



Confédération Africaine des organisations professionnelles de pêche artisanale

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## Transparency in the Marine Fisheries Sector in Africa

M'bour Senegal, November 22-24<sup>th</sup>

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### Summary Conference report

*Facilitated by TransparentSea, CFFA and WARF*

*With the collaboration and support of SSNC, PRCM, EED and ICSF*

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Summary Conference Report

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### 1. Introduction

1.1 On the 22<sup>nd</sup> of November, the African Confederation of Professional Artisanal Fisheries Organizations (CAOPA) hosted a regional seminar on the theme of transparency in marine fisheries in Africa. The aim of this seminar was to bring together a wide range of African organizations, including from small-scale fisheries and coastal communities, to discuss in detail the problems caused by lack of transparency in the fisheries sector and to develop strategies to improve public access to information.

1.2 The meeting was held over a three-day period and was preceded on the 21<sup>st</sup> of November by a conference and awareness raising event in M'Bour as part of the celebration for the World Fisheries Day.

1.3 The following report provides a summary of the seminar proceedings. One of the outputs of the seminar was a draft text on the need for transparency, public participation and access to justice that will be submitted to the FAO for consideration in the development of the "Voluntary Guidelines in Support of Sustainable Small Scale Fisheries".

## **2. Summary of presentations**

2.1 The conference was opened by Mrs Mbathio Niang, a representative from CONIPAS' Women Fish Processors Group, Mr Sid'Ahmed Sidi Mohamed Abeid, President of CAOPA, and Mikael Karlsson the President of the Swedish Society for Nature Conservation.

2.2 André Standing from TransparentSea provided an introductory presentation based on an 'access to information survey undertaken in 12 African countries'. The survey was organized and funded by the Coalition for Fair Fisheries Arrangements and was implemented by several of the organizations present at the meeting. It showed what information on commercial fisheries is publically available in different African countries and it demonstrated the practical difficulties facing citizens in requesting information from their fishing authorities. André Standing described that in only two countries was it possible for participants to obtain a list of foreign vessels that were provided authorization to fish, that in only one country was it possible for the participants to locate budget documents for the department or ministry of fisheries. Overall the survey showed that information on the management of commercial fisheries is hidden, and so too is information on revenues and state expenditures. He noted that in less than half of the countries surveyed there was a government website on fisheries, only two countries provided an official annual report on fisheries, and that in only one fisheries authority responded positively to written requests for information.

2.3 André Standing continued by describing that in most African coastal and Island states there are no functioning freedom of information laws, but there are several international conventions and agreements that should provide citizens in Africa with the right to access information from their governments. Among others he described the African Union's Charter on Human Rights, the United Nations Convention on Anti-Corruption and Principle 10 of the 1992 Rio Declaration on the Environment and Development. He continued his presentation by describing some of the main barriers to making transparency effective in fisheries, including the vested interests that keep aspects of fisheries management secret, the lack of capacity and organization of civil society to demand information and make sense of information, as well as the lack of expertise and resources within government departments to collate and share information effectively.

He further cautioned participants to recognize that transparency is different from public participation and access to justice, or accountability.

2.4 Gausso Gueye, the Secretary General of CAOPA, provided a detailed description of the controversial authorization in 2010/11 of 16 Russian and East European trawlers in the small-pelagic fishery in Senegal. He noted that this authorization was irregular, as it was not legally permissible under the Senegalese Fisheries Act on 1998 to provide foreign trawlers licenses outside a formal access agreement. He also described that the decision to grant these licenses had not been made public, and that very little information is available on the individual licenses. The Russian and East European trawlers are having a profound impact on the health of small pelagic fish in the country, which is the primary fish targeted by the small-scale sector. It was further added that the trawlers were targeting demersal fish and regularly encroaching on the in-shore zone of the sea reserved for the small-scale sector.

2.5 Mamadou Niase, a member of the International Collective for Support of Fishworkers (ICSF), continued with a presentation of his research into joint venture fishing companies in Senegal during 2011. He described that since 2006 there has been a growth in joint venture companies in Senegal's fisheries sector, including most importantly with European fishing firms. Through his fieldwork research he described that very little information from the authorities is available on the ownership and activities of these companies. He used this presentation to give an insight into the immense difficulties facing researchers and journalists in accessing information, and he described the slow and disappointing response from the Senegalese fishing authorities in responding to requests for information and agreeing to meetings.

