was denounced in 2012 and Guinea-Bissau in 2010 and is keen on developing one with Mauritania. However, the Russian presence is weakening in West African waters.

1.5 Bilateral Agreements between Coastal States and the Private Sector

Agreements of this type are signed between a State and a professional association, usually a producers' organization or a vessel owner, individually. To date, several POs from Japan, Korea, China, Taiwan and the EU have fisheries agreements with West African coastal States. Many vessel owners also have fishing agreements which are often reduced to a single document: the license defining the conditions for fishing in the coastal country's EEZ. The coastal State's regulatory framework is usually the defining element since although in some cases a formal agreement⁵¹ is required, most times, it does not exist as such and the instrument governs the relations between the two parties is what is commonly called the foreign fishing license.

Fisheries agreements between the coastal State and the Japanese fleet are thus designed through the Japanese Federation of Fisheries Cooperatives, the Japanese Tuna Producers' Organisation (PO) or private licenses. In some instances, the Japanese PO pays fees for the admission of the vessel to the EEZ of the third country and then each vessel pays a fee amounting to 5% of the value of catches made during the fishing year or trip (the value is determined by the market prices in Japan). The monitoring and control of such agreements is difficult, besides the fact that the recipient country cannot predict the revenue it will get (Mwikya, 2006). In other words, the financial terms of the agreement are limited to the payment of an annual fee. Tuna agreements were signed with Senegal in 2007 (CRODT, 2007) in this context. Other similar agreements exist with Mauritania, Gabon and Côte d'Ivoire⁵².

POs from South Korea, China and Taiwan have also concluded tuna agreements with several countries bordering the Atlantic coast (cf. table below). The amount of the fee is set at about 6% of the catch value, based on market prices in the main landing ports (e.g. Bangkok) (Mwikya, 2006). However, like the bilateral agreements between West African States and various countries, most arrangements of this nature lack transparency: it is a challenge getting details and especially those relating to fishing opportunities and catches. The Chinese State-owned company, Poly Hon Don Fisheries, perfectly illustrates this fact. In June 2011, it concluded an agreement with Mauritania that has been denounced by environmental NGOs due to the non-transparency of its terms (European Parliament, 2012).

European POs, mostly dealing with tuna, have foreign fishing licenses with virtually all African countries bordering the Atlantic (except Togo, Benin and Nigeria). These commercial arrangements accompany FPA type agreements to give access to vessels belonging to European ship-owners but flying the flag of a third country. In the event that an FPA does not exist, they are also of benefit to EU vessels. In 2013, an initiative was launched by the three tuna seiner fisheries organizations in Africa (Orthongel, ANABAC and OPAGAC) in order to model the terms of reference of these agreements on FPAs, so as to obtain a more transparent legal framework which is more rigorous administratively and legally compared to previous agreements. Currently, only one such agreement was signed by Orthongel with Guinea (cf. Ex ante Evaluation report of a possible FPA between the

EU and Guinea). The Spanish operators, OPAGAC and ANABAC engaged in a similar reflection with Liberia and Sierra Leone (cf. ex ante Evaluation Reports of a possible FPA with the EU).

1.6 Private Agreements between Two Companies

1.6.1 Joint Venture Companies

A joint venture is a legal arrangement between a national company and a foreign one with a view to creating a new private entity with its own articles of association in line with the national jurisdiction. For some vessel owners, such an arrangement is the only way to access fishing areas when their country does not want to conclude a bilateral fisheries agreement or the coastal country does not wish to issue foreign fishing licenses.

The foreign company therefore avails vessels and logistics, while the national company provides the necessary capital for its installation in the country. After the adoption of the flag of coastal country, vessels may then operate in the national EEZ in the same way as the vessels of the national fleet. The risks for the foreign company are however higher in this form of undertaking compared to those associated with other access modes, especially since the companies are subject to the laws of the coastal State and are not bound by the legislation in force in the countries from where the capital originates.

A special form of joint undertaking, known the joint venture was developed in 1990 by the EU to reduce fishing capacity in European waters (COFREPECHE 2000). European ship-owners transferred their vessels to a third country by creating a joint enterprise while focusing primarily on supplying the European market. In 2000 in

Africa, there were 27 joint ventures in Senegal⁵³, 8 in Mauritania, 5 in Guinea, 4 in Guinea-Bissau and 4 in Cape Verde, totaling to 67 vessels (COFREPECHE 2000). Many of them are still in business, particularly for tuna fishing. Joint ventures established with Spanish ship-owners are the majority, especially in Senegal and Mauritania (Niasse and Seck, 2011). Since 2006, they have been operating as a group of fishing companies active in third countries (Niasse and Seck, 2011).joint ventures have also been established between West African companies and those in countries such as Korea, China, Thailand, Turkey and the United Arab Emirates (cf. table below). However, the scanty information obtained does not shed further light on the nature and content of the joint ventures created with these countries. Only joint venture companies incorporated in Ghana have been the subject of monitoring (cf. Section 1.8).

1.6.2 Vessel Charter Agreement

The charter contract involves the provision to a fishing company in a coastal country (charterer) of one or more vessels by a foreign fishing vessel owner (lessor), in exchange for remuneration. In most cases, the vessel is registered as a national ship, although it retains its foreign flag. Chartering is a common practice because it allows a company of a coastal State to engage in fishing activities without having to invest in a fishing fleet.

Chartering can be an opportunity for vessels flying the flag of an EU Member State which can no longer access the EEZ of a country that has an agreement with the EU, but whose protocol is not in force. However, the vessels must change flags⁵⁴. Asian countries (Korea, for example) are the largest suppliers of chartered vessels in Mauritania, especially for small pelagic fishing (cf. table below).

For tuna vessels, the charter contract has the advantage of using the quota set for coastal State rather than the one defined for the flag State (bigeye and swordfish). Tuna vessels from European capitals registered in third countries (Belize, Curacao, Cape Verde, Ghana, Panama, etc.) seem to have been chartered by fishing companies based in Sierra Leone, Liberia, Ghana, Congo and Angola. Lack of information on this practice was

1.7 Summary of all Agreements

The table below presents all the agreements for which information exists⁵⁵. The reading of this synthesis points to the evident diversity of contractual forms. Their coexistence reveals, above all, the capacity of States, POs and foreign vessel owners to define access modalities. This is why, for example, European tuna POs defined a model memorandum of understanding that they submit to coastal countries with which they wish to sign an agreement. The format and content of FPAs, with the exception of a few details, are the preserve of the EU. It is only in the case of free licenses that the coastal State seems to have the prerogative of defining the terms of the agreement.

