

Swedish Society for Nature Conservation (SSNC)

Response to the 2009 Green Paper: Reform of the Common Fisheries Policy, COM (2009)

The internal dimension

The Swedish Society for Nature Conservation (SSNC) is member of the Fisheries Secretariat and of the coalition Ocean 2012. Consequently SSNC's recommendations with regard to the internal dimension are well reflected in the recommendations put forward by Fisheries Secretariat and Ocean 2012.

The external dimension

In view of the weaknesses in the current system as pointed out in the Green Paper, the SSNC recommends a reform of the EU external fisheries policy which paves the way for real partnerships, meaningful in the long-term to both parts, and based on coherence between fisheries, development and trade policies, in accordance with the FAO Code of Conduct for Responsible Fisheries and the UN Development Goals. The SSNC recommends that a clear division be made between, on the one hand, cooperation and development and, on the other hand, fisheries access. Contracting states in developing countries should be offered basic, long-term fisheries cooperation that addresses management, control, research and development. The partnership should recognize the potential of sustainable fisheries for poverty reduction and resilience. It should be transparent and participative, prioritizing the management of small-scale, artisanal fisheries, which are typically vital to people's livelihoods and local food supply. Where the existence of a surplus fish stock has been reliably established based on an ecosystem approach to fisheries, taking not least the precautionary principle into account, and where EU vessels can be allowed access without causing negative effects for the domestic fisheries, a specific commercial agreement may be negotiated. Such agreement must be subordinate to a long-term cooperation agreement, transparent and financed by those that make use of the resources. Aquaculture must not become included in the FPA-framework. For an in depth review on SSNC's views on the FPAs, see Annex 1, the report *To Draw the Line* (2009).¹

¹ Swedish Society for Nature Conservation (2009) *To Draw the Line – EU's Fisheries Agreements in West Africa*. <http://www.naturskyddsforeningen.se/upload/Foreningsdokument/Rapporter/engelska/To%20draw%20the%20line.pdf>

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 there are not. The objective for the external dimension should be the same as for other dimensions of the CFP: To promote sustainable and fair fisheries, in a transparent and participative manner.

How could the EU strengthen its role on the international stage to promote better global governance of the sea and particular of fisheries? Primarily, the EU could strengthen its role on the international stage by promoting and implementing fair and sustainable fisheries by its member states inside, as well as outside European waters. In addition, the CFP should take on a global responsibility, promoting fair and sustainable fisheries in international forums such as the UN General Assembly and the FAO, as well as in the Regional Fisheries Management Organizations (RFMOs). The EU must demonstrate that it takes the governance of distant waters and high seas as seriously as that of its own domestic waters. Moreover, and as clearly stated in the EU Coherence Policy, the CFP (like other policies) must never stand in the way for development policy. Finally the EU should promote transparency and stakeholder participation, both recognized as crucial aspects of responsible and sustainable fisheries by the FAO Code of Conduct for Responsible fisheries.

How can the EU cooperate with its partners to make RFMOs more effective? Tuna stocks are diminishing and states (many of them developing states) that have not previously been allocated quotas, but do have tuna stocks in their EEZ, wish to enter into the fishery. Today the EU has an important role to play in the RFMOs in order to halt the over-exploitation of tuna stocks, while at the same time accommodating for new players in a fair and transparent way. As stated earlier, the EU must act in line not only with its fisheries policy but also in coherence with its development policy. In reality, SSNC foresees a reduction of the EU capacity in order to achieve sustainable tuna fisheries, with equal opportunities for all states. In addition, the EU should among its partners and in the RFMOs promote ecosystem-based fisheries and the elimination of discard of target and non-target species, as well as bycatch elimination.

