



Coherence Between EU Fisheries Agreements and EU Development Cooperation: The Case of West Africa *Anthony Acheampong*

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Introduction

What is Coherence?

While still a relatively new concept to the European Union, coherence is set to gain more prominence in the future. Most dictionaries define coherence as being synonymous with consistency. Hoebink defines it as: *the non-occurrence of effects of policy that are contrary to the intended results or aims of a policy*. In other words, policies that are free from self-contradiction (Hoebink, 1996).

In the field of European development cooperation, consistency of EU actions can be assessed at various levels: Coherence of EU policies with those of international organisations, bilateral policies of the Member States or the policies implemented by the recipient countries. This is usually referred to as "vertical" coherence. It can also be assessed in terms of consistency between EU development cooperation policies and other EU policies. This "horizontal" consistency is covered by the term coherence, as employed in the European Community jargon. Coherence therefore means that other policies of the European Union should not contradict the objectives of the development policy of the Union. This paper refers to the latter definition of coherence, by looking at the degree of consistency between European policies on fisheries and on development cooperation, particularly in West Africa.

Focusing mainly on West African countries that have concluded fisheries agreements with the EU, this paper contrasts the aims of EU fisheries agreements (with developng countries) with the development goals of the fisheries chapter of the Lomé Convention. It spotlights some of the contradictions inherent in the fisheries and agreements and suggests some ways to reduce the incoherencies that result.

Why is Coherence a Concern for the EU?

There are two main reasons why coherence is important. First, when policies are incoherent, the aims of the EU in one sector can be frustrated by policies and activities in another. In such cases, the effectiveness of the aid can be significantly reduced. The EU might lose its legitimacy and credibility if objectives in a particular field are frustrated or obstructed by activities in another field. Incoherence could undermine the credibility of the entire administration responsible for designing and implementing public policies. Coherence should therefore be a desirable general policy objective.

Second, the coherence of other EU policies with the goals of development cooperation is now a legal requirement enshrined in the Treaty of European Union (Maastricht Treaty). Article 130v of the Treaty, the so-called "coherence article," stresses that other EU policies should take account of the objectives of development cooperation which include fostering the sustainable economic and social development of developing countries, particularly the most disadvantaged.

However, in the European Commission's pursuit of various divergent but legitimate objectives, incoherence becomes inevitable. The problem was acknowledged by the development ministers of EU Member States at their June 1997 council meeting. They recognised that coherence, while important, was difficult to measure and depended on political choices.

Coherence Between Fisheries and Development Cooperation

One of the "problem areas" where the European Commission has been under some pressure is fisheries. Here, questions about the coherence of EU fisheries agreements (with African countries) with the EU's development objectives (in the same countries) were raised in 1996-97 when a fisheries agreement was signed with Senegal.

Before examining the coherence criticisms, the objectives and responsibilities of the two policies - fisheries and development - will be outlined briefly.

The Community's external *fisheries policy* is the responsibility of the European Commission's Directorate General for Fisheries (DGXIV) while its *development cooperation* with countries in Africa, the Caribbean and the Pacific (ACP) is managed by the Directorate General for Development (DGVIII). Given the split responsibility, policy incoherence between DGXIV (who conclude fisheries agreements with third countries, including in Africa) and DGVIII (who promote, among other things, fisheries development in Africa) is likely to arise. This is especially true if there are conflicts of interests or lack of coordination between the two Directorate Generals.

In recent years, the policies of the two Directorate Generals, in pursuing their respective goals, have begun to display some inconsistencies. On the one side, the European Commission has been negotiating agreements with African countries to allow European vessels to fish in their waters. With the declining stocks of fish in the territorial waters of EU Member States, European fishing fleets have been looking for alternate sources of fish in other parts of the world. To facilitate this, DGXIV has concluded a series of fisheries agreements with third countries, designed to ensure that European fishing boats have access to their waters. These fisheries agreements are an integral part of the Common Fisheries Policy, the primary purpose of which is to serve the domestic demand for fish in the EU and to supply the fisheries industry with raw materials for processing.

On the other side, the Commission has concluded a development cooperation agreement with 70 African, Caribbean and Pacific states, part of which aims to support the development of artisanal fisheries in each country.

The potential conflict of interest between development policy and the fisheries policy seems quite obvious. The issue is however more complex than it seems. While, in both cases, the EU is negotiating and concluding agreements with ACP countries, either on development cooperation (through the Lomé Convention) or on fisheries (through fisheries agreements), the other partner - the ACP country - is also pursuing potentially incoherent policies.

The fisheries agreements have been attacked by European NGOs under the umbrella of the 'Coalition of Fair Fisheries Agreements' as being incoherent with the objectives of development cooperation. They argue that the current agreements undermine the development of the artisanal fisheries sector by competing for fisheries resources and disrupting the local economy.

The European Parliament and the ACP-EU Joint Assembly have also stressed the need for coherence between fisheries agreements and development cooperation. One of their main criticisms is that procedures during the negotiations are such that proper consultation with the European Parliament does not happen.

The need to resolve incoherence between fisheries agreements and development cooperation objectives has also been stressed by conservationists who warn that the current over-capacity in fishing effort is threatening world stocks and that a code of conduct for responsible fishing is needed.

How can this divergence of interest between the two policies be resolved in a non-confrontational manner? Two main challenges stand out:

The first is to promote a win-win situation. The polarisation of the debate on fisheries agreements can only lead to "either/or" perspectives by which a gain for the EU fishermen is generally seen as a loss for ACP artisanal

fishermen. This creates misconceptions and diverts attention from the real issue: the need for conservation and sustainable exploitation of fisheries resources to ensure that the fisheries industries, in both the EU and ACP, have a continued future. This shared need to conserve and manage the world's fishing stocks is one issue which unites scientists from both the EU and the African countries.

The second challenge is for EU and African policy makers to find appropriate mechanisms to resolve complex issues of coherence. Without them, there are bound to be further obstacles in the way of better relations between the EU and those developing countries that have relatively rich fisheries resources.

