

Policy brief

EU-Madagascar SFPa negotiations resume: Key issues for the future of small-scale fisheries in Madagascar

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This article presents the latest updates and issues on fisheries in the Indian Ocean island and analyses them in the light of the resumption of negotiations between the EU and this country. The author points out that good intentions to protect small-scale fishermen risk being swept away by the reality of industrial shrimp fishing. In view of this, more transparency is needed regarding access by foreign fleets to Malagasy waters, as well as regarding the use of sectoral support funds, which should be used to benefit small-scale fisheries

1. Overview

After a high-level meeting in December 2020,¹ negotiations have been relaunched between the EU and Madagascar for the renewal of the Sustainable Fisheries Partnership Agreement (SFPa),² a tuna access agreement whose last protocol expired on 31 December 2018.

For the Malagasy authorities, **the priority of these negotiations³ is to obtain better economic benefits from the tuna resources present in the waters of the Big Island for part of the year.** In an interview at the end of May, the Minister in charge of fisheries

¹ See more information on the monthly magazine The Trawler of the European Parliament's Fisheries Committee (PECH): <https://www.europarl.europa.eu/cmsdata/234766/Trawler%20May%202021.pdf>

² For all information on the fisheries agreement, see the European Commission's dedicated website: https://ec.europa.eu/oceans-and-fisheries/fisheries/international-agreements/sustainable-fisheries-partnership-agreements-sfpas/madagascar_en

³ GOREZ, Beatrice, "Financial compensation, support for development and transparency, the key issues at stake in the negotiation of the EU-Madagascar SFPa", CFFA-CAPE website, 21 April 2020. Available at: <https://www.cffacape.org/publications-blog/financial-compensation-support-for-development-and-transparency-the-key-issues-at-stake-in-the-negotiation-of-the-eu-madagascar-sfpa>

in Madagascar gave the expected figure of 40 million euros⁴ over the duration of the future protocol, compared to just over 6 million euros for the 2015-2018 protocol. It should be recalled in this respect that the countries of the South West Indian Ocean Fisheries Commission (SWIOFC/CPSOOI) adopted in 2019, Guidelines on Minimum Terms and Conditions for Foreign Fisheries Access.⁵ These Guidelines stress the need for rational and responsible exploitation of fisheries resources, but also the importance of standardising and harmonising financial compensation for access to tuna resources in their waters, "*with a minimum of twelve percent (12%) of the current average market value of tuna and tuna-like resources*".

Questions raised by European stakeholders⁶ during the discussions on these guidelines remain, including how this 12% will be calculated, which could be either in relation to the value of the total tuna resources in the EEZs of the participating States or in relation to the value of specific catches made by authorised vessels. Given that the market value of tuna and tuna-like species are variable, it is also important to know how the coastal States will be able to calculate what 12% of the average market value of the resources represents when they fix the price of the licences in advance. Finally, it should be known whether these payments will include the remuneration made by the vessel for management costs.

Nevertheless, **whatever the basis of calculation, it is legitimate for the Malagasy authorities to want fair financial compensation**, which takes into account factors such as management costs, the value of the fish, operating costs and the costs of Monitoring, Control and Surveillance.

2. Effective and transparent use of sector support is a key issue for fishing communities

African and European civil society, as well as African artisanal fisheries organisations,⁷ are urging that transparency, the fight against IUU fishing, food security for local populations, and the promotion of sustainable small-scale fisheries be put at the heart of partnerships such as the EU-Madagascar SFPA.

In the last EU-Madagascar SFPA protocol,⁸ 700,000 EUR per year were earmarked to support Madagascar's sectoral fisheries policy, in particular "*support for small-scale and traditional fishing, monitoring, control and surveillance of fishing activities and,*

⁴ Ministère de l'Agriculture, de l'Elevage et de la Pêche, "Vondrona Eropéanina sy Madagasikara : miroso amin'ny fifampiraharana momba ny jono lamatra", [« Madagascar and the European Union: progress in fisheries negotiations », ed], Facebook of MAEP of Madagascar, 31 May 2021. Available in Malagasy :

<https://www.facebook.com/maep.Madagascar/posts/4604681309560729>

⁵ SOUTHWEST INDIAN OCEAN FISHERIES COMMISSION, "Final approval of the Guidelines on Minimum Terms and Conditions (MTC) for foreign fisheries access in the SWIOFC region", FAO, SWIOFC/WPCCTF/19/ Inf 5 F, Maldives, 9 September 2019.

