



EU-Mauritania fisheries agreements

SUMMARY *The EU started to seek fisheries agreements with third countries after the adoption of the United Nations Convention on the Law of the Sea (1982). The first such agreement with Mauritania was concluded in 1987, with successive agreements part of a broader development and cooperation framework.*

Successive reforms of the Common Fisheries Policy have led to a new generation of Fisheries Partnership Agreements (FPAs), which encourage the development of sustainable fisheries management in third countries, while providing access to EU fleets. The current EU-Mauritania FPA is the most important fisheries agreement both in terms of volume and financial contribution (€70 million per year).

In July 2012, the Commission initialled a two-year protocol which is provisionally in force, pending the consent of the European Parliament on its ratification. Welcomed by Mauritanian fishermen for reducing pressure on the fish stocks and decreasing competition with locals, the new provisions met with strong criticism from the EU fishing industry. Stumbling blocks include increased ship-owners' fees, reduced fishing zones and catch volumes, and most significantly, the exclusion of octopus stocks (of particular interest to the Spanish fleet).

In May 2013, the Fisheries Committee refused to give its approval to the conclusion of the protocol, forming the view that the agreement was not economically viable.

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Background

Fish are becoming a scarce resource worldwide. [FAO](#) estimates show that in 2008, 50% of marine fish stocks were fully exploited and 32% were over-exploited.

The EU is one of the [world's leading producers](#) of fishery products, along with China, Peru and Indonesia. Within the EU, the average annual consumption of fish is 23 kg per person. However, the EU imports 60% of its fish consumption. This [explains](#) the need for a dynamic trade policy, to take into account growing market demand and EU fishermen's expectations of income and employment.

The EU is therefore striving to achieve a delicate balance between managing natural resources and economic considerations, through seeking to develop sustainable fisheries agreements with third countries.

EU fisheries policy

EU competencies

The [Treaty of Lisbon](#) (Art. 38-43 TFEU) formally enshrined fisheries conservation policy as one of a handful of 'exclusive competences' reserved for the EU. The rationale behind this is that fish are a truly international resource, since they are mobile and the activities of one fishing fleet affects the opportunities of others. However, fisheries policy in general remains a 'shared competence' of the Union and its Member States.



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The Common Fisheries Policy (CFP)

The CFP originally formed part of the Common Agricultural Policy, but gradually developed a separate identity and underwent a series of [reorientations and reforms](#). Today, the major areas of action of the CFP include: laying down rules for sustainable fisheries while providing funding and technical support, setting up enforcement tools, monitoring the size of the EU fishing fleet, negotiating international fisheries agreements and funding research.

[Criticised](#) by fishermen for threatening their livelihood (by reducing fishing quotas and fleet size), by environmentalists for not going far enough, and by the [European Court of Auditors](#) for its lack of efficiency and enforcement of sanctions, the CFP is currently undergoing a new [reform](#).

Fisheries agreements

Fisheries agreements with non-EU countries are negotiated by the Commission based on a Council mandate, and ratified by the Council with the consent of the European Parliament (EP). They are intended to allow EU vessels to fish for surplus stocks in third countries' exclusive economic zones (EEZ, see box) in return for a financial contribution.

The development of these agreements started after the adoption of the United Nations' Convention on the Law of the Sea (UNCLOS) which put an end to the 'freedom of the sea doctrine'. The convention placed 90% of the world's marine fisheries under the authority of coastal states, thus barring access to EU fishing vessels which had long fished in such waters.

Following the [2002 reform](#) of the CFP and the [Johannesburg Summit on Sustainable](#)

[Development](#), all existing EU bilateral fisheries agreements were either discontinued or reformed¹. This led to a transition from traditional fisheries agreements, mostly based on the principle of 'pay, fish and go', to a more sustainable approach under the current generation of Fisheries Partnership Agreements (FPAs). An FPA differs from a bilateral trade agreement in that it seeks to achieve a public good (e.g. sustainable development) rather than simply obtain economic gains.

As of summer 2011, 15 FPAs are in force, 13 of them involving countries from Africa, the Caribbean and the Pacific (ACP) (see Annex).

