



African Confederation of Professional Organizations of Artisanal Fisheries

REPORT OF THE WORKSHOP ON JOINT VENTURES



ACRONYMS

REO: regional economic organization

RFO: regional fisheries organization

WTO: World Trade Organization

ILO: International Labour Organization

NGO: non-governmental organization

FAO: Food and Agriculture organization

FiTI: fisheries transparency initiative

REJOPRA: network of journalists for responsible fishing in Africa

AU: African Union

Introduction:

The workshop on the theme "Joint ventures in fisheries: for a more sustainable and transparent framework" was held on 10 December 2020 at the Filao/Hotel in Saly. This workshop, initiated by CAOPA, brought together about thirty participants including representatives of national artisanal fisheries organizations from Cote d'Ivoire, Gambia, Guinea-Bissau, Senegal, NGOs and civil society organizations. The list of participants is enclosed.

1. The opening ceremony

The opening ceremony, which started at 9.35am, was marked by words of welcome and moderation pronounced respectively by Dawda Foday Saine, Secretary General of CAOPA, wishing the meeting good health and success, and by Dr Alassane Samba, who recalled the current context marked by two major events: Covid 19 and the debate on joint ventures and fisheries agreements in African countries.

The Vice-President of CONIPAS and the Vice-President of CAOPA gave the opening speeches at the workshop.

In his speech, the Vice President of CONIPAS Mamadou FALL welcomed the participants and wished the workshop every success, while thanking and paying tribute to the President of CAOPA, Gaoussou Gueye, for the constant support he always gives to professional organizations of African artisanal fisheries.

The vice-president of CAOPA, Mrs. Antonia Adama Djalo, in her speech, spoke of the concern and anxiety of the artisanal fisheries actors in her country about the massive presence of foreign boats in their waters through mixed companies that most often engage in fraudulent practices on the real fishing capacities of the vessels and in illegal fishing operations.

According to Ms Adama Djalo, CAOPA and its technical partners are committed to ensure that the activities of industrial boats are supervised and there is more transparency in the framework of fishing agreements for the sustainable development of fishing.

She also hoped that the workshop would lead to measures to be taken for more transparency in the sustainable development policies of the fisheries sector in African countries.

This was followed by a round table introduction of the participants, followed by a group photo and a coffee break at 10 am.

At the resumption of work at 10:30 am, the agenda of the workshop was unanimously adopted, after presentation by Dr. Alassane Samba. Dr. Dawda Fodé Saine, Secretary General of CAOPA, was appointed as moderator for the workshop.

2. Presentation of introductory documents and discussion

2.1. Presentation of the "Overview of the conclusions of the 26 November webinar: outstanding issues" by Dr Alassane Samba

Dr Alassane Samba reminded the audience that this meeting, which is the second on mixed companies, follows the webinar held on Thursday 26 November 2020.

Some landmark dates that marked the installation of joint ventures were mentioned. In 2006: suspension of fishing agreements in Senegal, which led to a massive conversion of industrial units into joint ventures, whose opacity and negative impact on the resource were noted by studies carried out by CAOPA in 2011 and Greenpeace in 2015.

In view of these observations, an objective was set, that of setting-up a transparent and sustainable framework for the activity of vessels that operate in the form of joint ventures. Current knowledge shows that mixed economy companies exist in the legal and regulatory texts of States, regional economic organizations and the African Union.

However, the texts are not updated or applied and are circumvented. The statutes and conditions of installation and operation of joint enterprises in the fisheries sector are not published. The lack of monitoring, control and surveillance of the companies and vessels concerned has encouraged illegal fishing and the export of landed products.