EU Fisheries Agreements

With the introduction of the UN Convention on the Law of the Sea (UNCLOS) and exclusive economic zones (EEZ), 95% of the world's fishing stocks and 35% of the oceans were placed under the jurisdiction of national governments of coastal states. UNCLOS states that coastal countries who are unable to fully utilise or harvest fisheries resources within their EEZ should allow other countries (industrial vessels) access to the surplus stock. UNCLOS reserves a minimum 12 mile reservation zone within the EEZ for artisanal fisheries in the coastal country. Until EEZs came into force, long-distance fishing fleets of several nations, including EU Member States, were able to exploit those fishing grounds freely. The enforcement of the EEZs meant that traditional access was lost to long distance fishing fleets of the European Community.

This, combined with the need to conserve fish stocks within community waters, made the negotiation of third country fisheries agreements essential -- as a way to gain access to fish stocks, as a way to employ EU fishing fleets, and finally to reduce the pressure on EU fishing resources.

Since their introduction, there has been a steady evolution in the nature and range of these fisheries agreements. Thus, the EU budget for international fisheries agreements has expanded from 6 million ECU in 1981 to 280 million ECU in 1996. The geographic scope of the Community's fisheries agreements, initially confined to the North Sea, have also been extended. At present, the Community has 26 agreements, 15 with countries in Africa and the Indian Ocean, 10 with North Atlantic and Baltic countries, and one with a Latin American country. The Commission has also been mandated to negotiate new agreements with other states.

Types of Fisheries Agreements

The Community has concluded different types of agreements with partner countries in the context of its external fisheries policy. The nature of the individual agreements are supposed to reflect the objectives and economic interest of the respective parties. They cover:

- **Reciprocal agreements** under which the Community offers partners fishing opportunities in the waters of its Member States in return for equivalent opportunities for Community vessels in their waters (Norway, the Faroe Islands, Iceland and the Baltic Republics);
- **Agreements on access to surplus stocks** for Community vessels to fish in the waters of a third country (United States, Canada);
- **Access to resources and access to markets agreements** under licence and joint venture arrangement in return for financial compensation and market access (Greenland).

- **Financial compensation agreements** where the Community pays financial compensation in exchange for fishing rights.
- **Joint enterprise agreements or "second generation" agreements** where the Community provides tariff concessions, funds for scientific and technical cooperation, and financial support to establish joint ventures, joint enterprises and local establishment of EU fishing enterprises, involving the transfer of EU vessels to a third country. This type of agreement was first signed in May 1994 with Argentina, after which it was considered a "second generation agreement" and all previously concluded agreements were termed "classical" or "first generation agreements".

Each of these models has its own rationale related to historic fishing patterns and arrangements, the state of development of the partner countries' fisheries sector or the presence of common fish stocks in the fishing zones of the Community and the third country. The agreement with ACP, including West African countries, are based on access to resources for Community vessels in exchange for financial compensation (see annex tables 1-3).

Objectives of the EU Fisheries Agreements

From a European perspective, the objectives of the fisheries agreement relate particularly to the direct and indirect employment related to fishing activity. A further objective is to supply fish products to the Community market. The fisheries agreements and catches from international waters, contribute approximately 25% of the Community's overall production.

One of the principal *raison d'être* for these agreements is *socio-economic*. The EU insists that by maintaining or expanding fishing possibilities for fleets in third country waters, the fisheries agreements protect the level of direct employment on fishing vessels and indirect employment in on-shore processing facilities and related industries within the Community. There is particular pressure to maintain fishing traditions in the mainly peripheral and disadvantaged coastal regions of the EU. The Commission has estimated that some 20 000 fishers and a further 20 000 processing sector jobs are supported by the fishing agreements.

There is also the problem of *over-capacity* of the fleet and *depletion of stocks* in EU waters. By signing agreements with third countries, especially relatively resource-rich ACP countries, the EU is able to ease the pressure on its depleted fishery resources and continue to supply its increasing market. The fishing agreements provide fishing opportunities for some 1300 vessels.

Costs to the Community

The fisheries agreements have been under a great deal of scrutiny both in and outside of the EU. In a 1993 report, the EU Court of Auditors pointed out that the current fishing agreements placed unjustifiable cost on the Community budget hence raising questions about its long term sustainability. The Community subsidises up to 80% of the cost of long distance fishing fleets under the fisheries agreements with vessels owners only paying 20%. This is further compounded by the fact that third countries are increasingly becoming more assertive in negotiations and demand more cash for access to their fisheries resources. This costs of the fisheries agreements and the under-utilisation of some agreements has prompted the Commission to consider several options for new fisheries agreements. These are:

- *Speed up the reduction of the Community fleet operating in non-Community waters.* Such action requires financial resources to absorb the fleet, additional to those already planned by way of structural adjustment in order to encourage the conversion or scrapping of vessels and to lessen the risk of vessels returning to Community waters. Such a reduction would certainly increase the dependence on the part of the Community for its supply of fisheries products - currently over 54% - and would have considerable adverse impacts on employment, particularly in coastal regions of the Community dependent on fisheries.
- *Renounce agreements that are least attractive to the industry as a whole.* Initially, certain agreements could fall within this category and eventual savings from these agreements could be switched to other agreements from which a higher economic and social return may be derived . However, this analysis may not ignore certain non-quantifiable factors, and notably the nature of the relationship between the Community and third countries concerned or even the coherence of the EU policy regarding the management and control of the fishing activities of distant-waters Community vessels.
- *Concentrate financial resources on the most attractive agreements.* This option, which adopts the line set out immediately above, would involve negotiating the financial component of those agreements awaiting renewing, in order to match the true interest of the sector . This would signify that the Community's financial obligations under future agreements would be limited to the financial compensation component, thereby excluding the financial of all other actions. The intended effect would therefore be also to redistribute existing budgetary resources, concentrating them on those current or future agreements which offer the maximum potential.
- *Modify the current repatriation of cost of the fisheries agreements.* Currently, the Community assumes the major share of the cost of the fisheries agreements. This option would entail the vessel owners or the Member States assuming a greater share of the costs of the agreements. This adjustment, in addition to the financial implications, could also have the effect of improving the rate of utilisation of certain fishing agreements.

