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**Abstract:**

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) espouses the significance of fisheries and their contribution to food and economic security globally. It emphasises the need for the conservation of the ocean and the integrity of marine resources in the interest of future generations. Demonstrating an understanding of the need to implement the UNCLOS, the European Union (EU) introduced a Common Fisheries Policy (CFP) in 1983, later revised in 2013 effective from 2014. This paper discusses how the implementation of the EU's CFP is undermining the long-term food and economic security of highly vulnerable regions such as West and Central Africa. Focusing on examples from Liberia and Guinea Bissau, the paper elaborates further on how the EU fisheries subsidies, which are central to its Sustainable Fisheries Partnership Agreements (SFPA) with third countries, contradict the provisions of its CFP, as they continue to target fully exploited and overexploited species notwithstanding the declared commitment to sustainability. The current paper also provides evidence that uncovers the EU's selective application of its own regulations on preventing Illegal, Unreported and Unregulated (IUU) fishing thereby illuminating the extent of its duplicity.

**Keywords:** Guinea-Bissau; Liberia; Gulf of Guinea; Sustainable Fisheries Partnership Agreements; Fisheries Subsidies;

## **Introduction**

Fish contribute to the food security of more than 3 billion people globally and over 200 million people on the African continent – many of whom are from West and Central Africa, and the Gulf of Guinea in particular (Le Sage 2010: 6; FAO 2016: 4; Okafor-Yarwood 2018).<sup>1</sup> In West Africa, where 40 per cent of the population live in coastal areas, fisheries and related industries provide direct and indirect employment for an estimated nine million people and contribute significantly to the revenues of the countries in the region (Belhabib et al. 2015). In Guinea Bissau and Liberia, 255,000 people and 39,000 people depend on fishing for their livelihood, and income (Belhabib et al. 2015), which constitutes nearly 40% and 4% of the coastal population, respectively. In these two countries, small-scale fisheries contribute \$47 million US and \$133 million US annually, despite the lack of recognition of their socio-economic and food security role in official statistics, (Belhabib et al. 2015b). However, the fishing sector's ability to continue to contribute to the food and nutritional security of these countries and their people is jeopardised by unsustainable practices such as overfishing and illegal, unreported, and unregulated (IUU) fishing by large-scale commercial and foreign vessels and the small-scale fleet which often times (Belhabib et al. 2019, Okafor-Yarwood 2019). In fact, over-exploitation by both the legal fleet under agreement, and the IUU fleet has caused to fishing income to dwindle in the past few years to less than \$1 US/day in Guinea Bissau and less than \$6 US/day in Liberia (Belhabib et al. 2015). Indeed, when fish stocks that are over-exploited experience increased effects of competition, it is usually the small-scale fleet, whose operations are rigid in time and space, that suffers the most (Belhabib, et al. 2016c). This is then reflected in the inability of fishers to make proper income, and increased overall poverty and food insecurity.

Most of the large-scale vessels operating in West Africa are from distant-water fishing nations that have fisheries access agreements – in various forms – with countries in the region – such as those from the European Union (EU), China and Russia (Viridin et al. 2019b, Okafor-Yarwood 2019, Belhabib, et al. 2016b, 2015a, Daniels et al. 2016, Belhabib, et al. 2018, Pauly, et al. 2014). These agreements, which grant access to distant water fishing fleets in exchange for a fee that covers their operations, are a form of fisheries subsidies. Subsidies towards fishing access agreements have equally been criticised for contributing to the overexploitation of fish stocks, and thus, have a debilitating impact on fragile marine ecosystems, and the livelihoods

<sup>1</sup> The Gulf of Guinea is used here in the broad sense, and is defined as the coastal states stretching from Senegal to Angola (Okafor-Yarwood 2015: 285).

in fisheries-dependent economies, (Witbooi, 2011; Le Manach, *et al.*, 2013; Seto, 2016: 86) such as those in West Africa, which contribute directly to food sufficiency issues (Sumaila, *et al.* 2016, Kaczynski and Fluharty 2002). Some of these subsidies further enable fishing vessels to engage in IUU activities in the region. IUU fishing activities are widespread notably due to ineffective surveillance and sanctioning mechanisms available to the countries they operate in (Okafor-Yarwood 2019, Doumbouya *et al.* 2017, Intchama, *et al.* 2018).

Yet, the sustainable use of ocean resources was at the forefront of the United Nations Convention on the Law of the Seas (UNCLOS 1982) when it was ratified by countries including those from the EU and West Africa. Part V, Article 61(3) stipulates that:

*The coastal state taking into account the best scientific evidence available to it, shall ensure through proper conservation and management measures that the maintenance of the living resources in the Exclusive Economic Zone is not endangered by over-exploitation. As appropriate, the coastal state and competent international organisations, whether sub-regional, regional or global, shall cooperate to this end. (UNCLOS 1982:46).*

On the one hand, countries across West Africa with whom the EU enters into Sustainable Fishing Partnership Agreement (SFPA) – previously Fishing Partnership Agreement (FPA) seem to be primarily concerned about generating revenue from their fisheries resources despite – the lack of information and monitoring capacity – the limited knowledge on the status of their fishery resources (Okafor-Yarwood 2019, Doumbouya *et al.* 2017, Belhabib, *et al.* 2015a).<sup>2</sup> On the other hand, the EU understands the need for implementing, in its entirety, UNCLOS provisions in its own waters, which is why it has robust systems in place for ensuring the sustainable exploitation of its marine resources, allowing for the restoration (even if questionable) of EU’s fisheries resources (Seto, 2016: 86; Vulperhorst *et al.*, 2017). This realisation led to the introduction and adoption of the Common Fisheries Policy (CFP) in 1983 – which has since been updated with the latest reform coming into effect in 2014. The CFP, implemented through the provision of subsidies used for SFPA, is aimed at making fisheries and aquaculture more sustainable and profitable for the EU, (EC 2018: 46).

<sup>2</sup> Following the 2013 reform of the CFP, the name of EU’s agreement with third countries was changed from FPA to SFPA to signal the Commission’s intention of putting sustainability at the fore of its agreements, (Lado 2016: 322), implying that EU fishing vessels will only catch surplus catch, as enshrined in UNCLOS Article 62, (Seto 2016: 94).

The recognition that most developing countries, including those in West Africa, might not have the capacity to exploit the resources within their Exclusive Economic Zone (EEZ), incentivised the inclusion of Article 62(2) in the UNCLOS:

*[the?] Coastal state shall determine the capacity to harvest the living resources of the exclusive economic zone. Where the coastal state does not have the capacity to harvest the entire allowable catch, through agreements or other arrangements and pursuant to the terms, conditions, laws and regulations referred to in paragraph 4, give other states access to the surplus of the allowable catch... (UNCLOS 1982: 46).*

This provision allows the governments of countries in the region with a short-term economic outlook to enter into SFPAs with distant-water fishing nations and political-economic entities such as the EU. Despite evidence suggesting that certain species like demersal species are either fully or over-exploited, and some of uncertain status (Le Manach, *et al.*, 2013; Doumbouya *et al.*, 2017; Belhabib, Sumaila and Le Billon, 2019; Okafor-Yarwood, 2019), the EU – alongside other distant-water fishing nations – continue to exploit such species in West Africa while working to ensure the sustainability of fisheries within the EU waters.