United Nations' Convention on the Law of the Sea (UNCLOS)

[UNCLOS](#), adopted in 1982, defines exclusive economic zones (EEZ) over which coastal states have special rights of exploration, use and protection (Art.56-58). A state's EEZ extends to a distance of 200 nautical miles (370 km) from its coastal baseline (much further than the territorial waters, which end at 12 nautical miles (22 km). Coastal states have the right to determine the allowable catch of the living resources in their EEZ (Art. 61). However, they also have the duty to ensure - through proper conservation and management measures - that the maintenance of the living resources in their EEZ is not endangered by over-exploitation. Article 62 specifies that a coastal state which does not have the capacity to harvest the entire allowable catch in its EEZ, can, through agreements, give access to other states.

EU-Mauritania relations

Mauritania at a glance

Mauritania² gained independence from France in 1960. The country then annexed the southern third of the former Spanish Sahara (now [Western Sahara](#)) in 1976 but relinquished it after three years of raids by the [Polisario guerrilla front](#) seeking independence for the territory. Between 1984 and 2004, Mauritania was ruled by president Taya. He was deposed in a bloodless coup in August 2005 and a military council oversaw a transition to democratic rule. In 2007, the first free presidential election took place. However, a year later, a military junta led by General Aziz reinstalled a military council government.

Slavery was officially banned in 1981 and has been criminalised since 2007. However, [NGO sources](#) claim that as much as 18% of the population (600 000

people) may still be in slavery.

The ethnic elite in Mauritania are formed of white Moors and, according to the same source, control the economy, government, military and police. The 'slave caste' is

composed of the descendents of black African ethnic groups. The country continues to experience ethnic tensions and is facing a growing terrorism threat from al-Qa'ida in the Islamic Maghreb.

Mauritania has abundant fishery reserves, with more than 700 km of coastline on the Atlantic Ocean. Its [economy](#) depends heavily on the exploitation of natural resources, mining and fishing, which provide nearly 90% of tax revenue. In 2007, agriculture and fishing accounted for nearly 19% of GDP.

The country was ranked 155 of 179 in the United Nations' 2013 [report on human development](#) which measures life span, access to education and spending power around the world.

Relations with the EU

EU-Mauritania relations are framed within several partnership instruments, of which the [revised Cotonou agreement](#) of 2010 is the main one. The Commission's country [Strategy Paper 2008-2013](#) defined the various sectors of cooperation under the [10th European Development Fund](#) (the main instrument for EU development aid).

Following the 2008 coup, all EU development aid towards Mauritania (except humanitarian aid and direct support to the population) was frozen. Cooperation was gradually resumed from the end of 2009, and was fully restored by [Council Decision](#) in 2010.

The 10th European Development Fund allocates an amount of €156 million for Mauritania. This funding is [earmarked](#) notably for decentralisation and governance, infrastructure, general budget support, and other activities including in the area of management of migration flows.

EU-Mauritania fisheries agreements

The EU and Mauritania have concluded several fisheries agreements, starting in 1987. The latest one dates from 2006 and expired in July 2012. To prevent interruption of fishing activities, the Commission negotiated a new

two-year Fisheries Partnership Protocol under the EU-Mauritania FPA. The Council authorised its [signature and provisional application](#) in December 2012, pending EP consent for its ratification. The EP has still to [vote](#) on the [proposal](#) for a Council decision to allow the protocol's ratification. The EU-Mauritania FPA is the EU's most important fisheries agreement both in terms of volume and product diversity, as in terms of financial contribution ([nearly](#) half of the EU budget for FPAs with third countries). It enables over 100 European vessels from 11 Member States to fish in Mauritanian waters.

New fisheries protocol 2012-2014

The protocol grants the EU fleet priority access to available surplus stocks. Moreover, foreign fleets authorised by Mauritania to fish remaining surplus stocks could only gain access on the same conditions as the EU fleet.

The cost for the EU budget on an annual basis remains the same³: €70 million, of which €67 million would be dedicated to access rights, and €3 million to sectoral support (for sustainable fisheries development). The aim of decoupling sectoral support is to avoid any negative consequences for macro-economic stability which might result from reduction of the EU's contribution to access costs.