In addition, there is the complicity and irresponsibility of local administrations, professionals and research in the establishment of joint ventures, as well as the lack of regional solidarity and the weakness of the technical and regulatory contributions of regional economic organizations, regional fisheries organizations and the African Union. These main problems are nothing more than the consequences of the poor governance of fisheries resources, which must be remedied by:

- the development of national and regional management plans with strong involvement of research and fishing communities;

- respect for the accountability of the custodian states (citizens' right to be informed);
- The extension of the discussion to develop a regulatory framework with minimum rules for the establishment and proper functioning of joint ventures in the African fisheries sector.

Elements for discussion to better support a transparent and sustainable framework for the activity of vessels in joint ventures have been identified and revolve around the following important issues:

- How to achieve transparent publication of information on joint ventures: list of vessels, licenses, royalties paid out agreements and fishing authorizations. How can membership of the FiTI, EITI be promoted?
- How to implement an environmental, safety and health management system for the seamen working on these ships?
- How can joint ventures be made to contribute better to the public finances of host countries through fairer taxation?
- How to manage the negative impacts on the activities and lives of coastal communities... (Compensation fund as with EITI)?
- How can we increase the active solidarity between African coastal countries through regional economic organizations, regional fisheries organizations and the African Union?
- What advocacy actions should be taken towards key targets to curb corruption and irresponsibility?

The results of the discussion obtained during the webinar of 26 November were presented and translated into an action plan that will have to be improved and validated by the second meeting on 10 December held in SALY. (See annex: the action plan).

2.2. **Presentation of the theme: "Does Côte d'Ivoire have the tools to manage mixed companies?" by Captain Dakoury, Secretary General of the Union of Fishermen Sailors of the Ivory Coast**

In his presentation, Mr Dakoury showed the importance of joint ventures in the industrial fishing fleet, which is made up of 80 boats, 55 of which are joint ventures, all managed by Chinese people, with boats coming from China, they are "ivory" or chartered.

He also mentioned the low level of participation of nationals in the capital of joint ventures, which leads to the lack of real responsibility in the management of these companies.

An unusual fact was invoked, that of industrial fishing boats fishing with artisanal fishing licenses, which is contrary to "Law N°2016 -554 of 26 July 2016 on fishing and aquaculture", which implements decrees are slow to be issued. The conditions for "ivorying" boats contained in the new article 69 of the maritime code are never applied.

Ivoirians trained for positions of responsibility on ships and crews are left behind, to the benefit of foreign (Chinese) crews. Seamen work in precarious sanitary conditions on board, and suffer ill-treatment.

Joint venture boats have a negative impact on the lives of communities by causing shortages in the local market through the massive export of products to China, and by damaging fish stocks through destructive, unselective, illegal and unreported fishing practices.

To the question of whether Côte d'Ivoire has the tools to manage foreign "Ivorianised" boats or those chartered by mixed companies, the answer is no because of the facts found on the ground, namely: the non-application of texts, the lack of transparency, corruption, the absence of participation of coastal communities in the management of resources and the lack of means of monitoring, control and surveillance.

2.3. Presentation "Joint Ventures in fisheries: for a more transparent and sustainable framework/Example of the deep shrimp fishery in Senegal" by Mr. Alassane Dieng, manager of the Senegalese cooperative of deep shrimp farmers

Mr Alassane Dieng began by giving a history of the exploitation of deep-water shrimp in Senegal, which was carried out by the Spanish from independence until the 1980s. The entry of nationals into this fishery began in 1981 and continued with the non-signing of the SN-EU fisheries agreement protocol between 2006 and 2014.

There are currently six shipping companies, five of which are joint ventures. A Management Plan for the deepwater shrimp fishery has been developed under co-management and implemented from February 2013.

The plan is implemented within the framework of a public-private partnership (State-operators) in the form of a concession agreement. The management of fishery resources is based on a very original system based on individual transferable quotas (ITQ), where the State defines the maximum total quantity of shrimp to be taken per year (quota), divides it up and distributes it to the fishing companies (individual), which are competent to make transfers between themselves (transferable).