The Importance of the Fisheries Agreements to ACP Countries

The countries who negotiate with the EU also have an interest in concluding the fisheries agreements. Financial compensation from the fishing agreements are a welcome relief to government treasuries of countries with struggling economies and a desperate need for foreign exchange. As sovereign states they have the right to determine the use they make of their fisheries resources and how best to redistribute earnings from it, i.e. debt repayment, development of the fisheries industry or payment of government workers. It is worth stressing that up until UNCLOS, ACP fisheries were freely exploited by various foreign fleets with no revenue to the government. Thus financial compensation could be said to be "easy money" for the governments concerned.

Governments from developing countries are only able gain revenue from domestic fisheries if infrastructure is well developed. Thus, most African governments prefer financial compensation from the fisheries agreements instead of a thriving domestic industry from which it cannot gain revenue.

Finally, to have a complete picture of the fisheries agreements, it is worth stressing that the activities of other non-EU industrial fishing nations such as Japan, Korea and Russia have also given cause for concern regarding illegal fishing practices and negative impacts on local economies. Some fishing agreements of coastal Western African countries are listed in annex table 4.

EU Development Policies with Regard to Fisheries

The objectives of development cooperation between the EU and the 70 ACP states are set out in the Lomé Convention, the implementation of which is ensured, on the European side, by DGVIII. The Fisheries Unit in DGVIII derives its mandate from Article 58-68 of the Lomé IV convention (see Annex. Its aims are:

- to improve the knowledge of the fisheries environment and resources;
- to increase the means of protecting fisheries resources and monitoring their exploitation;
- to increase the involvement of ACP States in exploiting their own fisheries within their EEZ;
- to encourage reasonable exploitation of those resources;
- to increase the contribution of aquatic resources to economic growth, food security, and the fight against poverty.

The objective of the fisheries sector under the Lomé Convention takes account of the EU fisheries agreements and the local industrial sector; however its primary focus is very much on artisanal fisheries. This sector is vital to the economy of these coastal communities contributing to food security, poverty alleviation and capacity building. The majority of employees in artisanal fisheries are women who dominate the processing sector.

According to the Fisheries Project Information System of the FAO a total of 767 development projects has been carried out by the EU in the fisheries sector of developing countries. This involves 576 million ECU over a 35 year period (290 million ECU on-going and 277 million ECU completed).

These projects are managed by various Directorates within the Commission in addition to DGVIII namely DGI and DG XIII, which co-ordinates all these projects. Information on these projects are not always up to date because of the complexity of overlapping projects and the limited amount of staff handling these matters. About 50% of the funds for fisheries projects are channelled through the European Development Fund (EDF), hence administered by DGVIII.

EDF funded projects are carried out at various levels i.e. national or regional indicative programmes(NIP and RIP) and specific programmes, such as micro projects , Small and Medium Enterprise appropriations and through NGO co-financing.

Examples of projects funded through the "development" budget include a regional programme to improve the post harvest utilisation of artisanal fish catches in West Africa and a joint ACP-EU fisheries research initiative.

The former aims to improve marketing, preservation and processing techniques of the artisanal fish catches in the region. Activity reports suggest that a great deal of progress has been made in reducing post harvest losses, with the emphasis on capacity building at the local level and a focus on women given as the reasons for success.

The ACP-EU fisheries research initiative stems from the recognition that fisheries involves the exploitation of exhaustible resources from a very complex ecosystem, which needs to be understood and managed in a sustainable way to ensure that the resources base is renewable. The initiative aims to bring together all stakeholders in a collaborative way to address all critical issues hence ensuring sustainable resource utilisation.

It is worth stressing that there is no collaboration between this research initiative and the scientific and research

components provided under the fisheries agreements, including the second generation agreements. Collaboration between the two would ensure mutual benefit and efficient use of resources.

The EU development of fisheries is not just confined to the artisanal sector, there are also efforts to improve the local industrial sector. The Centre of Development Industry has completed a number of successful projects in the private and industrial fishing sector in the form of joint enterprises between the ACP and EU. The CDI is adamant that it only seeks genuine EU partners for its projects, i.e. those who will invest in offshore facilities in the ACP countries, hence contributing to the local economy.

Incoherence between Fisheries Agreements and Development Cooperation

According to the FAO, 70% of the world fishing stocks are already fully exploited, fished out or in a stage of slow recovery. Fishing pressure has been expanding steadily from the northern seas towards the less developed countries in the South, as species have been fished out by industrial fishing. Before the second World War, this pressure was concentrated largely in the North Atlantic; by 1992, 62.3% of the world's fish catches came from the Pacific, 29% from the Atlantic and 8.5% from the Indian Ocean. The growing importance of southern seas in the fishing industry is manifest in the 1000% and 300% rises in catches in the south-west Pacific and East Indian Ocean respectively between 1979 and 1992, and the 37% drop in the north-west Atlantic, chiefly reflecting the collapse in cod fishing in the same period.

World-wide catches have increased 5 fold between 1950 and 1992, up from 18.5 to 82.5 million tonnes. EU distant-water fleets currently take about 3.5 million tonnes outside their own waters.

The FAO, concerned about the world wide depletion of fisheries stocks has called for reduced fishing effort and a code of conduct to conserve fishing stocks. NGOs, particularly in Europe, have led successful campaigns to raise (European) public awareness about the negative impacts of these fishing trends, including EU fishing agreements with the South. They highlight the detrimental effects on the environment and the artisanal fishermen in the countries concerned. A key theme in the argument of the NGOs is that the fishing agreements are incoherent with the objectives of development cooperation set by the European Union.

Development Concerns with Regard to the Fisheries Agreements

European NGOs under the umbrella of the 'Coalition of Fair Fisheries Agreements' have stressed that EU-ACP Fisheries agreements are incoherent with development cooperation, because they fail to:

- promote rational exploitation and management of ACP stocks;
- adequately promote the monitoring and control of the agreements;
- promote local economic development;
- maintain local food supplies and
- protect the environment.

Under the fisheries agreements, specific areas are reserved for artisanal fisheries, varying from 1 to 12 miles, even for countries within the same vicinity. This had led to many situations of conflict over territory and stock exploitation between industrial and artisanal fishermen.

Many members of the European Parliament have reported on the problems of "coexistence" between artisanal

fishermen and EU industrial fleets.

