

“They Come, They Fish, and They Go:” EC Fisheries Agreements with Cape Verde and São Tomé e Príncipe

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Introduction

Fisheries agreements between the European Community (EC, or Community) and third countries¹ have, like much of the European common fisheries policy (CFP), been a recurrent topic of debate. The policy itself has been repeatedly criticized for its failure to adequately address issues of ecological and, to a lesser degree, socioeconomic sustainability in European fisheries. Critics of the policy’s international dimension add to these concerns a moral judgment of the righteousness of rich and powerful Europe buying fishery resources from poor and vulnerable countries (Kaczyn-

¹Third country is the designation used in European policy circles to refer to countries other than the EC’s member states.

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ABSTRACT—*Fisheries agreements with the European Community (EC) are an important component of the fisheries sector in Cape Verde and São Tomé e Príncipe, constituting today a key source of income for the respective fisheries administration. In spite of this, and of the fact that these agreements have been renewed several times over the past decades, challenges remain in domains such as control and communication of fishing activities, follow-up of financial counterparts, and integration of European fleets’ operations with the Cape Verdean and Santo-meanean economies. This paper analyzes the EC fisheries agreements with Cape Verde*

ski and Fluharty, 2002; Bartels et al., 2007; SSNC, 2009).

Largely in response to this criticism, EC fisheries agreements have been subject to successive modifications in order to better account for issues of sustainability and responsibility in fishing, and to enhance their potential contribution to broader socioeconomic development in those partner countries. The extent to which this has been achieved in the EC fisheries agreements with Cape Verde (CV) and São Tomé e Príncipe (STP) is the main subject of this paper.

Regarding the ecological sustainability of the agreements, there are concerns about the level of knowledge about the status of many of the negotiated stocks, and the generally insufficient levels of monitoring and control of EC fleet activities. In general, EC fisheries agreements have been and continue to be implemented in contexts of insufficient information and control, and the two cases reviewed here constitute no exception.

Insufficient monitoring of activities at sea has, in some instances, had a parallel in inadequate tracking of the financial

and São Tomé e Príncipe in terms of those domains, considering both the contents of the agreements and their practical implementation. The fisheries sector in each of these countries is reviewed, as are some of the fundamentals and criticisms of EC fisheries agreements. It is argued that the agreements with Cape Verde and São Tomé e Príncipe will not live up to the stated objectives of sustainability and responsibility in fisheries until improvements are made to the control of EC vessels, the follow-up of funds paid by the EC, and the size and diversity of benefits accruing to the fisheries and related sectors in the two countries.

Acronyms used in this paper.

ACP	African, Caribbean, and Pacific Group of States
CFP	Common fisheries policy
CV	Cape Verde
EC	European Community
FPA	Fisheries partnership agreement
ICCAT	International Commission for the Conservation of Atlantic Tunas
ILO	International Labour Organization
INDP	National Fisheries Development Institute of Cape Verde
NGO	Nongovernmental organization
RFMO	Regional Fisheries Management Organization
STP	Republic of São Tomé e Príncipe
UNCLOS	United Nations Convention on the Law of the Sea
VMS	Vessel monitoring system

counterparts to the agreements. This often reflects a more widespread lack of capacity of public administrations in some of the poor countries that are partners to the agreements. Although improvements have been recorded in many of these countries, disparities still exist. CV and STP illustrate this point rather clearly, with the former displaying a capacity to apply and track EC funds that largely surpasses that of the latter.

The third issue analyzed is the degree to which fisheries agreements with the EC contribute to broader socioeconomic development in CV and STP. The moral disapproval of the agreements alluded to earlier has much to do with this particular point, as it is often believed that the only benefit of the agreements accruing to third countries is the money that enters the state treasury and which, all too often, is not seen to improve the lives of poor fishing communities, which are those who stand to lose the most from having Community vessels fishing in their waters.

This paper discusses how these three issues have been handled in the fisheries agreements between the EC and the two African countries. It will be shown

that, notwithstanding improvements to the letter of the successive protocols and agreements, important challenges remain unsolved in practice, compromising stated objectives relative to fisheries sustainability and responsibility, and to socioeconomic integration.

With this study, the existing body of literature on fisheries agreements involving the EC is expanded in two ways: first, by focusing on two countries, the fisheries sectors of which have seldom been dealt with in scholarly literature, in particular in the English language; and second, by analyzing specific aspects of the fisheries agreements that the EC has signed with CV and STP. The reason for considering these two countries simultaneously lies not only in the similarities between the respective EC Fisheries Partnership Agreements (FPA), but especially in the fact that, despite important differences in how fisheries are managed in these countries, the implementation of those agreements currently faces similar challenges.

The work presented here results first from the analysis of the contents of the fisheries agreements and respective protocols involving the EC and each of the two African countries.² This analysis has been complemented with the few existing studies on the fisheries sectors of CV and STP, in particular with those dealing with implementation and consequences of those agreements. In addition, the author conducted observations and held interviews with individuals involved in fishing, fisheries and public fiscal administration, and marine surveillance and maritime activities in both countries, during the month of January 2010.

The structure of this paper is as follows. First, the main characteristics of the fisheries sector in each of the two countries are reviewed. Then, an overview is provided of the rationale and evolution of EC fisheries agreements in general and of those with CV and STP in particular. Followed by three sections analyzing aspects related to fishing opportunities and control of fleet activities, manage-

ment of financial counterparts, and socioeconomic integration of Community fleet activities. The conclusion considers how the shortcomings identified in each of these aspects can be addressed.

Cape Verde and São Tomé e Príncipe Fisheries Sectors

The fisheries sectors in both Cape Verde and São Tomé e Príncipe are dominated by traditional, small-scale fishing activities. This has been due, primarily, to an historical paucity of capital for investments in the sector, a situation that is common to most African fisheries (Heck et al., 2007). Since neither country has an operational distant-water fishing fleet, their fisheries sectors are shaped exclusively by the resources available in the respective national waters, principally those closest to shore.

Both countries are archipelagic states located in the central eastern Atlantic, CV about 350 nmi west of Senegal, and STP about 200 nmi west of Equatorial Guinea and Gabon, in the Gulf of Guinea (Fig. 1 and 2). CV is composed of ten islands, of which nine are inhabited³, whereas STP consists of the two islands that compose the name of the country. Both archipelagos have many islets. Table 1 presents data relative to the geography of the two countries.

The volcanic origin and the large average depths of the sea bottoms around the two archipelagos result in comparatively narrow insular shelves, the sea areas above the shelf down to the 200 m isobath amounting only to 1,572 sq. km in STP and 5,394 sq. km in CV (Rio⁴; Oceanic Développement et al.⁵). In both cases there are areas

Table 1.—Land mass, length of coastline, and EEZ of CV and STP.¹

Item	Cape Verde	São Tomé e Príncipe
Land mass (sq. km)	4,033	1,001
Coastline (km)	1,108	210
EEZ (sq. km)	734,000	160,000

¹Sources: Government of Cape Verde, 2004; text footnotes Rio⁴ and Oceanic Développement et al.⁵.

where the shelves are less abrupt and where levels of biological productivity are substantially higher than those of deeper waters. These areas have traditionally been important fishing grounds for demersal and small pelagic species in both countries.

In CV, two particularly important areas exist, one in the windward (barlavento) group of islands extending from S. Antão in the west to S. Nicolau in the east, and the other spanning the sea area to the south of the island of Sal and around the islands of Boavista and Maio. In STP, the extended insular shelf is found south of the island of Príncipe and encompassing the Tinhosas islets.

The average levels of marine biomass in the EEZ's of both countries are relatively low. Table 2 provides estimated volumes of exploitable fishery resources in the two countries.

Current exploitation levels are believed to fall much shorter than the exploitable potentials, estimates pointing at total yearly catches in CV between 7,500 and 10,800 t (INDP, Nd.; Government of Cape Verde, 2004; Fonseca⁶), and in STP of approximately 4,000 t for artisanal fisheries (FAO⁷; CETMAR⁸), although Rio⁴ proposes the figure of 3,000–3,500 t. The notable exceptions to this situation of presumed under-exploitation are the high-value lobster fisheries in CV, which are considered fully exploited in the case of muddy spiny lobster, *Palinurus charlestoni* (locally known as lagosta-rosa), and

³St. Luzia, the smallest of the ten islands, is occasionally inhabited by fishermen from neighboring islands. It is, however, considered officially uninhabited.

⁴Rio, J. M. C. 2006. Horizon 2012. Vers un développement intégré, durable et responsable du littoral. Sous secteur de la pêche artisanale. MARAPA, S. Tomé, STP, 305 p.

⁵Oceanic Développement, Poseidon Aquatic Resources Management Ltd., and Megapesca Lda. 2004a. Interim/ex post evaluation of the current protocol to the fisheries agreement between the European Community and the Republic of São Tomé e Príncipe, and analysis of the impact of the future protocol on sustainability, including ex ante evaluation. Unpubl. final rep., FPA 1/STP/04.

⁶Fonseca, B. O. 2000. Expansion of pelagic fisheries in Cape Verde. A feasibility study. United Nations Univ., Fish. Training Program, Reykjavik, Iceland, 27 p.

⁷FAO. 2009. Programa integrado de reestruturação da pesca. Relatório FAO/SFC/STP. Ministério da Agricultura, Desenvolvimento Rural e Pesca, São Tomé, STP, 67 p.

⁸CETMAR. 2009. Diagnóstico e proposta de plano operativo para promover o desenvolvimento da pesca artesanal em São Tomé e Príncipe. AECID, São Tomé, STP, 61 p.

²The texts of the agreements and protocols are publicly accessible through the EurLex legal database, online at <http://eur-lex.europa.eu>.



Figure 1.—Cape Verde (Source: http://www.lib.utexas.edu/maps/cape_verde.html).

Table 2.—Estimated volumes of exploitable fishery resources in CV and STP.

Country	Estimated resources (t/yr)	Source	Comments
Cape Verde	32,500–41,600 (of which 25,000–30,000 large pelagic species)	Government of Cape Verde, 2004	
	36,000–44,000	Almeida et al., 2003	
	38,000–47,000	Text footnote Fonseca ⁶	
São Tomé e Príncipe	12,000 coastal species (of which 3,600 demersal species)	Text footnote Rio ⁴	No estimate for large pelagic species, but reference to 8,500 t/yr in EC agreement
	12,000 coastal species (of which 4,000 coastal pelagics, 2,000 demersals, and 6,000 shellfish species) and 17,000 large pelagic species	Text footnote FAO ⁷	Estimate for large pelagic based on Russian surveys from the mid 1980's (Adelino et al., 2005).

over-exploited, in the case of coastal species such as green spiny lobster, *Panulirus regius*; brown spiny lobster, *Panulirus echinatus*; and slipper lobster, *Scyllarides latus*.

In neither of these countries are there any systematic and comprehensive procedures for collecting data on fishing effort or catches from artisanal fisheries, this being especially true in STP. This fact explains much of the variability in the estimates presented above.

With regard to large migratory pelagic species, foreign fleets account for the majority of catches. With the exception of Japanese vessels operating in Santomean waters (Costa⁹), there are no reliable data on these catches, although, as will be discussed later for the case of EC vessels, this is in contravention to the fisheries agreements with the EC.

⁹Costa, G., Dir. Gen. Fisheries, São Tomé, STP. Personal commun., 28 Jan. 2010.

As alluded to above, artisanal forms of fishing predominate in both STP and CV. Such dominance is absolute in the former country, given the absence of industrial and semi-industrial fishing fleets.¹⁰ The figures relative to the size

¹⁰Following independence, the Santomean government attempted to operate an industrial fishing fleet. An economic failure, the project was abandoned after a few years (Espírito Santo, 2009; Rio⁴). More recently, the national media

Continued on page 5.

of the fisheries sectors and subsectors, including fleet sizes, species composition, and employment levels show important discrepancies between different sources. This fact, which is particularly evident in the case of STP, is due not only to temporal variations in each of those dimensions—e.g. people entering or leaving the profession; boats that are built and dismantled—but also the low frequency of data collection campaigns and, to a lesser extent, to differences in the classifications used (e.g. in regards to boat types). The informal nature of most of the artisanal fisheries sector in both countries also renders systematic data collection and follow-up both difficult and costly. Table 3 summarizes data relative to the size of the Santomean fisheries sector.

The decapitalization of the artisanal sector identified in the 2004 evaluation of the EC fisheries agreement appears to have been reversed in recent years (Oceanic Développement et al.⁵), considering the figures relative to the size of the fleet and the respective rate of motorization. Still, this apparent reversal of the earlier decline must be considered with care. First, many of the improvements in the Santomean fleet have been funded by donor money and hence do not mirror a de facto increase of investment capabilities or an actual accumulation of capital by local shipowners. Second, there has been a stagnation of catches from artisanal fisheries at an estimated 4,000 t/year (FAO⁷; CETMAR⁸), suggesting

that productivity in the sector has not been affected by apparent improvements in equipment. In this respect, it has recently been suggested that “[f]ishermen take advantage of motorization more as a safety measure and as a means of spending less time at sea, than as a factor enabling them to fish in more productive, but also more distant fishing grounds” (FAO⁷: 21).