Table 2 : Public and Private Access by Foreign Fleets to African Coastal States bordering the Atlantic⁵⁶

Country	Public agreement	Private agreement	Private License	Investment in a joint venture	Chartering of vessels
Morocco	Russia - sixth fishing agreement (first signed in 1992): 4 years (2013 - 2017), 10 Russian trawlers - small pelagic species // text based on terms very similar to the App EU - third countries: annual financial compensation of 5 Mio USD (3.84 me EUR), right of access annual paid by the shipowners based on the percentage (17.5 per cent for the first year) of the total value of products fished, quotas of fish caught for the year 1: 100 000 t or 30 per cent of Sardines, sardinella; 65% of anchovy, horse mackerel, mackerel, 5% of catches) (text of the Agreement).	- access mode non-existent or lack of information	-	-	-
Mauritania	Russia: New Agreement signed in 2012 (first agreement dating from the years 1970) Senegal (Convention in the field of fisheries since the 1980s): Last protocol of agreement signed in February 2013 for one year and for 40 000 t of small pelagic species with the exception of the Mule for a maximum of 300 boats under semi-annual license with a fee of EUR 10 per tonne caught, 18 boats (6 per cent of the fleet) and boats	China: agreement with the Society of State <i>Poly Hondone Pelagic Fishery</i> signed in June 2011 (1) Japan: fisheries agreement signed in 2010 with the F Japanese éédération Associations of Fishing Co-operatives (9)	-	Japan: investment in the processing sector and funding of the port of artisanal fishing	-

Country	Public agreement	Private agreement	Private License	Investment in a joint venture	Chartering of vessels
	chartered forced to disembark in Mauritania (text of the Protocol) Cape Verde: Convention signed in 1995 allowing the access of tuna vessels in Cape Verde; cf. Cape Verde more low (13)				
Cabo Verde	Senegal: a cooperation convention (reciprocity agreement) in the field of fisheries since 1985, last protocol signed in 2004: the number of boats that could benefit from this agreement fixed annually by the Joint Committee for license for a maximum period of one year, 5 Senegalese baitboats would be active since 2009 (13)	Japan: 20 fishing opportunities for Japanese longline vessels for the company: <i>Japan Fishery Tuna Corporation</i> (13)	Panama, Belize, Curaçao, Cape Verde, 9 seiners of Spanish property in 2012. Fleet (number that can vary) present since the 1990s (13) ¹ 8 Chinese ships since 2011 fishing bigeye tuna (13)	-	-
Senegal ²	Mauritania: reciprocity agreements - see above: no protocol for the access of vessels or vessels in Mauritanian Senegalese waters; Cape Verde: Reciprocity Agreement of 1985. In 2012, 2 pole-and-line vessels and 2 seiners (Directorate of Fisheries Maritimes,	Japan: fishing agreement with the F Japanese Federation Associations of Fishing Co-operatives - dormant (16) Spain - France: 7 baitboats flying the Spanish flag and 1 pole and line French (access mode of the fleet of seiners of the European Union residing in Dakar since the judgment in 2006 of the fisheries	Cape Verde: See "Agreement Public"	Mixed companies financed by foreign capital (China, Korea, the United States, Turkey, Canada, other countries of West Africa)	-

¹ Not belonging to a company, Cape Verdean these two vessels must fulfill the payment of a fishing license for foreign vessel; Source: Directorate General of Fisheries of Cape Verde (2013)

² The Senegalese legislation does not allow the access of vessels flying the flag of a third country to the fishery resources in the waters under Senegalese jurisdiction that within the framework of: a) a bilateral agreement with the third country or a regional economic organization which is part the third country in question or (b) a charter exceptional, realized by persons of Senegalese nationality and fixed at one year renewable once and only for tuna, seiners coastal pelagic using ice and trawlers fishing demersal fresh (Code of fishing, 1998 and decree of application No. 98 - 432, 10 June 1998). Between 2010 and 2012, licenses have also been issued to foreign vessels (including Russian trawlers) for fishing for small pelagic species, in contradiction with the law.

Country	Public agreement	Private agreement	Private License	Investment in a joint venture	Chartering of vessels
	Senegal) (Spanish property - cf. Cape Verde more top), in the framework of a Protocol signed in 2004 still in force (agreement renewable by tacit agreement) (Convention and Protocol and 22)	agreement with the EU ²)			
The Gambia	Senegal: a reciprocity agreement signed in 1992, new version in April 2008 - Last protocol signed in 2010 (applied in 2012 and 2013): One year renewable by tacit agreement for equal periods of time ; for industrial fishing, fishing opportunities fixed reciprocal in GRT/year for shrimp trawlers, cephalopod trawlers and fishmongers and tuna vessels (seiners, pole-and-line vessels and longliners), sardine. Semi-annual license in the Gambia - vessels active Senegalese in 2012 and 2013 (A Year in Senegal but no Gambian ship active in Senegal)	Japan: fisheries agreement signed in 2002 with the F Japanese éédération Associations of Fishing Co-operatives (3)	-	-	-
Guinea-bissau	Russia: an agreement would have been signed in April 2011 (1) Senegal: a reciprocity agreement signed in 1978. Last protocol signed in April 2010, two years non-renewable by tacit agreement, extended until 30 June 2013 (ongoing negotiation for its renewal): Fishing	China: third agreement signed in 2010 with the <i>Chinese National Fisheries Corporation</i> (1)	-	Korea: Investment in joint ventures of fisheries (1) The United Arab Emirates would have invested in the fisheries (1)	Korea: chartering of ships under flags of Russia, Mauritania, Togo, Belize and Panama (1)

Country	Public agreement	Private agreement	Private License	Investment in a joint venture	Chartering of vessels
	<p>opportunities: a) artisanal fishing: fishing of Fish Miscellaneous - annual access of three hundred boats for artisanal fishing of individual power less than or equal to 40 C. and 50 motorized boats of individual power between 40 and 60 C. and (b) industrial fishing: shrimp trawlers, cephalopod trawlers, trawlers of demersal fish, trawlers of fish small pelagic species, (License in the CFA/GRT/year) and a maximum of ten tuna vessels (baitboat and purse seine) - License to a maximum of one year or three months or six months with increase of 5 per cent and 3 per cent respectively). Mandatory landing of a part of the catches (2.5 t of fish per vessel per quarter) except for tuna. No limit of catch or reference tonnage (text of the Protocol and 22)</p>				
Republic of Guinea	China: 21 cephalopod trawlers Chinese (6)	Private arrangements yearly with the organizations representing the seiners French since 2011 (judgment of the APP in December 2009): 12 fishing opportunities in 2013 maximum (12) Private agreement with the organizations representing the Spanish purse seine or Spanish property in 2013 (signature expected very shortly - July 2013): 23 fishing opportunities including	For 2013 (to date): - 47 foreign vessels (including 32 foreign seiners) (6) - EU vessels (excluding private agreement): 10; either 1 pole and line Spanish, 5 shrimp trawlers Spaniards, 1 céphalopodier Spanish, 1 Lithuanian vessel and 2 Latvian vessels fishing the small pelagic species (10) Vessels not EU: Chinese (outside public agreement): Belize, South Korea (non-	-	-

