

*Coalition for Fair Fisheries Arrangements*

*CFFA*

**Comments on the Green paper  
for the Reform of the Common Fisheries Policy**

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# Comments on the Green paper for the Reform of the Common Fisheries Policy

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Herewith, you will find the comments from the *Coalition for Fair Fisheries Arrangements* (CFFA) on a number of sections from the European Commission Green Paper for the reform of the Common Fisheries Policy.

The *Coalition for Fair Fisheries Arrangements* (CFFA) was founded in Brussels in 1992, following the 'Battle for Fish' Conference. CFFA's main activity is to provide information on ACP-EU fisheries relations to ACP artisanal fishing sector organizations and to ACP and European civil society, in order to help them participate to the decision making processes governing ACP-EU fisheries relations, including Fisheries Partnership Agreements (FPAs), Economic Partnership agreements (EPAs), etc

NGO active in CFFA and partners include:

*ADEPEG-CPA (Association pour le Développement des Communautés de Pêcheurs Artisans de Guinée) in Guinea, COMM (Collectif des Organisations maritimes malgaches) in Madagascar, CCFD (Comité Catholique contre la Faim et pour le Développement) in France, CONIPAS (Conseil national interprofessionnel de la pêche artisanale au Sénégal) in Senegal, Ecocéanos in Chile, Greenpeace, Itsas Geroa in the Basque country (France/Spain), International Collective in Support of Fishworkers (ICSF), FNP (Fédération Nationale des Pêches - Section artisanale) in Mauritania, Pêhecops (Pour une pêche écologique génératrice de progrès social) in Mauritania, Swedish Society for Nature Conservation (SSNC – Suède), UNPAG (Union Nationale des Pêcheurs Artisans de Guinée), etc*

CFFA is founder member of the NGO Coalition Ocean 2012, launched in June 2009.  
**CFFA also contributed to Ocean2012 comments on the Green paper.**

These comments are based on a variety of sources, including:

- The Bangkok statement of civil society preparatory workshop to the FAO Conference on Small Scale Fisheries (October 2008);
- CFFA priorities for the CFP reform, agreed upon (December 2008);
- The Joint position of West African Artisanal Fishing organisations, agreed upon in November 2009
- CFFA members and partners in Europe and ACP countries inputs.

The sections of the Green paper on which CFFA has comments are the following

4. OVERCOMING THE FIVE STRUCTURAL FAILINGS OF THE POLICY
  - 4.1. *Addressing the deep-rooted problem of fleet overcapacity*
  - 4.3. *Focusing the decision-making framework on core long-term principles*
  
5. FURTHER IMPROVING THE MANAGEMENT OF EU FISHERIES
  - 5.4. *Trade and markets – from catch to consumer*
  - 5.8. *The external dimension*

CFFA's comments address wider issues than simply the external dimension and external trade aspects because we strongly believe that the same objective of promoting environmentally, socially and economically sustainable fisheries, applies as much to fishing activities in EU waters as outside EU waters.

## **4. OVERCOMING THE FIVE STRUCTURAL FAILINGS OF THE POLICY**

### **4.1. Addressing the deep-rooted problem of fleet overcapacity**

We don't think that, as is stated in the Green paper, the over-capacity is only a 'size' problem (*'too many boats chasing too few fish'*) - It is also a qualitative problem – it doesn't affect in the same way all the fleets, in all the regions. The 'quantitative - one size fits all' recipes applied in the past have resulted in many smaller boats being scrapped, whilst the overall fishing capacity hardly decreased. This has had dramatic consequences on small scale fishing communities in Europe, and has not helped to achieve the right balance between the resources available and the fishing capacity.

To adopt a 'qualitative approach' of dealing with over-capacity, first of all the measure of capacity needs to be more nuanced. It needs to consider more aspects than just gross tonnage. There is a need to (re)open the discussion about how capacity could be better measured (looking at other aspects like the gear size, gear type, gear retrieval systems, fish processing and storage facilities, etc).

Another pre-requisite would be to bring up to date the status and structure of the fleets in the different fisheries. This would help to carry out a specific diagnosis of the fishing capacity in each fishery and help, based on a series of sustainable development criteria, to provide guidance on the necessary adjustments of the fishing capacity.

To ensure that capacity reduction measures are adequately designed and properly implemented, and to avoid decisions being influenced by short term interests, socio-economic and environmental impact assessments for all measures proposed should be undertaken. Accompanying measures, to be discussed with stakeholders, should be proposed in order to mitigate any negative effect on the social fabric of the fishing communities and to ensure the environmental sustainability.

