

ACP - EEC CONSULTATIVE ASSEMBLY

JOINT COMMITTEE

RAPORTEURS' CONCLUSIONS

of the discussions

on

ACP/EEC COOPERATION FOR THE DEVELOPMENT OF FISHERIES

IN THE ACP STATES

Drawn up by the rapporteurs: Mr Bouna KANE (Mauritania), and
Mr Mohammed MALINGUR (Somalia)

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- 1.0. In economic circles throughout the world - governments, national or multinational enterprises, international, regional and sub-regional organizations, national and international financing bodies - there is a clear and widespread interest in the problem of fisheries.

The partners in the Second ACP/EEC Lomé Convention, which occupies a place in the North/South dialogue, have not been dilatory in addressing this problem. As well as various projects attracting financing from successive EDFs, the Consultative Assembly's Joint Committee commissioned a draft report containing some excellent work, drawn up by Ambassador KANU, which was not adopted as the rapporteur ceased to be a member of the Joint Committee.

- 1.1. The present interim draft report on ACP/EEC cooperation for the development of fisheries in the ACP States finds its origins in the Consultative Assembly's meeting in Harare, Zimbabwe, in February 1982. It is intended to replace the KANU report, to promote further activities in this field during Lomé II and to lay the groundwork for future action after the expiry of Lomé II.
- 1.2. The first part of the report will be given over to a rapid inventory of the present situation. It will then attempt to identify a possible ACP/EEC strategy for developing ACP fisheries industries.

- 2.0. Rapid inventory of present situation*

Although in the Second Lomé Convention, there are a few specific provisions concerning fisheries [Joint Declaration on sea fishing (Annex XVIII)], the Joint Declaration on the origin of fishery products (Annex XXI)], the development of ACP fisheries

industries was not singled out as such for a resolute attack as certain other sectors such as industrial development. Consequently, it was not assigned its own chapter, despite the fact that for a number of years the European Economic Community, along with other bodies, has been grappling with the issue of the ACP States' fisheries.

- 2.1. In the multilateral context, the co-rapporteurs would like to draw attention to the activities undertaken under the Second Lomé Convention and by the United Nations Organization.

Even before Lomé I and Lomé II, with the Yaounde Conventions, the European Economic Community attempted to come to grips with the ACP States' fisheries problems, through financial aid. The various EDFs, including the 5th, provided financing for 73 projects in the fisheries sector amounting to approximately 91 million EUA.

This financing only represented a small percentage (0.70 %) of EDF commitments. It was channelled into almost all areas of industrial fisheries, but it would appear that artisanal fishing did not receive all the attention it deserved in these operations.

With the Joint Declaration on sea fishing (Annex XVIII of the Second Lomé Convention), the ACP and the Community broached the problems posed by the exploitation of fisheries resources in waters within the jurisdiction of the ACP States. The ACP States and the Community agreed to negotiate bilateral fishery agreements under which fishing rights would be granted by

coastal ACP States to vessels flying the flag of one of the Member States of the Community in return for compensation (mainly financial) by the Community.

The EEC-Senegal and EEC-Guinea Bissau fishing agreements and the draft agreement between the EEC and Guinea are thus the direct result of the Joint Declaration on sea fishing. These bilateral fishing agreements between the Community and ACP States seem to hold out some hope for the rational management of ACP fishery resources, but it is too early yet to assess them ; moreover, they have already found critics in various quarters.

One of the major obstacles to the development of the ACP fisheries is the restrictive rules of origin. Fishery products are considered as originating ACP products if they are "products of sea fishing and other products taken from the sea by their vessels" which are very restrictively defined as applying to vessels:

- a) - which are registered or recorded in an EEC and ACP State;
- b) - which sail under the flag of an EEC or ACP State;
- c) - which are at least 50 per cent owned by nationals or by a company with its head office in one of these states and of which the manager or managers, chairman of the board of Directors and the majority of such members are nationals of an EEC or ACP State;
- d) - where at least half of the crew, captain and officers are nationals of the EEC or ACP States.

