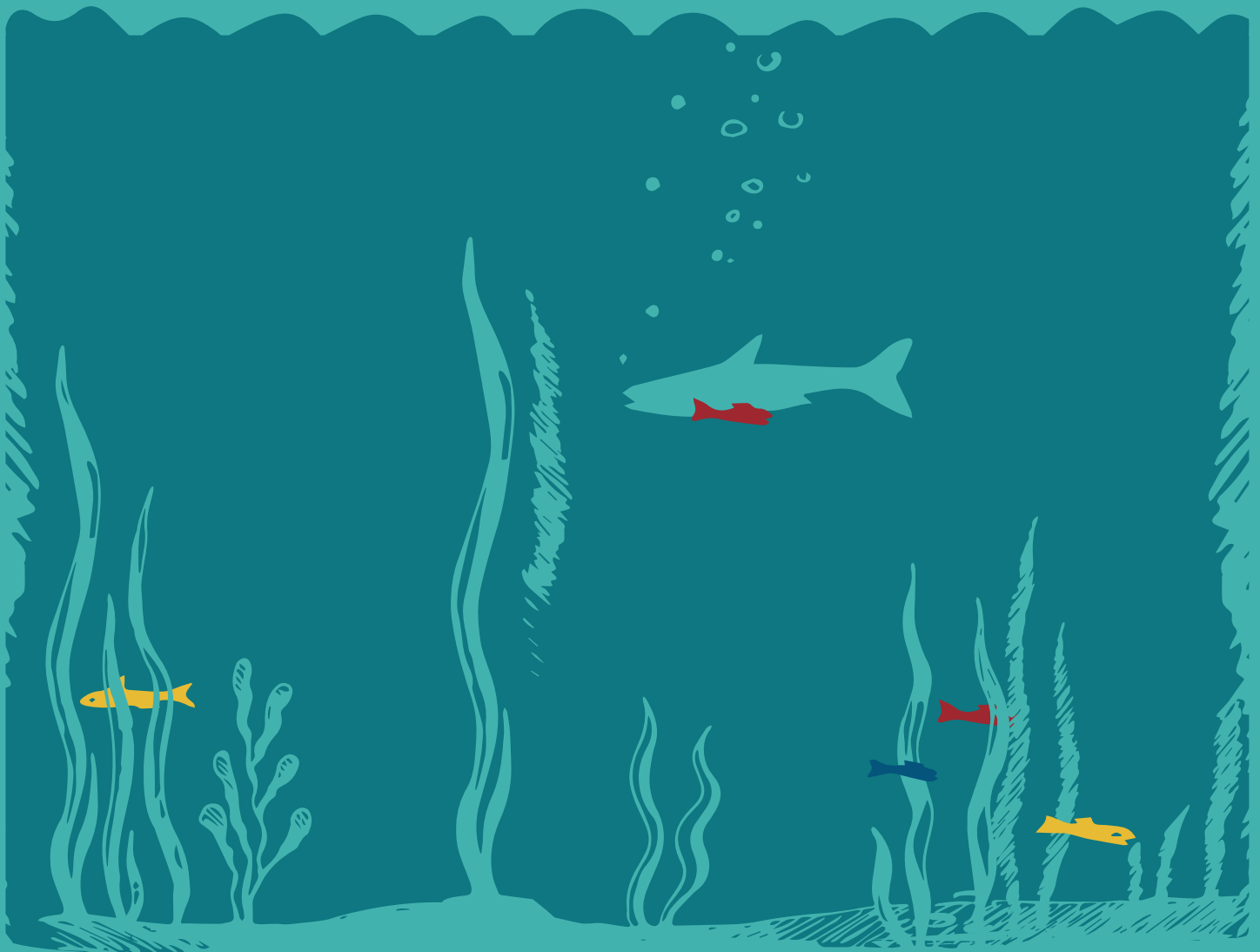


EU Fisheries Agreements: Cheap Fish for a High Price



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EU Fisheries Agreements: Cheap Fish for a High Price