We agree with the Commission that experience shows that permanent support for scrapping does not effectively reduce capacity, and that, in the context described here above, one-off scrapping schemes are likely to be more efficient. Such a one off scrapping fund should in no case be used to facilitate the transfer of fishing vessels to third countries.

#### *About transferable rights as a way to support capacity reduction*

The issue of transferable fishing rights is closely linked to the debate on relative stability and the need to give special protection to small scale fisheries.

We don't think transferable access rights are the best tool to ensure that fishing capacity is brought into line with resources available and to simultaneously ensure that coastal fishing communities are appropriately protected. Given the high costs of acquiring such transferable rights, there is a danger, of these becoming concentrated in the hands of a small number of large companies, which would be incompatible with the protection of small scale fisheries, as proposed in the Green paper.

In our view, the best way to promote sustainable fisheries, and to reduce capacity in fisheries where it is necessary, would be to give priority, regarding access to resources, access to funding, etc to certain enterprises according to a number of “sustainable development criteria” to be identified with all stakeholders concerned. This basis for allocating access to resources should replace other systems, such as track records.

These sustainable development criteria could include, for example: Selectivity of the fishing method, Extent of environmental impact, Energy consumption, Employment and working conditions, Degree of dependence on the fisheries, Quality of product, History of compliance, etc

These criteria should be commonly agreed at EU level, but could be applied in a decentralised manner, with implementing rules taking into account the specificity of the fisheries concerned.

We agree with the Commission that relative stability, as it has been implemented in the past, has been an incentive to privilege national short term economic interests to the detriment of common good, and we feel that this principle should be fundamentally reviewed.

### **4.3. Focusing the decision-making framework on core long-term principles**

We agree that the extreme centralisation of the decision making process is one of the main reasons for the failure of the current CFP. However, we also feel that the lack of transparency and the non availability of information in the right format for all stakeholders, particularly small scale fishing communities, have played a negative role for the participation of fishing communities.

Amongst the options proposed, we favour, under the Lisbon Treaty, that Parliament and Council decide on long term principles, whilst the implementation should be devolved at the appropriate decentralised level, and should be undertaken by the Commission and concerned member states, in consultation with stakeholders (sector, NGOs, scientists), through appropriate consultative bodies. These bodies must be held responsible for the correct implementation of long term principles.

Transparent mechanisms for ensuring coherence of the various regional set of technical measures implemented with the general principles agreed by Parliament and Council and between the regions should be set up.

The advisory role of stakeholders, particularly small scale fishing communities, in the decision making process, could be enhanced in various ways:

- By providing them with accessible information in the right format – FAO guidelines on this issue published in 2009 could provide guidance
- By providing support to capacity building and networking of fishing communities to enable them to fully participate in the management of coastal and fisheries resources.

Currently, many stakeholders, particularly small scale fishing communities, do not understand the regulations in force because of their complexity or abundance. Simplification is absolutely necessary for a better participation of the stakeholders, in policy areas such as the conservation policy (technical measures, data collection and management, etc). However, we insist that simplification should not lead to a modification of the original objectives assigned to the policy or to a weakening of their implementation.

Participation of stakeholders shouldn't be restricted to RACs – it is important for example, that mechanisms are put in place to facilitate their participation to the Council/Parliament decision making on long term options.

A particular case should be made about the LDRAC, where a mechanism should be put in place to allow the participation of third countries stakeholders (there is a provision allowing that in the LDRAC bye-laws, but a concrete mechanism has yet to be put in place).

## 5. FURTHER IMPROVING THE MANAGEMENT OF EU FISHERIES

### 5.4. Trade and markets – from catch to consumer

#### General comments

In a global context of decreasing fish resources, the way fish trade is conducted can play an important role for supporting the transition towards sustainable fisheries in European waters and beyond.

We feel there are three important aspects to be looked into in the process of reform:

- Promoting sustainable fisheries through EU trade (imports) policy,
- Ensuring a fair price for the producers,
- Promoting a change of the consumer's attitude and adapt labelling accordingly.

#### Promoting sustainable fisheries through EU trade (*imports*) policy

In as much as the EU fish market is the world biggest market for fish products and relies heavily on imports (*up to 90% for some categories*), we feel that EU access to market conditions can play an important role to contribute to sustainable fisheries both in Europe and in third countries, ensuring that such trade does not lead to environmental degradation or undermine the human rights and food security of fishing communities. We therefore welcome the EC current efforts to develop minimum criteria for labeling sustainable fishing. We feel this should be a first step, to help develop minimum criteria for sustainable fishing to be ultimately applied to all products, EU produced or imported, taking into consideration not only environmental issues, but also ethical and social issues (decent working conditions, etc).

