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## Is the EU's Fisheries Partnership Agreement (FPA) with Mauritania a genuine partnership or exploitation by the EU?

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### ABSTRACT

The EU's fisheries agreements with West African states have long been criticised by NGOs for exporting the EU's problem of over-exploiting its own fish stocks to African waters. To meet these criticisms, the EU introduced in 2003 a new form of fisheries agreement, the Fisheries Partnership Agreement (FPA), replacing purely commercial deals with a commitment to sharing decision-making with the African states to sustainably develop their fisheries. However, some critics claim that despite the EU's good intentions, little has changed: the partnerships are dominated by the EU, and the fish stocks in the African states' waters are still being over-fished to serve the needs of the EU, not the African states. In this paper, the working of the FPA between the EU and Mauritania is investigated to determine whether a genuine partnership has been established, or whether the FPA is a thinly disguised form of EU exploitation, using the fashionable model of partnership as a cover or mask. The findings are that while the FPA is a significant improvement on the EU's previous fisheries relationship with Mauritania, it falls short of a genuine partnership, and it needs several reforms if it is to meet not only its own specifications of what constitutes the FPA, but also wider, aspirational notions of the essence of partnership.

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### 1. Introduction

The EU imports nearly 60% of its fish consumption because it can no longer meet domestic demand from the fish in its own waters (Gorez, 2006). Moreover, there is a surplus of fishing vessels in many EU Member States because owners are unable to obtain sufficient quota under the strict quota rules imposed by the EU's Common Fisheries Policy (CFP). Accordingly, the European Commission has negotiated agreements with many developing countries to allow EU fishing vessels access to the fish stocks in their exclusive economic zones (EEZs) in return for compensation payments and favourable terms for the developing countries to export their fish to EU Member States (Kaczynski and Fluharty, 2002). These agreements arose after the UN Convention on the Law of the Sea (UNCLOS) extended national jurisdictions (EEZs) out to 200 miles in 1979 in order to help developing countries protect their coastal resources for their own benefit (Renton, 2008) – a move that overnight placed most (90%) of the marine fisheries in

the world within the authority of coastal countries, and excluded fishing vessels registered in EU Member States which had long fished in these waters with relative impunity (Gorez, 2006).

The EU fisheries agreements with developing countries before 2003 were criticised for being heavily weighted in favour of the EU. For example, Kaczynski and Fluharty (2002: 75) claimed that the agreements were “designed to maximise access to coastal state fisheries resources, secure employment for European harvesting and processing industries and supply European seafood consumption markets at the lowest possible cost”, and that the agreements caused over-fishing of the developing countries' fisheries resources. With remarkable candour, the EU's Directorate General for Fishing (DG Fish) acknowledged the validity of these criticisms (Gorez, 2006), and as part of the 2002 reform of the Common Fisheries Policy (CFP), attempted to deal with them by introducing a fisheries partnership approach with a strong emphasis on promoting the sustainable development of the fisheries in the West African countries (Witbooi, 2008; EC, 2011). As the European Commission put it (quoted in *Fishing News* 7/11/08: 8), “With the reform of the CFP in 2002, the agreements we have with these countries have undergone a transformation. What were once access arrangements with a financial contribution have now become genuine partnerships for the development of sustainable and responsible fisheries.

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The idea is to help the third countries to put in place their own fisheries policies that can help them meet their aim of economic development while protecting fish resources". This new partnership policy was rolled out incrementally from 2003, and the EU now has 19 FPAs, six of them with West African states – Cape Verde, Ivory Coast, Gabon, Guinea-Bissau, Mauritania and Sao Tome e Principe (Obaidullah and Osinga, 2010) – the most important of which is with Mauritania. There are two forms of FPAs: the first consists of tuna agreements; the second consists of multi-species or 'mixed' agreements, including the Mauritanian FPA (Dziemballa, 2011; EU Fact Sheet, n. d.).

However, some critics have complained that the new partnerships are merely cosmetic facelifts. For example, Cullberg and Lövin (2009: 2) remark that "Though the partnership sounds good in theory, and criticism of the agreements has diminished, there are still very strong reasons to question whether these agreements promote sustainable use of marine resources and whether the development aspects of the agreements are satisfactorily met in reality". But in 2009, the EU robustly defended itself against such criticism, claiming that while the FPAs are not perfect, they can make an important contribution to the country's fishery sector and to its overall development goals (EC, 2009).

In this paper, the EU-Mauritania FPA is examined to determine whether it is a genuine partnership or a cosmetic facelift. Section 2 sets out the theoretical framework that guides the paper – the concept of partnership – and outlines the sources of data used in the research. Section 3 describes the case study of the EU-Mauritanian FPA. Section 4 assesses criticisms of the EU for its handling of its four 'Strategic Priorities' for the EU-Mauritania FPA. Section 5 rehearses recommendations that have been made for the FPA's reform, and the concluding section summarises the findings of the paper.