The conflicted nature of the EU's CFP and the actions undertaken to conserve its ocean's resources at home, is symbolised by the fact that EU vessels tend to fish beyond capacity (sometimes illegally), in third countries where they have SFPAs, (Oceana 2016, Vulperhorst *et al.* 2017). Moreover, the opportunistic nature of the EU's CFP's is also supported by the position that it enters into SFPA's with countries with limited capabilities to police activities of vessels in their waters, and also States that have once been identified as enabling IUU fishing in their waters through their actions or inactions (Okafor-Yarwood 2019, Doumbouya *et al.* 2017, European Commission 2015). Thus, the view is supported that one of the aims of the CFP is to allow for the recovery of overexploited species in EU own water, (See: Chen 2010:171) at the expense of deleterious effects elsewhere, especially in West African waters. This position is demonstrated by the fact that in February 2018, the EU Commission celebrated the dividends of efforts to ensure the management of its fisheries, by announcing that there has been,

*...a solid recovery of popular fish stocks like North Sea cod, which were severely depleted just a few years ago' ... The responsible catch limits proposed by the [EU] in the Atlantic, the North Sea and the Baltic Sea have seen overexploitation decline drastically. Today, 53 out of 76 stocks for which data are available are fished*

*sustainably – compared to 44 stocks in 2017 and just 5 stocks in 2009. For stocks managed wholly by the EU, 97 per cent by volume are being fished at sustainable levels, (European Commission 2018f).*

The same cannot be said for third countries such as those in West Africa with whom the EU have SFPAs. As Seto (2016) observes, the CFP through the access agreements allows EU to move overcapacity to West African waters, thereby shifting the declines seen in its stocks to West Africa, ‘while also maintaining the benefit of the resource to Europe’, (Seto, 2016:86). Seto went on to add that while reducing capacity has been presented as a priority for the last thirty years, little to no reduction has taken place, (Seto, 2016:86). This is evidenced by two key CFP policies:

- Fishing within the Maximum Sustainable Yield (MSY) level (EC, 2013: p. 23), which is a core policy, is clearly violated by EU vessels in West Africa (see below) as they overexploit the fisheries resources of third countries in West Africa, including engaging in IUU fishing (Belhabib et al., 2015; Vulperhorst et al., 2017);
- A discard ban in effect since January 2015 (EC, 2013: p. 35) is clearly not working, with evidence that EU vessels (particularly trawlers) discard perfectly edible fish during their fishing operations in West Africa (Belhabib et al., 2015a) – including shark finning, one of the most destructive fishing practices in the region (Greenpeace, 2017).

The argument presented in this paper will focus primarily on the MSY aspect of the reformed CFP. The present paper makes a useful contribution to the debate on the duplicitous application of the EU fisheries policies. It also contributes to the discussion on the selective application of EU’s IUU fishing regulations and the role the EU’s fisheries subsidies which facilitates SFPAs with third countries play in expediting the overexploitation of fisheries species, thus undermining the food and economic security of vulnerable countries such as those in West Africa.

Following the methodology, the current paper sets the background in the third section with an overview of the EU common fisheries policies. This section will also seek to highlight the unsustainable nature of the EU's fishing operations in West Africa, which allows for the implementation of the CFP. By so doing, it hopes to show that despite the 2014 reforms of the CFP, the EU has been consistent in showing that its SFPAs with third countries is about business and profitability and undermines the sustainable exploitation of the resources in those

countries. Yet, one can hardly argue that the DWF fleets under fishing agreements would be profitable without the subsidy enablers.

Also, within this section is a review of the EU's global effort to combat illegal practices such as IUU fishing. In doing so, it aims at showing the selective application of the EU IUU fishing regulations, which is useful for supporting the central argument of this paper about the duplicitous nature of the EU fisheries policies. The fourth section highlights the lack of broader ethical and strategic foresight in the EU's action by drawing examples from Liberia. The EU has identified this country as not doing enough to monitor activities of vessels operating in their waters, yet fishing operations within and trade with Liberia are ongoing. Section five exposes the contradictions in the EU's CFP, and uses examples from Guinea-Bissau to highlight how the SFPA in this country threatens the long-term food and economic security of select countries of West Africa. Notably, there are two kinds of SFPAs: A Tuna agreement which allows vessels from the European Union to pursue migrating tuna stocks in select countries of West Africa and a mixed agreement which provide access to a wide range of fish stocks in the partner country's exclusive economic zone (European Commission 2018a). The paper concludes with a brief discussion on the imperative to implement in its entirety the provisions of the reformed CPA, and a review of the existing SFPAs.

## **2. Methodology**

The following analysis is based on a review of existing literature and policy documents. It applies the logic of triangulation (See: Punch, 2005: 241-2) which entails the qualitative analysis of legal and policy documents that are checked against a quantitative dataset extracted from fisheries and trade databases which highlights the level of catch between the EU and third countries and current IUU fishing infringements/sanctions. These are summarized as follows:

- A review of fisheries' partnership agreements signed between January 2013 and December 2018, extracted from the European Commission website (European Commission, 2018a).
- An analysis of the catch data between the EU and countries with whom it has a fishing partnership agreement in West Africa extracted from the Sea Around Us Database covering 2010 and 2014, (Intchama et al., 2018; Belhabib et al., 2016b; Belhabib, 2015; Belhabib et al., 2013a,b,d; Belhabib and Pauly, 2015a,b; Pauly and Zeller, 2016; Santos et al., 2013). We then cross-referenced EU catches within the EEZs of select West African countries for species whose landed value contributes 5% or more to the total landed value with the exploitation status of those species (moderately exploited, under-exploited, fully exploited, or depleted/overexploited). Species status is extracted from, (Belhabib et al., 2019; FAO n.d.; ICCAT, 2018; ICCAT, 2014; FAO, 2019).
- IUU fishing regulation infringements/sanctions between 2012 and 2017 are considered herein to allow for a proper evaluation of the level of trade between the EU and countries accused of violating EU regulations.

## **3. Results**

### **3.1 The European Union Common Fisheries Policy: what does it entail?**

The EU CFP was first introduced in 1983. It is aimed at ensuring that fishing and aquaculture are environmentally sustainable and managed in a way that is consistent with the objectives of achieving economic, social and employment benefits for the EU and their citizens (Europarl, 2019: 4). There have been reforms to the CFP in 1992, 2002, with the most recent one being in 2013, (EC 2013) – came into force in 2014, in recognition of some of the criticisms of the impact of the policies in contributing to the decline in fish stocks and poor economic resilience. The current CFP aimed to incorporate the protection of waters outside the EU – especially third countries where it has fishing access agreements, (Seto 2016:68-9).