Country	Public agreement	Private agreement	Private License	Investment in a joint venture	Chartering of vessels
		14 for tuna seiners Spanish (10 and 11)	exhaustive) (6)		
Sierra Leone	Russia: Fisheries Agreement Signed (July 2013), the last agreement dating from 1976 (details of the agreement not available) (15)	Not private agreement with the EU vessels	In 2012:58 foreign vessels with fishing licenses: <ul style="list-style-type: none"> • Seiners: <ul style="list-style-type: none"> ○ Eu: 23 tuna seiners including 9 French and 14 Spanish, ○ Curacao, Guatemala, Panama, Cape Verde: 8 including some of spanish property; • Longline fisheries: <ul style="list-style-type: none"> ○ Taiwan: 12 longliners • Small pelagic species: <ul style="list-style-type: none"> ○ Non Sierra Leone: 0 • Ocean-going trawlers: <ul style="list-style-type: none"> ○ Eu: Italy, 2 ○ Egypt: 3 • Shrimp vessels: <ul style="list-style-type: none"> ○ China: 10 (17) 	Possible presence of co-enterprise Chinese and Korean for the industrial fishing vessels not tuna vessels (17)	-
Liberia	No bilateral agreement currently (14)	Private agreements with the representative of the French tuna seiners and a representation of Spanish tuna boats (including a analogous EU) in Negotiation Phase Advanced (July 2013) (14)	A moratorium on the access of the industrial fishing vessels foreigners of January 2011 to April 2013 - interruption of the presence of French ships and Spanish (and assimilated) since July 2012 following to their presence in 2011 and early 2012 without taking account of the moratorium and under License not recognized by the Liberian authorities South Korea: A trawler deep under license since May 2012 (14)	-	-
Côte d'Ivoire ³	-	Japan: fisheries agreement signed in 2002 with the	Ghana: approximately 16 baitboat and purse seine 17 with Korean	China: investment in the	-

³ Note that the Act No. 86-478 of 1 July 1986 relating to fishing stipulates that "only the fishing vessels flying the flag of a State having concluded a governmental agreement with the Ivory Coast may have access to the waters of the national EEZ ", which would prevent the conclusion of arrangement or private license.

Country	Public agreement	Private agreement	Private License	Investment in a joint venture	Chartering of vessels
		F Japanese éédération Associations of Fishing Co-operatives (3)	capital (13 and 18)	fisheries sector Ivorian ship with Korean investment	
Ghana	-	-	Seiners: <ul style="list-style-type: none"> • France: 5; • No Spanish purse seiners; • Belize: 4 purse seiners based in Tema (18) 	Korea: mixed societies South Korea and Ghana for the fishing of tuna (7) Mixed society Ghanaian Européo for the fishing of tuna (18)	-
Togo	-	-	-	-	-
Benin	-	-	Nigeria: shrimp vessels in activity	-	-
Nigeria	-	-	-	-	-
Cameroon	-	-	-	China: investment in fishing (5)	-
Equatorial Guinea	-	-	Spanish purse seiners: 14; seiners assimilated Spaniards: 9; seiners French not present (18)	-	-
Gabon	Japan: the agreement of tuna fishing (15 vessels - in 2010) (2) China: fisheries agreement signed in 1986 for 50 years (1986-2036): creation of a joint company Gabonese sino of industrial fishing in Gabon (20). Creation of mixed companies under Chinese capital for the transformation (protocol signed in 2004 for two years) (2) A new protocol signed in 2013 for trawlers.	-	9 seiners assimilated Spaniards 5 seiners Ghanaians and three of Belize (based in Ghana) (18)		-
Sao Tome and Principe	-	Japan: fisheries agreement signed in 2008 with the Japanese Federation of Associations of Fishing	2012 - Licenses for a maximum period of one year; License of three or six months in general: Tuna seiners: Panama,	-	-

Country	Public agreement	Private agreement	Private License	Investment in a joint venture	Chartering of vessels
		Co-operatives - Japan: 6 longliners (21)	Belize (based in Ghana), Curacao, Cape Verde and Ghana, 6 seiners in total (in general of Spanish property); Taiwan - approximately 5 with licenses at the end of the year, Longline fisheries: Japanese, see private agreement (21)		
Congo ⁴	-	-	-	-	-
Angola	Korea: agreement signed in 2000	-	For tuna seiners of the EU: Spanish and French and vessels flying the flag third of Spanish property (12)	-	-

Source: own elaboration of consultants: 1) NGOs: transparentsea.CO; 2) www.gaboneco.com; 3) FAO: www.fao.org; 4) Cros, 2006; 5) <http://ajafe.info>; 6) The National Center for Surveillance of Fisheries, Guinea: <http://www.cape-cffa.org>; 7) Oceanic Development and Megapesca, 2009; 8) register of fishing vessels from Sierra Leone, 2012; 9) www.allwestafrica.com; 10) Directorate of Fisheries, Spain; 11) organization representing the tuna seiners Spaniards; 12) organization representing the French tuna seiners; 13) Report of ex ante evaluation-ex post the memorandum of agreement between the EU and Cape Verde, 2013; 14) report for the ex ante assessment of a potential Fisheries Agreement Between the EU and the Republic of Liberia, 2013; 15) Press, whose Kenyan press *Africa Review* "Sierra Leone signs Fisheries deal with Russia", 17 July 2013 (<http://www.africareview.com>); 16) ACP project Fish II: "campaign of awareness and outreach activities of the measures of the spring of the port state," 2013; 17) report for the ex ante assessment of a potential fishing agreement between the EU and the Republic of Sierra Leone, 2013; 18) OP of French purse seiners; 19) report for the ex ante assessment of a potential fishing agreement between the EU and the Republic of Côte d'Ivoire, 2012; 20) COFREPECHE, 2010. Review the socio-economic and environmental of the industrial fisheries sector in Gabon. Funding: World Bank. 224 p.; 21) report for the ex ante assessment of a potential fishing agreement between the EU and the Republic of São Tomé e Príncipe, 2013; 22) Directorate of Fisheries Maritimes, Senegal.

⁴ The Democratic Republic of the Congo has the maritime waters of very low surface for the opportunities for tuna fishing. It is therefore not included in this table.

1.8 Review of Fisheries Agreements in Mauritania, Senegal, Ghana and Gabon and their Effects on the Fisheries Sector and Domestic Economy

The only agreements for which tangible information exists that can be used for analysis are those between African coastal countries and the EU. These agreements and their protocols are actually published in the EU's Official Journal⁶¹. They are also subject to regular evaluations⁶². The data used in the evaluations were also validated during the proceedings of joint commissions annually bringing together experts of both stakeholders.

