

The European Union's Fisheries Agreements with third countries

Moving from FPA to SFPA: the case study of Seychelles

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Master's thesis in International Fisheries Management (30 ECTS) – June 2018



**THE EUROPEAN UNION'S
FISHERIES AGREEMENTS WITH THIRD COUNTRIES**

- *Moving from FPA to SFPA: case study of Seychelles*

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June 2018

Tromsø - Norway

DECLARATION

I hereby declare that this thesis is the result of my own original research and that no part of it has been submitted anywhere, or else for any purpose. All references have been duly acknowledged and I therefore bear a sole responsibility for any shortcomings.

Tromsø – Norway

June 2018

Lovasoá Cédrique Augustave

CERTIFICATION

I hereby certify that this thesis was supervised in accordance with the procedures laid down by UiT – The Arctic University of Norway, Faculty of Biosciences, Fisheries and Economics, Norwegian College of Fisheries Science.

Kåre Nolde Nielsen

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Supervisor

Co-supervisor

DEDICATION

I humbly dedicate this thesis to my beautiful grandmother, *Mrs. Mélanie Constance Rasoanatoandro*, and my father, *Mr. Martial Augustave*, for their immense contribution towards my education; and to my lovely aunts, especially *Mrs. Andrisoa Marcellia Baravano*, for their love, support and encouragement.

ACKNOWLEDGEMENTS

To begin with, I genuinely give thanks to *The Almighty GOD* for He is, day after day, my ultimate strength, savior, and protector throughout my study journey in Tromsø/Norway.

Thanks to Him, my dream came true, as it always has been and always will be.

This present thesis project is the result of my research that I have been doing at the University of Tromsø (UiT) under the EU project FarFish 2017-2020. It has been done thanks to the sincere supports of the following persons that I would like to thank:

1. Torleiv Bilstad (my mentor) and Torny Dyrseth (my dear friend) who both granted me a yearly study loans in order to accomplish my Master study in International Fisheries Management (IFM). I am forever be grateful to their support and help throughout my stay both in Stavanger and Tromsø - Norway.
2. The University of Tromsø, represented by the Rector Anne Husebekk; and the department of Biosciences, Fisheries and Economics (BFE), under the responsibility of the Dean Kathrine Tveiterås. My very profound gratitude for their immense and unconditional support and care.
3. Ane-Marie Hektoen, Program Director at the Faculty of Biosciences, Fisheries and Economics (BFE). Her support and love throughout the two years master degree I spent at UiT is very much appreciated.
4. Kåre Nolde Nielsen, my main supervisor; and Charlotte Teresa Weber, my co-supervisor. This master project on “EU-Seychelles fisheries agreements” would not be done basically without their immense support and guidance.
5. Michaela Aschan, Melania Borit, professors and IFM mates at the BFE - UiT. This thesis could not have been any better without their huge support and contribution.
6. Serina Søyland Bru, my lovely dance partner. Actually, I do not know, which words in the dictionary should I borrow to express my sincere gratitude to her. Her unconditional love and support would forever be remembered and appreciated.
7. Finally, my sincere thanks to all who have contributed to making this thesis happened – my lovely family, colleagues and friends, especially my dear Latifa Botan Anda.

ABSTRACT

Fisheries agreements between EU and the Seychelles have been in place since 1984. Since then, the agreements have been in constant changes in response to the constructive criticisms from NGOs and scientists to the CFP. To that end, an exploratory study assessing the relationship between the EU-Seychelles Fisheries Agreements has been conducted. The study is focused on the changes and the differences between the Fisheries Partnership Agreement (FPA) and the Sustainable Fisheries Partnership Agreement (SFPA); and to finish with the perception whether the SFPA has reached its goals or not. It was not possible to give a final evaluation of the EU-Seychelles SFPA as the agreement is still being in use and expected to last until January 2020. Yet, a qualitative approach that involves both a literature review and semi-structured interviews allowed a tentative examination of performance of the current agreement. The results indicate that the EU-Seychelles FPA has not fully delivered its objectives toward sustainable development and responsible fisheries. Therefore, it has been revised and improved to SFPA, which came into force in January 2014. The difference between the two agreements lies within its nature and characteristics, its protocol and technical annexes. The SFPA is four folded: sustainable, transparent, coherent and mutual benefit rather than concentrated only within the sustainability and development approach. Nonetheless, the study revealed that Seychelles suffers from capacity shortage within the Seychelles Fishing Authorities (SFA), and as such, the SFPA does not achieve its purpose in term of accountability and transparency of the sectoral support so far, which may lead to significant delays in term of infrastructure development in the region.

Keywords: FPA, SFPA, Seychelles, European Union, SFA, third countries, literature review, interviews, policy, development.

THE EUROPEAN UNION'S FISHERIES AGREEMENTS WITH THIRD COUNTRIES

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ABBREVIATIONS

CCS	: Catch Certificate Scheme
CFP	: Common Fisheries Policy
DG MARE:	Directorate General Maritime Affairs and Fisheries
EEZ	: Exclusive Economic Zone
EU/EC	: European Union/European Commission
ERS	: Electronic catch Reporting System
FPA	: Fisheries Partnership Agreement
FMCs	: Fisheries Monitoring Centres
IOTC	: Indian Ocean Tuna Commission
LDAC	: Long Distance Advisory Council
MCS	: Monitoring Control and Surveillance
MDGs/SDGs:	Millennium Development Goals/ Sustainable Development Goals
MNR	: Ministry of Natural Resource
MSY	: Maximum Sustainable Yield
NGOs	: Non-Governmental Organizations
RFOs	: Regional Fisheries Organizations
RFMO	: Regional Fisheries Management Organization
SIDS	: Small Island Developing State
SFA	: Seychelles Fishing Authority
SFPA	: Sustainable Fisheries Partnership Agreement
SSI/QRI	: Semi-Structured Interview/Qualitative Research Interview
SWIO	: South-West Indian Ocean
UNCLOS:	United Nations Convention on the Law Of the Sea
VLD	: Vessel Locator Device
VMS	: Vessel Monitoring System
WIO	: Western Indian Ocean

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1 Introduction

The European Union has two main types of international fisheries agreements: (i) the bilateral agreements and (ii) the multilateral agreements (EC 2017a). The current project mainly focus on the bilateral agreements, which have been initiated by the access agreements, and developed from the Fisheries Partnership Agreements (FPAs) into the Sustainable Fisheries Partnership Agreements (SFPAs).