All these four conditions must be met simultaneously if the fishery products of ACP States are to be considered as originating products. This is the only area of productive activity where such stringent requirements are laid down regarding ownership and nationality of workers. Furthermore the conditions regarding ownership and nationality of captain and crew are unrealistic for the ACP States which lack their own fishing fleets and where the most practicable method of exploiting and developing their fishery resources is by chartering or leasing fishing vessels from other countries. Therefore it is difficult to escape the conclusion that the rules of origin relating to fishery products go beyond the legitimate purpose of preventing trade deflection and are being used as means of hindering the access of ACP fishery products to the Community markets.

The Joint Declaration on the origin of fishery products (Annex XXI) stipulated that the ACP States and the Community examine the problem of the origin of ACP fishery products and present the results of the examination, at the latest during the second year of application of Lomé II to the ACP/EEC Council of Ministers with a view to arriving at a solution satisfactory to both sides. Although it is the last quarter of the second year of the application of Lomé II, the Community has yet to accept the principle of relaxing the unparalleled restrictive requirements of the rules of origin applicable to ACP fishery products.

The United Nations Organization tackles global problems through various structures.

For several decades, the FAO has been waging a campaign against hunger and tackling agricultural problems on the world level.

One of the main objectives of a fisheries policy is to give an answer to the problem of the world's food supply, since they could provide the protein which is lacking in a large number of developing countries.

Having concerned itself with fisheries problems at a very early stage, the FAO is a prime international source of statistical data on the world's fishing industries.

The U.N.'s 3rd World Conference on the Law of the Sea has just adopted a Convention on fisheries, in which the concept of the Exclusive Economic Zone (EEZ) is recognized and enshrined.

The Co-rapporteurs wish to emphasize the importance of legal recognition of the EEZ internationally. Such recognition might result in solving a deadlock which exists in connection with the Second Lomé Convention concerning the concept of waters within a country's jurisdiction. The EEC speaks in Annex XXXVII of the Convention of the restriction of territorial waters to 12 nautical miles while in Annex XLIV of the Convention, the ACP States reaffirm the point of view they expressed throughout the negotiations concerning their sovereign rights over fishery resources in the waters within their national jurisdiction, maintaining that all catches effected in those waters should enjoy originating status once landed in an ACP port.

When the Lomé II negotiations took place, the EEZ had not become a legal reality, although the concept was being mooted and unilateral decisions were being taken by countries to extend their economic zone to 200 nautical miles.

- 2.2. In the bilateral framework, ACP fisheries resources often give rise to opposing interests between activities of the EEC Member States and activities of third countries, particularly Eastern European countries.

The latter's activities may be perceived as an attempt to gain a foothold in someone else's preserves. The terms they offer for this kind of cooperation frequently appear more attractive to the developing countries. However, cultural and linguistic practices are often such as to minimize the advantages hoped for through such arrangements.

Many of the Community Member States' activities, on the other hand, follow on from traditional colonial patterns.

Countries like Denmark, France, Greece, Italy, the United Kingdom as well as non-EEC countries such as Spain have all played a part in some of the projects for developing the ACP States' fisheries industries.

This type of bilateral cooperation which encompasses many aspects of sea fishing industries and has been shown to be effective, up to a point, seems to place little emphasis on inland and artisanal fisheries, which can be of great importance to the nutrition of the local population.

- 2.3. In the regional and sub-regional framework, we should note, in passing, the activities of organizations such as ECOWAS and CEAO in Africa. Both these bodies have a department for carrying out fisheries programmes.

In the Pacific region, too, there is a body to coordinate and standardize the fishery activities of the various Pacific countries.

It would be desirable for this organization to initiate cooperation with the ACP/EEC ensemble to enlarge the base from which it operates.

Generally speaking where fisheries are concerned, especially in the ACP, a set of factors comes into play. It would be a distinct advantage if the activities under the various headings could be directed in a coordinated fashion.

3.0. An outline of an ACP/EEC strategy for fishery industries

Strategy is the art of directing and coordinating a set of phenomena in order to achieve a goal.

