



REGIONAL TRAINING WORKSHOP ON STRENGTHENING CAPACITY FOR NEGOTIATING FAIR AND SUSTAINABLE FISHERIES ACCESS ARRANGEMENTS IN WEST AND CENTRAL AFRICA

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AU-BIRA



**WORKSHOP ON STRENGTHENING CAPACITY FOR A REGIONAL APPROACH TO FAIR
AND SUSTAINABLE FISHERIES ACCESS ARRANGEMENTS IN WEST AND CENTRAL AFRICA**
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LIST OF ACRONYMS

AU	African Union
AU-MS	African Union Member States
AUC	African Union Commission
AU-IBAR	African Union Inter-African Bureau for Animal Resources
CAADP	Comprehensive Africa Agriculture Development Programme
CAMFA	Conference of African Ministers of Fisheries and Aquaculture
CCA	Climate Change Adaptation
CCRF	FAO Code of Conduct for Responsible Fisheries
CEEAC	Economic Community of Central African States / Communauté Economique des Etats de l'Afrique Centrale
CEBERVIRHA	Economic Community of Livestock and Fishery Resources / Communauté Economique du Bétail, de la Viande et des Ressources Halieutiques
CECAF	Committee for the Eastern Central Atlantic Fisheries
CIFAA	Committee for Inland Fisheries and Aquaculture for Africa
COFI	FAO Committee on Fisheries
COREP	Commission Régionale des Pêches Du Golfe De Guinée / Regional Fisheries Committee for the Gulf of Guinea
CSO	Civil Society Organization
DRM	Disaster Risk assessment
EAF	Ecosystem Approach to Fisheries
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EEZ	Exclusive Economic Zone
EIA	Environnemental Impact Assessment
EU	European Union
FAA	Fisheries Access Agreements
FAO	Food and Agriculture Organization of the United Nations
FCWC	Fishery Committee of the West Central Gulf of Guinea
GDP	Gross Domestic Product
ICCAT	International Commission for the Conservation of Atlantic Tunas
IGAD	Intergovernmental Authority for Development in Eastern Africa
INFOPECHE	Inter-governmental Organization for Marketing Information and Cooperation Services for Fishery Products in Africa
IUU	Illegal, Unreported and Unregulated fishing
LCBC	Lake Chad Basin Commission
LME	Large Marine Ecosystem
MCA	Minimum Conditions of Access
MCS	Monitoring, Control and Surveillance
MDG	Millennium Development Goal
MEY	Maximum Economic Yield
MOU	Memorandum of Understanding
MPA	Marine Protected Area
MSC	Marine Stewardship Council
MSY	Maximum Sustainable Yield

NEPAD	New Partnership for Africa's Development
NPCA	NEPAD Planning and Coordination Agency
NGO	Non-Government Organization
PSMA	Port State Measures Agreement
REC	Regional Economic Community
RFB	Regional Fishery Body
RFMO	Regional Fisheries Management Organization
SEAFO	
SOFIA	State of the World Fisheries and Aquaculture
SRFC	Sub-Regional Fisheries Commission
SWIOFC	South West Indian Ocean Fisheries Commission
TAC	Total Allowable Catch
TCP	Technical Cooperation project
TURF	Territorial Use Rights in Fisheries or Territorial Use Rights in Fishing
UNCLOS	
WBC	Water Based Commissions
WWF	World Wildlife Fund for Nature

EXECUTIVESUMMARY

The first Conference of African Ministers of Fisheries and Aquaculture (CAMFA-I) in 2010 stressed the need for sustainable fisheries access agreements in the interest of sustainable development of coastal state. The conference further recommended that Fisheries Access Agreements be negotiated at regional level and that the Regional Economic Communities (RECs) should provide a supporting role, in order to increase benefits for African countries. It is pertinent to note that all the CAMFA-I Recommendations were adopted by the AU Summit in February 2011. The second conference, CAFA-II, raised concerns about all forms of overexploitation of the fisheries resources including Illegal, Unreported and Unregulated (IUU) Fishing leading to plundering of the resources, and requested Member States and the RECs to design fisheries access strategies which encourage secure rights and sustainable harvesting of fisheries resources to harness the wealth-generating potential of the resources.

The Policy Framework and Reform Strategy of Fisheries and Aquaculture in Africa (PFRS) identified Open Access in Capture Fisheries, Inadequate Foreign Access Arrangements and Ineffective Foreign Access Arrangements as part of the enormous challenges and deficiencies of the fisheries and aquaculture sector in African countries, limiting the capability of most governments to ensure the sustainability and profitability of the sector so that it can contribute to the wellbeing and economic development of the continent. The situation is compounded by the lack of involvement of the communities in the negotiation process in many instances. Over-exploitation of fish resources take place in Africa on a grand scale, verified by a constant fall in yearly catch records in many countries. Furthermore, foreign fishing vessels plying the African coastal waters, often under foreign access agreements, frequently fail to observe the fishing-license conditions.

A number of key issues were raised during the workshops organized by AU-IBAR in 2012, in Abidjan and Douala on fisheries access arrangements. These related to the management of marine fisheries and the negotiation of fisheries access agreements with distant water fleets. This also included the lack of negotiation training on the part of the members of the negotiating teams of coastal states and the importance of taking into consideration the Asian interests in the negotiation process due to paucity of participants' knowledge of their approach and strategy.

The workshops in Abidjan (June, 2012) and Douala (November, 2012) served as a preliminary step by further identifying a number of recommendations on the experience, notably from the interaction between delegates from over 20 African countries. The recommendations included among others, the inclusion of a final round of training focusing on Asian agreements; the need for proper preparedness on the part of the country teams negotiating fishing agreements in terms of identification of strengths and weaknesses of the party they are negotiating with; the need for more focussed comprehensive workshops on negotiating fishing access agreements with regional perspectives; increasing awareness amongst key policy makers on the true value of the fishery resources; the need for adoption of collective bargaining positions on international negotiations; and the importance of organizing further workshop(s) at the regional level including West Africa, East Africa and the Western Indian Ocean island states, and Southern Africa.

Consistent with global concern for sustainable development of fisheries consistent with provisions of UNCLOS and other regional instruments, there is a need for capacity development as key

building block for creating knowledge, empowerment and enablement for effective participation in decision-making and for improved governance of the fisheries sector. Capacity development is, therefore, a high priority, especially with respect to effective implementation of reforms highlighted in the PFRS that identified FAA as major area of urgent concern.

With redress to the above, the AU-IBAR, in collaboration with NPCA organized the Regional Training Workshop on Strengthening the Capacity for Negotiating Fair and Sustainable Fisheries Access Arrangements in West & Central Africa, DAKAR, SENEGAL from 28th –30th March, 2016, Over 60 participants attended the workshop

The specific objectives of the training workshop were:-

- a. To acquaint key relevant officials of National Fisheries Competent Authorities with the principles and provisions of the Fishery Access Agreements (FAA), the rules and regulations of the Common Fisheries Policy, and the conservation and management measures.
- b. To facilitate fostering cooperation related to a variety of issues concerning shared fish stocks, such as common approach in engaging with the foreign fishing vessels, mutual access, fisheries access agreements with Distant Water Fishing Nations (DWFN), resource management and conservation and, Monitoring, Control and Surveillance (MCS).
- c. To develop approaches that will serve as benchmarks for similar types of agreements for access to fisheries resources between sovereign states in the region.
- d. To ensure harmonious and beneficial continuity of the operations of foreign fleets, and thus contribute to the African blue economy.
- e. To validate a framework for establishment of a regional mechanism for negotiating fishing access arrangements for shared stocks at regional level.

The following key outcomes were realised;

- a. Increased understanding and enhanced knowledge of participants on the current and past fisheries access arrangements in the region.
- b. Enhanced capacities of the participants, including the relevant officials of National Fisheries Competent Authorities (Ministries/departments in charge of fisheries, judiciary and Trade), in the area of negotiating for fair and sustainable fisheries access agreements and management, including skills and tactics.
- c. Enrichment and adoption of the Report on the evaluation of past and present fishing agreements conducted in West and Central Africa,
- d. Formulation of recommendations on regional cooperation in negotiating fishing agreements by three distinct thematic working groups (based on Regional Fisheries Bodies (RFBs) formation – Commission Régionale des Pêches Du Golfe De Guinée (COREP), Sub-Regional Fisheries Commission (SRFC) and Fishery Committee of the West Central Gulf of Guinea (FCWC).

1. INTRODUCTION

The regional training workshop aimed at strengthening capacities and promoting regional arrangements for improved negotiation of Fair and Sustainable Fisheries Access Arrangements (FAAs) in West and Central Africa under the provisions of the AU-IBAR Fisheries Governance Project, was jointly organized by the African Union-Inter-African Bureau for Animal Resources (AU-IBAR), the NEPAD Planning and Coordinating Agency (NPCA) and the Government of the Republic of Senegal, with support from the European Union (EU), in Dakar, Senegal from the 28th to 30th March, 2016.

The overall objective of the workshop was to equip the fisheries experts, relevant officials from the Judiciary and Trade departments and other stakeholders from African countries with the necessary skills and knowledge for enhancing their ability to successfully negotiate for granting access to fishing fleets, processing technologies and other related fisheries investments in order to promote equitable and sustainable access agreements in Africa. The ultimate objective is to increase sustainable benefits to coastal member states from the exploitation of their fisheries resources adjacent to their EEZ. The workshop and training was part of the advanced and expanded series of workshops organized by the AU-IBAR on the negotiation of sustainable fisheries access agreements in Africa, the first and second in the series having been held in Abidjan, Cote D'Ivoire in June 2012 and Douala Cameroon in December the same year, in line with recommendations of the participants from the African Union Member States (AU-MS) with delegates from over 20 African countries attending the various workshops. The second phase which has included relevant nominees and participants from the Trade and Justice Ministries of the participating AU Member States began with East and Southern Africa states in Maputo, Mozambique in February, 2016.

The specific objectives of the training workshop were to,

- i. Acquaint key relevant officials of National Fisheries Competent Authorities with the principles and provisions of the Fishery Access Agreements (FAA), the rules and regulations of the Common Fisheries Policy, and the conservation and management measures.
- ii. Facilitate fostering cooperation related to a variety of issues concerning shared fish stocks, such as common approach in engaging with the foreign fishing vessels, mutual access, fisheries access agreements with Distant Water Fishing Nations (DWFN), resource management and conservation and, Monitoring, Control and Surveillance (MCS).
- iii. Develop approaches that will serve as benchmarks for similar types of agreements for access to fisheries resources between sovereign states in the region.
- iv. Ensure harmonious and beneficial continuity of the operations of foreign fleets, and thus contribute to the African blue economy.
- v. Validate a framework for establishment of a regional mechanism for negotiating fishing access arrangements for shared stocks at regional level.

The training was attended by over 60 participants drawn from relevant representatives of 18 African Union Member States (AU-MS) including Benin (3), Cameroon (3), Cape Verde (1), Congo (3), Cote D'Ivoire (2), Equatorial Guinea (3), Gabon (3), The Gambia (1), Ghana (3), Guinea (2), Guinea Bissau (2), Liberia (5), Nigeria (1), Democratic Republic of Congo DRC (3), Sao Tome (2), Senegal (3), Sierra Leone (3), Togo (3); the Regional Fisheries Bodies including the Sub-Regional Fisheries Commission (SRFC), Fishery Committee of the West Central Gulf of Guinea (FCWC), Economic Community of Central African States / Communauté Economique des Etats de l'Afrique Centrale (CEEAC), Regional

Fisheries Committee for the Gulf of Guinea (COREP); Non-State Actors including the Nigeria Trawl Owners Association NiTOA (3), and relevant partners/NGOs, Experts and Resource Persons from University of Ports Mouth - UK, University of Cape town – South Africa, Pwani University - Kenya, National Accreditation Board-Ghana, various Consultants under AU-IBAR assignments, Private Sectors representatives, Civil Society Organizations, Journalists and relevant members of staff of AU-IBAR.