Rio⁴ describes six main units of artisanal fisheries in STP according to vessel and gear types. Table 4 summarizes these units, to which beach seines, an ancient and declining form of fishing, has been added. Some of the fisheries carried out by larger motorized fiberglass vessels (corresponding to the two bottom rows in Table 4) are sometimes referred to as the Santomean semi-industrial fleet (Oceanic Développement et al.⁵; FAO⁷; Adelino et al.¹¹). Others oppose this classification, arguing that STP does not have any processing industry that such vessels supply, and that the vessels are too small to qualify as semi-industrial. Designations such as “offshore artisanal” or “advanced artisanal” are then preferred (Rio⁴; Anfal¹²).

Demersal fish stocks found in the coastal waters of STP, which constitute the mainstay of most artisanal fisheries, combine elements of eastern and western central Atlantic stocks (Oceanic Développement et al.⁵). Some of these have been considered to have com-

Table 3.—Employment and fleet size in the Santomean fisheries sector in 1995, 2003, and 2007.¹

Item	1995	2003	2007
No. of fishermen	2,060	1,989	2,428
No. of fish vendors		Note ²	2,052
No. of fishing boats	1,840	1,614	1,921
Motorization rate (%)	36	21	23

¹ Sources: text footnotes Rio⁴; Oceanic Développement et al.⁵; and CETMAR⁸.

² An estimate of 6,000 fish vendors in 2000 is mentioned in Oceanic Développement et al. This number seems excessive in comparison to the figure for 2007, even considering the variability of employment in this activity.

mercial potential in European markets, namely seabreams, *Pagrus* spp. (locally known as pargo) and wreckfish, *Polyprion americanus* (locally known as cherne). Small pelagics are caught both by Santomean artisanal fishermen and by foreign industrial fleets, although in the case of the latter, the principal target are large migratory pelagic species, such as yellowfin tuna, *Thunnus albacares*; bigeye tuna, *T. obesus*; skipjack tuna, *Katsuwonus pelamis*; Atlantic swordfish, *Xiphias gladius*; and various species of sharks, such as hammerhead, *Sphyrna* spp.; mako, *Isurus* spp.; and blue shark, *Prionace glauca* (Oceanic Développement et al.⁵). Although foreign fleets stand for most of the catches of large migratory pelagics, some of the smaller species are frequently caught by local artisanal vessels and are commonly found in Santomean markets. These include mackerel and round scad, *Decapterus macarellus* and *D. punctatus*; Spanish sardine, *Sardinella aurita*; and different species of carangids and flying-fish, *Cheilopogon* spp.

Artisanal fishing is carried out in the coastal waters of the Santomean archipelago. The degree of motorization and the availability of safety equipment on board determine the distance from shore where fishermen decide to operate. Fishermen from the island of Príncipe

¹⁰(continued) discussed the possibility of government reentering the industrial fishing business by rehabilitating some of the vessels of the ill-fated Astipescas fishing company. The fact that Astipescas's abandoned ships have capsized, grounded, or simply disappeared might explain why no visible steps have actually been taken.

¹¹ Adelino, F., E. Moniz, and M. Nascimento. 2005. Evaluation de la contribution socio-économique de la pêche au PIB et au développement de São Tomé e Príncipe. Sustainable Fisheries Livelihoods Programme, DFID, London, U.K., and FAO, Rome, Italy, 20 p.

¹² Anfal, O. Director, Dir. Gen. Fisheries, S. Tomé, STP. Personal commun., 20 Jan. 2010.

Table 4.—Main types of artisanal fisheries in São Tomé e Príncipe, including targeted species.¹

Description	Targeted species	No.
Harpoon fishing; divers from beaches or from small canoes.	Demersal fishes and cephalopods; Marine turtles.	350 divers
Beach seines, trawling, and seining to beach	Demersal fishes and cephalopods	Unknown
Hand lines and gillnets for both surface and bottom fishing; small wooden canoes (3–6 m) with sail and oars.	Demersal fish species, occasionally small pelagics	1,012 canoes
Gillnets for surface and bottom fishing; medium-sized wooden boats (6–8 m) with motor (8–15 h.p.)	Demersal fish species, occasionally small pelagics	290 boats
Purse seine nets; large wooden boats (8–12 m) with motor (25–20 h.p.)	Small pelagic fish species	114 boats
Hand line for surface and bottom fishing; large open deck fiberglass boats (8–13 m) with motor	Demersal fish species, occasionally small pelagics	3 boats
Hand line for surface and bottom fishing; large closed deck fiberglass boats (8–13 m) with motor	Demersal fish species, occasionally small pelagics	2 boats

¹ Sources: text footnote Rio⁴ and Oceanic Développement et al.⁵.

and larger vessels from S. Tomé often fish in the richer grounds to the south of Príncipe. Most of the fleet, however, consists of dugout canoes unsuited for navigation beyond a few nautical miles from the coast (Fig. 3, 4).

Capture activities are the exclusive responsibility of men. They also carry out the first sale, which typically takes place on the beach upon arrival from a fishing trip. From this stage onward, women take the lead on all processing and commercialization of fish products. As is also the case in CV, women perform their work in complete independence from men, and are solely responsible for managing the economic and financial aspects of commercialization. Fish processing exists only in relatively incipient forms, limited mostly to sporadic salting and smoking. Recently, a small cooperative processing unit was established with the assistance of the nongovernmental organization (NGO) MARAPA, the International Fund for Agricultural Development, and the Spanish cooperation agency AECID, enabling women to produce and sell different products with higher added value.¹³ Conservation facilities are scarce and poorly maintained, which poses additional problems for the conservation of fishery products in an equatorial country where fish processing is minimal and often inadequate.

The institutional set-up of the fisheries sector is relatively underdeveloped. Government structures include the ministry responsible for fisheries and the respective directorate general. Maritime surveillance and policing of the whole of the EEZ is the responsibility of the coast guard, while the ports captaincy of STP—itself part of the coast guard—is tasked with near-shore patrolling of all maritime activities, including granting and controlling fishing licenses. Fisher-

¹³This processing unit is part of a larger marketing cooperative named Copafresco, which aims at improving the processing, transportation, and commercialization of fish products in STP. It currently handles over 15,000 kg of fresh fish per year (IFAD. 2009. Implementation of the second cycle of the Participatory Smallholder Agriculture and Artisanal Fisheries Development Programme. Democratic Republic of Sao Tome and Principe. EB 2009/98/INF.3. Int. Fund for Agric. Develop., Rome, Italy, 10 p.).



Figure 3.—Arrival of fishing boats at Praia Gamboa, STP, showing typical fiberglass vessel and large wooden dugout canoes used in coastal fisheries.

men's associations have been formally established in the past but, apart from a few exceptions, are mostly inoperative today.

NGO's with persistent and extended work in the sector are limited to one, MARAPA, although other organizations working with local development issues sometimes also support fishing activities. Finally, the ubiquitous presence of bilateral and multilateral cooperation agencies has manifested itself throughout the years since independence in the financing and implementation of numerous projects in the sector, of which many have failed.¹⁴

Figures relative to the size of the artisanal fisheries subsector in CV are presented in Table 5. More than one-third of all artisanal fishermen and fish vendors are registered in the island of Santiago, itself home to more than half of the country's resident population.

¹⁴In recent years, two of the most visible failures were the Spanish-funded fisheries complex at the port of Neves, which, after an initial investment of 1.5 million Euros in 2000, was abandoned in 2004; and the Taiwan-funded fish auction built outside the capital city in a place allegedly unsuited for berthing, which has never been used and is said to be awaiting conversion to a hospital.

Table 5.—Employment and fleet size in the Cape Verdean artisanal fisheries subsector in 1999 and 2005.^{1,2}

Item	1999	2005
No. of fishermen	4,283	3,108
No. of fish vendors	Note ³	893
No. of fishing boats	1,267	1,036
Motorization rate (%)	73	74

¹Sources: FAO, 2004; Government of Cape Verde, 2004; text footnote FAO and DFID¹⁶.

²Silva, O., INDP, Mindelo, CV. Personal commun., 6 Apr. 2010.

³Government of Cape Verde (2004: 45) refers to an estimate of 3,500 fish vendors in 2000. This number seems excessive in comparison to the figure for 2005, which results from a survey conducted by the INDP in all fishing communities in CV.

CV has semi-industrial and industrial fleets of some dimension, dedicated to fisheries of tunas and tuna-like species, small pelagics, and deep-water lobster. Together, these fleets are composed of some 70 vessels of varying sizes (8–25 m; 2.5–121 GRT¹⁵) and engine power, employing an estimated 840 people, up from approximately 600 at the turn of the millennium (Almeida et al., 2003; Fonseca⁶; FAO and DFID¹⁶). The tuna

¹⁵Gross Registered Tonnage.

¹⁶FAO and DFID. 2005. Evaluation de la contribution socio-économique du secteur des pêches au PIB et au développement rural au Cap Vert. Sustainable Fisheries Livelihoods Programme, DFID, London, U.K., and FAO, Rome, Italy, 43 p.



Figure 4.—“Prao” canoe with sail in STP. Photo courtesy of Jorge Carvalho do Rio.

Table 6.—Main types of artisanal fisheries in Cape Verde, including targeted species.¹

Description	Targeted species	No.
Divers from small boats, at depths up to 25 m, both free diving and scuba diving (illegal); may include gillnets and traps for lobsters and mollusks	Coastal lobster, mollusks, demersal fish species and cephalopods	Unknown
Beach seines, trawling, and seining to beach	Small pelagic fish species	50 units (1999)
Gillnets for surface fishing from boats; concentrated in Santiago (82%), S. Vicente, and S. Antão	Small pelagic fish species (Blackspot picarel, <i>Spicara melanurus</i> , ca. 85%)	Unknown
Purse seines for surface fishing; medium-sized boats (9–10 m) with outboard motors	Small pelagic fish species	24 units
Hand lines for surface and bottom fishing; small and medium-sized boats (3–9 m) with outboard motors.	Tunas and tuna-like species and demersal fish species, alternatively	1,229 boats

¹Source: Almeida et al., 2003.

fleet operates different fishing gears according to season, including longlines and pole-and-line for tunas (primarily skipjack and yellowfin), hand-held lines for demersals, purse seines for small pelagic, and traps for lobster. The lobster fleet is smaller in size—four vessels in the early 2000’s—and is composed of larger 15–22 m vessels that, during October–June, target primarily muddy spiny lobster (Almeida et al., 2003). A third segment of the semi-industrial and industrial fleets has been proposed by Almeida et al. (2003), comprising about 70 vessels of length greater than

6.5 m operating purse seines to catch small pelagic species such as mackerel scad, round scad, and bigeye scad, *Selar crumenophthalmus*. Catches from the industrial and semi-industrial fleets are primarily for export and for Cape Verdean processing industries (Fonseca⁶). These are concentrated in the islands of Santiago, S. Vicente, and Sal, and to a lesser extent in S. Nicolau and S. Antão.

Artisanal fishing is of greater importance than its industrial and semi-industrial counterparts, not only for the number of people and vessels employed, but also because catch levels are ap-

proximately twice those of the latter subsectors (FAO, 2004). Five main artisanal fisheries have been identified in CV, as indicated in Table 6. Most of them take place on all islands. Pending weather conditions and vessels characteristics (Fig. 5, 6), fishermen often travel to other islands and offshore fishing grounds. In particular, the two areas of extended insular shelf, described previously, congregate fishermen from different, often distant islands.

The organization of the artisanal subsector in CV shares a number of commonalities with the organization



Figure 5.—Small nonmotorized artisanal fishing boats at Baía das Gatas, SV, CV.



Figure 6.—Motorized artisanal fishing boats outside Tarrafal, ST, CV.

in STP. Capture activities are predominantly male—with the notable exception of the fishing community in Porto Rincão, Santiago, where women are both fishermen and vendors—while women engage in post-capture processing and commercialization, again in an

utterly autonomous manner. Important fish markets include those of Praia (Santiago) and Mindelo (S. Vicente), as well as the touristic island of Sal. Fish products, being an important part of the diet of most Cape Verdeans, are also sold in all fishing communities along

the coast, as well as in towns further inland. As in STP, most fish is sold and consumed fresh, salting and smoking being the two most common artisanal processing techniques.

The larger fish canning plants based in S. Vicente, S. Nicolau, and Santiago

are supplied primarily by the Cape Verdean semi-industrial and industrial fleets, although some of the supply is imported.¹⁷ Following the 1999–2003 embargo of fish exports to the European market, CV has seen significant improvements to its fish storage and processing facilities. Exports have since been resumed, to the extent that in 2009 fresh and canned fish products topped the list of Cape Verdean exports, accounting, respectively, for 39.9% and 29.8% in value of all exports (INE¹⁸). Ice production plants exist in Mindelo and Praia and are used both by local fishermen and vendors and by those coming from other islands.