The EU started its first agreement with Senegal in 1980. Since then, the number of agreements signed by the developing countries rose sharply. These included but were not limited to Guinea-Bissau (1982), Madagascar (1986) and Mozambique (1987). Ever since the negotiation of the EU-Senegal fisheries agreement, there has been some controversy on the effects of the agreements in the development process of the third countries. The agreements seem to hamper the development of national fishing capacities in third countries, even though, they contribute to significant budgetary resources for coastal states (AU-IBAR 2015). In addition, the characteristic of the agreement as being a commercial nature “Fish, pay and go-operations” and its objectives to mainly focus on maintaining EU’s fishing interests made the agreement essentially questionable.

These agreements take roots from the Common Fisheries Policy (CFP), which was put into force in 1983 (Da Conceicao-Heldt 2006). The EU has reviews and reforms the CFP every decade. The first reform of the CFP was done in 1992 followed by another one in 2002, and the latest one has been revised in 2013.

The 2002 reform of the CFP brought major changes to the bilateral agreements. These changes emphasized the introduction of the partnership approach and the development of sustainable fisheries in developing countries, and form the “*Fisheries Partnership Agreements*” (FPAs). The FPAs, which comprise of protocols and technical annexes or management measures have therefore the objective of allowing EU vessels to fish, in a regulated and legally secured environment, surplus resources in the EEZs of partner countries (EC 2011). In fact, EU has progressively made improvements of its agreements with the developing countries while reforming its CFP. Despite the EU’s good intentions and the progressive improvements of the CFP reforms, the term FPA is yet misleading since little has changed (Nagel and Gray 2012).

The EU-FPAs with third countries (Senegal, Mauritania, Mozambique and Madagascar) were heavily discussed and criticized. There is a lack of transparency in the EU decision making process in relation to agreement with Mauritania (Corten 2014). The fish stocks in the African states' waters are still being overfished to serve the needs of the EU, thus weakening the partnership concept of the FPA (Nagel and Gray 2012). As for the Senegal, the FPA was very much a business as usual agreement rather than a more highly evolved partnership agreement (Brown 2005; Stilwell et al. 2010). Hence, agreements concluded with many developing countries have in practice failed, to satisfactorily promote their objectives (Witbooi 2008), especially when it comes to stock sustainability (Otterlei 2011). Despite the criticisms raised against other cases, the EU agreements with Seychelles, which is the focus of the current project, were not object of major scientific discussions.

In response to these criticisms, EU made changes to improve some aspects of FPA, such as the amount of information available on the basis of which to determine the available surplus in the EEZ of partner countries, the promotion of sustainable fishing in the partner countries' waters by better targeting and regular monitoring of EU sectoral support, and the inclusion of a human rights clause (ECA 2015). Thus, the FPA were adjusted into “*Sustainable Fisheries Partnership Agreements*” (SFPAs). An overview of the development of the EU agreements with developing countries since 1980 is shown in Figure 1.

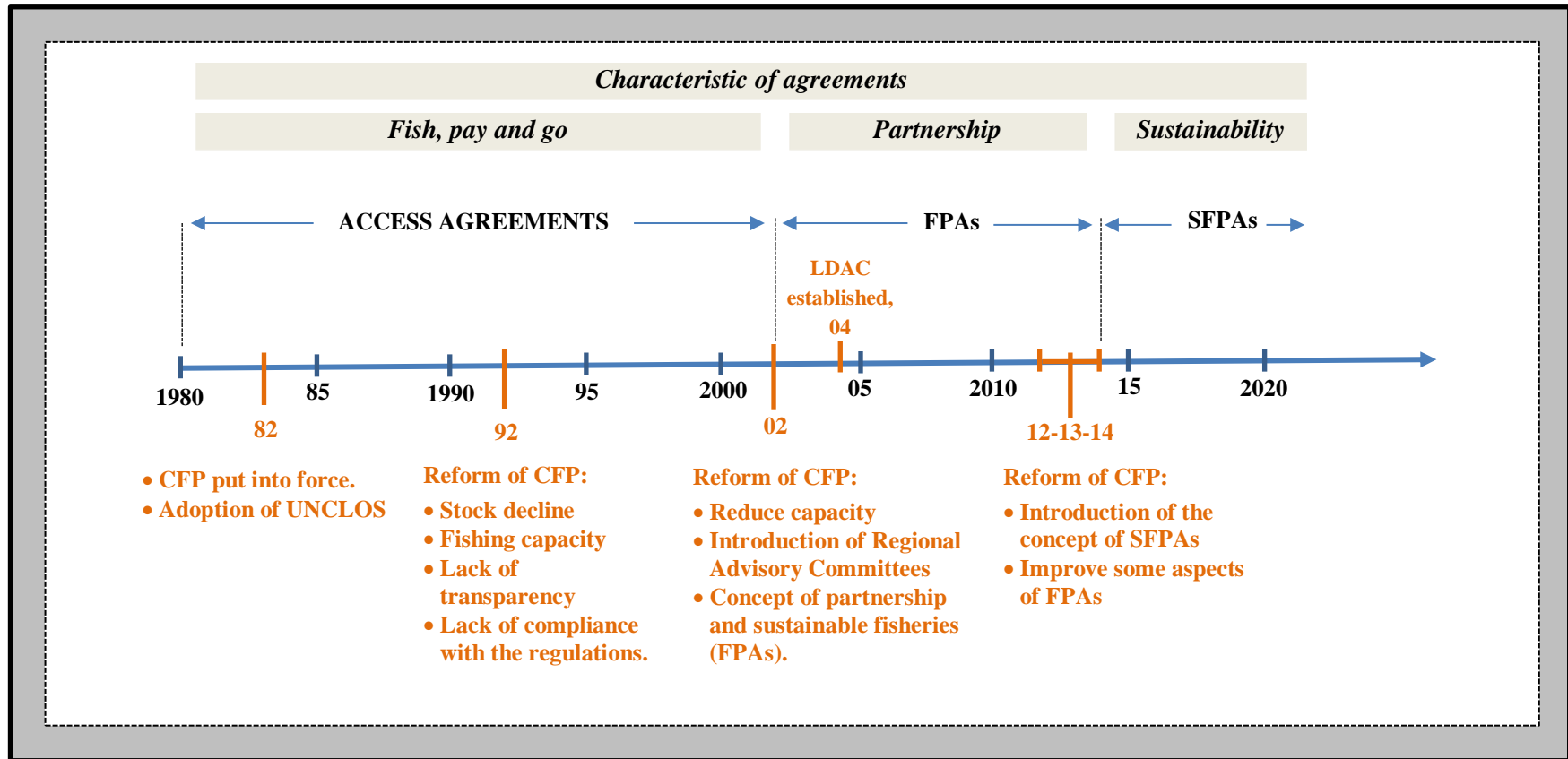


Figure 1 - Development of EU fisheries agreements with developing countries.

