

A large fishing vessel is shown from a low angle, looking up at its complex superstructure. The vessel has a tall mast with various antennas and lights. A large green net is visible on the deck. The sky is a clear, pale blue, and the water is a deep blue. A large number of seabirds, likely gulls or terns, are flying around the vessel, some landing on the deck and others in flight. The overall scene suggests a busy day of fishing in a coastal or island environment.

IS EUROPE READY TO LEAD ON INTERNATIONAL FISHERIES GOVERNANCE?

In a context where world fisheries are severely threatened by overfishing, illegal activities and environmental damage, and where sustainability is directly linked in some regions to food security, there is an urgent need for a lead towards good governance of international fisheries. The EU has the ambition and commitment. WWF commissioned this report to assess whether Europe is indeed ready to lead on international fisheries governance.

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**OVERALL IMPLEMENTATION OVER
THE PAST THREE YEARS SHOWS
SOME ENCOURAGING INITIATIVES**



EXECUTIVE SUMMARY

The European Union is one of the world's leading maritime and fisheries players. It has recently reaffirmed its commitment to leading on international ocean governance, a core component of which is the governance of its international fisheries. At a time when global fisheries are confronted with multiple threats, this engagement is welcome. The question this report seeks to answer is whether the EU is in a position to deliver. The report concludes that while it is potentially better placed than most, the EU needs to adhere more closely to its obligations under the Common Fisheries Policy and on sustainable development if it is to deliver on its ambition.

Aware of the responsibility that goes with its fisheries footprint, the EU has been seeking to lead through its Common Fisheries Policy (CFP) and related environmental legislation on combating illegal, unreported, and unregulated fishing, and the current revision of its Fishing Authorisation Regulation framing the activities of its fleets operating outside EU waters. It is also the biggest donor of aid, including support to projects to improve international fisheries governance. In a context where global fisheries are severely threatened by overfishing, illegal activities and environmental damage and where sustainability of fisheries is directly linked in some regions to issues of food security, there certainly is an urgent need for leadership towards good governance of international fisheries.

KEY FINDINGS

- The reformed CFP is a progressive set of measures in that it requires that the same principles and standards be applied to all European fisheries wherever they take place in the world. Additional legislation in the pipeline should further strengthen its extent and effectiveness.
- Overall implementation over the first three years shows some encouraging initiatives.
- However, the pace and quality of implementation, in particular at the bilateral level, will have to be stepped up if the EU is to lead by example.
- Ensuring greater coherence between its bilateral and multilateral actions, as well as across its policies, such as the CFP and related environmental legislation on the one hand, and the development, cooperation, and trade policies on the other, would allow for a more effective approach to ensuring that EU actions in fisheries are of mutual benefit to all the parties involved.
- By achieving its objectives under the CFP, the EU will be in a position to deliver on its ambition and commitment to lead on international fisheries and will also further advance the UN Sustainable Development Goals, in which it is already fully engaged.
- However, translating such leadership into concrete results for sustainable development will also require greater involvement and effort from other relevant authorities and actors around the globe.



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United Nations (UN) Sustainable Development Goal 14

**“TO CONSERVE AND SUSTAINABLY
USE THE OCEANS, SEAS AND
MARINE RESOURCES”**



INTRODUCTION

The European Union (the EU or the Union) is one of the leading maritime and fisheries players in the world¹. It is the world's fifth-largest seafood producer², largest seafood market, and leading seafood importer in value³. Its fleets are active in all oceans.

Europe has therefore been seeking to ensure that its fisheries and market-related policies reflect its international and EU Treaty obligations and commitments. Chief tool among them is the current Common Fisheries Policy (CFP)⁴ which, for the first time, also includes the rules framing its fisheries outside EU waters. The CFP is supported by a number of pillars including the regulation on combating illegal, unreported, and unregulated (IUU) fishing through market measures⁵ and the Fisheries Authorisation Regulation which is in the final stages of a significant revision through a Commission proposal (on “the sustainable management of external fishing fleets” (SMEFF))⁶.

The EU has set its own agenda to take “the lead to create a stronger system of ocean governance around the globe”;⁷ it seeks to “take forward the EU’s strong role as a champion for sustainable development, a global actor in the ocean governance framework and a user of ocean resources.”⁸ These are ambitious and promising commitments for fisheries governance and for sustainable development, two closely interconnected goals.

The question this report seeks to answer is whether the EU is, as it views itself, well-placed to lead on international fisheries governance. This will be done by looking at the content and implementation⁹ of the relevant bilateral “sustainable fisheries partnership agreements” (SFPAs)¹⁰ the EU negotiates with non-EU coastal States and the EU’s performance in regional fisheries management organisations (RFMOs) over the past three years with a particular look at the Indian Ocean Tuna Commission (IOTC) and the Western and Central Pacific Fisheries Commission (WCPFC).

1. SUSTAINABLE FISHERIES PARTNERSHIP AGREEMENTS

1.1. GENERAL IMPLEMENTING RULES

The EU's reformed CFP, which came into effect on 1 January 2014, states that all EU fishing activities, inside and outside EU waters, are subject to the same environmental and other standards and obligations.

The EU must conduct its external fleet in accordance with the objectives and principles set out in Articles 2 and 3 of the CFP. According to Article 2, these objectives include the application and promotion of the precautionary approach so as to ensure that the stocks targeted are above levels that deliver maximum sustainable yield (MSY) by 2020 at the latest, the application of the ecosystem principle, the promotion of the collection of scientific data, and the gradual elimination of discards. Moreover, Article 3 provides principles of good governance, in particular by requiring that conservation and management measures (CMMs) are established in accordance with the best available scientific advice, as well as encouraging transparency and availability of data. Furthermore, the reformed CFP has made consistency with other Union policies one of its principles of good governance.

In terms of the obligations binding the EU specifically in the external dimension of its fisheries policy, Article 28 states that it must actively support and contribute to the development of scientific knowledge and advice, and also promote and support action necessary to eradicate IUU fishing.

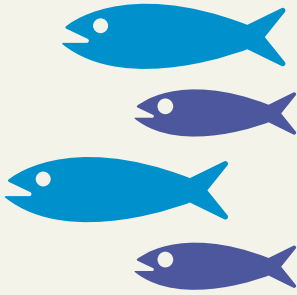


**THE REFORMED
CFP HAS MADE
CONSISTENCY
WITH OTHER UNION
POLICIES ONE OF
ITS PRINCIPLES OF
GOOD GOVERNANCE**

With particular regard to the SFPAs, Article 31 sets out principles and objectives framing such agreements. Only surpluses should be targeted and must be identified in a clear and transparent manner, on the basis of the best available scientific advice and information on the total fishing effort on the affected stocks. For straddling or highly migratory fish stocks, in determining the resources available for access due account should be taken of scientific assessments conducted at the regional level as well as CMMs adopted by relevant RFMOs. Moreover, the EU has to include a clause in the SFPAs on respect for democratic principles and human rights. To the extent possible, it must also incorporate a non-discrimination clause that requires that measures applied to EU fleets also apply to all other foreign fleets fishing in the coastal States' waters, and an exclusivity clause, which states that, in waters of countries with whom the EU has signed an SFPAs, no EU vessel¹¹ can operate outside the framework of the agreement, even when the agreement is dormant. An important requirement was included in Article 31 in that SFPAs must be of mutual benefit to both the EU and "the third country concerned, including its local population and fishing industry".

According to Article 32, the financial assistance provided by the EU to third countries through SFPAs is to be made up of two parts; the first supports a portion of the cost of access to the fisheries resources and the second consists of sectoral support to help improve fisheries governance in the coastal State.

The European Commission's proposal on the SMEFF has been approved with amendments by the plenary of the Parliament in February 2017 and has now entered the trilogue phase. As it stands, this version stipulates eligibility criteria related to



transparency and sustainability that any EU vessel wanting to operate in external waters, under an SFPAs, a private arrangement with a coastal State or on the high seas, will have to fulfil to obtain a fishing authorisation from the Member State in which it is registered. It will no longer be possible for vessels to re-flag in and out of the EU register. The FAR proposal will also raise levels of transparency, as it will maintain a central database of information on fishing authorisations and make some information public. The European Commission will play a supervisory role in verifying the validity of authorisations issued by Member States and will be able to withdraw the said authorisations in some circumstances.¹² Whether all these provisions will be retained depends on the final outcome of the trilogues between the EU institutions.

Finally, in undertakings with developing countries, EU's policies must "foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty" and "shall take account of the objectives of development cooperation".¹³

1.2. SFPAs SINCE THE REFORM OF THE CFP

13 protocols have been concluded since, or just before, the entry into force of the reformed CFP.¹⁴ Of these, nine are tuna agreements and the remaining four are mixed-species agreements. Their geographical scope covers the African coasts, the Indian Ocean, the Pacific Ocean and Greenland.

1.2.1. Sustainable fisheries and responsible fishing

General principles

All SFPAs declare that their aim, inter alia, is sustainable fisheries and responsible fishing in the waters of the coastal State. They also stipulate that management measures, including the review of fishing opportunities, must be adopted on the basis of the best available scientific advice and of the CMMs of the relevant RFMOs. Furthermore, all tuna SFPAs require the parties to comply with the recommendations and resolutions of such RFMOs.

However, none of the relevant instruments mentions the goal of reaching MSY by a certain date. Also absent in all SFPAs except those with Cape Verde and Greenland are references to the precautionary principle.

Sustainability requirements before entering into an SPFA

Of the four mixed-species SFPAs, the ones with Guinea-Bissau and Morocco make no mention of the concept of surplus, which should be at the heart of such access agreements. In any case, in practice, as was pointed out by the European Court of Auditors (ECA), the concept of surplus is very difficult to apply because of a lack of reliable data on fish stocks and complete information on the whole fishing effort in an area.¹⁵

Also, while surplus should be evaluated according to accurate and updated scientific assessments, such is not always the procedure followed, as illustrated by the 2014 Protocol with Guinea-Bissau. The text of that protocol had been negotiated and initialled in 2012 before bilateral relations were suspended due to a military coup. The protocol was adopted in 2014, but without any amendment or verification that conditions remained the same. Hence, it did not take into account that, since 2012, more Asian vessels had started to fish in the waters of Guinea-Bissau. This suggests that the existing framework does not systematically ensure that EU vessels only access the surplus of resources based on the most recent data.¹⁶

Moreover, scientific data may never have been available to draft the Guinea-Bissau Protocol in 2012; the 2016 evaluation report states that the amount of information and analysis available is still not sufficient to determine the level of exploitation of demersal and small pelagic species and that it is nearly impossible to evaluate the impact of fishing on such species.¹⁷ The report also recognises that the data from the regional fisheries body, CECAF, were already obsolete in 2012 and that Guinea-Bissau is not in a position to evaluate the stocks in its waters.¹⁸

The surplus concept has also been criticised as not integrating the ecosystem approach; for example, in Senegal, there may be some surplus of deep water hake for the EU trawlers, but bycatches of other species like octopus, which is still in recovery, are high.¹⁹

For straddling and highly migratory species, determining sustainable levels of catches, a proportion of which can be allocated by the coastal State to foreign fleets, requires there to be shared management. It is problematic that the EU enters into agreements to fish those species in the absence of such joint management, as has happened in relation to the round sardinella, shared between Morocco, Mauritania and Senegal and targeted under the Mauritania Protocol.²⁰

Ecosystem approach, discards, and bycatches

The ecosystem approach is not explicitly mentioned in any SFPAs. Several SFPAs do however refer to the sustainable exploitation of marine ecosystems and the application of an ecosystem approach seems to be part of some Joint Scientific Committee work.²¹ In terms of practical ecosystemic measures,²² a few SFPAs provide for specific zones closed to fishing, biological rest, and technical measures applicable to different types of fishing vessels.