The institutional organization of the fisheries sector is comparatively more elaborate than that of STP. At the top of the official hierarchy one finds the fisheries ministry, supported by an office for studies and planning, and a multi-sectoral consultative council, followed by the Directorate-General for Fisheries. An autonomous state body, the National Fisheries Development Institute (INDP, Instituto Nacional de Desenvolvimento das Pescas), carries out scientific work, as well as development initiatives in the sector, the latter predominantly addressing problems of small-scale fisheries. A development fund has also been established, in 1994, to provide credit for private investments in the sector.¹⁹

¹⁷That local processing plants import fish is not well received in CV, especially among those involved in industrial and semi-industrial fisheries. An often cited example is that of the Spanish-owned company Frescomar, which owns a plant outside Mindelo, SV. It has been accused of refusing to buy fish from Cape Verdean shipowners and instead importing fish landed by Spanish vessels elsewhere.

¹⁸INE. 2010. Resultados do comércio externo, ano 2009. Inst. Nacional Estatística, Praia, ST, CV. Online at <http://www.ine.cv>, accessed on 24 Feb. 2010.

¹⁹In STP, a similar fund was created, also in 1994, through decree-law no. 4/94 (Diário da República No. 3, 31 Mar. 1994:13–14). However, the functioning of the fund was never regulated and the government never actually allocated funds to it, which meant that, in practice, the fund never existed. In recent years, the Ministry of Economy and FAO have been working on a fund for rural development, encompassing agriculture, livestock, and fisheries.

Fishing associations, often including both artisanal fishermen and vendors, have been rising both in number and importance during the past decade. With the assistance of the INDP, NGO's, and, occasionally, the Directorate-General for Fisheries, they have been instrumental in fostering development in fishing communities, not only in relation to fishing activities, but also to other societal needs. The association of fisheries shipowners, based in Mindelo, represents the interests of the industrial and semi-industrial fleets. Numerous environment and development NGO's operate locally in fishing communities. Responsibility for maritime surveillance and policing rests, in nearshore waters, with the maritime police, and, in the remainder of the EEZ, with the coast guard. Similar to the situation in STP, the work of these forces has been limited by recurrent insufficiency of financial and technical means.

The Evolution of EC Fisheries Agreements

Since the second half of the 1970's, the EC has been signing agreements enabling the distant-water fleets of its member states to fish in the waters of third countries. The need to enter into such agreements arose during that decade as it became clear that, in the course of the third United Nations Convention on the Law of the Sea (UNCLOS), an increasing number of countries made efforts to extend their exclusive economic zones (EEZ) to 200 nmi. An estimated 90% of all known fishery resources came thereby under the exclusive control of those states, and fishing fleets worldwide were forced to negotiate their access to waters where they had fished freely in the past (Bartels et al., 2007). This affected the fishing fleets of EC member states of that time, where approximately 9% of consumed fish products originated from those waters (Court of Auditors, 2001).

As per a resolution of the European Council of 3 Nov. 1976²⁰, EC member states transferred the power of signing fisheries agreements to the EC itself, an arrangement that persists to this day.

This transfer of competencies has been justified with three arguments by the EC Commission (CEC, 2002). First, were the EC not involved in negotiations with third countries, then there would be no entity defending the interests of the European distant-water fishing fleet. Shipowners would simply enter into private arrangements with governments in third countries, and most likely register their vessels either in the country where they intended to fish, in order to be allowed to operate there; or with a flag of convenience, in order to reduce operational costs. Hence the EC distant-water fleet would not disappear by decommissioning of ships, but by their transfer to non-EC states.

Why individual member states, in the absence of direct EC involvement, would not try to secure their national fleets themselves is not explained by the Commission. A possible explanation might be that individual countries would not be willing to subsidize state-led agreements to the same extent as the EC has done, and this would probably lead shipowners to reflag to the most convenient option, as pointed out by the Commission.

The second argument is that the fishery resources themselves would be worse off under private arrangements than under EC agreements, simply because the fleets that would be granted access to those resources under private agreements operate by "criteria and conditions [that] may not conform to those of a global sustainable fisheries policy" (CEC, 2002: 6), which, allegedly, is what guides EC agreements and the European distant-water fishing fleet. In regards to this argument, it is worth mentioning that the legal basis of fisheries agreements is the UNCLOS, in particular article 62, that provides for signatory coastal states to "give other States access to the surplus of the allowable catch." This is to be done with the aim of attaining "optimum utilization of living resources in the exclusive

²⁰Council Resolution of 3 November 1976 on certain external aspects of the creation of a 200-mile fishing zone in the Community with effect from 1 January 1977. Off. J. Eur. Comm. C, No. 105, 7 May 1981:1.

economic zone,” and in the context of the coastal state’s lack of capacity to harvest the entire allowable catch.

In this scenario, it is likely that states—in particular poorer, indebted ones—would be tempted to sell the estimated surplus if that translates into revenues that they would otherwise not have. However true this supposition may be (see Kaczynski and Fluharty, 2002), the suggestion by the Commission that EC fisheries agreements constitute the best possible alternative in terms of resource utilization is far-fetched and not entirely well-founded. Indeed, evaluations of the agreements have drawn attention to the fact that insufficiencies in terms of stock assessments and follow-up, control of bycatch, fleet surveillance and monitoring, generation and sharing of data and of law enforcement capability have rendered much of the fishing carried out under the agreements unsustainable (ADE et al., 2002; Bartels et al., 2007; Walmsley et al., 2007).

The Commission’s third argument is more convincing, as it notes that the fisheries sector in third countries is more likely to benefit from the financial counterpart paid by the EC than from the fees paid by shipowners for private agreements. The reason for this is that the funds earmarked for specific targeted actions are provided for in the former, but are assumed to be absent from the latter type of agreement. Indeed, it is not unreasonable to imagine that, unless forced otherwise, the governments of third countries would use financial counterparts from fisheries agreements to address their immediate priorities, which very seldom include fisheries sector development. It is also highly unlikely that individual shipowners signing hypothetical private agreements would ever be interested in instructing the governments of third countries about how to spend their money. The EC, operating on a state-to-state level, is capable of doing so.

The first fisheries agreement signed by the EC was with the United States of America in 1977 (Witbooi, 2008; IFREMER²¹). The first country of the

African, Caribbean, and Pacific Group of States (ACP) to sign a fisheries agreement with the EC was Senegal in 1979. By the early 1990’s, the number of agreements with developing countries had risen to 18 (Walmsley et al., 2007). Currently, there are 20 FPA’s between the EC and ACP countries, of which those with Angola, Equatorial Guinea, Mauritius, and Senegal do not have a protocol in force, meaning that no fishing by EC vessels is taking place in the respective waters; one FPA with Greenland; and three reciprocal access agreements with Iceland, Norway, and the Faeroe Islands (CEC²²).

The earlier agreements, commonly termed fisheries access agreements, defined “the level, the terms of allocation and the use of rights of access to fish resources in the exclusive economic zones of third countries” (Court of Auditors, 2001:4). These agreements were classified as either first- or second-generation, the former comprising 1) reciprocal agreements, whereby the EC and third countries exchanged fishing possibilities for the respective fleets, without payment of any financial compensation; 2) agreements involving financial compensation in return for fishing possibilities and without any further reciprocity (most agreements with ACP countries were of this type); and 3) agreements involving financial compensation and access to European markets of fish products from the third countries without custom duties or quantitative restrictions (the agreement with Greenland was of this type).

Second-generation agreements were much less frequent, having only been signed with Argentina, Namibia, Estonia, Latvia, and Lithuania, and involved the transfer of EC vessels to the third countries as part of joint-ventures to which fishing opportunities were

²¹IFREMER. 1999. Evaluation of the fisheries agreements concluded by the European Community. Summary Report, 38 p. Online at <http://ec.europa.eu/fisheries/documentation/studies/rsen.pdf>, accessed on 13 Dec. 2009.

²²CEC. N.d. Bilateral fisheries partnership agreements between the EC and third countries. Online at http://ec.europa.eu/fisheries/cfp/external_relations/bilateral_agreements_en.htm, accessed on 14 Feb. 2010.

granted (Court of Auditors, 2001; Witbooi, 2008). All of these earlier agreements, “negotiated and signed as purely commercial arrangements” (Kaczynski and Fluharty, 2002:77), had as main objectives to supply European markets and processing industries with raw fish products, to secure fishing opportunities for the Community’s distant-water fleet, and to create employment opportunities both on-board fishing vessels and on shore in up- and down-stream sectors (Kaczynski and Fluharty, 2002; Gorez²³).

All first-generation agreements other than reciprocal ones have been replaced after 2004 by FPA’s, following the 2002 reform of the Community’s CFP. These new instruments were proposed as components of broader Economic Partnership Agreements between the EC and ACP countries (Mbithi Mwikya, 2006), and, accordingly, were guided by concerns of sustainability and responsibility in fishing, development of fisheries and related sectors, and, ultimately, poverty reduction (CEC, 2002; Witbooi, 2008). In relation to earlier access agreements, if the stated purpose of these was to provide for fishing opportunities for EC vessels in the waters of third countries, that of FPA’s is to enable sustainable and responsible fishing opportunities for that fleet, while contributing to broader development objectives in the third countries.

The Cases of CV and STP

The first agreements on fishing opportunities between the Community and, respectively, STP and CV, date back to 1984 and 1990. In both cases, these initial agreements have been prolonged—through amendments, subsidiary agreements, and revision of protocols—until their replacement by FPA’s. These were signed on 30 Oct. 2007 for the case of STP—the respective protocol, however, covering the period from 1 June 2006 to 31 May 2010—and on 12 Feb. 2007 for the case of CV—with the corresponding protocol running from 30 Mar. 2007

²³Gorez, B. 2005. Policy study: EU-ACP fisheries agreements. Coalition for Fair Fisheries, Brussels, Belgium, 44 p.

(date of entry into force of the FPA) to 31 Aug. 2011.²⁴

The agreements with the two countries have evolved towards greater complexity. The purpose of the 1984 STP and 1990 CV agreements was relatively simple, namely “to establish the principles and rules [governing], in all respects the fishing activities of vessels flying the flags of Member States of the Community” in the waters under jurisdiction of each of the two countries (Council Regulation, 1984). The 1987 amendment brought no changes to the text of the agreement with STP, having served only to update and expand the annex laying down the conditions under which fishing activities were to be carried out. All subsequent changes to these conditions involved only the revision of protocols to the agreement at intervals of 3 or sometimes 4 years. This was done in the form of official exchanges of letters between the governments of each of the countries and the EC. The original agreements themselves, with an initial duration of 3 years upon entry into force, were automatically renewed for successive periods of 1 year in the case of STP, and 2 years in the case of CV, as per articles 12 and 13, respectively.

The initial agreements with the two countries are, to a large extent, identical. Further to the generic purpose mentioned above, they pledge adherence to the UNCLOS and to the fisheries laws and regulations of each country. Fishing by EC vessels is conditional on authorization granted by Santomean and Cape Verdean authorities, and it is always subject to the issuing of specific licenses.

²⁴As of July 2011, the FPA with STP had not yet formally entered into force, as the Santomean state had not yet notified the EC on the completion of the ratification process. The protocol is, nevertheless, in force by virtue of another agreement, in the form of an exchange of letters on the provisional application of the protocol. To this end, refer to Council Decision 2007/532/EC, Off. J. Eur. Union L, No. 205, 7 Aug. 2007:35–62. A new protocol covering the period Jun. 2010–May 2013 was approved by the EU Council in February 2011. Because the author’s research in STP predates the entry into force of this new protocol, it has not been included in the analysis. Suffice it to note here that the substance of the previous protocol remains largely unaltered in the new one.

The Santomean agreement contains one single provision relating to conservation and management of fishery resources, namely article 5, where, in a rather vague formulation, it is stated that “[t]he parties undertake to coordinate action, either directly or within international organizations, to ensure the management and conservation of the living resources, particularly in the eastern-central Atlantic and in respect of highly migratory species, and to facilitate the relevant scientific research” (Council Regulation, 1984: art. 5).

The Cape Verdean text of 1990 adds a couple of provisions relating to the actual implementation of conservation measures by the government: paragraph 3 of article 3 requires that such measures be objective and based on science, and that they are not disadvantageous to EC vessels relative to other foreign fleets (Council Regulation, 1990). Article 8 lays down the generic principles for revising the protocol—in particular the financial counterpart—in case the agreed fishing opportunities are affected by conservation measures. The Cape Verdean agreement has one further addition relative to the Santomean one that is relevant for the management of fish stocks, namely article 6, which obliges the masters of EC vessels to deliver catch statements to the competent authorities in CV. It should, however, be noted that, although the main text of the 1984 STP agreement is silent in regards to this issue, the respective annex does make reference to annual statements of catch used for determining the value of license fees paid by shipowners.

Joint committees were established in accordance with articles 8 and 9 of the STP and CV agreements, respectively, as structures for monitoring implementation of the agreements and for reviewing the respective annexes and protocols. All other provisions, pertaining to area of application, duration, entry into force, dispute resolution, and payment of financial counterparts are equal, with a subtle difference in this latter aspect. Indeed, article 6 of the STP agreement states that the return for fishing opportunities granted to EC vessels shall be the Community’s participation

in the execution of development projects in the country, a provision that is absent from the CV agreement. In practice, however, there was no significant difference between the two countries in how the financial contribution from the EC was attributed.

