



African Confederation of Professional
Artisanal Fisheries Organisations

Transparency in Africa's Maritime Fisheries Sector

M'bour Senegal, November 22-24th



Conference Report - Summary

Conference facilitated by TransparentSea, CAPE and WARF In collaboration and with the support of SSNC, PRCM, EED and ICSF

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1. Introduction

1.1 On 22 November 2011, the African Confederation of Professional Organizations of Artisanal Fisheries (CAOPA) organised a regional seminar on the theme of transparency in African maritime fisheries. The seminar aimed to bring together a group of African organizations, including artisanal fishing communities and coastal communities, to broadly discuss the problems caused by the lack of transparency in the fisheries sector, as well as to develop strategies to improve public access to information.

1.2 The meeting lasted three days and was preceded on 21 November by an awareness-raising conference held in Mbour as part of the celebration of World Fisheries Day.

1.3 The following report summarizes the work of this seminar. One of the documents produced by the seminar is a draft text on the need for transparency, public participation and access to justice, which will be submitted to FAO for consideration in the framework of the elaboration of "Voluntary Guidelines to ensure sustainable artisanal fisheries".

2. Summary of Presentations

2.1 Opening addresses were delivered by Ms. Mbathio Niang, representative of the Group of Women Transformers, Mr. Sid'Ahmed Sidi Mohamed Abeid, President of CAOPA, and Mr. Mikael Karlsson, President of the Swedish Society for Nature Conservation.

2.2 Mr. André Standing of TransparentSea gave an introductory presentation based on a "Study on access to information, undertaken in 12 African countries". This study was organised and financed by the Coalition for Fair Fisheries Agreements (CFFA), and implemented by several organisations that took part in the meeting. It showed the types of information about the

The study also showed the practical difficulties that citizens face in seeking information from their fisheries authorities. Mr Standing said that only in two countries were participants able to obtain a list of foreign vessels authorised to fish, adding that it was only in one country that they were able to get hold of budget documents from the fisheries ministry and directorate. Overall, the study found that information on the management of commercial fisheries is hidden, as is information on government revenue and expenditure. It noted that less than half of the countries surveyed had a government website on fisheries, and only two countries provided an official fisheries report. He added that only one fisheries authority had responded positively to written requests for information.

2.3 He continued his presentation by pointing out that in most coastal and continental African countries, there is no functional Freedom of Information law, although he pointed out that there are several international conventions and agreements that should ensure the right of citizens to access information from their governments. Among others, he described the African Charter on Human and Peoples' Rights, the UN Convention against Corruption and Principle 10 of the 1992 Rio Declaration on Environment and Development. He continued his presentation by describing some of the main barriers to effective transparency in the fisheries sector, including private interests trying to keep fisheries agreements secret, lack of capacity and organisation within civil society to demand information and use it effectively, and lack of expertise and resources within government departments to develop and share information effectively. In addition, he cautioned participants against confusing transparency, public participation and access to justice or accountability.

2.4 For his part, Gaoussou Gueye, Secretary General of CAOPA, gave a detailed description of the controversial 2010/11 authorization of 16 Russian and Eastern European trawlers to fish small pelagics in Senegal. He noted that the authorization was illegal, as the 1998 Fisheries Agreements Act did not allow licences to be issued outside the framework of a formal agreement. He also pointed out that the decision to grant those licences had not been made public, and that very little information was available on each licence. Russian trawlers and

are having a considerable negative impact on the health of the country's small pelagics, which are the most prized species in the artisanal fisheries sector. He pointed out that these trawlers target demersal species and regularly encroach on coastal fishing areas reserved for small-scale fisheries.

2.5 Mr. Mamadou Niassé, a member of the International Collective in Support of Fishworkers (ICSF), gave a presentation on his research work in the field of joint fishing enterprises in Senegal in 2011. He noted that in 2006, there had been a significant growth of joint enterprises in the fisheries sector in Senegal, including European companies. In his field research work, he pointed out that little information from the authorities is available on the ownership and activities of these companies. He used this presentation to give an idea of the enormous difficulties that researchers and journalists face in seeking information. In addition, he described the countless obstacles that journalists and researchers face in terms of access to information, as well as the slow and discouraging reaction of the Senegalese authorities when it comes to responding to requests for information or agreeing to meet with them.

