

## **Surplus catches available under the new FPA with Mauritania**

Ad Corten, 28 May 2012

### **Summary**

This working document describes the confusion that has occurred over the past year about the surplus catch that would be available under the new FPA with Mauritania (starting in 2012). It appears that the EU has a different notion of surplus catches than the Mauritanians themselves. The current interpretation by the EU will lead to a sharp reduction in quotas available to the EU fleet under the new agreement (assuming there will be one). The result will be a reflagging of part of the EU fleet that has operated in Mauritania in the past. When these vessels start working under flags of convenience, the EU will have no control over them in terms of data collection. The net result will be a reduction of data available for sustainable management in Mauritania. It is proposed that FPAs in future will only deal with sectoral support and not with fishing opportunities for EU vessels. Such new agreements could be concluded with any country that has demonstrated its willingness to manage its fisheries on a sustainable basis, regardless of whether it has licences for sale for EU vessels.

### **1. The definition of surplus catches**

The definition of surplus catch seems to be simple, but in reality it is quite complicated. After a full year of discussion on the Mauritanian surplus catch, the European Commission still has no clear view on how this surplus should be calculated. This is the reason why the present workshop has been organised.

As defined by UNCLOS, the surplus catch is all that is left of the country's annual potential after the needs of the national fleet have been catered for. This sounds simple, but it assumes that the annual potential can be calculated precisely. In the case of EU agreements that normally have a duration of 5-6 years ahead, the potential catches thus have to be estimated already several years in advance. Pelagic stocks in tropical countries fluctuate more strongly than in temperate climates, due to the faster growth and higher natural mortality of the fish. At the same time, recruitment forecasts are normally not available. This means that it is already quite difficult to predict stock sizes one year ahead, let alone five years.

When dealing with trans-boundary stocks, the determination of the national potential requires that an agreement has already been reached among the coastal states on the partitioning of the shared resource. In the Mauritanian context, the situation is further complicated by the presence of other foreign fleets that also have been granted fishing rights by the Mauritanian government. In this case, the question arises whether the catches taken by these other foreign fleets should be counted as "surplus" or whether they should also be deducted from the national potential (together with the artisanal catch) before the surplus available to the EU can be calculated. The European Commission has given no guidelines as to which of the two options should be used. The Commission seems to lean towards the second interpretation, but it does not take this to its full consequences since this would leave practically no fish for the EU fleet. The Commission is presently negotiating a TAC in the order of 150,000 t/yr of small pelagics with Mauritania. This is a sharp reduction of the previous TAC of 400,000 t/year. The rationale behind the figure of 150,000 is unclear, but presumably it is based on the assumption that other foreign fleets will maintain their current effort, and that the necessary reduction in overall fishing effort will have to be reached through a unilateral reduction of the EU fleet.

Some of the complications of calculating the surplus catch were outlined in an annex that I wrote for the EU/Mauritanian Joint Scientific Committee in October 2011 ("Proposition pour le calcul des reliquats pour la flottille UE"). The conclusion of this exercise was that the definition of surplus catches is as much a political as a scientific problem. Even if the potential catch of a shared stock in a particular year could be estimated several years ahead, there would also have to be a political agreement on the splitting of the potential catch between the different coastal states, and another political agreement on the splitting of the national quota between the different users. None of these political decisions have yet been made in Mauritania, so it is simply impossible to make a well founded estimate of the surplus catch available the EU. If the EU still proposes a surplus for its own fleet in Mauritania, this implies that it has already made assumptions about the partitioning of the resource within the sub-region, and also within Mauritania itself. This may be seen as an interference with national sovereignty by the coastal states.

## **2. The EU policy perceived from a Mauritanian perspective**

The Mauritanian government is puzzled by the attitude of the EU. In talks that I had with several officials of the Mauritanian Ministry of Fisheries and Maritime Economy (Mohamed Ejiwen, Lamine Camara, Mohamed Mayif), they stressed that the surplus catch of Mauritania is all that the country does not need for its artisanal fishery. For the pelagic sector, they estimate the annual potential at 1.0 – 1.2 million t/yr. The national artisanal fishery currently takes no more than 150,000 t/year, so this leaves a surplus of at least 850,000 t/yr that they could sell to the EU. In between the lines, the Mauritians made it clear that they consider themselves quite capable to manage their own fish stocks, and that they consider EU's attempt to take over this responsibility as a paternalistic attitude.