Introduction

Small-scale fishing communities worldwide are suffering from the impacts of increased global trade in fish products, dwindling fish stocks, climate change, and environmental degradation. Meanwhile, the EU is promoting broad fisheries agreements and policies that aim to address a crucial supply problem for Europe's large-scale industrial fishing fleet, by increasing its access to fish stocks in other parts of the world.¹ This is reflective of EU fisheries policies in general, which for the last several decades, have favoured the growth of the industrial sector at the expense of small-scale fishers, who lose access to fishing areas and markets. The EU context reflects a larger global trend of private sector dominance over fisheries and fish trade. Policies like fisheries agreements export this approach to countries in the Global South, creating a global governance challenge.²

As the fifth largest global fishing 'nation', the EU is a crucial player in the global fisheries economy. In 2013, EU countries caught more than 4.9 billion kilograms of fish – 83% of which came from the Northeast Atlantic and the Mediterranean, and 17% from the rest of the world's oceans. This gives the EU considerable leveraging power when establishing fisheries agreements with other countries. The EU regulates a number of *Sustainable Fisheries Partnership Agreements* (SFPAs) with countries in East and West Africa, the Caribbean and the Pacific, which provide payments to these countries in exchange for access to marine resources. This brief focuses mainly on these agreements.

How are fisheries agreements linked to EU fisheries policy?

Fisheries agreements emerged from the overarching framework that governs the EU fisheries sector: the *Common Fisheries Policy* (CFP). Formally created in 1983, the CFP was initially developed in the early 1970s when fisheries governance was still part of the EU's better-known *Common Agricultural Policy* (CAP). Structured like the CAP, the CFP provides the main legal framework for all fisheries legislation and management, both within and outside EU waters – meaning all Member States should follow it.

A large part of the CFP involves government subsidies for EU fishing fleets, which provide funds for large-scale vessels to travel farther into foreign waters. The CFP includes a number of policies and regulations directed at non-EU governments that aim to push the EU's agenda – fisheries agreements are a prominent example. These agreements are established between the EU and countries in the Global South – primarily in Africa. In the context of dwindling fish stocks in EU waters, fisheries agreements allow EU fishing fleets access to non-EU waters in exchange for domestic investment in the host country.³ Instead of first addressing overfishing and over-consumption of seafood, the environmentally unfriendly practices already used by the EU fleet domestically are simply relocated to countries where fish stocks have not yet been depleted.

Linking Fisheries Agreements with the EU's Common Fisheries Policy (CFP)

1970



The CFP is developed, while fisheries governance is still part of the Common Agricultural Policy (CAP)

1983



The CFP is formally created as an EU-wide fisheries governance mechanism

2013



The latest CFP reform aims to facilitate increased productivity in the fisheries sector and a fair standard of living for those working in it



THE CFP PROVIDES THE MAIN LEGAL FRAMEWORK FOR ALL FISHERIES LEGISLATION AND MANAGEMENT, BOTH WITHIN AND OUTSIDE EU WATERS

THE CFP HAS THREE MAIN PILLARS

ORGANISATION OF EU MANAGEMENT, MONITORING AND CONTROL OF THE FISHERIES SECTOR

Includes regulations for fisheries quotas, such as Total Allowable Catch (TAC), defining how much fish Member States can catch

THE EUROPEAN MARITIME AND FISHERIES FUND (EMFF)

Provides subsidies to improve the "sustainability, competitiveness, social conditions and blue growth" of EU fishing fleets

EXTERNAL DIMENSION

Policy agreements between the EU and non-EU countries, negotiated at the EU level

REGIONAL FISHERIES MANAGEMENT ORGANISATIONS (RMFOs)

EU participation in RMFOs to manage resources in international waters

MIXED AGREEMENTS

Allow EU fleets access to a range of fish stocks in partner countries' Exclusive Economic Zones (EEZs)

TUNA AGREEMENTS

Allow EU fleets to follow migrating tuna stocks along the coast of Africa

SUSTAINABLE FISHERIES PARTNERSHIP AGREEMENTS (SFPAs)

Financial and technical support sent from the EU to Southern partner countries in exchange for foreign fishing rights

NORTHERN AGREEMENTS

EU reciprocity agreements for joint management of shared fish stocks between Iceland, Norway and Faroe Islands

