



WWF

BROCHURE

OCTOBER

2012

IN PARTNERSHIP WITH:



THE FISHERIES PARTNERSHIP AGREEMENT WITH MADAGASCAR

HOW MADAGASCAR COULD SELL ITS TUNA
TO THE EUROPEAN UNION

© WWF & Scomber texts - October 2012
© Cover photography: WWF MWIOPO/USTA

Scomber:
Kees Lankester
Email: scomber@xs4all.nl

WWF MWIOPO (Madagascar & Western Indian Ocean Programme Office):
Didier Fourgon
Email: DFourgon-mg@wwf.mg

WWF EPO (European Policy Office):
Sarunas Zableckis
Email: szableckis@wwf.eu

Disclaimer:

“WWF views and recommendations in this document were produced in collaboration with Scomber and according to its analysis”.

The EU and Madagascar negotiated a new protocol for their Fisheries Partnership Agreement. For 2013-2014, the EU-fleets will be allowed to fish in Madagascar's 200 nautical miles coastal zone, like they have done since 1986. The EU pays a financial compensation, but conditions for achieving sustainable fisheries are largely absent.

The European Parliament and the European Council need to confirm the new Fisheries Partnership Agreement (FPA) that the Commission negotiated. WWF and Scomber analyzed the new draft protocol between the EU and Madagascar, with a perspective of establishing sustainable fisheries in the South-Western Indian Ocean (SWIO). This paper presents WWF's recommendations, the twin paper summarises the findings and conclusions of the analysis.

Sustainable Fisheries in the South-Western Indian Ocean

WWF proposes that the EU supports the establishment of a Sustainable Fisheries Agreement (SFA) or Fisheries Accord in the SWIO, an agreement that is based on a management plan with minimum terms and conditions for access to SWIO waters and adequate governance, alongside with a fair financial compensation. The SFA should be limited to ensuring the sustainable management of fisheries for tuna and tuna-like species.

Tuna are highly migratory species and the management of tuna fisheries should be considered for the entire SWIO. All coastal and island states in the SWIO are expected to renew their protocols with the EU at the same time (31st Dec 2014), creating the opportunity of a single, regional SFA. A regional SFA could be established with minimum terms and

conditions for access to tuna stocks that would apply to all foreign and domestic fleets. The SWIO Agreement could learn from the Parties to the Nauru Agreement in the Western and Central Pacific and gradually adopt any relevant measures.

The European Union should apply its sustainable fisheries policy to all relevant activities, including to their fleets outside EU-waters. It is in the fleets' own interest that the tuna resources are exploited with a long term, sustainable fishing perspective.



Joint Minimum Terms and Conditions

The regional states should develop joint minimum terms and conditions for fisheries access. These should be developed in a transparent and public process, using the best available scientific evidence and experience in fisheries management.

In order to maximise such an opportunity, in good faith, the EU should contribute to this process by (1) sharing all evaluation reports with their partners in the region, (2) supporting the regional minimum terms and conditions process and (3) providing support for an adequate compliance mechanism. A sub-regional Joint Committee could work to develop components of the minimum terms and conditions, drawing from experience in and outside the region.

The terms and conditions for sub-regional management should reflect the regular estimation of tuna biomasses made at the Indian Ocean Tuna Commission (IOTC) level and demonstrate how only surpluses are negotiated with foreign fleets.

They should also include a consistent monitoring, control and surveillance regime, with fishing licences being conditional on its effectiveness. There should be an on-board observer scheme with suitable coverage, according to IOTC recommendations.

Tuna licenses based on stock assessments and quota by species

The IOTC is the responsible management body for tuna fisheries and members have an obligation to implement its measures domestically. Management policies in the South-Western Indian Ocean should be fully integrating any relevant IOTC-decisions. Until the IOTC would accept the responsibility for management of fisheries on sharks and other species, the target species in any future fisheries agreements should be restricted to the 16 “tuna and tuna-like” species that are listed in Annex B to the IOTC-agreement.