Although rules on discards may exist in the coastal State or in the applicable CMMs from the relevant RFMO, it is worth noting that none of the SFPAs explicitly provides for a gradual decrease in discards as an obligation or even a goal to work towards. Only the Greenland Protocol mentions the possibility of a discard ban.

Bycatches are mentioned in a number of SFPAs in terms of maximum bycatch percentages or obligatory release of specific species, but only one states that the parties must endeavour to reduce the level of bycatches (Cape Verde). The Liberian Protocol provides for a financial incentive to land bycatches and the Madagascar and Seychelles ones encourage bycatches to be made available locally.

In Guinea-Bissau, it is very likely that fishing represents an important threat to the survival of some endangered species and that bycatch in industrial fishing is a major factor in this problem.²³ While catching such endangered species is prohibited under Guinea-Bissau's laws, the implementation and control of those rules are not adequate. In Mauritius, like in most tuna fisheries, shark species ranging in status from endangered to vulnerable are caught and represent about 10% of the purse seiners' bycatch in the Indian Ocean.²⁴ A number of turtles are also caught, but the EU purse seine fleet is moving towards the adoption of ecologically friendly fish aggregating devices (FADs) to reduce the incidence of such bycatches.²⁵

Monitoring, control, and surveillance

In terms of monitoring, control and surveillance, all SFPAs provide for the monitoring of the fishery resources in the relevant waters for the duration of the SFPAs. Reactive monitoring, where the coastal State must inform the EU or each party is under a notification obligation, when the total catches of Union vessels reach 80% of the reference tonnage, is included in the Cook Islands, Mauritania, Senegal, and Seychelles SFPAs.



**THERE APPEAR
TO BE PRACTICAL
ISSUES AT MANY
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CATCH DATA
REPORTING**

There appear, however, to be practical issues at many levels with catch data reporting, though this information is crucial: without it, it is impossible to determine the sustainability of catches or respect for technical measures. Provision of log-books or daily reports on catches is indeed an obligation which is badly complied with under several SFPAs, such as in Guinea-Bissau (with the exception of tuna seiners) and initially also in Mauritius.²⁶ Then, some flag States do not respect their obligations on transmission of catch data to the coastal State or the Commission; Italy, for example, did not give the relevant information to Guinea-Bissau in 2015 and did not provide the Commission with the data it ought to have until September 2016.²⁷

Preventing and tackling IUU fishing, which are central to the CFP, are main goals in all SFPAs; these agreements can be terminated by either party in the event of failure to comply with undertakings with regard to combating IUU fishing. The SFPAs with the Cook Islands, Greenland, Liberia, Mauritania, and Morocco also state that only vessels that are not listed on an (RFMO) IUU vessel list may get the necessary fishing authorisation. In the SFPAs with the Comoros, Cook Islands, Liberia, Madagascar, and Senegal, captains of EU vessels have to send observation reports when they sight vessels that may be engaged in IUU activities.

1.2.2. Good governance

Exclusivity and non-discrimination

All SFPAs contain an exclusivity clause, allowing EU vessels to fish in the exclusive economic zone (EEZ) of the coastal State only if they are in possession of a fishing licence issued under the relevant SFPA. In some arrangements, a further clarification as to the scope of exclusivity is provided, such as that any fishing outside the framework of the SFPA is prohibited or that issuing private licenses is not allowed.

In Guinea-Bissau, when the EU unilaterally suspended the bilateral relations because of the military coup, no EU vessel was allowed to fish in the coastal State's waters. However, it seems that some Italian vessels were active in that area during the suspension and, while Italy instructed them to cease after it was alerted by the European Commission as part of a pre-infringement procedure, no information about potential sanctions is available. Also, several fishing boats active in the region were flying non-EU flags but were under the control of European operators; those vessels continued fishing in Guinea-Bissau's EEZ during that time.²⁸

In terms of the treatment of the EU fleet compared to other foreign fleets, several SFPAs simply provide for the principle of non-discrimination between the different fleets, while others state, to the same effect, that the coastal State will not give more favourable conditions to other foreign vessels which have the same characteristics and target the same species. Moreover, in a few SFPAs, the parties agree that all technical conservation measures applied to the EU fleet must be applied to all foreign industrial fleets operating in the coastal State's waters under similar technical conditions. Pending ex post evaluations, however, no information making it possible to verify respect with this obligation is publicly available.

Transparency, accountability, and accessibility of information

In the interest of transparency, under a few SFPAs, the coastal State undertakes to make any fishing access agreement public. The Protocol with Mauritania must be highlighted as it provides a list of the information to be made public, together with an obligation for Mauritania to report yearly on the number of fishing authorisations for each fishing category granted to vessels flying the flag of other third countries, the corresponding volumes of catches authorised, actual catch numbers, and the conditions for providing such vessels with access to Mauritania's fishing zone.



**IN THE
INTEREST OF
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However, it remains unclear where such information can, at present, be found, as it is not available on the EU website, no Mauritanian fisheries ministry website is accessible in English, and the Fisheries Transparency Initiative, in which Mauritania is very active, remains in its conceptual phase.²⁹

Guinea-Bissau appears, from the ex post evaluation, to have made some information available about other access agreements, but not having been updated, the relevant information has become incomplete and obsolete. Moreover, areas of opacity remain: the private agreements with fishing vessels' associations – at least one of which is a European association working with third-country flagged vessels – are indeed confidential and information about chartering agreements, which exist in the region, is scarce.³⁰

In terms of accountability, all SFPAs provide for some form of evaluation and a number of them explicitly refer to a retrospective evaluation of the implementation of the agreement, that is, at the end of the protocol's lifetime. A feature from the Seychelles Protocol ought to be positively noted, as the parties agreed to a mid-term review to be held three years after the date of the start of the provisional application of the protocol. While ex post evaluation reports are meant to review all aspects of the SFPAs implementation, from the added value for both the EU and the partner country, to the environmental and socio-economic impacts of the SFPAs, or the consistency of the results with the obligations binding the EU,³¹ in practice, they too often focus on the economic impacts, mostly leaving aside the question of sustainable development.³² They also appear to play down or rationalise issues in order to reach positive conclusions; the report on Guinea-Bissau, for example, concludes that the protocol's efficacy is rather high, while out of its six sub-sections conclusions, two say that the objectives were not reached, one was moderately achieved, and another was reached but could have been better.³³

Access to information by the public in general and the coastal State's civil society in particular remains limited or non-existent, when one searches beyond the texts of the SFPAs and the evaluation reports. Indeed, Joint Committee meetings and their reports, as well as sectoral support documents and evaluations generally remain, to this day, confidential.³⁴ Worth noting is that not only are international NGOs asking for more transparency, but the local fishers' unions and civil society have also made similar requests in Mauritius and Guinea-Bissau.³⁵

1.2.3. Mutual benefits

Mutual benefits and sustainable development

Mutual benefits and sustainable development ought to be at the centre of SFPAs. Since access agreements provide money to coastal States in return for the right to access surpluses or to catch a certain amount of fish, in general terms, they appear to fulfil the mutual benefits objective.³⁶ This is positive, in particular if the coastal State does not have a widespread culture of fishing, as is the case of Guinea-Bissau, where the fishing sector only represents 3.5% of the GDP and employs 3% of the workforce, but where the payments for access contribute to a large portion of the national public finances.³⁷

However, under the obligation to promote sustainable development in developing countries, the EU ought to ensure that sufficient resources are allocated to local fishers and that growth in the national sector is not hampered. Problematically, this issue does not appear to be fully taken into account, with local stakeholders not sufficiently, if at all, involved in the negotiating processes.³⁸ In practice, even in Guinea-Bissau, tensions and conflicts between local and foreign fishers are on the rise, with locals complaining that their traditional access rights are being violated by



**TENSIONS AND
CONFLICTS
BETWEEN LOCAL
AND FOREIGN
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foreigners.³⁹ The situation is worse still when the coastal State's fishing tradition or ambition is either in competition with or constrained by the access provided to third States' fleets as perceived in Mauritius⁴⁰ – or when the resources targeted under the access agreement are key to food security (such as the round sardinella caught off the coasts of Morocco, Mauritania, and Senegal) and hence should be reserved to local small-scale fishers.⁴¹

In that respect, it is interesting but alarming to note that, with the exceptions of the SFPAs with Greenland, Madagascar, and Mauritania, there is no mention of sustainable development as an objective of the bilateral agreements or of the SFPAs contributing to sustainable development in the coastal States concerned. However, one must also recall that SFPAs are only one of many frameworks within which the EU supports sustainable development in relation to fisheries in developing countries.⁴²

Direct job creation and increased local economic activities

In addition to those payments, the coastal State's economy can directly benefit from the access agreement signed with the EU in terms of job creation – on board fishing boats and on land – as well as in increased local economic activities or investment in the local economy. However, in reality, SFPAs implementation does not seem to prove very beneficial to local communities.⁴³

All SFPAs except those with the Cook Islands and Greenland stipulate that minimum numbers of local seamen, defined, depending on the SFPAs, as being from the coastal State or from African, Caribbean and Pacific (ACP) countries, must be signed on to EU fishing vessels. In the case of Mauritius, in contravention of the protocol, not a single local seaman was recruited by EU vessels – and the compensatory lump-sums due had still not been paid when the evaluation was written. Reasons presented for such problem are the unavailability of seamen and unclear requirements.⁴⁴ As such problem is common in the region and the EU is under no obligation from its own rules to bind itself to a minimum – or in fact any – number of local seamen on board, one can wonder about the reasons behind such undertakings.

Moreover, while most SFPAs contain a provision on the promotion of cooperation among economic operators, the level of implementation of those clauses differs widely, apparently in relation to the level of infrastructure available in the country, and seems generally to remain limited. Guinea-Bissau does not benefit from EU catches being landed, processed or marketed locally, due to the lack of functioning or competitive infrastructure. Similarly, the country's unwelcoming economic situation hampers the economic integration of European operators in the local fishing sector.⁴⁵ Mauritius benefits, to some extent, from refuelling and ancillary activities, as a few vessels use its facilities.⁴⁶ It also receives some value added generated by the processing industry, since about half of the purse seiners' catches, although landed in the Seychelles, are shipped back to Mauritius for processing by Mauritian seafood companies.⁴⁷ In both cases, only few jobs were created for locals of the coastal State.⁴⁸

It is worth noting, too, that, under a number of SFPAs, the setting up of joint enterprises, joint ventures, or chartering is envisaged and encouraged. The promotion of joint ventures,⁴⁹ which currently operate in complete opacity, rules out accountability, can have a deleterious effect on sustainable development,⁵⁰ and hence is particularly questionable.

Sectoral support

The coastal State is also meant to benefit from SFPAs in that part of the EU contribution takes the form of sectoral support, which aims at improving fisheries governance in the partner country, an objective which should be commended. All SFPAs include provisions regarding sectoral support, according to which, within 3 or 4 months of the protocol's start, the parties have to agree on a multiannual sectoral programme and detailed implementing rules covering, in particular, annual and multiannual programmes for using the specific amount of the sectoral support contribution, the relevant objectives to be achieved, and criteria and procedures for evaluating the results obtained each year. In most frameworks, those provisions are vague and to be complemented by the work of the Joint Committee.

In the Protocol with Mauritania, specific provisions relating to the implementation and monitoring of the sectoral support have been introduced; the proposed set-up is the first of its kind. It states that financial support cannot be used to cover the operating expenses of the beneficiaries. Sectoral support is to be administered by an implementation unit, appointed by the minister responsible for fisheries and subject to an annual external audit, and monthly meetings are to be organised to monitor implementation. The main beneficiaries of the support must be invited once a year to present and schedule the financed measures.