2.6 Christian Adams provided a presentation on the organization and work of Coastal Links, a community based fisheries organization in South Africa. He described the history of the organization and its working relations with the NGO 'Masifundise', which provides Coastal Links with support and capacity building. Christian Adams gave a detailed history of how Coastal Links and Masifundise have worked to raise the political voice of coastal communities and to launch a legal campaign to ensure the rights of small-scale fishers is respected in South African fisheries legislation. His presentation highlighted the immense difficulties facing the small-scale sector in advancing and

protecting their rights, but also he showed how success can be achieved through determination and community mobilization.

2.7 Sid’Ahmed Sidi Mohamed Abeid, the President of CAOPA, continued with a presentation on a fisheries agreement signed between the government of Mauritania and a Chinese state fishing company. This was concluded in early 2011, and was opposed by several Mauritanian NGOs. A copy of the agreement was obtained by NGOs through contacts in parliament. It was a 25-year fisheries agreement and the Chinese firm has pledged to invest USD100 million in the Mauritanian fisheries sector. Sid’Ahmed Sidi Mohamed Abeid argued that the negotiation of this agreement lacked transparency and the public is still not able to read important annexes to the agreement. He further noted that the promised investment by the Chinese firm was vague and that the agreement will pose a massive threat to sustainable fishing in the country. He went on to describe the actions of NGOs to try and stop parliament consenting to the agreement, but he lamented that this was unsuccessful.

2.8 Finally, Lamine Gueye, fisheries economist in charge of programmes and project evaluation at the Senegal Directorate of Marine Fisheries, gave a presentation on transparency in the management of projects and development programs in the fishing sector in Senegal. He provided a detailed overview of the approach used in Senegal on project evaluation, although he noted that there are considerable obstacles in obtaining information and making this public. He agreed that greater transparency was needed in the fisheries sector, including on the implementation and results of donor funded projects.

### **3. Summary of Discussions and Recommendations**

3.1 The seminar was organized to provide participants with extended time for open discussions and questions. This included three ‘working groups’ that were tasked to answer some key questions, including the nature of the problem, how fisheries should be made more transparent and what strategies could be used to ensure transparency is achieved in fisheries. There were some common themes and recommendations that emerged in these discussions, which can be summarized as follows.

3.2 First, it was recognized by all participants that the fisheries in Africa lacks transparency and this causes numerous problems in the sector. Participants described their concern that lack of transparency creates opportunities for corruption, illegal fishing and it also leads to irresponsible or bad decision-making. It was argued that secrecy and confidentiality in the management of commercial fisheries tends to marginalize the small-scale sector, and improving both information sharing and meaningful public participation in decision-making was essential for promoting the rights of coastal communities dependent on fishing for their livelihoods.

3.3 It was also argued that there is an immense challenge in many countries in information dissemination. Participants were concerned that information on fisheries, even where it is publically available, is not made accessible for most fishers. There needs to be thought to how information is shared. Moreover, it was argued that communities can lack ‘voice’, and it is particularly women in the fisheries sector who were prevented from accessing information and being heard in decision-making processes. We therefore need to adopt a gender sensitive perspective on both understanding lack of transparency and in developing solutions.

3.4 There was concern that information provided to civil society organizations and fishing communities by authorities is not only limited, but also unreliable. Moreover, where authorities do engage communities in decision-making, this is rarely empowering, and communities are merely ‘consulted’ without the prospect of being able to influence change. It was argued that due to these realities the management of fisheries tends to put ‘profits’ before ‘people’.

3.5 Lack of transparency was identified as a political problem. Governments and fishing authorities resist publishing information, possibly to hide corruption or limit public criticism. Foreign fishing interests also benefit from lack of transparency, particularly in fisheries access agreements. However, it was also argued that poor information sharing in some African countries might be an outcome of disorganization and lack of capacity by government authorities. In many countries there are not robust and reliable mechanisms for auditing and independent evaluation. Achieving effective transparency and public participation therefore requires government agencies to develop expertise and to devote time and resources.