Among other things, the reformed CFP stipulates that it will seek to ensure that between 2015 and 2020, fisheries exploitation would be carried out in line with the MSY reaffirming its commitment to the 2002 Johannesburg Summit on Sustainable Development to act against the continued decline of many fish stocks, (EC, 2013: p.23). By committing to fish at MSY level, the EU recognises the importance of ensuring the sustainable exploitation of the marine, seas, and ocean's resources as enshrined in the Sustainable Development Goals no 14 of the United Nations. Therefore, the current paper will develop its argument based on the assessment of the EU's fulfilment of its commitment to the MSY by analysis the status of the fisheries species targeted by the EU in third countries in West Africa where they have recently completed and or ongoing SFPA.

At the time of writing, the EU has SFPAs with seven countries in West Africa, (European Commission 2018a, 2018c, 2018b, 2018e):<sup>3</sup>

- Guinea-Bissau – A mixed fishing agreement which expired 23<sup>rd</sup> November 2017, renewed in November 2018 to expire in 2023
- Côte D' Ivoire – A tuna agreement which expired on the 30<sup>th</sup> of June 2018 (renewal procedures completed in August 2018, agreement extended till 2024, but, not yet implemented
- Liberia – A tuna agreement which expires on the 8<sup>th</sup> of December 2020
- Cape Verde – A tuna agreement which was due to expire on the 22<sup>nd</sup> of December 2018. It was renewed on the 15<sup>th</sup> of October for another five years, and due to expire in 2023.
- Mauritania – A mixed agreement which expires on the 15<sup>th</sup> of November 2019
- Senegal – A tuna (and hake component) agreement which expires on the 19<sup>th</sup> of November 2019
- Gambia – A tuna (and hake component) agreement which was signed in October 2018 and expected to expire in 2024.

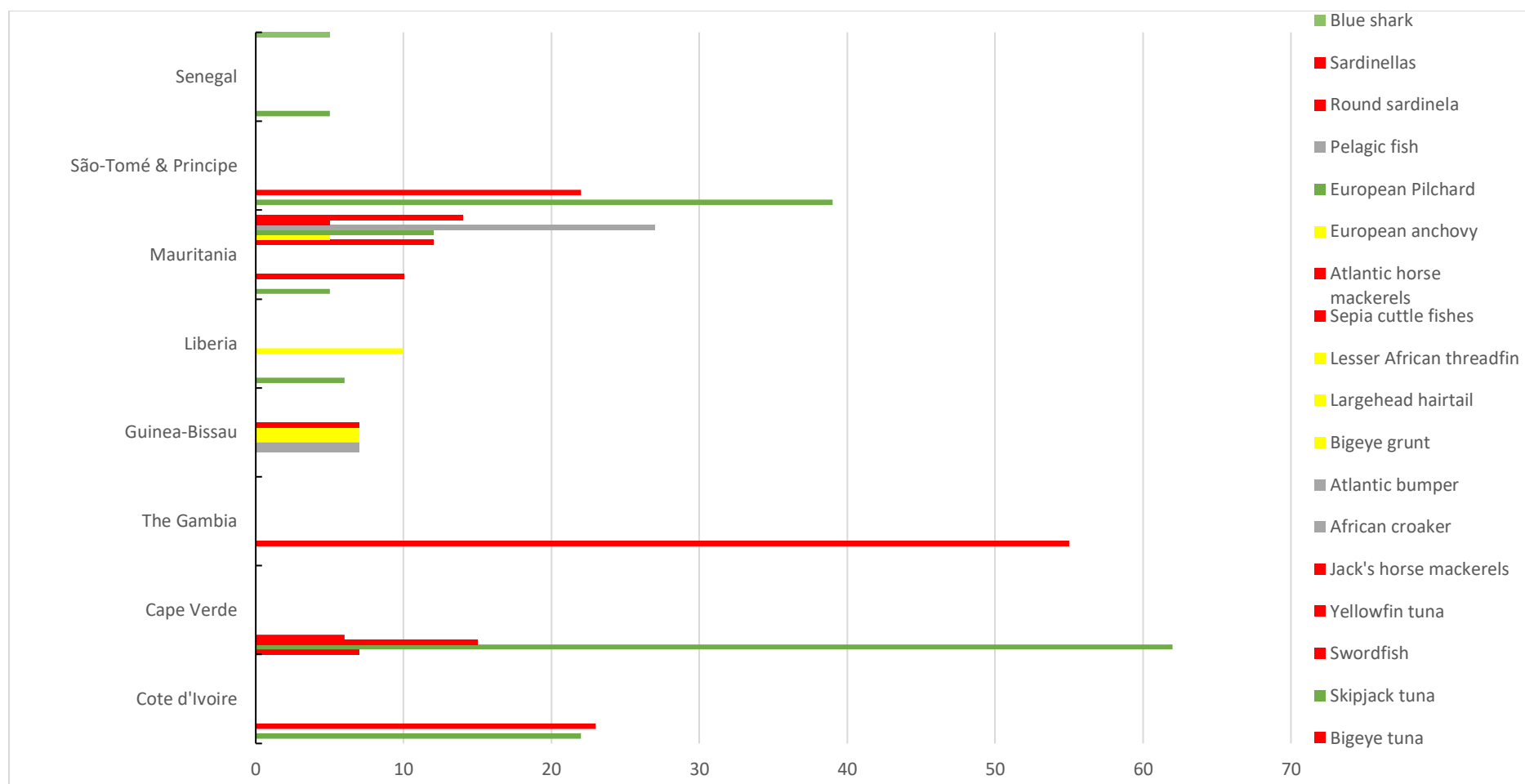
The EU also has two 'dormant' fishing agreements with Gabon and Equatorial-Guinea (The Gambia was another of these countries until October 2018 when the EU signed an active fishing agreement with the country). These agreements are referred to as dormant because, although there is an SFPA in place with these countries, there is no protocol in force as a consequence of which vessels from EU states are not allowed to fish in their waters (European Commission,

<sup>3</sup> A tuna agreement with São Tomé and Príncipe expired on the 22<sup>nd</sup> of May 2018, (European Commission 2018d).



2018a). Yet, in 2017, a number of EU vessels were documented as having fished outside these agreements during the period 2012 to 2015 in contravention of the dormant agreements (Vulperhorst et al., 2017), which goes against EU regulations.

Whereas the case study of this paper is drawn primarily from Liberia and Guinea-Bissau, both of whom have ongoing SFPAs, the review is wider in scope to cover other West African countries with ongoing or recently expired ones whose inclusion is necessary for a thorough understanding of the extent of the EU's violation of its commitment to a sustainable exploitation of fisheries resources in third countries as required by its revised 2014 CFP. As evidenced in Fig. 1 below, the so-called EU 'SFPA' contravenes the provisions of its revised CFP which places a new emphasis on fishing at a sustainable level across all relevant waters, including those of third countries, and thus exposes duplicity in their actions. Duplicity can mean different things to different people; in this paper it refers to double-standards or inconsistency in the application of policies. Specifically, Fig. 1 shows a list of selected species that have been overfished by EU vessels in third countries in West Africa in a recent five-year period (2010–2014) notwithstanding the fact that, as the authors are able to demonstrate, a majority of these species are already either depleted/overexploited or fully exploited. In practice, therefore, through their ongoing and or renewed SFPAs, the EU continues to exploit these resources in contravention of their MSY commitment.