However, particularly when third countries are developing countries, it is crucial that, before any conditionality is introduced to access the EU market, an efficient, user friendly, transparent cooperation program is put in place, to ensure such conditionality does not become a non-trade barrier for third countries producers, and ensure compatibility with WTO rules.

Lessons can be drawn from the long standing EU-ACP partnership experience, where access to markets has been accompanied by support programs, with mitigated results. A more recent experience is the introduction of the catch certification scheme (part of the IUU regulation) for third country products, where a whole set of initiatives have been taken to accommodate the specific needs of developing countries (flexibility for products from the third country artisanal sector, information seminars, etc). Another example is the *Generalized System of Preferences* (GSP +) where third countries, in order to access EU market duty free, have to sign up 27 international conventions related to sustainable development in its wider sense (including human rights aspects etc). Again, in this case, no efficient cooperation scheme seems to be in place to ensure the third country has the capacity to implement these conventions.

The introduction of '*sustainable development conditionalities*' should also apply to aquaculture products imports, which are increasingly important supply sources for the EU market and often compete with EU products, such as salmon from Chile and *basa* from Vietnam.

In the case of Chile, although the EU-Chile free trade and cooperation agreement signed in 2003 promotes sustainable development and human rights, the Chilean salmon producing industry does not respect the rights of workers, neither does it respect environmental good practice and basic standards.

This calls for more coherence between EU trade, fisheries and development policies.

### **Ensuring a fair price for the producers**

We feel that, to move towards sustainable fisheries, there needs to be a change of paradigm, moving from high volumes/low value fisheries to low volumes/high value fisheries. Given the state of stocks in Europe and in third countries, there is a need to reduce the volume of catches<sup>1</sup>.

Therefore, in a situation where the volumes of catches are reducing, and where we want producers and fishing communities in Europe and third countries to enjoy decent revenues, working and living conditions, we need to look at how to improve fish quality to get a higher value for the product, and ensure a fair share of this value comes to the producers and fishing communities. It's only if the producers supplying EU markets, either in Europe or in third countries, receive a fair price for their fish that they will be able to catch less and contribute to the establishment of sustainable fisheries.

An important element for fishermen to get better prices for their fish is to get themselves better organised and better informed about the structure and the evolution of prices. An observatory for the fish prices, as proposed by some professionals, combined with an appropriate support for producers to organise, could give them more strength to influence the price they get. Particular attention should be paid to how to organise the dialogue between the producers and big retailers, who are highly organised and tend to impose low prices to the producers.

This type of situation, - where fishermen do not receive a fair price for their fish -, also exists in third countries with which the European Union has partnerships (EPAs, interim EPAs or FPAs). In the support granted to these third countries for promoting sustainable fisheries, similar topics should be discussed for potential EU support: better organisation of the fishermen, particularly small scale fishing sector, price observatory, emphasis on quality production, etc.

But it is also crucial to look at ways to improve the quality of the fish – or better preserve it – as often said ‘once out of the water, fish starts to lose value’. Efforts still need to be made to improve the intrinsic quality of the fish (hygiene, organo-leptic qualities, etc.) and it is therefore necessary to ensure a constructive dialogue and good coordination with the other DGs dealing with development, food and market issues having an impact on fishery and aquaculture products (DG SANCO, TRADE, DEV, ENV, etc.).

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<sup>1</sup> *We do not think aquaculture can fill the gap of diminishing wild resources available for the market, if aquaculture has to comply with sustainable development basic principles – see chapter on aquaculture*



But there is also a need to rethink what is 'quality' and not to limit it to the intrinsic characteristics of the fish but also to look at quality in terms of environmental and social, ethical standards.

### **Promoting a change of the consumer's attitude and adapt labelling accordingly**

There is a need for a fundamental change of the consumer's approach to fish consumption, to be compatible with an environmental and socio-economically sustainable fishing model that privileges low volumes of catches and better prices for the fishermen: European consumers should be encouraged to eat high quality fish products, and pay a fair price for it.

It is therefore necessary that public awareness raising campaigns towards the consumers insist on the importance of eating quality fish products rather than quantity. There is a need to demystify quantitative fish consumption ('two portions a week to get your omega 3 supply...').

