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FISHERIES AGREEMENTS UNDER THE LOME CONVENTION

Fisheries agreements under the Lome Convention

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(Cover : Seiner in Dakar - Photo : P. Gillet)

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Editorial

A VITAL ISSUE FOR THE FUTURE OF NORTH-SOUTH RELATIONS

Originally, the Lome convention aimed to be the framework for genuine development cooperation between the Old Continent and its former colonies. It was an instrument which, without being a cure for all ills, provided substantial guarantees for countries that had been exhausted by years of economic, political and cultural domination by Europe.

However, from the 80's onwards, the demands made by neo-liberalism and the priority given to the market economy overrode the research effort and support deployed in favour of autonomous and balanced development of countries which nevertheless make up a majority of the so-called "lesser developed countries" (LDC's).

The fishery Accords in particular, despite the financial compensation they bring with them and the additional aid for training and research, do not contribute to any real development of ACP countries' fisheries. There is a simple reason for this : they are commercial, rather than development agreements. They are a god-send for the industrial fleets of the European Community which, thanks to the Accords, are granted the enormous advantage of being able to exploit for their own profit waters which are rich in both fish and shell-fish of high commercial value. Without these Accords, the fishing fleets of the rich countries of Europe would be forcibly laid up and their crews dismissed on account of the over-fishing in Northern waters.

Moreover, the aid for research and training is largely piecemeal and the stipulations of the Accords are by no means obeyed as they should be. For example, very few fishermen from ACP countries have found a berth on board European Community vessels for training purposes, as the Lome Convention gives them the right to expect.

The new Lome Accords signed in 1990 give no reason to believe that the EC is moving towards a more committed policy of development cooperation. The

economic demands of the 1993 Single Market, the channelling of aid towards the new democracies in the East, the search for more lucrative markets with more credit-worthy partners... are all ominous portents for the world's poorest countries.

After being the most colonial of continents in the history of mankind, can it be that present-day Europe, or what will very soon become of it with the probable integration of certain countries from the East, is once again going to miss one of the great opportunities of History ? As the third millenium dawns, Europe is being given a great chance : to make a full assessment of the poor countries' demographic importance in the very near future, and to reply generously to their most basic needs.

From this point of view, the development of small-scale fisheries in Third World countries is a vital issue. Will Europe meet this challenge ? The future of relations between North and South is at stake.

François BELLEC
Editor

THE LOME CONVENTION : HOW IT ORIGINATED AND HOW IT HAS FARED

To understand the "raison d'être" and scope of the European Community's fishery Accords with the countries of Africa, the Caribbean and the Pacific—the so-called ACP states — we felt it was necessary to replace them in the historical context of the Lome Convention's beginnings. Then to examine some features of its record over the years.

It is significant that the fishery accords only began to be given particular attention by the European Community (EC) from Lome III onwards (1983). There is a clear connection with the adoption of the new Law of the Sea in 1982, and with the recognition of the Exclusive Economic Zones (EEZ). Nevertheless, the Accords very existence stems from the strong relationship of economic interdependence between Europe and the ACP countries, which the successive Lome Conventions have attempted to regulate with varying success.

When the European Economic Community (EEC) was constituted, and ratified by the signature of the Treaty of Rome on 25 March 1957, the six member states at the time⁽¹⁾ decided to unite their economies in a *Common Market*. No provision was made, however, regarding development cooperation links with their African colonies, which had

not yet achieved independence. There was only an appendix to the Treaty declaring that the Six wished to participate in the economic and social development of the overseas countries and territories "*with which they enjoyed a special relationship*".

(1) France, Belgium, the Netherlands, Luxemburg, the Federal Republic of Germany, and Italy

The coming of independence

A strong wind of independence blew all over Africa during the sixties. Nonetheless, contrary to what one might expect, the newly-constituted African states (except Guinea) asked to remain associated with the EEC where access to European markets and financial aid were concerned. The negotiations which gave substance to their ideas for development cooperation were both long and difficult, but culminated in an agreement called the 1st Yaounde Convention (July 20 1963), named after the capital of Cameroon.

This Convention, which was signed for a period of five years between the six European states of the EEC and eighteen African states including Madagascar, had two objectives : to facilitate the associate states' trade links, to guarantee ECC financial and technical aid to the African states and to contribute to their capital investments through the European Development Fund (EDF).

The African countries involved had inherited economic structures of a colonial type based essentially on cash crops for export. In the short term at least, they needed export earnings in order to rebuild their countries. Access to the European market was therefore essential if they were to sell their produce. At the same time, they needed the European Economic Community's financial aid in order to build up their infrastructures and state machinery.

While the EDF did in fact begin by helping to develop infrastructures, it should be emphasized that it also contributed to the development of food crops in order to encourage these countries' economic autonomy.

The Yaounde Convention was not greeted with unanimous international

approval. It was strongly criticized by the USA which favored total freedom in matters of world trade, as it also was by other Third World Countries. The latter objected to the preferential treatment meted out by Europe to its associates and considered themselves to be the victims of a discriminatory system. They wanted the EEC to open its markets to their products as well.

Thus the second Yaounde Convention was signed on 29 July 1969. This Convention was also of five years' duration and tended to tone down the preferential treatment enjoyed by the African states and Madagascar. Some hard negotiating took place on the issue of the entry of certain agricultural products to the European Community. So appeared for the first time the demand for an efficient commodity price support system.

When Great Britain, Ireland and Denmark joined the EEC in January 1972, they brought the Commonwealth countries with them in their wake, thus making them eligible for associative status within the Convention. Twenty of them, located in Africa, the Caribbean, and the Pacific, could then engage in negotiations about their future with the European Community. But the Commonwealth countries were hesitant : such an association smacked of neo-colonialism. At the time Third World countries were becoming more and more assertive and used the international fora to express their collective demand for a new dialogue and, consequently, for North-South relations of a different kind.

The first Lome convention

The EEC then made the proposal to negotiate a system for stabilizing export earnings. A year and a half of tight discussion culminated in the first Lome

Convention signed on February 28 1975 in the capital of Togo by the nine countries of the EEC⁽²⁾ and by forty-six ACP states (37 African countries, 6 from the Caribbean and 3 from the Pacific). It is worth noting that the ACP countries as a whole presented a united front to the European Community.

This Lome Convention, which was signed for a period of five years, aimed *"to establish close development cooperation on a basis of complete equality between partners, and in a spirit of international solidarity"*. Its scope covered all fields of commercial, industrial and technical cooperation. Three areas predominated :

- free access to the EEC market for 99,2% of ACP exports, without compulsory reciprocal arrangements (since the ACP countries were not obliged to offer any counterpart in terms of free access of EEC imports to their markets).
- implementation of a system for stabilizing export earnings -called STABEX- from twelve basic commodities, as well as a special arrangement for sugar.
- the setting up of a committee for industrial cooperation.

Limitations of the system

The original spirit of the Lome Convention could be described as a willingness on the part of both parties to treat each other as equal partners, with an explicit commitment on the part of the European Community to strive for the development of the associate countries from the South. During the five years which followed the signature of the first Lome Accords, one

can say that the system worked satisfactorily. Unfortunately, it started to go awry shortly after the Lome II Accords were signed in 1979.

In November 1982, three years after the Lome II Accords, a very critical assessment was made by the developing countries. They claimed to be the victims of renewed protectionist policies directed at them, of deteriorating terms of trade, and of insufficient credit allocated by the EEC for upholding commodity prices.

Nor did STABEX (the stabilization fund for export earnings) work as the Lome I Convention intended it to do. During the EEC/ACP parliamentary meeting in November 1982, the ACP countries expressed concern about *"the lack of sufficient funds, disbursement delays, and the too narrow range of products covered by STABEX"*.

Nevertheless, no associated ACP country expressed a desire to leave the Convention. What is more, Angola and Mozambique asked to be allowed to participate in the Lome III negotiations. In fact, the fundamental problem remained the part played by Europe in North-South relations. In other words, what could be its supportive role in development policies designed and implemented by the South countries themselves ? But the questions remained unanswered.

During the Lome III negotiations in 1983, two EEC proposals became stumbling blocks : the issue of development policies implemented in ACP countries, and that of human rights.

These two proposals were perceived by ACP countries as interference in their internal affairs. *"You want to copy the IMF (International Monetary Fund)"*,

(2) The Six, plus the United Kingdom, Ireland and Denmark.

the ACP countries retorted, "*and impose your conditions. Beside*", they added, "*your aid is not a gift but a debt since Europe profits from the aid when the ACP states import equipment and know-how from Europe*". Nevertheless, an agreement was reached to enable the cooperation to be more efficient and to speed up agricultural development in ACP countries so as to enable them to attain food self-sufficiency.

As far as the human rights issue was concerned, agreement was finally reached to widen the concept of human rights to include the right of people to feed and house themselves, to work, etc... The ACP countries took the opportunity to ask the EEC to see that the situation of their nationals resident in Europe be improved. This was an important issue in the light of the often appalling living and working conditions of immigrants in the European community. This was indeed a case in point for ensuring that human rights be respected.

Moreover, the Convention's limitations appeared through the EEC's concern to protect its own producers of certain "sensitive" products (such as sugar, beef, grain, rice, fruit and vegetables, oils and fats). The ACP countries need the widest possible access to European markets in order to obtain the foreign currency and capital required for their development and for the reimbursement of their debt. As for the European Community, its prime concern is to avoid implosion by safe-guarding the livelihood of its producers within the framework of the Common Agricultural Policy (CAP).

It is quite clear that similar issues were foremost during negotiations of the fishery accords with ACP countries as part of the Common Fisheries Poli-

cy (sometimes known as Blue Europe)⁽³⁾. Here again, the shortcomings and contradictions of the EEC's development cooperation policy are brought to light : protectionism when it comes to admitting fish caught in tropical waters in competition with fish from European Community waters, and redeployment of European fleets to the waters of ACP countries with a view to avoiding or delaying their restructuring and resulting lay-offs. We will return to this point later.

Lome IV and structural adjustments

As negotiations for Lome IV got under way, the majority of ACP countries could hardly claim that results to date had lived up to expectations. During the course of the previous ten years, the prices of these countries' commodities had fallen by almost 50%. From 1986 to 1988, for example, Africa had lost nearly a quarter of its exports.

A climate of international crisis has certainly made this situation worse, but the spirit of cooperation which had presided over the birth and implementation of the first Lome Accords has allowed itself to be contaminated by the attitudes and logic of neo-liberalism. Both STABEX and SYSMIN (aid to the mining sector) have been renewed within the Lome IV Accords without much thought on the part of the European Community about their negative side-effects.

STABEX, for example, has strengthened the single-crop farming systems inherited from colonial times to the detriment of food crop development. The funds ear-marked by STA-

(3) Community fishery policy, comparable to the Common Agricultural Policy (CAP).

BEX as compensation to producers for the drop in world market prices of their products generally fail to reach them. They mainly profit the intermediaries and multi-nationals. Moreover, STABEX has always lacked the funds required to enable it to carry out its role properly. So, for instance, in 1981, only 53% of applications were successful ; in 1982, rather less than 40% of applications were funded. The share of ACP imports on the European market has continuously decreased. It fell from 8% in 1975 to 3,8% in 1987, while the number of ACP countries rose from 46 in 1975 to 66 under Lome III⁽⁴⁾. Agricultural goods from ACP countries are taxed on the European market whenever they compete with products from EC member states, which leads to considerable reductions in tariff-free quotas and consequent erosion of the preferential treatment granted to ACP states. There is every reason to believe that the European single market will reinforce this tendency from 1993 onwards.

However, the major innovation of Lome IV is the introduction of support loans for structural adjustment programmes recommended by the IMF as a solution to the problem of Third World countries' debt repayments. This is a dangerous new avenue for the European Community as it is likely to favour those countries which, having signed an agreement with the IMF and the World Bank, could be considered to be "worthy" potential recipients of EEC aid. This is despite the fact that the International Monetary Fund's drastic programs have proved to be inefficient, a failure, and often the cause of serious human suffering.

