



NEPAD Planning and Coordinating Agency  
Agence de Planification et de Coordination du NEPAD



## STOP ILLEGAL FISHING CASE STUDY SERIES 01

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# Forming an African Voice IN INTERNATIONAL FISHERIES NEGOTIATIONS

## Background

In order for the international *Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing* (2009) to be successful all port states must comply. This will prevent illegal, unreported and unregulated (IUU) vessels from taking advantage of more lenient rules and regulations in non-complying states.

This agreement provides internationally agreed upon minimum standards and procedures in respect of foreign vessels engaged in, or suspected of being engaged in, IUU fishing when they require port services. It was negotiated due to a growing awareness of the social, economic and environmental impacts that IUU fishing has.

During the negotiation process a group of African countries worked together to form a coherent, well argued, relevant and broadly supported African position – an African Voice. It was important that what became known as 'the African Group' was able to shape the agreement in a way that provided relevance for the African continent within a framework of comprehensive fisheries reform. This was one of the first occasions that this approach was adopted by a pan-African group in an international fisheries policy process.

The process of forming an African Voice on IUU fishing has been ongoing in various African regions for some time. However, the momentum to bring these together was formed at the ***First Southern and Eastern African Forum to counter IUU Fishing***, held in 2007, in Maputo, Mozambique.

Simultaneously with the momentum gaining force in parts of Africa, negotiations on legally binding Port State Measures (PSM) were initiated<sup>1</sup> and took place through a four-session technical consultation in Rome. In the **first session<sup>2</sup>**, the African Group met almost every day, with Mozambique, Senegal and Angola chairing most of these meetings. Although the first session focused on definitions and general provisions, African delegates supported each other on some of the key discussion points. At this stage there was no outside support for the Group.

A preparatory meeting – ***the Second Southern and Eastern African Forum to counter IUU Fishing*** – was held in advance of the **second session**.

### STOP ILLEGAL FISHING CASE STUDIES aim to:

Define best practice by analysing practical examples of different approaches in the fight against IUU fishing. They also demonstrate the magnitude of activities and partnerships underway to stop illegal fishing and provide the basis for policy advice.







## The Story (cont'd)

To support the discussions and with a view to facilitating a stronger voice at the negotiation, a briefing paper was prepared. The paper outlined the most contentious articles, with an emphasis on provisions of importance to developing countries and issues that would benefit from a common pan-African position.

In the **second<sup>3</sup> session**, the African Group held meetings every morning and during lunch breaks. At each of these meetings, a different chair was appointed. Support, including technical and legal advice, was provided by Stop Illegal Fishing (SIF), the Pew Environmental Group, and the World Wide Fund for Nature (WWF).

In the **third<sup>4</sup> session**, one of the key events for the African Group was when, after a meeting

with the Pacific Small Island Developing States (SIDS), a joint proposal was produced with regard to Article 21, on requirements of developing states<sup>5</sup>. This was later adopted in the plenary.

In the **fourth<sup>6</sup> and final session**, the African Group did not meet regularly as the articles of main interest to the Group had been discussed and most of its aims achieved.

More generally in the negotiation, the countries spoke on their own behalf, but took into consideration the agreed position while making their interventions. The Group focused their joint efforts on certain prioritised issues and articles, rather than the entire text of the agreement.

## Drivers

The main driver behind the process of developing an African Voice was the momentum created through the *First Southern and Eastern African Forum to counter IUU Fishing* and the signing of the *SADC Statement of Commitment*. These initiatives highlighted

the practical need for cooperation to stop IUU fishing and the negotiating power in taking a common position. Political momentum to take this forward was created as well as a framework to facilitate cooperation between countries.

## Key features and outcomes

- **Working together as an African Group** – meant African countries managed to influence the agreement, making it more relevant to the continent's IUU issues, e.g. in relation to migrating artisanal fisheries.
- **Cooperating with the Pacific SIDS** – led to joining forces with like-minded groups and being able to exert even more influence.
- **Support provided by experts** – was crucial as the provision of background documents and briefing papers on key issues helped focus the discussion.
- **Ratification and implementation of the agreement** – seven African countries; Angola, Benin, Gabon, Ghana, Kenya, Mozambique and Sierra Leone signed and are now required to ratify the agreement. Countries that did not sign the agreement may now accede to it. Hopefully, the funding mechanism of Article 21 will provide African countries wishing to ratify or accede and implement the agreement with the support they require.<sup>7</sup>

## Lessons learned

### PREPARING FOR NEGOTIATIONS

- **Create awareness** of the issues and share information and views on the local, regional and continental contexts before the negotiation starts.
- **Define common objectives** and areas where compromises can be reached. This will lead to an agreed on and focused negotiation strategy.
- **Designate and empower national delegations** in advance of the negotiations and maintain continuity of participation throughout the process.
- **Continue networking between negotiation sessions** in order to develop improved cooperation and to adjust or fine-tune common positions.

