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THE EUROPEAN UNION COMMON FISHERIES POLICY AND ITS IMPACT ON WEST AFRICA.

Executivesummary:

The Common Fisheries Policy is one of the most controversial areas of EU foreign policy. The following policy brief will focus on CFP influence on Morocco and Mauritania. This paper will recognize whether the impact is positive or negative and will point out the possible recommendations and solutions

‘FISH, PAY AND GO’ – CFP BEGINNINGS.

The Common Fisheries Policy (CFP) was established in 1983 with the goal of co-

ordinating the common market organization for fisheries products and to share interests in common with its members. Furthermore Commission with non-EU countries and international fisheries organization through two types of exclusive Fisheries Partnership Agreements. The first type of agreements is focused on non-EU countries especially in Africa and the Pacific, while the second one known as Northern agreements are conducted with EU neighbors such as Norway, Iceland and the Faeroe Islands. Each agreement is suggested to be advantageous for both sides, but in fact most in particular Western African countries expressing disappointment in the matter of financial contribution flowing from the European Union.

Box 1

The first idea which then resulted in institution of the Common Fisheries Policy has already come up in 1970 as a part of the Common Agricultural Policy.

Over a few years in 1983 was introduced the separate Common Fisheries Policy implemented through Fisheries Partnership agreements with the aim of the insurance of sustainable fisheries, of healthy marine environment, and of employment and opportunities for coastal communities.

All the EU member states are involved and currently among candidates wishing to join are:

Croatia, Turkey and Former Yugoslav Republic of Macedonia.

Members are allowed to catch in delimited territorial waters determined by 'Exclusive Economic Zone' and have to keep condition stipulating how much of each species can be caught according to 'Total Allowable Catches'.

During the functioning of the Common fisheries policy was made one reform in 2002 so far, but on the table is intended new reform so-called a 'Green Paper' coming into force in 2012. With upcoming reform the European Commission is considering as a success to renew prosperity for the fisheries sector by returning to the exploitation of healthy and plentiful stocks.

This financial support within the European Union is funded by the European Fisheries Fund established in 2006. As far as non-EU countries agreements are concerned, here is mentioned: the cooperation with particular Morocco and Mauritania, the main reasons why the European Union chose these countries for FPA partners and how does those FPAs work. In the case of Morocco, the Fisheries Partnership Agreement was signed in 2005 and expired in February current year. In these days the extension of the new agreement is on the table and it is only matter of time whether and when will be renewed.

Character of the Fisheries Partnership Agreements with West Africa.

In Western Africa the fishery is a very important part of life and culture..

A lot of people are dependant on the national fisheries policy. The fish is an important part of the food of the people from Western Africa. It is also used for trade and some countries are highly dependant on the trade with their maritime goods. The fishery in the third world countries also provides many employments and therefore secures the livelihood of a lot of families. And even if the EU tries to ensure that there is a development of the fisheries policies in the Western African countries, there is still a high rate of corruption. And moreover the illegal, unregulated and unreported fisheries prevent the realisation of a sustainable fisheries policy. The two most interesting FPAs are the agreement with Mauritania and the agreement with Morocco. They are highly important in regard to both, the financial and the economical point of view.

The FPA with Mauritania

The most important 'Fishery Partnership Agreement' of the European Union is the contract with Mauritania. The first of the agreements between Mauritania and the EU was signed in 1987. The latest agreement was made in 2006 and the recent protocol is in force since 2008 and permits 12 member states of the EU access to the Mauritanian fishing stocks.

Giving the fish, breaking the stick – finances in Mauritania.

In 2008, the first year of the agreement, the EU paid €86 million to the Mauritanian government. This amount of money is decreasing until 2012, the last year of the agreement, to €70 million. Like for every other partner in Western Africa the EU has earmarked a part of this money to support the implementation of the national fisheries policy. In the case of Mauritania this part of the money is increasing from 2008 from €11 million, up to €20 million in 2012. By paying this amount of money the government of Mauritania should be able to ensure better conditions for the people and enable a better national fisheries policy.