The FPA’s signed in 2007 mark a significant departure from the previous agreements, translating the EC’s proclaimed concern with the sustainability of the activities of the fleets of its own member states in the waters of third countries. The fundamental concept underlying these new agreements is, in the words of Emma Witbooi (2008), that of a “policy dialogue between the parties aimed at promoting sustainable fishing” (p. 673). The return paid by the EC for access to fish stocks in partner countries will take the form of financial, technological, and scientific assistance aimed at the “progressive development and implementation of a [sound fisheries management] policy” (p. 673).

The presence of a common policy background underpinning all FPA’s is evidenced by the fact that the 2007 Santomean and Cape Verdean agreements are, *mutatis mutandis*, identical. Their scope comprises the principles, rules, and procedures governing not only access of EC vessels to the fishery resources of these countries, but also co-operation towards responsible fisheries, cooperation on surveillance and control measures, and partnerships between European and local companies.

The stated principles guiding the FPA’s have been expanded to include responsible fishing, as per the respective FAO Code of Conduct; nondiscrimination of fleets fishing in Santomean and Cape Verdean waters; good economic and social governance; respect for the state of fish stocks; and, in regards to the signing on of non-European seamen, the right to freedom of association, collective bargaining, and nondiscriminatory treatment—in accordance to the International Labour Organization’s (ILO) Declaration on Fundamental Principles and Rights at Work (Council Regulation, 2006; 2007).

With regard to the principle of respecting the status of fish stocks, both

the protocols and the annexes to the FPA's contain measures relative to the monitoring and controlling of fishing activities, as well as to the review of agreed fishing opportunities and related financial compensations. Conversely, in respect to the principle of good economic and social governance—in adherence to which the FPA's are to be implemented—no suggestion is made as to its meaning, how it can be put into practice, how this practice can be assessed, nor to how such assessment might compromise implementation of the agreements as a whole. The practical usefulness of this particular principle is thus difficult to grasp.

Important objectives of the FPA's include cooperation in formulating and monitoring the implementation of the national fisheries policies in each of the countries, and in evaluating actions, measures, and programs implemented under the agreements. In regard to the former, a new provision was included to enable the reassessment of the terms of financial support based on results of the joint program for implementing the national fisheries policies (article 7, point 3.d).

Article 4 of the FPA's, termed "Scientific cooperation," deals primarily with the principles for cooperation in the evaluation of fishery resources in the waters of the two countries. As with the previous agreements, this is to be done in consultation with regional fisheries management organizations. The provisions relating to the access by EC vessels to Santomean and Cape Verdean waters (art. 5), licenses (art. 6), and financial contributions (art. 7) retain most of the requirements already present in the later protocols to the 1984 and 1990 agreements. With regard to this latter article, the list of domains for targeted support listed in earlier protocols is replaced in the FPA's by the mere indication that the EC shall provide financial support to the countries' fisheries policies.

A relatively ambitious set of measures is proposed to enhance "cooperation among economic operators and in civil society" (art. 8), consisting of 1) encouragement of economic, scientific, and technical cooperation in the

fisheries sector and related sectors; 2) information exchange on fishing and fish processing techniques; 3) facilitation of the development of businesses and investments; 4) the setting up of joint enterprises; and 5) in the case of CV, the development of an action plan for fish landings in this country. The joint committees are renewed by means of article 9. The remaining provisions in the FPA's, addressing legal-administrative procedures are equivalent to those of the previous agreements.

On Track for Sustainable and Responsible Fisheries?

The most frequent criticisms of the fisheries agreements between the EC and lower income countries have been directed at the level of fishing effort by the EC fleet, at the lack of effective control of the activities of this fleet, and at the generically poor integration of the activities carried out under the agreements with the economies of the partner countries. In this section, these three aspects are discussed in relation to the EC fisheries agreements with CV and STP. The discussion follows the evolution of provisions pertaining to the three aspects throughout the successive protocols. In particular, fishing effort and the control of fleet activities is discussed in terms of the fishing opportunities conceded to EC shipowners and of how these and the movements of EC vessels in Cape Verdean and Santomean waters are controlled.

A related aspect is the size and nature of the financial counterparts to the agreements, which is analyzed next, with emphasis on the follow-up of the funds paid by the EC to each of the countries. Finally, economic integration is discussed in terms of the landing of catches and the use of supplies and services in Cape Verdean and Santomean ports, as well as of the signing on of seamen from these two countries on board Community vessels operating under the agreements.

Fishing Opportunities and Control of Fleet Activities

Table 7 displays, for each of the protocols to the STP and CV agreements, the main elements relative to agreed fish-

ing opportunities, namely number and type of vessels and maximum volumes of catch. It shows that fishing effort has been kept at fairly constant levels throughout the successive protocols. In terms of target species, with the exception of relatively limited effort directed at demersal species in CV protocols up to 2004 and the two experimental fishing campaigns, all fishing opportunities refer to tuna and other large migratory pelagic species.

The system proposed in the agreements for assessing adherence to the negotiated fishing opportunities has been the production of catch statements by the masters of EC fishing vessels. These statements are then communicated to the authorities in the EC and in each of the two African states. This system has become increasingly complex with the successive protocols, in response to demands for more efficient control of EC fleet activities. This evolution is reviewed next.

In the 1984 STP protocol, EC vessels were required to submit yearly catch statements for the exclusive purpose of calculating yearly license fees. No explicit reference was made to purposes of controlling fishing activities or managing fishery resources. In respect of the payment of license fees, it stipulates that all advance installments should be deducted from the final payment, which in turn should be adjusted to the total declared catches. Hence if the fee equivalent to a certain total declared catch were inferior to the advance payment, the shipowner would be entitled to a reimbursement.

That such a system, under conditions of little or no surveillance as those prevailing in the waters of STP, in effect constituted an incentive for under-reporting is the likely reason why this provision was replaced in the 1987 amendment. From then onward, shipowners were no longer entitled to any reimbursement of the balance between advance payments and fees for declared catches. This provision has been retained in all subsequent protocols in both countries, including the most recent FPA protocols. An additional measure included in the 1987 STP protocol was

the verification, by a regional “specialist scientific body,” of the veracity of catch statements (Council Regulation, 1987: annex, no. 4). How this was to be carried out was not explained in the protocol.

The 1990 STP protocol had two noteworthy additions that also appeared in the 1991 CV protocol. First, the regional specialist scientific body was replaced by the Institut de la Recherche Scientifique et Technique d’Outre-Mer in France and the Instituto Español de Oceanografía in Spain as the organizations responsible for verifying catch data. In this respect, it is relevant to note that the two largest EC fleets operating in both STP and CV were, and continue to be, the Spanish and the French. This provision has been included up to the current FPA protocols, with the Instituto de Investigação das Pescas e do Mar in Portugal joining its Spanish and French counterparts in the protocols after 2001 (Portugal having the third largest fleet operating under the agreements). In the CV protocols after 1997, the local INDP was included in that list of organizations.

The second addition was the obligation for EC vessels to keep a fishing log of all activities carried out while inside the STP fishing zone. This was the first measure aimed explicitly at monitoring fishing activities, in theory allowing local authorities some measure of control over what was taking place in their waters. This provision has unfortunately had few visible results in terms of the actual follow up of EC vessels by Santomean and Cape Verdean authorities. Nonetheless, efforts were made to improve the effectiveness of the logbooks as a tool for monitoring fishing activities. In the 1996 STP protocol it was made explicit that logbooks had to be filled in irrespective of the size of the catch, and that vessel masters should indicate whether their vessel was inside or outside of the STP fishing zone.²⁵ More-

²⁵Despite this provision, the ex-post evaluation conducted halfway through the 2002–05 STP protocol noted that, because of incorrect entries in the logbooks, it was “not clear whether they are declaring zero catch in the São Tomé and Príncipe EEZ because they have not been in the EEZ, or because they have been in the EEZ and have caught nothing” (Oceanic Développement et al.⁵:86).

Table 7.—Fishing opportunities in the protocols to the EC fisheries agreements with STP and CV.

Period	No. of vessels ¹	Catch volumes
São Tomé e Príncipe		
1984–87	27 freezer tuna vessels	4,000 t/yr tuna
1987–90	54 freezer tuna seiners 10 P&L tuna vessels	9,500 t/yr tuna
1990–93	46 freezer tuna seiners 5 P&L tuna vessels	Not mentioned
1993–96	40 freezer tuna seiners 8 P&L tuna vessels or SLL	9,000 t/yr tuna
1996–99	37 freezer tuna seiners 7 P&L tuna vessels 25 SLL	9,000 t/yr tuna
1999–2002	36 freezer tuna seiners 7 P&L tuna vessels 33 SLL	8,500 t/yr tuna
2002–06 ²	36 freezer tuna seiners 2 P&L tuna vessels 25 SLL 3 vessels <250 GRT for deepwater crab, simultaneously	8,500 t/yr tuna; No initial quota for deepwater crab
2006–10	25 freezer tuna seiners 18 SLL	8,500 t/yr tuna
Cape Verde		
1991–94	21 freezer tuna seiners 24 P&L tuna vessels or SLL 2 BLL <210 GRT 2 vessels for experimental cephalopod fishing	Not mentioned
1994–97	23 freezer tuna seiners 17 P&L tuna vessels or SLL 3 BLL <210 GRT	4,850 t/yr tuna No quota for other species
1997–2000	37 freezer tuna seiners 10 P&L tuna vessels 26 SLL 3 BLL <210 GRT	5,000 t/yr tuna No quota for other species
2001–05 ³	37 freezer tuna seiners 18 P&L tuna vessels 62 SLL BLL: avg. 630 GRT/month, max. 4 vessels simultaneously	7,000 t/yr tuna No quota for other species
2006–11	25 freezer tuna seiners 11 P&L tuna vessels 48 SLL	5,000 t/yr tuna

¹P&L = pole and line; SLL = surface longliners; BLL = bottom longliners; GRT = Gross Registered Tonnage.

²An extension was made to the 2002–05 protocol to include the period between 1 June 2005 and 31 May 2006. The exploratory study on deepwater crab, which had not been carried out under the first year of the 2002–05 protocol, was transferred to the extension period (CEC, 2005).

³An extension was made to the 2001–04 protocol to include the period between 1 July 2004 and 30 June 2005.

over, the frequency of communicating the logbooks to Santomean authorities was increased from once every 45 days to once every 15 working days.

The 1999 and 2002 STP protocols contain a provision allowing officials from STP to board EC fishing vessels for the purpose of inspecting and monitoring fishing activities. An equivalent measure is absent from the 2001 CV protocol, which instead grants Cape Verdean authorities the right to suspend the licenses of, or impose fines to vessels not complying with the catch statement requirements. These provision have been kept in the protocols to the 2007 FPA’s without any major alterations. One important addition, however, was that the authorities of both countries

have been allowed to impose sanctions on foreign perpetrators in accordance to their respective national regulatory framework. This possibility has never been used.

The main justification for EC fisheries agreements with CV and STP to only cover pelagic migratory species is that these are not targeted by the artisanal fleets of these countries. Artisanal fishermen operate predominantly within a few nautical miles from the coast and target mainly demersal and small pelagic species. The underlying aim is to prevent EC fleets from directly competing with artisanal fleets and thereby safeguard the fisheries livelihoods of coastal communities. Those EC agreements where this has not been observed have been

Table 8. — Provisions related to fishing zones in the protocols to the EC fisheries agreements with STP and CV.

São Tomé e Príncipe

Fishing zones	Control of movements into and out of fishing zone
1984–87 protocol Entire EEZ	Protocols up to 1996 EC vessels must notify STP authorities of quantity of fish on board when entering or leaving the fishing zone. Failure to notify implies withdrawal of license.
1987–90 protocol Beyond 12 nmi for freezer trawlers ¹ , entire EEZ for all others	1996–99 protocol EC vessels must notify STP authorities of their position and volumes of catch within three hours of entering or leaving the zone, and every third day while fishing in the zone. Failure to notify implies withdrawal of license.
Protocols between 1990 and 1999 Entire EEZ	Protocols between 1999 and 2006 EC vessels must notify STP authorities of their intention to enter or leave the zone 24h in advance; when departing, must communicate estimated catch in STP waters. Failure to notify implies withdrawal of license.
1999–2002 protocol Beyond 12 nmi	2006–10 protocol (FPA) EC vessels must notify STP authorities of their intention to enter or leave the zone at least three hours in advance; when departing, must communicate amount and species of fish held on board. Failure to notify implies withdrawal of license.
Protocols between 2002 and 2006 Beyond 12 nmi and excluding the joint development zone with Nigeria ² ; From the 650 m isobath for vessels targeting deepwater crab	
2006–10 protocol (FPA) Beyond 12 nmi and excluding the joint development zone with Nigeria	

Cape Verde

Fishing zones ³	Control of movements in and out of fishing zone
Protocols between 1991 and 2001 Beyond 12 nmi for tuna seiners and SLL Beyond six nmi for P&L vessels From the base line for live bait fishing and BLL	1991–94 protocol EC vessels must notify CV authorities of their position when entering or leaving the zone. While fishing in the zone they must communicate position and catch every third day. When leaving must communicate total catch in CV waters.
Protocols between 2001 and 2005 Beyond 12 nmi for tuna seiners and SLL Beyond six nmi for P&L vessels and BLL From the base line for live bait fishing	1994–97 protocol Same as 1991-94 protocol, but without obligation to report every third day.
2006–11 protocol (FPA) Beyond 12 nmi for all EC vessels	Protocols between 1997 and 2005 EC vessels must notify CV authorities of their position and volumes of catch within three hours of entering or leaving the zone, and once every week while fishing in the zone. Failure to notify implies withdrawal of license. 2006–11 protocol (FPA) EC vessels must notify CV authorities of their intention to enter or leave the zone at least three hours in advance and of amount and species of fish held on board; when departing, must communicate position. Failure to notify implies withdrawal of license.