Critics of the fisheries agreements stress that since it is difficult for developing countries, who lack sophisticated technology to accurately assess their fisheries resources, the EU's negotiating position is to obtain the highest possible catch, rather than erring the side of caution. Such a situation promotes over-fishing. A particular strong accusation by the NGOs is that the absence of adequate measures to reduce the size of the EU's fishing fleets means that the problem of over-capacity has not been tackled but rather exported under the catch quotas in fisheries agreements.

A major problem with the fisheries agreements is in the low monitoring capacity of coastal states and the insufficient attention paid by the current agreements to the capacity to control over-fishing, or illegal fishing. The following chart gives a record of infractions in Senegal. It is difficult to verify the numbers reported by the Senegalese surveillance unit. However, the European Commission asserts the reported infringements involve fewer EU vessels because of its own strict self policing, to maintain its credibility.

Table 1: Recorded infractions by fishing vessels in Senegal 1993-96

Year	Senegal	Foreign	Total	Foreign %
1993	23	6	29	21%
1994	38	4	42	10%
1995	38	6	44	14%
1996	55	5	60	8%
Total	154	21	175	12%
% national & foreign	88%	12%		

Source: Keller in Dioh B., Keller M.K. and K. Roberts (1997).

There are clearly two interests clashing: on the one hand, the overall interest of sustainable fisheries, on the other, that of maximising European catches. According to the European Parliament's report on fisheries (Crampton, 1997):

"The Commission's response that involving itself in monitoring would be interference in the internal affairs of a sovereign state may seem on the surface true. It does not however, take into account those cases where the third country does request financial and/or structural assistance from the EU in the formation of monitoring and control policies. The Commissions attitudes gives the impression that it is avoiding its responsibilities in order to maximise catches, though it is difficult to see what the Commission would possibly have to benefit from adopting this strategy."

It is interesting to note that EU agreements with Northern countries such as Norway often have stricter monitoring and control provisions, with severe penalties for non compliance, than those with the ACP countries.

The competition for fish resources between the EU and artisanal fishermen reduces local food supplies thus affecting food security. Critics who seek modification the fisheries agreements argue that the current reduced stock levels acts as a disincentive to invest in the artisanal sector and thus undermines the local economy.

Some techniques used by EU fishing vessels give cause for concern with regards to their impact on the environment. The EU fishermen under the fisheries agreements have been accused of causing damage to the marine environment for both target and non-target species. Shrimp fishing for example consist of making catches by raking the sea bed. But continued raking prevents the marine flora and fauna from reproducing, as the shrimp by-catch is all destroyed. By-catches are particularly high in shrimp fishing where the discards typically range from 50-90%.

The industrial vessels mostly target high value demersal species. These are mainly larger fish which dwell close to the sea floor, such as Hake. However, the fishing methods used result in large part of catches, mostly smaller pelagic species being discarded because they are of no commercial value. Pelagic species are smaller fish such as sardines which can be found near the surface of the sea. They are of less economic value to the EU fleets but are very nutritious and form an important part of the diet of the coastal communities in terms of animal protein. The high concentration of industrial vessels in specific areas exacerbates the problem of stock depletion.

Reconciling Development Objectives with Fisheries Agreements

The European Commission has acknowledged the negative impacts of the fisheries agreements on the environment and on developing countries and has sought improvements by including conservation measures and development-minded actions such as scientific research, surveillance and monitoring and development of the artisanal fishing. These improvements have seen the fisheries agreements move from cash for access, to agreements of joint ventures involving the local fleets which enabling the transfer of know-how and investment to the developing countries concerned. The bottom line remains, however, that the fisheries agreements are primarily commercial agreements and that the commercial nature of the agreements would always take precedence over any other considerations including development.

Second Generation Agreements

As a result of continued pressure from local fishermen, NGO's and various activists, the EU has started to conclude new "second generation" agreements, as opposed to the previous "first generation" agreements.

The main objective of second generation agreements is a greater involvement of partner countries in industrial fishing. Thus the formation of joint ventures with EU nationals. Second generation agreements are also characterised by the provision of development-minded actions including contributions to scientific research and obligatory landing of specified quantities of by-catches to partner countries over a length of time. The Coalition for Fair Fisheries Agreements has outlined the main distinctive features of these agreements.

Table 2: Some distinctive features of ACP-EU Agreements as seen by the CFFA

First Generation Agreements	Second Generation Agreements
Financial Compensation is paid to ACP Government, to the Finance and Fisheries Ministry	Financial assistance is extended to private sector fishing companies in the EU (87%) and in the third country partner (13%) , with small additional payments for scientific and technical cooperation
Access is allowed to a specified number of EU Vessels or GRT (Gross Registered Tonnage) of fishing vessels under the agreement.	No specific number of vessels or levels of GRT access is granted, the fishing vessels to be deployed are determined by a Joint Committee.
Fishing quotas are allocated exclusively to the use of EU Vessels operating under the agreement.	A quota is allocated to the EU for vessels deployed under the agreement, although "no quota" agreements are under discussion.
No trading provision are included in the agreement since market access for ACP fisheries is covered by the trade provision of the Lomé Convention.	With non-ACP countries, market access provisions form an important feature of the second generation agreements.
80% of the access cost for the EU fishing vessels are carried out on the EU budget, this is a subsidy to the EU fishing industry.	Direct financial payments are made to EU fishing companies operating under the agreement, which provides an important subsidy to the fishing operators.
	The Joint Committee has a major role in determining the type and extent of the EU fishing vessels to be deployed under the agreement.

In spite of the progress achieved, according to the CFFA, both sets of agreements are primarily about securing access for EU fishing vessels to third country waters and guaranteeing supplies of fish to the EU fish processing industry. The CFFA expresses concern about the second generation agreements in 8 key areas:

1. defining the types of companies which can receive assistance;
1. the composition and functioning of the Joint Committee;
2. the criteria established for selecting projects to receive financial assistance;
3. whether it is necessary or appropriate to establish a separate "quota" for EU vessels under the agreement;
4. the utilisation of financial assistance in a non-discriminatory way ;
5. strengthening monitoring and control provisions;
6. establishing clear priorities for scientist and technical cooperation;
7. building in a precautionary approach to conservation.