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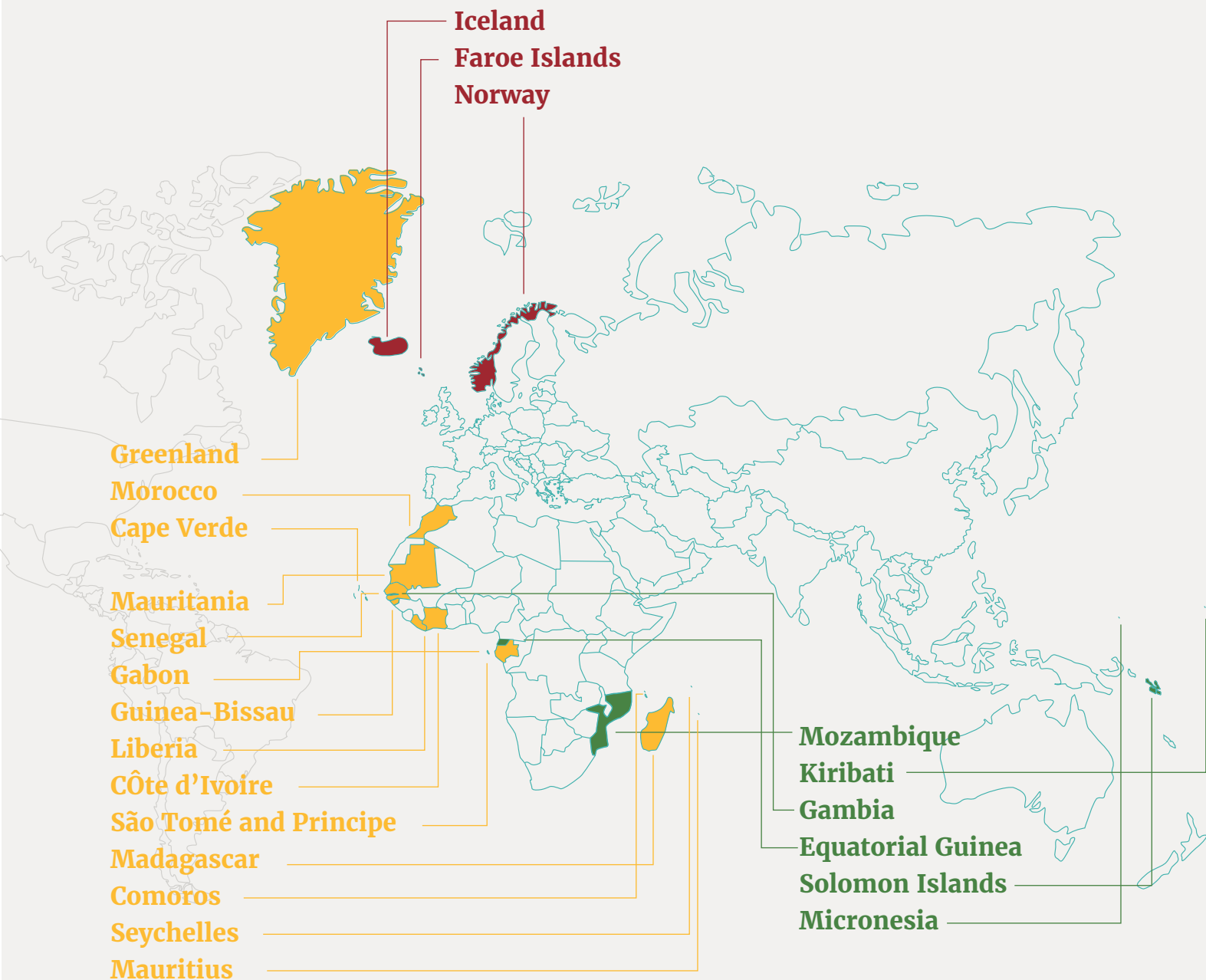
What types of fisheries agreements is the EU promoting?