2. OPENING SESSION

Mr Obinna Anozie of AU-IBAR warmly welcomed the participants and introduced the key speakers for the welcome ceremony. The following opening remarks were made:

A. Welcome Remarks by Dr. Simplicie NOUALA; Chief Animal Production Officer, and Head of the AU-IBAR Team

Dr. Nouala highlighted the origin and objectives of the AU-IBAR, from the years of the fight against Bovine virus, to the current mandates on sustainable use of animal resources, pressing the importance of the current regional workshop for the AU-MS and especially for the regional fisheries sector. He noted that it is with lack of foresight that any country can grant fishing agreements to other countries or organizations without knowledge on the stocks, and with lack of clear guidelines on the contents therein, especially with regards to planning on the use of the revenue for fisheries development, and without laid -down procedures on the monitoring of the resources and the entire agreement. He noted that the regional workshop should also, therefore, serve as an interaction point for all discussions and a platform to chat the way forward for Fisheries Access Agreements (FAAs) in West and Central Africa.

B. Opening Remarks by Mr. Omar GUEYE; Senegalese Minister for Maritime Economy and Fisheries.

The State Minister for Maritime economy and fisheries in Senegal who was the chief guest at the meeting called for stronger regional approach to sustainable fisheries and strengthening of capacities/expertise for fair negotiations of FAAs. He noted that this training and initiative by AU-IBAR was long overdue and in the right direction to enable African member states to survive the onslaught in FAAs and the wanton destruction of the marine resources. Acknowledging the fact that Fisheries and Aquaculture are key pillars for the development of the emerging economies including Senegal, as well as the best approach to sustainable development, he noted that fishing agreements signed in the 1960s in Senegal have been brought to question by the government and ineffective management of fisheries resources and poor capacity to monitor / conduct surveillance on the offshore waters was to blame for the failed fisheries management initiatives in Senegal and Africa as whole. He noted that the standalone approach for country negotiations made countries weak and vulnerable especially when negotiating with organizations that are almost organized into cartels. He emphasized the need to standardize the various parameters used in conservations among regional countries e.g. Minimum size limits, mesh size specifications, Minimum conditions of access etc. In conclusion, he stated that this meeting was important for sharing experiences and developing strategies to negotiate for healthier FAAs that stand to conserve our resources and ensure optimum socio-economic benefits and development in our countries.

The regional training workshop was therefore declared open and participants proceeded to introduce themselves, and their affiliate organizations and countries in order to kick-start the proceedings of the workshop.

3. ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION

Dr. Simplicie Nouala, the main facilitator of the meeting introduced the agenda and programme of the three day regional training workshop on FAAS in West and Central Africa and highlighted the expected key presentations on global context in negotiating Fisheries Access Agreements; Conceptual issues in understanding the Fisheries Access Agreements, European Union (EU) policy on FAAs, Country Reviews of FAA experience from Gabon, Senegal, Mauritania, and the general structure and principles, economic and legal perspectives, and best practice examples of the Regional Partnership for Coastal and Marine conservation in Western Africa (PRCM, Partenariat Régional pour la Conservation de la zone côtière et Marine en Afrique de l'Ouest). Dr. Nouala was assisted by Dr. Kwame Mfodwo, the AU-IBAR TA in Fisheries Governance and Mr. Obinna Anozie, the Policy Analyst-Fisheries and Aquaculture

The Agenda for the meeting was endorsed and unanimously adopted by the participants as introduced and as given in Annex A

4. TECHNICAL SESSION

The technical session of the meeting commenced with a number of presentations the highlights of which are given below::

4.1. Background and Objectives of the Meeting

A. Mr. Obinna Anozie, the Policy Analyst-Fisheries and Aquaculture of AU-IBAR presented the objectives and expected outcome of the workshop to set the workshop agenda as outlined below:

- Concise brief on the origin of these regional training workshops relating, and attributed to the recommendations of Conference of African Minister of Fisheries meetings CAMFA-I and, CAMFA-II and as major concern enunciated by the Policy Framework which have been adopted by the Ministers of the African Member States.
- Mr. Obinna set out the objectives of the meeting and highlighted the expectations of the training including the need to equip the African fisheries experts and administrators with the necessary skills and knowledge needed for better negotiation of Fisheries Access Agreement in the future, and expounded the complete scope of the regional workshop in the three (3) days
- Mr Obinna highlighted the key challenges associated with the FAA aspect of fisheries governance and management to include but not limited to the following:
 - » Lack of involvement of communities in negotiations programmes
 - » Overexploitation of fisheries in Africa
 - » Foreign vessels under access agreements frequently fail to observe fishing-license conditions
 - » Challenges in the AU-IBAR 2012 Access agreement workshop where the recommendations paved the way for this training workshop recommending action to accomplish this is through training programmes at regional levels in fisheries access arrangement

- Targeted participants: Directors of Fisheries, Relevant officials from Trade ministries, relevant officials from Justice Ministries, Regional economists, Non-State Actors, Regional Fisheries bodies,
- The Resource Persons would provide training to AU Member States on best practices and relevant principles involved in negotiating fair and sustainable fisheries arrangement that would secure current benefits and increase socio-economic returns from these arrangements in a sustained manner to cover;
- Economic incentives (appropriate financial compensation), trade issues
- Legal issues and international norms
- Relevant technical knowledge - resources status, biological, economic, environmental etc.

B. Dr. Kwame Mfodwo, the AU-IBAR TA in Fisheries Governance introduced AU-IBAR Manual on negotiating FAAs and highlighted the relevant key areas of the document for comments by member states. Dr. Kwame underscored the legal issues in the Manual document and called for harmonization of the country by country laws with the Distant Water Fishing Nations (DWFN) laws on fisheries. He pointed that AU-IBAR has the capacity to provide member states with legal and any other kind of expertise on the FAA negotiations upon request, by consolidating the immense expertise on the continent and within the AU-Member States.

4.2. Review of Country Experiences on FAAs by Gabon, Senegal And PRCM

4.2.1 Gabon:

Gabon has a long history of tuna fishing agreements dating back to 1998. There were three fisheries agreements with two of the European Union (1998 and 2005) and with Japan in 2000.

Internationally, the Gabonese Exclusive Economic Zone (EEZ) is a destination for fishing tropical tuna with a season lasting more than six months making Gabon the most important fishing area of EU vessels in the eastern Atlantic with nearly 20% of the total catches of the EU fleet in the Atlantic (International Commission for the Conservation of Atlantic Tunas - ICCAT data, 2015).

Economically, tuna fishing probably presents the largest fishing activity in Gabon. However, the financial contribution of the sector remains low, less than 1% of GDP, reflecting in part the low impact of the tuna fisheries in the national economy in particular with regards to employment, contribution to food security and in the industrialization of the fisheries sector.

In view of the decline in oil prices resulting in reduced government revenues, Gabon has refocused on the fishery sector to:

- i. Manage this extremely important resource for the blue economy and popularize the market;
- ii. Professionalize the sector by improving knowledge of the fishery resource;
- iii. Increase the sector's contribution to above 3% of GDP and improve the trade balance of the fishery sector;
- iv. Endeavour to offload the fish and fishery products for processing locally within the country by developing processing factories.

The current fishery agreements expire in July, 2016 and this presents a huge opportunity for Gabon to negotiate better FAAs. For the renegotiation of the next fishery access agreements, Gabon requested the AU-IBAR for technical support that materialized through the provision of a negotiation expert

agreements team. The expert has conducted two missions in Libreville, Gabon to assess the current agreements and train Gabonese negotiators. The preparatory work has collected information on EU agreements with other countries and data on migrating tuna caught in Gabonese waters. The team conducted various simulations and developed a trading strategy.

Two rounds of negotiations have already taken place including one in Brussels, Belgium (February 2016) and the second in Libreville, Gabon (March 2016). The third round is scheduled for April in Brussels and the main points of discussion with the European side include:

- i. Industrialization of the fisheries sector in Gabon;
- ii. Improvement of the knowledge of the fishery (scientific research) and the creation and operationalization of a Joint Scientific Committee;
- iii. Improving the management of the fisheries agreements by a focusing on monitoring mechanisms including the monitoring of fishing and the final statement of catches;
- iv. Issues of non-discrimination and exclusivity in the fishery sector;
- v. Determining a price and a limit on the surplus tonnage;
- vi. The effective implementation of the on-board observer program and management of DCP (Dispositifs de Concentration de Poissons) or Fish Aggregating Devices (FADs).

4.2.2 Senegal

Senegal's Fisheries Access Agreements are probably the oldest in the region, dating back to the 1960s and 1970s; with Italy, Spain and Poland. The FAAs with EU date back to the 1977-1992, while others countries with FAAs include Japan which is a key partner for post-harvest processing and support. There are also other FAAs signed with other countries but there is no support agreements e.g. with Mauritania, Guinea Bissau, Gambia and Cape Verde. Majority of the negotiations have focused on the pelagic fisheries with few or agreements currently focussing on demersal fisheries.

It was highlighted that the Senegal enjoyed and supported the first generations of fisheries access agreements dating back to the 1960s, and which are concluded with the Northern States with support and loan for the initial development of the fishing and related activities in the early days.

However, it was not until 1976 under the Geneva Conventions that the Council of the European Communities agreed that future exploitation by fishing vessels from third world fishing resources in the fishing zones of Member States extending to 200 miles would be governed by agreements between the community and the third world countries concerned. Further, it was agreed that obtaining rights for community fishermen in the waters of third world countries and the maintenance of existing fishing rights, would also be provided for under such Fisheries Access Agreements.

Finally, the presenter highlighted importance of regional agreements with neighbouring countries including Mauritania, Gambia, and Guinea Bissau. Reciprocity agreements have also been signed with Cape Verde.

4.2.3 PRCM Regional Partnership for Coastal & Marine conservation in Western Africa / Partenariat Régional pour la Conservation de la zone côtière et Marine en Afrique de l'Ouest

Mr. J. Auguste Barthelemy BATIENO, of the PRCM informed the workshop about the importance of this organization in the management of regional fisheries. He presented the capitalization of the results of the capacity building initiative in the trading area of fishing agreements in three countries

of the sub-region including Gambia, Mauritania and Senegal. The key notes of the presentation are as given below;

The process of negotiating agreements has regularly raised enough controversy nationally and options taken by national negotiators are sometimes challenged by many other parties. This highlights the interest in the management of fisheries agreements for actors and citizens, in terms of the importance of the fisheries resources for the economies, food security and social impacts. From 2008 to 2012, as part of the Regional Programme for the Conservation of Coastal and Marine Area - PRCM, the project to strengthen fisheries governance has been implemented by the SRFC and IUCN through building capacity building activities in the field of fisheries agreements and, a guide for FAAs had been developed. In 2014, the PRCM partners, under the leadership of WWF and in partnership with the SRFC, felt the need to focus the exchange and sharing of experiences negotiating fishing agreements between countries and promote good practice without necessarily going to a normative approach to the negotiation process in terms of the differences of national contexts within the region.