Suggestions on Achieving Coherence

Various organisations and groups have made suggestions on how to achieve coherence between the fisheries agreements and development objectives. In February 1997, the Coalition of Fair Fisheries Agreements suggested that the EU Council of Ministers:

1. Re-appraise the negotiating instructions issued by the EU Council of Fisheries Ministers to the Commission for the negotiation of EU-ACP fisheries agreements, to assess the extent to which they fully accommodate EU development policy objectives.
2. Establish negotiating instructions which ensure that EU-ACP fisheries agreements promote responsible fishing practices and maximise the contribution which the fisheries sector makes to the development of the local ACP economy.
3. Establish a joint Fisheries and Development Council Working Group to draw up a code of conduct for responsible ACP-EU fisheries agreements.
4. Oblige the Commission to draw up an annual report to the Council and European Parliament on the coherence achieved between the policy and practice of EU fisheries agreements and the fostering of EU development cooperation policy objectives.
5. Hold an annual hearing in the European Parliament on the progress made towards achieving greater coherence between the policy and practice of EU fisheries agreements and the fostering of development cooperation policy objectives.
6. Establish a "complaints" mechanism for the case of incoherence to feed into the above.

The European Parliament (Crampton, 1997) highlighted three principles which constitute minimum requirements to be applied to all fisheries agreements with third countries. They should be inscribed in a new basic regulation.

- *Sustainability*. Fisheries agreements may not cause or contribute to the depletion of stocks or cause damage to or destruction of ecosystems.
- *Cooperation*. Through its agreements the EU should contribute to the establishment of effective bilateral and multilateral cooperation in the fields of assessment of stocks, other scientific research and the adoption of appropriate conservation measures.
- *Coherence*. Fisheries agreements must be fully coherent with other EU policies.

The Parliament acknowledges that not all fisheries agreements are identical and that the specific requirements of each third country need to be taken into consideration. It proposes a series of guidelines which have to be seriously taken when negotiating an agreement (see table 3). The Parliament has expressed concerns about the EU as having reputation as being a tough negotiator, and stressed the need for these negotiations to be carried out in a spirit of cooperation that benefits both parties.

"The benefit of the third country should not depend on how efficient it is at negotiating , its resources or stage economic and economic development."

Fisheries agreements were one of the highlights of the 1997 European debate on coherence brought up by the Dutch Presidency. At the Development Council meeting on 5th June 1997 in Luxembourg, some procedural arrangements were taken for the first time to resolve the issue of incoherence between EC development cooperation with other policies including fisheries.

This was a direct follow up from an informal meeting of the ministers for Development Cooperation on coherence, which was held on the 1st March 1997 in Amsterdam.

Table 3: The 1997 European Parliament (Crampton, 1997) suggested guidelines for negotiating fisheries agreements

<p>Stock assessment. All fisheries agreements must be based on an assessment of the stocks to be fished, carried out by scientists possessing the necessary competence and having access to the equipment required. When a third state concerned lacks resources for carrying out the task in a scientifically satisfactory way , the EU shall take full responsibility for the assessment. Meanwhile , it shall seek to establish cooperation with the third state concerned, with the aim of building up its scientific capacity. For the purpose of ensuring the quality of all assessment of stocks in connection with fisheries agreements, the Community shall set up a counselling and monitoring committee of scientists. Even with this knowledge the EU must adopt a precautionary approach when looking at Total Allowable Catches (TAC) and the domestic fishing.</p>
<p>Prevention of depletion. The EU should accept inclusion in agreements of provisions intended to prevent depletion of fish stocks from occurring during the period of validity of the agreement. Such provision could inter alia concern biological rest periods.</p>
<p>Monitoring and control. Effective provision should be provided in each agreement to ensure that the provisions set out in the agreement are adhered to. The Community should provide assistance, when requested, to the third country to enable it to adequately monitor the agreement. This could include financial assistance, assistance with training of monitors etc. Regional cooperation for monitoring and control methods should be encouraged.</p>
<p>Exclusion zone for Artisanal fishing Fleet. Where applicable, the coastal artisanal fishing fleet should be protected by the inclusion of a minimum 12 mile exclusion zone in agreements.</p>
<p>Training, technical and scientific cooperation. The importance of these provisions should be recognised and be more carefully targeted to assure the development of the local industry.</p>
<p>Good Governance: The use financial compensation payments is subject to an independent audit in order to promote good governance in developing countries and to increase transparency.</p>
<p>Consultation in third country: The third country should consult the local fishing sector about the consequences of a proposed agreement.</p>
<p>Consultation within the Commission : DGXIV should formally consult DGVIII and DG1A before an agreement is signed.</p>

Regional Management: The should play an active and positive role in regional management organisation and assist developing states to corporate fully. Where one does not exist, the EU should be at the forefront to push for the creation of one.

Code of Conduct for responsible fishing: The EU , as a major world fishing power , has a responsibility to fulfil all its obligations under International Convention of the FAO Code of Conduct.

In its Declaration, whilst recognising that coherence was difficult to measure, and dependent upon political choices, the Council did stress the need to enhance the existing institutional arrangements to ensure that the aspects relating to policy coherence incoherence are examined and dealt with appropriately.

1. Invites the Commission to highlight, in connection with proposals present to the Council , any coherence questions in relation to development cooperation that may arise. In this framework , the introduction of coherence impact assessment could be considered;
2. If negative effects are identified as arising from unintended incoherence of policies in relation to development cooperation, recommends that the matter should be discussed in the relevant Council framework, based, in principle, on a report by the Commission ;
3. Invites the Commission to present a regularly , preferable on an annual basis, report to the Council on questions related to coherence in connection with development cooperation, including procedural arrangements;
4. Invites the Commission to investigate, through a pilot experiment , the use of joint monitoring procedures with developing countries with a view to increasing consultation and policy dialogue with recipient countries for prompt identification of possible incoherence;
5. Recognises that the joint Council meetings and consultations between experts could be useful in areas where there is a special need for policy coherence.

With specific reference to fisheries, the Council stresses the following aspects:

1. Given the crucial importance of adequate data about fish stocks and its importance for the economies of developing countries, special attention should be given to projects aiming at improving the research and scientific knowledge on fishery resources, as well as those enabling to improve its monitoring. It is important that the EU encourages local efforts to achieve an appropriate management of fish stocks.
2. Full implementation of the FAO Code of Conduct of responsible fishery and relevant UN conventions should ensure that all, including non-EU, countries which fish in African waters and those of other developing countries, exercise greater responsibility. With this in mind, the Union should seek to establish informal contact with third countries.
3. The strengthening of the appropriate regional organisations or mechanisms for fisheries regulation should be supported.