But taking a closer look to this country, the fact is that Mauritania is still facing a lot of problems connected to the fisheries policy. There is a high number of 'illegal, unregulated and unreported fisheries' (IUU) at the Mauritanian fishing grounds. The Mauritanian administration on its own is not able to control all of its waters. And also a high rate of corruption can be observed especially in Mauritania but also in other Western African countries. Because of these problems the fishery economy suffered, while a lot of EU vessels depleted the fishing stocks. For this reasons exports and own fishery incomes decreased and the state got dependant on the money from the EU access rights payments.

There are already negotiations about the new FPA with Mauritania to face these problems. The new agreement will support the human rights and the democratic development in Mauritania. To offer a better sectoral support for the local fishermen the new protocol, which will come in force in August 2012, will contain a decoupling of the rights payment and the payments for the sectoral support.

The Commission will also cooperate closely with Mauritania to support the fight against IUU fishing in Mauritanian waters. The new FPA will also introduce a Mauritanian action plan. This action plan contains the possibility of joint enterprises between Mauritanian and European enterprises. It also has to ensure the sustainability of the fisheries policy for the maritime region of Mauritania.

Progress or recession?

Mauritania, as the most important partner of the CFP in Western Africa, still suffers from very persistent problems in regard to the advancement of their own national fisheries policy. There are interior and exterior reasons, why Mauritania is not able to build up a successful fishing economy on its own. Their dependence of the FPA with the EU offers a lot of possibilities for both partners, but it is hard for the European Union to satisfy the will of the European fishery companies on the one hand and the Western African countries on the other hand. In the case of Mauritania the negotiation process advanced well during the last years, but the progress in the country is not visible yet and the more time passes by, the harder it will get to solve the known problems.

MOROCCO:

Independence from France: 1956

Population: 33.8 million

Area: 446 550 km²

Unemployment: 10%

Domestic Fisheries: overfished areas, extensive IUU.
Fishing agreement with EU: Recent agreement was existing from 2007-2011 and had a mixed character. EU's financial contribution per year: 36.1mln of which 13,5mln euro were spend on support to fisheries policy. In February 2011 European Council failed to extend the fisheries agreement with Morocco, the work is still in duration.

The FPA with Morocco

Fishery Partnership Agreement with Morocco can be considered as one of the major fisheries agreement for the EC and at the same time the most controversial one. After Portugal and Spain joined EEC in 1986, European Commission began negotiating a global fishing agreement with Morocco. The first of the agreements between Morocco and the EU was signed in 1988. The latest agreement was signed on 28 July 2005, it expired on 27 February 2011. On 25 February 2011 a one-year extension of this Protocol was initialed by the partners but still needs to be ratified. The agreement requires EU to pay Morocco a financial contribution of 36.1 million Euros per year in return for giving 119 European vessels opportunities to fish in Morocco's territorial waters. Out of amount paid annually 13.5 million euro is earmarked for the support of Moroccan sectoral fisheries policy in order to promote sustainability in its waters. The EU-Moroccan FPA is considered by many to be controversial, due to its vague territorial specifications. Morocco has occupied the larger part of Western Sahara since 1975, and controls the waters offshore the territory. Moroccan stocks largely depleted, the richest fisheries nowadays are offshore Western Sahara.

Fish yes, democracy no

The biggest problem considering FPA with Morocco is Western Sahara issue. Morocco annexed Western Sahara in 1978 after the end of Spain's colonial administration. EU lawyers state that FPA with Morocco breaches international law. It leads to ignoring the rights of Saharawi people to control their natural resources. With many voices within European Parliament the critics find this agreement as "legitimizing occupied territory" and illegal. Considering the recent uprisings in Egypt and Tunisia, deal with Morocco seems even more inappropriate, we can see that people of North Africa do not accept undemocratic rule.

The agreement with Morocco expired on 27 February 2011, it brought a dilemma to the Commission. Some MEP's preferred option was to exclude the disputed territory from any extension of the agreement, but this was blocked. The other option was a one-year extension to the current deal but the Commission has decided that the 'north only' is no option. It is still uncertain when extension will be approved because EU member states and European Parliament both have to vote on it.

Mauritania:

Independence from France: 1960

Population: 3.1 million

Area: 1 000 000 km²

Unemployment: 30%

Domestic Fisheries: A significant share of fishing is from cephalopods, IUU is extensive.

Fishing agreement with EU: the EU largest fishing - The new fisheries partnership agreement concluded between the Community and Mauritania covers the period 1st August 2006 -31 July 2012 with a financial contribution fixed at 86 million €/ for the first year out of which 11 million € is dedicated to the support of the fisheries policy of the third country.