Since 1987, Mauritania has maintained its relations with the EU. Each Memorandum of Understanding has been evaluated, with the last exercise conducted in early 2014. There is, however, no recent evaluation of the economic effects associated with chartering⁶³. Senegal severed its relations with the EU in 2006 by refusing to sign a new fisheries protocol. The brief Russian episode between 2010 and 2012 has not been formally evaluated, nor has the private tuna agreement in force in pole-and-line boats⁶⁴. Ghana does not have agreements allowing access by foreign vessels to Ghanaian waters. However, all tuna processing firms have been created in the form of joint ventures and have their own fishing fleet⁶⁵. Gabon has just renewed a tuna fisheries protocol with the EU after months of procrastination. The last official evaluation of the effects of the agreement with the EU dates back to 2011.

1.8.1 Mauritania

According to IMROP, from 2007 to 2013, industrial fishing represented between 85% and 90% of total reported catch by artisanal and industrial fishing activities (1 million tons in 2012). The industrial fishing of small pelagic is significant because it represented on average 820,000 tons over the same period, or approximately 90% of industrial fishing. EU vessels accounted for an average of 30% of the total small pelagic catch. The remaining 70% of the catch were made by strange vessels under charter. The artisanal fleet targets all species and in addition to supplying the local market, provides a substantial share of fish to be processed into flour; the production reached 70,000 tons in 2013. The catch of foreign ships is not landed and sold in Mauritania. Small pelagic are transshipped within the sheltered waters of Nouadhibou for onward shipping to the Gulf of Guinea countries (Nigeria, Côte d'Ivoire and Cameroon, in particular) as well as to Russia and neighboring countries. Demersals enter into the distribution circuit of the Spanish market.

Data from the CommTTEE for the Eastern Central Atlantic Fisheries (CECAF), a regional fishery body of the United Nations Food and Agriculture Organization (FAO) indicate that some small pelagic stocks are overexploited (round sardinella, Cunene horse mackerel and bonga). The average biomass of cephalopods is not known and very sensitive to environmental conditions. Mauritania has reserved access to this resource mainly for national artisanal fisheries whose production is 40,000 tons to 50,000 tons/year. Coastal shrimps (maximum sustainable yield of 1,800 tons) and deep-water shrimps (MSY of 2,500 tons) are underexploited. Concerning tuna fisheries, the regional fisheries management organization for tuna and tuna-like species in the Atlantic, ICCAT, concluded that there is a slight overfishing of the yellowfin tuna, exploitation at near-sustainable level in the case of the bigeye tuna and exploitation slightly above the sustainable level for the skipjack. In October 2013, ICCAT's Scientific CommTTEE recommended the implementation of a new evaluation of skipjack stocks due to recent high catches off the Mauritanian coast by the EU purse seiners, using fish aggregating devices. The just ended fisheries protocol with the EU

was structured around access by 9 fishing categories to highly migratory species (tuna and tuna-like species), crustaceans, demersal fish, small pelagic and cephalopods (with no fishing opportunities allocated to the latter category⁶⁶) for an annual total allowable catch of 326,700 tons and an estimated maximum of 135 fishing vessels per year. The EU's financial contribution (€ 70 million) was composed of financial compensation related to the access rights of € 67 million and sector policy support to the tune of € 3 million.

The utilization rate of the fishing opportunities within the first 11 months of this protocol⁶⁷ was low to moderate, based on the fishing categories, both in terms of the use of licenses as well as catches. About 150,000 tons of fish were caught, a little less than half of the annual allowable catch set at 326,700 tons. The initial terms

of the protocol (fishing areas and access rights) may have been one of the main constraints facing vessel owners, compounded by the uncertainty regarding the approval of the protocol by the European Parliament (lifted only on October 8, 2013). Small pelagic freezer-trawlers fished the equivalent of 42% of the annual allowable catch (129,000 tons out of 285,000 tons). Vessels from Poland, Latvia and Lithuania were the most active and accounted for the bulk of catches. The utilization rate for tuna was extremely high considering that the catch exceeded 22,000 tons at the end of 2013.

For EU vessel owners, Mauritania's EEZ is economically advantageous. All segments, except for fresh fish counted as small pelagic, recorded a gross operating profit. The number of jobs created by the activities of EU vessels has also been significant with over 550 jobs on board, including 130 for Mauritanian nationals, in addition to about 970 jobs on shore. Overall, the FPA has generated 1,500 jobs. In terms of public investments, the FPA has proved less attractive given the assumptions used to estimate the economic performance of the EU fleet operating in Mauritanian waters. Every Euro of financial compensation creates direct value added of € 0.80 in the catch segment and a total value added of approximately € 1.7 with only € 0.9 ploughed back into the EU. It is important to note that every Euro originating from public funds invested by the EU results in a turnover of around € 2.12 when the financial contribution is taken into account.

1.8.2 Senegal ⁶⁸

Access by foreign vessels is limited to fishing fleets flying the flags of States that have signed bilateral agreements with Senegal or foreign vessels operating under a charter agreement. The number of industrial fishing licenses has fallen by half since 2001. The issuance of inshore demersal fishing licenses has been frozen since 2006. Other than the black hake which is not fully exploited (stock of two deep-sea species mainly found on the continental shelf slope between 100 and 500 m north of Senegal and shared with Mauritania), other non-tuna species fished in Senegalese waters are either fully exploited or risk overexploitation.

On November 20, 2014, Senegal and the EU signed a new sustainable fisheries partnership agreement and the implementation protocol. The main focus of 5-year agreement and its protocol is tuna and to a lesser extent, hake. It provides for a decreasing financial contribution from € 1.8 million to € 1.6 million in the last year. This contribution includes sector support of an annual amount of € 750,000 to promote responsible fisheries. The charges will gradually increase from € 55/ton to € 70/ton in 2019. For hake, the charges will remain fixed at € 90/ton. The annual advance which tuna seiners with a fixed tonnage of 250 tons are expected to pay will gradually increase from € 13,750 to € 17,500; for pole-and-line vessels (fixed tonnage of 150 tons) from € 8,250 to € 10,500, while trawlers will be subject to an

advance of € 500 per quarter. The reference tonnage of 14,000 tons of tuna and 2,000 tons of hake. It is envisaged that the evaluation of this agreement will be conducted in early 2018. Senegal has also concluded several bilateral fisheries agreements with States, including neighboring countries: Mauritania, Gambia, Cabo Verde and Guinea-Bissau. Talks have been ongoing for several years with Guinea and Sierra Leone to conclude a fisheries agreement. Regarding countries outside the African continent, the agreement with the Russian Federation was suspended in March 2012 following the change of President of the Republic and the establishment of a new government. The agreement with Japan has been dormant given that the protocol has not been renewed since 2004.