Can one therefore speak of Europe's aid for the development of the ACP countries ? Are we not witnessing a turn of events which could have dire consequences for countries which are already in deep trouble ? Is not the European Community once again showing itself to be a united front of developed countries intent on imposing its development model on the poorest countries ?

It is not too difficult to understand why, by all accounts, the majority of European Members of Parliament hesitated before signing the 4th Lome Convention in the early summer of 1990⁽⁵⁾.

Do the fishery Accords have a future ?

The fishery accords signed by the European Community and certain ACP countries need to be viewed in the light of what has just been said about the background and history of the Lome Convention. We will not delve more deeply here into these accords, but refer the reader to Sevaly Sen's indepth study (see page 15).

However, it may be worthwhile within this historical overview to pick out some essential points which can help to define the spirit and scope of the Accords.

It should first of all be remembered that it was not until the signing of Lome III in 1983 that the fishery sector's activities were included within the framework of the Convention⁽⁶⁾. This

(4) Under Lome IV, three new countries will be associated with the EC : Namibia, Haïti and the Dominican Republic.

(5) But only the European Greens voted against the Accords.

(6) Fishery accords were nevertheless signed with Senegal as far back as 1979.

somewhat late development -seven full years after its inauguration — is clearly not unconnected with the adoption of the new Law of the Sea in 1982 and with the pressing need to find new fishing zones for the North's industrial fleets, given the depletion of its home resources.

This new trend could be justified by the fact that the great majority of ACP countries did not have the means to exploit their own resources, while the countries of the European Community possessed highly efficient, but under-used trawlers. This situation was magnified a little later by the entry of Spain and Portugal into the European Community, especially as these countries possess substantial fishing fleets.

From the point of view of the ACP governments, the Accords are of considerable interest since they provide them with the opportunity of acquiring hard currency quite cheaply for the purpose of repaying part of their foreign debt. But it should nevertheless be emphasized that, in return, they have not always been unduly concerned with developing their own fishery.

Within the framework of these accords, the European Community's fleets' interests lie essentially in three groups of species : tuna, shrimp, and certain high-value demersal fish. The reason is that there is strong demand for these species on European markets, and that they fetch a high price.

It is true that the European Community is obliged to pay financial compensation calculated according to the weight of catches, and to allocate another sum for fisheries research programs, training and studies, and participation in international conferences. The Accords also provide for employment of ACP nationals on board EC fishing vessels for training purposes.

The problem is that there is presently no information available on the extent to which the European Community fleet respect the Accords' provisions. This is due to the inadequate monitoring facilities in ACP countries. What is certain is that small-scale fishing is hampered by the encroachments of industrial trawlers on their fishing grounds, destroying their gear and sometimes causing fatalities among their crews. It should however be noted that such pillage can be attributed just as much to local industrial vessels as to EC vessels.

The Lome Accords provide aid for research aimed at facilitating fish stock assessment and management by ACP countries. But this research is usually steered towards meeting commercial objectives instead of achieving more rational stock management as a means of ensuring its sustainability. Besides which, research on stocks of interest to small-scale fisheries does not concern the EC for the simple reason that they are not considered to have any commercial value.

It should also be mentioned that the fishery Accords are signed by very diverse interest groups : the European Community, ACP governments, EC fleet owners, the local industrial fishery, as well as small-scale fisheries when they are represented which is not always the case. Each group attempts to get the best possible deal, often at the expense of the others. This goes a long way towards explaining why the fishery Accords are not negotiated with a view to medium and longterm fisheries development. The guiding principle where the EC fleets are concerned is predominantly the realization of quick profits without regard for the promotion of local fishermen or the future of local populations. This will most likely be the case also with the new fishery Accords which the European

Community intends to sign with non-ACP countries such as India, Argentina, and Chile...

Of course, the fishery Accords between the European Community and ACP countries are not all negative. Even so, apart from the fact that the Accords must be considered first and foremost as commercial ventures, it is also a fact that their number is declining. In June 1990, only seven Accords had been signed between the EEC and the ACP countries. These were

Gui-nea-Conakry, Mozambique, Cape Verde, the Seychelles, Angola, Senegal and Côte d'Ivoire. What is more, only the agreement signed with the last-named is a new one, the six others being renewals.

Is it possible that the ACP countries are fed up with the observation that the Accords persistently lead to over-fishing of their stocks without providing them with the proper means to develop their own fisheries ?

François BELLEC

Translated from French by James Smith.

Traditional fishermen in Kayar (Senegal) (*Photo P. Gillet*)

EUROPEAN COMMUNITY FISHERIES AGREEMENTS WITH AFRICAN CARIBBEAN AND PACIFIC STATES

By Sevaly SEN
Fisheries Scientist

THEIR LIKELY IMPACT ON ARTISANAL FISHERIES

This paper endeavors to provide a brief background to the current European Community (EC) fisheries agreements with ACP (African — Caribbean — Pacific) states, their provisions relevant to the development of artisanal⁽¹⁾ fisheries, the likely effects of the agreements on the fishery and the interest groups who influence fisheries development policy at the national and the international level. The paper concentrates on ACP countries in Africa, because all EC-ACP fisheries agreements, with the exclusion of one country (Dominica), have been concluded with African states.

Recommendations are made as to how Lome IV can help develop future EC-ACP fisheries agreements which take into consideration, and bring about, beneficial impacts to the artisanal fisheries sector in ACP states.

(1) There is no standard definition of artisanal (small-scale) fisheries. An industrial fishery in one country may be considered an artisanal fishery in another. For the purposes of this paper, the definition for artisanal fisheries is as follows :

Artisanal implies a non-industrial mode of life in which the producers are directly and knowledgeably related to production. By virtue of their limited fishing range and a host of socio-economic characteristics, artisanal fisheries are confined to a narrow strip of land and sea round their community, are faced with a limited set of options, if any, both in terms of fishing grounds and non-fishing investment opportunities and are intrinsically dependent on local resources.

This has been based on definitions used by D.K. Emmerson ('Rethinking Artisanal Fisheries Development : Western concepts, Asian Experiences', *World Bank Staff Working Paper N° 423*, October 1980.) and T. Panayotou ('Management Concepts for Small-scale Fisheries : Economic and Social Aspects' *FAO Fisheries Technical Paper N° 228*, Rome 1982.

The Agreements

The Principles Underlying Fisheries Agreements

The principles that underlie EC fisheries agreements are contained in the provisions on Exclusive Economic Zones (EEZs) in the United Nations Law of the Sea Convention (UNLOSC). Under this Convention, a coastal state has sovereign rights over the exploitation, conservation and management of the non-living and living resources up to 200 miles from the baselines from which the territorial sea is measured⁽²⁾.

The emergence of EEZ's has meant that a major redistribution of resource wealth has taken place. Many poorer countries have gained sovereignty over resources they do not have the immediate capacity to harvest whilst many richer developed countries with distant water fleets are willing to pay to gain access to this resource. Many coastal states in the ACP region have benefitted from this change in jurisdiction, whilst EC distant water fleets have had their free access to fishing grounds severely curtailed.

Under the UNLOSC, coastal states are required to promote the objective of optimum utilization of the living resources in their EEZ's⁽³⁾ by determining the allowable catch, their own capacity to harvest, and the surplus, when they do not have the capacity to harvest the entire allowable catch⁽⁴⁾. Granting access of the surplus is not automatic but is the result of negotiation and conclusion of other agreements or arrangements⁽⁵⁾.

ACP Choices on Granting Access

There are three broad choices, (none of which are mutually exclusive) open to an ACP coastal State with surplus fish resources :

- (1) prohibit or discourage any foreign participation
- (2) grant access to wholly-foreign operations (licensing)
- (3) permit foreign access only in association with national partners (joint ventures) or national operations.

The decision which a coastal state finally makes is subject to many factors, one of the most important of which is government policy regarding the development of its own fishery.

ACP states that grant access to foreign vessels tend to utilize a combination of (2) and (3). EC agreements with ACP states fall under category (2).

Fisheries in ACP States

Fisheries in ACP states are characterized by their general diversity and significant differences from one country to the next. Appendix 1 provides general statistical data, where available, on the fisheries of African ACP states with which the EC has or is negotiating agreements. The data includes estimates for the potential marine catch which contribute to the determination of surplus catch available to foreign vessels.

Broadly speaking, fisheries in ACP States are characterized by a low level

(2) Articles 55 — 57, United Nations Convention on the Law of the Sea, United Nations Publication, New-York, 1983.

(3) Article 62, para 1, *ibid*.

(4) Article 61, para 1, and Article 61, para 2, *ibid*.

(5) Article 62, *ibid*.

of industrialization with the majority of the fish supply coming from the artisanal sector. In general, the artisanal fishery consists of very many small units, often employs large numbers of people (in catching, processing, marketing sectors and related trades) and is often the major supplier of fish, and sometimes the only supplier of cheap animal protein, to rural and urban populations. In some countries, where there is great population pressure on land combined with growing landlessness and/or little opportunity in land based sectors, artisanal fisheries tend to provide an open access resource of the last resort and acts as a safety valve for surplus labour.

In Africa, fish consumption per capita varies from country to country, being highest in Sierra Leone and Sao Tome and Principe and lowest in Somalia. Full time employment in the artisanal and industrial sector similarly varies, as does the importance of the sector in the national economy.

Some ACP countries look at fisheries as their main opportunity to develop and diversify their economies, particularly where few alternative opportunities exist. Countries in this category include Mauritania and Angola. Other countries enjoy a wider choice of options and may not regard fisheries as the most important in this respect, particularly when their estimated marine production potential is low. Countries in this category include Kenya and the Ivory Coast.

Globally, the countries of the CEECAF (Fishery Committee of the Eastern Central Atlantic) region⁽⁶⁾ are con-

sidered to be potentially the greatest beneficiaries of the extension of jurisdiction and declaration of EEZ's. Total catch of the non-African fleets (including non-EC vessels) in the CEECAF region in 1986 was just under 1,4 million tonnes, roughly 46 % of all catches and reflecting a decline in recent years. (68% in 1977, 55% in 1979 and 57% in 1982)⁽⁷⁾. This represents a real decline in their catches as total catch in this region has been rising slowly, thus also indicating that national fleets are increasing their share of total catch. However, almost all stocks of fish caught in this region are considered over-exploited or approaching over-exploitation.

The policy of granting licenses to foreign fleets (both distant water and of neighbouring countries) is seen as a provisional situation by CEECAF countries, and a first step in the process of national development. The medium term objective of these countries is to develop a national fleet capable of optimal exploitation of the fishery resources in their EEZ. Foreign fishing fleet activity concentrates mainly in the Northern Zone, adjacent to low-populated areas (Mauritania, Western Sahara) or economically weak countries (Guinea Bissau).

EEC Competence on Fisheries Agreements with ACP States

In November 1976, competence for the negotiation of bilateral and multilateral fisheries agreements was transferred by the individual member states to the European Community.

(6) Includes 20 independent developing coastal countries (Morocco through to Zaire) with nearly 10.000 km of coastline between Cape Spartel and the Congo River. The richest grounds are located mainly in the sub-Sahara portion of the Northern Zone in particular along the coasts of Western Sahara, Mauritania, Senegal, Guinea-Bissau and Guinea-Conakry.

(7) CEECAF 'Elements for an Analysis of the Economic Impact of Foreign Fleets on the Economies of Coastal Countries in the CEECAF Area' *CEECAF/FD/88/Inf.9* November 1988 12 pp.

EC Member States may no longer negotiate fisheries agreements with third states independently nor participate in their own capacity in international fishery organizations⁽⁸⁾.