Available at: <http://www.fao.org/fi/static-media/MeetingDocuments/SWIOFC/WPCCTF/Inf.5e.pdf>

⁶ LDAC, "Proposal for a LDAC submission to the Commission on the minimum terms and condition for fisheries access within South West Indian Ocean Fisheries Commission (SWIOFC) member states' jurisdiction", 21 March 2017. Available at : https://ldac.eu/images/documents/publications/LDAC_EU_Stakeholders_Position_in_Response_to_the_SWIOFC.pdf

⁷ CFFA-CAPE, "10 priorities for the future of Sustainable Fisheries Partnership Agreements", joint statement, 26 May 2020.

Available at: <https://www.cffacape.org/publications-blog/ten-priorities-for-the-future-of-sustainable-fisheries-partnership-agreements>

⁸ EUROPEAN UNION, "Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the Republic of Madagascar and the European Community", OJ L 365, 19 December 2014.

Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?toc=OJ%3AL%3A2014%3A365%3ATOC&uri=uriserv%3AOJ.L_.2014.365.01.0008.01.ENG

more specifically, the fight against illegal, unreported and unregulated (IUU) fishing, capacity building for Malagasy fisheries research or capacity to manage access to and use of marine ecosystems and fisheries resources.” This commitment was welcomed by civil society and Malagasy fishing communities.

However, today disappointment prevails. There is no visible impact of this sectoral support for small-scale fishers, and no information has been made public on how these funds have been used. A Malagasy small-scale fisher expressed his frustration: *“What about sectoral support, especially the part that was supposed to be allocated to artisanal and traditional fishing? Nothing concrete has been done to my knowledge. We just want to work, with a minimum of support that ensures decent living and working conditions, which is not the case despite several years of partnership with the EU. Currently, our Ministry is negotiating this new partnership with the EU, and, as far as I know, no consultation with the bona fide stakeholders, especially the fishing communities, has been undertaken.”*

Beyond the lack of transparency and consultation of the stakeholders regarding the use of the fisheries agreement sectoral support, **the lack of local benefits for fishing communities reflects above all the difficulties in implementing Madagascar's sectoral policy**, whether for protecting artisanal and traditional fishing activities or in the fight against IUU fishing.

3. Small-scale fishers and Malagasy NGOs call for a zone reserved exclusively for artisanal fisheries

There are about 100,000 small-scale fishers⁹ in Madagascar, supporting more than 400,000 people, and their contribution to food security is essential. But their activities are hampered by industrial shrimp trawlers, which fish very close to the coast, negatively affecting coastal eco-systems and destroying their nets.

In principle, industrial shrimp fishing is prohibited within two miles of the coast, but, according to the FAO, *“the texts on which the principle of this prohibition is based are obscure and open to various interpretations.”*¹⁰ Considering that there is no law providing real protection for the fishing zones of small-scale fishers, the Malagasy network Mihari,¹¹ which brings together more than two hundred small-scale fisher's associations and some twenty NGO partners, recommended, in a 2017 motion, *“to grant, by law, the country's coastal communities an exclusive right to fish on a coastal strip to be defined according to the regions [...] and to strengthen the control of the activities of national and foreign fishing boats operating in Madagascar's territorial*

⁹ « Les communautés de pêcheurs réclament le droit de pêche exclusif le long de la bande littorale malgache », Madagascar-Tribune, 18 August 2017. Available in French at: <https://madagascar-tribune.com/Les-communautés-de-pecheurs,23207.html>

¹⁰ See this document in French : Chapter III, Questions d'actualité, le point 3.2. « Problèmes posés par la pêche industrielle dans la zone des deux milles » du document suivant : MINISTÈRE DU DÉVELOPPEMENT RURAL ET DE LA RÉFORME FONCIÈRE DIRECTION DES RESSOURCES HALIEUTIQUES, « PROGRAMME SECTORIEL PÊCHE », Document de travail n° 3, MAG/92/004-DO/9/95, Mai 1995. Available at: <http://www.fao.org/3/AC051F/AC051F03.htm#:~:text=En%20principe%2C%20la%20p%C3%A4che%20industrielle,de%20deux%20milles%20des%20c%C3%B4tes.&text=Le%20premier%20d'entre%20eux,%C3%A0%20compter%20de%20la%20c%C3%B4te>

¹¹ For more information on this network, see their official website: <https://mihari-network.org/>

*waters, by ensuring that community fishing zones and standards on fishing gear and techniques are respected.*¹²

4. Will the new shrimp access policy better protect small-scale fishermen?

In April 2021, the Ministry of Agriculture, Livestock and Fisheries (MAEP) launched a call for proposals¹³ to grant 50 shrimp fishing exploitation rights to Malagasy companies. The fishing zones have also been redrawn (see map below). This redrawing has resulted in five fishing zones: four on the west coast and one on the east coast, which is less rich in resources. The objective of this reform is “*to improve the exploitation of shrimp resources, while guaranteeing the sustainable management of the fishery.*”

But will this really be the case?

