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Marine Policy

journal homepage: www.elsevier.com/locate/marpol

EU–Mauritania fisheries partnership in need of more transparency



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ARTICLE INFO

Article history:

Received 18 December 2013

Received in revised form

3 April 2014

Accepted 6 April 2014

Keywords:

Mauritania

European Union

Fisheries partnership

2012 Protocol

Sectoral support

ABSTRACT

The new protocol signed in July 2012 by the European Union and Mauritania under the existing Fisheries Partnership Agreement did not produce the expected results. The main component of this protocol consisted of the access rights for 300,000 t/yr of small pelagics. During the first five months after the signature of the protocol, no EU pelagic trawlers used the opportunities created by the protocol. Only after the formal approval of the protocol by the European Council in December 2013, some eastern EU member states started sending their pelagic trawlers back to Mauritania. This resulted in a utilisation of the protocol of 54% for the whole of 2013. Although the EU repeatedly stated that the €70 million/yr paid under the protocol provided good value for money, this assertion was hard to maintain considering the limited utilisation of the agreement. The paper analyses why the EU concluded an agreement with Mauritania that was not wanted by their industry and that was therefore only partially used in the end. It describes the decision making process inside the EU; the different parties involved and their different objectives. It is concluded that the EU decision making process suffers from a lack of transparency and that the combination of a business agreement with development aid resulted in an agreement which did not attain either of the stated objectives. It is proposed that in future the two aspects are clearly separated, and that the development component is extended to other countries in West Africa, including those that have no fish to sell to the EU.

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1. Introduction

In July 2012 the European Commission initialled a new fisheries protocol with Mauritania under the existing Fisheries Partnership Agreement. Within the framework of this agreement, the European Union (EU) and Mauritania sign protocols that define access rights for different segments of the European fleet to Mauritanian waters, and the financial compensation that Mauritania receives in return. Detailed descriptions of the EU–Mauritanian agreements up until 2012 have been presented by Cullberg and Lovin [1], Martin [2], Nagel and Gray [3] and Le Manach et al. [4]. With a total financial compensation ranging from €70 to 86 million/yr during the past 12 years, the Mauritanian agreement is by far the most important of all fisheries agreements between the EU and third countries. Part of the financial compensation is earmarked for the development of the Mauritanian fishing industry. In EU agreements, this cooperation component is commonly referred to as “sectoral support”.

The previous protocol (2008–2012) expired on the 31st of July 2012 and it had to be replaced by a new one to allow a continuation of the EU fishery in Mauritania. The negotiation of

the new protocol took a much longer time than on previous occasions, mainly due to Mauritanian demands for increased restrictions on the EU fleets. Ship owners in Spain and The Netherlands warned the Commission that if the Mauritanian demands were accepted, their fishery in Mauritania would become uneconomical. Despite these objections, the Commission after 7 rounds of negotiations initialled the new protocol on the 26th of July 2012. The bulk of the fish in the new protocol (93%) consisted of small pelagics for which an annual quota of 300,000 t was agreed. Smaller quota were agreed for shrimp, hake, roundfish and tuna. For octopus, the main species in the previous protocols, the quota was set at zero. Mauritania received a financial compensation of €70 million/yr, out of which €3 million/yr were earmarked for sectoral support.

During the first 5 months after the initialling of the protocol, few EU vessels used the fishing opportunities created for them. The EU pelagic fleet stayed away from Mauritania during the remainder of 2012 as ship owners declared that they could not work under the conditions of the new protocol. In 2013 some pelagic trawlers from the eastern EU member states returned to Mauritania, but trawlers from the western member states did not return except for two trials of short duration. Mauritania in December 2012 (and again in December 2013) received the agreed financial compensation of €67 million for access rights, but because of the under-utilisation of the protocol by EU pelagic

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trawlers, the country missed a large fraction of the expected additional income from fishing licences. Moreover, a substantial number of Mauritanian sailors that used to work on board EU vessels lost their jobs. Both from the European and Mauritanian perspective, the protocol could hardly be called a success. However, despite of its under-utilisation, the protocol was approved by the European Council of Ministers in December 2012 and by the European Parliament in October 2013.

In this paper, the structural problems surrounding the EU–Mauritanian agreement will be described, and the question will be addressed why the EU signed an agreement that was not wanted by their industry. Furthermore some possibilities will be considered to adapt the EU–Mauritanian agreement in future in such a way that it becomes a genuine partnership for the development of the Mauritanian national fishery.

2. Data sources

Data for this study were obtained from publications by the European Commission, European Parliament, FAO and from articles published on the Mauritanian website CRIDEM (www.cridem.org). Information on the views of the European Commission was obtained through interviews with officials from the Commission in Brussels and in Nouakchott. The policy of the Dutch government was discussed with officials from the Dutch government and with Dutch ship owners that briefed their government. The Mauritanian views concerning the fisheries agreement were obtained from interviews with officials of the Mauritanian Ministry of Fisheries and Maritime Economy in Nouakchott, and from interviews with scientists of the Mauritanian fisheries research institute IMROP in Nouadhibou.