EC Fisheries Agreements with ACP States

All agreements between the Community and ACP states are financial compensation agreements. This means access to Community vessels is granted, provided financial compensation is paid to the coastal state. These agreements are characterized by additional compensation in terms of technical or economic cooperation to further the development of the country's fishing capacity and/or improve knowledge about fishery resources in their EEZ's. The duration of agreements varies from one to five years.

The first EC agreement with an ACP state was signed in 1979, with Senegal. Further agreements were concluded with Guinea Bissau (1980), Guinea (1983), Equatorial Guinea (1983), Sao Tome and Principe (1984), Madagascar (1986), Seychelles (1987), Gambia (1987), Angola (1987), Mozambique (1987), Mauritania (1987), Dominica (1987), Mauritius (1988) and Comoros (1988). Many of the more recent agreements were concluded once Spain and Portugal has acceded to the Community in 1986. This is because these

countries, particularly Spain, had already concluded a number of bilateral fisheries agreements with ACP States (eg. Mauritania, Angola) prior to joining the EC, of which competence had now been transferred. The dates of entry into force of these agreements are given in Appendix 2.

The EC Council has also instructed the Commission to begin negotiations with Kenya, Somalia, Tanzania, Saint Lucia, Antigua and Barbuda. Directives have been issued to initiate negotiations with Sri Lanka, Maldives, Djibouti, Ghana, Liberia, Nigeria, Sierra Leone and Ivory Coast.

Types of the Agreements

Although EC fisheries agreements with ACP states follow a similar format, the provisions do depend upon the importance accorded to the fishery sector in an ACP state. Based on the different emphasis given to the development of fisheries sector, the agreements can be categorised as follows :

□ Type 1 Agreements

The majority of agreements fall under this category. These agreements are with states that are interested in developing their own fishing industries and may already have a skilled and established fishing fleet (industrial, semi-industrial and/or artisanal). Agreements with Senegal, Mozambique and Guinea

(8) Although the EC has competence to negotiate on behalf of its member governments for access rights, a private fishing company in an EC state is also able to negotiate its own access agreements with a coastal state. These agreements are not subject to the same obligations and remain outside the conditions imposed on EC vessels under EC-ACP fisheries agreements, unless otherwise stated. Private agreements may be concluded in order to avoid the more lengthy bureaucratic procedures of the EC or to prevent the EC from having to recognize a situation which is contrary to its fisheries development policy. A private agreement may be favoured by some ACP states because unlike payments received from EC agreements, they may not have to be funnelled through official government channels. One drawback for the foreign company may be that their compensation offered can never be on the same scale as those made by the EC, which could lead to discrimination. The number of private agreements between ACP and EC fishing companies is not known and therefore their importance is difficult to gauge.

Conakry are included in this category. Because fisheries is considered an important sector in the national economy, these countries try to conclude agreements which maximize the contributions that directly benefit the long term viability of their own fishing industry.

□ **Type 2 Agreements**

These agreements are generally with states that do not accord a high development priority to the fisheries sector either because they regard other sectors of the economy more deserving of investment, or they lack the capital and skills necessary, or because they have an estimated low marine resource potential but lie in the path of migrating tuna. Many of these countries may have an active artisanal fishery. Agreements with Sao Tome and Principe and the Comoros are included in this category. These countries try to negotiate agreements which maximize financial benefits.

□ **Fisheries Agreements, ACP States and the Lome Conventions**

The importance of fisheries in terms of development, food security and EC fleet access, is reflected in the provisions on fisheries in successive Lome Conventions. The recognition of the importance of fisheries is partly attributable to the conclusion of the UNLOSC in 1982 and the widespread declaration of national EEZ's which occurred in the late 1970's and early 1980's.

The First Lome Convention signed in 1975 contained a short Annex on fisheries in which the Community stated its' willingness to encourage the deve-

lopment of fisheries and related industries in ACP states within the framework of financial and technical cooperation activities. ACP states declared their willingness to negotiate with any Member State bilateral agreements "likely to guarantee satisfactory conditions in the fishery activities in the sea waters within their jurisdiction".

The Second Lome Convention, signed in 1979, also contained an Annex relating to fisheries which was more detailed than that of the first Convention. In Annex XVIII, the sovereign right of ACP states to determine policies for the conservation and use of fishery resources and their willingness to negotiate mutually satisfactory fishing agreements on a non-discriminatory basis with the EC was recognized. The EC recognized that payments made under a fishery agreement were additional to payments out of the European Development Fund (EDF)⁽⁹⁾. In the same year, the first fisheries agreement was signed with Senegal.

In the Third Lome Convention, signed in 1983, fisheries was given special attention by including it as a new area of cooperation in the Convention itself⁽¹⁰⁾. Title II (Article 50) of the Convention states that the Community and the ACP states :

"recognize the urgent need to promote the development of fishery resources of ACP States both as a contribution towards the development of fisheries as a whole and... as a sphere of interest for their respective economic sectors"⁽¹¹⁾.

The objectives of the cooperation between the EC and the ACP States

(9) Corre, J.M., "Fishery negotiations in the new Convention- The opening round", The Courier N° 85, May-June 1984.

(10) Title II, Article 51, Lome III Convention.

(11) Article 50, Ibid.

are laid out in Article 51 of the Convention and are as follows :

- encourage the rational exploitation of the fishery resources of the ACP States and the resources of the high seas in which the ACP states and the Community share interests ;
- increase the contribution of fisheries to rural development by giving importance to the role they play in strengthening food security, improving nutrition and rural living standards ;
- increase the contribution of fisheries to industrial development by increasing catches, output and exports.

The Convention also contains provisions on fisheries agreements, whereby the parties declare their willingness to negotiate fishery agreements aimed at entering mutually satisfactory conditions with no discrimination against the Community. Both parties also supported moves for a more regionalized approach for access agreements.

Although EC fisheries agreements are essentially commercial agreements between the ACP state and the EC, the provisions of the current Lome Convention have to be taken into account during negotiations to ensure that there is no conflict between the EC fisheries development policy and the agreements. This is likely to lead to compromise in certain situations. A staff member from the Directorate-General for Development (DGVIII) attends all fisheries agreement negotiations between Fisheries Division (DGXIV) and ACP States in order to safeguard the interests and concern of that division.

□ **Terms of the Agreements**

This paper does not intend to examine the provisions in detail, but to

highlight provisions that are likely to have a direct or indirect effect on the artisanal fishery of the ACP state. These likely effects are then discussed in detail in Section 3.

□ **Recent Trends**

Over the last ten years, since the first agreement was signed with Senegal, the terms and conditions of all EC fisheries agreements have become more specific and exacting. This has been due to the following reasons :

1. increased global awareness of the importance of fisheries management and conservation. Increased interest in fisheries management has received further impetus through the change in the legal regime of the seas which has in principle improved the chances of effective resource management⁽¹²⁾.
2. the realization by ACP states of the strength of their negotiating position because of the value of their fisheries to traditional distant water fishing nations, worst hit by the declaration of EEZ's;
3. a growing awareness in many developing coastal states of the importance of their fisheries sector in terms of national development and the need to control activities of foreign vessels in order ensure greater benefits to the coastal state.

□ **The Provisions**

The fisheries agreements signed between the EC and ACP states follow a particular pattern. The agreement specifies the principles and rules which regulate the fishing activities of Community vessels, with detailed conditions, including license fees, attached

(12) Lawson, R. and Robinson, M., Artisanal fisheries in West Africa: "Problems of management implementation", *Marine Policy*, October 1983.

as an Annex to the agreement. A Protocol, often of a shorter duration, establishes fishing opportunities (i.e. the number and type of vessels) as well as the financial compensation payments and any other contributions the EC has undertaken to pay. Compensation and contributions are paid regardless of whether any licenses are taken up by EC member States under the terms of the Agreement.

□ **Obligations of the Community Vessels**

The numbers of vessels by type is either based on a total Gross Registered Tonnage (GRT) up to a maximum number of vessels or simply fixed at a certain number of vessels by type. Licenses fees, a proportion of which is payable in advance, are set according to the quantity of fish caught or the GRT of the vessel.

— **Licenses**

All agreements contain provisions for the licensing of tuna vessels although not all countries license all three types (purse seiners, pole and line and longliners). This depends upon the tuna species which are available in their coastal waters. According to the EC, tuna licenses are 100% subscribed, but information on numbers of vessels is not available. Because tuna are highly migratory species observing no national boundaries, Community tuna vessels wish to obtain tuna licenses in waters of all ACP states which have concluded agreements. By gaining access to these waters the vessels are then able to follow the tuna. The EC wishes to gain access to all waters around the African continent to allow continuity of activity for their tuna vessels.

Most states also issue licenses for demersal finfish trawlers and/or shrimp trawlers (including deep water shrimps),

or the agreements have provisions which enable them to do so after negotiation. Only the agreement with Mauritania, which has a large pelagic stock, contains specific provision for pelagic purse seiners. Information on the number of licenses issued was not available.

According to the EC, shrimp trawler licenses are completely subscribed. Finfish trawler licenses are not completely subscribed, and depend on the resources of the ACP state. However, since Spain joined the EC, the number of finfish licenses taken up have increased.

Thus, based on the terms of the agreements, EC fleets have three main catching interests : tuna, shrimp and high-value demersal fish. These are species which are in demand in EC member States, as well as commanding high prices on world markets.

— **Fishing Zones**

The agreements specify fishing zones where Community vessels are permitted to fish. These zones are usually intended for protection of the inshore artisanal fishery, but also, occasionally, for security reasons. Different fishing zones are prescribed for different vessel types. Currently, under the agreements, fishing is permitted in zones ranging from 2 nautical miles (Madagascar) to 25 nautical miles for tuna longliners (Senegal) from baselines from which the territorial sea is measured. More defined areas where fishing is allowed, is specified in some agreements, eg. agreements with the Seychelles and Mauritania. Often, different zones are specified for different vessel types. For example, the 1987 agreement with Guinea Conakry states that fishing is permitted beyond 3 nautical miles for shrimp vessels not exceeding 135 GRT, 6 nautical miles for shrimp vessels between 135-300 GRT, 12 nautical miles for shrimp vessels over 300 GRT, 15 nautical miles for cepha-

lopod vessels and 15 nautical miles for finfish trawlers.

In the agreement with the Seychelles (1988)⁽¹³⁾, by request of the Seychelle negotiators, specific mention is made, for the first time, of protecting the interests of the artisanal fishery :

“To avoid any adverse effects on small-scale fisheries in Seychelles’ waters, fishing by Community tuna vessels shall not be authorized in the zones defined in Annex III, nor within three miles around any fish aggregating devices placed by the Seychelles authorities.”

— Employment of Nationals

Agreements also include provisions on employment of nationals on board EC vessels to provide vocational training. The terms of these provisions vary, for some countries it is mandatory to take on board national fishermen (eg. Seychelles) but for others it is not compulsory (eg. Mozambique). In most agreements, where no nationals are available, the vessel owner is obliged to pay a proportion of the wage that a national would have received to the authorities, to enable the training of a national fishermen (eg. Angola, Mauritania). In all agreements, government officials must be allowed on board to undertake inspection and monitoring, but again the conditions differ. For some countries the official should only be allowed on board for the time taken to carry out his/her duties (eg. Sao Tome and Principe, Seychelles) whilst for other countries an observer has to be taken on board for an unspecified amount of time (eg. shrimp trawlers in Mozambique, Guinea Conakry).

— Statement of Catch

All agreements contain provisions requiring EC vessels to make catch statements submitted to the national authorities after a fixed period of time, usually every 3 months.

— Landing of Catch and By-catch

Provisions on the landing of catch vary in each agreement. In most cases, EC vessels are not obliged to land any of their catch in the ACP state. States that are actively interested in developing their domestic processing industry (i.e. Senegal) and states that wish to increase their domestic fish supply (i.e. Equatorial Guinea and Guinea Bissau) make it a condition for Community vessels (other than tuna vessels) that a certain proportion of the catch is landed in the state. Agreements with Angola, Guinea Bissau and Mozambique also contain provisions on the landing of by-catch, which becomes the property of the state and must be landed in that country.