How can objectives such as investment promotion, creation of jobs, or promoting good maritime governance be pursued in the framework of future international fisheries agreements? Developing countries need investments in order to develop a good governance framework, a strong scientific foundation for management, a functioning system of monitoring, control and surveillance and infrastructure which allows for hygienic post-processing under decent condition as well as for trade at local as well as regional and international markets, depending on the context. However, past experiences of EU investments and joint ventures have rarely been beneficial nor to the people nor to the environment in the contracting states. Within the reformed framework of agreements, all investments should be subjected to cost-benefit analyses and take aspects such as ecosystem services, traditional use, and local communities and markets

into account. This includes developing a methodology for avoiding over-capacity in the fishing sector and developing accountability measures for investors to ensure that promised benefits are delivered. As a rule, support to EU investments in developing countries' fisheries should exclude the transfer of fishing capacity. Instead, investments to improve infrastructures for landing and processing catches should be the utmost priority. Local landing of all catches made within the EEZ will not only provide employment and economic activity; it will also allow better control of what is caught. Investments are also needed in technologies that will enable communities to increase the catch value, especially to improve sanitary conditions and traceability in order to access international as well as regional and local markets. Partnerships for sustainable artisanal fisheries, between artisanal fisheries operators in West Africa and Europe, should be promoted, in particular with the objective of adding value to products from third countries.

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?

During 2008 and 2009 the SSNC visited four contracting states in West Africa in order to learn more about how the FPAs are perceived by local fish workers, authorities, governments and other experts and what the financial compensation for the access has been used for. The results of the investigation, which were published in the report *To Draw the Line*, were disheartening. In none of the countries with protocols in force did we see or hear of any initiatives that had contributed to economic development or sustainable fisheries in the coastal region. Nor could the Commission provide us with any valuable information of the real contribution to the development of sustainable fisheries or of the coastal communities.

The EU is increasingly relying on market supply of fish and seafood from outside the EU. Regardless of whether fishing vessels from the EU or domestic fleets in for example Africa are catching the fish we desire, reckless management is likely to sooner or later affect our market supply and the price we have to pay as well as the creation of employment.

In view of the weaknesses in the current system, SSNC recommends a reform of the EU external fisheries policy which paves the way for real partnerships, meaningful in the long-term to both parts and based on sound ecosystem management and coherence between fisheries, development and trade policies, in accordance with the EU Coherence for Development Policy and the UN Development Goals.

Below are SSNC's recommendations for the future fisheries agreements:

- **Most importantly, a clear division is to be made between, on the one hand, cooperation and development and, on the other hand, fisheries access.** Partnership, in the form of fisheries management cooperation and sector

development, should be offered to all cooperating countries, irrespective of whether a catch agreement exists. The partnership should be based on the perspective of poverty reduction and sustainability and should lead to increased resilience in coastal communities of contracting states. It must prioritize management of small-scale, artisanal fisheries – those that are most important for people's livelihoods and for the local food supply. It should also promote good scientific data collection, monitoring, surveillance and control as well as strive to establish a governance framework within which the contracting state will gain increased negotiating power (towards the EU as well as towards other potential buyers of the marine resources).

- Where a surplus fish stock has been reliably identified, and where EU vessels can be allowed access without causing negative effects for the domestic fisheries, the EU may negotiate a separate commercial agreement to allow fishing access for European vessels. Such an agreement must be transparent and above all subordinate to the long-term cooperation agreement. Hence, access agreements should only be signed with countries where long-term fisheries cooperation is in place.
- The priority access rights of small-scale fisheries to resources, as recognized by the FAO Code of Conduct for Responsible Fisheries (art 6.18) must be respected.
- The European distant fleet and not the European taxpayers should bear the cost for the access to fisheries resources.
- The limits for the exploitation of the resources and for the fishing capacity must be based on scientific advice and recommendations, taking the precautionary principle into account. The acquisition of reliable data to base fisheries advice should be one of the pillars included in the sector development cooperation.
- Fishing methods employed by the EU fleet should be non-destructive and selective to avoid unwanted ecosystem effects and in order to eliminate discards and bycatch.
- An ecosystem approach to fisheries management is needed to safeguard coastal as well as pelagic resources and ecosystems. Given the current degree of exploitation (including extensive IUU-fishing), and the limited data available, the risk of unexpected and unwanted ecosystem effects is imminent. The SSNC hence calls for a CFP, including a new generation of agreements, which recognizes not only the value of the potential catch but also the significance of the various ecosystems, biodiversity and complex marine food webs for future fishing operations.