3.6 A recurring theme in both presentations and discussions was that lack of transparency in fisheries extends to aid projects. It was noted that in many coastal countries bi-lateral and multi-lateral aid projects were substantial, but there is limited public consultation and sharing of project documents, including detailed independent evaluations and audits. In many cases the intended beneficiaries of aid projects are the small-scale sector, so it is imperative that communities are engaged in projects, including in the early stages of project conception and also in the review of project outcomes.

3.7 Finally, in noting the problem of transparency in fisheries, it was pointed out that the ability of communities to use data and share this widely was lacking. It was also noted that some documents that are available are not in local languages or written in a way that is easy for communities to comprehend. Many people engaged fishing or fish processing in the small-scale sector are illiterate, so complex technical documents have a very limited audience.

## What information should be made public and why?

3.8 One of the key questions that participants identified for further discussion was *what type of information should be prioritized* if transparency is to be improved? This was one of the tasks set to the working groups, and participants were also asked to consider *how* this information would improve fisheries governance? The outcome of these discussions identified the following categories of data or information:

A) *Fisheries licensing and authorization*. It was argued that public authorities need to publish complete lists of licensed vessels, including the contents of licenses agreements and details of how much revenue was paid for these licenses. There were a number of reasons put forward for why this information would be useful. One consideration concerned illegal fishing. It was noted that small-scale fishers and other coastal organizations find it impossible to identify illegal fishing if they do not have information on the legal status of boats. It was also explained that with complete data on fishing licenses, the public will be able to monitor fishing intensity over time and it could allow civil society organizations to object if too many boats are licensed. Furthermore, it was noted that there may have been instances of corruption in the issuing of licenses and also the embezzlement of license fees in certain countries.

B) *Access agreements*. Participants felt strongly that the contents of bi-lateral fisheries agreements need to be made public. It was stressed that this information should be shared before agreements are finalized, therefore allowing for public debate and possible objections. It was noted that the contracts of fisheries agreements with the European Union are publically available, but similar levels of transparency need to be extended to other distant water fishing nations, including Russia, Japan and China. Despite this, it was also noted that the EU does not share *ex ante* and *post ante* evaluations. The *ex ante* evaluations are critical for the public to read as these establish the surplus stock that European boats are authorized to fish. *Ex post* evaluations are also important as these contain information on catch records and the outcomes of EU development assistance in the fisheries sector. Greater sharing of information on bi-lateral agreements would vastly improve the ability of the public to provide an oversight role. However, it was also pointed out that transparency was not only about monitoring these agreements, but also it could improve the ability of organizations to stop bad access agreements being signed.

C) *Penalties and fines.* Participants identified penalties and fines for fishing boats as being important for public dissemination. It was argued that this information would indicate how authorities are responding to illegal fishing and it would also reduce opportunities for corruption, including bribe payments between vessel owners and officials. It was further added that revenues from fines imposed on boats should be used productively for fisheries management, and the public should therefore know how much revenue the state has received from prosecuting illegal fishing boats and how this has been used.

D) *Aid projects.* Following discussions on the problems of fisheries transparency, it was noted that key documents on aid projects should be shared widely in countries, including draft project proposals, mid-term evaluations and final evaluation reports. This would enable citizens to contribute to discussions on how aid is spent, to influence decisions on donor priorities, and it would increase accountability of aid funds.

E) *Fisheries policy.* It was established that very few governments publish information on fisheries management and policy. A suggestion was that fisheries departments or ministries should articulate their fisheries policy in annual reports or similar documents. This would enable civil society organizations to better understand what are the objectives of fisheries management and how successful authorities are in meeting these objectives.

F) *Revenues and spending.* Participants identified budget and financial information as being critical for transparency in the fisheries sector. This is critical for monitoring the performance of fisheries departments or ministries and it would allow for public debate on how scarce resource are prioritized and administered.

G) *Information on state of fish stocks, catch statistics and trade data.* Finally, there was a recurring request that information should be published widely on the status of fish stocks and on the quantities of fish being caught and traded. It was appreciated that not all governments collate accurate data on these issues, but being able to share this type of data with coastal communities needs to be prioritized.

3.9 When the discussing this list of information, participants agreed that the *timing* of information sharing was important to consider. The ability of improvements to transparency will be limited if information is delayed or outdated.