To date, licence fees of tuna licenses have never been based on quotas, they have always simply been set by target volumes of tuna estimated by the foreign fleets, which is unrelated to both effective



fisheries management and the true potential value of the resource. The new protocol between the EU and Madagascar for 2013-2014 has for the first time allocated a quota for associated catches of certain shark species. Bycatches of sharks are frequent in longline fisheries. WWF proposes that license fees should in the future be set by catch quota, determined in a sub-regional management regime and urges the EU and Madagascar to include this approach in their protocol.

WWF also believes an improved EU performance at the IOTC is needed, including strong support for the adoption of explicit limit and target reference points, harvest control rules and harvest management strategies as well as fair country allocations to form a basis for good management.

Compliance

A full registration and traceability scheme that prohibits all transshipments at sea is needed to ensure the catch can be tracked back to the vessel. The new draft for the first time prohibits transshipments at sea in the Madagascar EEZ. Transshipments in international waters could be discouraged by blacklisting all reefers in the region that have been caught out carrying unregistered tuna and withdrawing licences to fishing vessels that have been observed to supply such reefers.

A sustainable fisheries agreement should address a fair compensation of the fishing rights. Fishing licences should be consistent throughout the region and at a minimum cover the associated costs of (1) ensuring compliance, (2) fisheries governance and (3) stock monitoring and research.

It is in the EU's interest that all fleets in the region adhere to the proposed

conditions. A functioning MCS-regime with compliance terms would encourage sustainable fisheries for all fleets that are allowed to fish in the sub-region. While the new protocol envisages an immediate and strict application of all IOTC-resolutions and an electronic logbook providing real time catch data in addition to on-board observers, the system should be able to demonstrate compliance with the regulations in place. Confirmed compliance would enhance transparency and discourage market distortions of tuna products from IUU-fishing. A block of sub-regional states supported by the strong economic bond with the EU could make this possible.

Potential financial support mechanisms

The regional states in the South-Western Indian Ocean should explore the opportunities of linking access fees for European vessels to the market price of (canned) tuna in the EU.

A financial safety fund against non-performance could be introduced by the sub-regional states in the form of a compliance bond. Licencing would be conditional upon the vessels having contributed to the fund. The sub-regional states could draw from the fund for compliance and enforcement measures. Thus the fleets would share the risk of one vessel not complying.

All FPAs in the South-Western Indian Ocean, including the one with Madagascar, will expire on 31 December 2014. This forms an excellent opportunity for all parties to consider a joint approach that could bring them closer to sustainable tuna fisheries. WWF is ready to support the establishment of regional minimum terms and conditions in the SWIO.





WWF

BROCHURE

OCTOBER

2012

IN PARTNERSHIP WITH:



© WWF MIMPO/USTIA

THE FISHERIES PARTNERSHIP AGREEMENT WITH MADAGASCAR

HOW MADAGASCAR SELLS ITS TUNA
TO THE EUROPEAN UNION



The EU and Madagascar negotiated a new protocol for the Fisheries Partnership Agreement. For 2013-2014, the EU-fleets will be allowed to fish in Madagascar's 200 nautical miles coastal zone, like they have done since 1986. The EU pays a financial compensation, but conditions for achieving sustainable fisheries are largely absent.

The European Parliament and the European Council need to confirm the new Fisheries Partnership Agreement (FPA) that the Commission negotiated. WWF analysed the new draft protocol between the EU and Madagascar, with a perspective of establishing sustainable fisheries in the Western Indian Ocean. This paper presents Scomber's findings and conclusions of the analysis; the twin paper provides WWF's recommendations for improvements.

New 2-years protocol 2013-14

The EU and Madagascar negotiated a new protocol for their Fisheries Partnership Agreement that expires at the end of 2012. For two more years the EU-fleets will be allowed to fish in Madagascar 200 nautical miles coastal zone. When the new protocol will be ratified, all existing FPAs with SWIO states will terminate on 31 December 2014. This opens an excellent opportunity for a new, sub-regional approach.

Species

For species, the actual FPA refers to the UNCLoS-annex that includes many oceanic sharks, mahi mahi and even whales and dolphins. These species do not fall under the Indian Ocean Tuna Commission's responsibility. Fisheries for these species in the Indian Ocean should therefore be considered as unregulated and largely unreported and therefore as IUU-fishing.