The position of the European pelagic ship owners was discussed with Gerard van Balsfoort, president of the Pelagic Freezertrawler Association (PFA), an organisation of West-European pelagic ship owners. Additional information was provided by Arie de Graaf, CEO of Vrolijk BV, one of the main companies that operate pelagic trawlers in Mauritania, and by captains of pelagic trawlers in Mauritania. Fishing positions for EU pelagic trawlers were obtained from log sheets provided by captains and from data collected by scientific observers from the Mauritanian research institute IMROP.

Regional management of pelagic stocks in West Africa was discussed with the permanent secretary of the Sub-Regional Fisheries Commission (SRFC) in Dakar, and with the head of research at the SRFC. Data deficiencies in Senegal and their causes were discussed at a workshop in Dakar in June 2012 [5], and with the director and scientists of the Senegalese fisheries research institute CRODT.

The state of fish stocks in Mauritania and West Africa was reviewed during meetings of the FAO working Group on Small Pelagic Fish in West Africa, and the EU–Mauritanian Joint Scientific Committee, both of which the author is a member.¹

3. Objectives and history of the EU–Mauritanian fishery agreement

The EU fisheries agreement with Mauritania is by far the most important of the 17 agreements between the EU and third countries that are presently in force [6]. The principle of all these agreements is that the EU pays the third country a financial compensation for access rights of its fleets to the waters of the

country concerned. The details of the access rights such as number of vessels, total allowable catch and restrictions concerning fishing gear and fishing area are described in so-called protocols, the duration of which ranges from 2 to 6 years. These protocols also specify the total amount the EU is paying for the access rights, and the additional licence fees that vessel owners have to pay on top of the EU compensation. The access rights paid by the EU may be seen as a subsidy to its fleet. In the years prior to 2012, the EU contribution in fisheries agreements with third countries accounted for roughly 75% of the licence fees that ship owners would have to pay in the absence of an agreement [4]. The agreements contain an exclusivity clause that forbids EU vessel owners to conclude a private agreement outside an existing protocol.

The first agreement between the EU and Mauritania was concluded in 1987. This agreement was meant to support fishermen from the Canary Islands that had lost fishing opportunities in Morocco and the former Spanish colony Western Sahara (in 1975 occupied by Morocco). When Spain entered the EU in 1986, the country had hoped to get access to the fishing grounds of northern Europe. The northern countries, however, did not want Spanish competition in their waters, so the EU in compensation bought fishing opportunities for the Spanish fleet in Mauritania [1]. The first protocol included only sardine and demersal fish; the important octopus had been excluded because of concerns of overfishing [2]. This species, however, was included in the EU protocol from 1993 onwards, and it quickly became the most important species for the EU in terms of money.

In later years, fleets from other countries were also included in the agreement. Dutch pelagic trawlers that had started to fish for sardinella in 1995 under a private agreement with the Mauritanian government were included in the EU agreement from 1996 onward. After the entry of Poland, Lithuania and Latvia in the EU in 2004, pelagic trawlers from these countries also started to fish under the EU agreement [2]. In terms of volume of catches, the pelagic fleet became the most important component of the agreement after 1996. Still, with an average total catch of 280,000 t/yr, the EU fleet still remained a small player in comparison to the non-EU fleet in the Mauritanian EEZ (Table 1). This non-EU fleet, consisting of trawlers from Russia, Ukraine, Iceland and some 15 other countries, took on average more than twice the volume of the EU fleet.

Around the turn of the century, the EU agreements with third countries were increasingly criticised by NGOs for seeking only the interests of the European ship owners, often at the detriment of the national fishery of the third country [3]. In response to this criticism, the EU renamed its agreements “Fisheries Partnership Agreement” (FPAs) and increased the proportion of the financial compensation earmarked for sectoral support. For the Mauritanian agreement, this change was introduced in 2006 when sectoral support was increased to 13% of the total compensation (in later years even up to 28%). Given the total size of the agreement, this meant that considerable amounts of money were transferred to Mauritania for the development of the national fishery.

Under the partnership agreement, a Joint Scientific Committee (JSC) was created that should advise the EU and Mauritanian government on the status of the fish stocks included in the agreement and on the need to adapt quotas and fishing methods [2]. The creation of this JSC reflected the concern by the EU to avoid overexploitation of Mauritanian fish stocks by the EU fleets. Another element introduced by the EU was the “surplus” principle. In May 2011 the European Parliament adopted a resolution insisting that the EU could only buy the surplus of fish that was not utilised by the national fleet of Mauritania [8]. This surplus principle had already been adopted in the UNCLOS convention of 1982, but the European Parliament had the impression that the

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