To achieve that, the first step should be to ensure a better traceability of fish products, including imports, so that consumers can make an informed choice between quality products (often more expensive), and others. Labelling regulations should be reviewed to allow consumers to make informed choices along those lines.

There needs to be a continuum of information from the producers to the consumers.

Therefore, we feel the labelling regulation should be reviewed to make its provisions more stringent for fish products, to make the consumer able to distinguish between a product that comes from an over-fished stock and a product that comes from a healthy stock; a product sold fresh and a product that has been defrosted; a product coming from fish farming and a product caught wild, a product that has been produced with low carbon emission and one which has not, etc. Consumers should also be able to assess the nutritional value of the fish they buy.

## *Answers to Green paper questions*

- ***How could market mechanisms be used to encourage the development of fisheries that are market efficient as well as sustainably exploited?***

Achieving sustainable and responsible fisheries requires the implementation of sustainable and responsible fish trade. Whilst it's important that fish catches are responsive to market demands, it's vital that markets don't place unsustainable demands on fish resources on the one hand, and on the other don't use their leverage to drive producer prices down to levels below which a decent living can be made.

In this sense, we understand that market efficiency means a win, win, win scenario, where optimum benefits accrue to both producers and consumers, whilst environmental sustainability is assured. It means that European consumers should be encouraged to eat high quality fish products in moderation, and pay a fair price for it, with a fair return to the producers, and with a minimal impact on the environment.

Unfettered globalisation of the market for fish products on the one hand (particularly through the signing of FTAs, EPAs, etc) is likely to work against the achievement of fisheries that are both market efficient and sustainably exploited.

Checks and balances are required to ensure that market demands are compatible with an environmentally and socio-economically sustainable fishing model that privileges low volumes of catches and better prices for the fishermen, encourages consumption of seafood of high quality, in season, etc.

Public awareness raising and information campaigns are required to encourage consumers to insist on being supplied with quality fish products rather than quantity. In this regard there is a need to demystify the quantitative aspects fish consumption, and to answer such questions as how many portions of fish a week are required to obtain a satisfactory intake of omega 3 supply.

In a highly globalised market, cheap imports of fish products, often produced in environmentally unsustainable and socially unjust conditions can play a negative role in markets by depressing prices and disrupting local economies. There is therefore a need to establish a clear set of minimum criteria for environmentally and socially sustainable seafood, to be applied to both imports and EU produced fish.

- ***How can the future CFP best support initiatives for certification and labelling? How can traceability and transparency in the production chain be best supported?***

EU initiatives towards establishing a regulatory framework and EC work on defining standards for eco-labelled seafood are important, and it is essential that such defining and setting of includes both environmental and social aspects. It's also important that standards are applied throughout the lifecycle of the product, "from cradle to grave", to cover pre and post harvest aspects, and to include criteria such as sea or air miles, carbon footprint, and so on.

The first step however should be to improve the traceability of fish products, including for imports, so that consumers can make an informed choice between quality products, and others. Labelling regulations should be reviewed to allow consumers to make informed choices for quality, including for freshness (based on organoleptic criteria), nutritional content, and for low carbon footprint post harvest.

The provisions of the labelling regulation should be made more stringent for fish products, to enable consumers to distinguish between a product that comes from an over-fished stock and a product that comes from a healthy stock; a product sold fresh and a product that has been defrosted; a product coming from fish farming and a product caught wild, a product that has been produced with low carbon emission and one which has not; a product with a high environmental cost (viz a viz processing, packaging, storage etc), etc.

There needs to be a continuum of information from the producers to the consumers. Information gathered at boat level of interest to the consumer should pass through the chain and be communicated to the consumer (name of the species, catching area, gear used, etc).

Closer to the grass roots, it is important to develop with local producers labels that certify traditional products that are healthy, nutritional and with a cultural value, inter alia developing Geographical Indication labelling.

- ***How could the EU promote that fisheries products come from sustainably managed fisheries, providing a level playing field for all?***

There is a specific issue to address concerning fish products coming from developing countries, where ‘providing a level playing field’ will include developing support programmes to help these countries producers match the sustainable development criteria set up by the EU.

The EU has partnerships (EPAs, interim EPAs or FPAs) with many of these developing countries. In the support granted to these third countries for promoting sustainable fisheries, a particular attention should be given on how to help these countries meet environmental and social sustainable fisheries criteria: support for fisheries management, for better organisation of the fishermen, particularly small scale fishing sector, price observatory, emphasis on quality production, etc.