(CFP: Common Fisheries Policy; UNCLOS: United Nations Convention on the Law of the Sea; LDAC: Long Distance Advisory Council; FPAs: Fisheries Partnership Agreements; SFPAs: Sustainable Fisheries Partnership Agreements)

As mentioned above, the character of the relationship between EU with Seychelles has not been addressed in earlier research. It is therefore relevant to examine Seychelles’ relationship with the EU to assess whether or not the agreement with Seychelles deserves critique for similar reasons.

The study has a primary focus on the interactions of the CFP on developing countries and the contribution that a reformed CFP can promote sustainability in partner countries by means of the agreements. The study highlights both policies within the CFP but will only provide details about its external dimension that made changes to the fisheries agreements between EU and developing countries. The diagram below shows the overall summary of the scope of the study (figure 2).

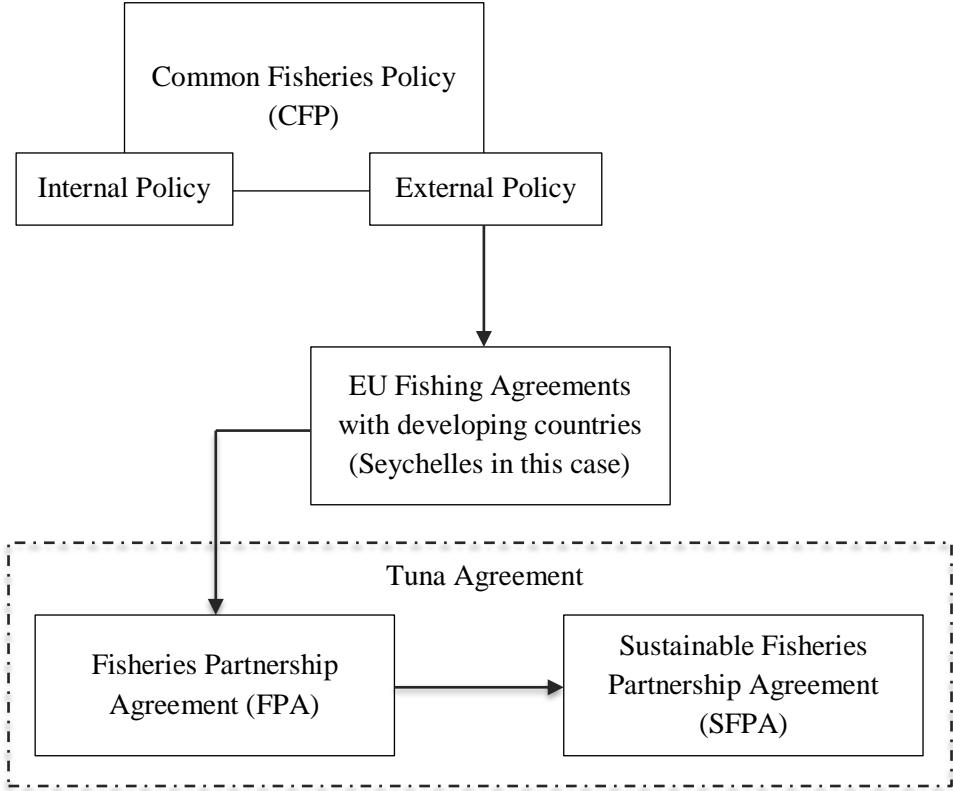


Figure 2 – Scope of the study – The Common Fisheries Policy (CFP), specifically its external policy, rules the EU fishing agreements with the developing country: case of Seychelles for example. As such, it is a tuna agreement, which has developed from FPA to SFPA.

The overall objective of the study is to assess the relationship between the EU and Seychelles both through the fisheries partnership agreements (FPA) and the sustainable fisheries partnership agreement (SFPA). However, the SFPA could not be fully evaluated yet as it is an ongoing agreement. As such, this study reviews in details the EU-FPA and explores the current EU-SFPA underlining the differences between the two agreements.

The outcome may potentially inform the next CFP reform in relation to the external fisheries policy and how the EU can contribute to improve sustainability in third countries, such as in the case of the Seychelles.

The research will focus on the following research questions:

- 1- Why the change from FPA to SFPA? What are the changes in policy?
- 2- What has happened in practice in the agreement with Seychelles
 - a. What are the main characteristics of the FPA/SFPA?
 - b. What are the differences between FPA and SFPA?
 - c. How do stakeholders perceive the change from FPA to SFPA and what do they think about the SFPA?
 - d. How are the fishing agreements being implemented with regards to the protocol and the management measures?

2 Conceptual framework

Readers should note that this is a case study approach to investigate management performance in relation to stated policy, not theory driven research. As such, this study research does not require a theoretical framework but rather it uses a conceptual framework in order to evaluate the EU fishing agreements based on concepts and existing policy.

As such, this section introduces three key concepts that are relevant prior to any understanding of the EU fishing agreements with third countries. These concepts describe, first of all, the foundation of a fishing right of a State to fish legally in another State's EEZ through UNCLOS. Besides, readers should be aware that the protocol of the fishing agreements, which is later on further developed, was crafted based on the UNCLOS. Secondly, the partnership concept is to provide readers with information of how such relationship should be performed. It is therefore necessary to grasp this concept since the EU fishing agreements with third countries involve a partnership approach. Finally, the development concept relates directly to the activities of the EU. With the new development consensus in place, the EU is committed to fulfil the policy coherent for development, which is likely to affect the third countries. As such, by the sectoral support that the fishing agreements provide, the EU has an obligation to ensure that the sectoral funds are being implemented to develop the third countries.

To this end, readers should acknowledge that by understanding these concepts one is guided, and is able to conduct an evaluation process of the EU fishing agreements with third countries.