Table 3: Fisheries Agreements concluded by Senegal with other States

Country	Signature of the fisheries agreements	Signing of the Implementing Protocol currently In force
In Force		
Mauritania	2001	2013
Cabo Verde	1985	2004
The Gambia	2008	2010
Guinea Bissau	1978	2012 Extension until the end of 2013
EU	Nov. 2014	Nov. 2014
Sleeping		
<i>Japan</i>	<i>1991</i>	<i>Protocol not renewed since, 2004</i>

Source: v. Faulty (2014)

Until recently and following the non-renewal of the protocol within the framework of fisheries agreement between the EU and Senegal in 2006, in principle, vessels from EU Member States were no longer allowed to operate in waters under Senegalese jurisdiction (exclusivity clause).

However, a contingent of European pole-and-line tuna vessels based in Dakar continued to fish in Senegalese waters since and supplied two fish canning plants. This was made possible through the signing of a fisheries protocol between the Senegalese Ministry of Fisheries and the owners of European pole-and-line vessels based in Dakar. In 2013, the fisheries protocol authorized eight European tuna pole-and-line boats (7 Spanish and 1 French) to ply Senegalese waters for a period of 6 months⁶⁹.

From a legal perspective, this protocol proved problematic since it was based on a questionable interpretation of the Senegalese legislation. Furthermore, it was not applied in full compliance with the provisions of the current fisheries agreement between the EU and Senegal. The provisions of article 16 of the 1998 Maritime Fisheries Code provide that « fishing vessels flying foreign flags shall be authorized to operate in the waters under Senegalese jurisdiction either under a fisheries agreement between Senegal and the flag State or the organization representing this State, or when chartered by Senegalese nationals ». The Senegalese Government considered that the organization of European pole-and-line vessels represents the flag State.

However, doubts have been cast on the legality of this interpretation. Moreover, the agreement contravenes the provisions of article 4 of the fisheries agreement signed in 1980 which states that « [T] he exercise of fishery activities in Senegal's fishing area by the Community's vessels shall be subject to the possession of a license issued at the Community's request by Senegalese authorities»⁷⁰. Fishing license applications were made by European vessel owners without going through the EU. Moreover, it seems increasingly difficult to justify the conclusion of this fisheries protocol because of its exceptional nature. Since 2006, the protocol was renewed annually for a six-month period which became the norm rather than the exception. Also, although the renewal of the agreement had not been an issue nationally since the Senegalese Government was a shareholder of the main national cannery, the situation changed when the plant was purchased by Dongwon, a South Korean firm, notwithstanding the fact that the State still holds 10% of the company's shares. Since then, the renewal of this agreement faced growing hostility from Senegalese professionals in the sector, including GAIPES. The signing of the new fisheries agreement with the EU in November 2014 put an end to this unclear situation.

1.8.3 Ghana

Fisheries agreements with Ghana, involving distant-fishing vessels, are in the form of joint ventures. Ghana has made it possible for foreign vessels to fish in its EEZ, provided that at least 50% equity is held by the Government of Ghana, a Ghanaian citizen or company. The law also stipulates that 75% of seafarers on ships covered by such agreements shall be Ghanaian (Anang E.R et al., 2002).

Ghana's EEZ is located in the migration routes of the main Atlantic tuna species (skipjack, yellowfin and bigeye tuna). With the development of purse seiners during the late 1990s recording catches of between 60,000 and 80,000 tons, Ghana has become one of the major players of the tropical tuna fishing industry operating in the eastern Atlantic Ocean alongside Spain.

Coastal activities, including handling and processing have increased over the past two decades. Political instability in Côte-d'Ivoire, the neighbouring country, from 2004 to 2011, significantly contributed to promoting Tema as one of the main tuna fishing ports on Africa's Atlantic coast. Distant-water fishing fleets flying Spanish and French flags, for example, often land their catches in the port of Tema.

Despite this successful development, Ghana's tuna industry has not been able to implement a strict policy to meet international standards relating to fisheries and the Government failed to execute an effective action plan to curb illegal, unreported and unregulated (IUU) fishing. Consequently, in March 2013, some European countries (mainly the United Kingdom) banned Ghana's tuna imports, citing the lack of adequate controls to counter illegal and unregulated tuna fishing in its waters. The temporary import ban affected the Ghanaian fishing industry, leading to financial losses estimated at € 15 million in 2013. Since then, the industry has been able to provide full guarantees of compliance with international rules against IUU fishing and exports have regained their normal level.

Another major setback to the Ghanaian fishing industry since January 1, 2013 is the closing of fishing areas in the Gulf of Guinea in the months of January and February of each year for activities using fishing aggregating devices (FADs). This area is the main fishing zone for Ghanaian purse seiners, which could not operate for the first two months of 2014 (cf. Section 2.1).

The Ghanaian tuna processing industry is mainly supplied by raw materials from national vessels, two seiners and pole and line-boats. The former supply tuna (skipjack and yellowfin) for canning while the latter provide raw materials for high-value canned fish and tuna loins.

The Ghanaian tuna fishing fleet is owned by about 10 companies, namely Afko Fisheries Company, Trust Allied Fishing Limited, Rico Fishing Company Limited, DH Fishing Company, Panofi Company Limited, TTV, World Marine Company, Agnes Pack Fish Company Limited and G-L Company Limited. These companies own almost 30 vessels, 16 of which have been approved by the EU.

The three main commercial processing units are based in Tema. They include Pioneer Food Cannery Ltd. (PFC), Myroc Foods Ltd, and COSMO (which took over Ghana Agro-Food Company). These companies buy most of the tuna industrial catch, processing it into tuna flakes, chunks and canned tuna that are mainly for export. The three companies have a total annual processing capacity of 120,000 tons.

Pioneer Food Cannery (PFC), formerly owned by Mankoadze Fisheries and its partners, Star-Kist, became a wholly owned HJ Heinz Company in 1994, mainly involved in tuna processing and canning for export. Today,

PFC Limited, the producer of Star-Kist, John West, Petit Navire Tuna and other quality tuna products, and the Ghanaian subsidiary of MWBrands (Marine World Brands), is currently under Thai Union Frozen Products (TUF) PCL. Following expansion and foreign direct investments (FDIs) of more than USD 10 million in training and the modernization of the production plant, its capacity grew from 50 tons per day with 500 employees in 1994 to 160 tons per day in 1996 and it is currently capable of handling 240 tons per day. PFC's new target is to grow the capacity of its unit to 300 tons in 2014. The company is a leading supplier of top quality brands such as John West, Tesco, LIDL, REWE, Petit Navire, Mareblu and Royal Pacific canned tuna to markets in the EU and Star-Kist tuna to the ECOWAS market. The company also sells tuna in the local market under the brand name of Star-Kist. The company adds 95% value to tuna landed in Ghana. It provides direct employment to over 1,800 Ghanaians with a fivefold economic multiplier effect.