4. Informal exchange and constructions between experts from the Commission and the Member States specialising in external fisheries and development cooperation should be promoted in this context.

Is a Win/Win Situation Possible?

The current crisis of continuing depletion of world fishing stocks constitutes a real threat to the future generations. Unfortunately, the current debate in the fisheries agreements is dominated by strong opinions as to who has the legitimate claim or historical right to fisheries resources. This has diverted attention from the real issue which is the sustainability of the fisheries resource base. Fisheries resources are renewable and can sustain future generations, if allowed to do so. There has been general acknowledgement on the need to conserve world fishing as new fishing agreements are increasingly including conservation measures such scientific research and monitoring and control. These measures are however secondary to the commercial nature of the fisheries agreements which provide access for EU vessels to supply the Community with fish, provide jobs and reduce pressure on its depleted fisheries stocks. This is a short term solution that can not be sustained financially or from the resource base.

Sovereignty and Partnership

A common argument used in support of the current fishing agreements is that they are international agreements between sovereign states that are equal partners. The political and economic reality of the situation has raised many questions about the validity in the assertion that the partnership between developing countries and the EU is equal.

NGOs, in particular, insist that the bargaining power of individual African countries vis-à-vis the EU is such that "the mighty" EU would always have an unfair advantage in any negotiations with the former. Such a negotiating arrangement would not necessarily guarantee healthy and credible negotiations for mutual benefit.

The EU green paper on the future of development cooperation with the ACP countries acknowledges the that the notion of equal partnership between the EU and the ACP does not exist anymore. Thus there is need to ensure consistency in the way the EU views the ACP states as equal partners or as a disadvantaged group which needs help to be integrated into the world economy as stated in the Maastricht Treaty.

A good example of sustainable exploitation of fisheries resources is in Namibia which has opted not to have the usual fisheries agreements with the EU but to make arrangements with its own domestic industry, including strict controls on catch levels. This has seen the recovery of the Namibian fisheries resource and a thriving domestic industry. It is worth stressing that Namibia, unlike most African countries, has a well-developed fishing industry thus ensuring successful regulation.

Box 1: Namibia and the Fisheries Agreements

Namibia, which has opted not to have any of the "usual" EU fishing agreements types but instead have agreements of its own based on national requirements, has managed to increase the contribution the fisheries sector makes to the national economic and social development. It has been reported that in first five years of independence:

- 6,000 new jobs were created, doubling wage employment in the fisheries sector;
- foreign exchange earnings were tripled;
- tax revenue equivalent to 3 times the Fisheries Ministries budget was generated;
- the fisheries sector has been increasingly integrated into the wider Namibian economy.

All this is said to have been achieved against a background of

- a major reduction in the Total Allowable Catch, with a view to promoting stock recovery;
- adverse environmental conditions in the fishery;
- a 30 % reduction in fish landings.

The Namibian experience is been seen as example for other third countries in relation to the EU. It is worth stressing unlike other Africa countries Namibia has a well-established fishing industry which it able to control and regulate effectively such as revenue collection.

Finding a Sustainable Solution for the European Fisheries Sector

The incoherence between fisheries and development cooperation arises, to a large extent, from the conflicting interests between legitimate short term concerns of the EU and legitimate long term global concerns on the sustainability of fisheries. EU politicians will have to address the issue of over-capacity in their fleets and the associated problems of employment for EU fishermen. The fishing agreements should not be seen as a solution to an internal problem that includes finding alternate employment for people in coastal communities dependent on long-distance fishing activities.

A recent study by DGVXIV has found that a significant amount of European fishermen would be prepared to take alternative employment even it meant a drop in salary. The study also found that skills acquired at sea are easily transferable to land-based jobs.

Multilateral Fisheries Agreements

The current problem facing the fishing industry is global in nature and as such requires global cooperation. One solution is for fisheries agreements to be conducted as multilateral agreements between regional groups. This has been successfully done in the South Pacific, which possesses the world's largest EEZ and tuna resources, and the USA.

African countries must consider the advantages of the long term gain of having rich and well-managed fisheries resources, from which to derive continuous revenue, against the short term gains of larger foreign exchange for some individual countries. A situation which is unlikely to last as their fisheries resources get depleted and the EU

	EU		ECOWAS	
	<i>Short term loss/ difficulty</i>	<i>Long term gain/advantage</i>	<i>Short term loss/ difficulty</i>	<i>Long term gain / advantage</i>
<i>Monitoring, Control and Scientific Research</i>	Stricter control on access to fisheries resources and fishing practices.	Continued access to a healthy fisheries resource without the risk diminishing returns.	Difficulty in organising the logistical issue for the different countries in the same region.	More effective control of illegal fishing practices.

<i>Negotiations</i>	Reduced bargaining power.	Increased credibility for fair and equitable negotiations.	Difficulty in finding common negotiating positions.	Increased bargaining power. Bargaining powers may be applied to other fisheries negotiations.
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Conclusion

The EU fisheries agreements are very important for providing fish products and jobs to the European Community. This is particularly true as the EU’s own fishing waters are experiencing over-capacity and dwindling fish stocks. The need for new fishing grounds has created many situations of conflict between the objectives of development cooperation and the fisheries agreements. The negative impact on the artisanal fishermen and their local economy has been highlighted by NGOs.

The cases of incoherence between the fisheries agreements and development cooperation have mostly centred on questions such who has the legitimate right to fisheries resources. This has diverted attention from the findings of scientist who stress that the current rate of fishing cannot be sustained. ACP and EU scientist are agreed on the need to manage fish resources on a sustainable basis, including strict monitoring and control. There has been a shift in new EU fisheries agreements to take account of development and sustainable exploitation, but the commercial nature of the agreements still dominates the negotiations. A real challenge for the ACP and EU governments is to conduct the fisheries agreements on a multilateral basis to ensure equitable outcomes.