Percentage of total catch by EU vessels, by Exclusive Economic Zone, 2010- 2014. Red represents depleted or over-exploited species, orange represents fully-exploited species, green represents moderately exploited or under-exploited species, and gray represents species for which no information is available.<sup>4</sup>

<sup>4</sup> N.B. The total percentage for each country reviewed does not add up to 100 per cent because, as set out in the methodology, only species whose commercial value represented 5 per cent or over of the total landed value were included. Data extracted from: (Santos et al., 2013; Belhabib et al., 2016; Belhabib et al., 2013c,d; Belhabib and Pauly, 2015; Belhabib and Pauly, 2015a; Intchama et al., 2018; Belhabib, 2015; Belhabib et al., 2014; Pauly and Zeller, 2016). Also, Fig. 1 stock status adapted from (Belhabib et al., 2019; FAO, 2019; FAO, n.d., 2018; ICCAT, 2014, 2018).

Overall, over 20 per cent of the species caught in Sao-Tome and Principe are over-exploited and nearly 40 per cent moderately exploited.<sup>5</sup> Ten per cent of the species caught in Liberia are fully exploited, and six per cent moderately exploited.<sup>6</sup> For Mauritania, 41 per cent of the species caught are overexploited, 5 per cent are fully exploited, 17 per cent are moderately exploited and 27 per cent are of unknown status.<sup>7</sup> For Guinea-Bissau, 7 per cent of the species caught by the EU are overexploited, 21 per cent are fully exploited, and 14 per cent are of unknown status.<sup>8</sup> Fifty-five per cent of the species caught in The Gambia are overexploited.<sup>9</sup> As with some of the other countries, the figures for Cape Verde vary, with 28 per cent of the species caught in its waters being overexploited, and 62 per cent being moderately exploited.<sup>10</sup> The figures also vary for Cote d'Ivoire, with 23 per cent of the species caught in its waters overexploited, and 22 per cent moderately exploited.<sup>11</sup> In Senegal 10 per cent of the species caught in the country's waters are moderately exploited.<sup>12</sup> The paper recognises that the primary onus is on the third countries to ensure the sustainable exploitation of their resources as stipulated by UNCLOS (1982:46). In seeking to do so, however, such countries are not assisted by the EU's actions which lack merit and demonstrate duplicity in their proclaimed intention to fish within the MSY level by ignoring data which make clear the depleted and or fully exploited status of the targeted species (See:Belhabib et al., 2019; FAO, 2019; FAO, n.d., 2018; ICCAT, 2014, 2018).

In addition, as a consequence of the EU being implicated as encouraging unsustainable practices in third countries, its vessels do not seem to adhere to the same principle of sustainability that applies in EU waters when operating in third countries. This assertion is based on the fact that EU vessels were identified as fishing in waters off the coasts of The Gambia and Equatorial-Guinea despite not having an active SFPAs with either of those countries (Vulperhorst et al., 2017). According to a 2017 report by the conservation group Oceana, 19 vessels from Portugal, Spain, Greece and Italy spent over 31,000 hours between

<sup>5</sup> 22% of Yellowfin tuna are depleted/over exploited, with 39% of Skipjack tuna moderately exploited and inline with the MSY level.

<sup>6</sup> 10% of Bigeye grunt are fully exploited, 6% Skipjack tuna moderately exploited and inline with the MSY level.

<sup>7</sup> 14% of Sardinella, 5% Round sardinella, 10% Jackhorse mackerel and 12% Atlantic horse mackerel are depleted/overexploited. 5% European anchovy are fully exploited. 12% European Pilchard and 5% Skipjack tuna are moderately exploited and inline with the MSY level. 27% pelagic fish are of unknown status.

<sup>8</sup> 7% of Serpia cuttlefish are depleted/overexploited, 7% Lesser African treadfin, 7% Largehead hairtail, 7% Bigeye grunt fully exploited and 7% Atlantic bumper, 7% African Croaker of unknown status.

<sup>9</sup> 55% of the Jack's horse mackerel depleted/overexploited.

<sup>10</sup> 6% Yellowfin tuna, 15% Swordfish, 7% Bigeye tuna are depleted/overexploited and 62% of Skipjack tuna moderately exploited and inline with the MSY level.

<sup>11</sup> 23% of the Yellowfin tuna are depleted/overexploited and 22% of Skipjack tuna moderately exploited and inline with the MSY level.

<sup>12</sup> 5% of the Bluejack shark and 5% of Skipjack tuna moderately exploited and inline with the MSY level.

April 2012 and August 2015 fishing illegally in waters off the coasts of The Gambia and Equatorial-Guinea (Vulperhorst et al., 2017). This report notes that the governments of Portugal, Spain, Greece and Italy negotiated a private agreement with the two countries despite being advised by the European Commission that such an agreement is not permitted when there is a dormant agreement in place (Vulperhorst et al., 2017).

Recent evidence suggests that Italy, which was implicated for illegal fishing by the Oceana report in 2017, continued to engage in illegal activities elsewhere. Specifically, a complaint submitted by the Coalition for Fair Fisheries Arrangements (CFFA) to the European Commission in January 2019 noted that these same Italian vessels implicated for fishing illegally in The Gambia had been making incursions into the inshore zone reserved for artisanal fisheries in Sierra-Leone, catching species which they were not allowed to catch and transshipping without authorisation (CFFA, 2019). The activities of these vessels exposes the inconsistency of the EU's position on sustainable fisheries in third countries, as their vessels continue to plunder the resources of such countries despite the reformed CFP.

Further, the examples from The Gambia, Equatorial-Guinea, and Sierra-Leone also expose the inadequacies of the EU IUU fishing regulation, introduced in 2010, which came out of deliberations at the Food and Agriculture Organisation of the United Nations and international agreements on IUU fishing (EC, 2019). This regulation seeks to combat IUU fishing by, inter alia, banning fishery imports from countries that do not take the necessary steps to prevent, deter and eliminate IUU fishing (DG MARE, 2009). Article 31:3 of the regulation notes that a state may be identified as non-cooperating if it is unable and/or fails to discharge the responsibilities incumbent on it by international regulations and thus has failed to take reasonable action to prevent, deter and eliminate IUU fishing (The Council of the European Union, 2008). There are different factors that necessitate the listing of a third country as non-cooperating, which include but are not limited to the following: first, the history, nature, circumstances and the pervasiveness of IUU fishing in the country; second, the existing capacity of the competent authorities – especially those in developing countries; and, third, the ratification of relevant international fisheries instruments (The Council of the European Union, 2008).

Under the IUU regulation, three cards can be issued under a system designed to deter IUU fishing and associated practices. First, countries that are seen to have inadequate measures in place to ensure catch is legal may be issued with a formal warning – a yellow card. Second, if they fail to improve, they face having their fish products banned in EU market – a red card.

Third, when they make the required improvements, they are delisted – a green card (Okafor-Yarwood, 2019). Guinea was one of the first countries of West Africa to be issued with such a warning (a yellow card) in 2012. However, after failing to make enough improvement despite EU support, the yellow card was upgraded to a red card. We note that, at the time, many EU vessels were engaging in IUU activities within the country (Belhabib et al., 2016). Guinea was subsequently delisted after making improvements by increasing fisheries transparency, amending its fisheries act and improving management of its marine fisheries resources (Okafor-Yarwood, 2019).