Myroc Food Processing Company Limited is a German/Ghanaian corporation, established in the mid-2000s, with a production capacity of 100 tons per day. It has more than 800 employees. The company has been

exporting its entire production, but since difficulties that arose in March 2013 concerning access to the EU market, the company is trying to invest in the domestic market as well as markets of neighboring countries such as Nigeria. Since it belongs to a free zone company, Myroc is authorized to sell at least 30 percent of its products in the Ghanaian market, while exporting the remaining 70 percent. In this regard, the company is in the process of getting

registration with Nigeria's National Food and Drug Administration and Control Agency to explore the possibility of exporting to this country.

COSMO is a new company that renovated the Ghana Agro-Food Company site in 1991 and began its operations in mid-2013. It is a limited liability company, whose shareholding is divided between a Taiwanese company and two Korean ones, including Panofi Company Ltd. Its production capacity is currently about 60 tons a day and its entire production, tuna cans under the Atlantic Royal brand, is destined for the local market. COSMO is currently expanding, developing a subsidiary company called Esteban that will occupy a production site next to COSMO. This new plant will focus on tuna loins as well as sashimi and other high quality products. It will use high-tech modern tuna processing techniques of ultra-low temperatures of <60 degrees Celsius. The added value of these products is very high due to high sale price. COSMO received an export permit in February 2014. It will soon begin to export to European and American markets.

Tuna processors buy the bulk of their raw materials from companies that are related such as TTV, PCF, Panofi and COSMO. These companies all belong to the same group. Other quantities of tuna are bought by tuna fisheries companies.

Generally, employment in the tuna chain stands at approximately 6,500 workers distributed as follows:

- Fleet: 1,100
- Enhancement: 3,200
- Upstream: 1,500 and Downstream: 700

Upstream employment is composed of workers in the fishing fleet and factories involved in goods and services. Downstream employment concerns people dealing with the distribution of products, marketing and transportation, etc.

The annual value addition generated by the tuna industry is estimated at € 100 million. The catch value is about € 91 million, while the direct added value of the sector's catches is almost € 35 million. The processing sector whose sale value is € 120 million generated value addition of € 44 million.

1.8.4 Gabon

Gabon's industrial segment has relatively few vessels flying the flag of Gabon (35% of the total in recent years). Other vessels fly several types of flags, including flags of convenience and Asian flags (China and

Korea). Gabonese law does not impose its national flag on licensed vessels; the only condition to access is the incorporation of a joint venture with national shareholding of at least 33%. The main reason given for the lack of attractiveness of the national flag is the exorbitant tax payable upon naturalization (import tax plus VAT). Among the 45 foreign flags operating in Gabon, 23 are actually based in Gabon in the sense that they land their catch there, whereas the rest of the vessels land their production outside the country's ports.

At the end of the day, only about 50% of the industrial fishing production is actually landed in Gabon.

The tuna agreement with the EU is considered to be extremely important because it generates catches of about 10,000 tons per year for the EU tuna fleet. The absence of a protocol in 2012 and 2013 deeply affected the operations of the fleet which would regularly move to Gabonese waters in April and stay there for a few weeks (with more or less marked stays in the EEZ of São Tomé and Príncipe) before heading back to the Gulf of Guinea (landing and refueling in Abidjan) and then make their way to the waters bathed by the Canary Current. The lack of landing catches and few Gabonese seamen on board EU vessels has resulted in very low economic benefits for Gabon.

The new 3-year protocol exclusively covers tuna fishing. The financial contribution is € 1.35 million, of which 1/3 is meant to encourage sustainable fisheries within the framework of the national fisheries policy implemented by Gabon. The fee to be paid by the vessel owners was € 55 per ton caught until the end of July 2014, and subsequently, € 65. Access fees are € 13,750 per year for tuna seiners and pole-and-line vessels. The tonnage is 20,000 tons/year. The fishing opportunities are as follows: 27 tuna seiners (15 for Spain and 12 for France) and 8 tuna pole-and-line boats (7 for Spain and 1 for France).

Besides the fisheries agreement with the EU, Gabon has signed only one other fisheries agreement with Japanese interests. This agreement allows access of up to 30 longliners for a period of 3 months. It is part of the broader framework of bilateral cooperation with Japan, which is the main source of external aid to the national fisheries sector outside the EC/Gabon agreement. In 2013, only 4 Japanese vessels took a license under this agreement.

4 Outside territorial waters (below the 12-mile limit) where vessels were already paying fishing fees to local or national authorities in North Africa since the 17th century.

5 Similar to the 25-year agreement that Mauritania signed with Poly-Hondong, a Chinese company in 2011, but which has been terminated since 2014.

6 This document has adopted the use of this generic term. The same applies to the expression «public bilateral agreement» that refers to an agreement concluded between two States.

7 Lack of data on catches by foreign fleets, lack of transparency in bilateral negotiations between countries or distance fishing fleets and third countries as well as doubts concerning the economic and social impacts of agreements on coastal countries have contributed to shrouding the agreements in mystery and fueling controversy.

8 Both in terms of the fisheries sector and national development.

9 Adopted during the 23rd Summit of Heads of State and Government in Malabo, Equatorial Guinea in June 2014. The African Union received support from the European Union under the Programme Building Institutional Capacities to improve Governance in the Fisheries and Aquaculture Sector in Africa to implement this policy document.

10 In light of this, the African Union Interafrican Bureau for Animal Resources (AU-IBAR) held to workshops in 2012 in Abidjan and Douala on Fisheries agreements.

11 Tunas and tuna-like species is the generic term used by the International Commission for the Conservation of Atlantic Tunas and tuna-like species (ICCAT) which covers migratory fish like tuna, bonito, billfishes, swordfish, and sharks (the list of species was defined in 1967 when ICCAT was created and includes about 200 species, cf. http://www.iccat.int/fr/Stat_Codes.htm).

12 They represented approximately 85% of the total number of agreements concluded between African countries and the EU in the late 1990s.

13 The new Protocol was recently signed on July 10, 2015 in Nouakchott.

14 Same nature as the Morocco-EU agreement.

15 In April 2010, Senegal and Guinea-Bissau had respectively authorized about ten vessels to ply their waters in order to catch small pelagic (mainly sardinella, horse mackerels and mackerels). Their number gradually increased to 20 at the end of 2010, then 44 at the end of 2011, but it was only for a short duration in Senegal since ships were forced to stop their activities following the change in Government in March 2012. They are still operating in Guinea-Bissau.

16 Several joint ventures exist particularly in Angola, Ghana, Namibia and Senegal.

17 The main example is Mauritania which considerably developed this form of partnership following the collapse of the Soviet Bloc in the late 1980s.