2.1 Policy framework

The adoption of the United Nations Convention on the Law of the Sea¹ (UNCLOS) in 1982, brought major changes to the fishing activities of the EU distant water fleets². The convention put an end to the principle of the free access to the high seas, and established a provision of 200 nautical miles Exclusive Economic Zones (EEZ), in which coastal States claim sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources in its waters. The article 61 of the convention lays down the rights and duties of coastal States to ensure through proper conservation and management measures that the maintenance of the living resources in the EEZ is not endangered by over-exploitation. Its counterpart, the article

¹ No. 31363. Multilateral - UNCLOS (with annexes, final and procès-verbaux of rectification of the final act dated 3 March 1986 and 26 July 1993). Concluded at Montego Bay on 10 Dec. 1982

² Fishing vessels that fish outside their national waters.

62, deals with the utilization of the living resources emphasizing that coastal States shall grant distant water fishing vessels, wanted to fish more, to sign fishing access agreements and to fish for the surplus of resource within their EEZs (UN 1994). As a consequence of the application of UNCLOS, 90% of the fish resources came under the control of the coastal States, and therefore the EU distant water fleet, which had previously fished these waters, were obliged to enter into access agreements with coastal States (ECA 2015). As such, EU fleet shall comply with the conservation measures and with the other terms and conditions established in the laws and regulations of the coastal State. These laws and regulations shall be consistent with this Convention and may relate, inter alia, to the following:

- ✓ Issuing of fishing licenses, including fees, which can be an adequate compensation for fisheries development in third countries; and enforcement procedures;
- ✓ Determining catch quotas, sizes and number of fishing vessels that may be used;
- ✓ Specifying information required and placing observers/trainees onboard the fishing vessels;
- ✓ Landing of catch in the port of coastal state;
- ✓ and requirements for the training of personnel

The aim of these laws and regulations is to contribute to the management of the fisheries at Maximum Sustainable Yield (MSY). To this end, other international agreements claim the need to manage fisheries resources in a sustainable manner, which include the Code of Conduct for Responsible Fisheries³ of the United Nations (UN) - Food and Agricultural Organization (1995) along with the binding 1995 UN agreements both on Straddling and Highly Migratory Stocks⁴.

In line with the UNCLOS⁵, the coastal State is tasked to determine the allowable catch of the living resources in its EEZ, and also have the full right to exploit their natural resources pursuant to their environmental policies and in accordance with their duty to protect and preserve the

³ FAO Code of Conduct for Responsible Fisheries, 31 October 1995, multilateral. Available at: www.fao.org/

⁴ Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea, relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 4 December 1995, multilateral, 2167 UNTS 88. The agreement entered into force on 11 November 2001.

⁵ UNCLOS, article 61, 62 and 193.

marine environment. In addition, they shall promote the objective of optimum utilization of the living resources in the EEZ, which reflect the overall objective of sustainable development.

Note that the agreements, which are based on the concept of surplus stock, are to allow the EU fishing vessels to participate within the EEZ of the coastal states. Thus, the terms and modalities of that participation are to be established by the States concerned through bilateral, sub-regional or regional agreements as outlined in UNCLOS, articles 69 (2) and 70(3). It is highlighted that the agreements shall take into account the need to avoid effects detrimental to fishing communities of fishing industries of the coastal State as well as the nutritional needs of the populations of the respective States. At last, it is important to add that through the fisheries agreements, which are made within a legally regulated environment (EC 2017a), the EU shall pay third countries a financial contribution comprising of two different elements: a payment for access rights to the country's EEZ, and a financial aid known as sectoral support (Popescu 2015).

2.2 Concept of Partnership

Simply, a partnership is the state or condition of being a partner for a joint interest (Slocum-Bradley and Bradley 2010). The concept of partnership was introduced into the arena of development strategies to denote a progression from the traditionally top-down or vertical relationship between developed and developing countries to a new cooperative or horizontal relationship, in which the developing country assumes greater ownership of the way in which the partnership is implemented (Johnson and Wilson 2006; Nagel and Grey 2012). To add, partnership goes hand-in-hand with ownership and mutual confidence. The 2007 second EU-Africa Summit where the Africa-EU strategic partnership was endorsed to formalize a partnership grounded on the principles of equality, partnership and ownership to guide future cooperation (African Union 2007). The last 10-20 years marked a huge explosion of partnership arrangements (Martens 2007; Biermann et al. 2007), not least because of their positive normative resonance denoting mutually shared goals and collaboration on the basis of equality (Meadowcroft 2007; Nagel and Grey 2012).

The EU introduced FPAs with third countries in 2004. It is a partnership between a supra-governmental authority (the EU) and a sovereign government (in this case Seychelles), for their mutual advantage. Thus, it is a two-way arrangement for mutual advantage, not one-way flow of assistance. In that case, the FPA searches to ensure the implementation of a sustainable

fisheries policy and the rational and responsible exploitation of the resources, in the interests of both parties (COM 2002).

In addition, the current fishing agreements propose that the EU should (ACP-EU 2011):

- ✓ Better promote long-term resource conservation and sustainability;
- ✓ Reinforce the governance of bilateral fisheries agreements;
- ✓ Provide effective support for sustainable fisheries in partner countries;
- ✓ Ensure greater coherence with other policies.

To this end, the concept of Sustainable Fisheries Partnership Agreements goes some way in recognizing that sustainable development is crucial, but it remains to be seen how they will work out in practice, especially for Seychelles as the current agreement expires in January 2020.

2.3 Concept of development

The European Union's theoretical understanding of the concept 'development' was first captured in the European Consensus on Development, which was adopted in 2006⁶, and then recently renewed in June 2017 with three sets of core values: "*Our world, our dignity, our future*". The new Consensus was adopted in response to the 2030 Agenda and its 17 Sustainable Development Goals (EC 2018).

The 2006 Consensus is grounded on the principle of sustainable, equitable and participatory human and social development, and it emphasizes the promotion of human rights, democracy, the rule of law and good governance (Slocum-Bradley and Bradley 2010). While the 2017 Consensus⁷ frames the implementation of the 2030 Agenda in partnership with all developing countries, taking due account of the framework provided by the Lisbon Treaty. It is highlighted that the 2030 Agenda for Sustainable Development aims to leave no-one behind and seeks to reach the furthest behind first, and as such, it is universal and apply to all countries at all stages of development, based on national ownership and shared responsibility with multi-stakeholder partnerships as key to the implementation of the Sustainable Development Goals (UN 2015).

Major changes have been brought into place as a consequence of the evolution from the Millennium Development Goals (MDGs) to the Sustainable Development Goals (SDGs). Thus,

⁶ COM (2006) 421 final – European Consensus on Development (30.08.06).

