

Brussels, 15 April 2021

To: Mrs. DOPPELHAMMER, Head of Unit Legal Affairs
DG for Maritime Affairs and Fisheries
European Commission

Subject: Our complaint CHAP(2019)00315

Dear Madam,

Greetings from CFFA!

We thank you for your reply regarding our complaint CHAP(2019)00315 and for the additional information provided.

We note that you are satisfied the necessary measures have been taken by your services and by the Italian authorities to remedy the situation, and that the cooperation under PESCAO has allowed to reinforce the inspection capacities of Sierra Leone.

We are indeed aware that the Monitoring, Control and Surveillance (MCS) capacities of Sierra Leone, as well as of other African coastal countries, are very limited, which makes it difficult for these countries to ensure proper surveillance and control of fishing activities in their waters, even though it is their responsibility under international law. It is also true that the lack of political will hinders the development of relevant legal frameworks, and their implementation. In this case, Sierra Leone has indeed particularly failed to draw nautical maps that would clearly delimitate the Inshore Exclusive Zone (IEZ), from which industrial fishing vessels are excluded, as per the Sierra Leone Fisheries and Aquaculture Bill (2016).

However, we believe that these failures of Sierra Leone, and more generally of certain coastal States, should not be used as an excuse to cover potentially suspicious activities by EU fleets, including incursions in Sierra Leone's IEZ. EU fleets should not be allowed to take advantage of the weak legal and operational frameworks of coastal States where they operate. In the case of Sierra Leone, the coordinates of the IEZ are well known¹, and even if precise nautical maps do not exist for the IEZ, the precautionary approach that governs EU fisheries, including its external fisheries, suggests **EU vessels should stay well away from the zone given by the known IEZ coordinates.**

The EU has set itself up as a model in the fight against IUU fishing, in particular with the IUU regulations, which it uses to distribute yellow and red cards to coastal States, including a yellow card to Sierra Leone in 2016, which has still not been lifted. In its justification for this yellow card, the EU Commission noted that: *"in Sierra Leone legal texts governing fisheries are outdated and sanctions fail to deter illegal operators operating internationally under the flag of Sierra Leone, without the fisheries authorities' knowledge. In addition, the number of licensed vessels exceeds the available resources and authorities fail to monitor or control their waters"*.

¹ See for example, page 3 of the following article. BAIQ, Andrew & SEI, Sheku. "On the Development of Territorial Use Rights in the Marine Small-Scale Fisheries of Sierra Leone", 2019. Available at: <http://www.fao.org/fishery/static/tenure-user-rights/root/volume2/C23.pdf>

We can therefore suppose that the European Commission has been well aware, since the time of the 2016 Sierra Leone Fisheries and Aquaculture Bill, of the importance of developing all necessary tools to ensure the authorities would be able to control their waters. It is particularly important for Sierra Leone to efficiently protect the IEZ from trawlers incursions, to protect the artisanal fishing activities. **We therefore urge the Commission to renew its efforts so that all tools are set in place, under the existing ‘IUU dialogue’ between the EU and Sierra Leone, to ensure the IEZ is duly protected from trawlers incursions.**

In that context, we also encourage the Commission, to reinforce capacity building mechanisms, such as the INTPA-EFCA partnership under PESCAO, to support Sierra Leone in the delimitation of its IEZ and draw maps accordingly, and ensure Sierra Leone has the means to protect the IEZ from trawlers incursions.

The EU should also be fully coherent. It cannot tell deficient coastal States what they have to do to be in line with its IUU policy requirements, and on the other hand let its fleets abuse the lack of proper MCS measures in the waters of these same states. Taking into account the current political commitments of the EU on International Ocean Governance, and its willingness to be a champion for sustainability, the behaviour of EU flagged vessels, an EU owned fleets, should be exemplary, and not abuse the legal and/or operational weaknesses of the coastal States where they operate. The EU’s credibility and legitimacy in the fight against IUU fishing will only be more effective and coastal States more willing to cooperate.

In line with the SMEFF,² **EU operators should not engage in fishing activities where sustainability criteria are not met.** We still have grave doubts that, today, the situation of Sierra Leone, —a country yellow carded for not being able to control its waters, licensing too many vessels to access fragile, sometimes overexploited, resources— allows these sustainability criteria to be met by EU vessels such as these Italian coastal trawlers.

We therefore reiterate the importance of accessing the audit on the external fleet since, clearly, in line with the transparency and role model objectives of the EU, “*there is an overriding public interest in disclosure.*”³

Sincerely,



Beatrice Gorez
Coordinator

Cc: Veronika Veits, Director International Ocean Governance
Francesca Arena, Head of Unit, Fisheries Control and Inspections
Roberto Cesari, Head of Unit, Illegal, Unreported and Unregulated Fisheries Policy

² Article 5 of Regulation No 1006/2008. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R2403>

³ Article 4§2 of Regulation No 1049/2001. Available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32001R1049>