18 At the regional level, the South Pacific Tuna Treaty, which has been in force since 1987 in the Pacific Ocean, allows slightly over

10 vessels (compared to 50 at the time the Treaty was developed) to fish in the EEZ of the group of Central and West Pacific nations. Since its extension has been questioned for a number of years, it was renewed for one year only (considered as a transition phase) on August 5, 2015 (cf. http://www.fpir.noaa.gov/IFD/ifd_sptt.html). At the sub-regional level, Parties to the Nauru Agreement

(PNA) have defined a joint framework of action for fish stocks common to the Federated States of Micronesia, Kiribati, Marshall Islands, Palau, Papua New Guinea, Solomon Islands and Tuvalu. The first and most significant instrument is the Western and

Central Pacific Purse Seine Fishery, which since 1997 has defined the modalities for access of foreign and domestic purse seine vessels to the waters of various Member States (except Tuvalu) through a mechanism to control fishing effort by distributing the number of days fished among Member States using a Vessel Day Scheme (as opposed to the number of purse seiners that was used until 2003) and the application of the increase of the fishing day fees for foreign vessels to a benchmark USD 8,000 in 2015 from USD 5,000 in 2013. The second instrument known as the Federated States of Micronesia Arrangement was developed in 1994 as a mechanism to allow vessels from Micronesia, Marshall Islands, Nauru, Palau, Papua New Guinea and Solomon Islands to reciprocally operate in the EEZ of each country.

22 Similar to other joint ventures created in the mining, forestry and agriculture sectors.

23 The following countries acceded to the EU through the Athens Treaty of April 16, 2003: Estonia, Latvia, Lithuania, Poland, The Czech Republic, Slovenia, Hungary, Cyprus and Malta. Romania and Bulgaria joined the Union on January 1, 2007 and Croatia became the 28th State of the EU on July 1, 2013, after ratification of the accession treaty signed on December 9, 2011.

24 Or whose protocol was not renewed, but given the exclusivity clause in the agreement does not allow EU vessels to enter contracts with the coastal State on another form of accessing fishery resources.

25 Last year for which data are available. Source : FAO Fishstat 2015

26 See recent reports by Greenpeace (www.greenpeace.org) and Environmental Justice (<http://ejfoundation.org>).

27 Vessels operating under flags of convenience issued by an African country have not been taken into account.

28 Except for cephalopods in Mauritania where Spanish ship-owners still manifest great interest, since their exclusion from Moroccan waters in 1998 following the non-renewal of the memorandum of understanding between Morocco and the EEC. Cephalopods were not included in the last Mauritania-EU MoU and the one signed in July 2015.

29 Case of numerous French and Italian vessels in Senegal that formed joint ventures at the end of the 1970s to gain the same advantages as their national counter

30 The failure of the agreement between the European Community and Argentina (1992-1999) spelt the end of the promotion of joint ventures as a tool to redeploy European fisheries given the huge financial losses incurred by Spanish ship-owners.

31 Voir : <http://www.ffa.int/members>

32 Hague Resolution (J.O. C105 du 07.05.1981)

33 Case of reciprocal agreement based on the exchange of quotas. In 2013, these agreements concerned Norway and Iceland.

34 Case of the majority of agreements based on the issuance of access rights accompanied by financial compensation.

35 Agreement on access to surplus stocks The United States of America had granted fishing rights to the EEC for surplus resources unexploited by American vessels. arts. 36 As a reminder, this is the EU institution where Government ministers from each EU member country meet to adopt legislation and coordinate sector policies (www.consilium.europa.eu).

37 EU Council, 2012 Council Conclusions on the Communication from the Commission on the External Dimension of the Common Fisheries Policy March 19, 2012. 6 p.

38 A sustainable fisheries partnership agreement or SFP (and its protocol) is being negotiated with Cook Islands in 2015. It is a tuna agreement destined to increase fishing opportunities for 4 EU seiners in the EEZs of Pacific Island countries. cf.

<http://www.pina.com.fj/?p=pacnews&m=read&o=18632893695546e85e0ffbd743c155>

39 Equivalent in millions of euros for the period before the creation of the Euro in 1994

40 The average age of vessels operating in Mauritania's waters at the end of 2000 was already over 25 years (cf. Report of the

Islamic Republic of Mauritania's (RIM) Working Group, 2010).

41 In line with Article 96 of the Cotonou Agreement.

42 The financial contribution includes financial compensation (in exchange for fishing opportunities) and support to the third country's fisheries sector.

43 The EU requests the coastal State that is a signatory to communicate the level of cumulative fishing effort in its EEZ (fishing effort

of national and foreign fleets) in order to better assess the catches in the concerned EEZ as well as estimate the exploitable surplus by foreign fishing fleets.

44 Until 2011, the human rights clause was not included as such in FPA texts and their protocols. Since then, it is part of articles 8 and 9 of the protocols and reads as follows: « In the event of activation of the consultation mechanisms laid down in Article 96 of the

Cotonou Agreement owing to the violation of one of the essential and fundamental elements of human rights and democratic principles as provided for in Article 9 of the said agreement». This clause stipulates that

payment of the financial contribution (access

and sector support) and/or the entire protocol may be suspended in the event of a « violation of the essential and fundamental elements of human rights and democratic principles as provided for in Article 9 of the Cotonou Agreement ».

45 It, however, contains a tran

46 Particularly through private agreements.

47 This estimate includes all species. Tuna seem to account for a low percentage of this catch with demersals and small pelagic dominating.

48 Out of a total number of 345 Chinese vessels in the zone (including 256 bottom trawlers).

49 Catch reports from vessels with Chinese interests flying the flags of third parties also do not explain this difference: catch reports from third countries within the context of a joint venture with Chinese shareholding indicate a paltry figure of 500 tons/year.

50 The translated text of the Agreement is available at: http://www.wsrw.org/files/dated/2011-01-01/russiamorocco_fpadraft_15.01.10_english.pdf transparency clause on the monitoring of sectoral support.

51 Specifically in Côte d'Ivoire and Sao Tomé and Príncipe.

52 In 2002, an agreement was concluded between Côte d'Ivoire and the Japanese Federation of Fisheries Cooperatives without an Inter-Governmental Agreement between Côte d'Ivoire and Japan (Ivorian prerequisite for the signing of an agreement with a non- State entity). In 2013, no Japanese vessel had entered the Ivorian EEZ.

53 The transfer of vessels from the EU to joint ventures was done in Senegal and Angola within the framework of the EU fleet exit schemes that authorized the transfer of capacity to a third country until 2004.

54 FEDERPESCA, an Italian company, benefitted from access to Guinea-Bissau's EEZ prior to the FPA of 2007-2010 and had to stop its activities due to the agreement's exclusivity clause. However, 4 to 5 of the company's vessels were « reflagged », then chartered under the Senegalese flag to fish in the waters of Guinea-Bissau

55 Several agreements are not known or documented, particularly those directly negotiated between a vessel owner and the Office of the President of a coastal country.

