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Market access: Tariff and non-tariff aspects

Farmed shrimp standards finalised at the Aquaculture Stewardship Council

After 7 years of development, the Aquaculture Stewardship Council (ASC) has finalised farmed shrimp standards, which set out a series of requirements to address the adverse impacts of the industry by preserving wetlands and mangroves, reducing disease, ensuring the sustainable use of water and feed, and addressing biodiversity issues. In addition, the standards define guidelines covering the rights of employees and local communities.

After the successful introduction of standards for farmed tilapia, pangasius, abalone, trout, salmon and bivalves, the standard for shrimp is the seventh to join ASC's global programme for responsible aquaculture.

The ASC joins force with supply chain companies and retailers to encourage producers to improve their practices, and actively engages with governments and the fishing/fish farming industry in producing countries. One of the ASC's cofounders, the Sustainable Trade Initiative (IDH), has built an "impact-oriented" coalition of multinationals (e.g. farmed fish producers, retailers), civil society organisations, governments to help create shared understanding and values among all the partners. IDH has also established a "Farmers in Transition" fund to stimulate and support the production of responsibly farmed shrimp. IDH aims to increase "responsible production of the European import of shrimp, tilapia and pangasius by 15% in 2015".

The majority of global shrimp farming takes place in Asia (China, Thailand, Indonesia) and Latin America (Brazil, Ecuador). However, as indicated in the last Globefish report, Madagascar remains a significant but diminishing supplier of the EU market (France). Several Malagasy companies belonging to the GAPCM association were part of the Shrimp Aquaculture Dialogue steering committee (GSC), which elaborated the ASC standards over several years.

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Comment

Tropical shrimps have become the most valuable imported seafood in the EU, a large part (54%) of which consists of farmed shrimps. Given the increasing emphasis placed on sustainability issues for the European markets, it is therefore crucial that ACP countries (e.g. Madagascar) address those issues if they want to maintain their farmed shrimp exports to the EU. The new ASC standards are very much in line with the FAO Guidelines for Aquaculture Certification, adopted in 2011, and are welcomed as an effort to streamline the various existing ecolabel schemes for farmed products. The support provided through the Sustainable Trade Initiative (IDH) to gather all

the stakeholders from the sustainable fish farming value chain and, particularly, the establishment of the “Farmers in Transition Fund” is of considerable interest. Indeed, the transitional costs and investments, which are difficult to pass on to the final consumers, often hinder fish farmers from changing their production to a more responsible model.

First sustainable Spanish Fisheries Partnership

Spain’s number one producer of pre-cooked, frozen seafood products, Congalsa, has become the first Spanish company to join forces with the Sustainable Fisheries Partnership (SFP). Through this partnership, Congalsa said it aims to ensure that “all of its seafood sources originate from approved, certified sources or from fisheries and farms engaged in improvement projects”.

The SFP is a non-governmental organisation (NGO), which operates through information and improvement: SFP has created a database of fisheries (FishSource.com), accessible to all, which contains assessments of sustainability and improvement needs. Once seafood companies, such as Congalsa, have identified where the problems lie in their supply chain, they can take action. SFP helps them with Fishery Improvement Projects (FIPs), which are multi-stakeholder groups that include catchers, processors, and others with an interest in the fishery who together “press for better policies and management”, while voluntarily changing their practices to better address issues such as illegal fishing, by-catch levels and impact on fragile habitats.

The SFP works with the seafood industry to meet international sustainability standards, by helping less well-managed fisheries to meet the environmental requirements of major markets, such as the European Union. SFP takes an active role in initiating and coordinating FIPs. However, its objective is for the industry eventually to take a leading role, with SFP providing technical support and expertise at a variety of levels. SFP now has more than 40 FIPs operating around the world – but currently none in any ACP country – for products such as shrimp, small pelagics, grouper, tuna and whitefish.

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Comment

Fisheries Improvement Projects represent a way for stakeholders to actively engage in discussion and agree future actions to improve local/regional fisheries sustainability. This requires a certain level of dialogue among stakeholders (producers, suppliers and processors) that is currently often lacking in ACP countries. However, some current FIPs suggest that it may be useful for ACP stakeholders to consider the possibilities for entering into such dynamics. For example, SFP manages a South American Small Pelagics Roundtable which focuses on monitoring sustainability status and performance of fisheries used for fishmeal production as well as direct human consumption. SFP provides a platform for stakeholders to discuss matters of common interest,

identifying issues to be addressed and improvements required to promote sustainability. Lessons could be learned from this FIP for engaging West African small pelagic fisheries stakeholders in a dialogue about how these fragile resources should be sustainably exploited.

First international standard to be developed for environmentally and socially sustainable fisheries

The French standardisation agency, Afnor (Agence française de normalisation) has suggested that there is a need to create an internationally recognised sustainability standard for maritime fisheries products, taking into account a wide variety of criteria (i.e. going further than only environmental sustainability) which could be used as a framework for all labels relating to sustainable fisheries. Until now, there has been no European or international standard that uses a coherent set of criteria for fisheries sustainability. Afnor noted that the number of labels relating to sustainable fisheries is increasing, but emphasised that what these labels – whether private ecolabels, fishing fleet commitments, or national labels in Iceland, Norway, Canada – cover is difficult to compare. Afnor's sustainable fisheries project manager, Bernadette Ruetch, explained that, most of the time, the criteria “forget the social component of sustainability”.

Norway, Canada, Malaysia, Mauritius, Spain, Thailand and the USA, as well as professional organisations – mainly from France, such as the French tuna seiners' organisation, Orthongel – have positively responded to the suggestion, and Afnor is now piloting an international initiative with these stakeholders to create an ISO standard (ISO standard 19565) which should be published by the end of 2016. It will be voluntary and will define the minimum requirements for certification of sustainable maritime fisheries products.

However, various aspects need be taken into account:

- environmental: appropriate management of resources and reduction of impacts on ecosystems;
- social: improvement of work conditions and security.

Some requirements will be defined regarding traceability, labelling of products, control and the associated certification process.