Penalties for infringements of the provisions set out in the agreements range from the imposition of a fine to the revocation of the license.

— EC Obligations

The EC pays financial compensation to the Central Bank of the ACP State in return for access rights to their surplus fisheries resources. The compensation is usually calculated on a certain weight of catch. This is purely a commercial transaction, the use of which is wholly at the discretion of the recipient. Payment is made from funds al-

(13) Annex 1, Part 7, *Agreement between the European Community and Republic of Seychelles on fishing off the Seychelles*, OJ L 160/1/87, June 20, 1987.



located under the Common Fisheries Policy, which are entirely separate to funds allocated under the Lome Convention. The first EC agreement (Senegal, 1979) requested a programme of use for the funds, but this was later abandoned for all others agreements because it proved unworkable. It should be emphasized that there is no obligation whatsoever on the ACP state to utilize these funds in a particular way. The funds can be equated to export earnings from any other sector, and the onus lies on the coastal state to decide how best to utilize them.

There are also "cooperation provisions" which encompass the spirit of Lome. Under these provisions, which vary from state depending on their requirements, the EC contributes a specified amount for the development of fishery research programmes and provision of training and study grants for nationals for study of fishery related

subjects and/or participation at international conferences. The contributions, which usually amount to approximately 10% of the value of the financial compensation, also enable the fisheries department to have access to some of the financial benefits of the agreement.

Fulfillment of Obligations

No information is available on the extent to which EC vessels adhere to the provisions of the agreements. To some extent, the more recent agreements have corrected the more unworkable provisions of earlier agreements. However, the limited or nonexistent surveillance and enforcement systems in most ACP states, means that infringements possibly go unreported or unnoticed. Artisanal fishermen may not be aware that they can report vessels violating fishing zone

restrictions or that there is any legislation which prevents industrial vessels from fishing in inshore waters. Governments may also have not set up a system which enables local fishermen to report violations.

Equally, EC vessels find some of the provisions difficult to respect. A requirement to radio their position may be very difficult to heed because the ACP country does not have equipment which is in operation, nevertheless the vessel may be subject to a fine. There have also been complaints about harassment of vessels by unauthorized government officials.

Surveillance and Enforcement

The responsibility for surveillance and enforcement lies with the coastal state and not the flag state. In other words, any infringements made by EC vessels in ACP states' waters should be penalized by the ACP state. Many of the problems associated with foreign fishing vessels could be prevented by the implementation of an effective surveillance and monitoring system. This is usually very difficult for most ACP states. Until, an effective surveillance system is put into operation, not just to prevent illegal activities, but to collect data on catch and effort ; there is no incentive for foreign vessels to heed unenforceable provisions of a fisheries agreement.

The EC feels that this responsibility lies with the ACP states and are unwilling to provide the necessary equipment because it may be used for other purposes. It has also been suggested that the financial compensation payments should be used for this purpose. In Mauritania, the IMF/World Bank Structural Readjustment Programme, made it a condition of funding that some of the payments received from

fisheries agreements are invested into an effective fisheries monitoring and surveillance system.

Impact of EC Activities on Artisanal Fisheries

Introduction

The impact of EC fisheries agreements on artisanal fishing communities is difficult to quantify because information is limited, the situation in each country is different, and fisheries communities are extremely diverse. It is also difficult because most of the agreements have only recently been concluded and it is still too early to ascertain their effects, particularly where the short term effects may be negligible but the long term effects deeper and more far-reaching.

This report can therefore only identify likely areas of impact. Actual impact should then be assessed from information collected over a period of time. Other fishery development experiences where similar situations have arisen can act as a base for comparison, taking into consideration that there may be fundamental differences in situation.

However, to enable a thorough impact assessment, the scope of any analysis should be broadened. Artisanal fishing communities in ACP states are not only threatened by the activities of EC fishing fleets, but by all industrial fishing vessels, whether they are national or foreign. Successful implementation of policies to prevent harmful effects on these communities must include all industrial vessels and should not undertake a piecemeal

approach. In some cases encroachments of national vessels, which are less seaworthy than foreign fleets, because they have a more limited fishing area, may be a bigger threat to the artisanal fishery than foreign fleets.

The following discussion looks at the areas where detrimental or negative impacts are likely to occur.

Fishing Grounds and Resources

□ Common Fishing Grounds and Common Resources

Artisanal fisheries appear to be suffering increasingly from the incursions of larger vessels (mainly trawlers) into coastal areas reserved for the small-scale fishery. Although often prohibited by law (eg. zoning provisions in EC agreements), these incursions are motivated by a number of factors. These include the presence of high value species (eg. shrimp), the higher fish densities in shallow waters characteristic of tropical ecosystems, increasing fuel costs and limited or non-existent government enforcement of regulations. For example, finfish trawlers in Cameroon are supposed to be at least 3,2 km off the estuaries, but available data indicates that they concentrate their fishing activities in the coastal sector resulting in conflicts between the two sectors⁽¹⁴⁾.

Artisanal fishermen are the more vulnerable, because alternative fishing grounds cannot be reached by their shorter range vessels. This dislocation is especially of concern when no alternative employment opportunities exist for small-scale fishermen and their families.

Tuna vessels, which fish using live bait, could be competing for resources also fished by artisanal fishery. This could be detrimental to the artisanal fishing community if the fish used as live bait is also a food or income source. However, if the live bait has no other use, it could also be beneficial to the artisanal sector, if the tuna vessels rely on this sector to supply live bait, for cash.

□ Common Fishing Grounds, Different Resources

In some instances, open competition occurs despite the fact that the artisanal and industrial fisheries are exploiting different resources. For example, in West Africa the target species for many artisanal fishermen are pelagic fish, whereas the target species of the industrial vessels may be shrimp or demersal fish such as croakers, grunts and seabreams.

Competition between fisheries occurs because in most tropical ecosystems there is species interdependence and geographical mixing. The relative abundance of different species can change dramatically, and the rise or fall of one species can be influenced by the degree of exploitation of other species. Trawl fisheries tend to take more species incidentally (by-catch) than do artisanal fishermen, which can cause losses to the artisanal fishery in terms of reduced stock abundance. Some ACP states, (for example, Angola and Mozambique) have insisted in their fisheries agreement with the EC, that all by-catch of shrimp trawlers is landed in the country. Even where there is no direct overlap, it can not be assumed there will be no interaction and con-

(14) Ssentongo, G.W. and Njock, J.C., Marine Fishery Resources of Cameroon : A review of exploited stocks, Rome, FAO CECAF/ECAF Series 87/44, 1987.

flicts between the two fisheries will not occur.

Examples of this kind of conflict are well documented for Asia⁽¹⁵⁾. In Kerala, India, by the end of the 1970' s, small-scale artisanal fishermen were faced with declining productivity and hampered access to inshore waters due to shrimp trawler operations. They started organized protest which led to zoning recommendations, yet to be implemented. In the interim, artisanal fishermen, collectively apprehend trawlers/ purse seiners violating the zoning regulations and force the Government and policie authorities to take legal action⁽¹⁶⁾.

In Indonesia, the expansion of commercial trawling for shrimp in the 1960's and '70' s primarily for export contributed to over exploitation of inshore demersal fishery resources. Small-scale artisanal fishermen were at a disadvantage in competing with the trawlers. This competition between the two fisheries led to severe conflict. In response, the government proclaimed measures for sustainable management of the fishery resources and for providing protection for the small-scale fishermen, including restrictions on the number of trawlers and their area of operations. However, enforcement proved difficult (lack of personnel and equipment, political influence exerted by trawler owners, lack of clear enforcement possibilities) and there was a continuing increase in the number of trawlers, with conflicts becoming more widespread and violent. In 1980, the

president enacted a decree which banned all trawlers from the waters off Java and Sumatra. Although this caused short term dislocation problems in the industrial fisheries sector, the long term benefits to the fishery as a whole, particularly the artisanal sector, may be significant⁽¹⁷⁾.

□ **Sequential Fisheries**

Competition between the industrial and artisanal fishery sector also arises when the same resource is exploited by each sector at different stages in its life cycle (sequential fisheries). One of the best studies of a sequential fishery has been on the penaeid shrimp⁽¹⁸⁾. In summary, the unique biological characteristics of penaeid shrimp means that in many fishing grounds the species go through two exploitative phases. They spawn at sea and the larvae migrate into nurseries in lagoons and river mouths where they spend 3-4 months prior to migrating back into the sea. They are first caught at the time of their migration from the lagoons and river mouths to the sea, mainly through the use of fixed nets set up by artisanal fishermen. Once at sea the shrimp are exploited by specialized trawlers. Stock assessments suggest that the artisanal fishery may harvest individuals when they are too young and the combined yield of the artisanal and industrial fishery can often be slightly increased by reducing the artisanal catch.

In the Ivory Coast, this has led to the disappearance of the trawl fleet as the

(15) For more detailed studies, see Panayotou, op. cit Note 1 and Kurien, J., 'Studies on the role of fishermen's organizations in fisheries management. The role of fishermen's organizations in fisheries management of developing countries (with particular reference to the Indo-Pacific region)' *FAO Fisheries Tech. Pap.* (300) : 29-48, Rome, 1988.

(16) Kurien, J., *ibid.*

(17) Kurien, J., *ibid.*

(18) Willmann, R. and S.M Garcia, 'A bio-economic model for the analysis of sequential artisanal and industrial fisheries for tropical shrimp', *FAO Fisheries Technical Paper* (270) : 49pp, 1985.

increasing artisanal fishing effort progressively reduced the recruitment of shrimp to the offshore fishery affecting catch rates and therefore profitability⁽¹⁹⁾.

Destruction of Artisanal Fishing Gear

Industrial vessels have also been known to destroy stationary artisanal gear when they make their passages through inshore waters. In the non-motorized artisanal fishery, fishing gear (such as beach seines and stationary gill nets), is often the largest investment a fisherman has to make in order to enter the fishery. Even in the motorized artisanal fishery, investment in fishing gear is usually large component of total capital outlay for the fishermen. Destruction of gear by industrial vessels may force the fishermen out of the fishery either until he is able to repair the gear, or in many cases, replace it. In northern Sierra Leone, a survey of 38 fishing villages undertaken in 1987⁽²⁰⁾, revealed that approximately 78% of artisanal fishermen claimed that they had lost gear to trawlers.

Destruction of Mangrove Areas by Coastal Communities

Coastal mangrove areas which fulfil a role in coastal protection are critical habitats for many common and endangered species and are important spawning and nursery grounds for many marine fish and prawns. In addition, they are an important source of wood for charcoal and firewood used for cooking and fish smoking.

Coastal communities put pressure on the mangrove resource in two main ways : mangroves are cut to be used as firewood for fish smoking as well as cooking ; also, their roots are completely severed when mangrove oysters are removed. As a result of depletion of mangrove resources by these communities, serious damage to the coastal environment can occur causing :

- the destruction of fish breeding and nursery grounds affecting both the industrial and the artisanal fishery
- loss of employment and incomes for firewood collectors and charcoal burners
- increased production costs of fish processors to likely reduction or loss of income
- increased pressure on remaining mangrove resources

The importance of mangrove resource utilization and conservation has been investigated in Sierra Leone⁽²¹⁾. The study found that in some small-scale fish smoking centres of Sierra Leone, mangrove resources were over-exploited or nearing over-exploitation. It was predicted that, unless these resources were managed effectively, there would be far-reaching detrimental socio-economic and environmental consequences.

Price

The national fishery may benefit from the introduction of an industrial sector which stimulates a higher demand for fish if the industrial catch is landed in the coastal state. This may lead to higher prices and consequently higher

(19) Willmann and Garcia, *ibid*.