### **Developing advocacy strategies**

3.10 Having identified precisely what information needs to be made public, how and when, participants considered strategies that could be developed to increase transparency. In other words – how can we work to bring about change? It was acknowledged that this is a very difficult question to answer, and that a response to transparency needs to occur at national, regional and international level.

3.11 A point that was stressed in the proceedings was that civil society organizations have tended to produce declarations and public statements demanding change in fisheries management. These are very important and they articulate the needs of marginalized communities. However, some argued that this, in isolation, might not be enough to bring about change. It was suggested that in some cases civil society organizations need to consider taking legal action, in order to access information. There is a lack of capacity in most coastal states to explore this option, and there is uncertainty about the legal rights of citizens to access information in several African countries. However, it was described that some international NGOs can provide legal support and expertise on this.

3.12 In considering advocacy strategies, it was argued that an essential task is to build networks among civil society organizations in countries. Lack of transparency is a shared problem and it is extremely difficult to address by individuals and organizations working alone.

3.13 Transparency requires technical expertise by civil society organizations, not only in their ability to make sense of data, but also in being able to disseminate information to communities and engage in lobbying activities in their countries. It was noted that the capacity of civil society organizations is very limited in many countries. There is therefore a need for training and capacity building, including on issues such as budget monitoring.

3.14 A suggestion was that transparency in fisheries requires an ‘international mechanism’. An example was given of the Extractive Industries Transparency Initiative which was launched in the early 2000s to address poor levels of government and corporate transparency in the mining and oil sector. This could be adapted or extended to the fisheries sector. Indeed, it was described that efforts are underway in Mauritania to develop an EITI for fisheries (or a Fisheries Transparency Initiative). It was recommended that further work should be pursued on this idea.

3.15 In establishing an advocacy strategy, it was also recommended that there is a need to identify ‘success stories’ – where benefits have been achieved in countries through greater sharing of information. Through these success stories it may be possible to illustrate the benefits of transparency more clearly. It was noted that *potential* case studies of success include South Africa and Madagascar.

3.16 Participants agreed that it was vital that transparency in fisheries is promoted in international conventions and agreements. This included ensuring transparency and public participation is adequately reflected in the FAO’s Voluntary Guidelines for Securing Sustainable Small Scale Fisheries. It was also recommended that transparency in fisheries is included in debates on environmental governance at Rio+20. A specific recommendation was that fisheries should be raised as one of the key justifications for extending the *Aarhus Convention* to non-European countries, including in Africa.

3.17 Participants identified the need to engage multi-lateral and bi-lateral donors. It was suggested donors can play an important role in mainstreaming transparency in fisheries and they should also lead by example by ensuring better transparency in their aid projects.

3.18 There was a recommendation made that African parliamentarians need to be sensitized and integrated into debates about transparency in the fisheries sector.

3.19 Finally, it was argued that there needs to be a mechanism for sharing information on fisheries management among African civil society organizations. This could include a web-based tool for uploading and sharing information on issues such as access agreements and licenses. It was noted that there is substantial unpublished or otherwise

confidential information that could be uploaded anonymously to the internet, taking inspiration from *'wikileaks'*.

### **Identifying 'next steps'**

3.20 The final consideration at the seminar was what could be the next steps taken by delegates at the meeting. It was acknowledged that given the limited time available to participants it was unlikely that the meeting would conclude with a detailed action plan, and it was expected that further discussions and planning would be required. Nevertheless the following concrete actions were identified:

A). Providing a text on transparency in the FAO's Voluntary Guidelines on Securing Sustainable Small Scale Fisheries. A draft of this text should be developed by the conference organizers and shared with participants for comment and input.

B) Both the conference report and the text for the FAO should be circulated widely to governments, intergovernmental organizations, regional fisheries bodies and multi-lateral and bi-lateral donors.

C) Community organizations and journalists attending the conference should prepare a short article on transparency in fisheries that they would publish or publicize in their countries. It was requested that the conference organizers could prepare a draft text, which could be adapted as necessary.

D) Funding should be secured for a further regional meeting and for training workshops for participants. It was recognized that without capacity building among community based organizations, their ability to access and use data on fisheries may be limited.

Annex. List of Participants:

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