¹Freezer trawlers never actually operated under the EC fisheries agreement with STP. The respective provision was eliminated from subsequent protocols.

²See Decreto Presidencial No. 8-A, 2001.

³P&L = pole and line; SLL = surface longliner; BLL = bottom longliner.

subject to criticism, as in the case of the inclusion of coastal trawling in the former agreement with Senegal (Stilwell et al., 2010; IFREMER²¹).

As summarized in Table 8, separation of the activities of EC and domestic fleets in the waters of CV and STP involved the delimitation of the fishing zones accessible to Community vessels. From being allowed to operate in the entire Santomean EEZ until the late 1990's, EC vessels are currently only allowed beyond 12 nmi from the coasts of both countries. The same table reviews the provisions relative to control of vessel movements in and out of fishing zones. The substance of these provisions has, for the most part, remained unchanged since the 1990's.

In all protocols with both STP and CV, the requirements for notification of movements in and out of fishing zones have been accompanied by a provision related to the taking on board of fisheries

observers. The evolution of the respective provisions is summarized in Table 9.

One would expect that this set of improvements and additions to the provisions relative to the taking on board of observers would have corresponded to a real imperative of improving this particular control mechanism for the sake of better monitoring and managing fishing activities. Every new requirement would be justified as necessary for overcoming and eliminating a perceived deficiency in previous protocols. However, neither of the two countries was ever capable of developing and systematically implementing the procedures for the embarkation of observers on fishing vessels operating under the agreements with the EC. In other words, in none of the agreements were the requirements regarding onboard observers ever implemented in full: neither the relatively straightforward requirements in the 1984 STP protocol, nor any of the elaborations in

later ones. These shortcomings, identified in the ex-post evaluations of the two agreements commissioned by the EC in 2003–2004 (Oceanic Développement et al.^{5,26}), persist up to this day.

Control and Communication of Fishing Effort Data

The fishing effort of European fleets operating in Cape Verdean and Santomean waters follow from the opportunities agreed by the two parties to each of the agreements. As reviewed in Table 7 above, these opportunities are defined in terms of number and type of vessels and of total allowable catches for the agreed target species. Tunas and other pelagic

²⁶Oceanic Développement, Poseidon Aquatic Resources Management Ltd & Megapesca Lda. 2004b. Interim/ex post evaluation of the current protocol to the fisheries agreement between the European Community and the Republic of Cape Verde, and analysis of the impact of the future protocol on sustainability, including ex ante evaluation. Unpubl. final rep., FPA 06/CV/04.

Table 9.—Provisions in the protocols to the EC fisheries agreements with STP and CV related to taking observers on board.

São Tomé e Príncipe	Cape Verde
<p>Protocols between 1984 and 1990 At the request of STP authorities, observers should be taken on board only for conducting spot checks on the catches.</p> <p>Protocols between 1990 and 1996 Same as earlier protocols, with the addition that vessel masters should facilitate the task of observers on board.</p> <p>1996–99 protocol Same as earlier protocols, with the addition that STP authorities should cover observers' wages, whereas shipowners cover observers' travel costs.</p> <p>1999–2002 protocol At the request of STP authorities, observers should be taken on board to observe fishing activities, verify vessel position, collect biological samples for research, register fishing gear used, and verify catch data. Observers may not interfere with fishing activities and have a duty of confidentiality. Shipowner must pay 10 Euro/day to STP authorities while observers are on board, and cover observers' travel costs. STP authorities cover observers' wages.</p> <p>2002–06 protocol Same as earlier protocol, with the addition that observers should produce an activity report of the work on board, including an interim statement of catches.</p> <p>2006–10 protocol (FPA) Same as earlier protocol, with the addition that observers' tasks include verifying by-catch percentages and estimating discards of commercial species. Observers are to be chosen from a pool compiled by the local RFMO, upon request of STP authorities.</p>	<p>1991–94 protocol At the request of CV authorities, observers should be taken on board vessels >150 GRT to check on catches. Observers should be granted every facility to carry out their duties. CV authorities should cover observers' wages, whereas shipowners cover observers' travel costs.</p> <p>Protocols between 1994 and 2000 Similar to the previous protocol, but without the vessel size limitation (150 GRT). Instead, CV authorities indicate which vessels must take on board observers.</p> <p>2001–05 protocol At the request of CV authorities, observers should be taken on board to observe fishing activities, verify vessel position, collect biological samples for research, register fishing gear used, and verify catch data. Observers may not interfere with fishing activities and have a duty of confidentiality. They must also produce an activity report of their work on board. Shipowner must cover observers' travel costs, whereas CV authorities cover observers' wages. Terms of observers' embarkation agreed between (representatives of) shipowners and CV authorities.</p> <p>2006–11 protocol (FPA) Same as earlier protocol, with the addition that observers' tasks include verifying by-catch percentages and estimating discards of commercial species. Observers are to be chosen from a pool compiled by the RFMO, upon request of CV authorities. The RFMO covers observers' wages and social security costs (in part financed by license fees paid by shipowners).</p>

migratory species have been the core of all past protocols, and the current FPA's refer exclusively to them.

Catch levels are negotiated freely by the parties, taking into consideration stock assessments and management proposals issued by the International Commission for the Conservation of Atlantic Tunas (ICCAT), the regional fisheries management organization (RFMO) for tuna, billfish, and oceanic sharks in the Atlantic. Neither the EC nor any of the two partner countries has ever conducted their own stock assessments prior to negotiating fishing opportunities, a situation that was earlier found to extend to the whole of West Africa (Kaczynski and Fluharty, 2002).

The stock assessments produced by ICCAT of the pelagic migratory species covered by the agreements with CV and STP give an account of considerable levels of uncertainty regarding the status of these stocks (ICCAT, 2010). The same is to say that decisions regarding the fishing opportunities negotiated in these agreements lack solid evidence relative to ecologically sustainable levels of exploitation, a situation that occurred in most of the previous agreements (ADE et al., 2002).

Failure to accurately determine the size of the stocks and the level of exploitation that these agreements can sustain undermines the very legal underpinnings of the fisheries agreements.

Recall, from above, that article 62 of the UNCLOS enables sovereign states to give foreign fleets access to the surplus of fish stocks not caught by domestic fleets. Put simply, in an ideal situation, if the known available stock was A and the catch of the national fleet was C, then a surplus $S=A-C$ could be safely negotiated with a given foreign fleet. However, in the two cases discussed here, not only is there high uncertainty as to the size of the available stock, but also neither of the countries has ever produced entirely reliable estimates of the respective domestic catches. There is, then, no reliable means of estimating the surplus stock that, in part, is sold to the EC.

The uncertainties surrounding the stocks negotiated by the EC and CV and STP are compounded by the generalized inability of these two countries to effectively monitor and inspect EC fishing vessels operating in their waters. This is a generalized problem throughout most of West Africa (ADE et al., 2002; Witbooi, 2008; SSNC, 2009). In STP, neither the coast guard nor the fisheries authority have the means to patrol the country's EEZ. A radar system, installed in recent years with American donor money, covers parts of the country's EEZ, but it has so far not been used for tracking EC fishing vessels. In this respect, a vessel monitoring system (VMS) protocol is attached to both

FPA's with STP and CV. Regrettably, as of April 2011, none of these VMS protocols was yet in force, due primarily to lack of necessary infrastructure and equipment.

Because both countries lack the means to control and inspect vessels at sea, the checks that are occasionally carried out on EC fishing vessels only look at documentation and smaller formal obligations, and only when vessels call at local ports. Hence there are no means of verifying the veracity of declarations of entry into and departure from the Santomean or the Cape Verdean fishing zone, let alone the composition, size, and origin of the respective catches.

Neither country has observers regularly placed on board EC vessels. In 2000, a program was run in CV for training 20 observers who were then to be engaged on a part-time basis. By 2002, only two observers had been deployed on EC vessels (Oceanic Développement et al.²⁶), and the authorities have not been able to make use of that pool of trained professionals since, as most have opted for other careers. In STP no observer has ever been placed on board Community vessels.

Recall, from Table 9, that it is the governments of partner countries that bear the costs with wages and subsistence allowances of observers placed on board EC vessels operating in their waters. This places an additional

financial burden on generally poorly resourced state administrations in those countries, and constitutes a deterrent to these states demanding the embarkation of observers. It is questionable whether it should not be the wealthier EC to cover those costs.

At the same time that authorities in the two countries are unable to monitor the activities of the EC fishing fleet, there are frequent accusations that large foreign fishing vessels frequently trespass the 12 nmi exclusion limit. Recently, Cape Verdean authorities complained to EC representatives of such trespasses, having been duly reassured that the Commission would notify the member states concerned (Commission mixte CV-CE²⁷). Claims such as these occasionally make their way into the national media in both countries, from where they feed the discontent with the presence of foreign vessels that operate with perceived impunity.

The reporting of catch data by EC vessels is highly inconsistent in both CV and STP. The problem is not new, and has been brought to the attention of the EC in the evaluations of both agreements conducted in 2004 (Oceanic Développement et al.^{5,26}), as well as in previous assessments of the EC external fisheries policy (ADE et al., 2002). In one of those evaluations, the authors concluded that the reported data constituted “no good basis for national fishery statistics” (Oceanic Développement et al.^{5:78}). At present, the information on catches provided to the fisheries authorities in each of the countries by the EC fleet is not only scarce and irregular, but frequently also inconsistent with data generated by ICCAT. It is worth recalling, in regards to this point, that catch declarations are filled in voluntarily by vessel masters using a form developed by ICCAT and which is used to report to this organization, to the EC, and to the fisheries authorities in CV and STP. Hence it is

hardly comprehensible that discrepancies exist between the aggregate catch statements that Cape Verdean and Santomean authorities receive from ICCAT and those they receive from the EC. However, these discrepancies do exist, as brought to the attention of the EC during the last joint committee meeting with Cape Verdean authorities (Commission mixte CV-CE²⁷).

In STP, the failure of the EC fleet in complying with the requirements of the FPA in terms of declaring catches contrasts markedly with the procedure followed by the Japanese tuna fleet operating in the same waters, in which every Japanese vessel files a weekly report to the Directorate-General for Fisheries containing, among other items, data on vessel position and on catch size and composition.

Adding to this is the apparent contradiction in the studied EC agreements that, despite low levels of declared catches, the EC insists on renewing the agreements, frequently arguing for an increase in fishing opportunities. If, as the catch statements produced by EC vessels show, actual catches recurrently fall below the negotiated quotas, why then argue for their expansion, when this implies a proportional increase in counterpart funds? This issue appears, again, to be a recurrent one, the EC’s attention having been drawn to it back in 2004 (Oceanic Développement et al.^{5,26}).

On the whole, the situation in both countries of their very limited capability to monitor and inspect the activities of EC fishing vessels is a strong incentive for unreported overfishing. At the very least, it provides no deterrent to such practices (Oceanic Développement and Megapesca Lda.²⁸), even if the sanctions for vessels caught fishing illegally are severe. These include withdrawal of fishing permits, refusal of access to Community ports (other than the home

port), prohibition of transshipment or sale of catches, and, eventually, the seizure of vessel and fishing gear (Council Regulation, 2008: ch. VII and IX). However, as highlighted in the past, “the weak or practically nonexistent control system does not allow noncompliance with regulations to be reported” (ADE et al., 2002:43), which probably is part of the reason why neither of the countries has ever imposed sanctions on EC vessels that fail in their reporting obligations.²⁹ Both countries are currently working towards the strengthening of their surveillance capabilities at sea, but it will certainly be a few years before they can effectively control and inspect foreign vessels fishing in their waters.

Size and Nature of Financial Counterparts

Table 10 summarizes the financial counterparts attached to each of the protocols to the STP and CV agreements, in terms of disbursements by the Community and license fees paid by shipowners.

The EC lays great emphasis on the fact that part of the financial counterpart for fishing opportunities paid to partner countries is earmarked for specific development programs in the fisheries sector. In respect of the agreements with CV and STP, the evolution of these so-called “targeted measures” through the successive protocols is reviewed next.

Article 6 of the 1984 STP agreement provided for the counterpart funds to be channeled to the execution of development projects in the country. However, the respective protocol offered no indication of how and where the money was to be spent. Indeed, what the protocol states is that the yearly rate of 180,000 ECU is intended to “cover fishing activities,” suggesting that no form of development cooperation was actually envisioned.

It was only with the following protocol that a first break-down of the financial counterpart was considered.