This PRCM shared experiences on the processes, best practices and ways of promoting the recommendations and points of vigilance to observe in practices of negotiations from the regional workshops and contextualised in national workshops held in Gambia, Mauritania and Senegal, in order to support the implementation process of planning current and future fisheries agreements. Other issues addressed included:

- i. The state of fishery resources and the concept of surplus production
- ii. The foundations and challenges
- iii. The composition of a negotiating team
- iv. Evaluation of fisheries agreements
- v. The Relevance grouped fisheries negotiations and / or contact information including straddling stocks;

Mr. Barthelemy Jean Auguste Batiemo noted that:-

- i. There has been an assumption that countries of the PRCM were conversant with negotiations but that was not very true and in fact civil societies were getting tougher and taking stronger stands on any proposed FAAs
- ii. It was important to continuously conduct capacity building at the sub-regional level with PRCM for the members to enhance food security and resource management The areas that deserved key attention were information sharing, evaluations of the FAAs, Composition of the negotiating experts, priorities of each of the countries nationally
- iii. Stocks are dwindling but quite often the players don't know what they can actually give or concede to in the interest of national interests hence stock assessment must be a key area to focus on.
- iv. Key major areas which we need to address: support to the PRCM, and also bring the key expert together and form larger group of actors to enhance strength in the negotiations and think tanks in the countries; there is also a need for the trained experts to share lessons learned with colleagues back home.
- v. Important to have information on time and ahead of negotiations so that the actors are well aquatinted with the entire process

- vi. There is also a need to drift or move away from FAAs to Development Partnership which are more structured and address a wider range of issues
- vii. Need for paradigm shift; ensure the partners signing agreements stay longer and provide value addition in the conservation of the resources; nursery/ecosystem conservation and resource sustainability
- viii. Also ensure the FAAs focus on improving the welfare of the local community; promote sustainable livelihoods
- ix. FAAs must also be ratified with transparency and passed through the right channels within the government
- x. PRCM need to be given the mandate to run these negotiations; advantages – evaluation of stocks, evaluate the agreements see whether our expectations are met, otherwise the states are free to evaluate the FAAs and stocks separately
- xi. Team composition – team members must be knowledgeable in what needs to be done, also important to begin with a broad team who are actors in the fishers for the brain storming process, before finally selecting the core negotiating team. But it's also important to make sure the government takes the lead.

4.3. Negotiating Access Agreements – General Principles, Economic Perspectives, Legal Perspectives, Best Practice Examples

The presentations under this session are outlined below;

4.3.1 Dr. Kwame Mfodwo - Global Fisheries Economies /Importance of understanding the FAAs

Dr. Kwame gave a broader perspective on the economic incentive of fishing and the driving factors for increasing interest in the demand of fish and fishery products. He highlighted the concept of globalization and fisheries and the current aspects and emerging issues and noted that key drivers fuelling the establishment and consolidation of the Global Fisheries Economies (GFEs) including the establishment of a global telecom and information technology infrastructure; global vessel chartering, crewing and flagging market; innovations in the general marine transportation sector, the development of a maritime cold chain; the rapid development of price competition, establishing the global petroleum industry of a worldwide network of fuel supply innovations.

Demand and Price Aspects: long time declines in marine stocks were driving prices upwards; perceived health benefits; cultural preferences; technology advances in ready-to-eat fish; periodic disease-based disruptions of competitors in international and national markets for meat and poultry; increasing dominance of Asian markets with higher demand for seafood.

The trend towards globalized governance-actors and rules: regulations of harvesting and other activities in the zones in which fish are captured; regulation of trade in fish and fishery products; international trade laws were also noted as key drivers of the Demand-Supply and Price axis. The actors currently involved in the different ways in this global regulatory framework are: Fisheries Regional Management Organizations (FRMOs), Coastal States, Flag States, Fishing States, Port States, Inspecting States, Market States, Fishing Fleet and Companies, NGOs, IUU vessels and fleets among others

4.3.2 Pierre Failler – Fisheries economics and best practices in FAAs;

Dr. Pierre Failler made a presentation that started with a review of the historical trend of catches

in African Atlantic waters in order to show that after a strong interest, distant water fishing nations have progressively reduced their presence in African waters in the 2000s while coastal States have increasingly developed their own fishing capacities through the artisanal sector (the industrial one collapsed in the late 90s.). As all major demersal stocks are fully or already over exploited, the remaining interest has shifted to tuna stocks and to some extent to the small pelagics.

The fishing agreement can be seen, from an economic perspective, as a contract where agreement between a coastal State and a fishing nation produce a rent that will not exist otherwise. The question is therefore about how to share the rent produced between the coastal State and the fishing nation. Economic analysis is fundamental here to provide answer to this question. The analysis of the value-added repartitioning between the Coastal States, other African States and the fishing nation is central to the analysis. The analysis, at a broader scale, of the societal benefit and cost of fishing activities (from an ecological, economic and social perspectives) is another important element that should be part of the negotiation and the monitoring of each fishing agreement.

4.3.3 Dr. Philippe Lallemand - Negotiating Fair and Equitable Foreign Fisheries Access Arrangements (FAA): Economics, Best Practices and Processes

Distant water fishing nations (DWFNs)'s access to African waters occurs under an international regulatory framework composed not only of rules and best practices, which are not always implemented by the coastal States (e.g. PSMA), but also of regional bodies whose main role is to bring support to their member States. The following relevant agreements, conventions and regional bodies were identified:

- i. United Nations Convention on the Law of the Sea (UNCLOS)
- ii. United Nations Fish Stocks Agreement (UNFSA)
- iii. Voluntary FAO Code of Conduct for Responsible Fisheries
- iv. Port State Measures Agreement (PSMA)
- v. Convention on Biological Diversity (CBD)
- vi. Membership to Regional Fisheries Bodies (RFB)
- vii. Membership to Regional Fisheries Management organizations (RFMO)
- viii. Membership to Regional Economic Community (REC)

Also relevant to the topic, are any conventions or initiatives related to fighting Illegal, unreported and unregulated (IUU) fishing such as the Plan of Action against IUU (POA-IUU).

Noting that the entire African EEZ waters cover some 13 million km²; the present analysis covers only 3 regions (Northern, Southern and Eastern Africa) which account for almost three quarter (72%) of the African EEZ. Covering four FAO zones (34, 37,47, 51) with a corresponding 35 FAO statistical area codes, it is estimated that 59% of the selected AU-MS EEZ is subject to some sort of foreign fisheries access arrangements at any moment.

Based on Daniel Pauly's "Sea around Us" database of fisheries across the globe, we contrast the value of the catch within each coastal State's EEZ between 1950 and 2010. For each EEZ the extent of the DWFN presence in the coastal state's water before and after the EEZ declaration is shown. The analysis presents the potential strategic importance of the various regional communities, commissions and organizations in the management of DWFN's fleet activities, FAA and IUU taking place in the EEZ or in the High Seas. Such organizations are the Regional Fisheries Bodies (RFBs) such

as the Regional Fisheries Management Organizations (RFMO), the Regional Economic Communities (REC) and the various commissions covering the relevant Large Marine Ecosystems (LMEs) of Africa. Some of these regional organizations overlap in their jurisdiction and sometime in their mandates as well so it is important that any effort to develop fair and equitable FAA should be done in a collaborative approach bearing in mind the potential implication and impacts of the process of negotiating FAAs for the various regional organizations.

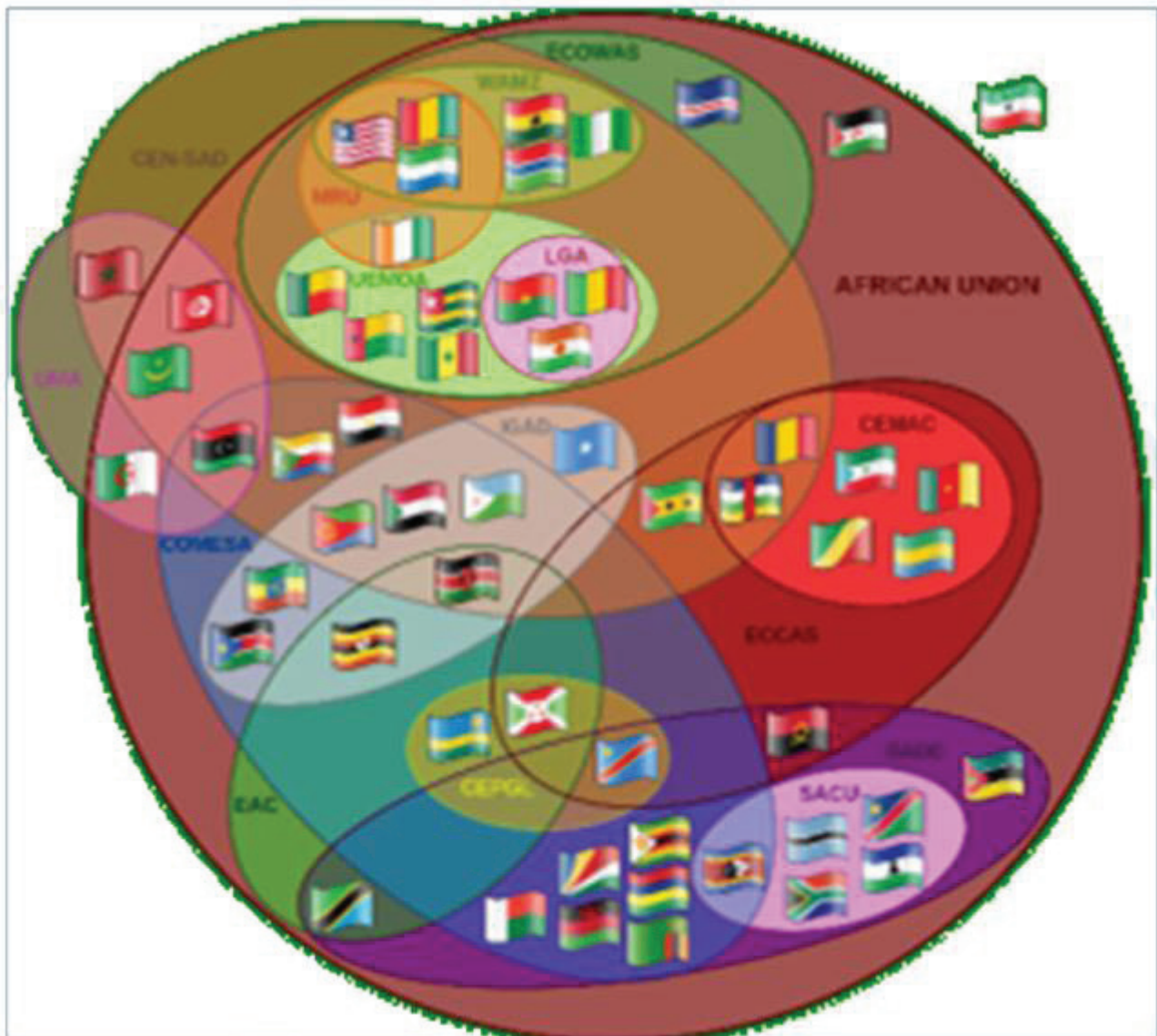


Figure: Euler diagram showing the overlap and relationships between the various Regional Economic Communities (RECs)

When negotiating a fair and equitable FAA is it important to keep in mind the following:

- i. Type of FFA (regional, bilateral, state to state, joint venture, state to private etc)
- ii. Details of the agreement (reference tonnage, number of vessels, zones, methods, etc)
- iii. Impact on Employment.
- iv. Creation of value added (Direct, Indirect)
- v. Relevance of the agreement (re sustainability, signed protocol etc)
- vi. Coherence re. RFMOs, other commitments, etc
- vii. Efficiency (transparency, use of funds, timing etc)
- viii. Effectiveness (follows good governance, FAO Code of Conduct)
- ix. Sustainability (over fishing. over capacity etc)

- x. Challenges and obstacles (e.g. local crew, local fishing industry, small scale, etc)
- xi. Positive outcomes (data, MCS, governance, trade, etc)
- xii. Recommendations (improve MCS, governance, management, infrastructure, agreement itself, wording,

There are different approaches that can be used to assess the potential of FAAs:

- The LME Approach which is an Ecosystem based Fisheries Management (EBFM) Approach where the following attributes become important factors in designing the agreement:
 - i. Resource Productivity (carrying capacity).
 - ii. Resource Biodiversity
 - iii. Pollution and ecosystem health
 - iv. Socioeconomic
 - v. Governance
- The World Bank approach which is a Wealth-based Fisheries Management Approach and is often preferred to reform fisheries management in Africa and to orchestrate sound fisheries policy in practice.

Once an agreement is reached, the following diagnostic check list can be used to assess the FAA:

- i. Are all the stakeholders represented in the negotiation process?
- ii. Is the process transparent (should they join FiTi)?
- iii. Is there a third party involved (EU, RFMO, RFB, REC, intergovernmental organisation, NGO)?
- iv. Will the revenue generated by the FAA contributes toward reinforcing knowledge on the fishery, improving MCS, developing local fishing industry, trade, market access, port infrastructure?
- v. Will the socio-economic, management and governance impact of FAA be long term?
- vi. Will the FAA be an incentive for the AU-MS to signed international Agreement related to fisheries management (PSMA,..)
- vii. Are the quotas set by countries the same as set in the fishing agreements?