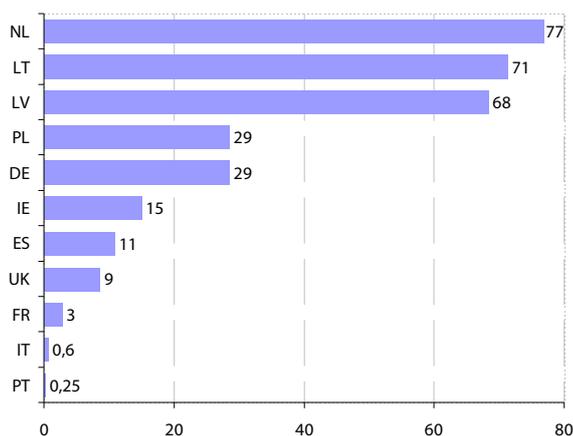
In line with the orientations for the new CFP (see below), the protocol increased ship-owners' fees for most access licences. Commission estimates show that they are expected to rise from €15 to €41 million⁴.

Fishing opportunities (i.e. catch volume/number of licences, see Fig.1) have been reduced in absolute value for most categories, and cephalopods⁵ (octopus and squid) have been excluded from the protocol. However, direct comparison with the previous protocol is difficult, since fishing opportunities were expressed in gross tonnage (based on the capacity of fishing vessels⁶), whereas the new protocol allocates fishing opportunities in tonnes of actual catch⁷. The protocol also includes a requirement to fish over 20 nautical

miles off Mauritania's coastline, rather than 13 nautical miles as in the previous agreement⁸.

The parties may adopt, in the Joint Committee (set up by the agreement) measures entailing a review of fishing opportunities, in which case, the financial contribution would be adjusted proportionately. The protocol provides for termination in case of under-utilisation. A human rights clause has been included, as well as a special contribution in kind by the EU fleet to meet the nutritional needs of the local population. The new protocol also provides for increased job opportunities for Mauritanian seamen (their percentage in EU crews should rise from 37% to 60%).

Figure 1: Annual fishing opportunities⁹ 2012-2014 for all categories, by Member State, in thousand tonnes.



Source: [Council Regulation](#) on the allocation of fishing opportunities under the new Protocol, 2012-2014.

China-Mauritania: (unsustainable) fisheries agreements

In 2010, the Mauritanian government signed a [memorandum of understanding](#)¹⁰ and a [convention](#) with the Chinese company Poly-Hondone Pelagic Fishery Co. [Praised](#) by Mauritanian officials for an intended investment of US\$100 million, the agreement was [criticised](#) by the opposition and decried by the local fishing industry for [harming more than helping](#). It was [suspended](#) in January 2013 due to non-compliance with contractual terms regarding the hiring of Mauritanian fishermen and infrastructure development.

China's presence in Western Africa is raising [growing concern](#) about its impact on the local economy and on the environment of host countries. Illegal, unreported and unregulated (IUU) activities are probably the main cause for concern, with the agreement-dependency of the host country making it very difficult to fight against IUU practices. It has been [argued](#) that most agreements concluded with China are 'tied', i.e. the recipient must spend the money with Chinese companies¹¹.

[Experts](#) assert that local crews in Western Africa are frequently taken on board Chinese-flagged and Chinese-owned vessels to work as the lowest tier crew. Often these men are paid in frozen boxes of 'trash' fish (i.e. with no value on the international market) which can be sold locally. This compensation method means not only that these crews are likely to be under-paid, but also that fish enters local markets unreported.

[Researchers](#) argue that China does not share the EU's development aid model towards Africa. China's strategy is described as more pragmatic and less normative (i.e. characterised by a 'no strings attached' principle) which allows the country to present itself as an attractive alternative to the asymmetric donor-recipient model of the EU. [Experts](#) believe that this results in tougher negotiations on fisheries agreements for the EU, particularly in Western Africa.

European Parliament views on fisheries

The reform of the Common Fisheries Policy

On 30 May 2013, Parliament and Council reached a [compromise](#) on the future [CFP](#), to be implemented from 2014, following formal adoption by the two institutions. New rules stipulate that EU vessels will have access only to surplus fish in third countries' territorial waters. Additional measures will help prevent '[flag hopping](#)' (i.e. vessel owners moving the flag of their vessel to mask illegal activities) in line with the EP's resolution on the external dimension of the CFP (see below). Parliament also ensured that new control measures will be overseen by a new compliance committee.