Annex Table 1: West African Countries with EU Fisheries Agreements

Country	Dates	Total cost for Duration of Agreements (ECU ‘000)		Allowed Annual Catches	EU Fleets Allowed	EU fleets
Cape Verde	06.09.94 05.09.97	Total Compensation Other	1 500 1 063.5 436.5	4 580 t of tuna	23 tuna seiners, 17 tuna long liners and pole and hole vessels, 3 bottom long liners (each less than 210 GRT)	France Portugal Spain
Cote d’Ivoire	01.07.1994- 30.06.1997	Total Compensation Other	2 500 2 100 400	2 750 t of tuna	47 tuna seiners, 2 tuna long liners, 4 tuna pole and line vessels	France Spain
Gambia (previous agreement)	0.1.07.1993- 30.06.1996	Total Compensation Other	1 400 1 100 300		22 tuna seiners, 7 tuna pole and line vessels, 410 GRT of wet fish trawlers, 2000 GRT of other freezer trawlers	France Greece Italy Spain

Guinea (Conakry)	01.01.1996-31.12.1997	Total Compensation Other	4 000 2 450 1 550	28 seiners, 7 tuna long liners, 7 tuna pole in hole vessels, 5000 GRT per month of demersal trawlers (finfish, cephalopods, shrimp)	France Greece Italy Portugal Spain
Guinea- Bissau	16.06.1995-15.06 1997	Total Compensation Other	12 700 10 800 1 500	26 tuna seiners, 16 tuna long liners and pole and line vessels, 12800 GRT per month of demersal trawlers (finfish cephalopods, shrimp)	France Italy Portugal Spain
Mauritania	01.08.1996-31.07.2001	Total Compensation Other	266 800 266 800 2 000	40 tuna seiners, 17 tuna long liners and pole in hole vessels, 5500 GRT of shrimp trawlers, 8500 GRT of hake trawlers / long liners, 9700 GRT of non hake vessels , 15000 GRT for cephalopod trawlers 300 GRT of crawfish vessels, 22 pelagic trawlers	France Germany Ireland Italy Netherlands Portugal Spain UK
Senegal (previous agreement)	02.10.1993-01.06. 1996	Total Compensation Other	18 000 15 800 2 200	47 tuna seiners , 6 tuna lonliners 11 pole in hole vessels, 7000 GRT per year and 6000 GRT 4 month period of demersal trawlers (fin fish cephalopods, shrimp)	France Greece Italy Portugal Spain

Source: Aelvoet and Earle (1996), European Parliament.

Annex Table 2: Equatorial and Southern African Countries with EU Fisheries Agreements

Country	Dates	Total cost for duration of the agreements (ECU ‘000)	Allowed Annual Catches	EU Fleets Allowed	EU fleets
Angola	03.05.1996-02.05.1999	Total: 39 350 Compensation: 31 000 Other: 8 350		9 tuna seiners 12 tuna long liners, 6550 GRT per month of shrimp trawlers (maximum 22 vessels), 2000 GRT per month of demersal trawlers, 1750 GRT per month of long liners /gill netters	France Greece Portugal Spain

Equatorial Guinea	01.07.1994- 30.06.1997	Total: 660 Compensation: 412.5 Other: 147.5	27450 t of tuna	47 tuna seiners, 2 tuna long liners, 4 tuna pole and hole vessels	France Spain
Sao Tome and Principe	01.06.1996-31.05.1999	Total: 2 175 Compensation: 1 800 Other: 375	9000 t of tuna		France Portugal Spain

Source: Aelvoet and Earle (1996), European Parliament.

Annex Table 3: Indian Ocean Countries with EU Fisheries Agreements

Country	Dates	Total cost for the duration of the agreements (ECU'000)	Allowed Annual Catches	EU Fleets Allowed	EU fleets
Comoros	20. 07.94 to 19 07 97	Total: 1 080 Compensation: 675 Other: 405	4 500 t of tuna	37 tuna vesels	France Spain
Madagascar	21.05.95 to 20.05.98	Total: 2 175 Compensation: 1 350 Other: 825	9 000 t of tuna	42 tuna seiners, 16 tuna long liners	France Spain
Mauritius	01.12.93 to 30.11.96	Total: 1 455 Compensation: 975 Other: 480.0	6 000 t of tuna		France Spain
Seychelles	18.01.96 to 17.01.99	Total: 9 900 Compensation:6 900 Other: 3 000	46 000 t of tuna	42 tuna seeners, 15 tuna long liners	France Spain

Source: Aelvoet and Earle (1996), European Parliament.

Annex Table 4: Major Fisheries Agreements of West African Coastal States (in chronological order)

Morocco	Spain 83; France 84, 89; Japan 85-89; Romania 87; EEC 87, 88, 90, 91, 92, 95; USSR 91; Russia 92; 95; Portugal 93,94.
Mauritania	Korea R. 83; Senegal 83; Portugal 84,85; Tunisia 84; Germany DEM 84; USSR 87; Romania 87; France 87; Algeria 87; Ghana 88; EEC 88, 90 , 93; Spain 90, 94; C. Verde 90; China 91 Japan 91, 95, Russia 93; Ukraine 93; Germany 95; Poland 96.
Senegal	Mauritania 83; EEC 83, 85, 86, 87, 90, 92, 94; Canada 84; Spain 85, C.Verde 85; Cameroon 91; Japan 91; Gambia 92, 94; G.Bissau 93

Gambia	EEC 86, 90, 93; Japan 92; Senegal 92, 94.
C. Verde	Senegal 85; Guinea 89; Portugal 90; EEC 90, 94; Mauritania 90
G. Bissau	EEC 83, 86,87, 89,91,94; Sweden 83; Portugal 83; China 84; Guinea 85, 88 USSR 86, 90 ,91; Algeria 87; Cote d'Ivoire 87; Japan 93 Senegal 93.
Guinea	EEC 83, 86, 87, 89, 91, 94; Spain 83, 84; G.Bissau 85, 88; C. Verde 89; Nigeria 91
Sierra Leone	USSR 86, 88, Libya 88; Palestine 88; EEC 90 Japan 90, 92; Nigeria 91.
Cote d'Ivoire	Seychelles 84; G. Bissau 87; Ghana 88; EEC 91, 94.
Ghana	Cuba 85; Congo 85; Angola 86, 88; Mauritania 88; C. d'Ivoire 88; Faroe Is. 89
Nigeria	China 88, Angola 88, 91; USSR 90; S. Leone 91; Guinea 91 Eq. Guinea 91
Cameroon	Senegal 91.
Eq. Guinea	EEC 84, 89, 94; Nigeria 91 Poland 92.
Sao Tome & Principe	Spain 84; EEC 84, 86, 90,93; USSR 87, 88, 89.
Gabon	Korea R. 85; EEC 88.
Congo	Ghana 85; Angola 85.
Zaire (Congo)	Portugal 83.
Angola	France 83; Spain 84; USSR 84, 87, 89; Korea R. 85; Congo 85; Ghana 86, 88; Nigeria 88, 91; EEC 89, 90, 92, 94; Namibia 90; Poland 93; S. Tome & Principe. 94.