2.6 Taking the floor, Mr. Christian Adams gave a presentation on the organization and work of Coastal Links, a community-based fishing organization based in South Africa. He gave an historical overview of the organization and its working relationship with the NGO "Masifundise", which provides support and capacity building. Mr. Adams described in detail how Coastal Links and Masifundise have worked to ensure that the voices of communities are heard and launched a legal campaign to ensure that the rights of artisanal fishers are respected in South Africa's fisheries legislation. His presentation highlighted the enormous challenges faced by the artisanal fishing sector in its efforts to enforce its rights, but showed how success can be achieved through community determination and mobilization.

2.7 In his presentation, Mr. Sid'Ahmed Sidi Mohamed Abeid, President of the CAOPA, presented a fisheries agreement between the Government of Mauritania and a Chinese fishing company. This agreement, which was concluded in early 2011, met with strong resistance from several Mauritanian NGOs. A copy of the agreement was obtained by the NGOs through contacts in the

parliament. It was a 25-year agreement in which the Chinese company committed to invest \$100 million in the Mauritanian fishing sector. The president of CAOPA argued that this agreement was negotiated without any transparency and that the public is still unable to access the important annexes to this document. Furthermore, he noted that the investments promised by the Chinese company have remained vague, saying that the agreement will pose an extremely serious threat to the sustainability of fisheries in the country. Furthermore, he described the actions of NGOs aimed at preventing the parliament from adopting the agreement, but regretted that these efforts had been in vain.

2.8. Finally, Mr Lamine Gueye, fisheries economist in charge of programme and project evaluation at the Directorate of Maritime Fisheries of Senegal, made a presentation on transparency in the management of development projects and programmes in the fisheries sector in Senegal. He provided a detailed overview of Senegal's approach to project evaluation, noting, however, the considerable obstacles to obtaining information and making it available to the public. He acknowledged that the fisheries sector needed more transparency, particularly in the implementation and results of donor-financed projects.

3. Summary of Discussions and Recommendations

3.1 The seminar was organized to provide participants with sufficient time for discussion and questions. This included group work designed to answer some key questions, including the nature of the problem, how to bring more transparency to the fisheries sector and strategies to ensure transparency. Some themes and recommendations emerged from this discussion, which can be summarised as follows:

3.2 Firstly, participants were unanimous in recognising the lack of transparency in African fisheries, which causes many problems in this sector. Participants expressed concern that lack of transparency creates opportunities for corruption and illegal fishing, and leads to poor and irresponsible decision-making. They stressed that the secrecy and confidentiality surrounding the management of commercial fisheries tends to marginalize

the artisanal fisheries sector, and that improved information sharing and public participation in decision-making are essential to promote the rights of coastal communities that depend on fisheries for their livelihoods.

3.3 The participants stressed that there is a huge challenge facing several African countries in the area of information popularization. Participants expressed concern that fisheries information, even if publicly available, is not made accessible to most fishers. There is a need to rethink how information is shared. In addition, participants argued that communities may not be entitled to the Chapter, and that it is particularly women in the sector who have been denied access to training and participation in decision-making. Thus, we need to adopt a gender perspective, both in understanding the lack of transparency and in developing solutions.

3.4 Participants criticized the fact that the information provided to civil society organizations and fishing communities by the authorities was not only limited but also unreliable. Furthermore, in the rare cases where the authorities involve communities in decision-making, this is rarely intended to empower them, and they are simply
They are "consulted" without the possibility of having any influence on decisions. Participants argued that because of these realities, fisheries management tends to focus on "profit" at the expense of "people".

3.5 The lack of transparency was identified as a political problem. Governments and fishing authorities refuse to publish information, perhaps to conceal corruption in order to limit public criticism. Foreign fishing interests also benefit from this lack of transparency, particularly in fisheries access agreements. However, poor information sharing in some African countries may be the result of the lack of organisation and capacity of public authorities. In several countries, there is no strong and reliable independent audit and evaluation mechanism. Therefore, the establishment of transparency and public participation requires public bodies to develop expertise and be willing to devote time and resources to it.