(20) Beare, R., Survey of the Fishing Communities of the Northwestern Region of Sierra Leone, *Kambia Fisheries Development Project Technical Report 3/87*, 1987.

(21) UNDP/FAO, Alleviation of Fuelwood Supply Shortage in the Western Area. Proposed Management and integrated utilization of mangrove resource in Sierra Leone. Based on the work of P.W. Chong, *UNDP/FAO/SIL/84/003, Field Document* Freetown, 1987, 123 pp.

incomes for artisanal fishermen. However, an increase in the supply of fish may also cause prices of fish to fall because a supply glut brings prices down. The effect on price will therefore depend on the situation in each country. In some states, the artisanal fishery sector and the industrial fishery sector compete in different markets in terms of location, income, species and preferences. Therefore, much depends on whether the two fleets are fishing the same resource, whether they are competing in the same markets and the influence of imports of cheap fish from neighbouring countries.

Landing, Processing and Marketing Infrastructure

The development of an industrial fishery, either brought about by the presence of foreign vessels or a building of the national fleet can lead to improved landing, processing and marketing structure. This could be beneficial to the artisanal fishing community, provided these facilities were made available to them. Improved ice-making, landing, storage and distribution facilities may mean that the artisanal fishery is able to improve the quality of its landed catch, broaden its marketing network and increase sales. This could lead to increased incomes and employment in artisanal fishing communities. On the other hand, the development of an industrial fleet and consequent shore-based infrastructure may have the effect of increasing landings of the industrial fleet at the expense of the artisanal sector.

Employment and Incomes

The development of an industrial fishing sector in an ACP state which reduces the fish stocks available for the artisanal fishery may also have an adverse effect on employment and hou-

sehold income in artisanal fishing communities (in all sectors : catching, processing, marketing and related trades), particularly where little opportunity exists for alternative employment. In countries where there is high rural-urban migration, this may have an even more detrimental socio-economic impact as displaced fishing families leave their communities to find work in urban areas.

Equally, fishermen may leave the artisanal sector to become crew members on industrial fishing vessels. This may have socio-economic implications for the artisanal fishing community, particularly if a significant number of fishermen leave and reduced fishing activity has decreased overall protein supply and/or increased the price of fish.

Food Supply

If most of the fish caught by industrial vessels, foreign or national, is destined for export, this may have a detrimental effect on national protein supply. This situation could be worsened if the industrial vessels are fishing the same resource as the artisanal fleet.

Equally, reduced catches in the artisanal sector, as a direct result of increased fishing activity of the industrial sector, may have a long term impact on the nations food security and in particular, on the nutritional situation of artisanal fishing communities as well as neighbouring communities.

Also, if artisanal fishermen begin to target the same fish caught by the industrial sector, for sale to export or processing industries, the amount of fish caught for subsistence may be reduced. A similar situation would arise, as has happened in the agricultural sector in many countries of Africa ; where cash cropping has had harmful effects on the nutritional situation of the household.

The bounty of the sea. (*Photo P. Gillet*)

Fisheries Research and Training

EC fisheries agreements include provisions on fisheries research, resource assessment and stock monitoring which should have a beneficial impact on all fisheries sectors of the ACP state, as both knowledge and possibilities of management of fish stocks improve. However, this will benefit the artisanal sector provided the research is management oriented rather than purely for commercial purposes. In the latter case, the artisanal fishery sector may suffer because research into the resources commonly exploited by the sector may not be undertaken as they are not considered of commercial interest. In a multi-species tropical fishery, this could lead to poor management and eventual collapse of fish stocks important to the survival of the artisanal fishery.

EC contributions to enable training of nationals, particularly government officials, can be either beneficial or detrimental to the artisanal fishery. If a bias is placed on the study of industrial fisheries only, this may lead to development of policies with the same bias.

Management and Conservation

The benefits which coastal states are able to derive from their fishery resources ultimately depend on their ability to formulate and implement rational plans for their exploitation and management. Allowing access to foreign fleets who may have no long term commitment to the conservation of the nation's resource may lead to over exploitation of stocks and subsequent collapse of the fishery, particularly in

countries where fisheries enforcement is limited.

Development and management should be considered simultaneously and should stem from a long term view of the improvement of national fisheries as a whole. The new legal regime of the oceans has made fisheries management easier for coastal states and created some limitations on the open access nature of the resource.

Interest groups involved

The likely effects of EC fisheries agreements on the artisanal fisheries in ACP states have been identified in Section 3. However, the development of fisheries policy in terms of protecting the interests of the artisanal fishery cannot be examined simply by identifying these effects and trying to prevent them, where they are harmful, and promote them, if they are beneficial. Policy towards fisheries agreements is developed through negotiation between parties representing many interests groups. Each group is trying to maximize the benefits that can be extracted from the agreement, often at the expense of other groups. The end result is a compromise between these groups, with the interests of the more powerful groups better represented.

Therefore, any analysis of the impacts on the artisanal fishery has to be undertaken within the much broader framework of the political and economic power wielded by the different groups. The interaction of these different groups affects not only fisheries agreement negotiations, provisions and implementation, but also determines the fisheries policy of the ACP state which could have long lasting effects on the artisanal sector.

For fisheries negotiations between ACP states and the EC, the following interest groups have been identified :

ACP Governments

ACP governments may not always have the interests of the long term sustainable development of the fishery sector in mind when negotiating access agreements. Financial compensation payments from the EC may be seen as a way of alleviating foreign exchange shortages, debt burden or problems in other sectors of the economy. Development of the fisheries sector may be considered less important than a number of more pressing issues, and where local fishermen are not organized or few in number, politically less important than other areas of the economy.

Where governments are interested in developing their fishery, payments are often seen as a transitional measure, which enables the financing of their national industrial fleet, on-shore processing industry, or their fisheries sector as a whole.

In both cases, their interest is to maximize the financial payments the EC makes to gain access to their fishery resources. In the latter case, their interest is also to maximize benefits to their nascent industrial fisheries sector as well.

Those states with greater opportunities to mobilize resources for the development of their domestic industry have placed relatively greater importance on directing the benefits from foreign fishing access towards the development of their own domestic fishing industry — seeking data, market access, technology transfer and often investment through joint ventures. Those states for whom the constraints of the lack of capital and skills are more severe, have generally sought to maximize direct

financial benefits, with development assistance often taking a secondary role.

In both cases, the importance of the artisanal fishery may be subjugated to the interests of the industrial fishery and/or other areas of the economy which have a more powerful lobby.

The European Community

The EC is interested in securing fishing grounds for its member states in order to prevent dislocation of its distant water fishing fleets and related problems of domestic unemployment. This has become more important since Spain acceded to the EC in 1986. EC compensation and contribution payments can be regarded as a subsidy given to the fishing fleets of member states, and therefore a short-term solution to a long term structural problem.

The EC Fisheries Division (DG XIV) regards these agreements as a method of crisis management in the fishery sector of their member states. Their interest is to maximize the return on their payments by encouraging all licenses to be taken up. Provisions on fisheries research and encouragement of fisheries management measures are of mutual benefit especially if EC fleets are to continue fishing in waters of ACP states.

In the long run the EC says it would like to see more cooperation and less subsidy, such as joint ventures in the catching or processing sector. From the EC's point of view this is a sensible policy option, because global fisheries resources are finite and therefore valorization of product will become more important.

For the EC, support for the artisanal fishery sector is important for two reasons. Firstly, under EC development

policy, priority is given to agricultural and rural development with an emphasis on self-sufficiency and secondly, under the broader framework of the Lome Conventions, the EC must ensure that there are no conflicts in policy between Fisheries and Development Divisions.

Fisheries Departments of ACP States

The fisheries departments of ACP states often lack funds, which prevent them from undertaking many of their duties. Departments particularly underfunded, are found in countries where fisheries is not considered a priority sector. EC contributions to research and study grants may be the only quantifiable benefit that the department receives from the fisheries agreements and they are interested in maximizing these benefits. Apart from providing the department with some resources, these grants also enable the department to contribute to the long term sustainability of their country's fishery.

Owners and Crew of Community Vessels

Since the declaration of EEZ's, distant water EC vessels are interested in obtaining access to fishing areas now under the jurisdiction of coastal states. Their primary motives for gaining access is to fish for profit and to protect their livelihoods. As catch-related wages are paid to crews, the incentive is to catch as much high value fish as possible. Without EC financial

compensation payments allowing access to these vessels, it is possible that fishing in ACP waters would be either unprofitable or marginal⁽²²⁾. These vessels are interested in maximizing the benefits of access and minimizing the costs, such as licence fees and obligations to land catches.

Because these vessels have no long term commitment to the fishery, they may not be concerned about conservation and management of the resource or the disruption of the local fisheries caused by their activities.

Their interests are represented by the Fisheries Division (DG XIV) of the EC.

The local industrial fishery

The local industrial fishery, where it exists, is concerned about protecting the interests of its fleets, and reducing competition on resources in a situation where both foreign and local fleets are fishing the same resource. Depending on their political strength, their interest may be well represented by their government at the negotiations. This group can also regard the existence of a foreign fleet as a benefit, in terms of transfer of skills, learning new methods and development of on-shore infrastructure. Generally, however, a developing industrial fleet is likely to regard the prospects of a long term foreign competition as a threat and will endeavor to have strict conditions imposed on these fleets.

In some cases, this sector may enter joint venture agreements with foreign fleets. In theory these agreements are expected to generate large amounts of

(22) Actual analyses on numbers, costs and revenues of EC vessels fishing in ACP waters is not possible as data, if available, is confidential.

(23) Willmann and Garcia op cit.

foreign exchange earnings for the ACP state, but often a considerable share of profits and incomes derived from these ventures is transferred to industrialized countries⁽²³⁾.

The Local Artisanal Fishery

This group is important in terms of the numbers of people employed and their dependence on the fishery for subsistence, income and employment.

They therefore wish to minimize the competition for common fishery resources in order to protect their livelihoods and incomes. They are threatened by all industrial fishing interests which exploit the same resources, interdependent resources or the same fishing grounds. Because this group are often operating near to or on subsistence level, they are more vulnerable to adverse changes in the fishery.

Despite the importance of this sector, their interests are often accorded a low priority therefore poorly represented. In addition, because this group, in ACP states, is characterized by poor or limited organization, this contributes to their poor representation at national and international level.

Although aid to fisheries development, given under the Lome Conventions, is mainly targeted at this sector, interests of these communities are usually very badly represented in the provisions of the fisheries agreements. It was already been mentioned in Section 2.8.3, that the EC fisheries agreement with the Seychelles, is the only agreement to given specific mention to the interests of small-scale fisheries.

Third Country States

These include both neighbouring countries as well as other foreign fleets, eg. Korea and Japan. It has been argued that the EC agreements have raised the overall costs of access to ACP waters for all third countries. Where a third country is a developing country, this may limit the ability of that country to develop its own fishing fleet. Where two ACP states are involved, conflicts may arise.

This situation is likely to worsen as more ACP states develop their own industrial fleets, particularly their tuna fleets, where access agreements to the EEZ's of many countries have to be obtained.

The likelihood of trans-boundary disputes over shared stocks between two or more ACP states could increase if an access agreement was concluded with only one state, whilst the other state was trying to develop its' own industrial fishery based partially on these shared stocks. Although neither Liberia or Sierra Leone have yet to sign an agreement with the EC, their shrimp stocks are shared resources and could be an area for dispute in the future.

Negotiating Positions for Lome IV

ACP States

The emphasis from ACP states for the negotiations for Lome IV was on protection of fishery resources, inclusion of the development of inland resources⁽²⁴⁾

(24) The Courier, 'Lome IV : the ACP Negotiating Position, Jan-Feb., 1989.

and for more emphasis placed on resource management and fisheries development with close cooperation at every stage. The ACP states would also like to see changes in the Rules of Origin provisions for fish and fish products. This is explained in more detail below.