Most frameworks, Morocco's being the exception, allow for the unilateral revision or suspension, partial or total, of the sectoral support payment, if the Joint Committee evaluates that the objectives financed by the EU have not been satisfactorily achieved, if the results obtained are inconsistent with the programming, or in the event of failure to implement the financial contribution.

However, problems of various kinds have been identified that undermine the effectiveness of sectoral support. First, the type of objectives and tasks agreed by both parties is not always focused on improving governance or developing the fisheries sector as a whole. As was the case in Guinea-Bissau,⁵¹ sectoral support is sometimes spent to cover running expenses of the fisheries department, which, albeit necessary, cannot be qualified as mid- or long-term investment.

Second, the manner in which the programme of action is adopted does not promote transparency, with no formal eligibility conditions for actions to be funded⁵² and a lack of public information or consultation. In Guinea-Bissau, civil society criticised the lack of transparency of the use of sectoral support and expressed an interest in participating in the drafting of the matrix, or at least in being informed of its content. It voiced disappointment that the totality of the sectoral support was absorbed by the administration, instead of directly strengthening economic actors in the fisheries sector.⁵³ In Mauritius, the industry and civil society were initially consulted in April 2014, but then were not given feedback as to what was being implemented.⁵⁴

Third, partner countries often have implementation problems due to the inability to absorb the totality of sectoral support funds available, which is a difficulty when donors' support exceeds the recipient States' ability to deliver.⁵⁵ This problem is quite common, although its scope differs from country to country. In Guinea-Bissau, left-over funds from the two previous protocols (2007-2011 and 2011-2012) are still in the process of being paid.⁵⁶ In Mauritius, although the situation is less problematic, several actions have been delayed and, in 2014, 41% of the budget allocation was rolled over.⁵⁷



NUMEROUS PROBLEMS HAVE ARISEN IN TERMS OF GOOD GOVERNANCE AND ACCOUNTABILITY

Fourth, numerous problems have arisen in terms of good governance and accountability. In Guinea-Bissau, the department responsible for fisheries transferred €915,000 in December 2015 from sectoral support to the public treasury in order to increase its tax revenues for an International Monetary Fund evaluation visit. The EU has suspended the payment of the second part of the current sectoral payment until the money is returned.⁵⁸ Moreover, the coastal State has unilaterally decided to balance the amounts between the different projects without consulting the EU and several cases of financial wrongdoing have been identified.⁵⁹ Also, the Commission's monitoring role remains limited to its participation to annual Joint Committee meetings.⁶⁰ Finally, and more generally, little information is made public regarding the use and impact of sectoral support payments.⁶¹

Fifth, there appear to be problems, in certain cases, in coordinating sectoral support with other types of aid focused on fisheries, with the risk of overlaps or gaps. In terms simply of EU aid, the sectoral support exists in parallel to the European Development Fund and Smartfish; they sometimes lack complementarity with each other, as was illustrated in the ECA's report with regard to the monitoring, control, and surveillance initiatives in Mozambique.⁶² However, in other cases, as in Guinea-Bissau, where complementary and synergies with other aid projects were noted, coordination seems to function well.⁶³

1.2.4. Human rights and working standards

Human rights

All SFPAs include some mention of human rights, generally a provision according to which implementation of the protocol may be suspended in the event of violations of human rights or if the consultation mechanisms laid down in Article 96 of the Cotonou Agreement are activated. Under most frameworks, the financial contribution may also be reviewed or suspended in such circumstances. However, the SFPAs with Greenland and Morocco say nothing about the consequences of a violation, merely containing a general statement of principle.⁶⁴

In the waters of Guinea-Bissau, fishing activities of EU vessels were suspended for a period of 17 months following the April 2012 military coup and restarted after the restoration of constitutional order.⁶⁵ While the European Council, on 16 October 2014, adopted the decision on signing and provisionally applying the protocol that had been initialled in 2012, the EU generally lifted the measures required by Article 96 of the Cotonou Agreement in March 2015. Hence, only then, several months after fishing had started again, were other development and cooperation policies fully restarted.⁶⁶

Working standards

All SFPAs – with the exception of the Greenland agreement, which simply says that both parties must uphold fundamental rights as guaranteed by the European Convention on Human Rights, including work-related rights – even those predating the revised CFP, state that the basic working standards laid down in the Declaration of the International Labour Organization (ILO) on Fundamental Principles and Rights at Work must be afforded to certain categories of seamen (all, those from the coastal State, or those from ACP countries) signed on to EU vessels. These rights include, in particular, the freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation. Also, under most protocols, the wage conditions granted to local seamen must not be worse than those applied to crews of the coastal State and must under no circumstances be below ILO standards. Finally, most protocols state that the contract must guarantee seamen the social security

cover applicable to them in the coastal State and must include life assurance and sickness and accident insurance. The exceptions to those last two working standards provisions are the Cook Islands and Mauritania Protocols, which remain silent on both points, and, while the former protocol does not include an obligation regarding the minimum number of local seamen on board, the latter does. The Seychelles and Mauritius Protocols ought to be positively singled out in that they give teeth to the working standards obligations, since they stipulate that implementation of the protocols may be suspended by either of the parties in the event of non-compliance with the ILO Declaration.

In practice, it appears that those obligations are not always respected. Guinea-Bissauan seamen are not paid the minimum wage required by the ILO and by the SFPA; their remuneration, indeed, amounts to 507 USD when they should have been paid 592 USD in 2015 and 614 USD in 2016.⁶⁷ In Mauritius, respect for workers' rights cannot be evaluated, since, in contravention of the protocol, no Mauritian seamen were recruited by EU vessels.

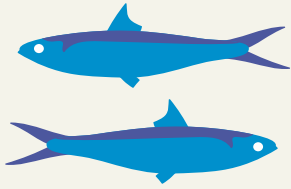
1.3. CONCLUSIONS

Sustainability: SFPAs as access agreements should be encouraged; they aim for sustainable fisheries and responsible fishing, promote monitoring and scientific data gathering, include the obligation to respect the relevant RFMO CMMs, state the need to fight IUU fishing, and, although there are no explicit references to the ecosystem approach, provide for some ecosystemic measures. However, beyond these positive features, the EU has signed agreements that do not always include key components of the CFP on sustainability, in particular the precautionary principle, discard reduction, contributing to the aim of reaching MSY or, where relevant, reference to surplus. In practice, the EU has entered into access agreements when scientific data was missing or inadequate to determine that fishing would be sustainable, or in the absence of a regional management plan for straddling stocks. Furthermore, it is unclear whether the EU actively promotes bycatch and discard reduction which would be required under the ecosystem approach and the objective of gradual reduction of discards. Finally, problems of catch data reporting seem widespread and endanger the availability and quality of data, as well as the effectiveness of Member States' control and monitoring of catches by vessels flying their flags.

Good governance: SFPAs are better than most other access agreements; they are publicly available, promote some transparency, and are evaluated in publicly available reports. Nevertheless, once signed, information on SFPA implementation is scarce until the ex post evaluation as Joint Committee meetings are not open and the reports on implementation are not available to the public. NGOs and partner countries' civil societies have been calling for more information on the negotiations and implementation of SFPAs. Availability of information on other foreign vessels fishing in the coastal States' waters, which is commendable as a goal towards transparency, depends on the clauses of the SFPAs, which range from requiring annual publication of such data to not addressing the matter; in practice, information is at times obsolete or difficult to locate outside of ex post evaluations.

Mutual benefits: the EU's financial contributions include a part reserved for sectoral support. However, several issues with this support have been identified in relation to the types of projects being financed, the manner in which these projects are chosen, the involvement of civil society, transparency, the ability to absorb payments, and coordination with other aid and development projects.

SFPAs AS ACCESS
AGREEMENTS
SHOULD BE
ENCOURAGED;
THEY AIM AT
SUSTAINABLE
FISHERIES AND
RESPONSIBLE
FISHING



BEYOND SECTORAL SUPPORT, THE EU DOES NOT SEEM TO SUFFICIENTLY FOCUS, AS IT OUGHT TO, ON SUSTAINABLE DEVELOPMENT

Beyond sectoral support, SFPAs promote economic integration and creation of jobs, but the EU does not seem to sufficiently focus on sustainable development, a term which is absent from most SFPAs. Noticeable in particular are the repeated violations of the clauses related to the minimum number of local seamen on-board and the low level, if any, application of the clauses promoting economic cooperation between the parties to SFPAs. As both of these implementation problems seem related mainly to the availability of trained seamen and of functioning local infrastructure respectively, greater coherence across EU policies, in particular with development, cooperation, and trade policies, will facilitate the implementation of the CFP's external dimension. Finally, the perception of competition between local fishers and foreign fishing fleets, whether real or not, exists.

Human rights and working standards: the EU has successfully included such provisions in all its SFPAs, although, in a few, nothing is said about possible consequences of violations of human rights and in only two are violations of working standards a potential trigger for suspension. Also, coherence, especially in the timing of suspension of implementation, should be encouraged with other EU policies, such as those related to development and cooperation. Finally, in terms of working standards, there appear to be cases of contraventions of the minimum salary level to be paid to local seamen.

In addition to the specific strengths and shortcomings identified, one must realise that much remains unknown and that it is difficult to evaluate the implementation of SFPAs. This is due to the lack of publicly available information from the EU institutions, the Member States whose fleets benefit from the fishing opportunities partly financed by EU tax payers, and the coastal partner countries themselves.



2. EU ACTION IN REGIONAL FISHERIES MANAGEMENT ORGANISATIONS

INDIAN OCEAN TUNA COMMISSION AND WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION

2.1. LEGAL FRAMEWORK

The EU, represented by the European Commission, plays an active role in the main tuna and non-tuna RFMOs. The negotiating mandate to RFMOs is agreed at the EU level by means of a Council Decision, on a proposal from the Commission. Pursuant to Article 218(9) of the Treaty on the Functioning of the European Union, this procedure must be followed with regard to the positions to be adopted on behalf of the Union in RFMOs when they are called upon to adopt acts having legal effects.

As in bilateral relations, the Union must conduct its multilateral external fisheries relations in accordance with its international obligations and policy objectives, as well as the objectives and principles set out in Articles 2 and 3 of the CFP.

With regard to the provisions of the CFP devoted to International Fisheries Organisations, Article 29 calls on the Union to actively support and contribute to the activities of RFMOs. It also states that positions adopted by the EU in these organisations must be based on the best available scientific advice. It further calls on the EU to support the development of appropriate and transparent mechanisms for the allocation of fishing opportunities. The Union moreover has an obligation to foster cooperation among RFMOs and consistency between their respective regulatory frameworks, as well as to support the development of scientific knowledge and advice.

Additionally, the Union must seek to lead the process of strengthening the performance of RFMOs (Article 29(2)). It is also required to promote the establishment and the strengthening of compliance committees of RFMOs, periodic independent performance reviews, and appropriate remedial action (Article 28(2)(f)). Finally, Article 30 provides for the cooperation of the Union with third countries and international organisations dealing with fisheries, including RFMOs, to strengthen compliance with measures to combat IUU fishing.

2.2. EU PROPOSALS

Since the adoption of the reformed CFP, the EU has made 22 proposals for amendments of existing CMMs or adoption of new CMMs at IOTC, 14 of which were adopted, and 11 at WCPFC, two of which were adopted. In substance, as will be examined more closely below, those proposals touched upon a variety of subjects relevant to the CFP.

2.2.1. Special protection to be afforded to some species

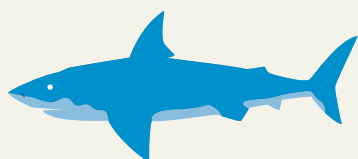
At IOTC, in 2014, the EU proposed three resolutions on sharks, the first and second focusing on two species of particularly vulnerable sharks, the silky sharks and hammerhead sharks. Calling for the Scientific Committee to recommend or advise on specific measures for those species, the EU proposed, in the meanwhile, a retention ban and an obligation of release. Several States, having indicated that there was little relevant data, requested that the proposal be deferred until such information was available.⁶⁸ The third proposal required sharks to be landed with their fins attached, to promote full utilisation of shark protein for food, and to facilitate the collection of critical data by species. None of those three proposals was adopted. In 2015 and 2016, the EU returned with a proposal, broadly reflecting its third general proposal of 2014, which faced a similar fate.