There are two main types of agreements between the EU and non-EU countries, which are both negotiated at the EU level. The first type, *Northern Agreements*, involve the joint management of shared fish stocks between the EU and Iceland, Norway and the Faroe Islands. The second type, the *Sustainable Fisheries Partnership Agreements (SFPAs)*, involve the EU giving financial and technical support to partner countries (usually in the Global South) in exchange for access to their fish resources/stocks. The SFPAs are divided into two categories: tuna agreements, which allow EU fleets to follow migrating tuna stocks along the coast of Africa; and mixed agreements, which allow EU fleets access to a wide range of fish stocks in partner countries' Exclusive Economic Zones (EEZs).⁴

Fisheries agreements allowed countries to open up access to their EEZs in exchange for financial and technical support. According to current fisheries agreements, the EU pays a lump sum to the host country for access, while also funding sector reforms to develop more sustainable fisheries, such as through the promotion of conservation activities. The EU funds the majority of the costs of SFPAs, creating significant benefits for Member States' fishing industries.⁵ In 2009, 14 countries in the Global South were collectively paid nearly €150 million for signing SFPAs, making the EU's financial contributions substantial – and often the main source of revenue for national fisheries ministries.⁶

In Mauritania, SFPA contributions have effectively doubled the budget of the Fisheries Ministry.⁷ Fishing access fees and support from the EU make up a staggering 90% of the budget supporting Mauritania's fishing sector.⁸ Elsewhere, such as in Cape Verde, the revenue from the EU goes directly to the Ministry of Foreign Affairs and then into the national budget. Little is known about how SFPA contributions are actually spent. However, this system has caused Mauritania and many other partner countries to develop a high dependence on foreign investment in their fisheries sector, perpetuating a problematic, lopsided relationship with the EU.⁹ This dependence traps partner countries in a position in which the need for budgetary support becomes a higher priority than the interests of small-scale fishing communities and environmental protection.¹⁰

Fisheries Agreements with Non-EU Countries



Sustainable Fisheries Partnership Agreements (SFPAs) = Bilateral fisheries agreements (countries with exclusive zones that EU vessels have access to)



Northern Agreements = Reciprocity agreements (joint management of shared stocks)



Dormant bilateral agreements (countries with fisheries agreements but without a protocol in force)

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Why and how is the EU promoting fisheries agreements?

The EU is promoting fisheries agreements for two main reasons. The external fisheries policy is designed to maximize employment in the EU fishing sector and ensure a steady supply of fish into EU markets, while limiting pressure on overstressed European ecosystems. The EU is the largest market for fish products in the world, with demand for fish in the EU far exceeding the resources available regionally. This means the region is heavily dependent on imports, spending more than US\$ 50 million on imported seafood in 2013 – nearly half of the total amount spent on fish imports globally.¹¹

When EEZs were established, EU vessels were legally excluded from these coastal fishing areas, leaving a large fleet of modern trawlers with nowhere to fish. In response, the EU set up bilateral agreements in order to legally regain access to non-European fishing grounds. In 1979, the EU signed its first bilateral fisheries agreement with Senegal, and since then has concluded more than 30 agreements – primarily with countries in Africa and the Pacific.¹²

Fisheries agreements active in 2016¹³

COUNTRY	TYPE	EXPIRATION DATE
1) Cape Verde	Tuna	22.12.2018
2) Comoros	Tuna	31.12.2016
3) Cook Islands	Tuna	n/a
4) Côte d'Ivoire	Tuna	30.6.2018
5) Gabon	Tuna	23.7.2016
6) Greenland	Mixed	31.12.2020
7) Guinea-Bissau	Mixed	23.11.2017
8) Liberia	Tuna	8.12.2020
9) Madagascar	Tuna	31.12.2018
10) Mauritania	Mixed	15.11.2019
11) Mauritius	Tuna	27.1.2017
12) Morocco	Mixed	27.2.2018
13) São Tomé and Príncipe	Tuna	22.5.2018
14) Senegal	Tuna (+ hake component)	19.11.2019
15) Seychelles	Tuna	17.1.2020

For the EU, these agreements are a tool to ensure legal access to foreign resources and have helped to absorb the excess capacity of the EU's fishing fleets. However, not everyone accepts these agreements. Fishing communities and allied civil society organizations have continuously highlighted the lack of consistency between these agreements and other EU policies, and the fact that they generate local food insecurity, undermine local livelihoods, and exploit resources unsustainably.¹⁴ The EU has also acquired much more of the income generated from these agreements than the host countries have. In fact, the developmental and human costs in host countries, such as Senegal, have ended up being much higher than the revenue acquired from fisheries agreements.¹⁵