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Comment

One of the main issues regarding eco-certification is to define the minimum standards that need to be complied with. FAO has already set up guidelines for this purpose – to date the only international reference – but they are rather general and imprecise. In the framework of the Common Market Organisation for Fish Products reform (as part of the Common Fisheries Policy

reform), the European Commission (EC) made the proposal to develop minimum standards, but this proposal was not retained by the co-legislators. Instead, it was decided that by the end of 2015 a feasibility study should be presented to the Parliament and Council, regarding the possibility of either establishing a European ecolabel for fish products, or to define minimum criteria. The potential development of an ISO norm will have to be accounted for in the EC feasibility study. Indeed, if an ISO norm were established and to become a reference, certifying bodies as well as retailers promoting eco-certified products would be audited against this norm.

The EU warns PNG and the Philippines that they are not doing enough to combat IUU fishing

The European Commission (EC) has issued a warning to the Philippines and Papua New Guinea (PNG) that they risk being identified as non-cooperating countries in the fight against illegal, unreported and unregulated (IUU) fishing. Commissioner Maria Damanaki emphasised that “Half of the Western Pacific’s tuna is exported to the EU; we cannot ignore illegal fishing activities in this region. I urge the Philippines and Papua New Guinea to fight this practice which puts the livelihoods of fishermen at risk. In the end, sustainability of fisheries in the Pacific Ocean means sustainability here in Europe, on our plates.”

The EC identified concrete shortcomings: for example, both countries need to amend their legal framework to combat IUU fishing, to improve control and monitoring actions and take a proactive role in complying with international law rules, such as agreed by regional fisheries management organisations (RFMOs).

At present, this “yellow card” does not entail any measures affecting fish trade between the EU and these two countries. But “should the situation not improve within six months, the EU could take further steps, which could entail trade sanctions on fisheries imports, as was done recently with Guinea, Belize and Cambodia,” stated the Commissioner.

The action against PNG and the Philippines was praised by environmental groups. Eszter Hidas, EU policy lead for World Wide Fund for Nature’s Transparent Seas Project emphasised that “This is not an exercise in singling out nations but rather, an exercise in enforcing effective implementation of international fishing laws and regulations,” and added that “There must be consequences for those who continually avoid playing by the rules.”

An expert highlighted in his blog that DevFish 2, an EU-funded project hosted by the Pacific Forum Fisheries Agency (FFA), included a component for building robust and cost-effective regional capabilities to combat IUU fishing. Although this project can facilitate action by the Pacific countries “nothing we can do replaces the country’s own responsibility in regards the implementation of the requirements”, the blog concluded.

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Comment

Since the EU IUU regulation was first implemented in 2010, several ACP countries have been given a “yellow card”, which led to trade sanctions in the Guinea and Belize cases. Other ACP countries that were issued with a warning – Fiji, Panama, Togo and Ghana – developed new legislation, improved their Marine Stewardship Council systems and, as a consequence, no trade sanctions have been taken against them to date. This tends to show that one objective of the implementation of the EU IUU regulation is to improve the legal framework and capacities in the third countries concerned, rather than just stop trade flows of IUU products. Indeed, until a globally efficient system is in place to fight IUU, fish from illegal sources will always find a way to reach some less stringent markets. In the case of PNG, questions arise about how this action will influence the overall fish trade with the EU. PNG currently benefits from the “global sourcing derogation”, which allows the country to use non-originating fish for its duty-free exports to the EU. Should the current yellow card lead to a fish trade ban, it would render the global derogation negotiated useless.

ACP–EU fisheries relations: Fisheries Partnership Agreements

EU and Senegal extend fisheries partnership

The European Union and the Republic of Senegal have agreed on a new fisheries partnership agreement proposal. The proposed 5-year protocol fixes fishing opportunities for EU vessels, the EU's financial contribution, and the terms of support for the Senegalese fisheries sector.

A new framework agreement, in line with the EU reformed Common Fisheries Policy (CFP), has been negotiated 8 years after the expiry of the last protocol. The new agreement permits 38 vessels – 36 vessels targeting tuna and two to fish for hake – to operate again in Senegal's exclusive economic zone (EEZ). This is subject to compensation of €8,690,000 over the duration of the protocol, to which the costs of boat owner licences must be added. The compensation is divided between sectoral support (€750,000/year) and compensation for access.

Commissioner Damanaki emphasised that “Senegal is a key partner because of its strategic location, the high volume of fish landed in the port of Dakar, its role as a member of ICCAT [International Commission for the Conservation of Atlantic Tuna] and especially its growing commitment to the fight against illegal fishing.”

However, access agreements with foreign nations are a sensitive matter in Senegal – particularly in recent years with the pillage of small pelagic resources by Russian and Baltic fleets – and regularly denounced by local fishermen. Environmental organisations, such as Greenpeace, are also opposed to the agreement negotiated with the EU, stating that it was initialled prior to the finalisation of Senegal's new fisheries law. Criticisms were also raised by local groups, such as APRAPAM, who deplored the lack of local stakeholder participation in the negotiation, and the lack of transparency in the way that the ministry chose the priorities for sectoral support. Local groups are therefore demanding inclusion in the EU–Senegal Joint Committee that will supervise

the implementation of the agreement. The groups, however, welcomed the fact that the agreement did not include access for small pelagics – a key resource for the Senegalese artisanal sector, shared with neighbouring countries.

The EC delegation in Dakar issued a press release to “provide clarification” on the agreement terms, highlighting that the agreement has a double objective: to provide a framework to control the activities of EU fleets in Senegalese waters, while limiting the access to resources for which there is a surplus; and, secondly, to provide sectoral support to the national fisheries policy.