3.6 The fact that this lack of transparency also permeates the aid and project field was a recurring theme in the presentations and discussions. It was noted that many coastal communities benefit from considerable bilateral and multilateral aid projects, but public consultation and sharing of project documents, including detailed independent evaluations and audits, is limited. Yet, in most cases, the artisanal fisheries sector is the intended beneficiary of aid projects. Thus, it is imperative that communities are involved in the project from the beginning of its design and in the review of its results.

3.7 Finally, noting the problem of transparency in the fisheries sector, participants stressed that the capacity of communities to use and share data is largely lacking. They noted that some available documents are not written in local languages or are worded in a way that is inaccessible to communities. Many people involved in fishing or processing products in the artisanal fisheries sector are illiterate. As a result, few people have access to complex technical documents.

What kind of information should be made public and why?

3.8 One of the key issues identified by participants for further discussion is the following: *What types of information should be prioritized to improve transparency?* This question was one of the tasks assigned to the working groups, and participants were also asked to reflect on *how* this type of information can improve fisheries governance. As a result of these discussions, the following three categories of information or data were identified:

A) Fishing licences and authorisations. Participants argued that public authorities should publish a complete list of vessels benefiting from licences, including the contents of licence agreements and details of how the funds were paid for these licences. Several reasons were put forward to justify the usefulness of this information. One of them related to illegal fishing. It was noted, in this sense, that artisanal fishermen and other coastal organisations are unable to identify illegal fishing if they do not have information on the legal status of vessels. They explained that in possession of information

comprehensive rules on the granting of fishing licences, the public will be able to monitor the intensity of fishing over time, and it will also allow civil society organisations to oppose the licensing of an excessive number of vessels. In addition, there have been several cases of corruption in the issuing of licences, as well as the misappropriation of licence fees in some countries.

B) Access agreements. Participants felt strongly that the contents of bilateral fisheries agreements should be made public. They stressed that this information should be shared before the agreements are finalised, allowing for public debate and possible objections to them. It was noted that fisheries agreements with the European Union are publicly available, but similar levels of transparency should be extended to other distant-water fishing nations including Russia, Japan and China. Participants noted that despite this, the EU does not share the ex-ante and ex-post evaluations. The public's reading of the ex-ante assessments is of crucial importance, as they establish the surplus of stocks that European vessels are allowed to fish. For their part, ex-post evaluations are also important, as they contain information on catch registers and the results of development assistance in the fisheries sector. Extending the sharing of information on bilateral agreements would bring significant improvements in the public's ability to play its supervisory role. However, it was also noted that transparency not only concerns the monitoring of such agreements, but could also enhance the capacity of organizations to prevent the signing of poor access agreements.

C) Penalties and fines. Participants considered penalties and fines against fishing vessels to be important for extension purposes. They argued that such information would indicate how the authorities respond to illegal fishing and would also help reduce opportunities for corruption, including the payment of bribes between ship-owners and authorities. Participants said that the proceeds from fines applied to these vessels should be used productively for fisheries management. For example, the public should know the amount of revenue received by the state in prosecuting vessels engaged in illegal fishing and how it is used.

D) Aid projects. Following discussions on the problems of transparency in fisheries, it was noted that key documents relating to aid projects should be widely shared within countries, including project proposals, mid-term and final evaluation reports. This would allow citizens to contribute to discussions on how to administer aid and influence decisions on donor priorities, as well as strengthen accountability for aid funds.

E) Fisheries policy. It has been established that few governments publish information about fisheries management and policy. Participants suggested that fisheries directorates or departments should clearly state their fisheries policy in annual reports or similar documents. This option would allow civil society organizations to better understand the objectives of fisheries management and the extent to which these objectives are being met by the authorities.

F) Income and expenses. Participants identified budgetary and financial information as crucial to ensure transparency in the fisheries sector. These elements are of paramount importance for monitoring the performance of fisheries directorates and ministries, and would allow for public debate on how to administer and prioritise these scarce resources.

G) Information on fish stocks, catch statistics and trade data. Finally, participants repeatedly called for a wide dissemination of information on the state of fish stocks, as well as the volumes caught and traded. They noted that not all governments are developing accurate information on these issues, but stressed that priority should be given to the ability to share such data with coastal communities.

3.9 In discussing this list of information, participants agreed on the importance of considering the *timing of information sharing*, noting that the ability to improve transparency is limited if information is delayed or out of date.

