



The rhetoric of “responsible fishing”: Notions of human rights and sustainability in the European Union's bilateral fishing agreements with developing states

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ABSTRACT

Over the past two decades, European Union rhetoric has communicated a desire to take on a normative power role in advancing human rights and sustainable development approaches in the context of global fisheries policy. Officials have propagated an image of a “new Europe,” committed to promoting good maritime governance and ensuring responsible fishing worldwide as part of its global responsibility to human rights and sustainable development. These normative principles have at times been framed as an integral part of the European Union's legal and political identity. In practice, however, the European Union's bilateral fishing agreements with developing states have come short of European Union aspirations, facing criticism for hindering rather than aiding local development. This paper explores the bilateral agreements from an international law perspective, engaging in grounded theory, discourse analysis, and a detailed case study on European Union–Senegal fishing relations. For the European Union, the article raises questions about conflicts between national and supranational fishing goals and about the challenges these conflicts present to its goal of normative leadership. More generally, the study suggests implications for enacting international law principles on the ground, as well as for the inherent power dynamics of post-colonial relations.

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1. Introduction

Over the past two decades, rhetoric from the European Commission (EC) and the Directorate-General for Maritime Affairs and Fisheries (DG MARE) has framed the European Union's (EU's) role in global fisheries policy through a series of abstract values: responsibility, leadership, human rights, and sustainability. These notions have been advertised as part of the EU's image as a “normative” global civil power, especially with regard to human rights and environmental policy.¹ Rhetoric of this “new Europe,” and its perceived role “at the service of sustainable global development,”² has propagated into recent discussions on the external dimensions of the Common Fisheries Policy (CFP). DG MARE's Green Paper on

Reform (GPR), published in preparation for the 2012 reform cycle of the policy, stated that the main objective of the CFP's external dimension must be “to extend the principles of sustainable and responsible fisheries internationally” and outlined a vision for the near future in which “the EU continues its work to promote good maritime governance and responsible fishing worldwide [...] as part of the EU's overall responsibility and effort to achieve better global governance of the seas.”³ A significant part of the policy's external dimension, the EU's bilateral fishing agreements with developing countries (now known as Sustainable Fishing Partnership Agreements, or SFAs), have been restructured for the second time to better accommodate the EU.

Yet the EU's “worldwide effort” in promoting responsible fisheries and sustainable development through its bilateral agreements has faced severe criticism for decades. Despite a previous restructuring during the 2002 CFP reform cycle, the agreements have been lambasted as unsustainable, exploitative, at best “detached from the broader scope of [...] development cooperation”⁴

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¹ For more in-depth discussions of the EU's normative power, see I. Manners, “Normative power Europe: A contradiction in terms?” *Journal of Common Market Studies* 40 (2002), 235–258; or J. Vogler and H. Rhybomicus stephan, “The European Union in global environmental governance: Leadership in the making?” *International Environmental Agreements* 7 (2007): 389–413.

² R. Prodi, “2000–2005: Shaping the New Europe” (speech, Strasbourg, 15 February 2000), available online: <http://europa.eu/rapid/press-release_SPEECH-00-41_en.htm>.

³ European Commission, 2009. Green Paper on Reform of the Common Fisheries Policy, 22. COM (2009) 163.

⁴ E. Witbooi, “The infusion of sustainability into bilateral fisheries agreements with developing countries: The European Union example,” *Marine Policy* 32 (2008): 669–679.



Fig. 1. Senegal and its EEZ. Map created by author.

and coming short of the EC's stated aspirations. This article investigates this discrepancy from an international law perspective. Using critical discourse analysis and policy analysis, the article evaluates the international law framework in which the bilateral agreements exist, then tests the alignment of the EU's fishing goals and policy actions with the norms actually propagated by this framework.

Section II briefly explores the international law framework and examines the discourse in those international treaties and agreements shaping human rights and sustainable development as guiding principles of global fisheries management. Through this analysis, it debates what "normative influence" actually entails in the context of international law. In assessing the actual role of the EU in this framework Section III examines the external fishing objectives promoted in the CFP and probes their alignment with normative notions from international law. Section IV discusses a case study on bilateral fishing relations between the EU and Senegal. Senegal's longevity of fishing relations with the EU makes it well-placed to illustrate some of the issues with implementing international law principles into the bilateral agreements. The section examines what environmental and human rights or developmental notions exist in each iteration of the agreements. Findings and perspectives are reviewed in Section V.

2. Background: Human rights and sustainability in international fisheries law

The idea of extending human rights and sustainable development through fisheries governance originates from a definition of the environment first coined in 1972 at the United Nations Conference on the Human Environment in Stockholm. The Stockholm Conference became incredibly influential in later international environmental law because it framed the natural environment as comprising of socioeconomic and cultural, rather than merely physical and biological, factors.⁵ Notably, however, this definition was advanced largely through the sway of developing countries, whose perspective on global environmental concerns proved very different from that of industrialized states.⁶ Never before had it been imaginable to center international environmental management around the idea, voiced by Indian Prime Minister Indira

⁵ L. Juda, "International environmental concern: Perspectives of and implications for developing states," in *The Global Predicament: Ecological Perspectives on World Order*, David Orr and Marvin Soroos, eds. (Chapel Hill: University of North Carolina Press, 1979).

⁶ M. Strong, "One year after Stockholm," *Foreign Affairs* 51 (1973): 690–707; C. Joyner and N. Joyner, "Global eco-management and international organizations: the Stockholm Conference and problems of cooperation," *Natural Resources Journal* 14 (1974): 535–555; L. Juda, 1979, see n. 5 above.

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