In 2015, the EU presented a proposal for a Resolution on endangered species, calling on Contracting Parties and Cooperating Non-Contracting Parties (CPCs) to make every possible effort to reduce the 2014 level of catches by their vessels of striped marlin, black marlin, blue marlin and longtail tuna. It was successfully adopted.

In 2016, the EU presented a proposal recommending a 20% reduction in the catches of yellowfin tuna and similar measures for other species. It based its suggestions on the work of the Scientific Committee. Kenya came up with a less-strict proposal for yellowfin tuna, which, unlike the unsuccessful EU proposal, was adopted.

At WCPFC, the EU proposed in 2014, 2015 and 2016 the adoption of a ban on the removal of shark fins at sea in order to address shortcomings in the existing finning ban (CMM 2010-07). Although the EU noted that the fin-to-carass ratio is impossible to monitor and actually ineffective, and other RFMOs have adopted such measures, the proposals did not succeed. In 2016, it was decided that the Scientific Committee and the Technical and Compliance Committee would work towards the development of a comprehensive approach to shark and ray conservation and management, with a view to adopting a new CMM in 2018.⁶⁹

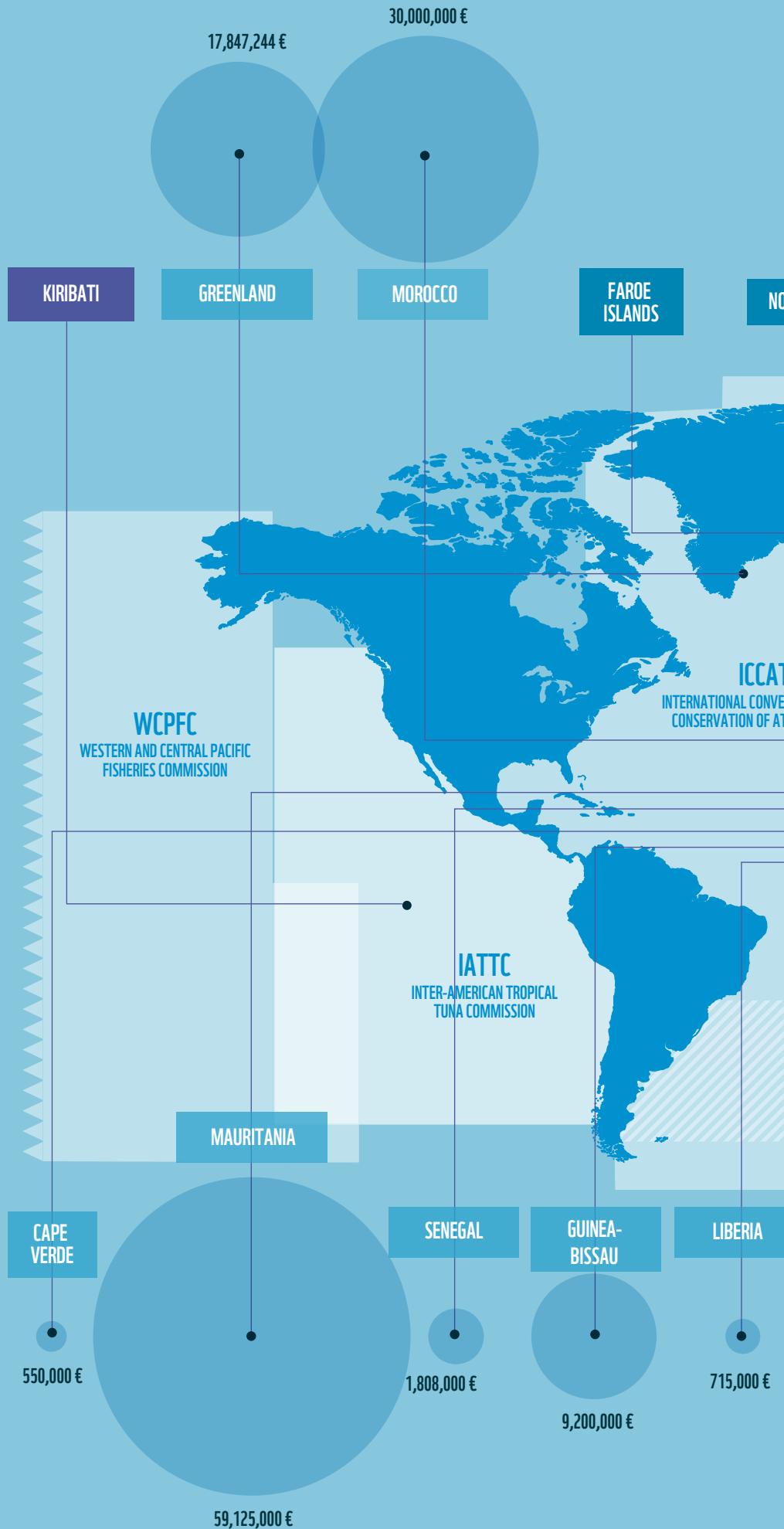
In 2016, the EU also proposed a CMM for Mobula and Manta rays caught in association with fisheries managed by WCPFC. It provided for a retention ban and for the release of such animals when alive, as well as reporting obligations. The EU noted that a similar measure had been adopted at IATTC and that such species were endangered as shown by their CITES Appendix II status. At the meeting, the EU proposed a revised text, taking into account a number of concerns expressed by other member States, but Japan could not accept it, as it considered that protection should only be afforded if scientific reasons warranted it, not just for cultural preferences.⁷⁰ The Commission decided that the Contracting Members and Cooperating non-Members (CCMs) were to record the number of discards and releases, that Manta and Mobula rays were to be considered WCPFC key shark species for assessment, and that the next meeting of the Scientific Committee was to develop safe release guidelines with a view to their adoption at the following Commission meeting.⁷¹

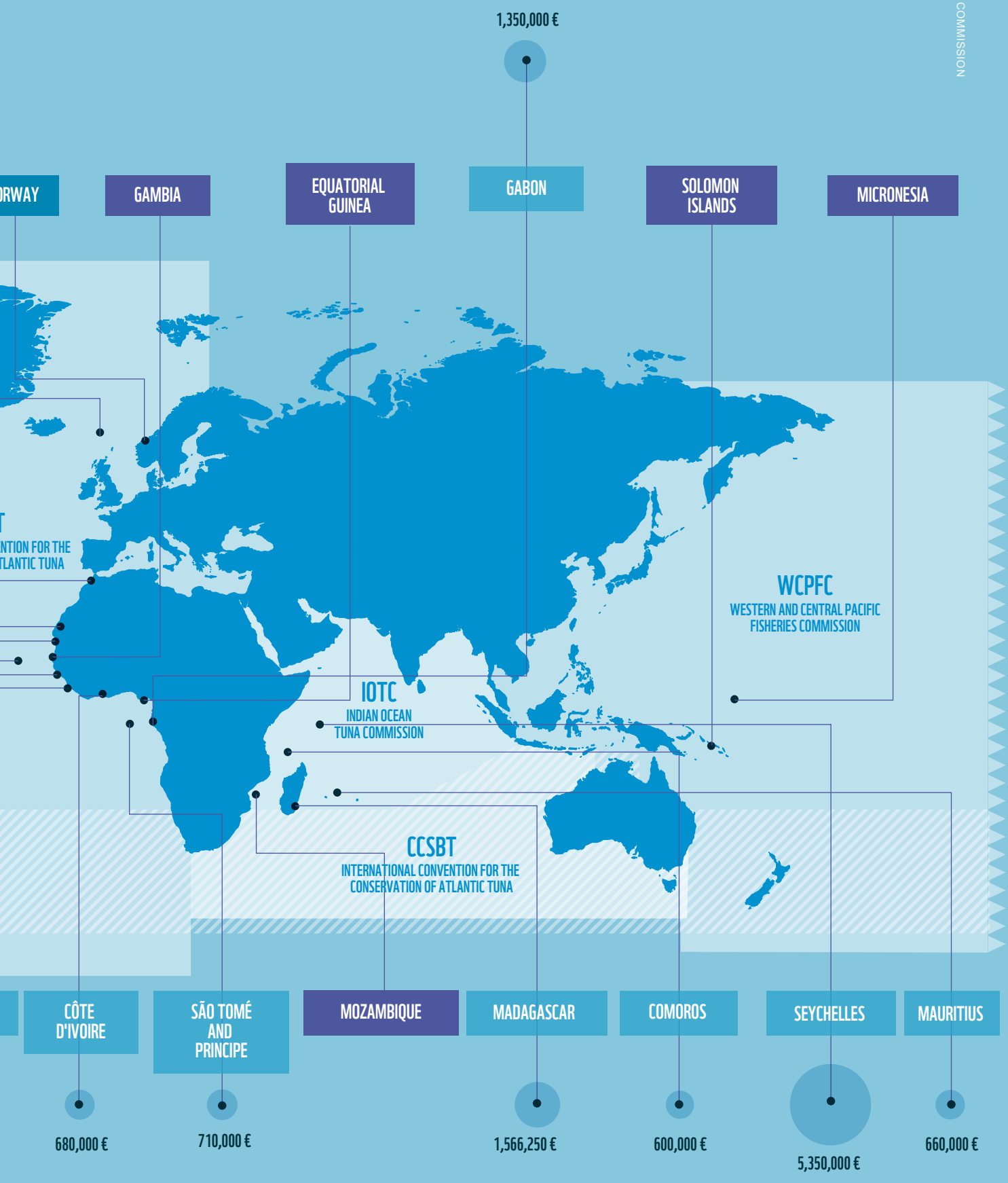


**THE EU PROPOSED
THE ADOPTION
OF A BAN ON THE
REMOVAL OF SHARK
FINS AT SEA...THE
PROPOSALS DID
NOT SUCCEED**

EU FISHERIES AGREEMENTS – THE PARTNER COUNTRIES TO THE EU

- BILATERAL FISHERIES AGREEMENTS (COUNTRIES WITH EXCLUSIVE ZONES THAT EU VESSELS HAVE ACCESS TO)
- RECIPROCITY AGREEMENTS (JOINT MANAGEMENT OF SHARED STOCKS)
- DORMANT BILATERAL AGREEMENTS (COUNTRIES WITH FISHERIES AGREEMENTS BUT WITHOUT A PROTOCOL IN FORCE)





All these proposals are in line with the CFP in that they promote the precautionary principle and ecosystem approach, the aim of attaining MSY, and the gradual elimination of discards. By developing similar draft resolutions in two RFMOs, as well as promoting measures that have already been adopted in other RFMOs and international frameworks, the EU also attempts to increase consistency between the respective regulatory frameworks.

2.2.2. Monitoring, control, and surveillance

At **IOTC**, three proposals in 2014 focused on amending existing Resolutions to see the obligation to submit the International Maritime Organization (IMO) number added to the information already required to be on the list of fishing vessels authorised to operate in the IOTC area of competence. The EU noted that using IMO numbers as a unique vessel identifier for fishing vessels is both useful in fighting IUU fishing and practical for vessel identification and that, in 2013, CCAMLR, ICCAT, and WCPFC strengthened their transparency requirements and mandated IMO numbers for fishing vessels. The proposals were adopted.