In 2020, 43 shrimp trawlers, most of them from GAPCM¹⁴ member companies, had received licences. For the 2021 season, with the reformed access policy, a larger number of licences - 47 licences rather than 50,¹⁵ i.e. five more than the previous year - have been allocated. Fishing boats are authorised by area. For example, in the Mahajunga region, some fifteen trawlers, which were already active in previous years and belong to companies whose owners are French, Japanese or Chinese, were authorised to fish this year in zones B and C (see map on the next page).

There is no public information on which boats are applying for new licences, but this situation worries the MIHARI network: “*We fear incursions by these large companies into our fishing zones, especially as no delimitation has been carried out so far for the three categories of fishers, namely industrial fishers, artisanal fishers and traditional fishers. The destruction of sensitive areas, especially the habitat of numerous marine species, is also a concern. And that's not all! Trawlers could catch more fish than they are allowed to,*” explained the national president of the network.¹⁶

The Malagasy authorities seem to be well aware of the problem. In a recent press release, the MAEP emphasised that “*the delimitation of exclusive fishing zones for small-scale and industrial fishing is also part of this reform,*”¹⁷ also confirming that

¹² MIHARI, « Motion - Création d'un droit de pêche communautaire exclusif sur la bande littorale », Assemblée Générale du réseau MIHARI, Fort-Dauphin, Madagascar, July 2017. Available in French at: <https://mihari-network.org/wp-content/uploads/2019/07/Motion-3-MIHARI-Cr%C3%A9ation-d%E2%80%99un-droit-de-p%C3%Aache-communautaire-exclusif-sur-la-bande-littorale.pdf>

¹³ CFFA-CAPE has had access to both documents. You can find them in pdf at the following link: <https://static1.squarespace.com/static/5d9341270c6f505b38e59293/t/60cc8beeb1a5255f46225fa2/1624017903442/appeal+proposal+acc%C3%A8s+p%C3%Aache+crevette+page+1-converted.pdf>

¹⁴ For more information on the Groupement des Aquaculteurs et Pêcheurs de Crevettes à Madagascar (GAPCM), see their official website: <https://www.gapcm.org/peche/>

¹⁵ IHARILIVA, Mirana, « Pêche crevettière – Quarante-sept droits d'exploitation accordés », L'Express de Madagascar, 12 May 2021. Available in French at: <https://lexpress.mg/12/05/2021/peche-crevettiere-quarante-sept-droits-dexploitation-accordes/>

¹⁶ NAVALONA, R., « Pêche crevettière : Inquiétude du réseau MIHARI sur une décision du MAEP », Midi Madagasikara, 7 May 2021. Available at: <http://www.midi-madagasikara.mg/economie/2021/05/07/peche-crevettiere-inquietude-du-reseau-mihari-sur-une-decision-du-maep/>

¹⁷ See the press release on the MAEP Facebook site: <https://www.facebook.com/maep.Madagascar/posts/4540771839285010>

trawlers on the coastal zone where small-scale fishermen fish is likely to be even greater. It is therefore unlikely that the new policy will better protect coastal marine eco-systems and the fishing communities that depend on them.

5. Will trawlers involved in illegal activities in West Africa be granted licences to fish for shrimp?

On 20 May 2021, the Seychelles Government announced that eight Chinese trawlers were detained²⁰ in Port Victoria: LU QING XIN YUANG 005, LU QING XIN YUANG 006, LU QING XIN YUANG 007, LU QING XIN YUANG 008, GORDE 105, GORDE 106, GORDE 107, GORDE 108.²¹ The captains of these trawlers stated that they had left Senegal on 6 April 2021 and were heading for the Malagasy EEZ.

There were numerous irregularities in the registration and certification of the vessels, including the four GORDE vessels that used MMSI numbers belonging to another Chinese fleet currently fishing off the west coast of Latin America.

On 25 May, the 8 vessels were allowed to leave Victoria harbour by the Seychelles authorities, at the request of the Malagasy authorities who confirmed that the vessels had permission to come into their country's EEZ.

