

Aiming for coherence

EU's fisheries policy is not coherent with the stated objective of sustainable development

This year, fisheries agreements between the European Union (EU) and third countries will come under considerable scrutiny. Three groups of NGOs—the Coalition for Fair Fisheries Agreements (CFFA), Eurostep and the EU-NGO Liaison Committee (CLONG)—have launched a campaign to raise awareness on the issue and to promote a greater consistency between the policy objectives of EU development co-operation and the actual practice of fisheries agreements.

The Dutch Minister for Development Co-operation, J.P. Pronk, has also recommended that the EU Council, under the Dutch Presidency, place the issue of 'coherence' high on its agenda. Pronk has suggested that two aspects be looked at: the general issue of coherence as it applies to development policy, and the future of development co-operation after the expiry of the term of the Lome Convention.

Essentially, coherence relates to ensuring that the aims and objectives of EU development co-operation policy, such as reducing poverty and promoting sustainable development, are not undermined by the policies that the EU pursues in other areas, such as the Common Fisheries Policy, trade policy and the Common Agricultural Policy. Under the terms of the Maastricht Treaty, the EU is legally obliged to ensure such coherence.

On 26 November 1996, the Dutch Ministry of Foreign Affairs publicly questioned the benefits of EU fisheries agreements for developing countries. While contracts between governments of the developing countries and industrialized fishing nations allow the latter to fish in the waters of the former, and help channel foreign currency towards the developing

countries—a positive thing—this could also create problems for the local fishing communities, the Ministry noted. It also doubted whether the profits from these contracts were high enough for the country concerned to compensate local fishing communities, and whether the recipient government would ensure that compensation really took place.

The Ministry said that once the new contracts are closed or renewed, the Dutch government would focus attention on small-scale fisheries. It also pointed out that overexploitation of fish stocks is a global problem. For the moment, the bigger fishing nations are able to push part of the problem to other areas of the world, and to postpone a solution.

Both moves contradict the policies of sustainable development. Sustaining resources implies lower levels of exploitation. Moreover, in a context of a decreasing resource base, the purchase of access rights to resources in distant waters requires that a fair price be paid. Similarly, it is the responsibility of governments to compensate those who are thus affected. Sustainable development, therefore, involves environmental, developmental and equity considerations.

According to the European Fisheries Commission, fisheries agreements are mutually beneficial commercial arrangements. The EU gains access to the surplus fish stocks of a coastal State, and the coastal State receives compensation for the stocks that might otherwise have been available for its own use.

Inaccurate assertion

However, a closer look at fisheries agreements between the EU and the ACP (African, Caribbean, Pacific) States shows that this assertion is far from

accurate. In many cases, it is not at all certain that there is a surplus.

Also, rather than being a 'compensation', the payment actually becomes an economic incentive to the coastal State to allow fishing access to the EU. As such, the EU negotiators use compensation as an economic lever. In effect, it thus becomes a subsidy to its own distant-water fleets.

Advocates of fisheries agreements contend that under the provisions of the United Nations Convention on the Law of the Sea (UNCLOS), third countries have the right to exploit fish stocks in areas where the coastal State does not exploit them to the maximum sustainable limit.

This view is fundamentally flawed. Coastal States have the right to exploit their resources below the maximum sustainable limit if they so desire. This may happen if, for example, they wish to help stocks recover in a depleted fishery.

In some cases, they may wish to develop their own fisheries, and to introduce policies which preserve healthy stocks. Given the complexity and unreliability of fisheries statistics, they may simply want to adopt a precautionary approach to fisheries management. In other cases, they may yearn to protect their small-scale fisheries from the destructive impact of foreign industrial fleets. If the

EU is truly serious about compensating for the damage inflicted on distant-water fisheries, or making up for denying local communities their food and livelihood, then [the large cash payments it makes to governments are hardly appropriate. The governments certainly deserve some money to make up for lost tax revenue, but the lion's share of any compensation should go directly to those coastal communities whose livelihoods and food supplies are being threatened. In many countries of the South, fish is one of the few resources available to the poor. In many cases, marine fisheries constitute major food resources with significant economic potential. If properly managed and exploited, such resources (coupled with access to a few others) can meet both the food and livelihood requirements of local communities as well as help generate significant foreign exchange earnings.

Thus, in Senegal, which is currently re-negotiating its EU fisheries agreement, the artisanal sector provides 80 per cent of the fish for local consumption, while also supplying 60 per cent of the protein intake and employing over 250,000 people. In addition, the sector generates significant foreign exchange, accounting for around half the country's fish exports.

Lack of awareness

However, many Southern governments seem unaware of the potential of their

artisanal fisheries to contribute to local food security and economic development.

Strong international demand for fish and favourable price trends provide important opportunities to earn foreign exchange, but they also pose a potential threat to local food supplies.

In the face of such opportunities and potential contradictions, there is a need to reassess how fishery resources ought to be exploited. Also necessary are management strategies, and development and exploitation plans which maximize the sustainable contribution of fish both to local food security and economic development.

Not surprisingly, there is considerable concern over the negative impact of EU fisheries agreements with countries in the South. At best, the model of fisheries development fostered under EU fisheries agreements contributes only marginally to local development and food needs.

The 'coherence' Article of the Maastricht Treaty (Article 130 V of Title XVII) legally obliges the EU to ensure coherence between its policy objectives for development co-operation and those for other areas. Urgent action is, therefore, required to change the EU's approach to fisheries agreements with ACP countries, which contradict many of the EU's policy objectives for development co-operation (most notably the campaign against poverty and the promotion of sustainable development).

The basis for promoting greater coherence could be provided by a binding Code of Conduct for Responsible EU Fisheries Agreements. Such a code could build on the commitments of the EU Member States under the FAO's Code of Conduct for Responsible Fisheries, as well as other international instruments. Promoting coherence in the context of the deep crisis facing the EU's domestic fishery sector is a difficult and challenging task. How can one balance poverty alleviation and sustainable development in countries of the South with the raw material requirements of EU's processing industries and the employment needs of communities which depend greatly on fisheries?

The effort is bound to be particularly taxing. Yet, it is in the long-term interests of both the EU and its partners in the South.

The NGO fisheries campaign has proposed a number of practical steps to establish the basis for EU fisheries agreements which do not deplete fish stocks or undermine livelihoods and food security in coastal communities. These would include:

- the establishment of a Code of Conduct for Responsible EU Fisheries Agreements, based on the principles outlined in the FAO's Code of Conduct for Responsible Fisheries, and the application of the objectives of EU development co-operation policy towards countries in the South;
- an obligation on the Commission to report annually to the Council and European Parliament on the coherence achieved between the policy and practice of EU fisheries agreements and the fostering of EU development co-operation policy objectives;
- the convening of an annual hearing in the European Parliament on the progress made to achieve greater coherence between the policy and practice of EU fisheries agreements and the fostering of EU development co-operation policy objectives; and
- the establishment of a 'complaints' mechanism through which concrete cases of incoherence can be reported (by ACP governments, fishworker organizations or other concerned parties), and used as inputs both for the annual report by the Commission and the annual bearing of the European Parliament.

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