The economic and social development of Third World peoples, improvement in their food supplies, and the industrial growth of the "South" can be partially achieved by developing these countries' fisheries activities.

The weaknesses inherent in developing economies are well-known and the Co-rapporteurs therefore take as their basic philosophy the need for the North and the South to cooperate in order to solve the problems of development. They are well aware that their proposals contain many gaps, but they believe in the saying that "to learn to swim one must jump in at the deep end".

This having been said, the development of fishery industries in the ACP States could be accomplished by dividing this sector into a number of different areas, where ACP/EEC cooperation could be vigorously applied.

3.1. Natural resources

It is tacitly accepted that the ACP countries possess an enormous fisheries potential in their Exclusive Economic Zones, but immediately one starts to talk figures, one runs into an obstacle.

In this respect, the ACP States' problems are : the evaluation of stocks, the supervision of the waters within their jurisdiction, the definition of the limits of their EEZ, the renewal of stocks and maximum catches.

In other words, a great deal of investigation needs to be undertaken where the ACP States' fisheries are concerned.

Together, the ACP and the EEC could undertake stock evaluation and other similar operations, in an attempt to eliminate these problems progressively.

3.2. Human resources

The paradox of developing countries is that in the sphere of fisheries, they have an enormous supply potential together with an equally large potential market. Unfortunately, the two are not matched up.

Provided that there are no religious prohibitions, a campaign should be launched to change the cultural and eating habits of certain populations.

This action would, at one and the same time, enlarge domestic markets for fishery products and improve the nutritional habits and health of the populations. The major ACP problem in the area of human resources is one of training, the Chinese proverb illustrating the over-riding verity in this respect - "If you give a man a fish to eat, you help him to survive for a day, but if you teach him how to fish, you help him to survive for a lifetime".

The Member States of the European Communities and the Community as a whole, have already recognized the importance of this question of training in their relations with the ACP States. But the dimensions of the training problem are such that in the coming years, a real onslaught is needed if any progress is to be made.

The context of human resources is perhaps the right one in which to mention the legal problems connected with the development of fishery industries. If the EEC and the ACP are going to cooperate in order to develop the ACP States' fisheries, legal frameworks are of vital importance. In any association, the legal framework instituting the machinery for the operation must meet the real and legitimate hopes of the partners. If this element is to be taken into account, it is likely that the future form of such associations (joint ventures) needs to be reviewed.

3.3. Material and financial resources

Any industrial sector must be supported from beneath by an infrastructure and topped off by a superstructure.

The ACP States have an enormous need both for an infrastructure and for a superstructure as far as their fisheries industries are concerned.

The infrastructure need relates to the construction and equipment of ports, and here, the North could provide the much talked-about and topical transfer of technology.

The superstructure need would be met if ACP/EEC cooperation were to make it possible for ACP nationals to acquire, little by little, suitable equipment both for sea and artisanal fishing.

The Second Lomé Convention provides scope for an encouraging beginning in cooperation over the development of fisheries activities. Joint ventures and Community-ACP country fishing agreements should enable some of the problems connected with material resources to be solved, but improvements are still needed.

Obviously, financial resources are the heart of the matter.

In this domain, the Community needs to review its financing methods, so that all types of investment can be considered and so that investments which are not necessarily profit-making in financial terms, but which bring economic and social benefits, can also be funded.

- 4.0. To sum up, in the area of the ACP States' fisheries, there are a number of arrangements and activities which do not yet seem to be working in concert.

The method which the UN has used, of isolating a problem or a calamity the better to deal with it, could be used in this instance.

To suit the action to the word, the Co-rapporteurs suggest that the Consultative Assembly should move a resolution concerning:

- relaxation of rules of origin
- vocational training
- fisheries statistics
- stock evaluation
- supervision of the EEZ
- fishing agreements

- financing of fisheries investment
- and any other relevant area.

Given the amount of time left before Lomé II runs out, this resolution would represent a basis for activities to be undertaken partly under the present Convention and partly under any successor arrangements.