Other countries in the region have also been cautioned for not complying with the regulations. Togo was issued with a yellow card in 2012 and delisted in 2014. Ghana was issued with a yellow card in 2013, which was lifted in 2015 after instituting some of the EU recommendations. Sierra-Leone was also issued with a warning in the form of a yellow card in 2016; this warning is still in place. Finally, Liberia was issued with a yellow card for failing to adopt some EU recommendations in May 2017 which is still in place (European Commission, 2018e). All these factors are relevant in ensuring that third country states live up to their responsibilities of ensuring the sustainable use of their ocean resources. However, as evidenced by Table 1 below, and in the cases of The Gambia, Equatorial-Guinea and Sierra-Leone discussed above, the application of the regulation by the EU has been, at best, selective. The EU continues to do business with countries when there is clear evidence to support their incapability to monitor activities of the vessels operating in their waters, and as such, are incapable of meeting the stipulations of the regulation.

**Table 1 List of countries that have been and or current carded by the EU under the IUU regulations and the level of trade with the EU.**

<b>Card</b>	<b>Issuance year</b>	<b>Exports level to the EU (\$ million US)</b>
Cambodia	2013	\$ 379.2
Comoros	2017	\$ 0.5
Saint Vincent & Grenadines	2017	\$ 3.8
Kiribati	2016	\$ 28
Liberia	2017	\$ 19.6
Saint Kitts & Nevis	2014	\$ 2.6
Sierra Leone	2016	\$ 10.8
Taiwan	2015	***
Trinidad and Tobago	2016	\$ 3.1
Vietnam	2017	\$ 3,526
Guinea	2013	\$ 9.4
Belize	2014	\$ 83.2
Sri-Lanka	2015	\$ 14.9
Philippines	2014	\$ 242.7
Curacao	2013	\$ 522.1
Ghana	2013	\$ 4,785
Fiji	2012	\$ 1.2
Panama	2012	\$ 57.2
Papua New Guinea	2014	\$ 47.6
Solomon Islands	2014	\$ 0
South Korea	2013	\$ 50,652
Thailand	2015	\$ 19,882
Togo	2012	\$ 41.6
Tuvalu	2014	\$ 0
Vanuatu	2012	\$ 0.4
<b>Red carded countries</b>		<b>\$ 491</b>
<b>Yellow carded countries</b>		<b>\$ 79,821.9</b>

An interesting trend emerged from the analysis of the Table 1 above (detailed in Supplementary Tables 1 and 2) that supports the argument made in this paper about the perceived selectivity in the EU's execution of its IUU fishing regulations. The figures show clearly that the level of trade between the EU and Guinea was low in the five years before the red card was issued when compared to Ghana and Liberia, and similar to Sierra-Leone, all of which got a yellow card. Moreover, in 2013/2014, the EU banned Belize, Guinea and Cambodia for not making improvements that would bring about sustainable fisheries in their countries. In the same period, as seen in Table 1, the EU issued South Korea, Ghana and Curaçao with only a warning

\*\*\* No data was found. It is possible that China may be reporting on behalf of Taiwan.

in the form of a yellow card. It is, however, not a coincidence that the five-year aggregate level of trade between the EU and the yellow carded countries is on average US\$840 million/year, while the red carded countries export less than an average of US\$17 million /year (Table 1). In this present analysis, we estimate the total five-year trade level for red carded countries at \$491million, and for yellow carded countries at US\$79.8 billion (Table 1).

#### **4. Sustainable fisheries versus economic interest: examples from Liberia**

Fish accounts for up to 80 per cent of the animal protein consumed by Liberians, 12 per cent of their agricultural GDP and around 3.2 per cent of the overall GDP of the country (NFDS et al., 2013). The small- scale fisheries sector primarily targets pelagic fish, which account for an estimated 60% of their catch, with tuna, billfish and bonito making up 10% of it. The sector employs an estimated 39,000 people, of which 60 per cent are women (Belhabib et al., 2015b). In addition, fisheries in Liberia have historically contributed to increasing the resilience of coastal communities in the face of armed conflicts (e.g. the 1990s civil war) and natural disasters (such as the Ebola epidemic outbreak) (Belhabib et al., 2018a). However, the ability of Liberia's fishery re- sources to continue contributing to the food and economic security of the country and its people is existentially threatened by large-scale fishing vessels operating legally and illegally in their waters (Belhabib et al., 2016).

the actions and/or inactions of the government who, in view of Liberia's economic deficiencies, are desperate for immediate revenue – selling fishing rights and flagging vessels despite not having the means to su- pervise their maritime domain (Till, 2013; Okafor-Yarwood, 2019). This is evinced, for example, by the fact that, despite being the second biggest shipping registry in the world, the country's maritime agencies do not have a robust system in place for monitoring the vessels that fly its flag. This has resulted in the overexploitation of its fisheries as some of these vessels engage in activities that amount to IUU fishing, with IUU fishing accounting for up to 59.4 per cent of the total catches in the country (Belhabib et al., 2016).

In addition to decreased food and economic security, along with jeopardizing coastal communities' ability to cope with conflicts and disasters, fishing access, whether legal or illegal, has historically con- tributed to creating or intensifying conflicts in third countries. The EU's actions in response to these conflicts may illustrate another level of their duplicity. Indeed, examples of illegal fishing vessels, including previously blacklisted, sanctioned and suspected vessels, contributing to conflicts are common. In 2016, for instance, a trawler, Greko 1, owned by a Greek company which in 2013 received €1.4 million in subsidy under the EU capacity

reduction scheme to scrap Greko 1 and another of its vessels Greko 2, was detected as having been operating illegally off the coast of Somalia since 2010. As part of this subterfuge Greko 1, which had since 2004 been registered in the European Commission Fishing Registry as flagged by Greece, in 2013, the year that the EU paid the Greek company for scrapping the vessel, Greko 1 was entered into the Belizean vessel registry as flagged by Belize so as to avoid detection (Fish-i-Africa, 2017). The relevance of this example to the argument presented in this paper is that, notwithstanding that the reformed CFP came into effect in 2014, Greko 1 continued to engage in illegal fishing off the coast of Somalia until 2016 when it was caught and the Greek owner fined (Fish-i-Africa, 2017). This illustrates how the EU's scrapping subsidies can be misused as a tool for plundering the resources of third countries, while also increasing the propensity for conflict in those countries given that there is a link between IUU fishing and piracy off the coast of Somalia.

More recently, according to the Criminal Record of Fishing Vessels (Belhabib and Le Billon, 2018), the Txori fleet, flagged to Spain and owned by INPESCA, a Spanish company, was involved in multiple counts of illegal fishing in Liberia and off the coast of East Africa since 2012. One of their vessels, which had an armed protective detail onboard, was known for illegal fishing off the coast of Mozambique and had been previously blacklisted (See: Fish-i-Africa, 2012; NFDS Africa, 2013: p.11), was fired upon by pirates off the coast of Somalia where it did not have an authorization to fish (Eunavfor, 2019). This raises the question of the EU's ability to monitor effectively the implementation of its CFP including the prevention of its fleet from carrying out IUU fishing. Moreover, it can be seen that EU subsidies to the fishing companies, when not properly controlled, may result in high risk fleets funded by such subsidies operating in vulnerable areas such as off the coast of Somalia and in other sensitive areas, which not only provokes conflict with local fishing vessels but also acts as an exemplar to more sinister criminal operators.