The EU was also behind a proposal, in 2014, to implement a harmonised and coordinated scheme of IOTC observers. This measure aimed at promoting the creation of a regional observer programme in the IOTC area of competence by facilitating monitoring and control of fishing activities by CPCs, and hence ensuring compliance with CMMs as well as improving the scientific assessment of the stocks. Several CPCs were concerned that the measure was proposed independently of the IOTC regional observer scheme, and that a financial mechanism to support its provisions was not specified.⁷² The proposal was not adopted.

In 2016, the EU brought another draft Resolution to amend the existing port State measures to prevent, deter, and eliminate IUU fishing Resolution. It focused on gradually ensuring the use of electronic port State measures and was adopted.

At **WCPFC**, in 2016, the EU proposed the implementation of minimum standards by port States of measures such as prior notification, port entry followed by authorisation or denial, port inspections, and measures in the event of infringements. The Pacific Islands Forum Fisheries Agency (FFA) also proposed a text which provided for a high degree of flexibility in the measures, due to its focus on small island developing States and their competing priorities. Neither proposal was adopted, as some parties needed more time to examine the texts.

All these proposals are in line with the CFP in that they strengthen the fight against IUU fishing and they attempt to promote consistency between RFMO measures. For example, noting that IMO numbers were required in CCAMLR, ICCAT, and WCPFC, the EU brought a similar proposal to the IOTC. Moreover, as the WCPFC still does not have a framework for port State measures, the EU attempted, unsuccessfully, to fill the gap.

2.2.3. Data

At **IOTC**, the five EU proposals on data were adopted. In 2014, the EU proposed that the Commission standardise the presentation of scientific information, transitioning to a harmonised format used by other RFMO science bodies to convey advice, which facilitates the application of the precautionary approach. In 2015, the EU made two further proposals, one adding the mandatory recording of silky sharks to the recording of catch and effort data by fishing vessels, and the other clarifying mandatory statistical reporting requirements. In 2016, the EU made a proposal on penalties applicable in case of non-fulfilment of reporting obligations, as was requested by the Scientific Committee, in light of the lack of information submitted by CPCs on total catches, catch and effort, and size data. Accordingly, individual





**THE EU HAS
CALLED ON THE
OTHER WCPFC
MEMBER STATES
TO ADOPT A CMM
ON FISHERIES
AND ACCESS
AGREEMENT
INFORMATION**

CPCs not fulfilling their reporting obligations for one or more species for a given year will be prohibited from retaining such species as of the year following the lack of or incomplete reporting, and until complete and correct data is received by the IOTC Secretariat. That same year, the EU also proposed a pilot project to promote the IOTC regional observer scheme, which aims at improving the collection of scientific data related to the fisheries for tuna and tuna-like species.

At **WCPFC**, the proposals, in 2015 and 2016, to amend the scientific data to be provided to the Commission aimed at clarifying some of the requirements of provision of scientific data. They were intended to facilitate the work of the Technical and Compliance Committee in relation to the assessment of compliance with the CMM obligations. The proposals also sought to ensure provision of essential scientific data to the Commission therefore having a positive impact on the management of stocks. In 2015, several delegations expressed their desire to hear the views of the Scientific Committee on the question. The EU declared that it would work inter-sessionally with interested CCMs and have a discussion at the Scientific Committee as well as at the Technical and Compliance Committee. The EU said that it would come to the 2016 meeting with a consolidated proposal;⁷³ it did, and the proposal was adopted.

For several years and every year since 2014, the EU has called on the other WCPFC member States to adopt a CMM on fisheries and access agreement information. It emphasises the importance of transparency among CCMs, in particular to facilitate joint efforts to combat IUU fishing. It therefore considers that the Commission should be notified of agreements allowing foreign-flagged vessels to fish in CCMs' EEZs. In its explanatory note, it stated that other RFMOs have already adopted similar measures. The proposals faced strong opposition, in particular from the FFA due to commercial sensitivities as well as the perception of interference on issues relating to national waters,⁷⁴ and by the Federated States of Micronesia which objected generally to the measure and noted that the proposal continued to come back without amendment.⁷⁵ In 2016, the FFA reiterated its opposition, clarifying that it was not because it feared transparency, but because it considered the proposal anti-competitive, noting the history of distant water fishing States using economic and political power to protect the commercial interests of their fleets and undermining the interests of small island developing States. According to the FFA, this would not be consistent with the obligation to recognise the special requirements of developing States.⁷⁶

The EU delegation, at every Commission meeting, made clear that it would welcome amendments and concrete suggestions. In 2016, it also added a paragraph into the Preamble stating “that greater transparency regarding fisheries access agreements, including by making them publicly available, subject to confidentiality requirements, was encouraged in the recommendations of the resumed Review Conference on the United Nations Fish Stocks Agreement adopted by unanimity”. It pointed out that, at that conference, WCPFC members voted in favour of such transparency mechanism. That was why EU had again submitted a proposal for transparency in fisheries access agreements. The proposal also took into account the Review Conference agreed requirement that all information provided is to be in line with domestic confidentiality requirements.⁷⁷ This was however not sufficient and the proposal was rejected once more.

All these proposals are in line with the CFP in that they promote the gathering of best available scientific data, as well as, through increased transparency, other information such as fishing effort, which is necessary to ensure that fishery resources are managed sustainably. One proposal also makes provision for a sanctions' mechanism in case of failure to fulfil reporting obligations.

2.2.4. Technical management measures

At **IOTC**, in 2015, the EU suggested amending the existing Resolution on limiting fishing capacity, to clarify its period of application in order to ensure that the reference fishing capacity in IOTC remained in place. While the EU's proposal extended the period of application to 2017, the adopted version stopped at 2016. In 2016, noting that the overall capacity in IOTC continues to increase, reaching levels leading to clear overfishing of some IOTC stocks, the EU proposed to effectively limit the fishing capacity in the entire IOTC area of competence. This second proposal was not adopted.

In 2015, it also proposed amending the Resolution on interim target and limit reference points, with the inclusion of a possibility for the IOTC Scientific Committee to use alternatives to MSY-based reference points when those are considered as insufficiently robust. This proposal was adopted.

Finally, in 2015, the EU proposed a Resolution on the management of FADs, with the creation of a FAD working group and a limit in the maximum number of FADs to 550 per vessel, as an interim measure. The EU pointed out that ICCAT and WCPFC already had such working groups in place. The Commission adopted two Resolutions, one of the maximum number of buoys (550 active at sea at any one time and 1100 acquired annually by any fishing vessel), and the other on the working group.

At **WCPFC**, in 2016, the EU successfully proposed the modification of a footnote of the CMM for bigeye, yellowfin and skipjack tuna, allowing a CCM to circumvent the high seas FAD closure, if they had achieved a verifiable reduction in bigeye catches by their purse seine vessels to 55% from current levels (2010-2012).

Most of these proposals are in line with the CFP in that they promote sustainable and responsible fishing by addressing overcapacity, envisaging an alternative to MSY in order to set robust reference points, and attempting to manage and monitor technological developments that may threaten sustainability. However, in the case of FADs, the maximum number of such devices suggested by the EU, which was adopted, was criticised as not based on scientific analysis.

2.2.5 Performance review

At **IOTC** in 2016, the EU suggested a Resolution to deliberate on the recommendations made by the panel of the 2nd Performance Review undertaken in 2015, and create a Technical Committee on the Performance Review in order to address all the recommendations of the Performance Review Panel Report. This is similar to the performance review follow-up that was put in place after the first performance review of 2007. The EU's proposal was adopted.

This proposal is in line with the CFP in that it supports the strengthening of the RFMO and the efficient follow-up of the latest performance review.

2.3. CONCLUSIONS

The EU is positively active in the two RFMOs examined and makes proposals that can address several crucial areas to ensure the good governance of fisheries through RFMOs. The EU proposals also relate to important objectives under the CFP, such as improving the data available, promoting the precautionary principle, reducing discards, strengthening RFMOs, and increasing consistency between measures adopted in different fora.



HIGH FAD LIMITS RISK PUTTING TUNA AND SOME OTHER SPECIES IN DANGER

Out of the 33 proposals made by the EU, 16 were adopted. In multilateral fora such as RFMOs, the EU can only make proposals, negotiate and try to convince its partners. States come with different priorities, interests, and even values, as was highlighted, for example, in the Mobula and Manta ray discussion within WCPFC: Japan, although recognising that some States might want to protect those animals for other than sustainability reasons would only take a decision based on science. That an argument such as this actually runs counter to the precautionary principle unfortunately does not make it less powerful in negotiations.

The variance between the EU track record at IOTC and at WCPFC might be due, in addition to different memberships, to the formal way in which decisions are taken in those two RFMOs when the usual procedure of attempting to reach consensus fails. Indeed, at IOTC, where 14 of the 22 proposals made by the EU were successful, the rule is simple majority,⁷⁸ while at WCPFC, where only two of the 11 proposals were passed, decision-making is purely by consensus, giving each and every State a de facto power of veto.⁷⁹ It is worth noting however that, for each of the three years examined, the proportion of EU proposals that were adopted at WCPFC is lower than the percentage for all proposals,⁸⁰ which means that other member States have had higher success rates.

It is possible that the EU's tendency to bring the same proposal over and over again without much amendment contributes to its low level of success at WCPFC as with the proposals on transparency about fisheries access agreements. It could, indeed, be wondered whether, in addition to its explicit invitations to States opposed to its proposals to provide alternatives, the EU has tried sufficiently to reach out to these States in between sessions. Another pattern that appears from the sample of proposals made by the EU is the failure of its proposals when a second proposal on the same subject is brought forward by another State, such as in 2016 at IOTC with regard to yellowfin tuna. For States whose priorities overlap, focusing on joining efforts and negotiating differences ahead of time could have the potential to increase chances of success.

It should be noted that there are occasions where the EU's proposals themselves, reflecting the compromise found within EU Member States, are weak or fail to respect the CFP. A prime example is the proposal on the FADs at IOTC. The limit brought forward by the EU was not science-based and "capping" the number of FADs on each vessel at 550 actually provides legal space for an increase in such devices.⁸¹ Since the consequences of the widespread use of FADs have not yet been fully identified, in application of the precautionary principle, the absence of information should not have been a reason to delay taking action. Also, the use of FADs seems to lead to a high bycatch of unwanted species and juvenile tuna; high FAD limits thus risk putting tuna and some other species in danger. The consistency of the high FAD limit with the EU's action to protect vulnerable species, as well as to minimise bycatch and discard, might be called into question.

Furthermore, there are areas where RFMOs' performance could be improved, but where the EU or other member States have apparently not presented formal proposals to that effect. For example, in neither IOTC nor WCPFC is the EU campaigning to strengthen the framework governing transshipment at sea to ensure verification and legality, a fundamental requirement to avoid that such transshipment undermines the fight against IUU fishing.⁸² While transshipment at sea is regulated in both RFMOs, there appear to be issues in the implementation of the relevant CMMs in the region, in particular in the Western and Central Pacific.⁸³ As the EU has adopted an ambitious ban of transshipment in all its fisheries, one could hope that it would also present a proposal to strengthen the framework governing transshipment at sea in both IOTC and WCPFC.

3. CONCLUSIONS AND RECOMMENDATIONS

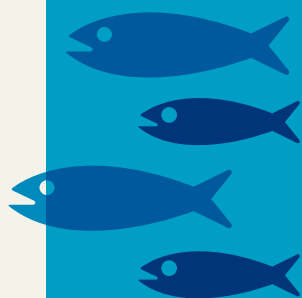
3.1. IS EUROPE READY TO LEAD ON INTERNATIONAL FISHERIES GOVERNANCE?

Conclusion

While it is potentially better placed than most, the EU needs to adhere more closely to its obligations under the Common Fisheries Policy and on sustainable development if it is to deliver on its ambition.