In response to criticisms of fisheries agreements, the European Commission included a partnership approach as part of an extensive 2002 reform of the *Common Fisheries Policy*. The fisheries agreements were renamed '*Fisheries Partnership Agreements*' (FPAs), with the aim of making them less of a 'pay, fish, and leave' policy. Instead, the intention of FPAs was to highlight equal partnerships between the EU and the various host countries, demonstrating the EU's commitment to reducing poverty in the Global South, and to improving local capacities to develop sustainable fisheries. Nevertheless, the agreements have remained essentially commercial in nature. The main objective of the external part of the CFP was still to "maintain the European presence in distant waters and to protect European fisheries sector interests".¹⁶

As part of the latest reform, the European Commission decided to rebrand the FPAs, yet again, as '*Sustainable Fisheries Partnership Agreements*' (SFPAs). These agreements aim to reflect the EU's sustainability agenda and "to help developing countries ensure sustainable fisheries and food security".¹⁷ The core of the SFPAs is that they respect and strengthen four key principles: 1) Sustainable; 2) Beneficial; 3) Coherent; and 4) Transparent.

One of the key goals of the SFPAs has been to improve fisheries' sustainability and adherence to the *FAO Code of Conduct for Responsible Fisheries* (adopted in 1995), through binding conditions for policy and management.¹⁸ However, these goals have not been met, and there is little evidence that funding from SFPAs has made much difference in the development of sustainable management plans.¹⁹

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What are the real impacts of fisheries agreements?

For the past three decades, fisheries agreements have helped to maintain and expand access for industrial EU fishing fleets to non-EU waters. This has occurred alongside a huge influx of capital into the industrial fishing sector globally, which has expanded industrial fleets and their capacity, decimated fish stocks, and intensified environmental degradation.²⁰ These processes of expansion have also

contributed to the decline of Africa's fish population by 50% in 30 years, putting thousands of fishers out of work, and cutting off locals' access to the resources that their livelihoods depend on.²¹

The EU claims that fisheries agreements create positive economic and social developments. However, it is increasingly evident that these developments are generally limited to economic growth for EU companies and their Southern government partners. For instance, a 2009 report published by the Swedish Society for Nature Conservation (SSNC) concluded that it had found no initiatives in any of the countries with FPA protocols in force that contributed to economic development or sustainable fisheries in coastal communities. The European Commission was also unable to provide the SSNC with any information on the positive impacts of the agreements.²²

In Senegal, after consecutive fisheries agreements were signed with the EU, the amount of fish caught and landed fell from 95 to 45 million kilograms between 1994 and 2005. This has had severe consequences for small, locally owned boats – the number of which dropped by 48% between 1998 and 2008.²³ Local fishers could not compete with the speed at which European vessels were catching fish, and this finally led to the cancellation of the agreement in 2006.²⁴ However, in 2014 Senegal signed a new SFPAs with the EU, allowing Spanish and French boats to fish for tuna in Senegalese waters.²⁵ According to an evaluation done for the European Commission about the potential of this new SFPAs, the Senegalese government were particularly interested in securing visits for EU vessels to the port of Dakar, and in ensuring sufficient tuna would be landed for their processing plants (mainly canneries).²⁶ In a country where almost 20% of the workforce is employed in fisheries, local incomes are plummeting as foreign vessels increasingly transport the fish to markets in Europe and Asia.²⁷

1) Sustainable?

In the past few years, the EU has been taking steps to reform its fisheries sector. A crucial aspect of this has been to highlight that external branches of the CFP are promoting positive fishing activities by relabeling the SFPAs as 'sustainable'. This claim has attracted a lot of criticism from NGOs, academics, and institutions (such as the European Parliament and the ACP-EU Joint Assembly).²⁸ A key concern is that the fishing activities in partner countries are not well monitored, which is particularly apparent in relation to 'by-catch'.