²⁷Commission mixte Cap Vert–Communauté européenne. 2010. Procès verbal de la commission mixte tenue à Praia le 30 Novembre 2010. Online at http://ec.europa.eu/fisheries/cfp/international/agreements/joint_committees/cape_verde_301110_fr.pdf, accessed on 14 Apr. 2011.

²⁸Oceanic Développement and Megapesca Lda. 2009. Revue des éléments de la stratégie du secteur e du plan directeur des Pêches de São Tomé et Príncipe dans le cadre de l'appui sectoriel prévu dans l'Accord de Partenariat de Pêche CE/ São Tomé et Príncipe pour la période 2006-2010. Unpubl. final rep. (PT) 13/STP_2/09, 77 p.

²⁹The other part of the reason is that the Cape Verdean and Santomean states do not wish to see the financial counterparts cut down because of reduced fishing opportunities that such sanctions might entail.

From then onwards, a variable amount of money began to be directed towards the “financing of a scientific and technical program in São Tomé e Príncipe to improve information on the fisheries resources” (Council Regulation, 1987: art. 4), a measure that was kept until the replacement of the 1984 agreement with the FPA in 2007.³⁰ In its initial version in 1987, that program consisted of three separate headings: improving knowledge of shellfish resources, supporting STP’s participation in the Regional Fisheries Committee of the Gulf of Guinea and in ICCAT, and covering the participation of STP nationals in international fisheries sector meetings. Another noteworthy addition in the 1987 protocol was the explicit statement that the government of STP was to be awarded sole responsibility for the management of the compensation funds paid by the EC. In respect of the funds for targeted measures, all that the government was obliged to do was to report on the results of the exploratory shellfish campaign.

The 1990 STP protocol retained the reference to the scientific and technical program, but transferred the detailed headings indicated above to new skills development awards. Because of this transfer, the amount allocated to the former program was reduced to one third as compared to the 1987 protocol, and the requirement was put forward that the program be developed jointly by STP and the EC, the latter eventually taking part in its implementation. Only upon reaching agreement on the components and contents of the program would the money be disbursed. Following completion, reports of implementation and results were to be submitted by Santomean authorities to the EC. Clearly, the EC aimed at exerting stricter control over how its money was being used, which is not all that surprising given the poor record of Santomean governments in making good use of its finances (Espírito Santo, 2009).

The first protocol to the agreement with CV, covering the period 1991–94,

³⁰In practice, this replacement happened in 2006, since implementation of the first protocol to the 2007 FPA began to be provisionally applied from 1 June 2006.

Table 10.—Value and nature of compensations in the protocols to the bilateral fisheries agreements between the EC and STP and CV.

Period	Financial counterpart ¹	License fees ²
São Tomé e Príncipe		
1984–87	I - 540,000 ECU	20 ECU/t
1987–90	I - 1,450,000 ECU II - 450,000 ECU	20 ECU/t
1990–93	I - 1,650,000 ECU II - 150,000 ECU III - 375,000 ECU	20 ECU/t
1993–96	I - 1,650,000 ECU II - 250,000 ECU III - 275,000 ECU	20 ECU/t
1996–99	I - 1,800,000 ECU + 50 ECU/t II - 187,500 ECU III - 187,500 ECU	20 ECU/t
1999–2002	I - 956,250 Euro + 50 Euro/t II + III - 956,250	25 Euro/t
2002–05	I - 1,320,000 Euro + 75 Euro/t II + III - 880,000 Euro	25 Euro/t 42 Euro/GRT per quarter for deepwater crab fishing vessels
2005–06	50,000 Euro for deepwater crab evaluation study I - 382,500 Euro + 75 Euro/t II + III - 255,000 Euro	25 Euro/t 42 Euro/GRT per quarter for deepwater crab fishing vessels
2006–10	50,000 Euro for deepwater crab evaluation study I - 2,210,000 Euro + 65 Euro/t II - 442,000 Euro	35 Euro/t
Cape Verde		
1991–94	I - 1,950,000 ECU II - 500,000 ECU III - 160,000 ECU	20 ECU/t for tuna vessels 100 ECU/GRT for BLL per year 60 ECU/GRT for cephalopod fishing vessels per year
1994–97	I - 1,063,500 ECU + 50 ECU/t tuna II - 261,500 ECU III - 174,600 ECU	20 ECU/t for tuna vessels 100 ECU/GRT for BLL per year
1997–2000	I - 1,086,000 ECU + 50 ECU/t tuna II - 267,440 ECU III - 178,300 ECU	20 ECU/t for tuna vessels 130 ECU/GRT for BLL per year
2001–04	I - 1,200,000 Euro + 57 Euro/t tuna II + III - 840,000 Euro	25 Euro/t for tuna vessels 168 Euro/GRT for BLL per year
2004–05	I - 400,000 Euro + 57 Euro/t tuna II + III - 280,000 Euro	25 Euro/t for tuna vessels 168 Euro/GRT for BLL per year
2006–11	I - 1,625,000 Euro + 65 Euro/t II - 300,000 Euro ³	35 Euro/t for seiners and SLL 25 Euro/t for P&L vessels

¹ I - Compensation for access, in some cases incl. compensation for additional ton caught; II - Financing of specific technical measures (see text for explanation); III - Maximum value of awards for study, practical training and participation in international events. All figures refer to the full duration of the respective protocol. The external exchange rate ECU-Euro is unitary.

² P&L = pole and line; SLL = surface longliner; BLL = bottom longliner; GRT = Gross Registered Tonnage.

³ Following a proposal by Cape Verdean authorities, the whole of the financial counterpart paid by the EC has been earmarked for targeted actions.

in spite of having identical aims regarding the targeted funds, imposes no conditionalities on how the money ought to be used. Despite the fact that, in the 1990 CV protocol, the funds for the scientific and technical program were three times as large as those in the 1991 STP protocol, the Office of the Secretary of State for Fisheries of CV was allowed utter discretion in the design and implementation of the program, with no EC involvement. Presumably, at that time for the EC, CV ranked higher than STP in terms of political and administrative credibility.

The first protocols of the 1990’s in both countries also made reference to

specific funds for improving skills and knowledge of those involved in sea fishing (Council Decision, 1990; Council Regulation, 1990). Eligible categories included study and practical training awards, participation in sessions of regional fisheries organizations and of ICCAT, and attendance at international meetings and courses about fisheries. A specific application procedure had to be followed for funds to be disbursed.

This identical configuration was retained in the two subsequent protocols in both countries, changes occurring only in the amount of the sums disbursed. With the 1999 and 2001 protocols to the Santomean and Cape Verdean

agreements, respectively, some subtle modifications were again introduced. Targeted measures were regrouped into one single category, with detailed indication of eligible domains proposed for each country. The proposals were as follows: the 956,250 Euros for STP were meant to support the known scientific and technical program (286,875 Euros); to improve surveillance, inspection, and checks in fishing zones (286,875 Euros); to support the fisheries directorate (114,750 Euros); to finance study grants and practical training courses, as well as participation in regional organizations and international events (191,250 Euros); and to assist small-scale fishing (76,500 Euros).

The funds and the list of domains were more modest in the CV protocol: a total of 280,000 Euros should support scientific and technical programs (50,000 Euros), awards for study and practical training (20,000 Euros), participation in international fisheries courses and meetings (30,000 Euros), and improvements in quality control of fisheries products and in monitoring and surveillance (180,000 Euros). This latter item was particularly important for export fisheries in CV following the embargo imposed in 2000 by the EC on Cape Verdean fishery products because of inadequate quality standards. This justifies the high proportion of the funds allocated to this purpose.

As previously, the STP protocol required that targeted measures be developed by mutual agreement between the EC and Santomean authorities, while full autonomy was granted to the fisheries ministry in CV to decide on the respective national program. This time, however, Cape Verdean authorities were equally obliged to report annually on implementation and results, similar to what was required in STP. The final protocol to the 1984 STP agreement, covering the period 2002–05, brought no changes to the nature of targeted measures.

The 2007 FPA's introduced some modifications to the mechanisms for financing specific measures in the two countries. These are more important from a conceptual than from a practical

point of view. The requirement for joint development of a multi-annual program was extended to CV, and became an exclusive task of the joint committee in both countries. But instead of departing from a list of ready-made headings, as in earlier protocols, in the protocols to the 2007 FPA's those measures are to be selected from the set of priorities defined by the Santomean and Cape Verdean governments in the respective national fisheries policies.

To be eligible for financing under the agreement, the measures are required to contribute to sustainable and responsible management of the sector. Other than this, there are no rules set a priori for the execution of the targeted measures. Again, such rules are to be agreed upon jointly by both parties to the agreements, emphasis being given to the delineation of objectives in terms of sustainability and responsibility in fisheries, and to the definition of processes and criteria for results assessment. In practice, if one considers that the identification of targeted measures in the previous protocols had already resulted from consultations between the parties to the agreements, and that, at least for STP, the EC already had reserved itself a role in deciding how the measures should be put into effect, the new architecture does not constitute a major departure from that of earlier protocols.

Follow-up of Financial Counterparts to the Agreements

Having reviewed the conditionalities attached to the financial counterparts to the fishing agreements, an account is now provided of how the application of these funds is controlled in each of the two countries. The first component of the counterparts, a so-called "compensation fund," explicitly constitutes a payment for the agreed catch volumes. Once transferred from the EC to the treasury of each partner state, the respective government is allowed to use the payment as it sees fit. The second component of the counterparts, so-called "targeted funds," has, in turn, been subject to stricter control by the EC. In particular, there has been greater concern with demonstrating that these funds have been used for the

development of the fisheries sector in the partner countries. It was seen that, in regards to the follow-up of targeted funds, slightly stricter conditions were imposed in STP than in CV.

Under the current protocols to the 2007 FPA's, and despite the recognition of the sovereign right of the governments of both African states to manage counterpart payments, targeted funds are disbursed only upon agreement on a set of interventions for implementing the national fisheries policy. The FPA's also pledge to pursue objectives of sustainability and responsibility in fisheries, as well as the development of the fisheries sector and of coastal regions in both countries. These are issues where the EC is keen on highlighting its engagement (CEC, 2009)³¹, given past accusations of shortsightedness in its external fisheries policy (ADE et al., 2002; Kaczynski and Fluharty, 2002).

The prominence that issues of sustainability and responsibility in fisheries have acquired in the discourse of the EC Commission over the past decade (Witbooi, 2008) is such, that it has come to constitute an implicit conditionality on the use that governments in partner countries decide to make of counterpart funds. Hence, both the EC and partner governments are bound, not only explicitly by the letter of the agreements, but also implicitly by the EC discourse to use these funds according to principles of sustainability and responsibility, for the purpose of developing the fisheries sector and coastal regions in partner countries.

In the specific cases studied here, the experience with the follow-up of financial counterparts to the EC fisheries agreements has been mixed. This is the

³¹In this document, the EC Commission states the following (p. 22): "The main objective for activities under the external dimension of the Common Fisheries Policy [CFP] should be to extend the principles of sustainable and responsible fisheries internationally. This objective must be placed fully within the aims of the IMP [integrated maritime policy] on good governance of the sea and the sustainable development of coastal regions. Other objectives that currently guide the external dimension of the CFP, such as maintaining the presence of an EU [European Union] fleet internationally and ensuring that this fleet supply the EU market, may be less relevant today."

result of the different regimes applicable to compensation and to targeted funds, and of the political-administrative performance of each of the two countries. Compensation funds are, as mentioned above, paid directly into the national treasury, and from there make their way into the state budget and the respective expenditure. From the point where funds enter the treasury, the practice in the two countries varies. In CV, the Directorate-General for Treasury has been able to register and trace the application of counterpart moneys—compensation and targeted funds alike—to the different components of the Cape Verdean fisheries sector and policy (see *Oceanic Développement et al.*²⁶ for figures relative to 2002–04).

In STP, once EC payments enter the treasury, it is no longer possible to trace their path (Mata³²). One may obviously speculate that the money is put to any possible and imaginable use by the Santomean government, as indeed there is nothing really hindering it. But one may be reassured—at least in part—that the money is spent in the fisheries sector by considering that EC payments during the last protocol have represented 36%, 22%, and 45% of the state budget for the fisheries sector in 2008, 2009, and 2010, respectively.³³ More importantly, disbursements are conditional upon the joint approval of an action program based on the country's priorities for the fisheries sector. In spite of STP not yet having defined its course of action in terms of fisheries policy, that program has been developed. The respective yearly installments have been paid by the EC following the delivery of reports by Santomean authorities of implementation of the agreed actions. It appears, then, that the EC is satisfied with how Santomean authorities have

been using the money to implement that action plan.

With regard to follow-up of targeted funds, there are some parallels with the follow-up of compensation funds. Starting with CV, although the government is not formally obliged to produce evidence that those funds are applied in accordance with agreed programs, it has regularly done so. In the current FPA, the definition of such a program has been simplified by the fact that the country already has a fisheries policy that has been implemented since 2004, and funds are being used to support several of its elements.