The external dimension of the CFP

In its [resolution](#) of 2012, Parliament stressed that FPAs, or Sustainable Fisheries Agreements as the Commission proposes to call them, should be based on responsible and sustainable exploitation of resources by EU vessels and be of benefit to both parties. Members also reiterated that FPAs have to respect UNCLOS provisions regarding surplus stocks and the nutritional and socio-economic needs of local populations. Members welcomed the intention of the Commission to include a clause on human rights and recommended that the social clause currently used should be strengthened to include respect for the eight International Labour Organisation [Fundamental Conventions](#). In addition, Parliament backed the concept of decoupling financial compensation for access rights from sectoral support for development and insisted that ship-owners should pay a fair and market-based portion of the costs.

EU policy coherence for development

Historically, the EU has been one of the key promoters of the concept of Policy Coherence for Development (PCD), aimed at strengthening synergies and eliminating inconsistencies between non-aid policies and development objectives. The [Treaty of Lisbon](#) reinforced the EU's legal commitment to PCD by requiring consistency between the different areas of its external action and its other policies (Art. 21 TEU). This legal stance was also underpinned by a joint political commitment in the [European Consensus for Development](#) (2005). Today, the challenges at the heart of the PCD are closely linked to progress towards the [Millennium Development Goals](#) (MDG). Food security and trade (including fisheries) are part of the MDG agenda and the fight against hunger and poverty.

EU-Mauritania FPAs

Resolution on the EU-Mauritania FPA

In 2011, prior to the opening of negotiations on a new FPA with Mauritania, Parliament expressed its views in a [resolution](#). While underlining that the protocol should be maintained only if it is mutually beneficial, Members insisted that access negotiated for EU-flagged vessels must be based on the

UNCLOS principle of surplus stocks. Parliament also emphasised that, according to the [ex-post evaluation](#) most stocks in Mauritania are either fully exploited or over-exploited, particularly octopus, and recommended reductions in fishing effort for those stocks. In addition, Members stressed that certain lines of support for the fisheries sector in Mauritania have not been implemented satisfactorily (e.g. the modernisation and development of small-scale traditional fishing, improved monitoring and surveillance at sea) and requested an evaluation of the reasons for the inadequate achievement of these objectives. Finally, Parliament highlighted that all relevant scientific information should be made public.

Is there enough fish in Mauritania?

The negotiations on the new protocol largely crystallised around the status of fish stocks in Mauritania and in particular, cephalopods. A [Joint Scientific Committee](#) was convened in April 2013 to update information on stocks. Concerning sardinella, jack mackerel, black hake, prawns and shrimps, the Committee [noted](#) the existence of a surplus. On octopus, despite recognising a strong recovery in the past two years, it concluded that the stocks remained overexploited in 2012. The Committee stressed there is a degree of uncertainty in evaluation of octopus stocks due mainly to the simulation model used and to the quality of data (e.g. data on declarations of catches and discards). It also noted that the Mauritanian fleet itself has the capacity to absorb available stocks of octopus, leaving no surplus for the EU fleet.

The [ex-post evaluation](#) on the previous protocol underlined that excluding the EU fleet from the zone would not entirely solve overfishing, since other foreign fleets and the Mauritanian fleet also contribute significantly to the excess of fishing capacity and impact on the ecosystem.

Report on the EU-Mauritania FPA

In May 2013, forming the view that the agreement is not economically viable, the Fisheries Committee refused to give its approval to the conclusion of the new fisheries [protocol](#), taking up the recommendation of the rapporteur (Gabriel Mato Adrover, EPP, Spain). The report stressed that

the protocol would increase costs for the EU and for ship-owners, while decreasing the fishing areas accessible to each fleet, ultimately leading to a substantial reduction in catches.

EU-Morocco FPA

In 2011, the European Parliament [rejected](#) the conclusion of a one-year protocol in the framework of the [EU-Morocco FPA](#). Members stressed that the agreement had a low cost-benefit ratio; of the 11 species included, five were over-exploited and another four fully exploited; and it was not clear whether the FPA benefited the population of the disputed Western Sahara region. The Commission is currently negotiating a new protocol.

Stakeholders' reactions

The topic has attracted contrasting views, in particular from Mauritanian fishermen and civil society and Europe's fishing industry.