Other tools such as a socio-economic dashboard can be used to estimate the direct and indirect added values that can be generated by the agreement.

4.3.4 Dr. Fulanda BM, Pwani University- Kenya - Fisheries Access Agreements (FAAs) and Trade Negotiations; The Kenya-EU Tuna FAAs Experience

Fisheries resources contribute significantly to the livelihoods of shoreline communities, economies of coastal states. The local fisheries are traditionally multi-species, multi-gear/vessel, compounded by low-levels of investment leaving the offshore waters un-/under-exploited. Fisheries Access Agreements (FAAs) have therefore become the “forced” option for these local states to exploit the resources with doubtful benefits and/or sustainability. In many states, the inshore fisheries are managed either by the government or under co-management arrangement with local communities. But the coastal states have no forms of comprehensive plans for management and exploitation of offshore resources. Information on the stocks is also often lacking, augmented by lack of capacity for monitoring/surveillance making FAAs a bitter, but necessary pill.

Modernization of coastal and marine resource management all began with the enactment of the Law of the Sea / UNCLOS, 1982 stipulating extend of the various zones (Territorial sea ~12 nm; Contiguous zone ~ 24 nm; Exclusive Economic Zone EEZ ~200nm) thus excluding other nations from

the previously open access waters and therefore UNCLOS 1982, Article 56 became some of the main institutional drivers for the emergency of FAAs in the absence of capacity by local states to protect/exploit the EEZ. Further, Article 61 laid guidelines for sustainable use of the resources by “obligation of coastal states to ensure, through proper conservation and management measures, that the living resources are not endangered/ overexploitation” while Article 62–“Surplus Principle”, encouraged any deficit domestic fishing capacity be “made available” to distant water fleets through access agreements.

The key driver for FAAs for coastal states has been economic motivation with conservation often taking a back-stage. However, uncertainty over sustainability of fisheries resources due to resource-use, management and conflicts issues is evident, augmented by poor harvest strategies, lack of vessels/gears to venture offshore, deleterious fishing practices /over-exploitation of offshore waters by DWFN. Therefore, the exploitation of offshore waters, whether, by local capacity or by DWFN should adhere to the combined the aspects of socio- economic gain, resources sustainability and conservation of biodiversity

Under FAAs, DWFNs pay lump-sum compensation for access while fleets are taxed on both catch (kg caught) and effort (vessel size, GRT) as ways of earning resource rent. However, lack of compliance on reporting of catch raises costs of need for Monitoring, Control and Surveillance (MCS). In view of this, there is need to explore enhancement of local capacity, catch/effort taxation, “import” of foreign fleet capacity by service contracting, mandatory inclusion of local crew, or single vs. unified negotiations (for shared stocks), or inclusion of all approaches before signing FAAs. Furthermore, the DWFN fleets are often dynamic with uncertainty on effort due to variations in gear sizes, technology, fleet efficiency etc. Additionally, the multi-species nature of the fisheries makes estimation of the effort on target stocks vis-a-vis by-catch and discards a great concern with regard to ecosystem conservation. However, the greatest concern remains the additional costs of infractions / infringements and the asymmetry between DWFN technology & local MCS capacity. Furthermore, the socio-economic costs of the IUU for local vs. DWFN vessels, and the connection to both upstream and downstream value-addition, multiplier effects throughout the economy and degree of similar to legal catches require careful consideration. FAAs must also take into account the numerous socio-economic factors, as well as the politics of international cooperation and the access-ties to markets for other products to the DWFN. It is also important not to lose focus on understanding why DWFN sign FAAs, as well as the global politics of “regional dominance” including careful analysis of other inherent/hidden interests, and what the future holds for the dynamic local fisheries capacity, management, other FAAs.

4.4 Highlight of issues, Comments and Questions raised after the presentations are as given below:

- i. MCS is very cardinal and crucial but surprisingly difficult in getting support for implementation;
- ii. Exceeding of the reference tonnage in an agreement requires adequate attention and considered important in making an agreement better than the other;
- iii. Issue of profit, political burdens for instance made Gabon to put all stakeholders on the table for negotiations, as the Ministry officials alone can't be adequate to negotiate or declare an agreement effectively and efficiently executed;
- iv. Achieving reforms requires appropriate analysis of relationships between the institutions heads, e.g. Ministry and Department officials etc.;

- v. Africa has scales and institutions in place but the main issue is the capacity of the officials charged with ensuring the Mission, Vision and Mandate to ensure the institutional objectives of the organizations are achieved.
- vi. Best approach for FAAs should be regionally because many resources migrate regionally, and also negotiating with more organized and well experienced entity requires a strong framework and a regional approach rather than the solo approach (minimum access requirements are a key tool for regional groups as this puts all vessels at task of meeting all key requirements for the regional countries block ensuring that the DWFN vessel can't just run from one country to the neighbor simply because the conditions in the neighbor-A are too tough.
- vii. For shared stocks, DWFN are compelled to negotiate with all members. Need for AU to support member countries to support the FAA and other training needs, train on ways to implement the manuals.
- viii. Major problem currently in Gabon is human resources as all the frameworks are already in place for full FAA negotiating capacity.
- ix. Shared stocks must have a regional approach while countries with multiple species also need to consider all approaches that ensure exploitation of one species doesn't cause numerous by-catches and discard issues on other species;
- x. Issue of underreporting is also very crucial especially with countries that employ the quota system for licensing the vessels;
- xi. Need to incorporate monitoring with the Navy for MCS and VMS with covers of up to 2800km radius using satellite monitoring; Angola and Cameroon are very skilled in research and military surveillance and funding and can greatly help in ensuring proper MCS and VMS, but in overall, our countries must shed some sovereignty in-order for us to succeed together.
- xii. Problem in Africa is to harmonize regulations but an initial review of the management organs to improve their mandate is equally critical which calls for harmonization of management objectives
- xiii. Summary of regional agreements, need for countries to concede by disclosing all existing agreements (china, Japan, Asia, EU etc) then this way regional agreement can actually come into place with honesty and strength
- xiv. The real people involved in the negotiations of access/trade agreements (ministry of foreign affairs), need for to consider inviting representatives from Ministry of foreign affairs in subsequent workshops;
- xv. Call for a further understanding of the institutional framework in place to evaluate the stocks and all that is needed for better fisheries access negotiations. AU was requested to assist look at the Economic Partnership Agreement that has been signed by most MS and see if they are in line with the Cotonou Agreement.
- xvi. Inclusions /Social Corporate responsibility and the benefit of all were taken into consideration during the negotiation process.
- xvii. Would have loved for a representative from the foreign ministries be represented in future training like this
- xviii. Would like to know the practical scenario of having observers deployed onboard fishing vessels.
- xix. AU and Regional Fisheries organizations to share experience on access agreement and also on experience sharing of delineation of maritime borders
- xx. Requested the AU make available the documents in other African Languages like Spanish and Portuguese.

- xxi. Also noted that in harmonization of access agreement, we need to first know what we have in terms of stock status. There is also the need for reviewing and harmonizing our laws in the interest of having a regional access agreement.
- xxii. SRFC: Believed that a regional approach to access agreement is the best especially for migratory and straddling stocks. The SRFC has developed a Minimum Access Condition. Requested the AU to implore on Member States particularly those that have signed the MCA, to implement it to the fullest.
- xxiii. Issues of concern included data precision, and the need to re-access the data; weight given to other sectors e.g. oil and neglect on fisheries. Members called on more training especially with regards to data and economic analysis by methods used by Dr Pierre Failler, University of Portsmouth in assessing FAAs and fisheries
- xxiv. Information sharing and transparency: Information on fishing agreement (bilateral, joint venture, licenses, etc.) should be made publically available (such as Sao Tome and Principe does). A support can be provided for template to organize this for countries. Information on fishing agreement data and analysis should be shared among African countries. A platform should be build-up in that regards.
- xxv. Expert task force. A group of key experts, mainly from African countries, should be set-up in order to provide support for both negotiation and on-going analysis. The idea is not to support country for negotiation (negotiation technics, etc.) but rather to provide country with specific expertise in the area of ecology, economics and social on a periodical base with country involvement in data collection and analysis.
- xxvi. Regional governance building-up /fishing agreements. Institutional arrangements to set-up in order to develop a constructive dialogue between REC and RFMO, RFO with the idea of having a regional organization of the management of fishing agreements.

5. NEGOTIATION SIMULATION: ENHANCING REGIONAL COOPERATION AND IMPLEMENTING MINIMUM TERMS AND CONDITIONS OF ACCESS

Dr. Kwame, the AU-IBAR TA on Fisheries Governance and Ms. Livia Dasoveanu, the AU-IBAR resource person for the training gave a presentation highlighting the rationale, overview and objectives of the regional training workshop simulations for practical negotiations of FAAs. Dr. Kwame took the team through highlights of the extracts from the Training Manual on Fisheries access agreements.

Dr. Kwame, Ms. Livia Dasoveanu, Mr. Obinna Anozie and Dr. Bernerd Fulanda led participants through a guided exercise on simulation of negotiations for fisheries access agreements starting initially with three stakeholder groups in each of the the virtual countries; the developing coastal state (Ambre), a developing Island State (Soilaire) and a Distant Water Fishing Nations (DWFN- China).

The end of the negotiation simulations were followed by a session on establishing regional working group groups out of the West and Central region and feedback at the plenary on enhancing regional co-operation along the following themes: i) capacity building; ii). institutional arrangements and coordinating mechanisms for regional arrangements, iii) legal frameworks; iv) financial compensation and related issues; and v) target species. Reference was made to the on-going discussions on regional Minimum Terms & Conditions of Access (and in particular the Maputo Declaration) and the Indian Ocean Tuna Commission Quota (IOTC-Quota) allocation processes on Fisheries Access Agreements.

The Negotiations

The course leader with the support of other resource persons organized and prepared the teams as appropriate to simulate practical negotiating situation. The groups initiated discussions and strategizing finally saw the stakeholder groups merge and select one team for each Country, with the Coastal State of Ambre and the Island State of Solaire coming together to form a negotiating block and formidable force against the DWFN of China. The negotiations presented some of the most interesting negotiations since the start of the regional trainings, highlighting the importance preparedness and formation of strong regional teams against the DWFN.

To note, was the very good introductions by the groups, a slow cautious approach to issues with excellent rapport within the teams especially during negotiations (notes passing around to the team leaders as reminders/caution/strategy change)

Solaire/Ambre team made a very clear outline of what they wanted in the negotiations taking advantage of the undecided DWFN China; with no concrete offers from China given the strong front put up by the two states, China finally withdraws for future discussions and asks for more time to prepare.

5.2 LESSONS LEARNED

- i. China approaches the issues from “your interests and ours are the same, improve livelihoods, and wellbeing of the community”; very good but not true, most of African countries get caught in this lie and succumb to offering everything forgetting the FAA partners are simply interested in the resources
- ii. Solaire/Ambre start by poking holes into the integrity of the DWFN China operations in an attempt to get more from the FAAs (issues of IUU and environmental pollution) these are key negotiating tools in getting the partners to concede more to the FAAs agreement
- iii. Offers by China for patrol vessels and VMS – countered by looking at the facts of the area to be patrolled etc; good approaches to negotiation; important to have data on the negotiating table, have facts at the finger tips is very important in the FAAs negotiations.
- iv. Sudden withdrawal by China; indicates that they were poorly prepared and hence the issue of comprehensive preparations before going for FAA negotiations is not a choice otherwise the FAAs can turn out to be a very expensive joke
- v. Solaire/Ambre finally decide to go for huge demands and outline what they expect back; but based on the demands it is evident that they didn’t consider their national needs and the demands are completely way of what would actually benefit their countries

5.3 KEY NOTES ON THE FAAs NEGOTIATIONS

- i. In any FAA negotiations, it’s important to start by outlining the existing issues and the current state of resources, existing agreements, stocks status, rules in place (minimum access conditions), structure of the existing fisheries to avoid conflicts etc
- ii. Migratory stocks don’t have a national surplus and this applies only to regional surplus and hence the countries must conduct a regional approach to assess the surplus before running solo to license
- iii. It is important for the countries to have adequate information on the issues that are likely to violate the countries sustainability of fish stocks e.g. IUU, Pollution, Environmental degradation and even lack of MSC compliance which can ruin markets for other products from the country.