## 2. Theoretical framework and methodology

### 2.1. Concept of 'partnership'

The theoretical framework guiding this paper is the concept of 'partnership', which, as Slocum-Bradley and Bradley (2010) note, was introduced into the arena of development strategies to denote a progression from the traditionally top-down or vertical relationship between developed and developing countries to a new cooperative or horizontal relationship in which the developing country assumes greater ownership of the way in which the partnership is implemented (Johnson and Wilson, 2006). Gunningham (2007: 115) points out that "environmental partnerships", virtually unheard of before the 1990s, were designed to get rid of the adversarial attitude which characterised traditional relations between environmental stakeholders. During the last 10–20 years, there has been an explosion of partnership arrangements (Martens, 2007; Biermann et al., 2007b), not least because of their positive normative resonance denoting mutually shared goals and collaboration on the basis of equality (Meadowcroft, 2007).

The FPA is a partnership between a supra-governmental authority (the EU) and a sovereign government (in this case Mauritania), for their mutual advantage. It is different from a bilateral aid agreement between governments, in that it is a partnership – i.e., a two-way arrangement for mutual advantage, not a one-way flow of assistance. The FPA is also different from a bilateral trade agreement between governments in that it seeks to achieve a public good – the sustainable development of Mauritania's fishing resources – not simply economic gains for EU and Mauritanian fleets. Finally, the FPA is different from the wide-ranging 20-year partnership agreement (Cotonou Agreement) negotiated in 2000 between the EU and the members of the

African, Caribbean and Pacific (ACP) Group of States, which affirmed a commitment to work collaboratively in order, for example, to reduce poverty, build capacity for social cohesion, and promote democratisation. The ACP partnership also laid down extensive criteria for its own working, including equality between the partners, local ownership of the development strategies, stakeholder participation, and good governance (EU-ACP, 2000). By contrast, the Explanatory Memorandum of the 2006 FPA between the EU and Mauritania gave the FPA a much more circumscribed remit of "creating a framework of partnership in which to develop a sustainable fisheries policy and sound exploitation of fisheries resources in the Mauritanian fishing zone, in the interests of both parties...[and] economic, scientific and technical cooperation in the fisheries sector and related sectors" (COM, 2006).

Annex IV of the 2008 FPA set out four 'strategic priorities'; 15 'objectives'; and 53 'performance indicators'. The four strategic priorities were "fisheries management and rent optimisation; increased economic and social impact of the sector; protection of the marine environment, habitats and the coastline; and reform of the legal and institutional framework", under which were set out the 15 objectives, while the 53 performance indicators were specific tests of whether these objectives were met.

### 2.2. Methodology

Data for this paper were obtained from several sources, mainly documentary. Four interviews were conducted with key informants (representatives from an EU-based NGO; a German-based NGO; the European pelagic fishery sector; and the European Commission's DG MARE), while other interview material was acquired by correspondence and from newspapers and newsletters. Official archives were used to access fisheries agreements and their Protocols. European Commission and European Parliament files provided statements on EU fisheries policy as well as official statistics. West African country government files supplied information on national negotiations with the EU's DG Fisheries. Websites of NGOs were accessed for reports on FPAs. Fisheries science research organizations were used for databases, while trade newspapers, academic journals and books provided critical analyses of the nature and outcomes of EU-West African fisheries agreements in general and the EU-Mauritanian FPA in particular. The focus of the paper is concentrated on the effectiveness of the FPA in delivering the four 'Strategic Priorities' in Annex IV of the 2008 FPA.

## 3. The case of Mauritania

### 3.1. The fisheries in Mauritania

Mauritania's position on the UN's Human Development Index (HDI) is 140th out of 179; and 46% of its population lives below the poverty line (CFFA, 2006). Because of droughts and attempts to reduce poverty, the country has built up a large external debt, resulting in its classification as a Heavily Indebted Poor Country (HIPC), and the economy remains one of the least developed in the world (Martin, 2010). With a 754 km long western coastline bordering the Atlantic Ocean containing rich coastal fishing resources (Kaczynski, 1989), Mauritania is very dependent on the fishing industry from which it derives 10% of its GDP, 25% of its annual government budget, over 40% of its foreign currency (Obaidullah and Osinga, 2010), and 45,000 of its jobs (Martin, 2010). Total catches in the Mauritanian EEZ rose from about 50,000 t pa in the 1970s to about 500,000 t pa (or 700,000 t pa including estimates of unrecorded fishing) during the 1980s, but have since declined to about 350,000 t pa (Gascuel et al., 2007). In 1970, domestic vessels' catches accounted for 10% of all catches

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