The CFP, including its external dimension, is strongly focused on sustainability, good governance and mutual benefits. The IUU Regulation has led and is still leading to significant improvements in international fisheries governance, not only by preventing illegally caught fish from entering the EU, but also by providing expertise and support for capacity building to countries at risk of being sanctioned. In addition, the EU financially supports projects to help improve fisheries governance, through many channels, such as the European Development Fund, SmartFish, Development and Cooperation, or bilateral projects. Furthermore, the proposal on the SMEFF, when adopted, should help in terms of greater transparency and accountability. The EU has taken a leading role in adopting ambitious legislation and is demonstrating a serious concern for sustainable development in relation to fisheries.

Overall implementation of the CFP over the past three years shows some encouraging initiatives; in particular, on the multilateral front, the EU's application of the CFP is generally successful. The EU's proposals at IOTC and WCPFC indeed touched upon a variety of subjects relevant to the CFP and have in most instances been consistent with EU's obligations. However, the same cannot be said of the EU's conduct of its bilateral relations within SFPAs, where the ambitious goals of the CFP seem diluted, probably through both the negotiation process with coastal States and the practical challenges of implementation. Hence, progress in implementing the bilateral part of the external dimension appears to be less advanced than one would expect after three years into the reformed CFP; major steps are still needed to ensure sustainable development in all dealings with developing countries, as well as transparency and accountability in all European fisheries.





**MEMBER STATES,
AS FLAG STATES,
ARE UNDER
OBLIGATIONS
THAT THEY MUST
RESPECT**

In that respect, the EU must do better if it is to deliver on its ambition to lead on global fisheries governance.

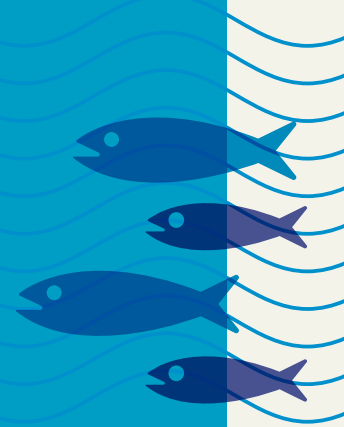
Additionally, although the EU is an important actor in the governance of international fisheries, its best efforts to promote sustainable fisheries can only come to fruition if other authorities fulfil their obligations and improve their practices. First of all, its Member States, as flag states, are under obligations that they must respect. Also, the flag States of other fleets fishing in developing countries, often operating under high levels of opacity, have responsibilities in ensuring that they fish sustainably. Last but not least, the developing States themselves are key players that have duties towards the environment and their people.

Recommendations

The EU needs to adhere more closely to its obligations under the CFP and to its stated goal of sustainable development. Demonstrating that one applies one's own strict rules is required before one can attempt to encourage others to follow the lead, and encouraging is the limit of what the EU can do at the multilateral level.

The EU also ought to increase coherence between its policy lines in various settings, or even within the same forum. For example, the EU pushes for increased transparency within WCPFC, but then appears rather opaque in its bilateral dealings, in particular at the civil society level. Also, the FAD proposal at IOTC is at variance with the EU's otherwise strong commitment to the ecosystem approach and reduction of discards and bycatches. Moreover, while the precautionary principle is a key element to the EU's action in RFMOs, it is generally not mentioned in SFPAs. On a more positive note, while the EU's promotion of measures related to sharks at the multilateral level has been relatively unsuccessful so far, it seems that it unilaterally applies the fins-attached rule everywhere, hence also in the Indian Ocean.⁸⁴ Only a perfect record of consistency, including through such unilateral measures that prove that principles are applied even when it is not to one's own advantage, can demonstrate good faith and build efficient leadership.

Finally, increased coherence for development across EU policies, such as that required under the CFP and related legislation on the one hand and the development, cooperation, and trade policies on the other would allow for a more effective approach to ensuring that EU fisheries are of mutual benefit to all the parties involved. By achieving its objectives under the CFP and related legislation, the EU will be in a position to deliver on its ambition and commitment to lead on international fisheries and will also further advance the UN Sustainable Development Goals, in which it is already fully engaged.





**3.2. SPECIFIC
RECOMMENDATIONS
WITH REGARD TO
2014-2017 SFPAs**

- 1. Key CFP objectives and principles must be included in SFPAs.**
- 2. New SFPAs should be harmonised along the lines of the best provisions.**
- 3. No access agreement should be entered into in the absence of sufficient scientific data and catch effort data or, when relevant, if surplus is not established on the basis of the best available scientific information. Where there is no (sub-)regional management plan for straddling species, fishing should be suspended or reduced.**
- 4. Data transmission and other obligations must be respected by vessels, enforced by flag States and overseen by the European Commission. Breaches should be considered serious infringements.**
- 5. More transparency is needed at both negotiating and implementing levels. Implementation and sectoral support reports and outcomes of meetings of the Joint Committees should be made available.**
- 6. Local civil society ought to be involved in the use of sectoral support.**
- 7. In the absence of clear guidelines or principles regarding transparency, joint ventures should not be promoted.**

8. More practical focus needs to be put on sustainable development, in particular:

- Compliance with the seamen on-board obligation
- Actual implementation of economic cooperation clauses
- Tackling real or perceived competition with local fishers

9. Working standards must be respected, in particular minimum wages.

10. Increased coherence between EU policies

- Harmonised consequences of human rights violations across EU policies
- Further coordination between CFP, development cooperation, and trade policies

**3.3. SPECIFIC
RECOMMENDATIONS
WITH REGARD TO RFMOs**

1. Proposals should always be based on the precautionary principle and scientific advice.

2. Consistency between EU proposals at RFMOs and principles and objectives of the CFP needs to be ensured.

3. The EU ought to take leadership in addressing transshipment at sea, an important tool in the fight against IUU fishing.

4. Support from and coordination with RFMO partners should be sought prior to meetings and annual sessions.



APPENDICES

ABBREVIATIONS

ACP	African, Caribbean and Pacific
CECAF	Fishery Committee for the Eastern Central Atlantic
CFP	Common Fisheries Policy (Regulation (EU) No 1380/2013)
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CCMs	Contracting Members and Cooperating non-Members (at WCPFC)
CMMs	Conservation and Management Measures
CPCs	Contracting Parties and Cooperating Non-Contracting Parties (at IOTC)
DG MARE	Directorate-General for Maritime Affairs and Fisheries
ECA	European Court of Auditors
EEZ	Exclusive Economic Zone
EU	European Union
FAD	Fish aggregating device
FFA	Pacific Islands Forum Fisheries Agency
ICCAT	International Commission for the Conservation of Atlantic Tunas
ILO	International Labour Organization
IMO	International Maritime Organization
IATTC	Inter-American Tropical Tuna Commission
IOTC	Indian Ocean Tuna Commission
IUU fishing	Illegal, unreported, and unregulated fishing
MSY	Maximum sustainable yield
RFMO	Regional fisheries management organisation
SFPA	Sustainable fisheries partnership agreement
SMEFF	Sustainable management of external fishing fleets
WCPFC	Western and Central Pacific Fisheries Commission

ANNEX 1 - GOOD PRACTICES FOR SFPAs AND RECOMMENDED IMPROVEMENTS

Sustainable fisheries and responsible fishing

Good practices to be extended

Promotion of sustainable fisheries and responsible fishing in all SFPAs, including fishing opportunities to be adopted and reviewed on the basis of the best available scientific advice.

Monitoring of the state of fishery resources during the time of the SFPAs, with reactive monitoring in Cook Islands, Mauritania, Senegal, and Seychelles.

Respect for the conservation and management measures of relevant RFMOs in all tuna SFPAs.

Prevention and fight against IUU as one of main goals in all SFPAs. Additionally:

- Only vessels not listed on a (RFMO) IUU vessel list may get the necessary fishing authorisation in Cook Islands, Greenland, Liberia, Mauritania, and Morocco
- Captains of Union's vessels have to send observation reports when they sight vessels that may be engaged in IUU activities in Comoros, Cook Islands, Liberia, Madagascar, and Senegal

Impacts on marine ecosystems and some ecosystemic measures.

Recommended improvements

Key CFP objectives and principles must be included in SFPAs:

- Contributing to reaching MSY: absent in all SFPAs
- Only surplus to be fished in mixed-species agreements: absent in Morocco and Guinea-Bissau
- Precautionary principle: absent in all SFPAs except Cape Verde and Greenland
- Ecosystem approach: not explicitly mentioned in any SFPAs
- Gradual reduction of discards: absent in all SFPAs except discard ban in Greenland

Good governance

Good practices to be extended

Exclusivity clauses in all SFPAs, with improved clauses in Cook Islands, Liberia, Madagascar, and Senegal.

Non-discriminatory treatment of the EU fleet in comparison to other foreign fleets in all SFPAs. All technical measures applied to EU fleet to be applied equally to all foreign industrial fleets in Cape Verde, Madagascar, and Mauritania.

Transparency regarding other foreign fleets active in the coastal State's waters in Cape Verde, Cook Islands, Greenland, Guinea-Bissau, Liberia, and Mauritania (particularly far-reaching).

Accountability and review in retrospective evaluations. Mid-term review in Seychelles.

Mutual benefits

Good practices to be extended

Sectoral support in all SFPAs, with developed set-ups in a few SFPAs, particularly Mauritania.

Promotion of economic, scientific and technical cooperation in the fisheries sector between EU and local companies in all SFPAs except Greenland.

Minimum number of local seamen on board with working standards guaranteed in all SFPAs except Cook Islands and Greenland.

Recommended improvements

Key CFP objectives and principles must be included in SFPAs, in particular sustainable development, which is absent in all SFPAs except Greenland, Madagascar, and Mauritania.

Human rights and working standards

Good practices to be extended

Human rights in all SFPAs, with consequences for human rights violations (implementation suspension and/or review of financial contributions) in all SFPAs except Greenland and Morocco.

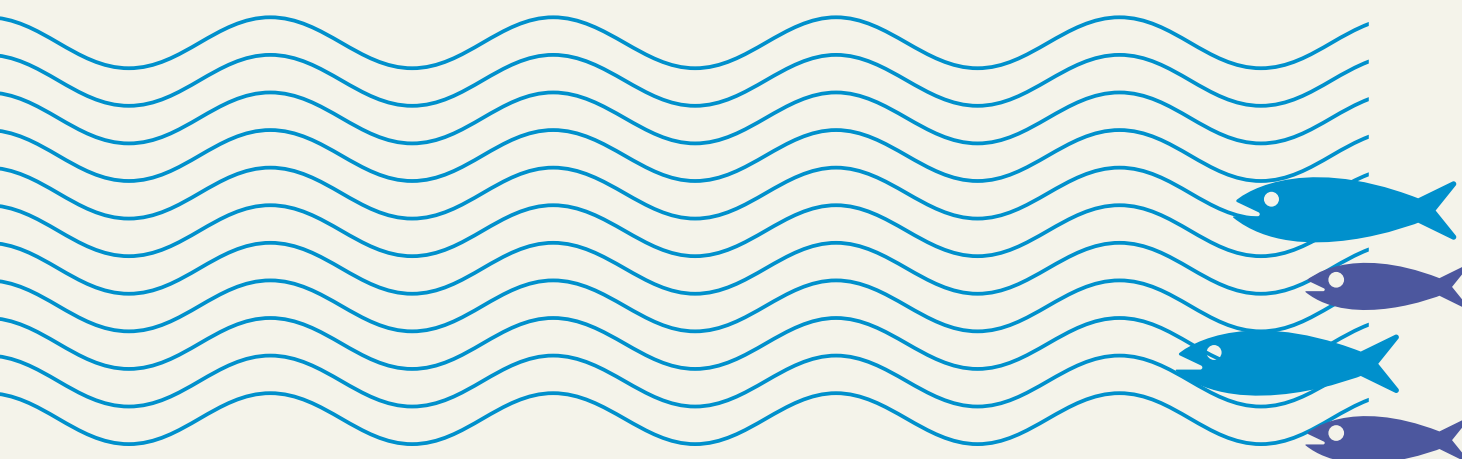
Working standards in all SFPAs. Mention of possible implementation suspension in cases of non-compliance with the ILO Declaration in Mauritius and Seychelles.