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Comment

The proposed agreement and protocol focus mainly on tuna resources migrating throughout the region, both in international waters and within the coastal countries’ EEZs, as in Senegal. Tuna resources are managed by RFMOs – ICCAT in this case – where quotas are allocated to the different fishing countries (e.g. Japan, EU, USA, Canada and other coastal countries). Senegal is limited to catching the small quotas allocated by ICCAT, even though annual, large shoals of migratory tuna pass through its waters and could be accessible to its fleets. However, any catch in excess of the ICCAT quota would be illegal. A couple of years ago, Mauritanian fishermen caught 400 tonnes of swordfish in Mauritanian waters, but were unable to sell it because Mauritania did not have a corresponding ICCAT quota for swordfish. In the case of a tuna sustainable fisheries partnership agreement (SFPA), the question of how much can be caught by the different fleets targeting tuna in Senegalese waters is not defined solely by Senegal, which would be the case for marine resources living exclusively in Senegal’s EEZ, but first and foremost by limitations set up by the RFMO (in this case, ICCAT). If Senegal wants to increase its tuna catch, it should negotiate it at that level.

EU partners adopt social clause for fishing agreements

The European Transport Workers' organisation, ETF, and representatives from the fishing industry boat owners' associations, Européche and Cogeca, have agreed on a revised social clause that may be inserted somehow in SFPAs with third countries, replacing the existing social clause that was proposed by the social partners in 2001.

ETF has released the text of the new clause. This refers to social protection and labour standards to ensure decent working conditions for third-country crew members working on board vessels operating under EU-ACP SFPAs.

“By revising the text of the clause, social partners want to make it more precise and workable and to link it to the available international instruments, notably the ILO work in fishing Convention 188, on which ETF, Européche and Cogeca have recently concluded an agreement that should become EU law,” said the chair of the Sectoral Social Dialogue Committee for Sea Fisheries (SSDCSF). “We are asking the European Commission to first make a legal assessment of the text that we have negotiated and then to include the new clause where possible on basis of the Union's competences in the SFAs to be signed in the future,” added the vice-chair of the SSDCSF, clarifying that it will be up to the member states, as flag states, to guarantee that provisions in the clause are applied on board vessels operating under SFPAs.

The proposed clause also requests that the periodical SFA evaluations should include an assessment of the application of the clause, in close collaboration with the SSDC-F. In their routine inspections, the EU flag state's competent authorities should also control the application of the revised social clause.

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Comment

EU distant water fishing stakeholders are facing competition from other distant water fleets which they claim are not respecting EU labour standards, among others. They are therefore developing a strategy to establish a more “level playing field” at the international level.

The introduction of a new social clause should be seen in this light. This clause, which still has to be agreed by EU institutions before being included in future SFPAs, will promote decent working conditions on board EU vessels, in accordance with ILO Convention 188 – still being ratified by EU member states. It is hoped that, in the long term, it will enter into force at the international level, providing the basis for improved working conditions on board all vessels, including all distant water fleets active in ACP waters, and contribute to the level playing field demanded by the EU fishing sector. The new SFA social clause will also provide an interesting “blue print” for what should become the international norm; and ACP countries can use this opportunity to develop their capacity to implement the future ILO Convention, also by developing portside labour inspection capacities.

Third-country flagged, Spanish-owned tuna vessels to abide by CFP standards for control

The Spanish government and the Spanish Fisheries Confederation (CEPESCA) on behalf of Spanish tuna fishing associations (ANABAC and OPAGAC) have signed an agreement “to provide greater transparency, improve monitoring and establish greater control over the third-country flagged fishing fleet activities.”

Signatories highlighted that the EU tuna industry “directly or indirectly, employs more than 43,000 people in Spain and is the main survival means for 200,000 people in Latin America and over 300,000 in Africa.” The Spanish tuna fleet catches 450,000 tonnes of tropical tuna per year (10% of the world catch), counting on 33 vessels flagged in Spain, as well as 22 vessels flagged in third countries by joint ventures.

Through this agreement, ANABAC and OPAGAC vessels flagged in third countries will voluntarily commit to facilitate satellite monitoring of their activities and submit their positions in real time by using tracking systems. In addition, ship owners will provide a copy of the available fishing licences in, for example, third countries’ waters, logbooks, landing or transshipment declarations.

For its part, the Spanish Fisheries Administration has committed to analyse the information received from the boat owners and use it to make a risk analysis of the operation. CEPESCA stated that “this protocol will make it easier for products to be landed at national ports with the same level of control and quality required from vessels from Spain.”

The Fisheries General Secretary described the agreement as “a great innovation”, as such control will be performed a priori – once controls have been performed, the Spanish ship owners will be able to conduct their business smoothly. According to data provided, Spain already maintains an exchange of satellite fishing data with 20 international destinations. However, the General Secretary also recalled the importance of the control a posteriori of all fish imports, which is a rampart against the entry of illegal products.

Furthermore, the Spanish Secretary for State hoped that this agreement, which provides for a similar level of control between EU flagged vessels and vessels with EU capital but flagged in third countries, would eventually translate into future EU legislation. He also underlined that Spain would continue its efforts to promote this approach at an international level, to ensure that the conditions of control accepted by Spanish purse seiners would eventually apply to the other 550 tuna purse seiners active in the world.

Sources

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Comment

Many vessels with foreign capital, including coastal trawlers, are active in ACP countries under joint ventures. In several cases, such as in West Africa, questions have been raised about the motivations behind forming these joint ventures, as often – even where the ACP partner has a nominal capital majority in the joint venture – the vessel operation is totally under the control of the foreign partner. In some cases, questions have also been raised about the behaviour of vessels that, in the case of EU originating vessels, do not abide by the same level of requirements as those flagged in the EU; some are even involved in illegal, unreported and unregulated (IUU) fishing operations. The reformed CFP contains commitments to fight against such “abusive reflagging”, and the agreement signed by the Spanish administration and the tuna sector indicates that member states, such as Spain, and the private sector are taking measures to ensure that all vessels of EU origin are subject to the same level of control and requirements. In the long term, it is also a good sign for reinvigorating, at the EU and international levels, the debate on how the “State of beneficial ownership” should take its responsibility when its nationals are involved in fishing operations with vessels flagged in another country. Such a move should also benefit ACP countries and help ensure that foreign companies’ fishing vessels operate according to sustainable fisheries principles.