Contrary to the UNCLOS Article 61 (3) stipulations which charged coastal states to ensure that stringent measures are in place to prevent the overexploitation of their resources (UNCLOS, 1982), the Liberian government allows the exploitation of its resources despite the country's inability to meet the postulated control guidelines. Notwithstanding the lack of capacity to manage effectively the activities of vessels operating in Liberian waters, evident in the level of IUU fishing therein, in 2015 the EU signed a five years SFPAs with Liberia that would allow it to exploit the country's tuna resources until 2020. In the first year of the agreement the EU paid €715,000, in each of the 2nd, 3rd and 4th years the payment is €650,000 and in the 5th year



€585,000 (European Commission, 2015). As a country trying to recover from the scars of civil war and most recently the deadly Ebola epidemic, the SFPAs offer the government a steady flow of revenue. However, the amount paid by the EU to the country pales into insignificance when compared to the value of the fish taken, as the EU are notable for paying below the prevailing rates for their catches (Ludicello et al., 2012; Witbooi, 2011; Mundt, 2012; Kaczynski and Fluharty, 2002; Belhabib et al., 2015a; Ilnyckyj, 2007). According to Belhabib et al., the landed value of the legal catches caught by the EU fleet in Liberia between 2000 and 2010 was US\$17.8 million per year, of which only US\$5.9 million was reported. In addition, the EU fleet accounts for losses of over US\$19 million to illegal fishing in Liberia (Belhabib et al., 2015). Not only does the EU pay relatively low for access to fisheries in developing countries (such as Liberia), its vessels fish beyond capacity thus undermining the long-term food and economic security of such countries, especially as the tuna species targeted by EU vessels are an important part of the fisheries catches of the relevant artisanal fishers (See: Belhabib et al., 2015b).

It was not until May 2017, as part of its quest to ensure sustainable fisheries by deterring flag states from flagging vessels without having the necessary provisions for monitoring their activities, that the EU Commission issued Liberia with a ‘yellow card’ (EEAS and European Commission, 2017).<sup>13</sup> By doing so, the EU accepted that unless something radically different were to be done by the government, the sustainability of the country's fisheries would be under threat. Article 38(8) of the IUU regulation has provisions for the revocation by the EU of any outstanding bilateral fisheries agreements and or SFPAs with any state found to be contravening the regulation (The Council of the European Union, 2008). Despite evidence to support the pervasiveness of IUU fishing – which is equivalent to 59.4 per cent of the reported catch in Liberia (Belhabib et al., 2016) – the EU did not go as far as issuing the country with a red card as stipulated by the IUU fishing regulation, which would probably have resulted in the retraction of the SFPAs and thereby the right of EU vessels to fish there. By the EU not halting the agreements until there was visible improvement in the way the sector was managed in Liberia, we raise the question as to whether it is more concerned about advancing its economic interests than ensuring the sustainable exploitation of fisheries resources as required by the IUU fishing regulation and the reformed CFP.

<sup>13</sup> A yellow card serves as a warning that any more failings would lead to a red card. Specifically, A yellow card is issued to countries that are seen to have inadequate measures in place for regulating IUU fishing in their waters, (Okafor-Yarwood, 2019).

Further, regardless of the reformed CFP, which among other things highlights the EU's commitment to fishing at an MSY level between 2015 and 2020 (EC, 2018), the EU's tuna agreement with Liberia, under which 10 per cent of the tuna species that it is permitted to target are fully exploited, is evidence that the so called SFPAs are primarily business agreements aimed at maximising profit and ensuring sustainable fishing at home by maintaining, if not increasing, [cheap] fish supply from third country waters, regardless that they undermine the marine resources therein.

The authors note the important part played by the subsidies used to implement the SFPAs, without which the distant water fishing fleets under fishing agreements would not be profitable. Driven by these subsidies, the SFPAs in their current state in effect enable the over-exploitation of fisheries in third countries and thus contradict the EU's goals of an agreement that is sustainable, equitable, beneficial to all parties and improves the management of fish stocks. The duplicitous nature of the EU's implementation of its current CFP is further exposed by the fact that, in 2017, the European Commission noted that their agreements with third countries only allow EU vessels to fish surplus resources not required by local fishers (Vella, 2017) whereas in practice this is not the case, as evidenced by the example of Liberia and indeed those of other countries listed in Figure 1, as EU vessels target fully exploited and depleted/overexploited species which local fishers need for their livelihood and seek to nurture.

##### **5. Common Fisheries Policy as inimical to long-term food and economic security: examples from Guinea-Bissau.**

Guinea-Bissau is another example that highlights the duplicity of the EU CFP. It is one of the world's poorest and most economically and politically fragile states (The World Bank, 2017), ranking 177 out of 189 in the 2018 UNDP Human Development Report (UNDP, 2018). Guinea-Bissau has historically been plagued by political instability resulting from years of coups, failed coups and civil conflicts and is currently at a political impasse (UNSC, 2017; Neuman, 2015; Andriamihaja et al., 2011; Toupane, 2019). With dwindling economic alternatives, fish plays a significant role in the food security of the Bissau-Guinean population contributing more animal protein than any other sector of the economy (UNSC, 2017; Neuman, 2015; Andriamihaja et al., 2011; Toupane, 2019). It also makes a significant contribution to the economic security of the country, with the fishing industry generating up to 50 per cent of the government's revenue (Heitman, 2009: 45) and 6 per cent of GDP (Intchama et al., 2018). With the small-scale fishing sector employing an estimated 255,000 people, many of whom are women (Intchama et al., 2018), fisheries clearly represent an avenue for increased economic

re-silience for coastal communities in a country that desperately needs it. However, increased competition and unscrupulous practices reduce fishing opportunities for the artisanal fisheries sector and further intensify poverty and food insecurity. Indeed,

Indeed, unsustainable practices that undermine the marine environment such as overfishing and IUU fishing have been identified as being prevalent in the country's maritime domain. IUU fishing accounts for 50–60 per cent of the total reported catch in the country (Okafor-Yarwood, 2019). With an estimated 60,000 tonnes per year in IUU catches (Doumbouya et al., 2017) such fishing in Guinea-Bissau is responsible for losses estimated at US\$75 million a year (Intchama et al., 2018), thereby threatening the ability of fisheries to continue to contribute to the food and economic security of the country and its people. The pervasiveness of IUU fishing in Guinea-Bissau's waters is due to poor fisheries management and lack of a robust mechanism for ensuring the sustainable use of its fisheries resources. The country's naval strength is a mere 350 personnel, charged with the responsibility of safeguarding its 88 islands equipped only with two patrol boats whose operational status is uncertain (Okafor-Yarwood, 2019). These inadequacies result in the overexploitation of the country's fisheries resources by vessels from distant-water fishing nations such as those from the EU, China, South Korea, Russia and fleets flagged to Flag of Convenience countries of whom have various forms of fishing agreements with the country (Intchama et al., 2018; Okafor-Yarwood, 2019; Viridin et al., 2019a).