Minimum wage and social security for local seamen in all SFPAs except Cook Islands and Mauritania.

ANNEX 2 - EU PROPOSALS IN IOTC

Adopted measures in grey

2014 MEETING			
	TITLE OF PROPOSAL	RESULT	TOPIC
1	On a scientific and management framework on the conservation of shark species and on the protection of silky sharks (<i>Carcharhinus falciformis</i>) caught in association with fisheries managed by IOTC	Not adopted	Species; sharks
2	On a scientific and management framework on the conservation of shark species and on the protection of Hammerhead sharks (family <i>Sphyrnidae</i>) caught in association with fisheries	Not adopted	Species; sharks
3	On the conservation of sharks (revision to Res. 05/05)	Not adopted	Species; sharks
4	To standardise the presentation of scientific information in the annual scientific committee report and in working party reports	Adopted - Recommendation 14/07	Scientific information
5	On the implementation of a harmonized and coordinated scheme of IOTC observers (new proposal)	Not adopted	Observer scheme; harmonization and coordination
6	IMO number: concerning the IOTC record of vessels authorised to operate in the IOTC area of competence (revision to Res. 13/02)	Adopted - Resolution 14/04	IMO number
7	IMO number: concerning a record of licensed foreign vessels fishing for IOTC species in the IOTC area of competence and access agreement information (Revision to Res. 13/07)	Adopted - Resolution 14/05	IMO number
8	IMO number: on establishing a programme for transshipment by large-scale fishing vessels (Revision to Res. 12/05)	Adopted - Resolution 14/06	IMO number



2015 MEETING

	TITLE OF PROPOSAL	RESULT	TOPIC
1	On the recording of catch and effort data by fishing vessels in the IOTC area of competence (Revision to Res. 13/03)	Adopted - Resolution 15/01	Catch and effort data; reporting
2	On mandatory statistical reporting requirements for IOTC contracting parties and cooperating non-parties (CPCs) (Revision to Res. 10/02)	Adopted - Resolution 15/02	Statistical requirements
3	On the conservation of sharks caught in association with fisheries managed by the IOTC	Not adopted	Species; sharks
4	On endangered species	Adopted - Resolution 15/05	Species; endangered species
5	On the implementation of a limitation of fishing capacity of contracting parties and cooperating non-contracting parties (Revision to Res. 12/11)	Adopted - Resolution 15/11	Fishing capacity
6	On interim target and limit reference points and a decision framework (Revision to Res. 13/10)	Adopted - Resolution 15/10	Target and limit reference points
7	On the management of fishing aggregating devices (FADS)	Adopted - Resolutions 15/08 and 15/09	FADS

2016 MEETING

	TITLE OF PROPOSAL	RESULT	TOPIC
1	On the conservation of sharks caught in association with fisheries managed by the IOTC	Not adopted	Species; sharks
2	On the conservation and management of IOTC species	Not adopted	Species
3	On the implementation of a pilot project in view of promoting the regional observer scheme of IOTC	Adopted - Resolution 16/04	Improvement of data gathering
4	On port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing (Revision to Res. 10/11)	Adopted - Resolution 16/11	Port State measures; IUU
5	Limiting fishing capacity in the IOTC area of competence	Not adopted	Fishing capacity
6	On penalties applicable in case of non-fulfilment of reporting obligations in the IOTC	Adopted - Resolution 16/06	Data; reporting
7	On the second performance review follow-up	Adopted - Resolution 16/03	Performance review

ANNEX 3 - EU PROPOSALS IN WCPFC

Adopted measures in grey

2014 MEETING

	TITLE OF PROPOSAL	RESULT	TOPIC
1	EU Proposal for a Conservation and Management Measure for Sharks caught in association with fisheries managed by WCPFC - rev1	Not adopted	Sharks
2	EU Proposal for CMM on Fisheries and Access Agreements Information	Not adopted	Fisheries access agreement; transparency

2015 MEETING

	TITLE OF PROPOSAL	RESULT	TOPIC
1	Proposal for Conservation and Management Measure for Sharks rev1	Not adopted	Sharks
2	Proposal for amendment of "Scientific Data to be Provided to the Commission" Decision	Not adopted	Scientific data
3	Proposal for Conservation and Management Measure for fisheries and access agreement information	Not adopted	Fisheries access agreement; transparency

2016 MEETING

	TITLE OF PROPOSAL	RESULT	TOPIC
1	Proposal to amend the CMM for Bigeye, Yellowfin and Skipjack tuna in the WCPO CMM 2015-01	Adopted - CMM 2016-01	Modification of a footnote for clarification
2	Proposal for a Conservation and Management Measure on WCPFC Scheme for Minimum Standards for Inspection in Port rev1	Not adopted	Inspection in port
3	Proposal for an Amendment of the Scientific Data to be Provided to the Commission rev1	Adopted	Scientific data
4	Proposal on a CMM on Fisheries and Access Agreement Information	Not adopted	Fisheries access agreement; transparency
5	Proposal for a CMM for Mobula and Manta Rays caught in association with Fisheries managed by WCPFC rev1	Not adopted	Sharks
6	Proposal for a CMM for Sharks caught in association with fisheries managed by WCPFC	Not adopted	Sharks

ENDNOTES

- 1 WWF, “Fair fisheries futures”, 2015.
- 2 EU accounts for just over 5% of global fisheries production.
- 3 European Commission, Facts and Figures on the Common Fisheries Policy, 2016 edition.
- 4 Regulation (EU) 1380/2013 of the European Parliament and of the Council of 11 December 2013.
- 5 Council Regulation (EC) No 1005/2008 of 29 September 2008.
- 6 European Commission, “Proposal for a Regulation of the European Parliament and of the Council on the sustainable management of external fishing fleets, repealing Council Regulation (EC) No 1006/2008”.
- 7 European Commission – Press release, “International ocean governance: EU’s contribution for safe, secure, clean and sustainably managed oceans”, Brussels, 10 November 2016, statement of Karmenu Vella.
- 8 Ibid., statement of Jyrki Katainen.
- 9 Focus is put in particular on the partnerships with Guinea-Bissau and Mauritius. Although both SFPAs were initialled in 2012, they only became applicable in 2014 when the new CFP measures had in any case become mandatory. The reason for this choice was that information on implementation is not publicly available except in the ex post evaluations commissioned by the EU and the reports for those two countries were issued in 2016, hence providing as up-to-date information as can be available under such circumstances.
- 10 Throughout this report reference to “SFPA” means the SFPA, protocol, and annex, while reference to the “protocol” means both the protocol and the annex.
- 11 This exclusivity clause also applies to chartered vessels, as was clarified by the Court of Justice of the European Union (Judgment of the Court of Justice of the European Union, third court room, 9 October 2014, case C-565/13).
- 12 M. Thom, “Good news among sea of concern”, blogpost of 14 December 2016.
- 13 Consolidated version of the Treaty on European Union, respectively Articles 21(2)(d) and 208(1).
- 14 Examined protocols: Cape Verde; Comoros (in force until end December 2016); Cook Islands; Greenland; Guinea-Bissau; Liberia; Madagascar; Mauritania; Mauritius; Morocco (signature/initialling in November 2013); Sao Tomé and Principe; Senegal; Seychelles. The protocols with Ivory Coast and Gabon are not included, since they were adopted in July 2013, several months before the entry into force of the reformed CFP. Please note however that the Ivory Coast Protocol is applicable until June 2018.
- 15 European Court of Auditors, “Are the Fisheries Partnership Agreements well managed by the Commission?”, Special Report no11, 2015 (hereinafter “ECA Report 2015”), Executive summary, VI.
- 16 CAPE / CFFA, “EU Common Fisheries Policy External Dimension: Improving sustainability through an ambitious revision of the Fishing Authorisation Regulation”, September 2016. In the case of Mauritius, the situation is different since allocation comes from the relevant RFMO’s quotas and does not rely on surpluses.
- 17 COFREPECHE et al., “Évaluation rétrospective et prospective du protocole de l’accord de partenariat dans le secteur de la pêche entre l’Union européenne et la République de Guinée-Bissau”, 2016 (hereinafter “Ex post and ex ante evaluation, Guinea-Bissau, 2016”), p.33.
- 18 Ibid., pp.124-125.
- 19 CAPE / CFFA, “No surplus, No fishing? The integration of the concept of surplus in EU fishing agreement”, May 2015.
- 20 CAPE, “Accord de Partenariat de Pêche RIM-UE 2015-2019 – Principaux enjeux de gouvernance et de durabilité”, January 2016.
- 21 M. Fall et al., “Rapport de la réunion annuelle du Comité Scientifique Conjoint relatif à l’accord de pêche signé entre la République du Sénégal et l’Union européenne”, Dakar, Sénégal, 29 février-2 mars 2016, pp.59-60.
- 22 According to a report on tuna fisheries, two of the main risks for the ecosystem in tuna fisheries are related to the impact on non-target species and the by-catch of endangered species (POSEIDON et al., “Review of tuna fisheries in the western Indian Ocean”, 2014, Brussels (hereinafter “POSEIDON, “Review of tuna fisheries in the western Indian Ocean”)), Executive Summary para. 15).
- 23 Ex post and ex ante evaluation, Guinea-Bissau, 2016, p.33.
- 24 COFREPECHE et al., “Ex post and ex ante evaluation of the protocol to the Fisheries Partnership Agreement between the EU and the Republic of Mauritius”, 2015 (hereinafter “Ex post and ex ante evaluation, Mauritius, 2016”), pp.14, 22.
- 25 Ex post and ex ante evaluation, Mauritius, 2016, p.23.
- 26 Ex post and ex ante evaluation, Guinea-Bissau, 2016, pp.94, 138 ; Ex post and ex ante evaluation, Mauritius, 2016, p.70.
- 27 Ex post and ex ante evaluation, Guinea-Bissau, 2016, p.95.
- 28 Ibid., p. 50.
- 29 See the European Commission webpage on the SFPA with Mauritania (https://ec.europa.eu/fisheries/cfp/international/agreements/mauritania_en) and the Fisheries Transparency Initiative website (<http://fisheriestransparency.org/>).
- 30 Ex post and ex ante evaluation, Guinea-Bissau, 2016, pp.69, 73.
- 31 ECA Report 2015, p.24 para. 47.
- 32 CAPE / CFFA, “Comments and Recommendations based on the Courts of Auditor’s report on the management of Fisheries Partnership Agreements”, March 2016.
- 33 Ex post and ex ante evaluation, Guinea-Bissau, 2016, pp.124-129.
- 34 A. Standing, “Are the EU’s fisheries agreements helping to develop African fisheries?”, CAPE / CFFA, October 2016.
- 35 Ex post and ex ante evaluation, Mauritius, 2016, p.35; Ex post and ex ante evaluation, Guinea-Bissau, 2016, p.142.
- 36 This view is not universally shared; for a critical analysis of the benefits for the coastal State’s public treasury versus the benefits for EU private entities, see F. Le Manach et al., “Who gets what? Developing a more equitable framework for EU fishing agreements”, 38 *Marine Policy* 2013, pp.257-266. The portion of the EU’s financial contribution that covers part of the cost of access has also been criticised as a form of subsidy, see A. S. Antonova, “The rhetoric of “responsible fishing”: Notions of human rights and sustainability in the European Union’s bilateral fishing agreements with developing states”, 70 *Marine Policy* 2016, p.81.
- 37 Ex post and ex ante evaluation, Guinea-Bissau, 2016, Executive Summary paras. 7, 12, 30, pp.12, 130.
- 38 A. S. Antonova, “The rhetoric of “responsible fishing”: Notions of human rights and sustainability in the European Union’s bilateral fishing agreements with developing states”, 70 *Marine Policy* 2016, pp.82-83; CAPE / APRAPAM, “Issues about the EU-Senegal SFPA proposal”, November 2014.

