

The logo for CFFA (Commonwealth Fisheries Forum of Australia) consists of the letters 'CFFA' in a bold, black, sans-serif font.The logo for Greenpeace features the word 'GREENPEACE' in a bold, green, sans-serif font with a slightly irregular, hand-drawn appearance.

NGOs recommendations concerning the EU-Solomon Islands Fisheries Partnership Agreement

The Solomon Islands Fisheries Partnership Agreement (FPA) is the first to be discussed by the European Parliament (EP) under the new rules of the Lisbon Treaty. Although the agreement is already in effect, European Parliamentarians will have the opportunity to signal their expectations for this agreement by adopting a Recommendation on the Council decision. This is important in terms of setting out a number of practical improvements to the Solomon Islands FPA, and, perhaps more importantly, this Recommendation could set an important precedent for any future FPA negotiations and pave the way for better management of EU fleets, as the CFP reform takes shape.

We recommend that you propose and express your support for the following improvements to the Solomon Islands FPA:

1. Transparency: access to information & civil society participation

The EU-Solomon Islands FPA Protocol¹ crucially misses concrete measures to achieve civil society participation. While the Protocol stipulates that both parties intend to commence a dialogue on the sectoral fisheries policy in the Solomon Islands and identify the appropriate means of ensuring that this policy is effectively implemented and that economic stakeholders *and civil society are involved* in the process, it fails to provide for even the most basic procedures to achieve effective participation.

We are of the opinion that an essential element for effective civil society involvement in the context of FPAs, as elsewhere, is transparency and, in particular, *access to information and the design and implementation of participatory mechanisms*.

This and future FPAs should include:

- ❖ ***In terms of access to information***, this and future Protocols should stipulate that the following information is made available to the public and to the European Parliament *sufficiently far in advance* to enable them to give input that can impact on the terms of the agreement or the way it is implemented²:

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:190:0003:0026:EN:PDF>

² It could also be useful to note that in adhering to these recommendations, the EU will be acting in accordance with the Aarhus Convention, to which it is signatory. See text of the Convention on access to information,

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- i. The *ex ante* and *ex post* evaluations of the FPA, including analysis of the fishing opportunities, particularly the data indicating *the existence and the quantity of surplus of resources* being made available to EU fleets.
 - ii. All information related to the assessment of other fishing impacts, including information on where such assessments are missing, and any relevant information about other fishing parameters, such as gear restrictions and by-catch and discard limitations, and the implementation of fisheries management and conservation measures, such as the existence of vulnerable marine ecosystem areas and their protection.
 - iii. The information about *actual* payments made (e.g. additional Euro over reference tonnage, actual fixed boat owner payments, etc).
 - iv. The information on the implementation and evaluation of fisheries management and policy reforms funded through the FPA, including detailed objectives, budgets and timeframes, as well as up-to-date minutes of the Joint Committee established to manage these activities.
- ❖ **In terms of participatory mechanisms**, this and future FPAs should stipulate the use of public hearings and/or open consultations, publication of relevant information in official journals, and participation of existing or creation of new consultation bodies. Any consultation should include civil society organisations as well as the fishing sector, including and in particular coastal communities from third countries³. Participation is important both at the time of the negotiations and signing and during the full period of implementation of an FPA.

2. Sustainability and equity of the resource's exploitation

As the biggest world market for fish products, and as one of the biggest players in distant water fishing, the EU has a special responsibility to be an example for environmentally, socially and economically sustainable and equitable fishing and fish trade.

In order to achieve this, this and future FPAs should cover the following issues:

- ❖ **Access to EU vessels should be limited to the surplus of resources:** The Solomon Islands FPA does not appear to limit the total tuna catches that EU vessels can make, it

public participation in decision-making and access to justice in environmental matters, Aarhus, Denmark, on 25 June 1998, <http://www.unece.org/env/pp/documents/cep43e.pdf>

³ The LDRAC bylaws include the possibility of having third country stakeholders as active observers, although that possibility has not been sufficiently used to date.