The new agreement indicates a quota of 200 tonnes of shark bycatch associated in the tuna catches, a milestone in the access agreements history. It is for the first time that the EU has agreed to a quota for pelagic species in its FPAs in the Western Indian Ocean. The single quota covers a variety of shark species, while catches of certain other specified sharks are prohibited. However, evidence demonstrates that the overall regional management of sharks is currently not effective. The EC and Madagascar should therefore strongly promote improved conservation of sharks and management of shark catches in the IOTC.

Reference tonnage

The EU-Madagascar fisheries agreements were never based on tuna biomass estimates or quota. The reference level was determined at 15,000 tonnes per year.

The EU-subsidy therefore amounts to $15,000 \times \text{€ } 65 = \text{€ } 975,000/\text{year}$. The level is higher than ever before.

For sharks that are caught as bycatch associated with the tuna catches, a quota of 200 tonnes has been determined per year.

Financial compensation

The financial compensation is partly from public European funds and can be considered a direct subsidy to the European fleets. The EU is paying € 65/tonne. The vessel owners have to contribute € 35/tonne. In addition, there is sectoral support to Madagascar that also equals € 35, so for every tonne of tuna Madagascar receives € 135 in total. The maximum number of licences is 40 purse seiners and 56 longliners. The number of licences has no relationship with the compensation level.

Advance payments

Vessel owners need to pay for the volume they catch. If all 96 EU-vessels would apply for a licence, their total advance payment would only cover just over 10,200 tonnes, about 2/3 of the agreed reference limit. This sum is well below the reference limit and it shows how the system of low advance payments versus reference limits does not work well for Madagascar. Alternatively, the reference limit would be far too high and the EU would be wasting public money. In contrast, the EU and Madagascar negotiated more than a 10% higher reference level than in the current protocol.

In 2011, vessel owners paid in total € 204,400. This would imply that less than 50% of the vessels paid their minimum fees. The amount is also considerably less than the average of the period 2007-2011. It illustrates that the system of registration and payment is far from functioning adequately, needs revision and the EU is not delivering on the terms of its current agreement with Madagascar.

Transshipments and MCS

Until the end of 2012, transshipments at sea could have taken place in the EU-Madagascar agreements, despite many international concerns. The new protocol envisages for the first time clearly that all transshipments in Madagascar EEZs should take place in ports. It is still unclear how this would discourage EU vessels to tranship in international waters. Monitoring transshipments is an important step towards full traceability of the catch.

Observers on board

Modern fisheries accept that catch monitoring by observers or real-time cameras

contribute to the credibility of the fishing operations and facilitate legal, responsible fishing. The tuna fishing operations in the Madagascar-EU FPA have to accept observers on the request of Madagascar. The new protocol envisages an immediate and strict application of all IOTC-resolutions and an electronic logbook providing with real time catch data in addition to on-board observers. To date there has been little coverage of the tuna operations by Malagasy observers. It is important to invest in building up the competence and pool of trained Malagasy observers, in order to confirm the performance of electronic logbooks.

Ex post and ex ante evaluations

The European Commission is obliged to have evaluations conducted. These happen in due course, but the EC does not have a good track record of publishing the evaluation reports in a timely fashion for them to be shared with their partner, in this case Madagascar, and third parties. The site visits for the evaluation of the 2007-2012 FPA took place from late 2011, but Madagascar has not received any reports to date. In fact, the results were only made available to the EC-delegation before the negotiations took place in May 2012, but were not made available to the Malagasy delegation.



WWF in numbers

1961

WWF was founded in 1961

+100

WWF is on over 100 countries, on 6 continents

+5M

WWF has over 5 million supporters

+5,000

WWF has over 5,000 staff worldwide



Why we are here

To stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature

www.wwf.org

© WWF MWIOPO

© 1986 Panda Symbol WWF - World Wide Fund For Nature (also known as World Wildlife Fund)

® WWF is a WWF registered trademark

WWF MWIOPO, près lot II M 85 ter Antsakaviro

B.P. 738, 101 Antananarivo

Tel #: +261 20 22 348 85/+261 20 22 304 20

Tel #: +261 34 49 888 04/+261 34 49 888 05

Fax: +261 20 22 348 88

Email: wwfrep@moov.mg

Website: www.wwf.org