

Strengthening Ocean Governance with a Focus on Fisheries Access Agreements (FAA)

Preamble

As a continent reliant on its coastal and marine resources, Africa face numerous fisheries-related challenges and stresses. These include overfishing, illegal, unreported and unregulated (IUU) fishing, human activities such as pollution, destruction of coastal habitats, degradation of the marine ecosystem. climate change negative impact on marine biodiversity... It is in this context that African coastal States have entered into Fisheries Agreements or Access Agreements with other partners. These agreements, which generate substantial foreign currency revenues and contribute to their balance of payments and the financing of their economies, are also used by coastal States as instruments to regulate access to fisheries resources in their respective EEZs. Current FAAs return only 10–15% of the final processed fish value. Many countries even re-import fish originally caught in their waters at higher prices.

This policy brief outlines measures to shift from low value, fragmented deals to sustainable, high-return, and strategically managed agreements.

A- FAAs in International law

Under UNCLOS Article 56, Coastal States have sovereign rights over living resources in their EEZs. Foreign states or companies must secure a Fisheries Access Agreement (FAA) before fishing in these waters; otherwise, their activities are classed as IUU fishing.

Article 62(4) sets the minimum content of FAAs, including compensation, which may be in cash, kind, or trade concessions. Both Coastal and Access-Seeking States have conservation obligations. While other international instruments (e.g., UN Fish Stocks Agreement, FAO Port State Measures Agreement) influence FAAs, none explicitly regulates them.

Article 64 considers that for highly migratory, shared or overlapping fish resources, the coastal State and the distant water fishing States must cooperate, "directly or through appropriate international organizations, in order to ensure the conservation of the species in question and to promote the optimal exploitation of these species throughout the region, both in the exclusive economic zone and beyond it.

B- Benefits and Costs of FAA for Coastal States

Benefits :

- Direct payments (fees, fines)
- Research, training, MCS support
- Employment
- Fish landings and port service sales
- Joint-ventures and investment

Costs :

- Price impacts
- Negotiation/management expenses
- Surveillance and infrastructure costs
- Harm to small-scale fisheries

C- Access Fee Systems

Ideal economic fees would cover:

- Share of landed catch value
- Ecological compensation
- Management costs
- Value added in Distant water Fishing Fleets (DWFFs) economies
- Lost domestic opportunities

Current systems:

- EU Reference Tonnage : fixed volume + support funds
- Asian Rate of Return: 10–15% landed value
- Vessel Day Scheme: regional minimum price, returning 20–25% to Pacific States (higher than Africa's rates)
- Legislated Minimums: e.g., Liberia 10%

Innovations :

- Ecological compensation levy
- Share of DWFS domestic economic gains

D- Key issues and core strategic goal

Fisheries agreements present African states with a complex mix of opportunities and challenges, often marked by unequal capacity negotiation power, low economic returns compared to the value of catches, and limited reinvestment in local development. Weak monitoring and governance can lead to overfishing, biodiversity loss, and reduced fish availability for local food security, while a lack of transparency and inconsistent enforcement enables illegal, unreported, and unregulated (IUU) fishing. Although agreements may promise capacity building, technology transfer, and job creation, these benefits are frequently underdelivered, and poorly coordinated national policies allow foreign fleets to exploit regulatory gaps across borders. Ultimately, without stronger negotiation capacity, regional cooperation, and effective monitoring, such agreements risk undermining both the sustainability of marine resources and the sovereignty of African states over their Exclusive Economic Zones.

Core Strategic Goal

African States should move from being price-takers in access fee negotiations to value-setters by:

- Using better economic data,
- Negotiating regionally,
- Enforcing sustainability measures,
- And ensuring that FAAs contribute to both national revenue and local food security

E- Recommendations that can provide actionable guidance for African Coastal States to secure greater economic, social, and environmental benefits from Fisheries Access Agreements (FAAs) while safeguarding marine resources and food security.

1. ***Strengthen Policy Coherence and Integration***
   - Develop a clear national FAA policy with:
     - Social and economic principles for granting access.
     - Biological/resource conditions to protect stocks.
     - Invest in research and science for the assessment of the stocks and the surplus
     - Financial and technical terms aligned with sustainability goals.
   - Integrate FAA policy with national fisheries policy, economic policy, and foreign policy.
   - Fit all access allocations into a science-based, sustainable fisheries management plan.

2. ***Increase Economic Returns from FAAs***
   - Move beyond current 10–15% rate of return by:
     - Including ecological compensation levies for habitat and by-catch impacts.
     - Claiming a share of value added in DWFS economies from African resources.
   - Negotiate better fee systems, learning from:
   - Vessel Day Scheme in the Pacific (20–25% return).
     - Legislated minimum rates of return (e.g., Liberia's 10% rule).
   - Strengthen valuation capacity to accurately estimate catches, discards, and true landed value.

3. ***Leverage Regional Coopération***
   - Harmonise Minimum Terms and Conditions (MTCs) for all fleets fishing in African EEZs.
   - Pass MTCs into national legislation to make them enforceable.
   - Operationalise regional access agreements under frameworks like FCWC and SRFC.
   - Negotiate collectively to increase bargaining power against DWFS.

4. ***Build Negotiation and Intelligence Capacity***
   - Establish Fisheries Industrial Intelligence & Analysis (FIIA) Units at national and REC levels to:
     - Monitor FAA performance.
     - Collect and analyse fleet cost structures, subsidies, and profits.



- Integrate MCS and trade data into negotiations.
- Produce post-negotiation evaluation reports.