- iv. During FAAs negotiations, it is important to consult re-consult and continuously consult during negotiations just to make sure that all fronts to the FAAs are clearly manned and guarded.
- v. Always watch out for dress-outs by the negotiating parties e.g. offer of provision for VMS after noting infractions/infringements and issues related to IUU, offer of ports, etc without clear redress to the issues raised in the FAA negotiations
- vi. In negotiations, be clear and focused outlining your issues well, don't stick to one point and keep on repeating the same thing; it's a clear indication of lack of preparedness (china kept singing the same song of cooperation, willingness to assist with 'whatever' you need, and finally getting shy to negotiate
- vii. All offers must be clearly stated with regards to:-
 - a. Development cooperation and training e.g. scholarships etc
 - b. Development aid e.g. building of ports, etc
 - c. Redress to socio-economic issues
 - d. Redress to issues related to the actual access; reporting procedures, MCSs, requirements for landing catch, market channels, inspections of the vessels
 - e. Upward and downward value addition: where do they get supplies? Where do they sell/ discharge their low value catch
 - f. Compressive redress to issues of by-catch, discards and environmental degradation and ecosystem conservation
 - g. Are the offers provided to your country addressing the problems facing the countries in terms of socio-economic development or do we accept simply because the goodies appear huge? Sometimes the regional offers are driven by needs of the dominant political nation within the region and member countries within the areas must also be able to assess their needs rather than just jump on to and accept what a regional bandwagon demands from an FAA
- viii. Intelligence and data/information on what the negotiating country what's and are likely to offer, try to gather intelligence on the country of group and prepare well with counter offers which best suit your country/region
- ix. Training is very important like was done in this meeting for the state officials including the fisheries, environment, legal, economic, financial and a holistic approach would be crucial.
- x. In all the negotiations, it's important to have independent observers to scrutinize the entire process while looking at the various weaknesses in the entire negotiation process and FAA agreement.
- xi. Any electronic discussions and sharing of documents before the final meetings for FAA negotiations put the security of information at risk, through hacking of emails or even computers by the intelligence of the FAA partners It was noted that the
- xii. The duration African countries take to agree to come together on the anything; and when they finally do, they don't seem to understand what brings them together (what were their differences) that makes them similar or different Selection of the negotiating team in very important to ensure inclusiveness of the team in terms of expertise, otherwise when the country finally sends people who have not been attending these meetings, or the government keeps on changing the composition of the team each time the FAA delegations come to the country; ensure the issues in the agreements are addressed by the right people/expertise; economists, legal, international relations etc Important to understand what goes behind the scenes during negotiations and especially with the regional FAA negotiations where the countries are grouped into several factions or groups.
- xiii. AU-IBAR will open discussions to push for the way forward in getting all these issues addressed.

6. PRESENTATION OF CONSULTANTS REPORT WITH VALIDATION

Dr. Pierre Failler, the AU-IBAR consultant gave a presentation on the results of the review of the past and present foreign fisheries access arrangements in selected AU Member States from the West and Central Africa. The summary of his presentation as given below;

The plurality of the fishing agreements between the African coastal States bordering the Atlantic and the DWFNs (or their nationals) have changed the diversity of the situations encountered in the fisheries sector and there is a need to adapt to each of them with the most judicious manner possible. However, in the absence of evaluation of the various agreements in force, the African coastal states are unable to appreciate the repercussions as well as economic, social and ecological consequences or impacts of these FAAs.

Among all the fish species which are targeted by the foreign fishing vessels and which can lend themselves to a regional access management, only tuna species and tuna like species can be retained. They are not subject to a strong willingness of the states to not yield their sovereign capacity compared to demersal and the small and medium pelagic species exploited by the industrial fleets.

Several fishery organizations (SRFC, FCWC, COREP, CECAF and African States Bordering the Atlantic -ATLAFCO), one tuna management body (ICCAT) and one organization for management of fishing in international water of zone 47 (SEAFO) operate on the Atlantic frontage and can, if necessary, organize the management (or take part) of the fishing agreements on a regional scale. The ICCAT, because of its current mandate, can bring, to such a regional initiative, the scientific dimension as regards to the management of tuna while the ATLAFCO or an organization created expressly can provide to it the access management dimension, in particular the one of the foreign fleets.

The implementation of such an initiative is however dependent on the the political good-will of the whole of the coastal States as an official resolution by member states so as to engage the process of implementation of regional fishing agreements. The first stage will be therefore be to harmonize the national regulatory frame and to create a African Union group of experts to develop the components of such a project and to bring in the same time a support to the coastal States for the improvement of their negotiation capacity and management of the agreements. The second stage would be to validate politically, on the scale of the AU, the institutional frame selected while the third stage would consist of institutional implementation, of the process of allowance of the access to the tuna resources and the management of the agreements.

The main lessons that African coastal countries have learnt over time as indicated in the report include but not limited to;

- That fishing agreements are, despite their similarities, all different from each other and the effects on both marine ecosystems as well as the development of the domestic sector or the contribution to the national economy depend on how fishermen operate in the EEZ, including their compliance with good fishing practices.
- Showing of accountability to ensure the smooth implementation of the agreement is cardinal. This implies, first, that they must demonstrate, using scientific evidence, that there really is a surplus, which can be harvested by a foreign fleet.

- Competition for access to their fishery resources will decrease over time. The transparent procedure used in oil transactions should be applied in the area of fisheries agreements.
- Gone are the days of individually negotiated agreements in the face of the gradual imposition of the concept that the issues of management of fishery resources are at the level of their ecosystems. The reluctance of countries to go ahead is still very high for major straddling stocks of small pelagics¹. However, the reluctance is less for stocks of secondary interest or specific interest to artisanal fishing². This is an encouraging sign and marks the advent of a regional strategy for the management of all resources relating to fisheries agreements.

In terms of best practices the report highlighted as follows;

- The commitment to safeguard national interests and the landings of catches of foreign vessels in national ports. It is essential for example for Mauritania to keep cephalopod fleets flying its national flag in operation to avoid the collapse of the State company.
- The obligation of landings, as well as the signing on of national seamen³ on foreign vessels, has been a source of permanent conflicts in the public and private agreements. Coastal States are somehow trying to impose a landing clause. The commitment of the coastal State on this aspect is to ensure that the port sector benefits as well as those upstream working on packaging, processing and marketing. Coastal countries can therefore emulate the example of Cape Verde in order to influence the strategies of foreign vessels of operating in a vacuum and ensure that fisheries agreements are beneficial to the national fisheries sector.

The Report further outlined critical elements in regional approach in FAA negotiation which are as summarized below;

The successful implementation of agreements negotiated and managed at a regional scale rests on a number of prerequisites namely.

- The willingness of States to delegate some of their powers to a supranational organisation.
- The ability of fisheries management organisations (RFMOs) and fisheries organisations (SRFC, CPCO and COREP) to take on board such a large project for tuna fisheries. The report shaded light on this points and highlight the main constraints and opportunities regarding its implementation to include;
 - » Review of RFMOs and RFOs
 - » International Tuna Fisheries Management Framework⁴
 - » United Nations Convention on the Law of the Sea (UNCLOS) of 1982
 - » FAO Compliance Agreement (FAOCA) of 1993
 - » UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks
 - » FAO Port State Measures Agreement of 2009
 - » Non-Binding Tools
- The Code of Conduct for Responsible Fisheries⁵ adopted by the FAO Council in 1995.
- International Plan of Action for Conservation and Management of Sharks (IPOA-Sharks) ;

¹ Mauritania, for example, systematically blocks any regional progress in this regard, since its Fisheries Department considers that sardinella and horse mackerels, which migrate from Guinea-Bissau in the south to Western Sahara in the north, constitute national rather than regional resources.

² Like for the Bonga fish and mullet, species for which a development plan within the SRFC space is being drafted.

³ As well as observers.

⁴ Most of the information in section has been taken from the report entitled « Evaluation ex-post du protocole de l'accord de partenariat dans le domaine de la pêche entre l'Union européenne et la Côte-d'Ivoire », cf : http://ec.europa.eu/fisheries/documentation/studies/cote_ivoire_2012/cote_ivoire_2012_fr.pdf

⁵ <http://www.fao.org/fishery/code/fr>

- International Plan of Action for the Management of Fishing Capacity (IPOA-Capacity) ;
 - International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fisheries (IPOA-IUU) ; and
 - International Plan of Action for Reducing the Incidental Catch of Seabirds in Longliners (IPOA-Seabirds).
 - » Adoption and Ratification of International Agreements by West African Countries
- While, in general, few African countries bordering the Atlantic Ocean have signed international agreements, the situation is more mixed regarding the adoption of action plans. Two reasons were put forward to explain such low enforcement rates: firstly, the need to reformulate fisheries policies (or for some countries to develop one) and design national action plans for each area of intervention (IUU, capacity, sharks) and secondly, the lack of priority given to these aspects. All three plans of action for sharks for Senegal, Guinea-Bissau and Guinea were developed as part of a support program for the management of shark fisheries in West Africa⁶.

The report was comprehensively and elaborately discussed by the participants who provided positive feedback to enrich the document. The report was therefore unanimously adopted by the AU MS from the West and Central Africa with a motion moved by Gabon with support from Cameroon and Togo.

7. THEMATIC WORKING GROUP SESSION RECOMMENDATIONS AND SUGGESTED PLAN OF ACTION TO ADVANCE REGIONAL CO-OPERATION ON FISHERIES ACCESS AGREEMENTS IN WEST AND CENTRAL AFRICA

7.1. Terms of Reference for Working Groups on Regional Co-Operation

7.1.1 Background

A regional access agreement facilitates the sustainable management of trans boundary resources, and can greatly enhance the ability of the Member States to monitor and control IUU fishing by mobile foreign fishing fleets. In contrast, the absence of a common regime of control over foreign fishing means that the Member States compete to attract foreign vessels, which can exploit to advantage the differences and inconsistencies between the individual national access regimes. A clear regional approach to controlling access by foreign fleets may also improve the investment climate required for creation of joint ventures and direct foreign investment, add stability to these fisheries, and create a basis for long-term planning of the optimum usage of these resources by Member States and responsible foreign partners.

Typical issues that need to be addressed within a regional access control framework include; i) establishing a co-ordinated approach to the exploitation of shared stocks through licensing, observers, vessel identification, standardised log book, and timely reporting; ii) establishing uniform minimum terms and conditions of access; iii) standardising licensing procedures; iv) the exchange and analysis of data; v) monitoring, surveillance and control, of fishing activities; vi) harmonization of fisheries policies, vii) maintaining common sub-regional vessel register, and viii) dispute settlement. This can be done through international agreements; common policy positions etc.

⁶ For more details, see : <http://spSRFC.org/PSRA++Requins/PSRA+Requins++Contexte>

7.1.2 Work to be undertaken within working groups:

For their specific region, working groups need to consider a number of issues including the fishery management, social, economic, legal and technical characteristics of agreements or common policy positions that can be entered into in their sub-region and what needs to be done to establish an agreed sub-regional policy position and cooperative process to design and implement a regional access control regime over foreign fishing. Participants should discuss what has been done so far as well as barriers and constraints.