In favour

In a hearing organised by the EP's Fisheries Committee, the president of the artisanal section of **Mauritania's National Federation of Fisheries**, Sid'Ahmed Abeid, [outlined](#) the measures implemented by local fishermen to support sustainable fisheries (e.g. selective fishing methods, respect of biological rest periods, minimum weight for octopus catches, and promotion of joint management arrangements with neighbouring countries). Highlighting the need for a fair agreement, he insisted on the importance of leaving the available stock of octopus to Mauritanian fishermen for whom it represents their livelihood¹². New fishing zones were singled out as a positive element, to help protect the seabed, decrease competition with local pirogues and reduce by-catch (i.e. fish caught unintentionally while intending to catch a specific species). As an example, he pointed out that half the stock of sea bream is caught as by-catch by trawlers targeting sardinella.

A joint [press release](#) by **Mauritanian civil society organisations** and the **Coalition for Fair Fisheries Agreements** (CFFA) confirmed

this analysis and welcomed the conclusions of the Joint Scientific Committee.

Against

In a [letter](#) sent to the EP's Fisheries Committee, the **Association of European Fishing Enterprises** (Europêche) maintains that the "FPA is still unviable technically and economically and unprofitable for most of the categories". Europêche wants ship-owners' licence fees to be reduced, cephalopods to be included in the protocol, fishing areas to be increased and conditions concerning Mauritanian fishermen to be modified.

The **Pelagic Freezer Trawler Association** [lamented](#) that the protocol would "hinder food security, employment and environmental sustainability in the region". However, it declared its willingness to support it, if amended to make sense economically.

According to [estimates](#) provided to the EP's Fisheries Committee by the **Spanish Fisheries Confederation** (Cepesca) the average extra cost resulting from the provisional protocol would amount to some €400 000 per vessel on a yearly basis. In addition, the conclusion of the protocol would contribute to driving out of business 35 vessels and leave 3 000 jobless in the Canary Islands.

Russia complains over EU-Mauritania FPA

In April 2013, Russia [accused](#) the EU of instigating unfair competition among WTO member states, after discovering that under the EU-Mauritania agreement the latter can not offer better or equal conditions to new partners. Russia claimed that the EU was violating the fair competition principle, by subsidising European fishermen and placing them in a privileged position. In reply, the EU [declared](#) it is transparent about its agreements.

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Annex: EU fisheries partnership agreements with third countries



Source: European Commission, [Facts and figures on the Common Fisheries Policy](#), 2012.

Endnotes

- ¹ In line with Council conclusions on partnership agreements (11485/1/04) of 15 July 2004.
- ² Unless otherwise indicated, this section is based on Mauritania's country profile in the [CIA World Factbook](#).
- ³ The [protocol](#) to the FPA signed for the period 2006-2012 initially foresaw a budget of €86 million per year. In 2008, the content of the [protocol](#) was readjusted and the budget gradually decreased respectively to €86M, €76M, €73M and €70M. [Press sources](#), quoting diplomatic sources, claim that the readjustment was due to over-optimistic expectations about Mauritania's fishing stocks.
- ⁴ Estimate provided by the Commission, assuming that all proposed licences are taken.
- ⁵ This exclusion impacts most notably the Spanish fleet from the Canary Islands. The protocol from [2006](#) provided for 43 licences, of which 39 were allocated to Spain. The protocol from [2008](#) reduced their number to 32, of which 24 for Spain.
- ⁶ [Experts](#) claim that a reduction in fishing opportunities may not translate into a reduction in actual catch.
- ⁷ According to a calculation provided by the Spanish Fisheries Confederation ([Cepesca](#)) to the EP's Fisheries Committee, this will lead to a substantial increase in ship-owners' licence fees.
- ⁸ The [Pelagic Freezer Trawler Association](#) claims that this will considerably reduce the fishing opportunities, while [experts](#) argue that the measure will help decrease the pressure on various species.
- ⁹ In addition to catch tonnages, the Regulation allocates 44 licences to tuna vessels (35 to Spain and nine to France). However, this distribution does not mirror the number of vessels involved which are the highest for Spain, France, Italy, and Portugal.
- ¹⁰ Both documents were made public by [Transparentsea.co](#), an NGO based in Kenya.
- ¹¹ However, an [OECD report](#) (2011) reviewing commitments on untying aid revealed similar practices still exist among OECD (and EU) countries, notably in terms of contract awards with large shares often going back to suppliers in certain donor countries.
- ¹² While acknowledging that reasons for migration can vary substantially, it has been [argued](#) that dwindling fishing stocks - eventually causing the disappearance of coastal economies - might well be a driver of migration. According to the same source, 31 000 Africans tried to reach the Canary Islands (Spain) in 2007, in more than 900 boats.