

Position paper

EU-Liberia SFPA: what should a potential future protocol look like?

Brussels, 18 June 2020

By Béatrice Gorez

In this position paper, CFFA comments on which resources could be accessed by the EU fleet in Liberia's EEZ, on the need for more transparency and how the EU can positively contribute to Liberian fisheries governance.

1. Overview

The 2020 Joint Committee for the implementation of the EU-Liberia Sustainable Fisheries Partnership Agreement (SFPA)¹ protocol concludes today. As the current protocol expires on 8 December 2020, this is also a time where both parties envisage whether and under which conditions the protocol will be renewed. End of March 2020, the European Commission published a retrospective and ex-ante evaluation of the protocol² to which various EU stakeholders (operators, Member States, trade unions and NGOs) contributed, including CFFA. This evaluation provides key

¹ The current 2015-2020 protocol allows for access of 28 EU tuna purse seiners and 6 surface longliners to Liberia's EEZ, based on a reference tonnage of 6 500 tons of tuna and tuna like species catches per year. In return, the EU paid Liberia an average annual compensation of € 650 000, out of which 50% has been earmarked as sectoral support to promote sustainable fisheries in Liberia. EU operators benefiting from fishing opportunities also pay access fees under this protocol. Available online at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.328.01.0003.01.ENG&toc=OJ.L:2015:328:TOC

² CAILLART, Benoît et al., "Retrospective and ex-ante evaluation study of the protocol to the agreement on a sustainable fisheries partnership between the European Union and the Republic of Liberia", DG MARE, March 2020. Available online at: <https://op.europa.eu/en/publication-detail/-/publication/f407575c-6d7e-11ea-b735-01aa75ed71a1/language-en/format-PDF/source-122915311>

elements of analysis regarding the implementation of the protocol, and makes recommendations about the content and conditions for a potential future protocol.

CFFA comments focused on the challenges, in a potential future protocol, for the sustainable development of the local artisanal fisheries sector, composed of an estimated 15,000 fishers and 25,000 fish processors and fishmongers, most of them women. These include: which resources should be considered for access; how to address the lack of transparency - particularly in the use of sectoral support -, and how to improve the positive contribution the EU is making to Liberia fisheries governance.

2. Future access should continue to be restricted to tuna

Regarding access to fish resources in Liberia's EEZ, the current interactions between the EU tuna fleet with the Liberian coastal fishing communities are very limited. However, CFFA is concerned by Liberia's proposal, made during the 2016 EU-Liberia Joint Committee,³ to expand the agreement to include other types of fisheries, like shrimp fishery, in the future protocol.

Given the lack of reliable fisheries data regarding the state of these stocks and regarding the overall fishing effort, there is no way that the EU and Liberia could identify a potential surplus, which is the basis for access through an agreement. Moreover, CFFA feels such an expansion of the agreement, particularly to shrimp trawling, would pose important risks in terms of sustainability and to artisanal fisheries activities, threatening the Inshore Exclusive Zone (IEZ) normally reserved to artisanal fishing, as shrimps are found relatively close to the shore.

This proposal comes in addition to a fishing agreement that was signed between Senegal and Liberia in January 2019, allowing up to 2,000 GRT for shrimp trawling (5 vessels) to fish from 4 nautical miles (the text of this agreement and protocol are available from CFFA on request). There is currently no public information about the implementation of this Liberia-Senegal agreement, and how it affected the overall fishing capacity in Liberian waters. To address this in a potential future protocol, the EU should encourage Liberia to publish regular updated lists of licensed vessels, by including an article on transparency.⁴

CFFA insisted in its contribution to the evaluation on the fact that access, in a future protocol, should continue to be restricted to tuna only. This was somewhat taken into account in the evaluation, which underlines that "*The lack of scientific information on the status of demersal stocks in the Liberia's EEZ suggests exclusion of fishing*

³ As no formal minutes of the Joint committee are published, we don't know how this proposal from Liberia was responded to by the EU.

⁴ The 2015 PROTOCOL setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania for a period of four years, includes a "transparency article" (article 1.6): "6. Mauritania undertakes to make public any public or private agreement granting access to its EEZ by foreign vessels, including: countries or other entities participating in the agreement; the period(s) covered by the agreement; the number of vessels and types of gears authorised; the species or stocks authorised for fishing, including any catch limit applicable; the measures concerning reporting, monitoring, inspection and surveillance which are required; a copy of the written agreement." Available online at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A22015A1201%2801%29>

opportunities for fish, cephalopods or crustaceans under a future Protocol". However, the evaluation suggests that *"the implementation of experimental fishing campaigns under the conditions set out by article 7 of the current Protocol may be a valuable opportunity to increase scientific knowledge on demersal fisheries for the benefit of Liberia. Improved scientific knowledge paves the way for future inclusion of formal fishing opportunities in the medium term"*. In our view, to open the protocol to experimental fishing for species found in the IEZ, with the objective of preparing the future inclusion of such fishing opportunities in a protocol, will threaten artisanal fishing activities in the IEZ, and put their livelihoods in jeopardy.

