

# Policy brief

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## Issues for local artisanal communities in a potential future EU-Guinea SFPA

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CFFA comments on the European Commission roadmap on a possible negotiation for a new fisheries agreement between the EU and the Republic of Guinea, which would grant access to European vessels in the Guinean EEZ, and underscores the key challenges local artisanal fisheries are facing.

### 1. Overview

The European Commission has launched a roadmap<sup>1</sup> inviting stakeholders to provide their views on a possible negotiation for a Sustainable Fisheries Partnership Agreement (SFPA) between the EU and the Republic of Guinea. The roadmap does not prejudge whether the initiative will be pursued or on its final content and establishes five goals for a new SFPA and protocol: environmental sustainability, access to the Economic Exclusive Zone (EEZ) for the EU fleet, support to the local fisheries sector, the fight against IUU and improving scientific and technical knowledge.

For CFFA, in a potential future negotiation for an SFPA with Guinea, the EU should make sure it contributes towards resource and environmental sustainability, and that it supports the development of the local fisheries sector. In the current climate of political tension in this West African country, it is essential that local fisheries stakeholders' voices are unimpeded so they can address some sensitive issues, such

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<sup>1</sup> The roadmap is available at: <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12473-Negotiation-mandate-for-a-new-Sustainable-Fisheries-Partnership-Agreement-between-the-EU-and-Guinea>

as transparency and the fight against IUU fishing. The EU should ensure that artisanal fisheries activities are not encroached on, particularly by coastal trawlers, so that both coastal communities' livelihoods and food security for the population are guaranteed. For this reason, and also because of lack of reliable scientific data on coastal fisheries, let alone the existence of a surplus, the EU fleets should access tuna species only.

## 2. The tense political situation: a stronger human rights clause

On 22 March 2020, in the middle of Coronavirus pandemic, Guinean citizens went to vote in a climate of violence and tension and under the critical look of the international community. The International Organisation of La Francophonie (OIF), ECOWAS and the African Union had repeatedly insisted on the need for free, transparent and inclusive elections, and the latter cancelled its observation mission at the end of February 2020.<sup>2</sup> Several human rights NGOs, including Amnesty International, denounced the repression against opposition leaders, and criticized the “*cost in terms of human rights*” of “*a constitutional reform that could allow the President to stay in power.*”<sup>3</sup> The European Union condemned the violence and disproportionate use of force by law enforcement officials on election day and stated that “the non-inclusive and non-consensual nature of the ballots and of the electoral register undermines the credibility of the elections.”<sup>4</sup>

Taking into account the tense political situation in Guinea, in the event of the start of negotiations for an SFPA, it is imperative that the EU, in cooperation with Guinea, ensures the terms and conditions for good governance and sustainability set out in the Cotonou Agreement<sup>5</sup> and in the future EU-Africa Strategy. In this regard, the EU should consider having a stronger human rights clause, allowing the Agreement to be denounced in case of a breach of universal rights, including the right to food.<sup>6</sup>

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<sup>2</sup> See “Guinea postpones constitutional referendum amid criticism”, RFI, 29 February 2020. Available at: <http://www.rfi.fr/en/africa/20200229-guinea-postpones-constitutional-referendum-critics-president-alpha-conde-third-term>

<sup>3</sup> See “Guinée : tensions et défiance à la veille du double scrutin », RFI, 21 March 2020. Available at : <http://www.rfi.fr/fr/afrique/20200321-guin%C3%A9-tension-veille-double-scrutin>

<sup>4</sup> DELEGATION OF THE EU TO GUINEA, “Guinea: Statement by the Spokesperson on the legislative elections and constitutional referendum held on 22 March,” Statements by the Spokesperson, 26 March 2020. Available at : [https://eeas.europa.eu/delegations/guinea/76803/guinea-statement-spokesperson-legislative-elections-and-constitutional-referendum-held-22\\_en](https://eeas.europa.eu/delegations/guinea/76803/guinea-statement-spokesperson-legislative-elections-and-constitutional-referendum-held-22_en)

<sup>5</sup> See “Partnership agreement 2000/483/EC – between ACP countries and the EU”, available at: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=LEGISSUM:r12101>