- Train negotiators in economic valuation, trade rules, and climate adaptation.

5. ***Manage and Protect Small-Scale Fisheries (SSF)***
   - Enforce Inshore Exclusion Zones (IEZs) strictly to prevent foreign industrial encroachment.
   - Reduce SSF–foreign fleet conflicts by monitoring and prosecuting IEZ violations.
   - Address over-the-side sales to foreign fleets that threaten local food security.

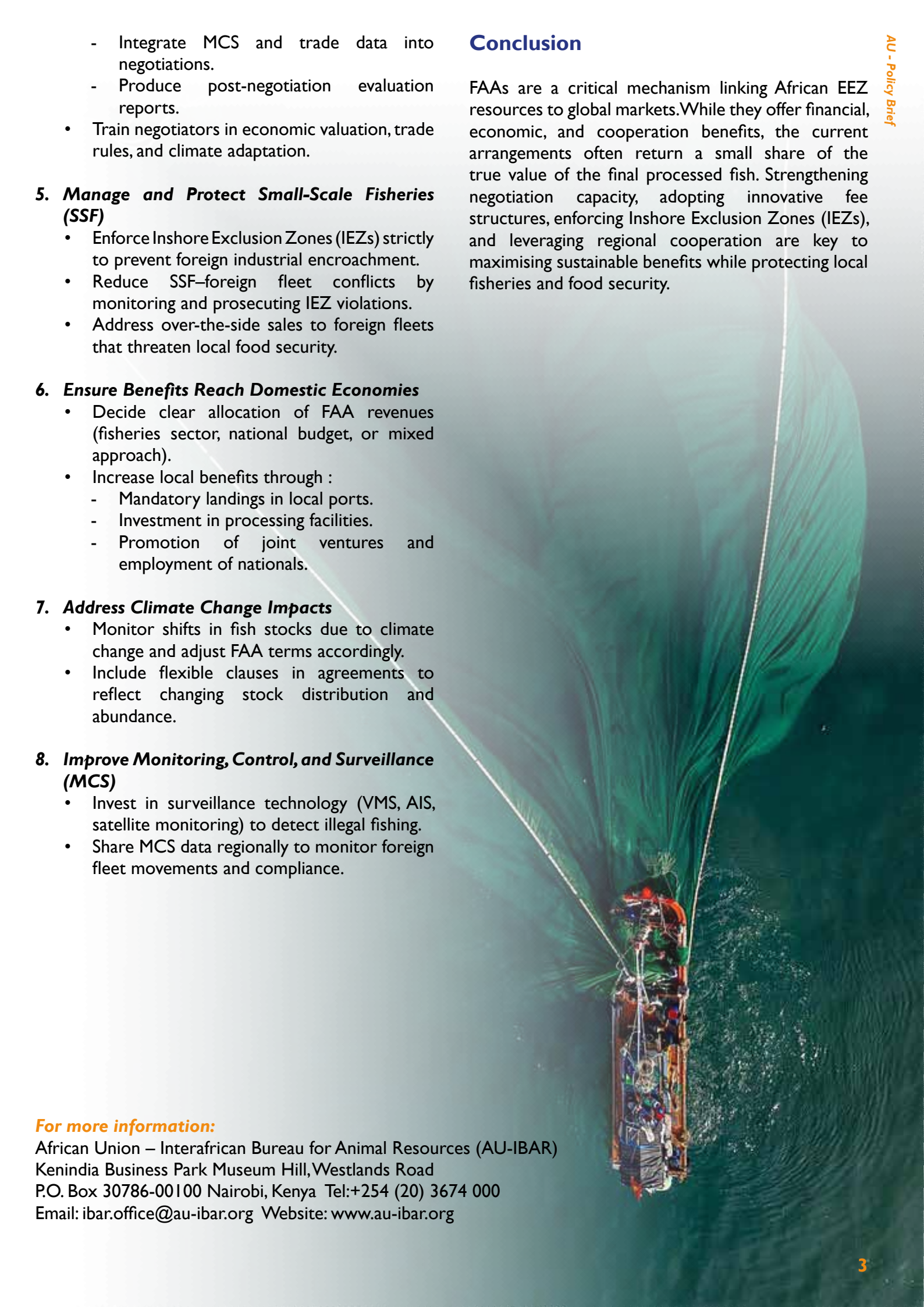
6. ***Ensure Benefits Reach Domestic Economies***
   - Decide clear allocation of FAA revenues (fisheries sector, national budget, or mixed approach).
   - Increase local benefits through :
     - Mandatory landings in local ports.
     - Investment in processing facilities.
     - Promotion of joint ventures and employment of nationals.

7. ***Address Climate Change Impacts***
   - Monitor shifts in fish stocks due to climate change and adjust FAA terms accordingly.
   - Include flexible clauses in agreements to reflect changing stock distribution and abundance.

8. ***Improve Monitoring, Control, and Surveillance (MCS)***
   - Invest in surveillance technology (VMS, AIS, satellite monitoring) to detect illegal fishing.
   - Share MCS data regionally to monitor foreign fleet movements and compliance.

Conclusion

FAAs are a critical mechanism linking African EEZ resources to global markets. While they offer financial, economic, and cooperation benefits, the current arrangements often return a small share of the true value of the final processed fish. Strengthening negotiation capacity, adopting innovative fee structures, enforcing Inshore Exclusion Zones (IEZs), and leveraging regional cooperation are key to maximising sustainable benefits while protecting local fisheries and food security.



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