⁷ OJ C 210, 30.6.2017, p. 1–24

the changes reflect the integration of global development approach, which is based on sustainable development and human rights; and is fully consistent with EU values and principles.

The purpose of the 2017 Consensus is to provide the framework for a common approach to development policy that will be applied by the EU institutions and the Member States while fully respecting each other's distinct roles and competences. It will guide the action of EU institutions and Member States in their cooperation with all developing countries. As laid down in article 208 of the Lisbon treaty⁸, the primary objective of EU development policy is the reduction and long-term eradication of poverty, and as such, EU will apply the principle of policy coherence for development, which is likely to affect developing countries.

⁸ Title V of the Treaty on European Union and, in particular, Article 21(2) thereof, establishes the principles and objectives of the EU in international relations; Article 208 of the Treaty on the Functioning of the European Union (Lisbon Treaty) reaffirms that the EU shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries.

3 Methodology

A Qualitative Approach (QA) is used, considering that the major purpose of the research is concerned with understanding context, process and is consultative or strategic in its aim (Ritchie and Lewis 2003). Literature reviews and interviews comprise the empirical basis of this research. A conceptual framework of the methodology is given in figure 3.

3.1 Country Background

Seychelles is an archipelago covering 1.37 million km² of Exclusive Economic Zone (EEZ) in the Western Indian Ocean (WIO). It includes approximately 115 islands, which are scattered over its EEZ. In total, the islands of Seychelles have a surface area of 455 km² and the coastline extends between 500 and 600 kilometers (EP 2011). As for today, May 2018, the current population has been accounted for 95,178 (UN 2018), in which around 80% of the population live on the island of Mahé.

As a middle-income, small island developing state (SIDS), marine resources are of significant social, economic, and cultural importance (Assan et al. 2015) beside tourism. The economy of the island depends heavily on the fishing-related activities including the operation of the large tuna cannery that has a capacity of 350 tonnes of Tuna per day, and therefore, its contribution to their GDP in addition to the foreign exchange surpass that of tourism.

For instance, the export of fishery products accounts for over 90% of all exports by which, the main contribution is made by the processing and the export of tuna. Thus, around 80% of tuna caught in the South-West Indian Ocean (SWIO) is landed and transshipped in the port of Victoria (Martin 2011). As for the employment, around 5,600 Seychellois work within the fisheries sector where approximately half of them landed job at the national cannery (Le Manach 2014).

Seychelles is one of the world fisheries dependent islands. As such, the island's development strategies are steered by the National Strategy 2017⁹, in addition to other fishing and environmental policies (NFDS et al. 2013). All fleet, foreign and national, are operating under the Seychelles fishery Act and driven by the Seychelles fisheries policy (2005).

⁹ A strategy to double Seychelles' GDP via fisheries and tourism expansion programmes, the development of the financial services industry and the resultant growth of other economic sectors.

3.2 Literature review

A literature review can be defined as the use of ideas in the literature to justify the particular approach to the topic, the selection of methods, and demonstration that this research contributes to something new (Hart 1998). In addition, it creates a firm foundation for advancing knowledge. It facilitates theory development, extend areas where a plethora of research exists, and uncovers areas where research is needed (Webster and Watson 2002). Therefore, conducting a literature review is a way to build a solid foundation for the research itself and to enable researchers to find out what is already known (Levy and Ellis 2006).

Mainly, the literature review conducted in this research covers, first of all, all relevant documentation published in the official journal of the EU. This includes but not limited to the Council Decisions and Regulations, policies, proposals, agreements, protocols, and technical papers. Note that it is only documents, directly or indirectly, related to the EU fishing agreement with Seychelles, are subject to consultation. As for the Seychelles case study, the work basically concentrated by reviewing scientific papers and fisheries annual reports that are retrieved from the online data base of the Seychelles Fishing Authorities (SFA) and the online repository of ocean publications. Appendix 4 lists all relevant documents that were subject to Qualitative Analysis. The analysis of the literature reviews was basically performed by applying the principle of exclusion criterion, which is explained as follows:

Once data are collected, they are being transferred, filtered and/or grouped according to personal key words using Mendeley Desktop¹⁰. It is a multi-task software that has been designed to easily edit and display scientific references and allows an effective operation and management of textual documentation. The next step involves a back and forth reading of the documentation, in which relevant information that directly or indirectly answer the research questions are being extracted, then gathered together in order to finally be synthesized.

¹⁰ 2018 Mendeley Ltd. Available at: <https://www.mendeley.com>

The table 1 below cites the main link to the online open data base relevant to the research.

Table 1 - Online open data base with the main links relevant to this research study

	Online Open Documentation
EU/EC	https://ec.europa.eu/fisheries/ https://publications.europa.eu/en/home http://ec.europa.eu/world/agreements/default.home.do
Seychelles	http://www.sfa.sc http://www.oceandocs.org/handle/1834/151

3.3 Semi-Structured Interviews (SSI)

The semi-structured interviews (SSI) is one subset of the Qualitative Research Interview (QRI). The method is adopted in this study as it is suitable, more flexible and helps to define the area to be explored. In addition, it allows the interviewer or interviewee to diverge in order to pursue an idea or response in more detail (Gill et al. 2008). Besides, the same type of method has been used six year ago in a similar study research: “The EU’s Fisheries Partnership Agreements with Mozambique” (Otterlei 2011), and proved to be successful.

3.3.1 Interview design, implementation and analysis

The interview is based on questions that have been raised after deep analysis of literatures about the EU-Seychelles FPA/SFPA documentations. Therefore, these interview questions (Appendix 1) are used either to complement the existing data or to answer the gaps on the EU-Seychelles fishing agreements. The interview is then addressing a same number of questions to different interviewee. In this way, the research seeks to identify if there are differences in perception of the FPA/SFPA, between stakeholders.

The approach taken for the interview in terms of the interview invitation letter, confidentiality, and handling and storage of interview materials was in accordance with the guidelines of the Norwegian Centre for Research Data¹¹. Following these guidelines, however, it was not judged necessary to apply to this authority to get permission to conduct the interviews. This was, among other things, due to that the respondents would not be referred to in a way that would allow identification of individuals. The interviews were recorded. An information letter was provided to the interviewee, which specifies the background and purpose of the research; the nature (voluntary participation) and duration of the interview; the use and end-use of the recorded interview; and a consent form regarding participation in the study. This information letter was sent to the interviewee together with the interview questions, and is signed in case of acceptance of the interview.