These eight boats arrived in Toamasina, on the east coast of Madagascar, on 11 June. They will fish in the area south of Mahajunga for the company MADAFISHERY. This company, registered in Antsiranana, was awarded twelve shrimp licenses under the reformed policy, even though it did not own any boats, leading some to suspect that there was corruption in the allocation of fishing rights. Twelve fishing licences is three times the number of licences received by each of the other Malagasy shrimp trawlers fleets, which received only four licences per fleet! According to local sources, MADAFISHERY intends to set up its operations in Antsiranana (ex-Diego Suarez), the country's tuna fishing port. Many wonder what shrimp trawlers would do in Antsiranana, which is not a traditional port for trawlers, as it is far from the shrimp fishing grounds. There is also no factory on site that can process shrimp. The fear is that MADAFISHERY is in Antsiranana to hide its activities from other shrimp operators.

This situation is all the more worrying as some of these Chinese trawlers were arrested in The Gambia²² in November 2020: the GORDE 105, GORDE 106 and GORDE 107 were trawling in the area reserved for Gambian artisanal fishing. According to Sea Shepherd, two of the trawlers, GORDE 105 and GORDE 107, were also double bagging their nets, i.e. fishing with one net inside another, in order to circumvent mesh size requirements, which is another violation of Gambian fishing regulations. Three days later, the fishing vessel XING XI WANG 1, then operating under the Gambian flag, was arrested for fishing with illegal mesh size.

²⁰ ZIALOR, Christophe, "Eight Chinese fishing vessels grounded in Port Victoria", Seychelles Nation, 20 May 2021. Available at: <https://www.nation.sc/articles/9041/eight-chinese-fishing-vessels-grounded-in-port-victoria>

²¹ You can find pictures of these vessels in the following article: « Four Trawlers Swept Up in Gambian Early Morning Raids », Sea Shepherd, 16 November 2020. Available at: <https://www.seashepherdglobal.org/latest-news/four-trawlers-gambia/>

²² Ibid.

The fact that these "delinquent boats" are now in Malagasy waters is a threat to sustainable fisheries, and to the activities of small-scale fishers.

6. Transparency in Malagasy fisheries, more than ever an essential basis for an SFPA

At a time when a new protocol of the Sustainable Fisheries Partnership Agreement is being negotiated between the European Union and Madagascar, and even if the access discussed in the agreement is limited to tuna resources, it is imperative that the partners address the issues of the necessary protection of Madagascar's small-scale fishing activities, which are essential both for the food security of the population and for the resilience of coastal communities.

In view of the latest developments in industrial fisheries, whether in shrimp fishing, mangrove crab fishing,²³ or agreements with companies such as Côte d'Or,²⁴ transparency in the management of marine fisheries and in the use of sectoral support funds is an essential aspect in the quest for sustainable fisheries.

The consideration of the needs of small-scale fisheries²⁵ within the framework of the sectoral support of the possible future agreement can be improved by taking inspiration from the actions proposed in the inclusive and participatory national action plan for artisanal fisheries in Madagascar²⁶ which is being prepared.

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²³ GOREZ, Béatrice, "Mangrove crab, a lucrative trade that is disturbing Malagasy waters", CFFA-CAPE website, 17 February 2021. Available at: <https://www.cffacape.org/news-blog/mangrove-crab-a-lucrative-trade-that-is-disturbing-malagasy-waters>

²⁴ GOREZ, Béatrice, "Small scale fisheries at risk: Madagascar signs destructive fishing agreements with Chinese investors", CFFA-CAPE website, 17 November 2020. Available at: <https://www.cffacape.org/publications-blog/small-scale-fisheries-at-risk-madagascar-signs-destructive-fishing-agreements-with-chinese-investors?rq=Madagascar>

²⁵ GOREZ, Béatrice, "Financial compensation, support for development and transparency, the key issues at stake in the negotiation of the EU-Madagascar SFPA", CFFA-CAPE website, 21 April 2020. Available at: <https://www.cffacape.org/publications-blog/financial-compensation-support-for-development-and-transparency-the-key-issues-at-stake-in-the-negotiation-of-the-eu-madagascar-sfpa?rq=Madagascar>

²⁶ FAO, "First steps to creating an inclusive and participatory National Plan of Action for small-scale fisheries in Madagascar", FAO website, Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication section, News and events, 25 November 2020. Available at: <http://www.fao.org/voluntary-guidelines-small-scale-fisheries/news-and-events/detail-fr/fr/c/1333245/>