The European Community

The EC is emphasizing the promotion of transfer of technology (perhaps through joint ventures) and encouragement of regional participation in fisheries organizations.

The "Rule of Origin" Question

Under the "Rules of Origin" in the third Lome Convention, only products of sea fishing and other products taken from the sea by an ACP flag or Member states flag vessel made aboard their factory ships are eligible to totally free and unlimited access to EC markets. All catches from other vessels is excluded (including fish that are dried, salted, in brine or smoked) and do not get the status of originating products.

The EC does not want to relax these rules for fish, because they are concerned that the fishing fleets of third countries could gain access to EEC markets. However, in order to promote the development of their domestic fishing industry, the ACP states have reaffirmed their position that all catches from ACP waters and obligatorily landed in the ports of the ACP states for processing should enjoy originating status⁽²⁶⁾.

A Note About Joint Ventures

Joint ventures are often favoured by developing countries as a means of developing their own fishing industry and by foreign companies seeking access to third country waters. There are some ACP states that have joint venture fishing operations, for example Mauritania, Guinea Bissau, Guinea Conakry, Liberia, Ghana, Sierra Leone and Senegal.

In theory, the joint venture allows the coastal state to participate according to its capacities in an industrial enterprise without having to first master the technical and managerial skills needed to run it. The capacities of local managers may be increased as a result, allowing gradually greater participation. There is also an element of complementarity, the different skills, costs, markets of two countries or companies may be combined to maximum advantage, eg. the foreign partner supplies the capital, the developing country partner supplies skilled fishermen as well as the resource. Joint ventures should enable the transfer of fishing and processing technology to developing countries, generate employment in APC countries and encourage the export of semi-processed products rather than raw fish.

In practice, however, there are many drawbacks. Apart from the commercial risk, there are, in particular, risks of financial manipulation by the dominant partner. These are especially significant to developing countries which can least afford losses and have less sophistication in preventing them.

In some cases, foreign partners suspect that the conditions imposed by

(26) Annexe LIV, Lome III Convention.

the coastal state would eliminate the profitability of joint ventures. This is because they fear that the coastal state would require that catches landed for delivery to local markets or for export would be subject to prices fixed by government, artificial exchange rates and restrictions on the repatriation of profits.

Conclusions

The redistribution of resources brought about by the emergence of EEZ's has allowed coastal ACP states an opportunity to benefit from their offshore resources. Lacking the harvesting capacity to exploit all the resources themselves, fisheries agreements with other countries, including the EC, have provided a short term solution to this situation. Under agreements with the EC, financial compensation and contributions are paid to the coastal state to allow Member State fishing vessels access to their waters. At national level, these agreements may be mutually beneficial. For ACP states, the agreements supplement often chronic shortages of foreign exchange in the national economy and enable some transfer of technology. For the EC, the agreements have secured access to waters for their distant water fleets, and helped to delay their response to longer term structural problems in the fishing industries of certain Member States.

The agreements themselves, have always been regarded as commercial agreements, equated similar status to export earnings, and not necessarily intended as a tool for fisheries development. On the other hand, development policy objectives specified for fisheries, under the Lome Conventions, require that fisheries agreement objectives should not conflict with those under Lome.

Currently, conflict is kept to a minimum because major issues where conflicts could arise are not considered, the most important of which is the effect of these agreements, on artisanal fisheries. Also, the lack of surveillance and enforcement mechanisms in ACP states has made it difficult to monitor any infringements in the provisions.

This paper has endeavoured to emphasize that the effects of these agreements on the artisanal fisheries of ACP states is part of the broader issue concerning the effects of industrial fleets, foreign or national, on the long term sustainability of the artisanal fishery in ACP States. It has identified likely problem areas, where the artisanal fishery may be effected by the activities of an industrial fisheries sector. Some of these effects are beneficial, and some, detrimental.

The development of the fishery sector in any country involves the interaction of many groups, some of whom have conflicting interests. This paper has also tried to highlight the importance of these groups and their relative power, which helps to determine national fisheries policy, EC-ACP policies towards fisheries agreements and Lome provisions on fisheries. One of these groups, third country non-ACP states lie totally outside the framework of ACP-EC cooperation, but are nevertheless an important group in terms of their effect on the fishery. This would include other foreign vessels from, for example, Korea, Japan, China and the Soviet Union.

The artisanal fishery sector, another of these interest groups, is often poorly organized and generally under-represented at the local, national and international level. This means that their interests are not given as much importance as other groups and their development potential is therefore often underesti-

mated. This has been compounded by ACP fisheries policy tending to favour the development of the industrial sector.

Current EC-ACP policy suggests that artisanal fishery interests are subjugated by industrial fishery interests, and resource management by financial benefits. However, the long term sustainability of fisheries in ACP states relies on effective and rational fisheries management combined with respect for both the industrial and artisanal fisheries. EC fisheries agreements and the Lome Convention both have a role in promoting this policy.

At present, neither the current Lome Convention, nor the current EC fisheries agreements, give much weight to the interdependence of the industrial and artisanal fisheries sector or rational fisheries management, nationally or regionally. If these fisheries are to be managed effectively, the interests of both sectors, as well as ACP state and the EC must be well represented at all fora. The most effective way to ensure this is through the provisions of the Lome Convention. But this is not done.

Recommendations

Based on these conclusions the following recommendations are made :

- 1 – As a matter of urgency, initiate evaluation of EC fleet activities on all sectors of the fishery in ACP states and encourage the development of an on-going monitoring and evaluation system ;
- 2 – Develop a community instrument through Lome which lays down the principles of EC-ACP fisheries agreements to ensure that future fisheries agreements incorporate provisions safeguarding the interests of artisanal fisheries. This can be achieved in a

number ways : EC contributions to fisheries research that benefit both the artisanal and industrial sector ; more stringent regulations regarding fishing areas and their violation ; stricter regulations on the catching and landing of by-catch ; educational grants for institutions that specialize in small-scale fisheries management ; licenses issued subject to results of on-going evaluations. Efforts should also be made to measure the mutual exclusiveness or complementarity of each goal when combined or pursued in different ways and to order them preferentially in terms of their likely political, social, economic, ecological and biological costs and benefits ;

- 3 – Provide assistance to artisanal fishworkers, through Lome IV, on the feasibility of setting up and operating artisanal fishworker organizations in ACP states, on a national and/or regional basis ;

- 4 – Encourage the development of fishworker organizations, at all levels and in all sectors, to increase awareness about the interaction between all sectors of the fishery, the impacts of their economic activities on fish stocks and the coastal zone environment ;

- 5 – Acknowledge the valuable input that could be made by Non-Governmental Organizations involved in fisheries in the formation and implementation of national, regional and international fisheries development policies ;

- 6 – Encourage a regional approach to fisheries management, and where appropriate, a regional approach to surveillance and enforcement similar to those adopted by the Forum Fisheries Agency in the Pacific ;

- 7 – Improve dialogue between EC fleets, other foreign fleets and the different fishery sectors in the ACP states.

DOCUMENT

Main Provisions of Agreement between Mauritania and The EEC 14 December 1987

Term

Initial period of three years from date of entry into force. Remain in force for further periods of two years unless terminated by either party at least six months before the date of expiry.

Terms of Licenses

Vessels must be inspected at Nouadhibou. Each license owned by one vessel. Can be replaced by another vessel in cases of *force majeure*. Valid for one year.

Pole and Line Tuna Vessels

- 41 vessels
- Fees
Lump sum advance of 2000 ECU/
Vessel/p.a.
20 ECU/tonne caught

Surface Longliners

- 4 vessels
- Fees
Lump sum advance of 2000 ECU/
Vessel/p.a.
20 ECU/tonne caught

Lobster Boats (using pots)

- 3 500 GRT/month ; annual average
- Fees
121 ECU/GRT/p.a.

Black Hake Trawlers

- 15 000 GRT/month annual average
- Fees
71 ECU/GRT/p.a.

Shrimp Boats

- 10 000 GRT/month annual average
- Fees
138 ECU/GRT/p.a.

Pelagic Seiners

- 2000 GRT/month annual average
- Fees
20 ECU/GRT/p.a.

Non-industrial Pelagic Seiners

- 3 500 GRT/month annual average
- Fees
55 ECU/GRT/p.a.

Statement of Catch

Drawn up each month and presented at least once every 6 months.

By-Catch

Vessels fishing shrimp, black hake and coastal pelagic species may not hold on board by-catch amounting to more than 10% of the total weight of the catch.

Fishing Zones

Fishing permitted :

Lobster boats :

- 3 nautical miles from base lines north of Cap Timiris
- 6 nautical miles from base lines south of Cap Timiris

Shrimp boats : 6 nautical miles from base-lines

Black hake trawlers : 12 nautical miles from baselines

All pelagic seiners : 6 nautical miles from baselines

Pole and line vessels and longliners : 3 nautical miles from baselines

Pole and line vessels fishing with live bait : 3 nautical miles from baselines up to 12 nautical miles, south of Cap Timiris

Except vessels of less than 150 GRT, all vessels entering or leaving the fishing zone shall radio the date, time and position.

Signing on of Seamen

Owners of all vessels shall employ nationals to make up 35% of the non-officer crew at rates of pay applicable to seamen on Mauritanian vessels.

For duration of this Protocol, can not take lower than 25% and shipowners are required to pay compensation to authorities of 2000 ECU/month for each seaman of the number constituting the difference between 35% and those actually employed. Compensation shall be used to train fishermen.

At the request of the authorities take on board a fishermen/scientific observer as part of the compulsory percentage taken on board.

Employment contracts should cover social security arrangements.

Inspection and Monitoring

Shall allow on board any Mauritanian officials responsible for inspection and monitoring and assist the officials in the accomplishment of their duties.

Mesh Sizes

- 40 mm for use on shrimp boats
- 60 mm for use on vessels fishing black hake
- 20 mm for use on all pelagic seiners
- 8 mm for use on pole and line vessels fishing with live bait

EEC Obligations

Financial Compensation

- 20 250 000 ECU payable in 3 annual installments

Contribution

- up to 600 000 ECU towards financing of Mauritanian scientific and technical programmes in order to improve information on the fishery resources within the fishing zone.
- facilitate the reception of Mauritanian nationals in obtaining places for study and training in Member or other states linked to the Community by providing 6 five-year study and training awards equivalent to total 30 academic years in fisheries related subjects.
- two of these grants for an amount not exceeding 90 000 ECU can be used to finance the cost of participation at international meetings on fisheries.