Developing advocacy strategies

3.1 After identifying, in specific terms, the type of information to be made public, as well as how and when it should be made public, participants considered strategies to help increase transparency. In other words, the following question was to be answered: How do we bring about change? Participants recognized the great difficulty in answering this question, but agreed that the answer must occur at the national, regional and international levels.

3.11 During the proceedings, participants emphasized that civil society organizations tend to produce public statements and discourse demanding changes in fisheries management. These documents are very important and articulate the needs of marginalized communities. However, in isolation, these actions may not be enough to bring about change, some participants said. It was suggested that in some states, civil society organizations in some countries consider taking legal action to access information. Participants noted a lack of capacity to explore this option in most coastal States, as well as the uncertainty in several African countries about citizens' rights to access information, which are enshrined in law. However, it was noted that some international NGOs are able to provide legal support and expertise on this issue.

3.12 In developing advocacy strategies, participants argued that a key task is to build networks among civil society organizations in different countries. Lack of transparency is a common problem, and it is extremely difficult to be solved by individuals and organizations working separately, they stressed.

3.13 Transparency requires technical expertise within civil society organizations, not only in their capacity to use data, but also in their ability to disseminate information to communities and undertake advocacy activities in their respective countries. It was noted that the capacity of civil society organizations is very limited in several countries. Therefore, training and capacity building are needed, particularly in budget monitoring, they noted.

3.14 It was suggested that transparency requires an "international mechanism". The Extractive Industries Transparency Initiative (EITI), which was launched in the early 2000s to address the low level of transparency in government and business regarding the mining and oil sector, was cited as an example. This example can be adapted and extended to the fisheries sector. Indeed, it was mentioned that efforts are underway in Mauritania to establish an EITI for fisheries (or a Fisheries Transparency Initiative). It was recommended that further work should be pursued to this end.

3.15 In developing an advocacy strategy, participants recognized the need to identify "success stories", i.e., examples where benefits have been achieved in countries through broader information sharing. These success stories can help to illustrate more clearly the benefits of transparency. South Africa and Madagascar were cited as *potential* case studies illustrating success in this area.

3.16 Participants agreed on the vital importance of promoting transparency in international conventions and agreements. This includes the inclusion of transparency and public participation in the FAO Voluntary Guidelines for Sustainable Artisanal Fisheries. It was recommended that transparency and public participation be adequately included in the discussions on environmental governance at Rio+20. A specific recommendation was to make fisheries one of the main justifications for extending the *Aarhus Convention* to non-European countries, including those in Africa.

3.17 Participants saw the need to involve multilateral and bilateral donors. They suggested that donors can play an important role in mainstreaming transparency in the fisheries sector and take the lead in ensuring greater transparency in their aid projects.

3.18 It was recommended that African parliamentarians should be sensitized and involved in discussions on transparency in the fisheries sector.

3.19 Finally, participants agreed on the need to set up a mechanism for sharing information on fisheries management among African civil society organizations. This mechanism could include an online tool for downloading information on issues such as access agreements and licences. In addition, it was noted that there is a lot of unpublished or otherwise confidential information, which could be uploaded anonymously on the Internet, along the lines of "Wikileaks".

Identification of next steps

3.20 The final option chosen at the seminar was the following question. What could be the next steps to be assigned to the delegates at the meeting? It was recognized that the limited time available to participants did not allow for the development of a detailed action plan, and the need for more discussion and planning activities was emphasized. However, the following concrete actions were identified:

A). Provide a text on transparency as a contribution to the FAO Voluntary Guidelines for Sustainable Artisanal Fisheries. A draft of this text should be prepared by the conference organizers and shared with participants for comments and input.

B) Both the report of the conference and the text of the contribution to the guidelines should be widely disseminated to governments, intergovernmental organisations, regional fisheries bodies and multilateral and bilateral donors.

C) Community organisations and journalists attending the conference should write a short article on transparency in the fisheries sector and publish or popularise it in their respective countries. The conference organizers were invited to prepare a draft text that could be adapted as appropriate.

D) Funding must be found for the organization of another regional meeting and training sessions for participants. It was recognized that without capacity building of CBOs, their ability to access and use fisheries data may be limited