Mozambique evaluation study

The EC published the *ex post* evaluation for the existing EU–Mozambique Fisheries Partnership Agreements (FPA) protocol, which allows 43 purse seiners and 32 longliners to fish in the Mozambique EEZ, and will expire at the end of January 2015. An *ex ante* evaluation is also published and supports the potential negotiation and implementation of a new protocol.

The document underlines that it is not only EU tuna vessels active in Mozambique: “Foreign vessels active on the industrial shrimp fisheries operate under charter arrangements with national fishing companies owning the fishing rights. At least until 2012, four of these trawlers were flagged to Portugal. The activities of these four vessels appear to be outside the scope of the FPA and therefore, may be in contravention of the exclusivity clause of the agreement.”

Regarding tuna fisheries, the Mozambique national fleet is currently very limited, but it has a clear ambition to develop its own tuna fishing fleet. This ambition is identified in a fleet development plan submitted to the Indian Ocean Tuna Commission (IOTC), which considers the introduction of 130 tuna vessels over the next 15 years. The recent purchase from a French shipyard of 21 new longliners, which will start operating in 2014, may be a first step in that direction.

The evaluation highlights the low utilisation of fishing possibilities negotiated for EU vessels: catches were only about 20% of the reference tonnage of 8,000 tonnes used to calculate the minimum public payments. Fishing opportunities therefore cost six times more than expected (€612/tonne compared with €100/tonne as negotiated). The document also notes that the absence of employment of Mozambican crews, and the lack of utilisation of Mozambique ports means that the agreement has not contributed much to local economic development.

The evaluation also acts as a reminder that Mozambique was the first country in the history of EU FPAs to receive catch data by electronic transmission system. It notes that Mozambique is considering expanding these provisions to all other foreign vessels fishing in their EEZ.

The *ex ante* evaluation concludes that the renewal of the agreement would have a positive impact on both parties, recommending nevertheless that some improvements (e.g. to landing infrastructure) should be introduced to allow more local long-term benefits.

Sources

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Comment

As for many coastal ACP countries, the challenge for Mozambique is to maximise the social and economic benefits of fish resources in its EEZ. Elements to achieve this for tuna fishing may include owning its own fleet, employing local populations on board vessels as well as in the processing factories, harbour services, etc. Mozambique is now developing its own fleet, but, to date, too little has been done to maximise employment relating to tuna exploitation, through investments in onshore facilities, transport means (for taking processed tuna products to their markets), training, etc. Certainly further efforts could be made in these areas. The small-scale sector already provides many jobs, but its access to resources needs protecting, including against trawler incursions. Faced with diminishing resources – as for coastal shrimps in Mozambique – trawlers have a tendency to come ever closer to the coast to increase their catches. These aspects should also be taken into account when discussing the pertinence of opening up any future access to shrimp trawlers under an SFPA.

Caribbean region closer to adopting a Common Fisheries Policy

At the end of a 3-day forum of CARICOM leaders, the Caribbean Regional Fisheries Mechanism (CRFM) emphasised that the region was closer to adopting the Caribbean Community Common Fisheries Policy (CCCFP), which will focus on the cooperative management of shared fisheries resources in the Caribbean.

The Executive director of the CRFM said that the meeting was “of particular historical significance to the region”. Many objectives of the CCCFP were already taken into account in CRFM actions to foster regional cooperation in the management of the region’s resources, such as the flying fish, lobster and queen conch fisheries resources and related ecosystems.

CRFM informed that the first sub-regional fisheries management plan for the conservation, management and sustainable use of the flying fish – a resource shared among eastern Caribbean countries – had been approved at the forum. This fisheries management plan will now be presented to the Ministerial Council for endorsement, and formalised through signature of an accompanying resolution by the flying fish ministerial sub-committee.

The forum also reviewed a draft fisheries management plan on spiny lobster, which is to be updated with recent scientific information and inputs from stakeholder consultations, before submission to the Ministerial Council for approval. A similar declaration for the queen conch is to be prepared, based on the outputs of an EU-funded project under the ACP Fish II Programme to improve and harmonise the scientific approaches required to advise on sustainable management of the species in the region.

The CRFM also emphasised the importance that has been given in the whole process to engage stakeholders and adopt a “holistic approach that considers human well-being, ecosystem and governance issues”.

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Comment

Ultimately, the CRFM efforts will lead to a Common Fisheries Policy. This is also an official goal for African fisheries, as stated at the second African Union Conference of African Fisheries and Aquaculture Ministers, held in March. The approach taken by the Caribbean to develop this policy, in a way that simultaneously considers “holistic approach that considers human well-being, ecosystem and governance issues”, is remarkable. The results already registered in the Caribbean region on the path to finalising this CFP – particularly the development of fisheries management plans – could provide valuable experience to be shared with other regions, including Africa, where the management of shared resources, such as small pelagics, presents similar challenges for the development of a pan-African fisheries policy.

An international conference analyses the external dimension of the reformed CFP

A recent report on the 2-day international conference held at the end of January 2014 in Stockholm discussed the implications of the CFP external dimension reform. The conference, funded by the Swedish Ministry of Rural Affairs and organised by the Swedish Agency for Marine and Water Management, gathered 110 participants from all continents.

Following a keynote speech by the Swedish Minister of Rural Affairs, a session addressed “What political and management changes can the new external dimension lead to, and what can EU decision makers and managers do to steer developments to meet the objectives?”

The participants explored possible tools, options, responsibilities and challenges for the implementation of the external dimension of the new CFP, examining various connections between the fisheries policy, the UN Convention of the Law of the Sea (UNCLOS), the UN Convention of Biodiversity (CBD), and recent developments in the work of the FAO.

The conference highlighted the challenges of protecting biodiversity, both within EEZ and in international waters, through EU fisheries relations with third countries. Participants considered that necessary measures must also be taken to safeguard the potential of fish stocks to contribute to long-term food security.