A monitoring system is backed up by the ITQ and there is a rigorous application of good resource management practices (biological rest, selectivity tests with the Nordmore grid, sampling and biological cycle studies, economies of scale (negotiation and grouped purchases) and a rent to be shared between the State and private operators.

The success of the model recommends replication in other fisheries and expansion in the sub-region. However, caution must be exercised due to the potential risks associated with the attractiveness of the resource availability in the fishery, which could tempt other vessels to enter it, and the negative externalities of other fisheries.

2.4. Presentation "Mixed companies in Madagascar? The results of fishing" by Dr Alassane SAMBA

In his presentation, Dr Alassane Samba wanted to show the growing influence of Chinese fleets in African waters. In fact, in 2017, the arrival in Madagascar of Chinese boats under the cover of a local mixed company was noted, which, after having fished illegally in the Malagasy coastal zone, took to the sea to request, at the beginning of 2020, a fishing authorization in Senegalese waters with other boats (the famous 52-boat commission), which created a great mobilization of fisheries actors in Senegal.

In 2019 two protocols were signed between the Malagasy state and the Malagasy company Cote d'OR, whose shareholders are Chinese. The first protocol allowed 12 boats access to all resources in Malagasy waters; the second provided for the deployment of 16 boats that will fish for demersal, pelagic and shellfish.

The active policy of welcoming these foreign fleets is endangering Malagasy artisanal fishing, which is essential for national food security. Also the FADs used in active tuna fishing are very destructive. The government should ensure that resource management is improved to increase the resilience of these communities of 100,000 artisanal fishers

2.5. Presentation "*Development of mixed companies in Senegal and impacts on the sustainability of the sector*" (By Alioune Badara SY)

In his presentation, Mr Alioune Badara SY tried to give a definition of joint ventures, which he said, did not exist explicitly in the national legal texts on fisheries. But in the common sense, they can be considered as companies with mixed national and foreign capital.

On the other hand, the EU, which encourages joint ventures in fisheries partnership agreements, explicitly defines them as "commercial companies in which one or more partners are nationals of the third country in which the vessel is registered. The participation of the Community partner must be significant and, as a general rule, between 25 and 75% of the share capital" (Regulation (EC) N 2792/1999).

According to Mr SY, the appearance of joint ventures in Senegal is linked to the 1980s-90s reform of the European fisheries policy (CFP), which consisted of reducing the effort of fishing units in European waters in order to achieve more sustainable management of their fisheries resources.

This reduction was to be achieved through voluntary fleet exits in three ways: transfer to a different activity/export of the vessel to a third country and/or scrapping. **It was** the option of exporting vessels to a third country, combined with the reduction in the EU's fishing possibilities in the ACP countries that really led to the creation of joint ventures involving European shipping companies.

In the case of China, the fisheries management measures taken by this country in the early 2000s, including a three-month ban on fishing by Chinese vessels in the China Sea, the adoption of fishing quotas, etc., have encouraged the export of fishing capacity to third countries, resulting in the creation of joint ventures.

Furthermore, the weakness of national investment linked to the lack of involvement of banks in fisheries and the gaps in the legal framework governing the nationalization of vessels have encouraged the development of joint ventures, in fact the use of nominees for the creation of companies that appear to be Senegalese but are in fact controlled by foreigners. The existence of a foreign partner who is the real owner of the ship or the company beyond appearances will reveal **both an apparent existence and a real existence of the company.**

Because of the substantial link with foreign countries, there is a natural tendency to expatriate the wealth created and to repatriate foreign currency without any guarantee. This situation will impact on the one hand on the economic sustainability of fishing activities through the dissipation of the fishing rent, a loss of income at the level of public finances (development of joint ventures to the detriment of fishing agreements with financial compensation).