Most large-scale industrial boats end up catching non-targeted fish and other aquatic wildlife (e.g. sea birds, seals, dolphins, turtles), or 'by-catch', due to the non-selective type and size of the lines and nets they use. These fishing methods are some of the most wasteful, since dead or dying by-catch is usually simply thrown back into the water and not used. Many large boats also often underreport their by-catch amounts in order to avoid fines.²⁹ Organisations such as the National Federation of Fisheries (NFF) and the Coalition for Fair Fisheries Arrangements (CFFA) have pushed for using more selective fishing gear to limit by-catch – especially in the context of the SFPAs with Mauritania.³⁰ However, monitoring of the European fleet fishing in African waters has always been limited, meaning there is a lack of precise data on by-catches – an issue also highlighted by external evaluations of the SFPAs.³¹

2) Beneficial?

EU-flagged ships fishing outside of EU waters catch around 1 billion kilograms of fish per year – mostly under SFPAs. That is about one-fifth of the total fish caught globally by EU ships. Around 240 million kilograms (or 33%) of the small pelagic fish caught under SFPAs is sold into African markets every year, with most of the remaining 67% being shipped back to the EU.³² Under the 2015 agreement signed between the EU and Mauritania, EU-based trawlers and pelagic vessels were allowed to target small pelagic species.³³ These are an important, affordable source of protein caught by local small-scale fishers across West Africa. Allowing the EU fleet to fish for these species puts local small-scale fishers in direct competition with the industrial commercial fleet. According to the latest evaluation of the EU-Mauritania SFPA, EU vessels catch 30% of the total catch of small pelagics.³⁴

Mauritania has received over €1 billion in compensation for fishing rights over the past 25 years, however, there is little evidence that this money has benefitted local fishing communities or improved the sector.³⁵ Furthermore, EU vessels' catch is not landed or marketed in Mauritania, meaning that the fish is generally not processed locally.³⁶ Despite these issues, there has been no adjustment of the volume of fish that can be caught under the agreement. This illustrates the imbalance in benefits obtained by the EU – where significant profits are made on catches and fish processing – and by the local communities in partner countries whose livelihoods are undermined by the foreign industrial competitors.

3) Coherent?

Since 1992, the EU has been integrating the Policy Coherence for Development objective into EU fundamental law, in order to ensure that no other regional policies interfere with development efforts to reduce poverty in the Global South.³⁷ However, in the context of fisheries subsidies, fisheries agreements do not live up to this claim of coherence. Subsidies can reduce fishing costs by providing tax breaks on fuel, and can increase fishing capacities by funding bigger boats and modernised gear. Globally, around US\$ 35 billion in subsidies is spent on fisheries every year, and the vast majority of this is used to increase capacity in the large-scale sector. Europe spends the second highest amount on subsidies, making up 25% of the global total, second only to Asia. More than two-thirds of European subsidies are spent on capacity enhancing; meaning governments are essentially paying for licensing fees, fuel and equipment upgrades.³⁸

Small-scale fishers are unable to compete with European ships that are able to sell their fish for less, because their home governments are subsidising their activities.³⁹ Subsidies have made fishing in foreign waters a highly profitable industry for many EU-based companies, while simultaneously threatening the livelihoods of coastal people in the Global South. This is not coherent with the EU's development policy or the claim that SFPAs are 'mutually beneficial', as discussed above. Although the EU has tried to make its development objectives clearer through the CFP reforms, SFPAs are still based on commercial relationships and unequal power relations.

Despite opportunities to reduce poverty by protecting local fisheries in the Global South, the EU continues to establish new SFPAs, undermining this potential. The incoherence between these actions is clear, and yet EU policies and investments continue to facilitate corporate resource grabs.⁴⁰ Therefore, the very structure of the SFPAs highlights the mismatch between what EU policies claim, and what their actual impact is.

4) Transparent?

The negotiation processes for SFPAs may be as problematic as the deals themselves. Civil society and fishers' organizations have been vocal about how negotiations are conducted, criticising the lack of transparency and public consultation.⁴¹

This criticism is especially important in the context of the SFPA with Morocco, which allows boats to fish off the coast of Western Sahara, a disputed territory that Morocco has occupied since 1975. Despite the fact that no states have recognised Morocco's claim to the territory, the government has banned independence actions, shut down several civil society organisations, and has imprisoned leaders for demanding human rights for the Sahrawi people.⁴² The EU has defended the SFPA by saying that the Moroccan government will use a portion of the access payments to improve the local Sahrawi people's living conditions. However, Sahrawi communities were never consulted about the agreement, nor have they agreed to it, and there is no evidence that the Moroccan government is taking action to improve the living conditions of the people of Western Sahara. In December 2016, the EU Court of Justice issued a landmark verdict that the EU's trade agreements with Morocco could not be implemented in Western Sahara due to a lack of consent from the people living there.⁴³