A set of major issues and themes emerged from the presentations and discussions. The EU is a major producer of fish and fish products, and it is also the largest importer of fish in the world. This gives reinforced impetus to the notion that all EU member states, and not only those producing, must pay more attention to the long-term sustainability of fish stocks in and beyond EU waters. The demand for fish will continue to rise in the EU, although the supply may not increase simultaneously. This will raise questions about the EU's fair share of the world market of fish and fish products.

The participants stressed the need for transparency in the allocation of resources and in the governance of the sector, as well as in connection with subsidies. They also considered that meaningful consultations with all relevant stakeholders are important to improve commitment

and adherence to global, regional or local government measures. The potential for advisory councils to foster stakeholder participation was discussed.

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Comment

Apart from the conclusions of the international conference – which are widely shared and have already been expressed by most stakeholders in EU distant water fisheries – it is significant for ACP countries that this conference was organised by an EU member state. This highlights the growing interest of member states in playing a more active role in the implementation of the CFP external dimension policy, including through future decentralised bodies such as the advisory committees. One should recall that EU member states not only have fleets active in ACP waters, but many of them also have active involvement in development cooperation initiatives benefiting the ACP fisheries. An increased involvement of EU member states in the implementation of the CFP external dimension may be an opportunity to increase the coherence between the support to sustainable fisheries extended through SFPAs and through EU member states' development cooperation.

Ghana and Seychelles will cooperate to boost tuna exports to the EU

Seychelles and Ghana have signed an administrative agreement to boost their tuna exports towards the EU market. The agreement provides for the two nations to buy fish from each other for duty-free exports to Europe.

Seychelles' Minister for Foreign Affairs explained that the two countries' tuna catch peaks at different times of year; so when it is low season for the Seychelles' tuna catch, it will be able to "top up" its raw material stock from Ghana to meet the EU demand, and vice versa for Ghana.

Ghana's Minister for Foreign Affairs and Regional Integration highlighted that Ghana and the Seychelles have the same traceability system that "allows us to identify from which vessel a specific consignment originated" and the same sanitary and phytosanitary (SPS) standards: "so really this agreement is beneficial to both sides as all the technical requirements are already in place," she stated.

Seychelles' only tuna canning factory, Indian Ocean Tuna Ltd, one of the largest tuna canneries in the world, already produces an average of 1.5 million cans of tuna per day. It is 40% owned by the Seychelles government and 60% by MW Brands, the largest EU tuna canning company (itself owned by Thai Union Frozen products). MW Brands also owns the biggest canneries in Ghana (Pioneer Food Cannery), which produces on average 800,000 cans and 20 tonnes of tuna loins a day.

MW Brands operates eight purse seiners in Ghana, which cover up to 60% of Ghana's raw material requirements. These purse seiners are partly flagged in Ghana and partly in other countries, including Belize. Earlier in March, the EC blacklisted Belize for non-cooperation in the fight against illegal, unregulated and unreported (IUU) fishing and issued a "yellow card" to Ghana. Concerns had already been expressed about the fate of the three MW Brands' seiners flagged to Belize. At the time, Thai Union Frozen Products said MW Brands would seek to reflag these vessels to another country as a result of the EU sanctions. Meanwhile, in the Seychelles, tuna raw material is

provided by a modern fleet of seiners under French, Spanish (fishing under a sustainable fisheries partnership agreement) and Seychellois flags.

Seychelles and Ghana also signed a double taxation avoidance agreement, which aims to further enhance trade between the two African countries. Under its terms, businesses will not have to pay taxes in both countries on their imported products.

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Comment

ACP countries will have to meet various non-tariff requirements – such as SPS or traceability standards – before they can “top up” from each other's fish raw material in order to optimise their access to the EU markets. This means technical cooperation must be established to ensure compatibility of the traceability systems of the countries involved. This will facilitate a smooth exchange of information, as seen in the Ghana–Seychelles case, where both countries have the same traceability system. Furthermore, IUU fishing must be dealt with by potential cooperating countries. If one of the partner's fish supply comes from a blacklisted country (as happened for Belize-flagged vessels supplying a Ghanaian cannery), these fish cannot be used to top up another country's fish raw material for export onto the EU market.

Common Fisheries Policy and its implications

Discard ban implementation raises increasing criticisms

A recent study in the scientific magazine *Nature* highlights that, on its own, the elimination of discards – a key measure agreed in the new EU Common Fisheries Policy – has negative impacts on the environment. On the contrary, when combined with selectivity measures, it becomes beneficial.

The *Nature* study has reignited the EU debate about the implementation of the discard ban, its potential impact and the practical challenges for implementing it. A prominent EU fisheries scientist expressed concerns that the new discard ban “could do a lot of harm to the positive developments from the last decade which led to a decline in fishing mortality. What is needed is to take the discard ban as a learning process.”

This was also echoed in the recent European Economic and Social Committee (EESC) opinion, which advocated for a “more gradual and proportionate approach, based on progressively reducing discards, promoting and encouraging more selective fishing gear, implementing

measures designed to process fisheries products in a manner that offers added value, searching for market outlets and adapting the infrastructure of vessels and fishing ports.”

The EESC suggests that these more pragmatic, straightforward and flexible rules would give fishing operators a transitional adaptation period – as has occurred in other countries – without facing heavy penalties. This is why the EESC can see no justification for the new control measures introduced to ensure total and immediate “day-one” compliance with unprecedented rules. It also regrets that there has been no prior impact assessment to study the repercussions of the landing obligation for each fleet. It considers that such a study is particularly necessary for pelagic fisheries outside the EU under the regional fisheries management organisations (RFMOs). A thorough prior assessment would help to harmonise implementation of EU legislation, taking into account the regulations already applicable to these RFMOs, ensuring that no comparative disadvantage or threat is caused to the competitiveness of European fleets operating in fishing grounds outside the EU.