FCWC Presentation

Member Countries of FCWC: Benin, Cote D'Ivoire, Ghana, Liberia, Nigeria and Togo

Problems	Solutions	Notes	Recommendations
Exploitation of shared stocks 1. Licensing 2. Observers 3. Vessel identification 4. Standardised Logbook 5. Timely reports	1. Define minimum conditions for licensing and shared licence lists 2. FCWC should have a pool of observers and give to any Member Country whenever a foreign fishing vessel comes to fish 3. Agreed. Convention exists. 4. Agreed. Convention exists. 5. Agreed. Convention exists.	1. Have already been said but it's not implemented at this moment? How to implement this?	1. Get the information back to ministers, who are going to take the decision of sharing these information and when this can start being implemented
Uniform minimum conditions of access	The convention has been signed	Has been signed since 2013 but still sitting at top level. The convention has not been enforced yet.	Have a meeting focused only on the enforcement of the convention
Standardising licensing procedures	All countries should send their conditions of licensing to FCWC and FCWC should draft an harmonised document		The countries should first discuss the conditions and FCWC should call the countries to submit their minimum conditions for licensing for analysis
Exchange and analysis of data	Data is already shared concerning vessels movements but nothing is done for catches		FAO Technical Cooperation project on strengthening routine fisheries data collection will soon start
MCS	Existing project, Fisheries Intelligence and MCS support in West Africa		Implementation of further MCS actions
Harmonisation of fisheries policies	It's already included in the Convention of Minimum Access		Meeting scheduled to improve capacity of directors
Maintaining common subregional vessel register	It's already included in the Convention of Minimum Access		Meeting scheduled to improve capacity of directors
Dispute Resolution			

SUB-REGIONAL FISHERIES COMMISSION

THEMATIQUE	ACTIONS	OBSTACLES	CONTRAINTES	RECOMMANDATIONS
Approche coordonnée de l'exploitation des stocks partagés	<ul style="list-style-type: none"> Elaboration d'un document de politique régionale de gestion des petits pélagiques Elaboration de plans d'aménagement pour les petits pélagiques au niveau des pays Existence de Comités nationaux et régionaux pour les petits pélagiques Avis consultatif du Tribunal international sur les stocks partagés Finalisation d'un protocole pour la mise en place d'un corps d'observateurs à compétence régionale Plan d'action régional pour la conservation des Requins Stratégie régionale pour les AMP Réseau régional des AMP Introduction de la cogestion des pêcheries 	<ul style="list-style-type: none"> Souveraineté des Etats Insuffisance de financement durable Compétences statutaires limitées de la CSRP Faible engagement politique des états 	<ul style="list-style-type: none"> Faibles investissements dans la mise en œuvre Lenteur dans l'adoption des plans d'aménagement Insuffisance dans l'évaluation des stocks 	<ul style="list-style-type: none"> Obligation de concertation avant la signature d'accords d'accès sur les stocks partagés
Conditions d'accès minimales uniformes	<ul style="list-style-type: none"> Existence et mise en œuvre d'une convention harmonisée sur les CMA 		Absence de financement	<ul style="list-style-type: none"> Financement pour le suivi
Normalisation des procédures d'octroi de licence				<ul style="list-style-type: none"> Régler par les CMA
Echanges et analyse des données				<ul style="list-style-type: none"> Régler par les CMA
SCS des activités des pêches	<ul style="list-style-type: none"> Existence d'une stratégie sous régionale pour la lutte contre la PINN Projet de convention SCS Projet de protocole de registre Sous Régional 		<ul style="list-style-type: none"> Adoption par les Etats 	<ul style="list-style-type: none"> Mettre en œuvre la stratégie
Harmonisation des politiques de pêche	<ul style="list-style-type: none"> Stratégie harmonisée de gestion de la Pêche artisanale Renforcement des OP 		<ul style="list-style-type: none"> Souveraineté des Etats Faiblesse organisationnelle des OP 	<ul style="list-style-type: none"> Régler par les CMA
Registre sous régional commun des navires				<ul style="list-style-type: none"> Régler par les CMA
Règlement des différends				<ul style="list-style-type: none"> Régler par les CMA

Remarques1 :

- Le point 1 est une partie intégrante du point 6
- Registre sous régional commun est pris en compte dans le SCS

RECOMMANDATIONS:

- Faire des ORP des bras techniques des Organisations d'intégrations
- Développer et mettre en œuvre des PA pour les stocks partagés
- Mettre en œuvre la stratégie sous régionale de lutte contre la PINN
- Harmoniser les législations au niveau sous régionale
- Mettre en place un mécanisme au niveau sous régional de concertation pour les négociations des accords groupés
- Mettre en œuvre de la CMA
- Réviser la CMA à terme pour intégrer les aspects socio-économiques

PLAN D'ACTION RÉGIONALE POUR LES PAYS DE LA COREP

A faire	Qui doit faire	Etat des lieux	Reste à faire	contraintes
-Mise en place d'une approche coordonnée de l'exploitation des stocks partagés ; Modalités et conditions d'accès minimales uniformes ;	COREP et Etats membres idem	Projet de document sur les conditions minimales d'accès aux ressources	Validation par le conseil des ministres de la COREP et ratification par les Etats membres	Organisation du Conseil des Ministres
Normalisation des politiques d'octroi de licences ;	Etats membres	Conditions déjà définies	Idem et Internalisation des procédures et mise en œuvre	idem
Echange et analyse des données ;	COREP et Etats membres	Un Projet d'assistance technique de la FAO en cours (dans certains pays)	Clôturer le TCP, élaborer et diffuser le rapport final	
Suivi et surveillance contrôle des activités de pêche ;	COREP	Projet de Plan régional de suivi contrôle et de surveillance des pêches (SCS) disponible	Validation par le conseil des ministres de la COREP et ratification par les Etats membres. Réunion à venir avec l'UA-BIRA	Organisation du Conseil des Ministres
Harmonisation des politiques de pêche ;	COREP et Etats membres	Cadre politique et stratégique de l'UA	Alignement des politiques nationales au cadre politique de l'Union Africaine	
Mise en place d'un registre sous régional commun des navires ;	COREP	En cours	Validation par le conseil des ministres de la COREP et ratification par les Etats membres.	Organisation du Conseil des Ministres Pas d'informations auprès des Etats

A faire	Qui doit faire	Etat des lieux	Reste à faire	contraintes
Règlement des différends	Etats et CEEAC (existence d'une Cour communautaire mais qui n'est pas encore fonctionnelle)		Rendre la Cour opérationnelle	

7.1.4 Outcomes of the Meeting

Among other results, the Regional Training Workshop on Strengthening the Capacity for Negotiating Fair and Sustainable Fisheries Access Arrangements in West & Central Africa came up with the following outcomes;

1. Increased understanding and enhanced knowledge of participants on the current/past fisheries access arrangements in the region.
2. Capacities of the participants, including the relevant officials of National Fisheries Competent Authorities were enhanced in the area of negotiating for fair and sustainable fisheries management, including skills and tactics.
3. The training provided a good opportunity for the countries to share experiences and lessons on the challenges and issues related to access arrangements for shared fish stocks, a common approach in engaging with the foreign fishing vessels, mutual on fisheries access agreements, resource management and conservation.
4. The meeting enriched the report of the consultancy on fisheries access arrangements in selected countries which identified priority areas and proposed actions for consideration to inform the formulation of the action plan to advance regional cooperation on fisheries access arrangements consistent with the policy framework and reform strategy for fisheries and aquaculture in Africa
5. The meeting recommended scaling up regional and continental approach within the AU/RECs framework to negotiate for fisheries access agreements.
6. In respect of UNCLOS, 1982 – the notion of surplus should be clearly defined and MS need to assess the stocks before declaring surplus to give out;
7. Shared stocks don't appear to enjoy a joint/regional approach;
8. States need to review the minimum access conditions which should be ratified and harmonized across states;
9. There is clear lack of negotiations techniques and even after ratification of the MACs many states still signed FAAs with little consideration of the ratifications. Still many states have not understood the important of the UNCLOS 1982 article 61, 62, 63 and there is a lot to learn from the grant EU delegations strategies for negotiations.
10. Issue of politics is also becoming an issue to the ratification of the FAAs
11. Stock assessment should be a priority before you can negotiation; underestimation means losses in the deal; overestimation means the fisheries risk overfishing and collapse; all countries should be able to conduct research regionally and pool resources to get the stock assessments done. There is need for more cooperation among states in research and management. There is also the notion that the MPs and government don't pay attention to the details of the resources, which can also be addressed through the parliament by also involving the relevant government officials in the FAA process.
12. Need to strengthen capacities for stock assessment, ecosystem based surveys and fisheries statistical data collection; AU-IBAR aims to build capacity for stock assessment by member states;

13. Addressed the issue of data and indicated that it's important to learn to manage the little data we have and understand the different routes taken by the data before it ends up for processing; research vs. commercial data at landing sites etc
14. If expertise is needed, important to conduct AU-IBAR of other organizations to be provided with skills and expertise to prepare their FAAs well in terms of fisheries, environment, legal and economic aspects

7.1.5 Close of Meeting

Dr Simplicie NOUALA, Chief Animal Production Officer AU-IBAR

Concluding the training, Dr Nouala noted that a lot of lessons were learned from the meeting and the participants would strive to implement lessons learned and the deliberations results from the three group sessions; West, North and Central Africa that were meant to chart the way forward for regional cooperation. In summary, the following issues were highlighted:-

1. AU has capacity for mobilizing the experts and requests members to be able to request for support and cater for local planning once AU pays for the travel of the expert
2. Secondly, there was a need focus on how do the capacity was utilized within the continent, like movement / transfer of expertise from one point to the next and assist with the management issues facing Africa in various issues on resources etc.

Dr. Nouala appreciated the training team and all participants for the enthusiasm shown; a big impression was given by the participants and focus on the meeting. He apologized to the teams from Cape Verde and Guinea Bissau for lack of Portuguese translations in the meeting given the meeting was conducted mainly in English and French etc

M. GOUDIABY – Senegal Country Director of Fisheries

In closure of the training, the Director of Fisheries Senegal (summarized the issues facing the fisheries sector as follows:

1. The continent is surrounded by 2 oceans (Atlantic and Indian, as well as other seas, Mediterranean and Red Sea, polar seas and out of the 5 oceans, three surround us; thus fish is a very important resource in Africa and should not be depleted.
2. Important to access the EEZ and the UNCLOS 1982 Convention; Reciprocal agreements, Bilateral agreements, Community agreements;
3. Agreements have moved from multi-species to single species agreements; and focus on pelagic resources especially Tuna; noting that demersal species have been over exploited and its difficult to achieve agreements on such species – Senegal terminated demersal species agreements with EU due to depletion; focusing on the Hake and Tuna; Senegal also plans to seek assistance from AU-IBAR for capacity building etc; issue of regional fisheries bodies, sub-regional fisheries bodies; a paradigm shift in the management approach;
4. Africa has a lot of skills and these can be the tools we use to manage the resources; both in west, north, central, southern and eastern. This marks a first step in pooling all the expertise to help Africa manage its resources; Our fisheries are our goldmines and require close surveillance;
5. Fisheries resources are not just animal resources but present very key sources of omegas and vitamins; furthermore, fish are cheaper than other animal resources; thank you for initiative by AU-IBAR;
6. All stakeholders must be involved in negotiations and states/governments should stop deciding for the private sector, include all actors and professional in FAAs; significant sector specific

support for the fisheries must be organized to ensure that the fisheries sector gets the best from the resources available in the national treasury; therefore the Ministry of finances and even national treasury must be called to these negotiations and any other FAAs.