3. EU taxpayers and Liberian citizens should know what is done with sectoral support money

The evaluation noted that several EU stakeholders (ETF, Europêche and CFFA) *"noticed a lack of transparency on the use of sectoral support, undermining the scope of the agreement to promote sustainable fisheries in the Liberian waters and blurring the separation of the funds between access costs and sectoral support as both are received by Liberia without any significant report on its use. This lack of transparency also prevents EU taxpayers, as well as Liberian citizens and fishing communities, from understanding how the SFPA contributes to sustainable fisheries management and local development."*

The evaluation also reported that this lack of transparency is *"demonstrated by NaFAA [National Fisheries and Aquaculture Authority, ed] not preparing written reports on sectoral support implementation, detailing activities and results achieved [...] NGOs and EU social partners also expressed concerns that the EU sectoral support has been utilised exclusively to support NaFAA functioning, with no sectoral support measures directly benefiting to artisanal fishing communities or directed to training of fishermen"*.

Given this lack of transparency and accountability, the EU should, in the dialogue with Liberia about the use of sectoral support funds, insist on the necessity to produce these annual reports, and publish them, to allow public accountability.

4. Good progress on governance, but more coherence is still needed

The evaluation highlighted that *"ETF and CFFA welcomed the SFPA provision preserving the 6 miles Inshore Exclusion Zone (IEZ) to the local artisanal fishers which has boosted their activities. Both highlighted the EU approach to adopt an SFPA as a platform for a wider dialogue on fisheries sustainability and CFFA encouraged the EU to maintain this approach with its SFPA partners"*. The EU

EU-Liberia SFPA: what should the future protocol look like?

Position paper – 18 June 2020

Delegation official position⁵ against the Presidential Order authorising reduction of the IEZ⁶ is a good example of partnership.

Another positive aspect of the SFPA reported by CFFA though not added in the evaluation is that, thanks to licence fees paid by EU operators under the SFPA, the annual revenue of the Bureau of National Fisheries of Liberia increased and shifted from the sources being primarily fines to primarily license fees, which is a more sustainable basis for fisheries management.

On the other hand, one important governance concern highlighted in the evaluation is the need to improve the coherence of the EU actions in Liberian Fisheries. Indeed, NaFAA highlighted in its contribution to the evaluation, that “*EU added-value may have been more evident if the sectoral dialogue could address at the same time SFPA, IUU and sanitary certification issues. While the NaFAA recognises that the SFPA is distinct from the other EU fisheries issues (IUU compliance and sanitary controls), the difficulties in relation to these different issues clouds the overall relationship with both DG MARE and with the EU Delegation, which bears the brunt of some of the frustrations experienced by the NaFAA*”.

In particular, when it comes to the fight against IUU fishing, Liberia was pre-notified in 2016 mainly because the Liberian flagged fishing vessels and reefers operating internationally are not controlled by the competent authority for fisheries. Dealing with the challenges posed by Liberia open register⁷ is complex. Beyond its role as a platform for dialogue on sustainability, it is unclear how the SFPA can contribute to resolving this issue.

Huge amounts of money have been spent in the last ten years (by World bank/WARPF, NGOs, etc) to fight illegal fishing in Liberian waters. However, to date, there seems to be very little impact on the ground: in 2019, a joint initiative between Liberian authorities and the NGO Sea Shepherd to police Liberian waters still described IUU fishing in Liberian waters as “rife”. In the context of the SFPA, this is a significant matter, not only in terms of sustainability, but also because it affects the level playing field between the various fleets operating in Liberian waters. It is therefore essential that the EU through the SFPA, an IUU dialogue or in the DEVCO framework opens up a dialogue with local stakeholders and non-EU actors, such as the World Bank. The aim of this discussion should be to evaluate the various actions undertaken and financed so far to deter IUU fishing, and to identify how the EU, including through the SFPA, could contribute to a more efficient fight against IUU fishing in Liberian waters.

Brussels, 18 June 2020

⁵ DELEGATION OF THE EU TO LIBERIA, “European Union position on Executive Order no 84”, Local statements, 22 May 2017. Available online at: https://eeas.europa.eu/delegations/liberia/26641/european-union-position-executive-order-no-84_en

⁶ GOREZ, Beatrice, “Liberia artisanal fishing communities concerned by Government ‘trawlers friendly’ move”, CFFA website, 19 July 2017. Available at: <https://www.cffacape.org/news-blog/2017/07/19/2017-7-19-liberia-artisanal-fishing-communities-concerned-by-government-trawlers-friendly-move?rq=Liberia>

⁷ STANDING, Andre, “One of the greatest barriers to sustainable fisheries? The role of fishing agents in Africa”, CFFA Website, 14 September 2017. Available online at: <https://www.cffacape.org/publications-blog/2017/09/14/2017-9-14-one-of-the-greatest-barriers-to-sustainable-fisheries-the-role-of-fishing-agents-in-africa>