Many also deplore the lack of clarity regarding the logistics for dealing with this part of the catch. The UK small-scale fishing organisation, NUTFA, explains that fishers incur increased costs the moment that “discards to be landed” come on board: extra boxes and ice, not to mention additional storage space, required to separate the catches destined for human and non-human consumption. Furthermore, it takes up valuable time to transport previously discarded fish: “One can foresee a fisher, with half a box of ‘landed discards’, having to spend time and money to meet the requirements for this element of the catch.”

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Comment

Discarding vast amounts of unwanted fish at sea, resulting from unselective fishing but also from “high grading” (i.e. limited space on board, meaning that only the most valuable fish is kept and the rest jettisoned) is also an issue in many industrial fishing operations in ACP waters. In the long term, the EU landing obligation will also apply to all vessels fishing in ACP waters, and will raise similar concerns to those expressed here about the local impacts and associated costs of such operations. It is advisable for ACP countries to request a prior impact assessment on the local repercussions of the landing obligation for each fleet. ACP countries could also request more selective fishing by EU vessels to avoid many discards in the first place. Efforts on selectivity could become part of the future partnerships for sustainable fisheries.

WTO and international developments

Should the high seas be closed to fishing?

In a scientific article published in *PLoS Biology*, researchers argue that the best way for dwindling stocks of high-value migratory pelagic species, such as tuna, to recover is to completely close the high seas to fishing.

While 58% of the seas and oceans are high seas and open to access from all nations, more than 150 national exclusive economic zones (EEZs), created by the United Nations Convention on the Law of the Sea (UNCLOS), comprise the remaining 42% of the ocean. The authors of the article highlighted that the open access nature of the high seas has led to unregulated fisheries, leading to over-exploitation of the high seas fisheries. They commented, “For decades, hundreds of attempts have been made at multilateral agreements primarily through regional fishery management organizations, which aim to coordinate fishing across EEZs and on the high seas. While some exceptions exist, these efforts are widely regarded as a failure.” In the researchers’ model, should there be a complete closure of the high seas, stocks would increase throughout the oceans, eventually by 400% on the high seas and 30% within EEZs. Monetary profit would more than double and yield would increase by more than 40%.

Looking at implementation challenges, the authors highlight that “there inevitably will be distributional impacts”. Countries such as Japan, China and Spain, whose current fishing fleets specialise in fishing tuna in the high seas, may be harmed by the closure, but these losses “may be offset by enhanced fishing opportunities in their EEZs as stocks rebuild”. Developing countries whose stocks are depleted by over-exploitation of the high seas but who have not invested in high seas fleets may benefit most from such a closure.

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Comment

Exploitation of high seas fisheries resources is more complicated to manage than in the EEZs since it depends on good cooperation between fishing and coastal states, and is more difficult to regulate. Limiting fisheries to the EEZs may guarantee better management and control of the use of fisheries resources, and may bring increasing benefits to coastal states, but only if coastal states fulfil their responsibilities. Therefore, a pre-requisite is to ensure coastal states, such as ACP countries, have the capacity and political will to adopt robust fisheries policies for migratory species that move between the high seas and EEZs. The creation of marine protected areas (where fishing is forbidden) beyond national jurisdiction is already a matter discussed within some RFMOs, but it has proved difficult to reach consensus, as fishing nations have to agree upon such restrictions which must also be enforceable.

FAO adopts international guidelines for sustainable small-scale fisheries

The 31st session of the Fisheries Committee (COFI 31) of the FAO was held 9–13 June 2014 in Rome. Prior to COFI 31, the FAO published the 2014 edition of the SOFIA report on the State of Fisheries and Aquaculture. The SOFIA report emphasises that fish and fish products now account for almost

17% of the world population's protein intake – in some coastal countries, it can reach 70%. Per capita fish consumption has gone from 10kg per year in the 1960s to more than 19kg in 2012. Since the 1990s, employment in this sector grew faster than the world's population, providing jobs for 60 million people in 2012: 84% of these jobs are located in Asia; 10% in Africa. Fish is one of the most traded food commodities worldwide, with a total value in 2012 of almost US\$130 billion. World fisheries and aquaculture production increased by 10 million tonnes compared to 2010, reaching 158 million tonnes in 2012. As the SOFIA report states “the rapid expansion of aquaculture is driving this growth in production.”

An important topic during COFI 31 was the adoption of the voluntary guidelines for securing sustainable small-scale fisheries (SSF) in the context of food security and poverty eradication (SSF guidelines). The guidelines address five thematic areas:

- governance of tenure in small-scale fisheries and resource management;
- social development, employment and decent work;
- value chains, postharvest and trade;
- gender equality;
- disaster risks and climate change.

Key areas for supporting implementation of the guidelines are also explored, including:

- policy coherence, institutional coordination and collaboration;
- information, research and communication;
- capacity development.

Following the recommendations of the 14th session of the COFI Sub-Committee on fish trade, discussions will also take place on how to address these recommendations in FAO's work. The Sub-Committee underlined the relevance of FAO's work in capacity building for developing countries, and urged FAO to continue providing technical support to facilitate market access, value addition, postharvest and food safety issues. In addition, the Sub-Committee supported the work of FAO towards small-scale fisheries, underlining the necessity to enable small-scale operators to access and share information, to organise and to participate meaningfully in decision-making processes and value-chain dynamics for a more equitable distribution of benefits from national, regional and international trade.

The Sub-Committee also emphasised that small-scale fisheries' communities require technical support and training in postharvest issues, reduction of postharvest losses, value addition, processing and transportation technology, and in minimising the impact of climate change. It encouraged FAO to provide technical assistance in these areas. Furthermore, the Sub-Committee acknowledged the significance of user and access rights for small-scale fishers and welcomed the planned conference on tenure and user rights in fisheries, which will take place in Cambodia in February 2015.

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Comment

By endorsing the guidelines for sustainable small-scale fisheries, FAO members, including ACP countries, are recognising the importance of this sub-sector for sustainable fisheries development. The implementation of these guidelines should support the preparation of appropriate regulations to allow this sub-sector's potential to be unlocked, including the potential in contributing, through fish trade, to national and regional food security and government revenue. The implementation of the guidelines will be particularly useful in ACP regions such as the Caribbean or Africa, where reforms towards a 'Common Fisheries Policy' are being undertaken. These guidelines should also provide guidance for donors, such as the EU, which want to target aid on the ACP small-scale fisheries.