<sup>6</sup> This is a recommendation CFFA made, with six other environmental NGOs and African fisheries professional organisations in May 2020. See “10 priorities for the future of Sustainable Partnership Agreements”, CFFA website, Joint Position Paper, May 2020. Available at : <https://www.cffacape.org/publications-blog/ten-priorities-for-the-future-of-sustainable-fisheries-partnership-agreements>

### 3. Contributing towards resource and environmental sustainability:

#### 2.1. CLARIFYING SOME UNCLEAR ASPECTS IN THE FISHERIES MANAGEMENT NATIONAL PLAN

A future SFPA between the EU and Guinea should be in line with and contribute to the goals that Guinea has for the sustainable development of its local fisheries sector. These goals can be found in Guinea 2020 fisheries management plan:<sup>7</sup>

- To preserve fisheries resources on the long term
- Improve the fish contribution to food security
- Improve fisheries' contribution to employment
- Increase the economic benefits from fisheries

Guinea has signed the Convention on Minimal Access Conditions (CMA) of the SRFC,<sup>8</sup> which insists on the precautionary approach in the management of resources. In the context of potential future negotiations, this precautionary approach needs to be followed, especially bearing in mind the lack of scientific data on the state of the fish stocks, data which is either non-existing or obsolete, and considering that several aspects in the 2020 fisheries management plan which remain unclear. For example:

- Nationality of fishing vessels: there is a category (« navires basés ») which includes foreign vessels operating in Guinean waters with landing obligations in Guinea. However, under article 14 of the fisheries code,<sup>9</sup> chartering agreements for fishing vessels are not permitted. These 'based' vessels are allowed to benefit from a certain priority of access to resources without clearly defined conditions (article 59 of the fisheries code). This status is ambiguous and does not contribute to the sustainable exploitation of resources in Guinea's EEZ.
- Vessel tonnage: For the calculation, the 2020 plan treats indiscriminately GT and GRT which are two different measure systems. This is confusing, especially taking into account that Chinese vessels have been massively under declaring their tonnage in Guinea.<sup>10</sup>
- TACs (Total Allowable Catch): Guinea has made increasing efforts to allocate resource access via TACs, however, it is unclear how these TACs are calculated.
- Small pelagics: The plan is also unclear about the types of fisheries licences. For example, it talks about licences for '*pelagic fisheries*', but does not specify if these are licences for small pelagics or for tuna species. Further in

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<sup>7</sup> MINISTÈRE DES PÊCHES, DE L'AQUACULTURE ET DE L'ÉCONOMIE MARINE (MPAEM), « Plan d'aménagement et de gestion des pêcheries pour l'année 2020 », République de Guinée, Projet Arrête N° A/2019/6952/MPAEM/CAB, December 2019. Available at : [http://www.peches.gov.gn/images/PDF/actes\\_administratifs/arretes/PAGP%202020%20MPAEM%20DNAP.pdf](http://www.peches.gov.gn/images/PDF/actes_administratifs/arretes/PAGP%202020%20MPAEM%20DNAP.pdf)

<sup>8</sup> CSRP-SRFC, « Convention relative à la détermination des conditions minimales d'accès et d'exploitation des ressources halieutiques à l'intérieur des zones maritimes sous juridiction des états membres de la Commission sous-régionale des pêches », June 2012. Available at : [http://spcsrp.org/spcsrp/sites/default/files/csrp/documents/csrp2012/csrp-CMA\\_version\\_originale\\_juin\\_2012\\_fr.pdf](http://spcsrp.org/spcsrp/sites/default/files/csrp/documents/csrp2012/csrp-CMA_version_originale_juin_2012_fr.pdf)

<sup>9</sup> RÉPUBLIQUE DE GUINÉE, "Loi N° 2015/026, Portant Code de la pêche maritime », 2015. Available at : [https://apip.gov.gn/doc\\_sectoriel/code-de-la-peche-maritime-2015.pdf](https://apip.gov.gn/doc_sectoriel/code-de-la-peche-maritime-2015.pdf)

<sup>10</sup> This was denounced by Greenpeace in a report of 2015. See GOREZ, Beatrice, "Review of the new Greenpeace report: 'Scam on the African Coast'", CFFA website, 6 May 2015. Available at: <https://www.cffacape.org/publications-blog/2015/05/06/2015-5-6-review-of-the-new-greenpeace-report-scam-on-the-african-coast?rq=greenpeace>

the plan, ‘*tuna fisheries*’ licences are mentioned though this category does not appear as a type of licence.