In STP, as mentioned, no such policy exists. In fact, part of the targeted funds of the current FPA protocol have been applied in the drafting of a proposal for a fisheries management plan (*Oceanic Développement and Megapesca Lda.*²⁸), which, by January 2010, the Directorate-General for Fisheries was busy integrating with a similar document produced in parallel by FAO⁷, in view of coming up with a final national fisheries policy. In the past, the EC expressed discontent with the reporting on the implementation of targeted measures produced by Santomean authorities, having gone so far as to delay the payment of installments of the respective funds (*Oceanic Développement et al.*⁵). However, the current situation appears to have improved and no payments appear to have been withheld in recent years.

In brief, the current Santomean protocol is more stringent than the Cape Verdean in terms of follow-up of EC payments, but STP offers worse guarantees, not only in terms of that very follow-up, but also of the effective application of funds in the fisheries sector. The former problem may be resolved by improving overall budget oversight in state administration, an area that the EC currently supports through its cooperation program with STP (CEC, 2007). One might then expect that the current absence of adequate follow-up will progressively be overcome by enhanced administrative capacity.

In regard to the actual application of EC payments in the fisheries sector, the situation is less clear. On the one hand,

recall that, in accordance with article 7 of the FPA, the Santomean state is obliged to apply counterpart funds in the fisheries sector. In practice, although detailed records of budget allocations do not exist, it was suggested above, that since total fisheries budget exceeds the EC counterpart, the latter will most likely be used to finance the sector. In addition, although the EC itself does not perform any audits on the uses made of counterpart funds, it requires the Santomean government to produce evidence that these uses adhere to the provisions of the FPA. So far, the evidence produced in the form of reports of implementation of the agreed action program has been convincing enough for the EC Commission to continue transferring funds to the Santomean treasury.

On the other hand, STP has a long tradition of not only unstable, but also clientelistic politics and public administration (for a detailed account up to 2005, see Seibert, 2006), a reality that is widely known and openly discussed at all levels of the Santomean society. There is, in addition, evidence of an upsurge in state corruption in the course of the last decade, accompanying the intensification of offshore oil exploration activities (Frynas et al., 2003; Vicente, 2010). What is more, in the fisheries sector, there is anecdotal evidence that political parties regularly use equipment made available by cooperation partners to buy votes from fishermen during electoral campaigns. If, on top of all this, one considers the state of abandonment that Santomean fisheries find themselves in, there are reasons to question whether EC taxpayers' money is in reality contributing to any of the objectives stated in the FPA of improving the country's fisheries and its overall level of development. In Guinea-Bissau, for example, it has been argued that targeted funds have been used in the past to support state spending unrelated to fisheries (Kaczynski and Fluharty, 2002).

In CV, the overall situation is substantially different. Government structures function, and, despite regional disparities, are considered to provide important support to fishing activities at different levels. The export sector recovered

³²Mata, G., Dir. Gen. Budget, São Tomé, STP. Personal commun., 28 Jan. 2010.

³³These figures consider an annual disbursement of 663,000 Euros by the EC as per the 2006–10 protocol, and values allocated to the fisheries-specific units of the Santomean Ministry for Agriculture, Rural Development, and Fisheries in each of these years. The treasury does not yet have the means to collect data on all actual disbursements, so it is not possible to calculate with certainty how much of the EC counterpart is actually spent on the fisheries sector.

Table 11.—Provisions related to the landing of catch in the protocols to the EC fisheries agreements with STP and CV.

São Tomé e Príncipe	Cape Verde
1984–87 protocol No mention.	1991–94 protocol Tuna vessels should, if possible and according to catch volumes, supply local canning factories. By-catch should, when possible, be made available to local authorities at local market prices.
1987–90 protocol Freezer trawlers might be required to land part of catch to meet local requirements.	
1990–93 protocol No mention.	All protocols between 1994 and 2005 Tuna vessels should, if possible and according to catch volumes, supply local canning factories. Transshipment of at least 5% of fish caught in CV waters required of surface longliners. Provision related to by-catch suppressed.
All protocols between 1993 and 2006 Tuna seiners should, on voluntary basis, make by-catch available to STP authorities at agreed price.	
2006–10 protocol (FPA) Reduction of 5 Euro/t in license fees for vessels doing transshipment of fish in STP ports. Set of rules is defined for governing transshipments.	2006–11 protocol (FPA) Reduction of 5 Euro/t in license fees for landing of catch in CV ports, and of 10 Euro/t for supplying local fish processing plants. Set of rules is defined for governing transshipments.

remarkably well after the end of the EC embargo in 2003, and there are visible improvements in the organization of the artisanal sector in general. Despite persistent shortages of private capital for investments in the sector, there is evidence of progress, most notably in terms of handling and storage equipment in ports, improvement of sanitary conditions of fishery products (in particular for exports), and institutional capacity. How much of this can be ascribed to EC agreements is uncertain³⁴, but it is reasonable to presume that money spent on Cape Verdean fisheries will result in improvements to this sector.

Socioeconomic Integration

Three aspects of the EC fisheries agreements are discussed here that are relevant for the integration of the activities of Community fleets with the economies of CV and STP. Those aspects are the landing of catches and the use of supplies and services in the two countries, and the signing on of Cape Verdean and Santomean seamen on board EC vessels. Tables 11, 12, and 13 summarize the provisions relative to each of these aspects, respectively.

With respect to the provisions on catch landings in the 1987 STP protocol,

³⁴For example, the ex-post assessment of the CV agreement, recently presented to the EC Commission, argues that “those measures which have been successfully implemented substantially coincide with activities supported by donor projects, raising questions regarding the additionality of the FPA measures” (Oceanic Développement. 2010. Ex-post evaluation of the current protocol to the fisheries partnership agreement between the European Union and Cape Verde. Final report, summary, 6 p. Online at http://ec.europa.eu/fisheries/documentation/studies/cape_verde_2010_en.pdf, accessed on 13 Apr. 2011.).

Table 12.—Provisions related to the use of local supplies and services by EC vessels in the protocols to the EC fisheries agreements with STP and CV.

São Tomé e Príncipe	Cape Verde
Protocols between 1984 and 1999 No mention.	Protocols between 1991 and 2001 EC vessels should, when possible, procure necessary supplies and services in CV, under conditions negotiated by shipowner and CV authorities.
Protocols between 1999 and 2006 EC vessels should, when possible, procure necessary supplies and services in STP.	Protocols between 2001 and 2005 EC vessels should give preference to local supplies and services, provided price and quality are equal.
2006–10 protocol (FPA) No mention, other than in relation to landing and transshipment of fish (see Table 11).	2006–11 protocol (FPA) No mention, other than in relation to landing and transshipment of fish (see Table 11).

the latter does not specify what “local requirements” could be, or who should be responsible for defining these. The condition for EC vessels to land part of their catch could thus never be verified, and, correspondingly, landings never took place. A similar situation was observed regarding the voluntary delivery of bycatch by EC vessels to authorities in CV and STP.

The economic incentives offered to EC shipowners under the most recent protocol do not seem to have had any effect either: no transshipments have ever been performed in STP—a failure for which the absence of adequate handling and storage facilities certainly is to blame, at least in part—nor have any catches been landed in Cape Verdean ports or supplied to local canning factories.

A closely related issue is the use of port facilities and the procurement of local supplies and services by the EC fishing fleet operating in the waters of CV and STP (Table 12). The respective provisions are few and generally vaguely formulated and, consequently, hardly enforceable. The formulation, in the 2001 CV protocol, that EC vessels should procure supplies and services

in that country when “quality is equal” illustrates this argument well. Considering that much of these supplies were, and continue to be, fresh food products, determining the extent to which quality is equal is an imprecise and subjective assessment. The provision is then useless for the purpose of forcing EU vessels to procure those supplies locally. The recognition of this fact, presumably, led to the elimination of that provision from the subsequent protocol. Here, the only mention regarding the use of local shore-based services is in reference to landings and transshipments.

The signing on of local crews for EC fishing vessels may be regarded as an efficient way of spreading the benefits of the fisheries agreements to the population of partner countries. It provides employment and wages for crew members and their dependents, as well as income tax revenues to the state. It is thus somewhat surprising that it was not until 1993 that the Santomean government negotiated the hiring of national seamen into the EC agreement. As seen in Table 13, even then and in the successive protocols, the agreed provisions were never particularly ambitious, especially if compared to those of CV

protocols of the time, and even more so to those of the last protocol with Senegal (2002–06), where half of the non officer crew were required to be Senegalese (Sporrong et al.³⁵).

In the protocols to the FPA's with the two countries, the provisions regarding the signing on of local seamen suffered significant modifications. In general, the resulting set of requirements is more protective of local crews, and, at least on paper, allow for improved employment conditions. This is especially evident in the case of STP.

One important change has been the inclusion of seamen from countries other than CV or STP in the agreements. Shipowners are no longer restricted to hiring nationals from these two countries, but instead they can pick from a pool of seamen from ACP countries. Although this measure puts an end to the exclusiveness that Santomean and Cape Verdean seamen enjoyed regarding working on board EC vessels fishing in their countries' waters, the reality is that, since the FPA's with other countries in the region all contain identical provisions, new employment opportunities are created for the nationals of those two countries in EC vessels operating under those other FPA's. In practice, because EC vessels tend to have multiple licenses allowing them to move between the waters of different partner countries, this change is nothing but an adaptation of the letter of the agreement to the practical reality.

Competition and Socioeconomic Integration

Criticism has been directed at EC fisheries agreements for enabling European fleets to compete directly with local fishermen in third countries for the resources that they depend upon (Kaczynski and Fluharty, 2002; SSNC, 2009; IFREMER²¹). This issue has been highlighted especially in those cases where agreements include demersal spe-

³⁵Sporrong, N., C. Coffey, and K. Bevins. 2002. Fisheries agreements with third countries – is the EU moving towards sustainable development? IEEP, London, U.K., 19 p. Online at <http://www.ieep.eu/assets/154/fisheriesagreements.pdf>, accessed on 2 Mar. 2010.

Table 13.—Provisions related to the signing on of local crews in the protocols to the EC fisheries agreements with STP and CV.

São Tomé e Príncipe	Cape Verde ¹
All protocols up to 1993 No mention.	1991–94 protocol Thirteen CV seamen in total, of which three in tuna seiners, eight in P&L vessels, and two in SLL, all assigned to different vessels. Wages fixed jointly by shipowner and CV authorities prior to the granting of licenses, the former covering all costs with social security and insurances. Penalty for failure to sign on seamen, used by the CV state for the training of seamen.
Protocols between 1993 and 1999 Three STP seamen in total, all assigned to different vessels. Employment conditions negotiated by shipowner and (representative of) seamen.	1994–97 protocol Nine CV seamen in total, of which four in tuna seiners, three in P&L vessels and two in SLL. Other conditions equal to the 1991–94 protocol.
Protocols between 1999 and 2006 Six STP seamen in total, all assigned to different vessels. Penalty for failure to sign on seamen, used by the STP state for the training of seamen. Employment conditions negotiated by shipowner and (representative of) seamen.	Protocols between 1997 and 2005 Thirteen CV seamen in total, of which six in tuna seiners, three in P&L vessels, and four in SLL. Other conditions equal to the earlier protocols.
2006–10 protocol (FPA) At least 20% of seamen must be ACP nationals. Workers' rights defined in accordance with ILO declaration. Employment conditions negotiated by shipowner, (representative of) seamen and workers' unions. Contracts must cover social security and insurance. Penalty of \$20US/day for failure to sign on ACP seamen while fishing in STP waters.	2006–11 protocol (FPA) At least 13 seamen from ACP countries, of which at least six in tuna seiners, three in P&L vessels and four in SLL. Workers' rights defined in accordance with ILO declaration. Employment conditions negotiated by shipowner, (representative of) seamen and workers' unions, in liaison with CV authorities. Contracts must cover social security and insurance. Penalty of 20 Euro/day for failure to sign on ACP seamen while fishing in CV waters, used by the CV state for the training of seamen.

¹P&L = pole and line; SLL = surface longliner.

cies, as these constitute the mainstay of small-scale subsistence fisheries in most ACP countries (Mbithi Mwikya, 2006).

In the cases of the agreements with CV and STP, they only cover highly-migratory species caught beyond the territorial sea, where domestic fleets are hardly present. As alluded to earlier, the governments of the two countries chose to reserve demersal species and coastal waters for the respective artisanal fleets, having progressively pushed EC vessels further offshore. In the past, the CV agreement allowed for some demersal fishing, and both the CV and the STP agreements provided for exploratory fishing, but none of these were ever of a significant scale as to interfere with domestic artisanal catches. So the issue of direct competition for resources or fishing areas between EC and local fleets has never been a very pertinent one in any of the cases. As for competition with the Cape Verdean industrial and semi-industrial fleets, the perception in CV is that there still is enough fish for everyone, and direct interactions between EC and local vessels are not seen as posing significant problems (Atanásio³⁶). This

³⁶Atanásio, N., Assoc. Fisheries Shipowners, Midelo, SV, CV. Personal commun., 8 Jan. 2010.

is in line with earlier assessments that tuna agreements did not lead to competition between local fleets and those of EC member states (IFREMER²¹).