Fisheries subsidies: Suggestions for improvements of WTO debate

According to a recent article by ICTSD Director Rashid Sumaila, a key reason for the lack of progress in the fisheries subsidies negotiations at the WTO level, after 7 years of trying, is that the negotiations suffer from "lumpiness", meaning that negotiators aim for an all-inclusive deal, or none at all.

This lumpiness takes two forms. First, the WTO negotiations are conducted as a "single undertaking", that is, results must be achieved in all areas of the negotiations – not only in those regarding fisheries subsidies – and must be applicable to all member countries. Any potential breakthroughs in the negotiations on fisheries subsidies are dependent on similar breakthroughs in the Doha Development Agenda. The second area of lumpiness relates to the goal for negotiators to arrive at an all-inclusive deal.

Dr Sumaila suggests a new approach to the challenge of disciplining fisheries subsidies: the starting point is to split the world's fisheries into:

1. domestic – i.e. fisheries that operate within country's exclusive economic zones (EEZ) and target fish stocks that spend all their lives within the EEZs; and
2. international fisheries, made up of fish stocks that do not qualify as domestic fisheries.

He justifies this necessary split to help move WTO negotiations forward because:

- Incentives for countries differ significantly, depending on whether a fishery is domestic or international (migratory).
- The institutional framework is different for domestic fisheries, whereas a coordinated international framework is needed for highly migratory international fish stocks because unilateral action by one country is unlikely to eliminate the problem of overfishing.
- By dividing fisheries into these groups, it would be easier to identify the leverage points for eliminating harmful subsidies.

Another ICTSD article further observes that negotiators have "an explicit environmental mandate", which is "to contribute in a concrete way to ensuring the sustainability of the oceans' fisheries". Fulfilling that mandate would require negotiators to make concessions to the "common environmental good".

Sources

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Comment

Although the international community is sending increasingly strong signals to stop subsidies that fuel fishing over-capacity – as they did at Rio+20 in 2013 – it is noticeable that the actual WTO negotiations on subsidies have stalled for several years. The “lumpiness” evoked here is certainly a major contributor to the lack of progress. The proposed solution to split the world’s fisheries into domestic and international fisheries (thus facilitating a start to addressing international fisheries subsidies) would request that most efforts at subsidy disciplines initially come from distant water fishing nations. These nations are most active in international fisheries, such as tuna fisheries, and are also responsible for the lion’s share of global fishing subsidies. In the case of the EU, industrial tuna fleets active in international waters and ACP EEZs have been among the biggest recipients of fishing subsidies in the last decades. The difficulty with this approach is that, in many fishing countries, fisheries subsidy programmes cover the whole sector, and do not differentiate between international and domestic fisheries. Applying this new “differentiated” approach may encounter concrete difficulties.

Interview: Points of view from ACP–EU stakeholders

‘Financial assistance under SFPAs will be consistent with cooperation and development projects and programmes’

An interview with Fernando Frutuoso de Melo, Director-General for Development Cooperation at the European Commission



Mr Frutuoso de Melo has longstanding European experience, having held various positions within several EU institutions. From 1987 he was Deputy Director-General of DG Human Resources and Security and Deputy Head of the Private Office of President Barroso. Since 1st November 2013, Mr Frutuoso de Melo has held the position of Director-General of DG Development and Cooperation – EuropeAid (DEVCO).

Q: What is the significance of fisheries in EU cooperation and development policy?

We think fisheries have an important role to play because fish contributes directly to the diet of many people in developing countries.

According to the last FAO report on the state of World Fisheries and Aquaculture, fisheries also represent a crucial source of revenue for

12% of the world's population – many of them women – hence the EU Cooperation and Development policy support to sustainable fishing and aquaculture in developing countries. During 2007–2013, some €185 million has been committed to fisheries, mainly through regional programmes, as in the Pacific and in the Indian Ocean.

Q: Why do you think it is the case?

Unfortunately, there has long been a kind of divide between bilateral fisheries agreements, which were considered the main framework for discussing fisheries issues, and cooperation and development, which often focused on agriculture rather than fisheries.

But, in a way, it was probably the right to focus cooperation and development on fisheries at the regional level – because of the lack of prioritisation of fisheries at the national level – as many issues (such as resource management, control and surveillance, trade facilitation) linked to fisheries are transboundary and are best

However, we note that, with some exceptions (e.g. Mozambique, Algeria, Yemen), fisheries have not been identified as part of the national priorities for cooperation and development, even in countries where the sector plays a key role for food security and economic growth.

addressed at regional level.

One should also note that many needs (e.g. institutional reinforcement or capacity building) expressed by ACP national authorities in charge of fisheries have been covered by general programmes such as ACP Fish II or the IUU regulation implementation support project, for a total of €32 million.

Fisheries and aquaculture deserve appropriate attention in the preparation of the new 2014–2020 programming, and should be fully part of EU action to reduce poverty and ensure nutrition and food security.

Q: As you mentioned, fish is an important source of food. How do you think actions in the field of fisheries and aquaculture can contribute to reach the EU cooperation and development objectives for food security?

The EU is the world's largest food security donor, with an average of over €1.4 billion allocated each year to food and nutrition security, sustainable agriculture and fisheries. Our main objective in this area by 2015 is to halve the number of people suffering from hunger – as stated in the Millennium Development Goals. We are also attentive about the issue of mother and child nutrition. In 2012, Commissioner Piebalgs made a commitment to reduce the number of stunted children by 7 million by 2025. Fish is essential for the diet of vulnerable populations, pregnant women and children as a source of protein, micronutrients and fatty acids.

Our actions consist of promoting sustainable fisheries and aquaculture production, but

also support value chains, in particular to reduce postharvest losses and generally improve the quality of fish products, etc.

We also want to support ACP fishing communities in ensuring their involvement in decision-making processes, and in securing their rights of access to fish resources that they depend on for their livelihoods.