There is also an impact on biological and social sustainability through the competition of subsidized fleets with the local fisheries sector, particularly artisanal fisheries which exploit a dwindling resource with threats to the livelihoods of artisanal fishing communities; the entry of new joint ventures into the fisheries is undermining all efforts and attempts to manage the fisheries (see recent news of plans to grant 52 licenses to Chinese vessels and two licenses to Turkish purse seiners)

Joint enterprises are favored by countries (EU, China, Turkey and Eastern Europe) that practice protection and management of their fisheries by offloading and transferring excess capacity to countries with weak management policies and systems, particularly African countries.

The problem is so deep that it threatens to undo what little has been done in fisheries management in some African countries, accelerating the degradation of fisheries resources and threatening the food security and livelihood of coastal communities.

Mr SY concluded his presentation by saying YES to joint ventures, capital contributions and foreign investment. But in the service of which development policies and objectives? **Theirs or ours?**

2.6. Words of Birahim Seck of the Civil Forum

Mr Birahim Seck of the Civil Forum, in his speech, expressed his great pleasure at participating in the meeting. His pleasure, he said, was all the more immense as this meeting is a consultation on a strategic resource, namely fisheries resources.

He thanked Captain Dacoury of Cote d'Ivoire and encouraged him for his excellent work.

Referring to the interest he has in the fisheries sector and the new issues at stake in the face of the discovery of offshore oil, he invited reflection on a strategy that will make it possible to meet the challenges of a sector that is so important in creating jobs and meeting the food needs of local populations. Hence the need for broad consultations to move towards

transparency, in the application of development policies for sustainable fishing and the right of access to information for stakeholders.

With regard to the granting of licenses, he suggested that knowledge of the state of the stocks, the availability of the resource and the absence of competition to local fisheries should be the basis for all decisions to be taken.

He also suggested a reform of the licensing commission towards an independent authority such as ARTP and a reinforcement of the means of CRODT. In relation to the different presentations of the workshop, he made the following recommendations:

1. Conduct an audit of the Senegalese flag, publish it and share the results;
2. Control joint ventures, their domiciliation and encourage the State to enter the capital of these companies;
3. Require joint ventures to publish their data;
4. Encourage and commit the fisheries actors (administration and professionals) to the development of transparency in the fisheries sector

3. SUMMARY OF INTERVENTIONS

The five presentations were the subject of rich discussions. There were thirteen speakers including two women. A good part of the discussions revolved around the existence of joint ventures which, in the perception of most people, is a disguised way of fisheries agreements leading to big losses for coastal countries.

The companies in appearance are created by nationals of coastal countries, but controlled de facto by foreigners who benefit from all the advantages exclusively reserved for nationals while repatriating the income generated by the activities.

Beyond the existence of joint ventures, many questions have been asked about the existence of data that would allow the level of impact of these mixed companies on artisanal fishing activities and the needs of consumers for fish products to be measured.

In this respect, only Nigeria has imposed, within the framework of joint ventures operating in that country, landings on its soil; however, there is no statistical data available, and this form of company does not bring any added value but accelerates the depletion of fisheries resources.

The main cause of the development of joint ventures mentioned by most of the speakers is the surplus of fishing fleets of certain countries that have deployed around the world in search of fish products, a phenomenon known as the long-distance fleet, whose activities are often fraudulent.

But according to the Global Fishing Watch representative, boats in this situation are currently being well monitored and tracked and are required to be more legal and transparent in their activities.

Some interventions, notably those of women processors, denounced the competition of joint ventures with artisanal fisheries, resulting in low landings and reduced supply possibilities for processors.

Consumer associations have expressed their concerns about the current situation characterized by the scarcity and high cost of fresh and processed fish products in all markets in the country.

They called for more mobilization among the actors in order to better advocate with the state authorities and to raise awareness among the population on the issues and challenges of supplying the population with fishery products.

They also called for an effort to organize the fisheries administration to make data on the fisheries sector more available and transparent.

Artisanal fisheries organizations have expressed the wish that CRODT be attached to the Ministry of Fisheries for more budgetary resources and efficiency in stock assessment programs.