Summarized by Sevaly Sen

THE LOME CONVENTION

Appendix 1

DATA ON FISHERIES IN AFRICAN ACP STATES

	Coast Length (km)	Shelf Area (sq.km.)	EEZ Area (sq.km.)	Marine Potential (m.t.)	DOMESTIC PRODUCTION		TOTAL	Fish as a % of animal protein intake	Fish as a % of Agricult. GDP
					Artisanal	Industrial			
Agreements concluded :									
Angola	1.650	51.000	330.000	655.000	11.735	61.604	73.339	43,7	4,0
Cap Verde	965	10.150	734265	25.000	6.216	2.184	8.400	43,7	15,0
Comoros	340	900	160.000	23.000	5.250	0	5.250	44,4	
Equatorial Guinea	410	14.719	82.600	19.000	3.950	0	3.950	n.a.	
Gambia	70	3.900	5.700	75.000	9.458	2.218	11.676	40,0	7,0
Guinea	350	50.180	50.000	270.000	24.920	3.080	28.000	33,0	1,0
Guinea Bissau	274	45.000	43.900	280.000	1.919	1.701	3.620	12,5	
Madagascar	4.820	177.000	376.800	120.000	9.322	8.267	17.589	15,4	2,0
Mauritania	720	34.000	195.000	550.000	13.062	80.238	93.300	12,1	11,3
Mauritius	170	1.630	345.000	15.000	6.463	11.489	17.952	25,0	3,8
Mozambique	2.500	70.000	163.900	175.000	19.719	14.876	34.595	20,0	3,2
Sao Tome & Principe	261	1.459	160.000	17.000	1.000	1.500	2.500	66,7	23,0
Senegal	718	23.770	60.000	310.000	164.720	119.280	284.000	37,5	11,0
Seychelles	600	48.334	700.000	95.000	2.558	395	2.953	51,7	
Agreements not concluded :									
Gabon	885	35.400	150.000	130.000	11.078	8.022	19.100	32,1	20,0
Kenya	536	23.700	63.600	15.000	5.638	1237	6.875	8,3	20,0
Somalia	3.025	39.000	228.300	180.000	5.610	11.390	17.000	5,0	0,6
Tanzania	1.474	30.000	65.100	70.000	40.609	7.166	47.775	33,0	5,0
Ghana	536	23.700	63.600	300.000	218.429	112.524	330.953	50,0	7,0
Cote d'Ivoire	510	13.400	30.500	40.000	25.106	48.736	73.842	30,8	2,0
Liberia	537	18.400	67.000	60.000	12.079	2.652	14.731	40,0	12,0
Nigeria	850	37.394	61.500	170.000	122.434	23.321	145.755	33,3	
Sierra Leone	402	24.800	45.400	130.000	25.160	11.840	37.000	66,7	23,0

Source: socio-economic Data Base on African Fisheries, FAO Fisheries Circular n° 810,1988

SAMUDRA DOSSIER N° 4

	FULL TIME EMPLOYMENT					Ref. Year	DECKED VESSELS				TOTAL DECKED VESSELS	Ref. Year
	Industrial	Artisanal	Total	Number	% motorised		Trawlers	Purse Seiners	Multi- Purpose	Other		
Agreements concluded :												
Angola	500	16.500	17.000	1.200							436	1986
Cap Verde	300	2.600	2.900	1.173	32	1985			30	8	38	1936
Comoros		4.000	4.000	3.650		1986						1986
Equatorial Guinea		2.070	2.070	1.100	80	1986				3	3	1984
Gambia	150	1.800	1.950	780	90	1983	4			1	5	1985
Guinea	500	5.000	5.500	2.848	26	1985						
Guinea Bissau	450	3.000	3.450	850	40	1985	4	2			6	1986
Madagascar	500	5.500	6.000	5.400		1986	40		9		49	1988
Mauritania	1.000	1.500	2.500	400	90	1986	130				130	1987
Mauritius	n.a.	n.a.		800	25				2	16	18	1986
Mozambique	2.500	7.500	10.000	5.200		1987	60				60	1980
Sao Tome & Principe	n.a.	n.a.	2.130	1.800	40	1986		1		7	8	1986
Senegal	3.600	30.400	34.000	8.300	66	1986	153	9		2	169	1986
Seychelles	30	690	770	490	77	1985		1			1	1986
Agreements not concluded :												
Gabon	300	5.600	5.900	1.150	80	1987	9		18	11	38	1987
Kenya	650	3.500	4.150	1.830	15	1985	17		1	3	21	1986
Somalia	200	3.300	3.500	1.420	25	1986	14				14	1986
Tanzania	450	17.750	18.200	8.000	5	1988	24	6	3		33	1988
Ghana	n.a.	n.a.	90.000	8.288	52	1987	55	7	287	33	332	1986
Cote d'Ivoire	1.000	13.000	14.000	500		1986	25	20			45	1986
Liberia	200	4.200	4.400	1.050			34				34	1986
Nigeria	n.a.	n.a.		10.000	27	1986	240				240	1987
Sierra Leone	n.a.	n.a.		7.500	10	1986	24		7		31	1985

Source: socio-economic Data Base on African Fisheries, FAO Fisheries Circular n° 810, 1988

Appendix 2

**FISHERIES AGREEMENTS CONCLUDED
BETWEEN THE EC AND ACP STATES**

<u>Country</u>	<u>Entry into Force</u>	<u>Reference</u>
ANGOLA	30 November 1987	OJL341/ 1/87
COMOROS	20 July 1988	
DOMINICA	May 1987	
EQUATORIAL GUINEA	15 June 1984 4 November 1987	OJL188/ 1/84 OJ L 29/ 1/87
GAMBIA	6 July 1987	OJL146/ 2/87
GUINEA BISSAU	27 February 1980 28 April 1987	OJL 226/33/80 OJL 113/ 1/87
GUINEA	7 February 1983 2 February 1987	OJL 111/ 2/83 OJL 29/ 9/87
MADAGASCAR	8 January 1986 12 November 1987	OJL 73/25/86 OJL 342/31/87
MAURITANIA	14 December 1987	OJL 388/ 1/87
MAURITIUS	23 November 1988	initialled
MOZAMBIQUE	13 July 1987	OJL 201/ 1/87
SAO TOME & PRINCIPE	1 February 1984 23 November 1987	OJL 54/ 1/87 OJL 337/ 1/87
SENEGAL	15 June 1979 21 January 1982 20 November 1985 9 October 1987	OJL 226/ 17/80 OJL 234/ 9/82 OJL 361 87 85 OJ L 57/ 1/87
SEYCHELLES	23 May 1985 28 October 1987	OJL 149/ 1/85 OJL 160/ 1/87

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Lome IV

CAN COMMERCIAL INTERESTS LEAVE ROOM FOR DEVELOPMENT OF SMALL-SCALE FISHERIES ?

While interacting with various fishworkers organisations in Africa, the International Collective in Support of Fishworkers (ICSF) learned that in many instances the fishery Agreements signed under LOME III had very negative impacts on the fishworkers communities. In 1989-90 a Campaign was launched at 3 levels :

- 1. Eyewitness accounts were collected from Africa about the situation of the fishworkers in this region : foreign investments, conflicts between artisanal and industrial fisheries, evaluation of marine resources, environmental problems, employment, legislation, etc...**
- 2. A meeting with representatives of fishworker's organisations and scientists from North and South was organised at Lisbon (Portugal) in June 1989 aiming at mobilising fishworkers of the North around issues of marine environment, resource management and the problems arising from the Common Fishery Policy known as "Blue Europe". The recommendations made during the Symposium will throw some more light on these problems (see page 51).**
- 3. The European NGOs were alerted about these important issues related to the development of artisanal fisheries in the South. Following a Seminar organised by the European Environmental Bureau (EEB) some propositions have been put forward to modify the official text of the Lome Convention.**

The Liaison Committee of Development NGOs of the European Communities showed some concern for the fishworker's problems and published the article below in their Lome Briefing N° 8. Representatives of the EEC and the ACP countries have taken notice of the text.

Industrial and small-scale fisheries : competition for resources and other contradictions

To some ACP states, coastal fisheries are an important foreign exchange earner because high-value species such as shrimp, lobster and crab are to be found in their territorial waters — i.e. within the 200 mile exclusive economic zone (EEZ) — often in the relatively shallow waters of the continental shelf. Moreover, in ACP countries, coastal fisheries provide food and employment for a large cross-section of the community, as well as great potential for local economic and technical development.

The capacity of fisheries to contribute to both national income and food security varies greatly among countries and regions. In the Indian Ocean area, for instance, Mozambique and Madagascar derive substantial proportions of their foreign exchange from the export of fishery products, but fish contributes little to food security on a national basis. This is largely because these countries, in their need to earn hard currency, have concentrated largely on setting up joint ventures with fishing concerns from industrialised countries, or have offered fishing licenses to foreign fleets. Consequently, the required investment effort has been channelled as a matter of course into industrial fisheries even if, in the context of economies burdened not only by debt but also by widespread malnutrition, the development potential for the small-scale fisheries sector is recognised in government plans. The attention paid to the weaker sector is prompted by political as well as humanitarian reasons in countries where underemployment, land ownership patterns, drought, desertification or war have driven substantial numbers of people out of inland areas and into the coastal zones.

Broad perspectives : creating a space for artisanal fisheries

The marine fisheries sector is based on a fragile resource base ; if mismanaged and over-exploited, it can easily become a non-renewable resource. The extent to which most fisheries in developing countries can continue to be trawled is debatable, since it is widely believed that most known fishing grounds and species are near to or have already reached their exploitable limit. Trawlers and large traditional boats - which are sometimes internationally owned- compete with the local artisanal sector for fish stocks. Well-equipped trawlers can rapidly deplete a healthy offshore resource and then move to shallow waters in search of high-value species. For example, off West Africa, it is clear that some European fleets are becoming less interested in deep sea tuna, are able to adapt themselves to new technology and move to new seas : ruthless trawling of prawn beds on the coast of Guinea Bissau is a case in point.

In many coastal fisheries, such as those of West Africa, there is a role for both large and small interests. However, the larger (and more powerful) should not be allowed to infringe on the activities of the smaller, putting at risk the viability of the smaller fishery and the coastal resource base in order to satisfy short term financial goals, which fishery agreements tend to favour. Trawlers and other industrial vessels throw overboard huge quantities of lower-value fish on which local communities depend, and also often destroy traditional fishing gear, such as fixed nets, which get in their way. Any coastal small-scale fisheries development programme will only be as successful as its ability to seek true complementary and coordination with industrial fishing interests even if this

means that the interests of the large boats will have to be curtailed.

Moreover, small-scale fisheries are forced to compete with much larger boats and more "efficient" technology not only for natural fishery resources, but also for development funds and access to marketing systems under acceptable conditions for the producers. This is despite the fact that artisanal fisheries are the key to sustainable fisheries development and give a greater return on investment. They require less expensive inputs and have the capacity to employ more people in various capacities. Artisanal fisheries also tend to use their catches and resources available to them more rationally, thus providing high quality food more economically and on a more sustained basis.

Since plans for food security and financial stability compete for the same resources — fish, money and labour — they must be part of the same long term strategy if the two objectives are to be reconciled. In practice, this means that the will to develop smallscale fisheries needs to be strong enough on the part of the government to allow this sector the required conditions — in terms of training, licenses, quotas, investment, research, controls, etc. — to fish for both export and for local markets.

Subsidies are certainly needed for investment in those aspects of small-scale fisheries which can hardly be viable from a financial point of view (such as local storage and marketing infrastructures) because of the low purchasing power of local people. However, subsidies cannot provide a strong economic and organisational base: it is also necessary for the small-scale fisheries sector to be in a position to reinvest some of its earnings.

Traditional artisanal fisheries hold great development potential because

they bring with them a rich resource base of skill and knowledge and a stable social structure. Also, people with no experience of fishing are increasingly turning towards it for subsistence, food and income. This is especially the case where people are being displaced for economic, political or environmental reasons. These new fishing communities, which do not have a long tradition of fishing behind them, are also in need of appropriate development support. But one should bear in mind that development does not rhyme with assistance, nor with marginalisation.

Fisheries and food security in a free-for-all trading system

The significance of the contribution of fish to food supplies in developing countries was noted by the FAO in its most recent World Food Survey (1987). In ACP countries, levels of fish consumption differ widely between some small island states and land-locked states, where fish is marginal or non-existent in an already protein deficient national diet.

Factors other than price and availability can prevent fish products from getting to where they would be most useful. A lack of adequate transport, storage and processing facilities forces fishworkers to sell to coastal traders for export abroad rather than to their neighbours inland. This process not only deprives local people of necessary food but the very low prices paid for the exported products undercut the indigenous fisherman of the region (the EEC, for example) to which the fish has been exported.