Source: Keller 1997. Project GCP/302/EEC and FAR, Rome.

Annex 1: Lomé IV Convention Title III: Development of fisheries

Article 58

The ACP States and the Community recognise 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 mutual interest for their respective economic sectors.

Cooperation in this field shall promote the optimum utilisation of the fishery resources of the ACP States, while recognising the rights of landlocked States to participate in the exploitation of sea fisheries and the right of coastal

States to exercise jurisdiction over the living marine resources of the exclusive economic zone in conformity with current international law and notably the conclusion of the Third United Nations Conference on the Law of the Sea.

Article 59

To encourage the development of the exploitation of the fishery resources of the ACP States, all the mechanisms for assistance and cooperation provided for in this Convention, notably financial and technical assistance in accordance with the terms set out in Title III, Part Three shall be applied to fisheries. The priority objectives of such cooperation shall be to:

- improve knowledge of the fisheries environment and its resources;
- increase the means of protecting fishery resources and monitoring their rational exploitation;
- increase the involvement of the ACP States in the exploitation of deep -sea fishery resources within their exclusive economic zones;
- encourage the rational exploitation of the fishery resources of the ACP States and the resource of high sea in which the ACP States and the Community share interest.;
- increase the contribution of fisheries including aquaculture, non-industrial fishing and inland fisheries, to rural development, by giving importance to the role they play in strengthening food security, improving nutrition and the social conditions of the communities concerned; this implies , inter alia, a recognition of and support for women's at the post -harvest stage and in the marketing of fish;
- increase the contribution of fisheries to industrial development by increasing catches, output, processing and exports.

Article 60

Assistance from the Community for fisheries development shall include support in the following areas;

(a)fisheries production, including the acquisition of boats, equipment and gear, the development of infrastructure for rural fishing communities and the fishing industry and support for aquaculture projects, notably by providing specific lines of credit to appropriate ACP institutions for on-lending to the operators concerned;

(b)fisheries management and protection, including the assessment of fish stocks and of aquaculture potential, the improvement of environment monitoring and control and the development of ACP coastal States' capacities for a rational management of the fishery resources in their exclusive economic zones; (c)processing and marketing of fishery products, including the development of processing, collection, distribution and marketing facilities and operators; the reduction of post harvest losses and the promotion of programmes to improve fish utilisation and nutrition from fishery products.

Article 61

Particular attention shall be paid in the fishery resource development cooperation to the training of ACP nationals in all areas of fisheries, to the development and strengthening of ACP research capabilities and to the promotion of intra-ACP and regional cooperation in fisheries management.

Article 62

In implementing Articles 60 and 61, special attention shall be given to enabling least-developed, landlocked and island ACP States to maximise their capabilities to manage their fishery resources.

Article 63

The ACP States and the Community recognise the need for direct or regional cooperation through international organisations, with a view to promoting conservation and optimum use of the living resources of the sea.

Article 64

The Community and the ACP States recognise that coastal States exercise sovereign rights for the purpose of exploring, exploiting, conserving and managing the fishery resources of their respective exclusive economic zones in conformity with current international law. The ACP States recognise that there is a role for the Community Member States' fishing fleet, operating lawfully in waters under ACP jurisdiction, in the development of ACP fishery potential and in economic development in general in the coastal ACP States. Accordingly, the ACP States declare their willingness to negotiate with the Community fishery agreements aimed at guaranteeing mutually satisfactory conditions for fishing activities of vessels flying the of one the Member States of the Community.

In conclusion or implementation of such agreements, the ACP States shall not discriminate against the Community or among the Member States, without prejudice to special arrangements between developing States within the same geographical area, including reciprocal fishing arrangements, nor shall the Community discriminate against ACP States.

Article 65

Where ACP States situated in the same sub-region as territories to which the Treaty establishing the European Community applies wish to engage in fishing activities in the corresponding fishing zone , the Community and the ACP States shall open negotiations with a view to conducting a fishery agreement in the spirit of Article 64, taking account of their specific situation in the region and of the objective of strengthening regional cooperation between those two territories and neighbouring ACP States.

Article 66

The Community and the ACP States recognise the value of a regional approach to fishery access and shall support moves by ACP States towards harmonised arrangements for access for fishing vessels.

Article 67

The Community and the ACP States agree to take all appropriate steps to ensure that the efforts undertaken in fisheries cooperation under this convention shall be effective , taking into account notably the Joint declaration on the origin of fishery products.

As regards exports of fishery products to the markets of the Community, due account shall be taken of Article 358.

Article 68

The mutually satisfactory conditions referred to in Article 64 shall bear in particular on the nature and the scale of the compensation to be received by the ACP States concerned under bilateral agreements.

Compensation shall be additional to any allocation relating to projects in the fisheries sector pursuant to Title III, Part Three of this Convention.

Compensation shall be provided for partly by the Community as such and partly by the ship owners and shall take the form of financial compensation which may include licensing fees and where appropriate, any other elements agreed upon by the parties to the fishery agreements, such as obligatory landing of part of the catch , employment of ACP nationals, the taking on board of observers, transfer of technology, research and training grants.

Compensation shall relate to the fishing of highly migratory species, the particular character of such fisheries shall be taken into account in the respective obligation under the agreements including the financial compensation.

The Community shall take all necessary measures to ensure that its vessels comply with the provisions of the agreement negotiated and with the laws regulated of the ACP States concerned.

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