For the EU, whose primary interest appears to be ensuring sustainability at home and profitability of their fisheries and aquacultural sector (EC, 2018), the overexploitation and subsequent depletion of the fisheries resources of a country like Guinea-Bissau does not appear to be an immediate concern. Typically, this sort of business relationship is superficially of mutual benefit, as Guinea-Bissau generates much needed revenue by entering into the so called SFPAs with the EU. The problem for Guinea-Bissau however is that, without the capacity to monitor the activities of fishing vessels operating in its waters (Doumbouya et al., 2017; Okafor-Yarwood, 2019) it is impossible for the exploitation of its fisheries to be conducted in a sustainable manner. Thus, the benefit of Guinea-Bissau signing an SFPAs with the EU is outweighed by the possible long-term impact on the country's food security, resulting from the overexploitation of its fisheries which will result in declining revenues (Belhabib et al., 2015a).

In furtherance, the evidence set forth in Fig. 1, above, showing the status of the species targeted by the EU between 2010 and 2014 demonstrates that the EU is acting contrary to its reformed CFP commitment to fish within the MSY level between 2015 and 2020. Specifically, the

figures indicate that 21 per cent of the species targeted by the EU in Guinea-Bissau are fully exploited and 7 per cent overexploited. Hence, renewing the fisheries agreement with Guinea-Bissau to exploit the same species is damaging to the country and indeed contradicts the EU's policy of a sustainable exploitation of resources under which it should target only surplus species (Lado, 2016; EC, 2018). This spells doom for the long-term food and economic security of Guinea-Bissau and their people who depend on fisheries for subsistence, as species such as sepia cuttlefishes which are already depleted/overexploited and lesser African threadfin among others, which are fully exploited, are nonetheless caught by EU vessels to the detriment of the small-scale fishers who rely upon them.

Moreover, we see that there is sequential over-exploitation, meaning that stocks are gradually depleted one species at a time. An example is Senegal in whose waters the grouper species were overexploited and depleted in the 1970s; sardinella then became the second most exploited species and by now has been overexploited thanks to the rapid expansion of industrial fisheries and the adaptive response of artisanal fishers who increased their fishing efforts in time and space (Belhabib et al., 2014). Given the significance of fisheries to livelihoods, this cycle of depletion undermines the ability of fisherfolks to attain some of the Sustainable Development Goals, such as SDGs 1, 2, 3, 4, 5, 8 and 14 – seeing an end to poverty, hunger, ensuring good health, quality education, gender equality, economic growth and sustainable use of the ocean's resources, respectively (UN, 2015; Okafor-Yarwood, 2019).

There is a stark difference between the resources exploited and the financial benefits or returns for the holders of the fisheries agreements. Specifically, Ilnyckyj noted that in 1996 the government of Guinea-Bissau received a US\$8.25 million compensation in exchange for fishing rights for the EU (Ilnyckyj, 2007) which enabled its vessels to catch fisheries species to the value of US\$78,000,000 – US\$69,750,000 more than the amount paid to the country for the said agreement. With less than 10 per cent of the catch sold locally, the agreement undermines the food and nutritional security of the local population (Ilnyckyj, 2007). For their part, Belhabib et al. opine that the average annual value of the access agreement between the EU and Guinea-Bissau for the period between 2000 and 2010 was US\$5,700,000 which however enabled EU vessels to exploit fisheries species to the average annual value of US\$27,600,000 – US\$21,900,000 more than the amount paid to Guinea-Bissau (Belhabib et al., 2015a).

This paper does not in any way seek to suggest that vessels from the EU are the only ones complicit in this sort of behaviour. Chinese vessels also take advantage of the lax fisheries and

maritime security arrangements in Guinea-Bissau. The average annual value of the access agreement with China for the period between 2000 and 2010 was only US\$2.9 million (Belhabib et al., 2015a) notwithstanding that this agreement enabled vessels from China to catch species up to an average annual value of US\$34 million – US\$31.1 million more than the amount they paid for the agreement (Belhabib et al., 2015a). According to Kaczynski and Fluharty, trawlers are able to catch fish species other than those covered by the agreement without paying any compensation to the state due to loopholes in the agreement that favour the EU (Kaczynski and Fluharty, 2002). Encapsulating this point, Belhabib et al. (2015b) adds that, between 2000 and 2010, vessels from the EU illegally exploited fisheries species with average annual worth of US \$2.2 million from Guinea-Bissau (Belhabib et al., 2015a). It follows that the EU, through their actions are complicit in undermining the marine environment in Guinea-Bissau, hence contributing to the depletion of fisheries resources which, according to Belhabib and Pauly, are at the ‘edge of collapse’ due to overexploitation (Belhabib and Pauly, 2015a).

These trends appears to be repeated till date as not much has changed in the way Guinea-Bissau deals with fishing agreements. Its MCS capability remains inadequate and the political instability appears to have taken a worse turn, (See: Intchama, et al. 2018, Milo 2019, Toupane 2019, Okafor-Yarwood 2019). Specifically, there are also no evidence to suggest that the practices of distant waters fishing vessels, including those from the EU have changed – especially as illegal fishing in the country has increased, (Doubouya et al. 2017).

These trends appear to be repeated till date as not much has changed in the way Guinea-Bissau deals with fishing agreements. The country's MCS capability remains inadequate and the political in- stability appears to have taken a worse turn (See: Intchama et al., 2018; Milo, 2019; Toupane, 2019; Okafor-Yarwood, 2019). Specifically, there is also no evidence to suggest that the practices of distant waters fishing vessels, including those from the EU, have changed – indeed illegal fishing in the country has increased (Doubouya et al., 2017).

Also, the selective application of the EU's IUU fishing regulation is evinced by the fact that, despite the limited capability of Guinea-Bissau to manage activities of vessels operating in its waters and the extent of IUU fishing in the country (ECOWAS, 2013; Intchama et al., 2018; Okafor-Yarwood, 2019), the EU has not taken any action against the country, be it issuing a warning or an outright ban. The EU's decision to extend its SFPA with Guinea-Bissau despite the ongoing political in- stability in the country (UN, 2018; Milo, 2019), and the lack of a robust system to ensure the equitable exploitation of their fisheries, is evidence that the EU is mostly concerned about furthering its business interests and not ensuring sustainable fisheries

as their renewed CFP and IUU fishing regulation purport to suggest. Specifically, the actions of vessels from the EU which fish beyond capacity and engage in acts that amount to IUU fishing contradict the goals set forth by the CFP, which misleadingly seeks to proffer an agreement that benefits the developing countries whilst in practice enriches private entities in the EU (Le Manach et al., 2013).