These aspects would need to be clarified before the EU fleets access fisheries resources in Guinean waters.

## 2.2. CONTINUING EFFORTS OF TRANSPARENCY

On the other hand, it is important to remind that since 2016, Guinea has taken some commitments with regards to transparency in the fisheries sector, especially through the Fisheries Transparency Initiative (FiTI).<sup>11</sup> These commitments and progress made in transparency should be welcomed, especially the annual publication of the list of vessels which have a licence to fish in Guinea and the breakdown by fisheries of the fees perceived by the Ministry of Fisheries, Aquaculture and Maritime Economy (MPAEM).<sup>12</sup> Transparency in all the aspects of fisheries management should be a key concern in potential future negotiations.

## 4. EU long distance fleet access: tuna only

Several European vessels have already been operating in Guinea’s EEZ with private licences, such as French and Spanish tuna fleet and several shrimp and demersal Spanish and Italian trawlers.<sup>13</sup>

Signing an SFPA with the EU covering tuna fleets access would allow Guinea to derive better economic benefits from the tuna resources passing through its EEZ, and would improve how the presence of this fleet is monitored by both parties.

Regarding an access to more coastal species, in the current state of Guinea’s lack of Monitoring, Control and Surveillance (MCS) and scientific research capacity, including lack of well trained and well remunerated human resources, and in the absence of data, having an SFPA that allows shrimp or demersal trawlers access, would not fulfil the aim of promoting sustainable fisheries as required by the European Common Fisheries Policy (CFP). Further to that, it would put these vessels in competition with local artisanal fishers, who depend upon these coastal fisheries for their livelihoods. The roadmap itself says “*SFPAs generally authorise EU vessels to fish outside 12 miles of the shore (territorial waters).*”<sup>14</sup>

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<sup>11</sup> FiTI, « La Guinée accueille le 1<sup>er</sup> atelier sous-régional sur la transparence dans la pêche », 30 August 2018. Available at: <http://fisheriestransparency.org/fr/guinea-hosts-first-sub-regional-workshop-on-fisheries-transparency-in-west-africa>.

<sup>12</sup> For more information about the Ministry, see their website: <http://www.peches.gov.gn/>

<sup>13</sup> See the list of 2019 licences on the Guinean MPAEM website:

[http://www.peches.gov.gn/images/ILD\\_PRAO/ILD\\_DNPM/info\\_brutes\\_dnpm/dnpm\\_2019/liste\\_licences\\_valides/liste-des-licences-mises-2019.pdf](http://www.peches.gov.gn/images/ILD_PRAO/ILD_DNPM/info_brutes_dnpm/dnpm_2019/liste_licences_valides/liste-des-licences-mises-2019.pdf)

<sup>14</sup> See page 2 of the roadmap, at the top of the page. The roadmap can be downloaded on this page:

<https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12473-Negotiation-mandate-for-a-new-Sustainable-Fisheries-Partnership-Agreement-between-the-EU-and-Guinea>

In this regard, we are surprised that these EU trawlers, including Italian vessels involved in IUU fishing operations in West Africa,<sup>15</sup> managed to prove the sustainability of their activities and received a fishing authorization in 2019.<sup>16</sup>

## 5. Contributing to fight against IUU fishing:

IUU is a critical issue in terms of sustainability and livelihoods since illegal activities in the coastal areas encroach on zones and resources also used by the artisanal sector. IUU fishing also affects the level playing field between the various fleets operating in Guinean waters. The fight against IUU should therefore be an essential element of all future SFPA, especially through the strengthening of MCS capacities.

Local sources have informed of recent (Asian) trawlers incursions in the artisanal fisheries zone in the region of Kamsar (North). These trawlers often lose their nets and sometimes collide with artisanal pirogues. The surveillance authorities allegedly say they do not have the means to stop them and without the identification of the vessels, artisanal fishermen are not entitled to any compensation for the damages.