They also mentioned the lack of enforcement of laws and regulations in the sector, which results in a lack of progress in the implementation of activities.

At 4:45 pm, Dr. Alassane, on behalf of the CAOPA Executive Board, closed the meeting by thanking the participants for their willingness to participate in this important workshop. He also announced that the recommendations will be translated into the action plan of the seminar, improved with the contributions resulting from the discussion of this workshop. The improved action plan will serve as a basic document for advocacy at the appropriate level.

ANNEX
ACTION PLAN

Problems	Recommendations	Actions to be considered	Targets		Actors involved	Comments
			Country	International		
	-culture of transparency in fisheries recognition of the strategic	Advocacy for adherence to transparency initiatives (FiTI) Advocacy for the recognition	All countries	AU, REO, RFO, FiTI, NGOs, FAO	All development actors (POs, Civil Society, Parliament, REOs,	All African countries and development actors have an interest in the recognition of the strategic role and place of fisheries

<p>Transparency in Fisheries Governance (fight against opacity)</p>	<p>importance of fisheries</p> <p>updating of legislative and regulatory texts</p> <p>defining a fisheries policy that prioritises national and regional interests</p> <p>rigorous application of the texts in force with the related sanctions</p>	<p>of the importance and role of artisanal fisheries</p> <p>Drafting, recasting and monitoring of texts including the relevant provisions of international conventions (UN, FAO, WTO, REO, RFO, AU...)</p> <p>define the status of joint enterprises in fisheries</p> <p>to establish national and regional preference as a dogma</p> <p>survey of the sector 'situation</p> <p>take into account the needs of stakeholders in the design and validation of texts</p> <p>reduce inconsistencies between texts and practices</p> <p>harden of sanctions</p>	<p>Same as</p> <p>Ditto, especially Benin, Cote d'Ivoire and Madagascar</p> <p>Same as</p> <p>-idem</p>	<p>Same as</p> <p>Same as</p> <p>ORP, EO, FAO, AU</p> <p>Idem+. Fishing countries (EU, China, Turkey..)</p>	<p>RFOs, NGOs, AU, UN...)</p>	<p>resources. All modes of governance must be based on updated texts and backed by transparency in all acts and texts to this effect. The progress of the EITI in the mining sector should serve as an example for coastal countries to implement the FiTI.</p> <p>A good fisheries policy is one that puts forward and defends the interests of local people.</p>
	<p>Strengthening the means of research, monitoring, control and surveillance of EEZs, including participatory monitoring</p> <p>development of</p>	<p>Sustain and increase budgets for fisheries research and monitoring</p> <p>- regularly assess fish</p>	<p>Same as</p>	<p>AU, EO, PSO, EU, FAO</p>		<p>Most African research and monitoring services do not have the minimum to work with. Knowledge of the stocks and their monitoring make it possible to set up</p>

Development of sustainable fisheries	fisheries management plans	stocks; Grant fishing licenses and quotas on the basis of research advice;	Same as	AU, EO, PSO, EU, FAO	management plans for sustainable exploitation of the resources. Reliable data must be collected on companies and vessels (licences), on products and their destination in order to be published: great efforts must be made for mixed companies. Priority in the exploitation and valorization of products must be given to local actors. Consumer and journalist associations should be involved in the search for solutions
	compliance with the management rules of a sustainable fishery as set out in the national and international texts in force	monitor the activities of the DMs (implementation reports) regulate access to fisheries resources make available and publish reliable statistics	Same as	Idem+ Fishing countries	
	report on the status of licensing and other authorizations granted to Joint Ventures (accountability of States)	publish the list of vessels under authorization and licenses granted	Same as	Idem+Fishing countries	
	abolition of derogations and special privileges	publish all acts taken by the authority	Same as		
	respecting the food security and health objectives of local populations in relation to exports	supply the local market as a priority encourage local processing of products	Idem+ Consumers	RFO, REO, AU ORP, EBU, FAO,	
	subjecting investment projects to a full technical, environmental and socio-economic impact assessment	Contribute significantly to the training of actors and the creation of jobs; Involve small-scale fisheries stakeholders in the design, conduct and validation of studies	Idem+ Consumers	ORP, EBU, FAO	