This calls for an improved coordination between DGs dealing with fisheries, development, food and market issues that have an impact on fishery and aquaculture products (DG SANCO, TRADE, DEV, ENV, etc.).

- ***How can the POs better work to match production with market needs? Which new market based policy instruments could be implemented through POs? How can fishermen improve their position towards processing and distribution?***

Support should be provided to PO and other representative organisations (particularly in the small scale sector which is not always fairly represented in POs) so that they can get better organised and informed (setting up of a price observatory, etc).

However, caution is needed as invariably the interests of players in the market and those of producers do not coincide, particularly where the market is dominated by large retailers whose buying power means that they can source globally at the lowest available prices. This has a negative impact both for the producers and the environment; with producers forced to fish harder to catch more in order to remain viable.

- ***What is the role of trade policy in balancing the interests of producers, consumers and our relations with exporting countries?***

Trade policy should first and foremost support the establishment of sustainable fisheries – producers have to receive a fair price so that they can turn to less intensive fishing; consumers have to be informed about the importance of quality consumption and programmes need to be put in place so that exporting developing countries receive adequate support to match environmental and sustainable fishing criteria that would be put in place by the EU.

## 5.8. The external dimension

The future EU-ACP fisheries relations require the development of a framework for fisheries governance, through establishing a dialogue on how sustainable fisheries can be promoted in the third (ACP) countries. In order to improve *Policy Coherence for Development*, an EU legal obligation, this dialogue should be based on the third country's priorities for the sustainable development of its fishing sector.

This framework should define how to mobilise the financial instruments necessary to achieve the jointly decided objectives, including development funds. On the contrary, such framework should not include provisions for paying EU fleets' access costs.

Access costs to third countries' waters within such a framework should be fully paid by EU boat owners and represent a fair share of the value of the catches made. Conditions for access should also be introduced, with access for EU boat owners restricted to those operators who can demonstrate that their operations are profitable whilst matching sustainable fisheries development criteria (use of selective gears, compliance, number and quality of jobs created, etc.) and ensuring there is no competition with the local small scale sector. The latter should be given priority access in line with the FAO Code of Conduct for Responsible Fisheries.

In the marine fisheries context, good governance in EU relations with developing countries implies a more regional approach. This can be achieved either through regional cooperation (for surveillance, research, laboratories for testing food safety, etc.) or through harmonisation (access conditions to resources).

There should be an evaluation of the implementation of the social clause to assess whether the objective of fair treatment for third country workers on board EU vessels is being met, in line with ILO recommendations (and with the 2007 ILO Convention on Work in the Fishing Sector), has been met, and, if not, how it could be.

For EU vessels reflagging to third countries, EU legislation applying to fisheries-related activities by EU nationals, and investments by EU nationals and companies should be revised to include sustainable development criteria.

### *Answers to Green paper's questions*

- *The core objective of the CFP is to promote responsible and sustainable fisheries. Is there any reason why the external dimension of the CFP should be driven by different objectives?*

No, the objective of the external dimension of the CFP should be the same as for the other dimensions of the CFP, i.e. to contribute to the establishment of fair and sustainable fisheries, in particular through the EU participation in RFMOs and through bilateral agreements with developing countries.

- ***How could the EU strengthen its role on the international stage to promote better global governance of the sea and in particular of fisheries?***

The EU's action is weakened on the international scene by the lack of trust between the EU and other international players. This lack of trust is created by the EU's lack of credibility, which is often perceived as 'not doing what it says, and not saying what it does'. The EU could strengthen its role on the international stage by improving its credibility with its international partners, particularly developing countries. This means that the EU needs to effectively address such issues as IUU fishing and the overcapacity of its fleet to be taken seriously by other international players. This could be achieved through proposals described here after, in the context of high seas fishing as well as bilateral relations.

- ***How can the EU cooperate with its partners to make RFMOs more effective?***

The main challenge for RFMOs is to establish a new basis for the equitable allocation of access to diminishing fish resources, taking account of new players. Increasingly, developing states are claiming their right to exploit fish stocks under the management responsibility of RFMOs, while many fish stocks are showing signs of overexploitation. New entrants can be accommodated, and overcapacity cannot be reduced unless current the players, such as the EU, give up part of their access share and down-size their fleet capacity.

At the same time transparency needs to be increased, the decision making process improved and control and enforcement enhanced. This is particularly so for highly migratory species such as tuna, and high seas fishing for small pelagic species, where problems are particularly pressing.