What is more, Article 38(9) of the EU IUU fishing regulation allows the EU to refuse to enter into (new) negotiation for bilateral fisheries agreement or SFPA with any country that by its actions is seen to be encouraging unsustainable practices (The Council of the European Union, 2008). Yet, notwithstanding the pervasiveness of IUU fishing in Guinea-Bissau's waters due to inadequate maritime governance, the EU went ahead with the negotiations for a new SFPA before the previous one had expired in November 2017 (Europêche, 2017). It follows that not only do EU actions in Guinea-Bissau contradict both the ethical reasoning that underscores the introduction of the IUU fishing regulation and the provisions of the reformed CFP which places emphasis on sustainability, but they also undermine existing international law that seeks to ensure the sustainable use of the ocean, marine and fisheries resources.

The adoption of the Lomé Charter in October 2016 by countries across the African continent showed that there is now a sense of awareness of the significance of the continent's 'blue economy' and the need to maximise its potential through regional cooperation (African Union, 2016a, 2016b). Accordingly, it appears that Guinea-Bissau may have become more aware of the need to ensure the optimum maximisation of its marine fisheries resources in that it negotiated more firmly the renewal of the access agreement with the EU that expired in 2017. According to Europêche, a delay in the renewal of the so-called SFPA was 'due to disproportionate economic and technical conditions proposed by Guinea-Bissau's authorities' (Europêche, 2017). A new fisheries agreement was, however, signed in late 2018, almost one year since the previous one expired, with the EU offering a much better deal than previously proposed to Guinea-Bissau. Specifically, in return for providing a five years access to 50 EU fishing vessels, *'the EU will pay Guinea Bissau a financial contribution of 15.6 Mio € per year, an increase from the 9.2 Mio € foreseen under the previous protocol... In addition, EU ship owners will contribute around 4 Mio € per year'*, (European Commission, 2018c).

The examples given in the preceding paragraphs are evidence that the EU engagement in the region is primarily a business arrangement with the key objective of profiting from exporting its excess fishing capacity which has been brought about by local quotas that limit catches so as to allow for the recuperation of its own overexploited fisheries species. As encapsulated

by Le Manach et al. (2013), the legalities of EU fishing agreements with most countries in West Africa are questionable. As such, the SFPAs could potentially contribute to depleting fisheries resources. Notwithstanding the 2014 reform whereby the EU committed to fish at a MSY level, Le Manach's argument holds true in that the EU continues to target fully exploited and or depleted/overexploited species. Despite an awareness of the limitations of the reformed CFP – the challenges of attaining the MSY target – evident in the fact that in 2016 the European Commission started a consultation on the fisheries opportunities for 2017 under the CFP (EC, 2016), the European Parliament agreed in April 2019 to re-introduce environmentally harmful subsidies in the post-2020 fund for the maritime and fisheries sector (EMFF) (WWF, 2019).<sup>14</sup> This is further evidence of duplicity on the part of the EU in that the approved subsidies go against the promise of ensuring a more sustainable approach to fisheries exploitation, thereby perpetuating food and economic in- security in third countries.

## **6. Conclusion**

EU fishing agreements with third countries have been questioned for their economic fairness and the potential effects of these policies beyond EU waters (Seto, 2016; Belhabib et al., 2015a; CFFA, 2019). Herein, we put into perspective how or rather if the EU adheres to its own policies and rules. The arguments presented in this paper have exposed the duplicity of the EU's CFP, in that, despite the recent re- forms, its implementation, made possible by subsidies, undermines the sustainable exploitation of fisheries resources in third countries. The examples from Liberia and Guinea-Bissau have shown that, despite the EU's rhetoric about extending the sustainable management of fisheries within its own waters to those of third countries with whom they have SFPAs, the manner of implementation of its CFP has exposed the EU's selective approach to sustainable fisheries in the third countries' waters. The SFPAs between the EU and select countries in West Africa make a useful contribution to their revenue. However, only a low value is paid to those coastal governments compared with the benefit to private EU fishing companies licensed under them (Belhabib et al., 2015a, 2015b) who not only overexploit the local fisheries but also export the product [and even sell it back to the original countries at higher prices] to the detriment of their littoral communities (Seto, 2016). Therefore, contrary to seeking to ensure the optimum utilisation of fisheries resources in third countries by targeting only surplus species as stipulated in the reformed CFP, the EU, through its SFPAs, in practice exacerbates the depletion of fisheries resources in third countries as its

<sup>14</sup> Nothing further has been heard about the outcome of the 2017 CFP con- sultations.

vessels target fully exploited and overexploited species – as well as fishing beyond capacity – and have been implicated as engaging in IUU fishing in those waters (Belhabib et al., 2015a; Belhabib et al., 2019).

The authors' focus on the EU is to expose the duplicity of its position posing as the 'global' police for sustainable fisheries and as a role model for combatting the plague of IUU fishing. This is evident from the EU's selective application of its IUU fishing regulation, whereby different countries in West Africa have been identified as undermining efforts for sustainable fisheries in their waters by weak marine governance, yet nonetheless have not received the sanction or ban that should have been imposed on them in accordance to the regulation. This failure to act has been a self-serving benefit to the EU in that its vessels have been able to fish unfettered by any adequate maritime surveillance controls. In short, the EU has operated in a manner that is not representative of the policies it claims to stand for, permitting its vessels to engage in illegal fishing, as evidenced by the examples from The Gambia, Equatorial-Guinea and most recently Sierra-Leone, and to catch fully exploited and/or overexploited species in contradiction to its renewed commitment to sustainability. The result of these actions and inactions is serious damage to the long-term food and economic security of these countries and, due to the transboundary and migratory nature of fish, indeed the whole of the region making it impossible for it to attain SDG 14 which seeks to ensure the sustainable use of the ocean, marine and sea resources (Okafor-Yarwood, 2019).

If vessels from the EU (along with other countries) were to continue their practice of fishing beyond capacity in countries with whom the EU has SFPAs, this would result not only in food insecurity but potentially long-term economic underperformance and political instability, as these countries are not only poor but fragile and heavily dependent on their marine resources for revenue. While acknowledging the imperative for countries across the Gulf of Guinea, especially Liberia and Guinea-Bissau, to become more maritime domain aware by introducing a robust system for monitoring activities of vessels operating in their waters, correspondingly there is an urgent need for the EU to implement its SFPAs more strictly in accordance with the terms of the CFP.

As a strategy for effective fisheries management and sustainable exploitation of the EU's home waters, the CFP is essential. However, since the said policy undermines the marine environment of third countries by contributing to the depletion of fisheries resources therein, it is vital for the EU to re-evaluate the actions taken to implement it. This includes reviewing the terms of their subsidies which have been identified as being harmful to sustainable fisheries.



If such action is not taken, then it is only a matter of time before events like the recent ‘violent conflict’ between British and French trawlers over scallops off the coast of Normandy in France (Sage and Brown, 2018) will be a common sight in third countries such as those in West Africa with the potential to escalate. For their part, West African countries should do far more to optimize their income in terms of the EU's euro, Chinese yuan, Russian ruble, Taiwanese dollar and South Korean won receivable under fishing agreement with these countries. Future and renewed fishing agreements should be negotiated much more robustly, with the increased income invested in effective marine governance and enforcement. Only this way can West African countries ensure the optimum utilization and sustainability of their common marine fisheries resources.

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