As part of an overall strategy for food security in developing countries, no effort should be spared to ensure that all the actors in the 'developing

chain' seek to increase the contribution of fish to protein deficient diets and to make it more broadly available to the poor living in regions without ready access to fish. In order to do this, we must first examine the fisheries trade worldwide. It is clear from published FAO statistics that wealthy countries are buying the fish (sometimes for manufacturing animal feed) which poor countries need to eat, and that to make up the difference, poor countries are buying lower quality fish from wealthier countries. Such anomalies need to be well-analysed, documented and disseminated to engender the political will and the means for exchange.

Lome III : Fisheries agreements in competition with fisheries development in ACP countries

Lome III took great strides forward in creating the basis for comprehensive fisheries development which would not only meet the needs of coastal and land-locked ACP states but which also recognised the role (and legitimacy) of fisheries agreements with Community fleets.

Fisheries agreements are the instruments which allow EEC fleets to gain licensed access to ACP waters. In return, ACP states receive financial compensation from the Community and the ship owners, as well as concessions covering employment and training of ACP nationals, transfer of technology, research, on-board observers and use of by-catches.

The EEC is compelled to negotiate fishery agreements with ACP states because of the widely accepted 200 mile exclusive economic zone (EEZs), the recent enlargement of the Community fleet (which nearly doubled with

the entry of Spain and Portugal in 1986) and its own nearly depleted fishery grounds. To take the most obvious example, employment in the Spanish fleet would fall sharply without agreed rights to fish in African seas. If the EEC recognises the need to preserve employment in Spanish fleets, measures could also be adopted to ensure that communities in ACP countries, which are economically even more vulnerable, do not pay the price of maintaining an European fleet.

Besides, the EEC Common Fisheries Policy does not, in practice, give sufficient recognition to the traditional role played by artisanal fishing communities in European coastal societies, although the EEC has increasing power to prevent the shores of Europe from being given up to excessive industrial or touristic development, with resulting high levels of pollution. Better management of the marine environment and natural stocks in European waters would lessen the need for European fishermen to fish in Third World waters.

Although there has been little systematic evaluation, reports indicate that the EEC/ACP fisheries agreements have not been particularly successful beyond satisfying the strictly commercial needs of the ship owners. Little training has been carried out and not much fish has been landed for local consumption because it is not in the commercial interests of the ship owner to do so. Moreover, ACP signatories of the fishery agreements do not have the means to control encroachments by industrial fleets in the inshore areas which are sometimes theoretically reserved for traditional fisheries.

In some instances — as is the case of some Spanish and Portuguese freezer-ships fishing off Mozambique — whenever shrimp catches are not landed locally, they are not counted for. Since the catches are marketed

outside its control, there is loss of income for the ACP country in whose waters the catches are made, as well as unrecorded depletion of stocks. ACP countries would therefore be justified in insisting that one of their officials should be present on board larger vessels fishing within the framework of fishery agreements with the EEC (as Canada has done in its recent agreement with France) and that fish caught by European vessels in the EEZ of an ACP country be considered as originating in that country (which the EEC refuses in the current negotiations).

As for research, programmes arising from agreements appear to have concerned mainly high-value migratory species such as tuna, destined for export, rather than local species which can best be exploited by small-scale fishermen for local markets. This is unacceptable when one considers the worsening food supply for the poorest in many ACP countries and the significant contribution to domestic and regional food supply which is made by small-scale fisheries.

A report to the European Parliament regarding an agreement with Madagascar declared that EEC/ACP fisheries agreements should be included in a food strategy backed by the EEC. Within such a strategy, there is evidence to show that strong local fishworkers' organisations can mobilise to keep fish marketing circuits short in order to keep prices down, and to ensure that trading concerns do not favour export to strongly.

Recognising existing EEC development programmes, fisheries agreements could be linked directly to a programme of support for appropriately improved processing, storage and marketing techniques and organisation, building on already established local networks. In artisanal fishing communities, these networks usually have

a strong basis in traditional social structures in which women play a central economic role. ILL-considered disruption of these networks can have a negative impact on household income and consequently on the well-being of other members of the family. For women, 'development' has often meant an increased work load and lower income. Artisanal fisheries projects in particular have tended towards improving the efficiency of fishermen rather than looking at the needs of all the participants in the local industry. New programmes should ensure that women's income and skill levels are not lowered by technological changes.

Recommendations

The ICSF would like to make the following recommendations to the EEC and ACP officials involved in the Lome negotiations :

1. A partial redirection of the funds paid by the EEC in exchange for capture of tuna and other species by European fleets towards development programmes for small-scale fishing communities would greatly enhance their capabilities. Not only fishing should benefit these programmes but also all the associated local industries on which so many people depend for food and income. The Lome Convention should aim to provide an impetus to demarginalise the small-scale sector in ACP countries, by helping to make it viable. The EEC should examine ways of encouraging investment in small-scale fisheries, without reducing the foreign exchange earned by the ACP states from activity in the fisheries sector as a whole.
2. In recognising the development role of organisations of fishworkers and fishing communities, the EEC should support the design of

fisheries development projects by fishworkers organisations, especially in the areas of support for basic education and local training programmes and for appropriate credit systems which encourage the autonomy of fishworkers' organisations. Grass roots participation should be both in micro-projects, which come within the scope of the Lome III Convention, and in development programmes initiated by the ACP government and administrated by DG VIII.

3. In fishery agreements, inshore zones for the exclusive benefit of local small-scale fisheries could be agreed upon, in conjunction with a programme for protection of resources within the fragile and increasingly threatened marine environment and for research on inshore resources and socio-economic needs of fishing communities.
4. The Commission itself could hold joint evaluations by DG VIII (Cooperation and Development) and DG XIV (Fisheries) on the impact of fishery agreements on small-scale fisheries in ACP countries. Such evaluation should help the EEC and ACP countries to alleviate competition for resources and to identify other possible contradictions in their policy for cooperation in the fishery sector.
5. The Commission could also examine the ways in which fish could be used in triangular food aid to stimulate local markets and South-South trade (with appropriate investment in transport and communication means to open up fish marketing networks in inland areas).
6. Exchanges should take place between ACP countries on other levels, for instance, those involving market information and scientific and technical research, with a view to promoting regional cooperation in fisheries. But fishworkers' organisations

and research institutes in EEC countries should also be encouraged to share their experience in the field of social security cover, management, fish marketing and resource management with fishworkers' organisations in ACP countries. Private joint ventures may be a means of enacting professional cooperation of this kind.

Demand for coordinated policies

A new Lome Convention must provide the means (both political and budgetary) by which the EEC and ACP states can seek complementarity to ensure that fisheries agreements signed within the terms of the Lome Convention effectively serve the dual objective of gaining fair access for European fleets to new grounds while supporting autonomous rural development for food security in ACP states.

However, within the Commission there is an administrative disjunction between these two objectives, as they are pursued by separate Directorates General (VIII and XIV). The negotiations for 'Lome IV' should address this problem and ways should be sought to coordinate and harmonise the policies which govern fisheries agreements and fisheries development as a whole.

DOCUMENT

LISBON CONFERENCE RECOMMENDATIONS

The basic right of fishworkers to form their own professional organisation must be the cornerstone of small-scale fisheries development.

Governments and international bodies must recognise fishworker's organizations and respect their autonomy.

The quality of the environment is a major condition for ensuring that employment, food and revenue are available for coastal populations.

Protection of the sea and the coast is a priority.

Fishworker's organizations and governments should participate jointly in the formulation of coastal planning and protection of aquatic resources.

Resource management must be carried out jointly by fishworker's organizations and governments.

The resource must remain a collective property.

Resource management methods should be an integral part of an overall fisheries policy that takes into account social, economic and ecological objectives.

The roles of women in the fisheries sector are recognised and must be supported.

Their capacity to ensure the defence and promotion of their economic, social and cultural interests must be strengthened. Special attention should be paid to the living conditions of fishworker's children.

Scientific research must develop a capacity to take fishworker's knowledge in consideration, and respect their culture.

Scientists who recognise the importance of the environment should commit themselves to support fishworker's organiza-

tions in order to help them defend their rights of access to aquatic resources.

Access of foreign fishing vessels to the exclusive economic zone (EEZ) must in every case be approved and controlled by local fishworker's organizations.

A coastal zone must be reserved for small-scale fishing.

Foreign vessels fishing in the EEZ must be equipped with satellite detection devices so that their activity can be controlled.

The extension of this method of control to the national and international levels should be discussed within the framework of the United Nations.

International fishmarketing should be reoriented in such a way to give precedence to the interests of fishworkers and of Third World populations.

Part of the revenue accruing from fishery agreements should be used for the organization of local and regional markets.

Blue Europe must be first and foremost a Europe of fishworkers.

Joint evaluations of the impacts of the Blue Europe policies and fishery agreements with the ACP (Africa, Caribbean and Pacific) states must be carried out by the European Commission, ACP states and by fishworker's organizations in the ACP states. The same recommendations apply to the North Atlantic region.

A policy of cooperation has to be implemented in negotiation with fishworker's organizations from the North and the South in response to an interdependent world.

THE INTERNATIONAL COLLECTIVE IN SUPPORT OF FISHWORKERS

The International Collective in Support of Fishworkers (ICSF) is an international network founded in India in 1986, with the objective of providing fishworkers (men, women and children) with a platform to make their voice heard at the international level so that the numerous problems they face both at land and at sea may be taken into consideration by their governments and international organisations.

In its search for cooperation and solidarity, the Collective joins hands with fishworkers' organisations and unions. Its characteristic feature lays in its close cooperation between scientists and social workers on the one hand and fishworkers, both from Southern as well as from Northern countries, on the other.

The goals of the Collective can be considered as providing the basis of four long term programs :

MONITORING AND RESEARCH PROGRAMS

This program will provide the basis for various development studies in close collaboration with scientists and workers of the fishing profession.

TRAINING AND EXCHANGE PROGRAMS

This program will undertake the essential task of exchanging experiences and culminated knowledge. This will include the sharing of findings on new and appropriate technologies, learning from new organisational structures and interaction between the scientific community and workers, with the objective of demarginalising artisanal fisheries. The interaction is twofold : on the one hand the exchange between fishworkers and scientists and on the other hand the communication between fishworkers of various countries.

ACTIONS AND CAMPAIGNS

ICSF decided to support, at their request, fishworkers organisations facing troubles.

COMMUNICATION

The Collective has devised various means of communication : SAMUDRA Report, SAMUDRA Dossier, SAMUDRA Monograph (*) ; a collection of video tapes, etc...

The ICSF is coordinated by a seven member voluntary animation team. They are the official "contact persons" and reside in Bangkok (Thailand), Bogota (Colombia), Brussels (Belgium), Dakar (Senegal), Manila (Philippines), Trivandrum (India), Valparaiso (Chile).

Founded in the Third World the Collective endeavours, although with limited means, to view the problems faced by the small-scale fisheries sector in a global context.

(*) The word "Samudra" signifies "ocean" in many Asian languages and thus evokes the vastness of the problems that face the fishworkers.

THE FISHERY ACCORDS WITHIN THE LOME CONVENTION

Although it only involves a limited number of Third World countries, the Lome Convention reflects the philosophy and current state of the relationship between the European Community and its former colonies from the South.

The Convention was originally designed and drawn up with a view to encouraging the development of the countries of Africa, the Caribbean, and the Pacific – the so-called ACP states – , but it appears that subsequent events, especially of recent date, pose a threat to the spirit of Lome.

The fishery Accords which have come within the scope of this Convention since the first of them was signed in 1983 coincide with the recognition of the new Law of the Sea and so far involve twenty or so ACP states. In a similar fashion to the farming Accords, the fishery Accords have not reached their objectives as development aid and remain primarily agreements of a commercial nature aimed at satisfying the needs of a market economy.

The introduction of new provisions aimed at bringing the Convention into alignment with the IMF's structural adjustment programmes and the disturbing limitation in the number of fishery accords lead us to conclude that we are presently witnessing a change in the direction of the European Community's policy towards its partners from the South. But is this policy geared towards encouraging the poorest among them ?