7.1.6 Way Forward / Next Steps

Planned major activities for the next steps were outlined by AU-IBAR as follows;

1. Strengthening of the regional cooperation for both FAAs and Trade negotiations and stock assessments for shared stocks
2. Sharing of relevant consultancy reports and documents from partners on the ongoing consultancies on FAAs and International Instruments.
3. Strengthening of the teams involved in Fisheries Access Arrangements and Trade negotiations with inclusion of all experts and stakeholder.
4. Continued seeking of assistance from AU-IBAR on capacity building
5. Countries and regions to take a first step in consolidating the available expertise on fisheries and trade negotiations

8. CONCLUSIONS

Participants expressed gratitude to AU-IBAR for the training workshop and reiterated their commitment to promote sustainable fisheries with equitable sharing of benefits, including fair fishing arrangements with the Distant Water Fishing Nations. The session groups reiterated the need for close follow-up to the regional cooperation and integration with continued consultations on the best regional approaches to the Fisheries Access Agreements and Trade Negotiations with various trading blocs and other markets. The issue of regional stock assessments was emphasized especially with regards to the migratory stocks including Tuna, and the conservation of biodiversity and ecosystems. The meeting was formally closed by Mr. M. Goudiaby – Senegal, Country Director of Fisheries on behalf of the State Ministry of Fisheries and Maritime Economy.

9. ANNEXES

WORKSHOP ON STRENGTHENING NEGOTIATING CAPACITY FOR A REGIONAL APPROACH TO FAIR AND SUSTAINABLE FISHERIES ACCESS ARRANGEMENTS IN WEST AND CENTRAL AFRICA – DRAFT AGENDA – DAKAR 2016

Time	Event	Presenter/ facilitator
Day One	Opening Ceremony	
08:00-09:00	Registration	AU-IBAR Secretariat
09:00-09:30	• Welcome remarks and opening statements	Official representatives AU-IBAR
09:30-09:45	• Introduction of participants • Adoption of the Agenda	AU-IBAR
09:45 -10:00	Presentation on objectives and expected outcomes of workshop	AU-IBAR
10:00 -10:45	Photo session and Tea-Break	
	Day One –Negotiating Access Agreements in West and Central Africa in global context	
Session 1 110:45 - 11.15	Understanding the access agreement – conceptual issues	Kwame Mfodwo
Session 2 11. 15 - 11-45	The fisheries access agreements policy of the European Union	A representative of the European Union
Session 3 11.45 - 1.00	Review of country experience with access arrangements – country presentations by Gabon, Senegal, Mauritania and PRCM & general discussion	Facilitated by AU-IBAR
13.00 – 14.00	Lunch	
Session 4 14.00 to 15.30	Negotiating access agreements–general principles, economic perspectives, legal perspectives, best practice examples <ul style="list-style-type: none"> • Kwame Mfodwo (legal, best practices and processes and overview of content of Negotiations Manual) • Pierre Failler (economics and best practices); • Philippe Lallemand (economics and best practices and processes); • Livia Dasoveanu (best practices and processes) • Bernerd Fulanda (best practices and processes) • Issues covered include best practices in the following areas: <ul style="list-style-type: none"> » Judging your best possible result and selecting a strategy to achieve that result » Assessing your position » Assessing your negotiating partner » Managing your team during the negotiations process » Managing your opponent and achieving your objectives » This session will draw from experiences of participants 	Moderated by Kwame Mfodwo, Philippe Lallemand, Bernerd Fulanda and Livia Dasoveanu
15.30 to 15.45	Tea break	

Time	Event	Presenter/ facilitator
Session 4 continue 15.45 to 16.15	<ul style="list-style-type: none"> Negotiating access agreements – general principles, economic perspectives, legal perspectives, best practice examples continues Introduction to simulation; selection of teams and creation of parallel streams; selection of team leaders and co-coordinators	Facilitated by Kwame Mfodwo, Philippe Lallemand, Bernerd Fulanda and Livia Dasoveanu
16.45 to 17.00	Participants to meet in groups, study Manual and Simulation and have preparatory meetings on how their team will proceed with negotiations	Participant and Team Leaders
	Day Two - Negotiation Simulation - Enhancing Regional Cooperation and Implementing Minimum Terms and Conditions of Access	Presenter/ facilitator
Session 5 09- 10.30	Simulation starts with participants working in four parallel streams and within their assigned teams	Activities within Streams 1 – 4 facilitated by Kwame Mfodwo, Philippe Lallemand, Bernerd Fulanda and Livia Dasoveanu respectively
10:30-10:45	Tea break	
Session 5 continue 10:45-13:00	Simulation continues with participants working in their assigned teams	Activities within Streams 1 – 4 facilitated by Kwame Mfodwo, Philippe Lallemand, Bernerd Fulanda and Livia Dasoveanu respectively
Lunch - 13:00- 14:00	Working lunch with participants working in their assigned teams	
Session 5 continue 14:00 – 15.30	Simulation continues with participants working in their assigned teams	Activities within Streams 1 – 4 facilitated by Kwame Mfodwo, Philippe Lallemand, Bernerd Fulanda and Livia Dasoveanu respectively
Tea break - 15:30-15:45	Working tea break with participants working in their assigned teams	
Session 5 end 15:45-17:00	Simulation ends with participatory debrief on simulation	Debrief coordinated by Kwame Mfodwo, Philippe Lallemand, Bernerd Fulanda and Livia Dasoveanu
Evenings	Free	
	Day Three (1) Presentation of Consultants Report with Validation (2) Working Groups on Regional Co-operation and Action Plan on Regional Co-operation	Presenter/ facilitator
09-10.00 Session 6	Presentation of Consultant's Report	Pierre Failler
Session 6 continue and end 10.00 to 10.30	Discussion and validation of Report	Pierre Failler

Time	Event	Presenter/ facilitator
10:30-10:45	Tea break	
Session 7 continue 10:45-13:00	Working groups meet in three groups: (1) North-West Africa -Senegal to Sierra Leone; (2) West Central - Liberia to Nigeria; (3) Central Africa to discuss regional co-operation on access agreements	Participants
Lunch - 13:00-14:00		
Session 7 continue 14:00 – 15.30	Working group sessions continue and conclude with recommendations and suggested Plan of Action to advance regional co-operation on fisheries access agreements	Participants
Tea break - 15:30-15:45		
Session 7 continue and end15:45- 17:00	Group presentations on regional cooperation on access agreements	Participants
17:00-18:00 Session 14	Closing ceremony	AU-IBAR

**REGIONAL TRAINING WORKSHOP ON STRENGTHENING CAPACITY FOR
NEGOTIATING FAIR AND SUSTAINABLE FISHERIES ACCESS ARRANGEMENTS IN THE
WEST AND CENTRAL AFRICA**

28th – 30th March, 2016

Dakar, SENEGAL

Welcome Address

BY

The DIRECTOR OF AU-IBAR

The Honourable Minister for Livestock, Fisheries and Animal Industries;
Officials of Senegalese Government;
Representatives of Member States of African Union;
Representatives of Regional Economic Communities;
Representatives of Regional Fisheries Bodies;
Representative of the NEPAD Agency;
Development Partners;
Resource Persons;
Distinguished participants, ladies and gentlemen;

With gratitude, honour and privilege I am delighted to speak to all of you this morning, to pleasantly and most sincerely welcome you at this Regional Training Workshop on Strengthening Capacity for Negotiating Fair and Sustainable Fisheries Access Arrangements in the West and Central Africa by the African Union Commission taking place here today in Dakar. This event is in harmony with the provisions of the Fisheries Governance Project (FishGov) as currently implemented by the African Union–InterAfrican Bureau for Animal Resources (AU-IBAR) in collaboration with the NEPAD Programme Coordinating Agency (NPCA) and funded by the European Union Commission (EUC).

Ladies and gentlemen, as a matter of priority it is significant for me to express the deep appreciation of the Chair of the African Union Commission, Dr.Nkosazana Clarice Dlamini Zuma, that of the Commissioner of Rural Economy and Agriculture of the African Union Commission, Mrs. Tumusiime Rhoda Peace and indeed mine on behalf of AU-IBAR to the Government and People of Senegal for the support and prominent roles they have been playing in the process of executing AU's initiatives and projects especially in accepting to host quite a number of our events.

To this extent, I wish to especially express my profound gratitude for the extra-ordinary gesture of the Honourable Minister in facilitating and honouring our invitation to again host this second workshop in a quarter of year in his sphere and domain. This is indeed a clear manifestation of the esteemed dedication of his Excellency and this great country to the African Union. It is my assurance to you that this display of magnanimity is profoundly noted and recognized by the relevant authorities of the African Union. I will be found wanting if I did not express the same sentiments to the team of dedicated persons who were assigned to us for local organization of the meetings.

Your Excellency the Hon. Minister, Distinguished Ladies and Gentlemen. With your permission, let me take this opportunity to give a brief overview of the African union institution, the convener of this meeting. The Interafrican Bureau for Animal Resources (AU-IBAR) is a specialized technical office of the Department of Rural Economy and Agriculture (DREA) of the African Union Commission and has been in existence since 1951 with main focus on animal production and health issues, livestock, fisheries and wildlife as resources for both human wellbeing and economic development in the Member States of the African Union.

The AU-IBAR Strategic Plan (SP) 2014-2017 is anchored to the Bureau's expanded mandate, which includes livestock, wildlife and fisheries, and is developed to provide leadership to the animal resources sector. The Strategic plan provides an integrated multi-level road map to enhance and strengthen sector-wide performance and focuses on wealth generation, institutional strengthening, stakeholder participation, support to socio-economic integration and environmental sustainability. The new strategic plan has given AU-IBAR renewed mandate, prioritized fisheries management and aquaculture development under the Programme Area 2, which is Sustainable Animal Production Systems.

The Policy Framework and Reform Strategy of Fisheries and Aquaculture in Africa (PFRS) identified Open Access in Capture Fisheries, Inadequate Foreign Access Arrangements and Ineffective Foreign Access Arrangements as part of the enormous challenges and deficiencies of the fisheries and aquaculture sector in African which are limiting the capability of most governments to ensure the sustainability and profitability of the sector so that it can contribute to the wellbeing and economic development of the continent. The situation is compounded by the lack of involvement of the communities in the negotiation process in many instances. Over-exploitation of fish resources take place in Africa on a grand scale, verified by a constant fall in yearly catch records in many countries. Foreign fishing vessels ply African coastal waters, often under foreign access agreements, and frequently they fail to observe the fishing-license conditions.

To ameliorate this state of affairs, the Fisheries Governance Project and in order to improve institutional capacity and regulatory frameworks for sustainable fisheries management, sufficiently provided for strengthening Africa's capacity for optimizing wealth from sustainable fisheries management through enhanced fisheries sector coordination and support for capacity of members' states to access markets as well as negotiation of access agreements for better returns from exploitations of resources from distant water fleets.

These provisions are dedicated and designed to strengthen capacities and promote regional arrangements for improved negotiation of fisheries access arrangements which include building capacity for negotiating equitable and sustainable fisheries access agreements, establish regional teams for negotiating access agreements and other investment in regional fisheries.

This workshop is about capacity development for negotiating fisheries partnership agreements between African countries and external investors in exchange for financial (and other social) compensation mainly for exploitation of their fisheries. Another common form of foreign investment can be in the processing industry.

The inability of African countries to benefit from agreements has been variously attributed to lack of capacity to effectively negotiate with prospective investors. This inadequacy is partly manifested by the limited knowledge on the biological and economic status of the fish resources. Secondly, the situation is aggravated by the poor negotiating skills in the majority of the Member States. These limitations were recognized by CAMFA in 2010 and the AU Heads of States and Governments accordingly adopted the resolution at the 2011 Summit. The Summit therefore charged the African Union to strengthen the capacity of Member States in negotiating fair and sustainable fisheries access agreements. The Summit also requested the AU to put in place a mechanism that would promote regional cooperation for negotiation these agreements.

Admittedly, few countries on the continent have gained, in economic terms, from fisheries access arrangements with multilateral agencies. This notwithstanding, during the past decade, there is a growing perception and awareness on the continent that these benefits have not been commensurate with the quantum of fish resources taken and the situation not helped by the poor reference to sustainability of the stocks in these agreements.

Hon. Minister, Ladies and Gentlemen; the potential and opportunities of African fisheries for improving the livelihoods of our citizens are great but the sustainable exploitations of these resources are under threat. Poorly negotiated access arrangements therefore do not only result in poor financial compensation to AU countries but also has the added disadvantage of causing stock depletion.