- ***Contrary to the current free access principle in international waters, should fishermen pay for the right to fish in the high seas under the governance provided by RFMOs?***

Putting high seas fisheries on a sustainable footing would require a serious attempt to establish and implement catch limits, technical measures and criteria for access reflecting environmental and social concerns, and to reserve a share of the access/catches for coastal developing states, in order to give them the space to develop while managing the sustainable exploitation.

In that sense, we agree with the assertion of the Long Distance RAC that "it is necessary to find a balance between all the actors involved, and that access to tuna fisheries should be analysed through a system of transparent and non-discriminatory criteria determining the responsible aspirations of stakeholders such as history of compliance, employment created/working conditions, environmental impact, etc"<sup>2</sup>.

Some experiences, particularly in the Pacific (Parties to the Nauru agreement, FFA, WCPFC) show that it is possible for developing countries to develop synergies amongst themselves; that with appropriate technical support they can become active and responsible players in RFMOs. The EU should support such regional dynamics through the various tools at its disposal (EPAs,

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<sup>2</sup>LDRAC advice tuna RFMOs, April 2009

[http://www.ldrac.eu/component/option,com\\_docman/task,cat\\_view/gid,105/Itemid,80/lang,en/](http://www.ldrac.eu/component/option,com_docman/task,cat_view/gid,105/Itemid,80/lang,en/)

FPAs, development cooperation) as a way to improve the efficiency of RFMOs to develop sustainable fisheries.

The necessary reduction in fishing capacity within RFMOs in many ways reflects the discussion in the Green Paper and the CFP reform. In the Green Paper, the Commission questions the utility of the continued use of relative stability, considering that it can contribute to over-exploitation. If the EU is to be consistent, this is the position that it has to advocate in international and regional fora.

- *How can objectives such as investment promotion (creation of joint-ventures, transfer of know-how and technologies, investments and capacity management for the fishing industry ...), creation of jobs (on vessels, in ports, in the processing industry) or promoting good maritime governance be pursued in the framework of future international fisheries agreements?*

Developing countries need investments in their fisheries, mainly to safeguard the future contribution of their fisheries sector to poverty alleviation and regional economic development. Investment is needed to improve the management of natural fish stocks (research, training, capacity building, etc) and to enhance fish trade in domestic, regional and global markets.

IEPAs and EPAs already include provisions on investment that could be used to secure EU investment to improve development countries' fish-landing, hygiene, transport, and processing infrastructures. At the same time there is a need for caution: the promotion of EU investments should not be at the expense of local small and medium scale enterprises, labour standards, quality of life, and the local environment. For this reason, all provisions related to fisheries should be under a specific chapter, to ensure coherence between resources conservation, labour conditions and investment criteria.

A particular issue to highlight is the case of investments linked to the transfer of EU fishing capacity – In the past, such investments have not brought to the receiving developing countries expected social and economic benefits (see EC study 2001 on joint ventures) and they have tended to aggravate the state of over-exploitation of resources, increasing also the competition with the local small scale fisheries sector (in West Africa for example). We feel that, as a rule, support to EU investments in developing countries fisheries should exclude the transfer of fishing capacity.

Another area where there have been important EU investments in developing countries' fisheries is onshore investments for processing facilities, particularly in the tuna sector. A 2009 FFA briefing highlights that the rationale behind this was, on the side of the developing country, to create jobs and 'spin-off' economic benefits such as investments in port and transport infrastructure and new businesses related to the tuna processing investments.

Using this rationale, several ACP countries have secured onshore processing facilities in their countries, often by promising valuable fishing licenses in exchange. However, there have been some concerns expressed that onshore investments have been secured without fully assessing the net benefits of the projects relative to the pressure placed on tuna resources and local

communities and environments. There is concern that governments are granting fishing licenses based on promised facilities that might never materialise and that plans do not include comprehensive analyses of resource sustainability or the net socio-economic returns that the plants will deliver. The briefing also mentions that conflicts between communities and the processing facilities have arisen (disputes over working conditions, land rights and pollution). Such conflicts not only have the potential to negatively impact the long term success of the investments, but also call into question the overall net benefits of onshore investment without ensuring socio-economic 'returns'.

Therefore, even for investments that, a priori, correspond to the needs of developing countries (job creation in particular) there is a need to set up in EU FPAs/EPAs mechanisms to fully assess the net costs and benefits of such projects. This includes: developing a methodology for avoiding overcapacity in the fishing sector, developing accountability measures for investors to ensure that facilities deliver promised benefits, calculating net foreign exchange benefits, assessing how such developments will impact local communities, and developing mechanisms to avoid and mitigate conflicts before they arise and assessing levels of benefits to processing facility workers.