- **Identify funding** for participation in meetings. This is vital in order to allow national delegations and interested parties to attend.
- **Identify a group coordinator** to maintain group cohesion.

### DURING NEGOTIATIONS

- **Arrange daily group meetings** in order to share and negotiate national positions or to adjust strategies as required.
- **Promote good levels of consistent attendance** in order to ensure your voice is heard.
- **Prepare an intervention strategy** for the plenary sessions. It is important that as many countries take the floor as possible.

## Challenges

- **Organising and running of the daily African Group meetings** – there was some initial hesitation among African delegates towards the “African Group” as the ownership and purpose of the Group was not clear. This was discussed and agreement on its purpose reached, however, some delegates were still hesitant to share views and positions without an official government mandate, preferring to discuss in plenary.
- **Varying levels and continuity of attendance** – resulted in significant challenges in moving the discussion forward. This was caused partially by financial constraints, but also by a lack of continuity in the delegations for preparatory meetings and the actual negotiation in Rome, as well as varying levels of attendance in the African Group meetings.
- **Appointment of the chair** – proved to be somewhat problematic as delegates were reluctant to dominate the process by proposing themselves or one of their co-delegates as chair. The lack of a clear process for the appointment of a chair resulted in limited confidence in the position and thus reduced coordination in plenary.
- **Language barriers** – there were barriers in terms of actual language as well as in the technical and legal terminology used in the discussions. There was no official interpretation support for the Group, which meant the delegates had to support each other as best they could.



## Players involved

- **The champions/initiators:** The leadership role undertaken by key champion countries and their representatives was vital in initiating and maintaining a momentum.
- **African Union:** The African Union (AU) through the NEPAD Agency, the Partnership for African Fisheries (PAF) and the SIF working group supported preparatory meetings and the process undertaken in Rome.
- **African delegates:** A number of countries were very active in the African Group meetings, others attended regularly, whilst some only occasionally.
- **The chair:** Angola, Mozambique and Senegal chaired most sessions although originally the idea was that a different chair would be appointed for each African Group meeting.
- **Supporting partners:** The external support provided to the African Group before and during the negotiation consisted of technical and legal advice as well as interpretation and translation services from a number of organisations and experts. Their roles consisted of providing a mix of support and encouragement as well as robust advice at critical junctures in the process.



## Policy implications

- Developing a coherent African Voice on fishery issues requires a high level of visible legitimacy throughout the process. A clear mandate needs to be considered and firmly established.
- Strengthening the role of African experts in contributing to, and supporting, the formulation of positions in international fishery negotiations is required.
- Consolidating the African Voice would benefit from stronger regional dialogue (e.g. in regional fisheries bodies or economic communities) that links into the continental process. Synergies between regional and continental policy processes should be strengthened.

## Acknowledgements

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## Next steps

To strengthen the African Voice in international fisheries negotiations the next step will be to identify relevant upcoming international meetings. To prepare for such meetings, the general points outlined in *Lessons learned* should be taken into account, while efforts should focus on the following:

- **Learning from other regional groups' negotiation practices**, such as the Pacific SIDS.
- **Developing research-based positions**, to maximize the influence on the overall shape of an international agreement, not just parts of it or a few articles.
- **Arranging negotiation training courses**, and identifying 'leading states' and well-trained 'champion negotiators', would greatly improve the overall continental negotiating capacity.
- **Establishing a greater legitimacy for the African Group**, through strengthening the facilitating role of the AU, NEPAD and their associated programmes and working groups, in both the preparations and through their physical representation at the negotiation.
- **Exploring funding mechanisms** to support the strengthening and development of the African Voice and to ensure wide African participation in the negotiation process.

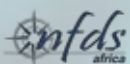
## Further information



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## Footnotes

<sup>1</sup> After a decision by the twenty-seventh session of the FAO Committee on Fisheries (Rome, Italy, 5-9 March 2007), an Expert Consultation prepared a draft text of a legally-binding instrument on Port State Measures, based on the 2001 *FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing* and the 2005 *FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing*. The draft text was then submitted for consideration and review by a Technical Consultation.

<sup>2</sup> 23-27 June 2008.

<sup>3</sup> 26-30 January 2009.

<sup>4</sup> 4-8 May 2009.

<sup>5</sup> Including the establishment of funding mechanisms for capacity building and technical assistance.

<sup>6</sup> 24-28 August 2009.

<sup>7</sup> Although the Port State Measures are seen as a cost-effective tool for addressing IUU fishing, financial as well as capacity-building support will still be needed to facilitate implementation by developing countries.



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