In combination, these four points above illustrate the limitations of the claims made by SFPAs, which in effect export the issues that the EU's fisheries sector is facing domestically (e.g. overfishing, decreasing access for small-scale fishers, privatization of aquatic resources) to other regions. By buying access to other countries' fishing territories, the EU promotes an agenda of commodifying marine resources, which excludes local populations from accessing fishing grounds for their food and livelihoods. This can create a process known as 'ocean grabbing', or 'the capturing of control by powerful economic actors of crucial decision-making around fisheries, including the power to decide how and for what purposes marine resources are used, conserved and managed now and in the future.'⁴⁴ The establishment of SFPAs is presented as a necessity, spurred by dwindling fish stocks in the EU, yet they do not address the root causes of the depletion, or reduce the scope of large-scale industrial fishing.

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Alternatives: Communities resisting fisheries agreements in Mauritius

In 1990, the EU signed a fisheries agreement with Mauritius, an island state with an enormous 2.3 million kilometre² Exclusive Economic Zone (EEZ). The government of Mauritius claims that their own national fleet does not have the means to harvest the fish in its waters. Therefore, it granted EU vessels the right to fish for tuna. However, Mauritius only receives approximately €0.15 per kilogram of tuna caught by EU vessels – a small percentage of the €1.38-1.60 that tuna sells for on the EU market.⁴⁵ There is no clear data on how much tuna domestic fishers have been able to export via the SFPA. Still, the government of

Mauritius continues to promote the SFPAs as part of its 'Blue Growth' agenda, which promises to profit from the country's abundant marine resources and boost economic growth in the country.⁴⁶

Fishing communities have been damaged by these developments, with many fishers forced to leave home in search of jobs. The SFPAs claim that 20% of the financial compensation received from the EU is devoted to the interests of local fishers, but fishing communities argue that they do not see any evidence that this money is being invested for their benefit. As a result, fishers' organisations, workers' unions and advocacy groups are mobilising and joining forces to fight against the implementation of new SFPAs, and to prevent more of Mauritius' marine resources from being sold. For instance, a co-ordinated campaign group made up of the Syndicat des Pêcheurs, the Apostleship of the Sea, the General Workers Federation, and the Centre for Alternative Research and Studies in Mauritius has collectively developed strategies to push their government to include local communities in the management of fisheries, instead of selling the resources off to European vessels. The campaign proposes to develop community-managed fisheries, where the coastal communities and fishers share the responsibility of managing marine resources, ensuring that management is based on local knowledge and is sustainable for the entire community.⁴⁷

The EU's SFPAs continue to promote an industrialised food production model, which serves the demands of European consumers, while simultaneously undermining local food supplies in countries in the Global South. It becomes increasingly clear that such policies do not create win-win solutions for everyone involved, but rather undermine small-scale fishers' livelihoods by overruling local and traditional practices, and instead contribute to increase corporate control over global food production.

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Conclusion

As this short policy brief has shown, the EU's Sustainable Fisheries Partnership Agreements are in fact not sustainable, nor based on horizontal partnerships. SFPAs are a policy mechanism that uses money to provide the EU's industrial fishing fleet with access to marine resources in countries in the Global South. These agreements do not hold up to the principles of sustainability that they advocate, nor are they as beneficial, coherent or transparent as promised. Instead, they relocate the socially, economically and ecologically destructive industrial fishing practices that have plagued European seas, to new areas of the Global South. Those most affected by these agreements are tragically those farthest from the European policymakers who approve them: the small-scale fishers of Africa and the Pacific. For this reason international solidarity among small-scale fishers and allies, from South Africa to Brussels and everywhere in between is all the more important in order to create change.

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Masifundise Development Trust facilitates the mobilisation and organisation of fishing communities at the grass roots level, in order for communities to become empowered and capable of taking part in political and economic decision making processes. This approach has proven to facilitate good governance at municipality level and enable fishing communities to secure their social, economic, and political rights.

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