- ***Are the FPAs the best instrument to achieve sustainability beyond EU waters or should they be replaced by other forms of cooperation? Should the regional perspective be explored and either substitute or complement a streamlined bilateral one?***

Current Fisheries Partnership Agreements should be replaced by a framework for fisheries governance, with the objective of establishing a dialogue on how the CFP can contribute to fulfil the third country's priorities for the sustainable development of its fisheries sector, in terms of fisheries management, but also in terms of food security, support for integrated coastal communities development, and adding value processing and regional/international trade operations.

Through this dialogue, the EU should promote transparency and stakeholder participation, recognised as two crucial aspects of responsible and sustainable fisheries by the FAO Code of Conduct for Responsible fisheries.

As mentioned before, mechanisms should be designed so that necessary funding can be mobilised in order to achieve objectives jointly decided through this framework. This should help create a favourable environment for responsible fishers activities, local and European. To that effect, it should be made possible to mobilise various EU sources, including development funds – this supposes good co-ordination between the various EU services dealing with third countries fisheries issues (DG Sanco, Europe aid, DG Dev, DG Trade, etc) and also a co-ordination with EU Member States fisheries development programmes in these countries/regions.

Access costs to third countries waters within these governance frameworks should be fully paid by EU boat owners. Conditions of access should also be stricter: access for boats of EU origin should be restricted to those operators who can demonstrate that their operations fit with EU sustainable fisheries development criteria (use of selective gears, compliance, number and quality of jobs created, etc) and where there is no competition with the local small scale sector,



which should be given priority access in line with the FAO Code of Conduct for Responsible Fisheries.

Positive steps have been taken in the past within FPAs, to make them more in line with sustainable development and these should remain part of the governance agreements. The clause of exclusivity should remain in order to ensure that EU flagged vessels cannot operate outside these frameworks. Concerning the social clause, there should be an evaluation of the implementation of this clause, in order to assess whether the objective of fair treatment for third countries workers on board EU vessels, in line with ILO recommendations, has been achieved, and, if not, how it could be improved.

However, vessels of EU origin are also active in developing countries with which there is no agreement (or no agreement protocol in force). In such cases, the EU should propose to these countries the signing of a governance agreement, or, if this is not possible, the EU should look at ways in which such vessels and operators which originate in the EU can be given similar treatment as under governance agreements. To that end, international references, such as the OECD guidelines for investments by multinationals could be of interest.

Good governance in EU relations with developing countries implies a move towards regionalisation of our relations. This is particularly important for research and Monitoring, Control and Surveillance. This can be achieved either through regional co-operation (for surveillance, research, laboratories for testing food safety, etc) or through harmonisation (access conditions to resources). Such regionalisation should be achieved through a process of harmonisation of conditions (access, investments, etc) at regional level, with a bilateral implementation (the model that was proposed by ESA for the EPA negotiations).

- **How could we make scientific research to assess the sustainability of fish stocks and the control of the fishing activity more transparent and efficient?**

Effectiveness of research and control of fishing activities can be enhanced through co-operation at regional and international level. As mentioned above, such regionalisation should be achieved through a process of harmonisation of conditions (access, investments, etc) at regional level, with a bilateral implementation (the model that was proposed by ESA for the EPA negotiations). Generally, research and control and enforcement should be made more transparent. As mentioned before, transparency is one of the main factors to promote stakeholder involvement and to ensure sustainable policies. In fact, recent research suggests that the conversion of scientific advice into policy through a participatory and transparent process is at the core of achieving fisheries sustainability, regardless of other attributes of the fisheries.<sup>3</sup> Disclosure of data, such as information on all landings by all vessels aggregated VMS data as well as impact assessments and evaluations should be publicly available.

- **How can we assure better cooperation and compliance with new regulations in developing countries?**

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<sup>3</sup>Mora *et al.* (2009) Management Effectiveness of the World's Marine Fisheries. In PLoS Biology. Volume 7/Issue 6.

A priority should be to use the possibility, already existing through FPAs but to this day unused, to put in place administrative cooperation agreements, so that the EU can help the third country respect better respect regulations (in the case of the implementation of the IUU fishing regulation, an administrative cooperation agreement for exchanging data on authorised vessels, arrests, etc, would help both partners stop illegal fish trade.