This fisheries agreement allows community vessels from 12 Member States to fish in Mauritanian waters and is the most important fisheries agreement for the EC, both in financial and economical point of views.

Nature of the FPA: Mixed agreement.

Extension=solution?

Extension of agreement is a very "soft" case. The European Commission always stated that the EU would renew the agreement, only if the Moroccan Government could prove that the Saharawi people were benefiting from it. Moroccan government sent papers on this subject to Brussels in December 2010. The Commission now says that it needs time to analyze the files before deciding on a new agreement. The European Commission has initiated a 12-month extension of the protocol under the Fisheries Partnership Agreement with Morocco. This one year period will be used to assess the data and information obtained from the Moroccan authorities about the regional impacts of the protocol and to define next steps. This arrangement is applicable for a maximum of six months. When the parties will agree on the new protocol it will retroactively cover the period from 28 February 2011, thereby ensuring continuity between the current and the new protocol. Morocco is a very important partner in fisheries agreements mostly for Spain, Portugal and France. This region is rich with fish, though great amount of them are on Western Sahara territories and that creates a problem hard to deal with for EU. In this situation one of the certain things is if exploitation activities were to proceed in disregard of the interest and wishes of the people in Western Sahara, they would be in violation of the principles of international law.

Conclusions and recommendations:

Since the first idea of establishing institution for Common Fisheries Policy in 1970 up till current year of 2011 the whole process recorder slow progress. Changes that have been made after 2002 are showing that it is not only EU benefits being considered but also human rights in Western Africa, issues of Western Sahara and environmental sustainability.

There are significant areas that need to be developed in order to ensure the objectives set by European Commission in Common Fisheries Policy and upcoming reform so-called Green Paper. Regarded recommendations are to make the Fishing Agreements and CFP in general a more practical and sufficient policy which are: to create a worldwide CFP (not only entertained by the European Union) and to strengthen regional fisheries management organizations (RFMOs). There is a strong necessity of changing the laws into to more transparent and clear for participants of FPAs.

In future Fisheries Agreements is recommended to emphasize the importance of issues like: IUU, human rights, environmental sustainability, democratic governance, overfishing and money spending. Required solutions for Mauritania are to indicate beneficiary targets of EU's earmarked money: government or people? It is also recommended to emphasize the importance of sustainable development under EU's guidance.

The vague case of Western Sahara hinders pointing out solutions and recommendations for FPA with Morocco. The most important issue is to make sure that Saharawi people can decide about their territory and resources in order to show EU's respect for democratic rules.

Seeking solutions

The extension of Fishing Agreement with Morocco resulted recently as a failure, but there is expected a positive effect of still ongoing discussions about long-term agreement between EU and Morocco's government. Critics say that by extending the FPA with Morocco, the Commission is giving legitimacy to Moroccan annex of Western Sahara committed in 1978 shortly after the end of Spain's colonial administration. This negative influence poses a controversial and misleading impression to Western African states that illegal movements in their region will not result in condemnation from EU's side.

FPA with Mauritania will be in force till June 2012 but already both sides are considering further extension. In new protocol between EU and Mauritania there will be important changes when it comes to accountability that will be acknowledged in so-called 'Action Plan'. As regards agreement with Mauritania, it was concluded in 2006 and is still in effect until 2012. Besides the main objectives, the Fisheries policy generated a range of measures to achieve a prosperous and sustainable European fishing industry. The European Union Institutions are aware of problems connected to area of Western Africa.

In further Fisheries Agreements there will be bigger effort put on issues like: IUU, human rights, environmental sustainability, democratic governance, overfishing and money spending

Impact without development

It is important to note that EU has already put an impact on that so that Western African Countries are providing EU with plans for earmarked money. Money is being given only when EU has accepted the plan provided by the Western African countries. However, the issue of corruption that appears in Mauritania is a result of not well enough thought system of checking the earmarked money and that there is given a silent acquiescence from European Union's side to ignore the main aims of those funds. The topic of Common Fisheries Policy is still an undiscovered area that needs to be based on more specified research and supported by broader international attention in order to ensure fisheries supply without interrupting environmental sustainability and development of Western Africa countries.

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