It should also be noted that several vessels from the Chinese company LIAN RUN received a licence in 2019. This company has repeatedly been cited in NGO reports on IUU fishing in Guinea since 2006.<sup>17</sup> Furthermore, the vessels which obtained a licence in 2019 had been charged with illegal fishing in 2018 and the Chinese authorities withdrew their fishing authorization.<sup>18</sup> The fact that these actors are still present in the Guinean industrial fisheries suggest that the problem of bad governance goes beyond the lack of capacity of Guinea to control its EEZ.

In fact, the continuation of this illegal fishing is difficult to understand in the context of the “*intense follow-up*” of the IUU dialogue between the EU and Guinea after the lifting of its ‘red card’<sup>19</sup> in 2016. It is crucial to reinforce, in the case of future negotiations, the determination and political will of Guinea in the fight against IUU fishing.

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<sup>15</sup> See PANOSSIAN, Anaïd, “African artisanal fishers and NGOs jointly complain to the EU against Italy turning a blind eye to its trawlers’ illegal activities in West Africa”, CFFA website, 6 February 2019. Available at: <https://www.cffacape.org/news-blog/2019/02/06/2019-2-6-african-artisanal-fishers-and-ngos-jointly-complain-to-the-eu-against-italy-turning-a-blind-eye-to-its-trawlers-illegal-activities-in-west-africa?rq=Sierra%20Leone>

<sup>16</sup> According to articles 17 and 18 of the SMEFF regulation, the operator needs to provide a scientific evaluation demonstrating the sustainability of the planned fishing operations to the flag Member State to obtain a fishing authorization. See “REGULATION (EU) 2017/2403 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL”, 12 December 2017. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R2403>

<sup>17</sup> See for example EJF, “Pirate Fish on Your Plate – Tracking illegally-caught fish from West Africa into the European market”, Environmental Justice Foundation, London, 2007.

<sup>18</sup> See GREENPEACE AFRICA, “Chinese companies see subsidies cancelled and permits removed for illegal fishing in West Africa”, 9 March 2018. Available at : <https://www.greenpeace.org/africa/en/press/472/chinese-companies-see-subsidies-cancelled-and-permits-removed-for-illegal-fishing-in-west-africa/>

<sup>19</sup> Under the IUU Regulation, non-EU countries identified as having inadequate measures in place to prevent and deter IUU fishing are issued with a formal warning (yellow card) to improve. If they fail to do so, they face having their fish banned from the EU market (red card) among other measures. See EUROPEAN UNION, “Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999”, 29 September 2008. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1408984470270&uri=CELEX:02008R1005-20110309>

## 6. How to use the Sectoral support most efficiently

### 6.1. REINFORCING SCIENTIFIC RESEARCH AND MCS CAPACITIES

Considering all the points mentioned above, sectoral support should be used to improve scientific research as well as MCS capacities, especially because in 2015 Guinea's EEZ increased significantly.<sup>20</sup>

First, regarding scientific research, there is a clear lack of scientific data on the state of fish stocks in Guinean waters. Whereas Guinea has signed the CMA convention of the SRFC, it is unclear how the fisheries management plan integrates the precautionary approach to manage Guinean resources. Improving research capacities is therefore vital.

On MCS capacities, the fisheries code<sup>21</sup> mentions the development of participatory surveillance as an essential element of co-management. In the early 2000s, a pilot participatory surveillance project was launched in the northern part of the coast, where some fishermen communicated directly with the authorities using radios and GPS.<sup>22</sup> The project resulted in fishers living conditions improved and in a 60% reduction of illegal activities, in particular in the fishing zone reserved for artisanal fishermen. Unfortunately, this project was neither extended to the rest of the country, nor perpetuated, as was the demand of coastal communities.

### 6.2. SUPPORTING LOCAL FISHING COMMUNITIES

Special attention should be also given to the needs of women fish processors, as they are a vital component in the fish value chain's contribution to food security. They work in dire conditions and are in a precarious situation,<sup>23</sup> heavily impacted by the recent measures implemented to fight the spreading of Covid-19. These women are

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<sup>20</sup>RÉPUBLIQUE DE GUINÉE, « Decret N° D/2015/122/PRG/SGG », Secrétariat du Gouvernement, 19 June 2015. Available at : [https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/Guinea\\_Decree\\_19\\_June\\_2015.pdf](https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/Guinea_Decree_19_June_2015.pdf)

<sup>21</sup> Article 21 of Section 2 of the Fisheries code. See footnote 9.