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merely sets a 'reference tonnage' and a corresponding per-ton price. Under this scenario, vessels can catch more fish than is 'referenced', so long as the total payment to the Solomon Islands is increased. Consequently, it is impossible for the European Parliament or any other party to guarantee or assess compliance with the 'surplus rule' - and therefore it is not possible to ascertain that the EU fishing effort is compatible with the goal of maintaining/achieving sustainable fisheries. **We therefore insist that all future agreements must include efficient and verifiable limitations concerning catches**, in line with a rational management of tuna resources. Moreover, it should be noted that bigeye and yellowfin stocks in the Pacific, including those migrating through the Solomon Islands' EEZ, are currently being overfished. There is an urgent need to reduce mortality in their fisheries, including by preventing the by-catch of juveniles in fishing operations that target skipjack tuna with the help of Fish Aggregation Devices (FADs). Whilst the regional Fisheries Commission of the Western Central Pacific has not yet put in place appropriate measures to prohibit the use of FADs, the EU-Solomon Islands FPA should already introduce a prohibition on the use of FADs.

- ❖ **Fight against IUU fishing:** The EU is strongly pressing other nations to comply with the new EU IUU Regulation. To be consistent, the terms of the FPA should provide enough guarantees that EU companies owning vessels operating under the FPA do not engage in illegal operations.

We welcome the fact that the Protocol includes a ban on all at-sea transshipments⁴, as at-sea transshipments are often used to cover up illegal fishing operations. Prohibiting at-sea transshipments is an important measure to counter IUU operations, and should equally be applied to all vessels fishing in the area. In addition, this and future FPAs should include an express commitment to exclude any EU-based companies owning vessels that have been identified as engaging in IUU fishing under the FPA. We are of the view that the EU and its partners should move away from punishing only the vessel to punishing the *companies that operate and benefit from the operation of these vessels* (the beneficial owners).

We further urge that, at least, those EU-based companies that fish under FPAs be required to develop company-wide, transparent management and monitoring programmes to facilitate compliance checking and promote future compliance by their vessels.

⁴ In line with EU Long Distance Regional Advisory Committee 2008 Transshipment advice RG/01/08/WG <http://www.ldrac.eu/>

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- ❖ **Access should be limited to vessels that meet sustainable fisheries criteria:** In order to ensure that the EU's distant water fleet conducts environmentally, socially and economically sustainable fishing operations and development, we recommend that access to fishing opportunities under FPAs should be conditional on meeting sustainable fisheries development criteria, with respect to the following issues:
 - i. *low environmental impacts*, including in terms of eliminating by-catch, the use of FADs in purse seine fisheries⁵, impact on species composition and the marine food web;
 - ii. *history of positive compliance/flag State performance*;
 - iii. *quality and amount of data provided*;
 - iv. *low energy consumption* per unit of fish caught;
 - v. *prevention of competition with coastal fishing communities and positive socio-economic impacts* for coastal fishing communities (jobs with decent working conditions, etc); and
 - vi. *catch (in this case, tuna) offloaded and processed in national ports* and processing units (ie. value adding).

3. Coherence for development

In the case of the EU-Solomon Islands FPA, we are of the view that, in order to implement its obligation of 'coherence for development' effectively, the EU should seek ways of helping the Solomon Islands to strengthen their capacity to sustainably manage their tuna resources, whilst achieving a fair share of the income and benefits from the tuna fisheries in their waters. In addition to the FPA itself, the EU has a variety of policies that can play a role in achieving coherence for development.

For instance, the first three Financing Agreements under the *Pacific EDF* (European Development Fund) – 10 Regional Indicative Program committing a total of 21.9 million Euros, include projects on, e.g., the scientific support for the management of coastal and oceanic fisheries and on the development of tuna fisheries in the Pacific (Phase II).

In terms of *trade*, discussions are still under way concerning an agreement for the access of Pacific fish products to the EU market (Economic Partnership Agreement (EPA) negotiations). In the past, in terms of access to the EU markets, Pacific ACP States have encountered difficulties arising from EU strict regulations (Rules of origin, sanitary and phyto sanitary regulations in particular).