Once the interviews were done, data were sorted, simplified, transcribed and analysed in order to draw conclusions. To that end, data analysis involves organizing the interview inputs to desirable criteria for better management and displays (Miles & Huberman 1994).

In fact, coding was needed to break down information into manageable categories on a variety of levels: words and phrases. Thus, categories were created in accordance with the five characteristics described in Kawulich (2004), and they are generated by formulating each interview questions. Thus, five interview questions imply five categories. While the coding was basically made to best represent the relevant information and consistent with the interview questions. It is a data driven code as it is generated from deep analysis of the transcribed data. In addition, the assigned code was initially made based on focused coding (Lofland and Lofland 2006) by taking into account the five elements for generating good coding (Kawulich 2004).

The final result of the interview analysis (Chapter 4; section 4.2.4; Pp 30), which is derived from the coding scheme is then, displayed as a diagram and interpreted to complement or to showcase the description of the EU-Seychelles fishing agreements based on stakeholders' perceptions.

¹¹ <http://www.nsd.uib.no/nsd/english/index.html>

3.3.2 Identification, access and limitations of interviewee

Interviewee or informants are identified according to their type of involvement within the EU-Seychelles agreements. Thus, they are the stakeholders, including – but not limited to - the DG-MARE, the Seychelles Fishing Authority (SFA), the representative of the EU member states, known as Long Distance Advisory Council (LDAC), and the international and national NGOs.

The on-going FarFish project (2017-2021), financed by EU, provided some of the stakeholders contact information. All relevant stakeholders were contacted and invited via email. The interviews were conducted via skype, phone, or email.

However, some major challenges arose while inviting stakeholders for an interview. It turned out that the EU-FPAs/SFPAs with third countries are a very sensitive and serious business that only respondents with high involvement (experiences) with the agreements could be interviewed. As result, only three high placed respondents out of forty invited could give their consent and contribute to the interview research. This includes representatives, each from DG-MARE (Informant n.1), LDAC (Informant n.2) and SFA (Informant n.3). The identities of the interviewees are hidden with respect to the interview guideline, and instead an alias is used, which is a combination of the pseudonym “Informant” and a corresponding number 1, 2, ..., n.

As for the rejections, most of the respondents claimed to be whether “unexperienced with the EU agreements with third countries” or “their role within their companies do not allow them to participate to the interview”.

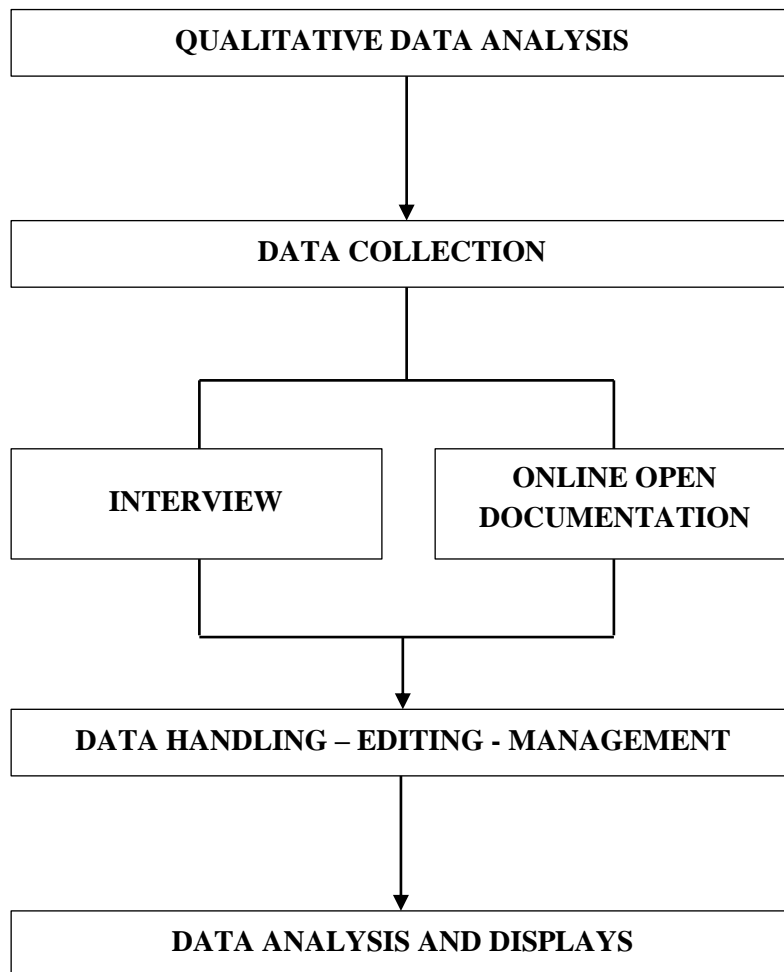


Figure 3. Conceptual framework of the methodology

4 Results

4.1 Policy change: moving from FPAs to SFPAs

This section describes the EU external dimension of the CFP with emphasis on how the EU fishing agreements with developing countries have changed. Note that, at this point, the study result focuses on the EU fishing agreements in general. Thus, this section addresses the first research question of the study, which is: why the change from FPAs to SFPAs and what are the change in policy? It is therefore important for the readers to understand beforehand that it is the reform of the external policy that triggered the change in the nature of the EU fishing agreements. To that end, this section introduces, first of all, the external policy then explains why it has been reformed, and only by then, it can be understood how that reform has affected the change of the fishing agreements from FPAs to SFPAs.

4.1.1 External dimension of the CFP

The external policy is one of the three pillars of the CFP. It is a policy agreements between the EU and non-EU countries, and is negotiated at the EU level. It provides a framework for the activities of EU vessels fishing beyond the European waters.

It is structured around two types of arrangements known as (Popescu 2015):

- ✓ Multilateral agreements, which refer to fishing activities on the high seas. In fact, it is based on EU membership of Regional Fisheries Management Organizations (RFMO), which have the competence to establish conservation and management measures in the high seas. Some RFMOs focus on particular highly-migratory species, notably tuna, throughout vast geographical areas (the tuna RFMOs), while others have broad mandates to manage all the fish stocks in a specific area (the non-tuna RFMOs). The EU, represented by the European Commission, plays an active role in six tuna and nine non-tuna RFMOs, out of the current 18 RFMOs worldwide.