Discontent is felt, however, towards the extent to which EC fleets are subsidized, which enables them much greater efficiency than Cape Verdean vessels. This must be understood in the context of the limited investment capacity of Cape Verdean shipowners and of the fact that they target the same export markets as the EC distant-water fleet. This might, however, be more of a perceived problem than a real one, as export of fish products from CV—most of which are tuna products to European markets—have increased steadily since the end of the EC embargo in 2003 and are remarkably successful today. Also, it has been argued that the rent accruing to the CV government from catches by EC vessels are much higher than if the resources were exploited by the national fleet (Oceanic Développement et al.²⁶), suggesting that it is economically advantageous to maintain EC fleets operating in Cape Verdean waters.

Nonetheless, that the government repeatedly chooses to sell the country's fishery resources to heavily subsidized EC fleets is generally disapproved of by

fisheries professionals in CV. To them, the fishing opportunities granted by the agreements constitute a further public subsidy that further skews competition (Atanásio³⁶). Irrespective of whether or not there is actual competition between Community and local fleets, this type of discontent has been reported from several other countries in the region (SSNC, 2009; Stilwell et al., 2010)

Broader benefits from the FPA's to CV and STP may potentially accrue from activities such as catch landings, the utilization of local supplies and services, and employment on board EC vessels. Here, again, there are important differences between the two countries. As alluded to previously, despite the fact that both agreements encourage EC vessels to land their catches in CV and STP ports, this has never happened in any of the cases. The reasons are that in STP processing facilities are nonexistent, whereas in CV there are no economic advantages for EC vessels to land catches there, as opposed to landing in other ports, notably in the Canary Islands.³⁷ A similar situation has been reported regarding Community fleet operations in Mauritania (SSNC, 2009). This in spite of reductions in fees provided for in the agreements and, in the case of CV, of the insistence of the local fisheries authorities that EC vessels supply local canning plants with catches from Cape Verdean waters (Commission mixte CV-CE³⁸).

Transshipment of fishery products is not possible in STP because of the inadequacy of infrastructure on land. In CV, this activity has been carried out since 1963, initially by Asian—mainly Japanese—vessels, and since the late 1970's also by European vessels. A study made

in the Porto Grande of Mindelo in 2006 showed an increase in the number of calls of fishing vessels, reaching 281 in 2005, of which 70% were Spanish and 15% Portuguese (Maurício and Lima³⁹). Transshipment operations totalled 80 that same year, representing close to 8,000 tons of handled fish products.⁴⁰ Revenues for the port administration alone, including port taxes and cargo handling fees, amounted to over 30.5 million CVE (approx. 277,000 Euros) between January and August 2005 alone, almost double the figure for all of 2004. The estimate for all revenues to CV associated with calls of fishing vessels at Porto Grande was put at 600–700 million CVE in 2005 (approx. 5.5–6.4 million Euros). Of this amount, it is reasonable to presume that the contributions from Spanish and Portuguese vessels, representing 85% of the total, can be ascribed to EC fisheries agreements signed not only with CV, but also with other coastal states in the region. Other than at Porto Grande, transshipments of fishery products in CV also take place in the port of Praia.

In STP, although no transshipments are carried out, foreign fishing vessels occasionally call at local ports for the purpose of taking onboard supplies, mainly fresh foodstuff. Because no data exists on the nationality of those vessels—82 vessels in 2008, down from 197 in 2007 (ENAPOR, 2009)—nor on the revenue that they generate, it is not possible to estimate any eventual economic benefit resulting from EC vessels operating under fisheries agreements. In the past, such benefits have been declared nonexistent (Oceanic Développement et al.⁵).

A final element worth referring to is employment on board EC vessels. In STP, as per accounts of local crew agencies, there are at present no known

local seamen taking up such posts. There is, however, an unknown number of Santomeans working on board fishing vessels in neighboring states. It is not known if those are EC vessels operating under agreement with these states. In the past, the size of this workforce has been estimated at 25 individuals (Oceanic Développement et al.⁵).

In CV, there is a firmer tradition of nationals working on board foreign vessels, and at present approximately 150 Cape Verdeans are hired by Spanish and Portuguese shipowners. In 2004 this figure was stated as 121 (Oceanic Développement et al.²⁶). Net monthly salaries start at 454 Euros, a figure that is deemed competitive in comparison to other employment opportunities in general, and in the artisanal fisheries sector in particular.⁴¹ Contracts cover social security discounts and include insurance against accidents, two things that Cape Verdean—and, for that matter, Santomean—fishermen overwhelmingly do without. However, in certain segments of the Cape Verdean industrial and semi-industrial fleets, employment conditions are considered superior to those offered by European shipowners, not only in terms of salary, but also in working conditions and frequency of shore leaves. Conditions on board EC vessels are often considered too harsh, and thus only appealing to those lacking other job alternatives.

Conclusion

This paper set out to discuss aspects of sustainability, responsibility in fishing, and socioeconomic integration of the EC fisheries agreements with CV and STP. To this end, specific provisions of the agreements were reviewed, highlighting the increasing preoccupation of the parties with issues of fisheries surveillance, catch monitoring and reporting, and integration of the EC fleet's operations with the fisheries and related sectors in both countries. The latest FPA's in particular abound with

³⁷As an indication of the price advantages for EC shipowners of landing catches outside CV, the president of the Cape Verdean fisheries shipowners association noted that one ton of tuna is sold to processing plants in CV at 80,000 CVE, whereas in the Canary Islands it is sold at 990,000 CVE (text footnote Atanásio³⁶).

³⁸Commission mixte Cap Vert—Communauté européenne. 2009. Procès verbal. 1ère commission mixte—Bruxelles, les 18 et 19 Juin 2009. Online at http://ec.europa.eu/fisheries/cfp/international/agreements/joint_committees/cape_verde_180609_fr.pdf, accessed on 4 Dec. 2009.

³⁹Maurício, J. P., and L. Lima. 2006. Impacto sócio-económico. Navios de pesca em S. Vicente. ENAPOR, Mindelo, SV, CV.

⁴⁰Preliminary figures for the three most recent years for the number of calls of fishing vessels and tons of transshipped fish products are 213 calls and 3,276 t (2007), 204 calls and 6,500 t (2008), and 243 calls and 5,613 t (2009) (Maurício, J.P., ENAPOR, Mindelo, SV, CV. Personal commun., 26 Mar. 2010).

⁴¹Estimated average monthly salaries in CV are 499 Euros in the public and 336 Euros in the private sector. Monthly earnings in the artisanal fisheries sector may be as low as 80 Euros.

concerns about all of these aspects, presumably as a post-CFP reform response of the EC to the numerous criticisms of earlier access agreements.

It was argued that fishing opportunities in those agreements continue to be negotiated in a context of considerable uncertainty, in particular concerning knowledge about stock status, fishing efforts, and actual catch volumes in the waters of those two countries. Despite the large amounts of money transferred from the EC to the two countries over the past 2–3 decades, comprehensive studies of the countries' fishery resources and convincing estimates of fishing effort have not been produced. The very legal precondition for the agreements, namely the evidence of a resource surplus that EC fleets may harvest, can actually be put into question, as neither available stocks, nor actual catches are known with exactitude.

In this context, it is particularly worrisome that EC vessels continue to fail to report their movements and especially their catches to Cape Verdean and Santomean authorities, in clear breach of the agreements. Because in both countries there is a generalized insufficiency of means to patrol the respective EEZ and to inspect vessels at sea, EC vessels operate with almost complete impunity. There are few, if any, means of challenging the information that these vessels report to the authorities or of producing evidence of unreported fishing activities. Partly because of this, legal action against vessels suspected of having contravened the agreements has never been taken.

There is scope for demanding better stock assessments prior to future negotiation of fishing opportunities between the EC and these two countries. In part this is the work of ICCAT. In this regard, some authors have argued that tuna agreements should not be signed bilaterally, but instead between the EC and all countries sharing a regional stock, through the appropriate RFMO (Kaczynski and Fluharty, 2002; Mbithi Mwikya, 2006; Witbooi, 2008; SSNC, 2009; Gorez²³). Besides making ecological sense, this suggestion would also diminish the large imbalance in negotia-

tion capacity that exists today between the EC and each individual partner country (ADE et al., 2002; Witbooi, 2008; Stilwell et al., 2010). It would, however, require a level of cooperation among the regional countries on matters related to fisheries that does not exist today.

There is, in addition, an absolute and urgent need to expand the capacity of both CV and STP to carry out surveillance and inspections at sea. This is a very large burden on poorly resourced countries with extensive maritime domains, and something that will take time to implement.

For this reason, the issue of the taking on board observers should be looked into with some urgency. The system currently in place has unequivocally failed. One may ask whether it should not be replaced by a system where observers are made compulsory, either on all or on randomly assigned EC vessels, and paid for by the EC. However, the latest ex-post evaluation of the CV agreement commissioned by the EC lays the burden of establishing a corps of observers entirely on Cape Verdean authorities (Oceanic Développement³⁴), a view that the Commission itself also held during the last meeting of the joint committee (Commission mixte CV-CE²⁷).

A related aspect also in need of betterment is communication of catch data. The burden is on the EC to impose stricter procedures to its vessels regarding the periodicity and the exactitude of these communications, but also on the authorities in the partner countries to more firmly impose sanctions on EC vessels not fulfilling their obligations. Here, however, the prospect of losing much needed counterpart funds will probably continue to weigh more.

The way in which the EC sees to the adequate application of counterpart funds can be said to have improved over the years. From an initial practice where most of the money was paid to a treasury account “no questions asked,” the 2007 FPA's make disbursements more clearly conditioned on evidence that money will be used for advancing the countries' fisheries policy. This is particularly relevant in the case of STP, where close to thirty years and several

million Euros worth of fisheries agreements do not seem to have improved a fisheries sector that remains in dismal condition.

There are, fundamentally, two aspects to consider when addressing this problem. First, there is the issue of improving overall budgetary oversight capacity, which, in the case of STP, the EC is currently supporting. Improved oversight will enable better follow-up of the uses that counterpart funds are put to.

But the most important issue is one of the extent to which the agreement itself should be conditioned upon the ability of Santomean authorities to effectively develop the fisheries sector. On one hand, there is a limit to how much the EC can interfere with domestic policies and state administration in partner countries. During the last protocol, for example, it subsidized the production of a fisheries policy proposal (Oceanic Développement and Megapesca Lda.²⁸), but it cannot really impose its adoption on the Santomean government.

On the other hand, the fisheries agreement itself is justified by its parties as an instrument for developing the fisheries sector in STP. Failing this development—which, again, is largely what has happened in STP up to now—one may reasonably question whether the agreement should not be terminated, as it is not serving one of its fundamental purposes. This, however, would deprive the Santomean state of an important source of income that it needs for financing the sector. In brief, in regards to this issue, the approach has been to continue renewing protocols based more on expected benefits than on observed improvements to the Santomean fisheries sector.

Finally, the level of integration of activities carried out under the agreements with other socioeconomic sectors in the two countries is extremely reduced. It is limited to transshipments in CV—which, it was seen, can generate important secondary revenues—the purchase of some stores, and employment for about 150 Cape Verdean seamen. In STP such benefits are minimal, and there are no known seamen working on board EC vessels. Similarly, the poverty

impact of the agreements has been considered nil (Oceanic Développement et al.^{5,26}; see also ADE et al., 2002; Bartels et al., 2007).

With the aim of enhancing that integration, the following considerations can be made. First, imposing on EC vessels that fish caught in Cape Verdean waters be landed in Cape Verdean ports and sold to local processing plants will enable CV to increase its sales of higher value fishery products. A similar obligation existed, for example, in past EC agreements with Senegal (Sporrong et al.³⁵). Currently, all valued added to the raw products that CV sells via the EC fisheries agreements accrues to the European states—mainly Spain—where that fish is processed. Such a measure, would, however, be met with resistance from the part of EC shipowners who currently sell their catches in European ports at much higher prices than those paid by Cape Verdean processing plants. In STP no such imposition is reasonable because the country does not have the necessary infrastructure to handle, store, or process landings from industrial vessels.

Second, the actual degree of utilization of local supplies and services by EC vessels should be investigated, as there is no reliable information on actual benefits accruing to any of the countries. In particular, it is important to understand how much these supplies include locally produced goods, as opposed to imported ones. The former have the potential of extending the benefits of eventual procurement by EC fishing vessels to local producers, and not only to retail importers, as in the case of imported goods.

Third, in regard to employment of seamen, CV appears to have taken advantage of the latest regime that is based on the ACP pool of seamen rather than on country-based quotas. The suggestion that working conditions on board are not adequate might merit an investigation on the part of the EC, which is ultimately responsible for its vessels adhering to the ILO standards. In STP it is not known with certainty if local seamen are working on board EC vessels operating under agreements with other

countries in the region, and, if so, how many they are. Hence it is not possible to propose any measures to improve the current situation.

As a final word, if the FPA's are to live up to their own letter, much will have to be achieved in terms of improving monitoring and surveillance of fishing operations, collection and communication of catch data, and socioeconomic integration of EC fleet's activities. That little appears to have been achieved in all of these domains is a worrisome prospect for the future of the agreements with CV and STP. Responsibility rests with the EC and the governments of these two countries to make sure that FPA's do foster a fair and mutually beneficial platform for sustainable development and responsible fisheries based on these countries' marine resources.

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