56 This table that presents the number of foreign fleets in EEZs in West and Central Africa is indicative and not exhaustive since the information reported is not always from cross-sources. A more in-depth investigation could confirm and refine the data. For further details and clarifications in Côte d'Ivoire, Cape Verde, Liberia, Mauritania, São Tomé and Príncipe, Senegal and Sierra Leone, refer to the evaluation reports of fisheries agreements between the EU and third countries conducted between 2012 and 2014.

57 Since they do not belong to a Cape Verdean company, these two vessels must pay for a foreign vessel fishing vessel. Source: General Directorate of Fisheries, Cape Verde (2013)

58 Senegalese legislation only authorizes access by vessels flying the flag of a third country to the fishery resources in the waters under Senegalese jurisdiction sénégalaise in the following circumstances: a) a bilateral agreement with a third country or a regional economic organization to which the concerned third party belongs or b) an exceptional charter, entered into by réalisé par Senegalese nationals and fixed for one year and renewable, for tuna seiners, coastal ice pelagic purse seiners and demersal wetfish trawlers only (Fisheries Code, 1998 and Implementing Decree n°98

– 432, June 10, 1998). Between 2010 and 2012, licences were issued to small pelagics foreign fishing vessels (including Russian ones) in contravention of the law.

59 It is important to note the Law n° 86-478 of July 1, 1986 on fisheries stipulates that « only fishing vessels flying the flag of a State that has concluded an agreement with the Government of Côte d'Ivoire shall have access to the waters of the national EEZ», which could prevent the conclusion of a private arrangement or licence.

60 The Democratic Republic of Congo has been omitted from this table since it has a very small surface of maritime waters for tuna fishing opportunities.

61 cf: <http://eur-lex.europa.eu/homepage.html>

62 cf: http://ec.europa.eu/fisheries/documentation/studies/index_en.htm

63 The last evaluation was done as far back as 1998, and was conducted during the Fisheries and Development Working Group in Nouadhibou.

64 Except at the biological level (cf. Chavance et al. 2012).

65 Each tuna vessel belongs to a fisheries company that operates in the processing sector. 66 The historically significant cephalopod fisheries made catches of about 25,000 tonnes between 1994 and 2012. However, because

of the fragility of the status of octopus stocks, and because of the willingness of Mauritania to reserve these fisheries for its national fleet, the Parties decided not to renew the fishing opportunities for the fishing category targeting cephalopods under the framework of the current fisheries protocol.

67 The evaluation of the implementation of the protocol only covered 11 months in 2013 due to the need to bring to the attention of the European Parliament the ongoing evaluation of the protocol to validate the Commission's request to engage in negotiations for a new protocol. The evaluation of the protocol was conducted about 1 year before its expiry date.

68 Most of this presentation has been sourced from Defaux et al. (2014), *Évaluation prospective de l'opportunité d'un accord de partenariat dans le secteur de la pêche entre l'Union européenne et la République du Sénégal* (sous le Contrat cadre

MARE/2011/01 - Lot 3, contrat spécifique 5). Brussels, 114 p.

69 The latter were subject to the obligation to land all their catches, fresh or frozen, in Dakar (this requirement does not apply to Senegalese pole-and-line vessels). They were required to sell their catch firstly to canneries, followed by tuna processing companies and lastly the local market (this requirement also does not apply to Senegalese pole-and-line vessels). They may be authorized to export the excess catches that have not been sold locally. The selling price of landed tuna was defined by a Price Committee since

2013 on the basis of the average price FOB from Abidjan (Côte d'Ivoire) and Tema (Ghana) less an amount equivalent to 90 euros handling costs. The licence fee was set at CFA F 95,000 per GRT per year. From 2006-2012, prices were discussed by the Price Committee, but in practice, they were set by the Senegalese authorities.

Appendix 3: Introductory remarks

**Speech by MR. Abdelouahed BENABBOU, Executive Secretary of ATLAFCO
during the opening session of the workshop:
"The partnership agreements for sustainable fishing and the good governance of
the fishery in the area ATLAFCO»
El Jadida, Morocco 2-3 June 2016**

**The Representative of the President of ATLAFCO,
The Representative of the Department of Fisheries of the Kingdom of Morocco,
The Representative of the European Union,
The Executive Secretary of the Long distance Advisory Council,
Delegates of ATLAFCO Member States,
Members of LDAC
The President of the Federation of the maritime fishing and aquaculture (FPMA),
Representatives of the civil society,
Ladies and Gentlemen,**

I am very pleased to be here today to open with you the work of this workshop which constitutes the second component of the grant agreement concluded between the European Union and ATLAFCO, current of the year 2015.

I take this opportunity to welcome you and wish a pleasant stay in El Jadida to all participants coming from different countries, who have responded to our invitation.

Your presence among us affirms the importance of the theme that brings us together, namely the "*partnership agreements for sustainable fishing and the good governance of the fisheries sector*" in c ATLAFCO area countries

The Partnership Agreements for Sustainable Fishing are the culmination of a long process of political economy of agreements linking the EU to coastal countries, including African countries in maritime fishing, to pass from a logic 'access agreements to the resource to logic of partnership agreements for a "sustainable fishing".

Indeed, after having long been commercial, that is to say, extraction against payment of a financial consideration, fisheries relations between the EU and bordering countries, have gradually used to support the idea that these relations are part of the European development policy

While providing the opportunity to determine whether the transition from conventional type fisheries agreements to new generation of agreements resulted in real change, this meeting aims to understand the role of the SFPAs, in promoting good governance practice and transparent and sustainable management of fisheries at the scale of the signatory States of the region.

It is therefore to examine this new type of agreements with regard to their ability to serve as privileged instruments that promote the emergence of good fisheries governance practices in signatory countries within ATLAFCO area, but also in as levers of their inclusive development.

At the end of this workshop, it is our duty to define the elements and stages of harmonized conditions of access to the resources for the fleets operating in the region. This harmonization is the basis for good management of the fisheries sector, not only for partner countries, but also for other states in the region

The SFPAs could be very interesting for states wishing to increase the sources of financing of their economies provided that they can get to the foreign participation, higher benefits to those that produce their own fisheries.

It belongs to us then, to make a series of recommendations to ensure that the partnership agreements for a "sustainable fishing" can truly contribute to the economic development of the bordering countries, by releasing all the potential of their fisheries sector, without compromising the sustainability of resources, job opportunities and the food security of local populations.

This meeting is therefore a great opportunity to debate the shape and the future of development cooperation of the EU with our Member States and enroll in a new dynamic in the service of a shared goal of sustainable management and transparency of the fishing activities.

Before closing my remarks, I would like to thank all ATLAFCO's partners (the Moroccan authorities, the European Union, LDAC and the OFCF), without which this meeting could not be held; as well as the Member States delegates for their important participation.

I thank you for your attention.

Appendix 4: List of Participants

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