## **3. Consequences of the current EU policy**

As described above, the EU at the moment implicitly assumes that the surplus catch available to EU vessels in Mauritania is all that is left after both the Mauritanian artisanal fleet and the foreign industrial fleet have taken their catch. Since all stocks in Mauritania are fully exploited or over-exploited (except for sardine), the remaining surplus is very small. This means that in a new agreement fishing opportunities for the EU fleet will be drastically reduced. A large part of the EU fleet will be withdrawn from Mauritania, or continue to operate under another flag. The gap that is left by EU vessels that leave Mauritania will be filled by vessels from Russia or other non-EU countries. Vessels that change nationality will continue to work in the Mauritanian zone, but the EU will no longer have control over them. That means that the EU cannot oblige these vessels to collect information necessary for stock assessment, such as detailed catch statistics and observer data. The net results will be a continued high fishing effort, and a deterioration of the data available for stock assessment.

It should be noted that ship owners in some Baltic states have already taken steps to change the flag of their vessels. Dutch ship owners will also take this option for part of their fleet, as they do not have sufficient fishing opportunities for all their vessels in European waters.

## **4. Suggestions for future FPAs**

Until now the Fisheries Partnership Agreements between the EU and Mauritania have consisted of a package that contained a business component (the acquisition of fishing rights) and a cooperation component (the "sectoral support"). This has always been an uneasy combination. Since the sectoral

support was linked to the business deal, the amount of money for development increased with the payments for fishing rights. As a consequence, Mauritania received more money for development than it could absorb. At the same time, the neighbouring country Senegal received no money for development at all because it had no fish to sell. The need for support in Senegal, however, was at least as great as in Mauritania.

Fortunately, the EU is now planning to detach the sectoral support from the amount paid for fishing rights (Communication from the Commission to the European Parliament COM 2011/0424). This is certainly a move in the right direction. A further step could be to refrain from buying fishing rights altogether, and to concentrate solely on sectoral support. Buying fishing rights for EU vessels in waters outside Europe is a practice from the past, which is no longer justifiable at present. In Europe, member states are forbidden to subsidise their fishing fleets in order to prevent unfair competition between states, and to prevent any increase in fishing effort. It is curious, therefore, that the EU still continues to buy fishing rights for its fleet in areas outside Europe. In this way, vessels that fish outside Europe are subsidised not only with taxpayer's money from their own country, but also with money from countries that do not fish outside Europe. This situation has been heavily criticised by environmental organisations, and in this case they have a point.

If ship owners from EU countries want to fish in waters outside Europe, they should be free to conclude their own agreement with the coastal state. When they do so, they will have to pay the same price for their licence as other countries. The only interference from the EU should be that it obliges its vessels to comply with the national regulations, and with the EU standards for data collection (including observer data).

It is the responsibility of the coastal state to make sure that it does not sell more licences than its resources can support. If it does allow over-exploitation, it will be faced with the consequences. Each country has the right to learn from its own mistakes, just like the EU has done over the past decades. Countries will only introduce sustainable management if they have learnt for themselves (normally the hard way) that this is in their own interest.

This does not mean that the EU should leave poor countries alone and let them sort out their problems for themselves. The EU certainly has a moral obligation to support these countries in their strive for sustainable management. However, this support should be detached from any self-interest on the EU side, i.e. it should have no relationship with fishing licences bought for EU vessels. Secondly, the support should only be given to countries that have demonstrated their willingness to introduce sustainable management. That means that these countries should have developed management plans that are based on realistic estimates of annual yield. For such countries, the EU should provide ample support to improve their management system, and to help them through the difficult transition period from over-exploitation to sustainable management. In this way, EU money will be used more effectively in promoting sustainable management than at present, also in countries that have no licences for sale to the EU.