We promote this approach at the international level as well. Over the next few months, the Committee on World Food Security will discuss the role of sustainable fisheries and aquaculture for food security, and is expected to adopt recommendations to further enhance the contribution of fisheries and aquaculture to nutrition and food security. DEVCO will actively participate in the discussions.

Q: At the international level, FAO is also proposing voluntary guidelines for securing sustainable small-scale fisheries in a context of food security and poverty alleviation. Could these guidelines become a reference for the European Union?

The contribution of small-scale fisheries to food and nutrition security is crucial. They represent 90% of people engaged in fisheries activities and produce 50% of the fish for direct human consumption.

The European Union fully appreciates the work that has been done by the FAO to propose Voluntary Guidelines on Small-scale Fisheries. This text, although not yet formally adopted, will be an important complement to the Code of Conduct for Responsible Fisheries. The European Union, and DEVCO in particular, will consider how to contribute to

the implementation of these guidelines through its various regional and national cooperation programmes.

Talking about our work at the FAO level, another initiative we are particularly keen to support is the Global Record of Fishing Vessels, which will assign a unique vessel identifier (UVI) to each fishing vessel, and will provide information about fishing vessel identity, history and fishing activities undertaken. This would be an important tool to improve the global governance of fisheries.

Q: The fisheries sector has been identified as being particularly important in successive Policy Coherence for Development (PCD) reports. What, in your view, has been achieved with the reform of the Common Fisheries Policy (CFP) to improve coherence?

The Treaty article on PCD is for all policies; it doesn't only concern coherence between fisheries and development policy.

To ensure that the EU overall action truly contributes to the sustainable development of fisheries and aquaculture in partner countries, the most important thing is to promote complementarity between fisheries policy, trade policy, food safety and standards, etc.

Concerning the reform of the CFP per se, I would say that, traditionally, fisheries agreements have often been seen as the enemy of cooperation and development policy. This vision is changing, thanks to the way the CFP external dimension has been reformed.

First of all, the CFP external dimension has just become an integral part of the CFP, which means that the EU will follow the same principles of sustainability for its internal and external fisheries policies; the EU now has an obligation to promote sustainability at the international level.

To make such commitment to sustainability more visible, FPAs are being replaced by

Sustainable Fisheries Partnership Agreements (SFPAs). The SFPAs have to ensure that access to third countries' fisheries takes place on the basis of sound scientific advice, and that EU fleets only target surplus of fish resources that the partner country cannot harvest itself.

It is important also to consider that our approach of cooperation and development goes beyond working through projects – we are looking at how we can help create sustainable economic growth, including in the area of fisheries and aquaculture.

Some time ago, a minister from a third country said to the EU: "Please, stop talking about the fight against poverty. Help us to create economic growth, help us to create jobs for our people – that's what we want."

In this sense, the implication of the private sector – which knows the consequences of the various policies in the field and invests in third countries – is crucial and can help, in a very concrete way, to improve the complementarity of our actions, ensuring they result in sustainable fisheries development.

In the field of fisheries, EU companies can have a positive impact on local fisheries development; for example by assisting our partner countries to increase their capacity to fish sustainably and to sell fish to the EU, in compliance with EU standards, therefore responding to some of the needs of the EU markets

Q: This consistency between financial support provided under SFPA and cooperation and development support has been emphasised lately when Senegal initialled an SFPA with the EU...

Indeed, through this approach, Senegal would be able to support the sustainable development of its national fisheries sector, implementing a regional programme at national level. It actually means that there will be additional funds for Senegal fisheries, above what is already agreed in the national

In practice, the CFP reform also means that financial assistance provided by SFPAs will be consistent with the cooperation and development projects and programmes implemented in the third country in question.

indicative programme – it's not a case of diverting money towards fisheries. This should deepen the partnership.

It will be a case where countries can draw on regional funds directly to support local sector and fishing communities' development through the 11th EDF.

Q: In practice, how do DG Development and DG Fisheries now collaborate to improve PCD?

DG Mare and DG DEVCO are reinforcing their cooperation through improved communication and coordination. Cooperation goes from working levels to the Director-Generals themselves.

Last month for example, the Director-General of DG Mare, Lowry Evans, represented both DG Mare and DEVCO at the second Conference of African Ministers for Fisheries and Aquaculture, speaking with one voice to our African partners.

DG DEVCO and DG Mare now work together on a daily basis: DG DEVCO now has a policy officer who follows fisheries and aquaculture

issues. Colleagues working in geographical directorates and in EU delegations are both involved in the evaluations of FPAs and in the implementation of the IUU regulation.

On the other side, DG Mare has been consulted in the 2014–2020 programming exercise. DEVCO programmes relating to fisheries benefit from DG Mare's expertise; both DGs also coordinate with other DGs, such as DG Trade, through inter-service groups aiming at ensuring coherence and effectiveness of our external action relating to fisheries in the different regions and oceans. Things are definitely changing...



Launched by CTA (Technical Centre for Agricultural and Rural Cooperation ACP–EU) in 2001, the Agritrade website <http://agritrade.cta.int> is devoted to agricultural trade issues in the context of ACP (Africa, Caribbean, Pacific) – EU (European Union) relations. Its main objective is to better equip ACP stakeholders to deal with multilateral (World Trade Organization – WTO) and bilateral (Economic Partnership Agreement – EPA) negotiations. Thus it provides regular and updated information and analysis on technical aspects of the trade negotiations, developments in the CAP and their implications on ACP–EU trade, as well as on major commodities (banana, cereals, sugar, fisheries, etc.).

The Technical Centre for Agricultural and Rural Cooperation (CTA) is a joint ACP–EU institution active in agricultural and rural development in African, Caribbean and Pacific (ACP) countries. Its mission is to advance food and nutritional security, increase prosperity and encourage sound natural resource management. It does this by providing access to information and knowledge, facilitating policy dialogue and strengthening the capacity of agricultural and rural development institutions and communities in ACP countries.

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