Communication	<p>Setting-up of a framework and program for consultation between parliamentarians, the administration, professionals, civil society, etc.)</p> <p>development of a communication plan with all parties</p> <p>development of access to information laws</p> <p>Promoting openness and a culture of accountability among responsible authorities</p> <p>Redefinition of the missions of the management advisory bodies Ex: CNCPM, CCALP</p>	<p>create a body bringing together all stakeholders in the sector</p> <p>develop a charter and program for ongoing vertical and horizontal communication</p> <p>Involve all parties including journalists and consumers</p> <p>Advocacy with parliamentarians</p> <p>Advocacy with fisheries stakeholders: authorities, professionals</p> <p>transforming advisory boards into deliberative bodies</p>	<p>Same as</p> <p>Same as</p> <p>Same as</p> <p>Same as</p> <p>idem</p>	<p>ORP, EBU, FAO, REJOP RA</p> <p>idem</p>		<p>No reliable data is available on the status and activities of the vessels of mixed companies. There is no law allowing access to information and accountability is not recognized. Sharing information through co-management helps the authority to make better decisions. Consumers and journalists have an important role to play in this.</p>
Fictitious' or 'front' companies	<p>definition of the concept of mixed company in fisheries</p> <p>compliance by the parties with tax laws, legal texts and regulations:</p> <p>guarantee that the</p>	<p>clarify the mixed <u>economy</u> company in fisheries</p> <p>Collecting correct information necessary to calculate taxes and other fees payable by the DMs;</p>	<p>Same as</p> <p>idem</p> <p>idem</p>	<p>AU, EBO, PSO, FAO, WTO</p> <p>idem</p>		<p>In some countries, such as Côte d'Ivoire and Madagascar, all workers in joint ventures are foreigners. No information can be collected on the status or activities of the vessels.</p>

	<p>More regular monitoring of fishing areas</p> <p>reduction of economic and social losses</p>	<p>derogations and rights of way (fight against impunity)</p> <p>avoid nationalizing a vessel with a history of IUU fishing</p> <p>raising awareness of national stakeholders on the negative impacts of MS activity</p> <p>- to control the fishing areas of vessels</p> <p>Advocacy for the pooling of local (participatory monitoring) and regional (REOs, RFOs, etc.) resources</p> <p>Tracking foreign long-distance fleet vessels</p> <p>to combat the expatriation of wealth created by the DMs</p> <p>reduce the loss of financial quota</p> <p>give preference to the use of catches on the spot</p>	idem	<p>ORP</p> <p>Ditto+ Global Monitoring Programmes</p> <p>Idem+ OMC+ OIT</p>		
	<p>Review of the regulatory framework for the incorporation and operation of joint enterprises in African fisheries</p>	<p>encourage national entrepreneurship through the creation of joint ventures by nationals</p> <p>Facilitating</p>	Same as	<p>AU, EBO, PSO, FAO</p>		<p>The current joint ventures in fisheries do not add value to the sector. It is in the interest of the states concerned to take shares in them and to finance the participation of local</p>

<p>Win/lose joint ventures</p>	<p>Control on long distance fleets</p>	<p>nationals' access to sources of funding</p> <p>Tackling rent dissipation</p> <p>currency exchange</p> <p>Promote state participation</p> <p>data exchange between African countries in the same area</p> <p>Advocacy with the countries of origin of the vessels for transparently negotiated authorizations</p>	<p>idem</p>	<p>Ditto+ Global Monitoring Programmes+ Fishing countries</p>	<p>actors.</p> <p>Regional cooperation should be developed for the monitoring of fishing areas and the different authorizations.</p>
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