- ✓ Bilateral agreements with third countries for fishing in areas under their jurisdiction, where a financial compensation is paid for in return for access to its fish resources. Such agreements are known as FPAs, which have been changed into SFPAs. SFPAs are classified into (i) tuna agreements, which target only the highly migratory fish stocks (tuna and tuna-like species); (ii) and the mixed agreements, which mostly focus on coastal and demersal species.

As objectives, the EU external policy, under the CFP basic regulation, strives to:

support and develop scientific knowledge and advice; to assure coherence with other external EU actions; to contribute to sustainable and economically viable fishing activities and to promote EU employment; to ensure that EU fishing activities outside and inside EU waters are based on the same principles and standards; to promote action to eradicate IUU fishing and to promote the establishment and strengthening of RFMOs performance.¹²

4.1.2 Reform of the external dimension of the CFP

The reform of the 2002 CFP brought changes not only to the EU external dimension of the CFP but also to the bilateral agreements with developing countries. The 2002 CFP reform highlighted the integration of the “International relations” as part of its main elements under its basic regulation of 2002.¹³ As such, the international relations of the 2002 CFP is governed by the EU external policy (EC 2005), which has two main objectives:

to maintain the presence of the EU fleet in developing country waters (while contributing to sustainable and viable fishing activities in those waters); and to ensure the supply of fisheries products to the community market while respecting quality and hygiene standards and market rules.

The 2002 CFP along with the external policy has failed in practice regardless its constitution. The external policy has been reported to be incoherent with the development aims. Thus, improvements have been made to the CFP where the green paper sets out a vision for the external policy and made changes to the above-mentioned objectives to include two more additional sets (EC 2009):

Improving world governance of all matters affecting the fisheries sector; and implementing an approach based on partnership.

¹² Council regulation (EU) No 1380/2013 on the Common Fisheries Policy.

¹³ Council regulation (EU) No 2371/2002 on the Common Fisheries Policy.

Despite all constructive enforcements to the external policy, the EU has undergone difficulties to implement the defined objectives. The 2012 resolution of the European Parliament on the external policy underlined that the scope was not broad enough as it was only concentrated around the bilateral agreements and RFMOs, therefore, it should include activities to supply fish products to the EU market. In addition, the resolution supports more coherence with the EU's trade policy, which should contribute to ensuring sustainable fishing worldwide¹⁴.

The reform of the 2013 CFP has made a breakthrough to the external dimension of the EU fisheries as its principles have been now enshrined for, the first time, in the CFP basic regulation (Part VI, articles 28 – 33). What has changed since the last improvements are then focused towards a long-term resource conservation and environmental sustainability, improved governance and effectiveness of sectoral support. Hence, a new set of objectives has been defined (cf. basic regulation - Part VI, article 28, 39-40 pp)¹⁵.

4.1.3 Fishing Agreements: moving from FPAs to SFPAs

The European Union has long been criticized for the fishing agreements they negotiated on behalf of the member states as they are not based on effective stock assessments and lack of coherence with development and environmental policies (Tindall 2010). As such, responsive actions to settle down criticisms were the priorities of the commission, and that is to produce a communication outlining a framework for the FPAs (EC 2002).

In this context, the FPAs were expected to address issues that were highlighted in the 2004 Council Conclusions¹⁶ on the communication on fisheries agreements with developing countries. Such issues include but not limited to (i) the contribution towards rational and sustainable exploitation of the surplus of coastal States' marine resources; (ii) the improvement of scientific and technical knowledge; (iii) the assistance and contribution towards combating Illegal, Unregulated and Unreported (IUU) fishing; (iv) and the contribution towards strategies for the sustainable management of fisheries as defined by the coastal State.

In spite of several improvements, substantial shortcomings continued to affect the functioning of FPAs. The consultation of the 2009 Green paper¹⁷ highlighted that (EC 2011):

¹⁴ European Parliament resolution (22.11.2012) on the external policy (2011/2318 (INI)).

¹⁵ Council regulation (EU) No 1380/2013 on the Common Fisheries Policy.

¹⁶ Council conclusions on FPA, 2599th Council Meeting Agriculture and Fisheries Brussels, 19.07.2004.

¹⁷ Synthesis of the Consultation on the Reform of the CFP, SEC(2010) 428 final, 16.4.2010.

(i) the scientific knowledge on certain stocks in foreign waters is insufficient to establish the overall size of the surplus; (ii) the terms and conditions of fishing agreements concluded by partner countries with other (non-EU) countries are usually not known to the EU. Consequently it is often impossible to assess the overall fishing effort targeted at the stocks, and to determine the share of the surplus to be sustainably fished by the EU fleet; (iii) the capacity of many partner countries of using FPA funds allocated to the support of the sector is limited.

Although the FPAs were considered to be a considerable improvement from the commercial agreements, there were still problems with the approach. FPAs are seen to be administratively heavy for the EU to negotiate, and also have less significant impacts on poverty or development in the developing countries (Tindall 2010). Therefore, The Commission has considered that the FPAs should be transformed into SFPAs, where it will establish a legal, environmental, economic and social governance framework for EU fishing activities in partners' waters.

4.2 EU-Seychelles fisheries agreements

The following section of the results informs readers about a specific case study of the fishing agreements between the European Union and Seychelles. It describes the historical ground of the agreements from the time it started up to date. Although this section provides details on the EU-Seychelles agreements, it only focuses on the previous protocol of the FPA and the current SFPA. The study explores the nature, the characteristics and the differences between the two above-mentioned fishing agreements, and as such, it addresses the 2a and 2b of the research questions.

4.2.1 Fisheries Partnership Agreement (FPA)

Seychelles has a long-standing fisheries cooperation activities with the EU since the signing of the first agreement in 1984 up to date (Figure 4, Pp.22). The agreement, known as Access Agreement, was concluded under the Council Regulation ¹⁸ (1987), and was based on an exclusively *Commercial Deal* in nature. Since then, it has been running for a period of 20 years until it was reformed and labelled into Fisheries Partnership Agreement (FPA) in 2004. As a consequence, the Council Regulation (1987) became obsolete, and was repealed.

¹⁸ Council Regulation (EEC) No. 1708/87 – fishing access agreement between EEC and Seychelles.