- **Should EU operators cover all the costs of their fishing activities in third country waters or should the Community budget continue to support part of these costs?**

Access costs to third countries' waters within new frameworks should be fully paid by EU boat owners. In addition, access for EU boat owners should be restricted to those operators who can demonstrate that their operations match with EU sustainable fisheries development criteria (use of selective gears, compliance, number and quality of jobs created, etc.) and where there is no competition with the local small scale sector, which should be given priority access in line with the FAO Code of Conduct for Responsible Fisheries.

- **How could we contribute to increasing the fisheries management capabilities of developing countries, e.g. through targeted assistance?**

Effective fisheries management requires that a framework for good governance is in place that assures transparency and accountability. Targeted assistance in the absence of such a framework (i.e. in the absence of mechanisms for ensuring accountability and transparency) may only result in greater corruption

Such a framework should also be geared towards ensuring coherence with Development Cooperation policies and programmes.

- **Should the integration of European fishing fleets and interests in third countries be actively pursued as an objective of the external dimension of the CFP with a view, in particular, to support the development of the concerned partner countries?**

This should not be an objective in itself, and any such investment should take place within a framework of good governance and mutually agreed priorities.

- **How can we reinforce the synergies between the different forms of support and the different partners in the fisheries sector reinforced and the development strategies of coastal states?**

A formal mechanism for ensuring coherence between the activities of the different DGs dealing with fisheries and development (DG Mare, DG Dev, DG Sanco, DG Trade, etc) should be established, in the framework of the EU initiatives for Policy Coherence for Development (PCD).

This would be greatly facilitated if the objective of the external policy is changed (see question 1) and if the costs of access were paid in full by boat owners, de facto delinking access from financial compensation. This would also enable the EU to better promote sustainable fisheries in its relations with developing countries (in the framework of the Cotonou partnership for example).

- **Should aquaculture be included in future partnership agreements?**

Access to aquaculture opportunities in developing countries should not be included in future partnerships.

We feel the promotion of export oriented, fishmeal dependent aquaculture requiring high external inputs is entirely inappropriate. Lessons need to be learned from the environmental, social and economic crisis currently affecting salmon aquaculture in Chile, or shrimp aquaculture in Asia and Latin America.

This type of aquaculture also takes significant quantities of wild caught fish to provide sufficient food. This produces a net loss of fisheries resources, not a gain as is often claimed. The environmental and social impacts of fishmeal production, a prime ingredient for aquaculture feeds, are also significant, and the use of this ingredient should be discouraged in the interests of environmental sustainability, sustainable development, and respect for human rights.

A Greenpeace study<sup>4</sup> indicates that a range of human rights abuses have been linked to aquaculture in developing countries, affecting both local communities and workers. Local communities are impacted by: losing access to traditional food sources and fishing grounds; forced land seizures without compensation; large scale displacement of communities; threats and intimidation; and violence including assault, abduction, rape, and murder. Workers can face a combination of: poor or non-existent safety conditions in farms and in processing plants; low

wages; long working hours; lack of respect for maternity rights; and persistent sexual harassment of women. Already, EU operators invest in such aquaculture initiatives, for example Dutch companies in Chilean salmon aquaculture. This should be discouraged through the better implementation of the EU-Chile agreement trade and cooperation agreement, particularly the aspects dealing with the promotion of democracy and human rights.

***How could the potential of small-scale fisheries in third countries for sustainability, ecological and social benefits be enhanced?***

Derived from the small scale fisheries organisations declaration at the occasion of the FAO Conference on small scale fisheries in Bangkok (2008) and in support of the West African artisanal fishing organisations statement on the reform of the CFP, we think that the best way for the EU to support the enhancement of that sector's potential should include:

- Respecting the priority access rights of small scale fisheries to resources, as recognised by the FAO Code of Conduct for Responsible fisheries (art 6.18), and therefore ensuring EU fleets do not compete with that sector, for resources, for space, for investments/aid;
- Supporting MCS activities for the coastal zone, looking at all possibilities, including initiatives such as participative surveillance;
- Opening up a dialogue with third country stakeholders about the necessity to ban unselective and destructive fishing from the coastal zone, including trawling, use of mono-filament, etc.;
- Supporting mechanisms that will enable small scale fishing communities and organisations to be properly informed and to participate to the EU-third country dialogue on fisheries governance (appropriate information, capacity building programmes, participation mechanisms, including a dialogue with the EU LDRAC).

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