- 39 Ex post and ex ante evaluation, Guinea-Bissau, 2016, p.54. Many coastal states, including Guinea-Bissau, have public agreements and private arrangements providing access to foreign fleets.
- 40 Ex post and ex ante evaluation, Mauritius, 2016, p.82 ; see also N. Ackbarally, “Mauritian Fishers Want EU Vessels Out of Their Seas”, blogpost of 9 August 2012.
- 41 B. Gorez, “EU-Senegal Fisheries Agreement Debated In European Parliament: CFFA/APRAPAM Recommendations”, CAPE / CFFA, December 2014.
- 42 See for example European Commission – International Cooperation and Development, “Fisheries & aquaculture – European development cooperation State of play 2015”; SmartFish, “Introduction: The SmartFish Programme in action”; EU, “Action Document for the EU Liberia Agriculture Programme (EULAP)”.
- 43 The examples examined here show a negative light as to employment created by the SFPAs, while a study by the European Parliament reaches a more nuanced result, without however being able to clarify how many jobs in third countries were actually dependent on and hence created by the SFPAs (I. Goulding, “Research for Pech Committee – Impact of Fisheries Partnership Agreements on Employment in the EU and in Third Countries”, Study, 2016).
- 44 Ex post and ex ante evaluation, Mauritius, 2016, p.71.
- 45 Ex post and ex ante evaluation, Guinea-Bissau, 2016, pp. 57-58.
- 46 Ex post and ex ante evaluation, Mauritius, 2016, p. 65.
- 47 Ibid., pp.67-68.
- 48 Ibid., p.79 ; Ex post and ex ante evaluation, Guinea-Bissau, 2016, pp.109-110
- 49 They are widely used for fishing in third States’ waters, see for example M. L. Niassé and M. Seck, “L'accaparement des ressources marines ouest africaines: Sociétés mixtes de façade et licences de complaisance Expériences du Sénégal et de la Mauritanie”, CAOPA/EED/CAPE, January 2011.
- 50 CAPE / APRAPAM, “Issues about the EU-Senegal SFPAs proposal”, November 2014.
- 51 Ex post and ex ante evaluation, Guinea-Bissau, 2016, p.100.
- 52 ECA Report 2015, p.31, para. 68.
- 53 Ex post and ex ante evaluation, Guinea-Bissau, 2016, p.142.
- 54 Ex post and ex ante evaluation, Mauritius, 2016, p.75.
- 55 A. Standing, “Are the EU’s fisheries agreements helping to develop African fisheries?”.
- 56 Ex post and ex ante evaluation, Guinea-Bissau, 2016, p. 91.
- 57 Ex post and ex ante evaluation, Mauritius, 2016, pp.74-75.
- 58 Ex post and ex ante evaluation, Guinea-Bissau, 2016, pp. 92, 101.
- 59 Ibid., p.100.
- 60 ECA Report 2015, p.33 para. 72.
- 61 A. Standing, “Are the EU’s fisheries agreements helping to develop African fisheries?”.
- 62 ECA Report 2015, p.17 para. 28.
- 63 Ex post and ex ante evaluation, Guinea-Bissau, 2016, Executive Summary para. 32, p.138.
- 64 Some criticisms have been voiced as to the latter arrangement’s reference to human rights which is considered too weak to amount to a human rights clause (Western Sahara Resource Watch, “Commission failed Council and Parliament instructions on human rights”, blogpost of 1 October 2013).
- 65 Ex post and ex ante evaluation, Guinea-Bissau, 2016, pp.5, 82.
- 66 Ibid., p.16. Such inconsistency in policies’ timing are not uncommon; for example, in its relationship with Madagascar, from 2010 to 2014, nearly all EU financial assistance was suspended, by virtue of Article 96 of the Cotonou Agreement, or pending appropriate measures as regards human rights, democratic principles and the rule of law (ECA Report 2015, p.37 Box 3). Not only were payments under the then-in force SFPAs continued and the implementation of the SFPAs was not suspended, but the Council also gave the Commission a mandate to negotiate a new Protocol in April 2012.
- 67 Ex post and ex ante evaluation, Guinea-Bissau, 2016, p.98.
- 68 Report of the 18th session of the IOTC, 1-5 June 2014, para.131.
- 69 Summary report of the 13th session of WCPFC, 5-9 December 2016, para. 507.
- 70 Ibid., para. 541.
- 71 Ibid., para. 550.
- 72 Report of the 18th session of the IOTC, 1-5 June 2014, para.145.
- 73 Summary report of the 12th session of WCPFC, 3-8 December 2015, para. 719.
- 74 Summary report of the 11th session of WCPFC, 1-5 December 2014, para. 688.
- 75 Summary report of the 12th session of WCPFC, 3-8 December 2015, para. 168.
- 76 Summary report of the 13th session of WCPFC, 5-9 December 2016, para. 203.
- 77 Ibid., para. 202.
- 78 IOTC Agreement, article VI(2).
- 79 WCPFC Convention, article 20(1).
- 80 At WCPFC: 2014: 0% compared to 39%; 2015: 0% compared to 41%; 2016: 33% compared to 35%. At the IOTC, the trends are reversed and the EU’s percentage of success is always higher than average (2014: 50% compared to 41%; 2015: 86% compared to 73%; 2016: 57% compared to 50%).
- 81 Greenpeace, “Spanish and French Industry Wins Big As Excessive FAD Limits Agreed at IOTC”, Press release, 4 May 2015.
- 82 See the opinions of Pew, Greenpeace, and WWF at the IOTC and WCPFC meetings in 2014, 2015 and 2016. These NGOs have consistently supported measures improving the current situation, ranging from total prohibition of transshipment at sea to an unequivocal 100% observer monitoring requirement for all transshipments in all WCPFC waters.
- 83 L. Malarky and B. Lowell, “No More Hiding at Sea: Transshipping Exposed”, Oceana, 22 February 2017.
- 84 POSEIDON, “Review of tuna fisheries in the western Indian Ocean”, Executive Summary para. 17.

BIBLIOGRAPHY

- Ackbarally, N., "Mauritian Fishers Want EU Vessels Out of Their Seas", blogpost of 9 August 2012, <http://www.ipsnews.net/2012/08/mauritian-fishers-want-eu-vessels-out-of-their-seas/>.
- Antonova, A. S., "The rhetoric of "responsible fishing": Notions of human rights and sustainability in the European Union's bilateral fishing agreements with developing states", *70 Marine Policy* 2016, pp.77-84.
- CAPE, "Accord de Partenariat de Pêche RIM-UE 2015-2019 – Principaux enjeux de gouvernance et de durabilité", January 2016.
- CAPE / APRAPAM, "Issues about the EU-Senegal SFPA proposal", November 2014.
- CAPE / CFFA, "Comments and Recommendations based on the Courts of Auditor's report on the management of Fisheries Partnership Agreements", March 2016.
- CAPE / CFFA, "EU Common Fisheries Policy External Dimension: Improving sustainability through an ambitious revision of the Fishing Authorisation Regulation", September 2016.
- CAPE / CFFA, "No surplus, No fishing? The integration of the concept of surplus in EU fishing agreement", May 2015.
- COFREPECHE et al., "Ex post and ex ante evaluation of the protocol to the Fisheries Partnership Agreement between the EU and the Republic of Mauritius", 2015.
- COFREPECHE et al., "Évaluation rétrospective et prospective du protocole de l'accord de partenariat dans le secteur de la pêche entre l'Union européenne et la République de Guinée-Bissau", 2016.
- EU, "Action Document for the EU Liberia Agriculture Programme (EULAP)", http://ec.europa.eu/europeaid/sites/devco/files/ad-1-1-aap-liberia-2016_en.pdf.
- European Commission, Facts and Figures on the Common Fisheries Policy, 2016 edition, https://ec.europa.eu/fisheries/facts_figures_en
- European Commission – International Cooperation and Development, "Fisheries & aquaculture – European development cooperation State of play 2015", https://ec.europa.eu/europeaid/sites/devco/files/publication-fisheries-and-aquaculture-european-development-cooperation-state-of-play-2015_en.pdf.
- European Commission – Press release, "International ocean governance: EU's contribution for safe, secure, clean and sustainably managed oceans", Brussels, 10 November 2016, http://europa.eu/rapid/press-release_IP-16-3619_en.htm.
- European Court of Auditors, "Are the Fisheries Partnership Agreements well managed by the Commission?", Special Report n011, 2015.
- Fall, M. et al., "Rapport de la réunion annuelle du Comité Scientifique Conjoint relatif à l'accord de pêche signé entre la République du Sénégal et l'Union européenne", Dakar, Sénégal, 29 février-2 mars 2016.
- Gorez, B., "EU-Senegal Fisheries Agreement Debated In European Parliament: CFFA/APRAPAM Recommendations", CAPE / CFFA, December 2014.
- Goulding, I., "Research for Pech Committee – Impact of Fisheries Partnership Agreements on Employment in the EU and in Third Countries", Study, 2016.
- Greenpeace, "Spanish and French Industry Wins Big As Excessive FAD Limits Agreed at IOTC", Press release, 4 May 2015, <http://www.greenpeace.org/new-zealand/en/press/Spanish-and-French-Industry-Wins-Big-As-Excessive-FAD-Limits-Agreed-at-IOTC/>.
- IOTC, Report of the 18th session of the IOTC, 1-5 June 2014.
- Le Manach, F. et al., "Who gets what? Developing a more equitable framework for EU fishing agreements", *38 Marine Policy* 2013, pp.257-266.
- Malarky, L. and B. Lowell, "No More Hiding at Sea: Transshipping Exposed", *Oceana*, 22 February 2017
- Niasse, M. L. and M. Seck, "L'accaparement des ressources marines ouest africaines: Sociétés mixtes de façade et licences de complaisance Expériences du Sénégal et de la Mauritanie", CAOPA/EED/CAPE, January 2011.
- POSEIDON et al., "Review of tuna fisheries in the western Indian Ocean", 2014, Brussels.
- SmartFish, "Introduction: The SmartFish Programme in action", <http://commissionoceanindien.org/fileadmin/projets/smartfish/Fiche/FICHEoENGLISH.pdf>.
- Standing, A., "Are the EU's fisheries agreements helping to develop African fisheries?", CAPE / CFFA, October 2016.
- Thom, M., "Good news among sea of concern", blogpost of 14 December 2016, <http://blogs.wwf.org.uk/blog/habitats/oceans/good-news-among-sea-concerns/>.
- Western Sahara Resource Watch, Commission failed Council and Parliament instructions on human rights, 1 October 2013, <http://www.wsrw.org/a217x2667>.
- WCPFC, Summary report of the 11th session of WCPFC, 1-5 December 2014
- WCPFC, Summary report of the 12th session of WCPFC, 3-8 December 2015.
- WCPFC, Summary report of the 13th session of WCPFC, 5-9 December 2016.
- WWF, Fair fisheries futures: why the EU must lead on sustainable international fisheries, 2015: http://assets.wwf.org.uk/downloads/3401_internationalfisheriesonline.pdf

€10B/YEAR

Estimated cost
of global illegal
fishing
€10B/Year
11-26mT/Year
≈15% of world
catches

30 MORE

Since concluding its first
agreement in the late
1970s, the EU has since
signed 30 more with
coastal states and island
nations in Africa and
the Pacific



€135M

More than €135m a year is earmarked
from the EU budget for agreements
while shipowners contribute €45m
making an overall annual amount of
€180m

1/6TH

According to the EU,
about a sixth of the
€180m is earmarked to
improve development
and governance in the
regions concerned



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