Based on the above considerations, some of you will recall that the AU-IBAR organized similar workshops on strengthening Africa capacity in negotiating fair fisheries access arrangement in Abidjan (June 2012) and Douala (November 2012). The major outcome of those workshops were the recommendations to replicate the workshop for more in-depth visitation and elaboration of issues identified in those workshops, that more comprehensive workshops on negotiating fishing access agreements are necessary; adoption of collective bargaining position on international negotiations; further workshop(s) be held at the regional level (West Africa, East Africa and the Western Indian Ocean island states, Southern Africa). We recognized that the national institutions of fisheries management in the various AU Member States have the primary responsibility for negotiating these agreements. Therefore the workshops continue to target the Directors of fisheries and relevant officials from the Trade and Justice Ministries in the AU coastal countries. The training is an ongoing process and it is our desire to establish a core of 'fisheries access agreements negotiators' as trainers for other stakeholders in this important sector.

Mr. Hon. Minister, Ladies and Gentlemen; In the light of above, the main objective of this workshop is therefore to strengthen the capacity of AU member states in the West and Central Africa to be able to rationally negotiate equitable and sustainable fisheries access agreements with the overall objective of increasing the contribution of fisheries to socio-economic development of our continent-goals set in the 2003 Maputo and 2005 Abuja Declarations

This approach can be a key driver for the implementation of articulated plan to move us closer to our shared goal of a fish secure Africa. If we work together and concentrate our resources behind a smart, targeted proactive strategy, we can bring about real quick positive changes.

Finally, I look forward to a very fruitful discussion over the next three days as we chart the way needed to accelerate progress. I wish to seize this opportunity to intimate my very reliable resource persons, who were carefully sourced from relevant sections of the industry, to come up with practicable strategies.

To the participants, you are all urged to avail yourselves to this unique opportunity by paying adequate attention and exchanging ideas with resource persons to make this forum a very interactive session, so that at the end of the workshop everyone will go into the field with confidence despite the challenges.

While wishing you fruitful deliberation I thank you all for honouring our invitation. Once again you are all welcome. I thank you all for the attention and God Bless You All.

REPUBLIQUE DU SENEGAL

Un Peuple – Un But – Une Foi



MINISTERE DE LA PECHE ET DE L'ECONOMIE MARITIME

ALLOCUTION DE MONSIEUR OUMAR GUEYE, MINISTRE DE LA PECHE ET DE L'ECONOMIE MARITIME

Dakar, 28-30 Mars 2016

- Monsieur le Représentant du Directeur et Chef de Mission du Bureau Interafricain des Ressources Animales de l'Union Africaine (UA-BIRA)
- Mesdames et Messieurs les Directeurs des Pêches des Etats Membres de l'Union Africaine ;
- Mesdames et Messieurs les Représentants des Organisations internationales et régionales actives dans le secteur de la pêche et de l'Aquaculture ;
- Mesdames et Messieurs les représentants des Ministères de la Justice et du Commerce,
- Mesdames et Messieurs les directeurs et chefs de services, en vos rangs et qualités respectifs ;
- Mesdames et Messieurs les Experts Pêches et Aquaculture ;
- Mesdames et Messieurs les représentants des Acteurs Non Etatiques,
- Mesdames et Messieurs les représentants du secteur privé et des Organisations Professionnelles,
- Mesdames et Messieurs les partenaires techniques et financiers,
- Honorables Invités.

Je voudrais tout d'abord vous dire tout le plaisir que j'éprouve ce matin à me retrouver parmi vous, pour présider l'ouverture officielle de la troisième série d'ateliers de formation organisés par le Bureau Interafricain des Ressources animales de l'Union africaine sur la négociation des accords d'accès de pêche durable en Afrique.

Je voudrais, au nom de Son Excellence Monsieur Macky SALL, Président de la République du Sénégal, et au nom de Son Gouvernement, souhaiter la bienvenue à toutes et à tous les participants en terre sénégalaise, terre d'hospitalité, de fraternité et de solidarité.

Votre présence ici à Dakar, s'il en était encore besoin, témoigne de votre intérêt manifeste pour le renforcement des capacités de négociation équitable et la promotion des arrangements régionaux pour une pêche durable, ainsi que votre adhésion aux stratégies que l'Union Africaine a définie pour le développement de notre continent.

Je voudrais également remercier les plus hautes autorités de l'Union Africaine et du Bureau Interafricain des Ressources Animales, pour avoir choisi encore, le Sénégal pour abriter cette importante rencontre continentale.

Notre pays s'honore de ce choix et exprime toute sa volonté et sa disponibilité à participer de manière constante et active à tout ce qui touche au rayonnement du continent et au développement des populations.

Mesdames, Messieurs, Honorables invités,

Le thème de votre rencontre est d'une centralité manifeste et traduit l'importance du secteur pour les pays africains et étrangers en raison de la richesse des eaux africaines en ressources halieutiques.

Il est devenu incontestable de souligner l'importance du secteur de la pêche, car elle occupe une place non négligeable pour ne pas dire stratégique dans les économies de nos Etats respectifs.

En Afrique, les pêches maritimes contribuent significativement à la sécurité alimentaire, aux revenus d'une bonne partie des populations disséminées le long des plans d'eau du continent, en apport en devises et en recettes budgétaires par la signature d'accords d'accès étrangers, entre autres.

C'est pourquoi, la Conférence des ministres africains des pêches et de l'aquaculture (Conference of African Ministers of Fisheries and Aquaculture, CAMFA I) a mis l'accent sur la nécessité des accords d'accès à la pêche durable dans l'intérêt du développement durable.

Les Accords d'accès de pêches ne doivent-ils pas être négociés de façon adéquate et efficace en concevant des stratégies d'accès de pêches qui encouragent des droits garantis et l'exploitation durable des ressources halieutiques afin d'exploiter le potentiel de génération de richesses de ces ressources ?

Au Sénégal, c'est conscient des effets vertueux sur les autres secteurs de l'économie nationale que son développement entraîne que le Gouvernement du Sénégal, a inscrit la pêche parmi les moteurs de croissance de l'économie nationale dans la nouvelle stratégie de développement économique et social de la Nation, le Plan Sénégal Emergent (PSE).

Ainsi, au titre de l'Axe I du Plan Sénégal Emergent, les activités de pêche et d'aquaculture, à l'instar de celles d'autres secteurs économiques, doivent contribuer au renforcement de la sécurité alimentaire, la nutrition, la création de richesse et d'emplois.

C'est dans ce cadre, que le Ministère de la Pêche et de l'Economie maritime a entrepris, dans une démarche responsable et inclusive, des réformes importantes du secteur visant à impliquer d'avantage les acteurs dans la réhabilitation des écosystèmes marins et côtiers et dans la gestion des ressources halieutiques pour le bien être des populations.

Face à la surexploitation des ressources halieutiques et aux accords de pêche signés depuis les années 60, l'Etat du Sénégal a repensé les accords d'accès avec la participation de toutes les Parties prenantes au processus de négociations mais aussi en passant d'un accord de pêche simple à un accord de partenariat dans le domaine de la Pêche durable.

L'importance accordée à l'approche inclusive et participative des acteurs a contribué aux changements de mentalités et de comportements par rapport à la préservation de la ressource« chose partagée

» et a permis à toutes les parties prenantes, de concourir à la prise de conscience par les acteurs de leur rôle et responsabilités dans la gestion durable et responsables des ressources halieutiques.

Mesdames, Messieurs,

Force est de constater que malgré l'importance des potentialités halieutiques de nos pays, la contribution de la pêche marine et continentale aux indicateurs de développement économique et social ne cesse de décroître et elle est aujourd'hui menacée par la raréfaction de la ressource, conséquence de la surexploitation de la plupart des stocks halieutiques. Les causes de ce phénomène résident dans la faiblesse des systèmes de régulation de l'accès aux ressources halieutiques et des capacités de contrôle et de surveillance des opérations de pêche mais aussi des insuffisances notées dans les négociations d'accès à nos ressources.

A cela s'ajoute le faible niveau de connaissances sur les potentiels et l'état des ressources halieutiques maritimes de nos pays, faute d'évaluations scientifiques régulièrement menées dans les différents plans d'eau. Dans ce contexte, l'amélioration régulière des politiques pour la pêche est devenue pour nos Etats une impérieuse nécessité.

C'est pourquoi, je voudrais me féliciter de la brillante initiative du Bureau Inter-africain des Ressources Animales de l'Union Africaine qui met prioritairement en œuvre le Cadre de politique et la stratégie de réformes des pêches et de l'aquaculture en Afrique (CPSR) identifiant l'Accès libre des pêches par capture, les Accords d'accès étrangers inadéquats ainsi que les Accords d'accès étrangers inefficaces comme faisant partie des défis et des carences du secteur des pêches et de l'aquaculture en Afrique. Ces facteurs réduisent en effet les capacités de la plupart des gouvernements à garantir la durabilité et la rentabilité du secteur en termes de contribution au bien-être et de développement économique du continent.

Mesdames, Messieurs, chers participants,

C'est pourquoi, niveau ne pouvait être plus pertinent et indiqué que de s'attaquer aux enjeux et défis des accords de pêche par le biais du Nepad, du Bureau inter africain des ressources animales et de l'union Africaine. C'est le lieu de remercier les autorités des pays africains pour avoir accepté de participer activement dans une démarche de solidarité et de complémentarité à cet atelier.

Mesdames, Messieurs, Honorables invités,

Aujourd'hui, l'atelier Régional de Renforcement des Capacités dans les négociations équitables et durables des accords d'accès aux pêcheries dans les Régions de l'Afrique de l'Ouest et du Centre revêt une importance particulière.

En effet, il permettra de partager nos expériences, notamment les meilleures pratiques, leçons apprises et les interventions en cours afin d'élaborer de nouvelles stratégies de négociations d'accès pour réduire et/ou éliminer les impacts négatifs des modes de gouvernance et des politiques de gestion des ressources marines et côtières sur la sécurité alimentaire et la réduction de la pauvreté.

Au nom du Gouvernement du Sénégal et de tous les Etats membres de l'Union Africaine, permettez-moi de remercier très sincèrement les partenaires techniques et financiers avec une mention particulière à la Commission de l'Union Européenne pour son soutien à la mise en œuvre du Cadre Politique et de la Stratégie de Réforme de la Pêche et de l'Aquaculture en Afrique.

Je souhaite que nous puissions à travers la pertinence de nos travaux leur montrer que leur engagement permettra des avancées réelles dans le domaine de la pêche et de l'aquaculture.

J'invite les partenaires techniques et financiers de continuer à appuyer le Bureau Interafricain des Ressources Animales de l'Union Africaine dans ses missions que les Etats lui ont assignées en lui confiant la coordination des actions relatives à la mise en œuvre du Cadre Politique et de Stratégie de Réforme de la Pêche et de l'Aquaculture en Afrique.

Avant de conclure, je voudrais, au nom du Gouvernement de la République du Sénégal, adresser les vifs et sincères remerciements du Sénégal à l'Union Africaine pour ses soutiens multiformes aux Etats membres dans le cadre de la mise en œuvre des politiques d'intégration et de développement économique, social et culturel.

Je déclare ouverte l'atelier Régional de Renforcement des Capacités dans les négociations équitables et durables des accords d'accès aux pêcheries dans les Régions de l'Afrique de l'Ouest et du Centre

Je vous remercie de votre bien aimable attention.

**REGIONAL TRAINING WORKSHOP ON STRENGTHENING CAPACITY FOR
NEGOTIATING FAIR AND SUSTAINABLE FISHERIES ACCESS ARRANGEMENTS IN WEST
& CENTRAL AFRICA,**

28 – 30 March 2016, Dakar, Senegal

**ATELIER REGIONAL DE FORMATION SUR LE RENFORCEMENT DES CAPACITES DE
NEGOCIATION EQUITABLES DES ACCORDS DE PECHE ET MODALITES D'ACCES POUR
UNE PECHE DURABLES DANS LES REGION D'AFRIQUE DE L'AFRIQUE DE L'OUEST ET
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28 au 30 mars, 2016 à Dakar, Sénégal

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