- With the UN Millennium Goals in mind, fisheries are a key area through which millions of people living below the poverty line can be given tools that will raise their incomes, improve their families' intake of nutrients and their education, and work actively for economic development and improved social and democratic conditions. Despite its ambitious goals, and those of the EU Coherence Policy, the current CFP clearly counteracts EU development goals. The reformed CFP needs to clearly recognize and consider throughout its implementation, the relationship between fisheries and aspects of development, including food security, poverty reduction, health, education and trade. Furthermore, within the framework of the fisheries agreement, special attention needs to be given to women in fisheries and gender issues as well as power relations related to fisheries. In practice, increased cooperation between fisheries and development policies is crucial if fisheries partnership agreements are to become mutually beneficial.
- The access agreements should state that all catches by the EU fleet should be landed locally. Infrastructure development, which facilitates local landing, handling and processing of fish should be prioritized.
- In contracting states with an extensive and/or traditional small-scale fisheries sector, its development and management should be prioritized.
- The EU should act to ensure that those who need it most have prioritized access to fish, now and in the future. All fish resources that can be caught in a sustainable way by the artisanal fisheries sector must be reserved for this sector, given its importance for direct and indirect job creation, for food security on a national and regional level, and for export revenue.
- Local community involvement is vital for the success of the new generation of fisheries agreements. Good governance and sound management of marine resources are of benefit to everyone: to the coastal communities, to ecosystems, to fish workers - whether artisanal or industrial and to domestic and international trade. The EU must establish a dialogue with its contracting states on how the CFP could contribute to the fulfillment of domestic priorities for the sector - bearing in mind that the sector not only constitutes the actual fishers going to sea, but encompasses entire communities of men, women and children, along practically all coastlines.
- EU vessels should as much as possible operate with local crew. Evaluation of the vessel's compliance with ILO recommendations must be undertaken.
- Because of the transboundary nature of stocks as well as problems such as IUU, regional cooperation should be promoted. In time, it may be possible to create regional partnerships. Hence, cross-border collaborative activities should be supported.

- The exclusivity clause must remain, in order to ensure that EU flagged vessels cannot operate outside these frameworks.
- Increased transparency in regard to other agreements that the contracting state may have signed is of course vital to manage the fisheries resource, and should be promoted through the sector development cooperation.
- European efforts needed to secure fish stocks and curb IUU fishing, with initiatives such as improved controls in the countries concerned and in the EU: fisheries monitoring, landing controls, port controls, documentation and blacklists.
- Whenever vessels of EU origin are active in developing countries with which no agreement has been signed (or no protocol is in force), the EU nevertheless has a responsibility towards the country in question.

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

Transparency and efficiency could be promoted through increased regionalization, harmonization and collaboration with international bodies like the FAO.

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

Cooperation and compliance can be promoted through increased regional cooperation among authorities but also among civil society organizations. A broad stakeholder involvement, a permanent participatory mechanisms and transparency are also important aspects.

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?

Naturally EU fishing operators must cover their own costs. This would be reasonable (and is also suggested by the ACFA, for example), given a delinking between the cooperation and the access agreement. The EU and its Member States must abolish present subsidies.

How could we contribute to increasing the fisheries management capabilities of developing countries?

Within the governance framework for contracting states developed in cooperation between the EU and the contracting states, the EU should contribute to increase the capacity for scientific stock assessments as well as for monitoring, control and surveillance. In addition, contracting states should be supported in the implementation of the new IUU regulation needs. Furthermore, the CFP should promote awareness among and capacity of individual governments as well as regional institutions, in particularly to sub-regional fisheries committees (SRFCs). Finally, it is crucial that the domestic fisheries sector is recognized and invited to participate in the development of the framework and in the management of the resources.

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? No they should not.

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? For fisheries, a formal mechanism for ensuring coherence among the different policies related to fisheries (DG Marie, DG Dev, DG Sanco, DG Trade, DG Envi and others) may be necessary in order to attain the objectives of the Policy Coherence for Development (PDC)

Should aquaculture be included in future partnership agreements? It is SSNC's firm belief that access to aquaculture opportunities in developing countries must **not** be included in the 2012 reform.