In order to ensure there is coherent EU support to the Solomon Islands so that they increase the social and economic benefits from their tuna fisheries benefits, whilst improving capacity to manage their resources, the EC should provide an analysis of the cumulative impacts of

⁵ Discouraging the use of FADs would align measures proposed in the protocol with measures taken by PNA for waters outside PNA members' EEZ, which include a three months ban for FAD fishing – discussions on the way to extend this period are under way

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these various policies – FPA, Development, Trade, etc, so that it’s possible to assess whether these EU policies jointly contribute to the promotion of sustainable fisheries.

4. Integrating the regional dimension

In March 2010, Pacific-island leaders from the Parties to the Nauru Agreement (PNA)⁶, which includes the Solomon Islands, held their First Presidential Summit to discuss innovative ways to maximise economic gains from sustainable management of PNA members’ tuna resources. At the conclusion of the Presidential Summit, PNA Leaders released the Koror Declaration, which highlights PNA members’ commitments, including:

- a commitment to enhanced conservation of tuna stocks while maximising economic returns and exploring arrangements to control output and limit effort;
- the closing off of additional high seas areas to purse seine vessels;
- the promotion in PNA EEZs of purse-seine vessels operations which do not use fish-aggregating devices (FADs);
- an ongoing commitment to the Vessel Day Scheme as a means of controlling access and enhancing the commercial utilisation of tuna resources.

We are of the view that the EU should support such regional efforts by the PNA and should reinforce these agreements by providing adequate acknowledgment of and support for these measures in the Protocol.

In its current form, the Protocol merely mentions that: “*The Parties undertake to promote cooperation at subregional level on responsible fishing and, in particular, within the Western and Central Pacific Fisheries Commission (WCPFC) and any other subregional or international organisation concerned.*”

And, in the context of ‘technical measures’, that: “*Vessels shall comply with the measures and recommendations adopted by the members to the Palau Arrangement⁷ and/or the WCPFC and/or other subregional/regional fisheries organisation regarding fishing gear and the technical specifications thereof and all other technical measures applicable to their fishing activities.*”

We propose that a similar level of commitment in relation to decisions and recommendations from the PNA be expressed in the Protocol, as is the case in respect to the WCPFC, for which the protocol says that parties are ‘DETERMINED to apply the

⁶ The Nauru Agreement is a subregional agreement that establishes the terms and conditions for tuna purse seiners fishing licenses in the region. It includes the following Parties: Micronesia, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Solomon Islands and Tuvalu.

⁷ The Palau Arrangement for the Management of the Purse Seine Fishery in the Western and Central Pacific was developed by the Parties to the Nauru Agreement and entered into force in November 1995. It sets a limit on the number of purse seine vessels that could be licensed by the Parties and allocated these licences by fleet. Signatories to the Palau Arrangement are Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Papua New Guinea, Palau, Solomon Islands, and Tuvalu.

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decisions and recommendations of the WCPFC'. Moreover, the FPA should spell out how the FPA meets and supports the standards set by the regional agreement. Such stronger commitment to support the interests of Pacific small islands developing states is consistent with and can strengthen the EU application of its obligations of “Coherence for Development”. A similar approach should be applied to all future FPAs, where regional or sub-regional agreements exist.

5. Beginning to phase out subsidies

While the EU can and should continue to make funds available that support capacity-building in developing countries, including for fisheries management, the payment for access to fisheries resources should be fully borne by operators. Now is the time to begin the phase-out of EU subsidies that support access to fishing opportunities in third country waters, as anticipated in the Commission’s statements about its intentions for the CFP reform.

In the proposed Protocol, a larger percentage of the 400 000 Euro/year is earmarked to support sectoral fisheries policy in the Solomon Islands. This is to be welcomed, if there is an efficient and transparent accountability system put in place. However, regarding the percentage of the access fees to be borne by vessel owners, we deplore the fact that there does not appear to be any change from the previous agreement.

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