<sup>22</sup> See the recommendations by artisanal fisheries communities for participatory surveillance in West Africa. STANDING, Andre, "Participative surveillance in West Africa", CFFA website, 1 March 2011. Available at :

<https://www.cffacape.org/publications-blog/2011/03/01/2011-3-1-participative-surveillance-in-west-africa?rq=participative%20surveillance>

<sup>23</sup> In some cases, the situation of coastal communities goes beyond poor working conditions, and points to governance issues. For example, early December 2020, a fishing community was forcefully evicted from a landing and processing site in Conakry and their hangar destroyed by bulldozers because of a lease of the land by the government to a luxury hotel. As we denounced at the time, this eviction goes against the Voluntary Guidelines for Securing Small-scale Fisheries and the Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of food security to which Guinea subscribes. Even though a compensation and an alternative site was promised to the women fish processors and the minister responded to our complaint letter assuring us of his will to accompany the community "according to the international obligations," to date and according to local sources, the women continue to smoke the fish on the evicted land, braving the sun and rain to provide for their daily needs. See PHILIPPE, Joelle, "Conakry: fishing community to be evicted due to a Government lease of land to Hotel Noom", CFFA website, 1 December 2019. Available at: <https://www.cffacape.org/news-blog/conakry-fishing-community-to-be-evicted-due-to-the-enlargement-of-hotel-nooms-parking?rq=Noom> and PHILIPPE, Joelle, "Conakry: Guinea Fisheries Minister expresses support to the evicted fishing community in the continuation of their activities", CFFA Website, 3 February 2020. Available at: <https://www.cffacape.org/news-blog/conakry-guinea-fisheries-minister-expresses-support-to-the-evicted-fishing-community-in-the-continuity-of-their-activities?rq=Noom>. And for the FAO guidelines: FAO, "Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security", 2012. Available at: <http://www.fao.org/3/i2801e/i2801e.pdf> and FAO, "Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the context of food security and poverty eradication", 2015. Available at: <http://www.fao.org/3/a-i4356en.pdf>

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often forced to sleep on the processing sites because they cannot afford the price of transport and some have been selling their products at loss.<sup>24</sup>

Finally, the participation of all local fisheries stakeholders is a key aspect for a good implementation of an SFPA, including in the use of sectoral funds. As mentioned in the introduction, there is currently a tense political situation in Guinea, a context that could hinder civil society from speaking openly and getting involved in essential, but sensitive issues, such as transparency or IUU fishing. As a first step, civil society should be included in the decision-making and implementation of projects to be financed by sectoral support. In Guinea, not only there are several local fisheries organisations (fishermen, women fish processors, support organisations...) but also, early 2020, a platform of non-state fisheries actors was created with the support of the African Union, in partnership with ECOWAS and the EU (PESCAO).<sup>25</sup> This platform is recognized both by the actors and the administration, and the inclusion of such a stakeholder in the process would allow to start a wider social dialogue to promote sustainable fisheries in the framework of EU-Guinea relations.

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<sup>24</sup> See DIALLO, Aliou Mamadou, "In Guinea, the fish processing and supply chains are under severe strain", CFFA Website, Coronavirus Micro-blog, 5 May 2020. Available at: <https://www.cffacape.org/coronavirus-crisis-impacts-on-african-artisanal-fisheries/in-guinea-the-fish-processing-and-supply-chains-are-under-severe-strain?rq=Guinea%20>

<sup>25</sup> FISHERIES COMMITTEE FOR THE WEST CENTRAL GULF OF GUINEA (FCWC), « Guinée : pêche artisanale – vers l'installation d'un bureau de la PANEPAO, une plateforme sous-régionale », 25 January 2020. Available at : <https://fcwc-fish.org/autres-actualites/guinee-peche-artisanale-vers-linstallation-dun-bureau-de-la-panepao-une-plate-forme-sous-regionale?lang=fr>