Many developing countries cannot get access to international markets due to trade barriers such as the agreement on the application of sanitary and phyto-sanitary measures and because of subsidies to European-operated fishing vessels. The alternative is to sell access to resources to distant water fleets. The states that choose this path typically place short-term gain before long-term resource and sector management. In fragile states with unstable governments and lack of governance, this pattern is even clearer. Unfortunately, Fisheries Partnership Agreements have in no way been able to practically address this issue. Though the objectives since the reforms in 2002 include sustainable development in contracting states, these so-called partnership agreements are, and remain, based on the commercial relationship between a seller and a buyer, and the development cooperation offered is therefore dependent on the Annex 1, existence of viable fish stocks with which to trade. Our own investigations (presented in the report *To Draw the Line*) as well as the Commission's evaluations show limited signs of development while demonstrating massive criticism by citizens, fishing communities and civil society organizations in contracting states.

SSNC argue that the agreements in their current form open up for the exploitation of distant-water resources for the sole benefit of a very limited number of European business operators – and for financially (and often politically) unstable governments, which do not have their own much-needing population in mind. Therefore, we cannot accept that the Fisheries Policy be extended with yet another sector (which in addition often is environmentally and socially destructive, see below) before evaluations clearly demonstrate that the external dimension of the Fisheries Policy is sustainable and fair and coherent with the EU's development goal, and before access agreements have become subordinate to a larger governance frameworks and long-term cooperation - or *true* partnerships - between the EU and contracting states.

There are many examples of foreign investment in aquaculture in developing countries. The cases where this has been mutually beneficial are strikingly few. For example, the salmon farming in Chile or shrimp farming in Honduras, among many countries, have been associated with immense environmental and social costs borne by coastal ecosystems and the communities, which use them. Large-scale intensive aquaculture, which generally requires lots of water, lots of energy and typically uses hazardous chemicals, is rarely to the benefit of developing countries. In addition, opening up for systematic large-scale aquaculture will doubtless have impacts on the stocks of small pelagics used for the required protein-rich fodder (for example, look at foreign investment and the production of fodder to support salmon farming in Chile). The countries in question for such operations commonly face a lack of food security and many are subject to severe implications of climate change.

Therefore, the European Fisheries Policy must not systematically open up for aquaculture operations in third countries. Why should the EU pave way for investments, which directly threaten both food security and environmental as well as social resilience, not to mention the climate implication of transforming wetlands to large-scale monocultures? European-own fish and shellfish farms would most likely operate in coastal areas, where land is generally not owned, but used by those that do not have access to other land, i.e. commonly the poorest, who in addition are the most unlikely to have a say when it comes to agreements signed between their national government and the EU. Bear in mind that these communities, at the same time, constitute the target groups for EU Development Policy.

Any analysis of the value of ecosystem services or of the burden of ecological footprints would end up recommending subsistence aquaculture farming or traditional use of mangrove ecosystems before industrial aquaculture.²³ In fact, it would be failing the goals of the EU development and Coherence policies to open up yet another field of dubious resource extraction and environmental impact, in particular before the EU has radically changed not only the goals but also the implementation of its fishery policy, and before long-term development cooperation in terms of marine and coastal resource management, spatial planning and the development of good governance frameworks are in place in the contracting states.

How could the potential of small-scale fisheries in third countries for sustainability, ecological and social benefits be enhanced? Firstly, the priority access rights of small-scale fisheries to resources, as recognized by the FAO Code of

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Bergquist DA (2008). Colonised Coasts. Aquaculture and energy flows in the world system: Cases from Sri Lanka and the Philippines. Doctoral thesis, *Geografiska Regionstudier 77*, Department of Social and Economic Geography, Uppsala University, Sweden.

³ Balmford A *et al.* (2002) Economic Reasons for Conserving Wild Nature. *Science* 297, 950-953

Conduct for Responsible Fisheries (art 6.18) must be respected. Secondly, a permanent participatory mechanism must be put in place in order to ensure that people active in the artisanal fisheries sector and civil society are properly informed and participate in the entire process of the partnership design and implementation. The organisational process of the artisanal fisheries sector must be supported, as it is an indispensable element for an active participation. In this context, particular attention and support must be given in order to increase the participation of women from the sector in the decision-making process. Furthermore, monitoring, control and surveillance is important to protect the priority rights of the small-scale fish workers. Finally, it is important to raise awareness with governments in the sub region, as well as with regional institutions (in particular with the SRFC), about the importance of the sector's participation in the partnership.

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Annex 1 Swedish Society for Nature Conservation (2009) To Draw the Line – EU's Fisheries Agreements in West Africa