In fact, the FPA was officially put into force in 2004, by the integrated framework, in third countries. However, it only took place in Seychelles, for the first time, in 2007 after the Council Regulation¹⁹ conclusion (2006). The agreement is characterized on a **Partnership Approach**, and are therefore intended to meet the needs of both parties by prioritizing sustainable development. Thus, the EU fleet mainly catches fish classified as sustainable by applying the best practice concept.

The FPA has a duration of six years, and are to allow the EU fishing vessels to operate in the EEZ of Seychelles under protocols and the external dimensions of the CFP. They are meant to strengthen the economy, the financial and the technical needs of the country including the scientific cooperation on fishing to ensure conservation and sustainable use of the fishery resources (Martin 2011). Now that seven years have passed since then, it is possible to investigate if this statement still appears valid.

Since 2005, there have been three protocols involved between EU-Seychelles FPA (hereafter noted as EU-S FPA):

The first protocol was adopted by the Council Decision²⁰ in December 2005. It sets out the fishing opportunities and the financial contribution provided for by the agreement between the European Economic Community (EEC) and Seychelles. As negotiated by both parties, the protocol was intended to cover the period from 2005 to 2011 (6 years), and is the largest tuna fisheries protocol signed by the EEC with any third country (EC, Seychelles 2007). However, the Joint Committee meeting held in March 2007 brought major changes to amend the above-mentioned protocol to the EU-S FPA. As a result, the 2008 Council Decision²¹ has approved the amendment, and therefore, has led to a new improved protocol adopted by the Council Regulation (EC) No 480/2008. It covers the period from 2007 to 2011 under the umbrella of FPA.

¹⁹ Council Regulation (EC) No. 1562/2006 – FPA between European Community and Seychelles.

²⁰ OJ L 348, 30.12.2005, p. 1–25

²¹ <http://data.europa.eu/eli/dec/2008/150/oj>

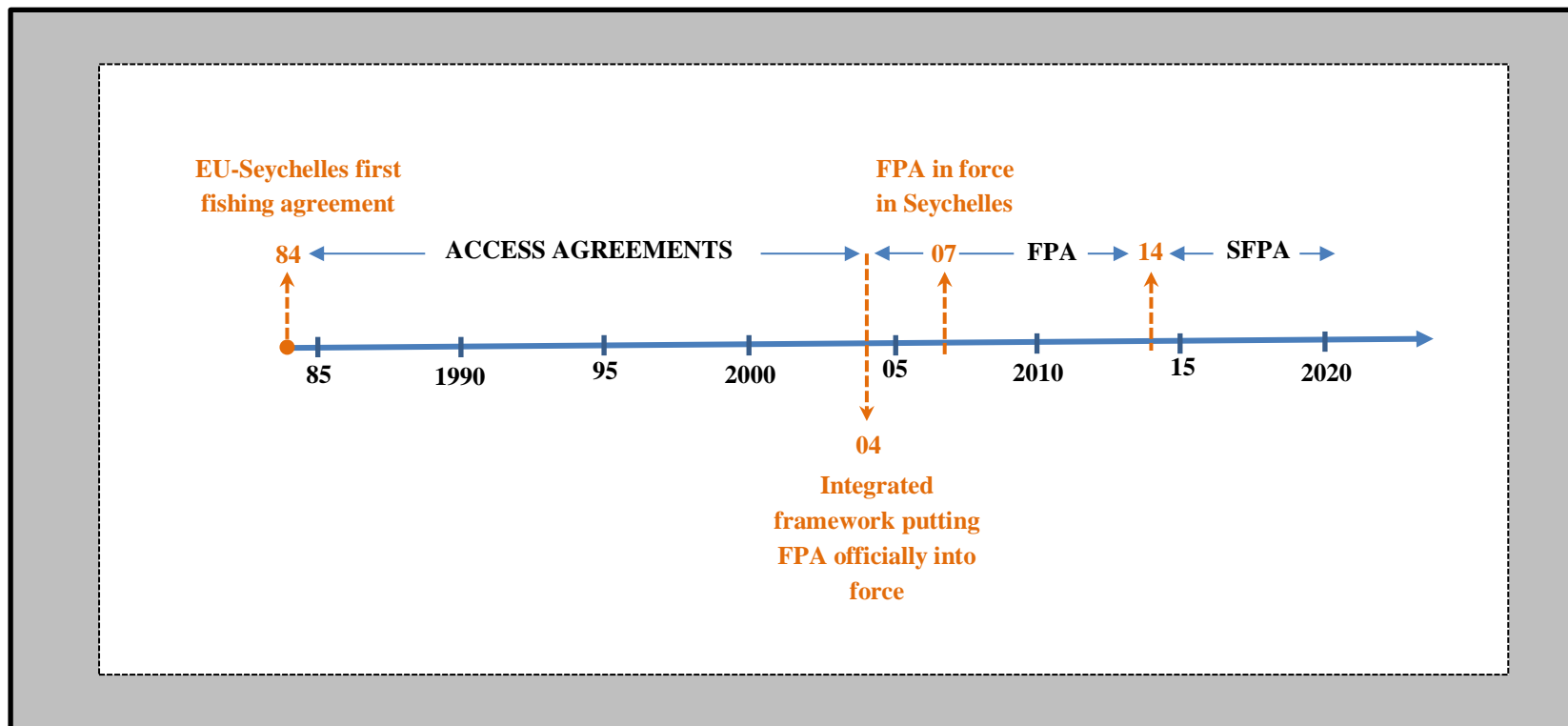


Figure 4. The evolution of the EU/Seychelles fisheries agreements (FPA: Fisheries Partnership Agreement; SFPA: Sustainable Fisheries Partnership Agreement)

The box below describes the characteristics of the 2007-11 protocol, under the FPA.

The principal elements attributed to the 2007-11 fisheries protocol concern the increase of the reference tonnage from 55, 000 to 63, 000 tonnes; the introduction of the financial support for the partnership and the increase of the share paid by ship-owners from € 25 to € 35 per tonne to bring the Protocol into line with other tuna agreements. The Community contribution is therefore reduced from € 75 to € 65 per tonne. The total financial contribution therefore increases from € 4,125,000 to € 5,355,000 and the estimated fee payable by ship-owners from € 1,375,000 to € 2,205,000 (EC 2007).

The last protocol was issued in November 2011 after its adoption by the Council Decision in December 2010²², and as such, the protocol is intended to cover the period of 2011-14. The main characteristics of the fisheries protocol are as follows: a reference tonnage of 52,000 tonnes for € 3,380,000 per year; a sectoral support of € 2,200,000 to support the fisheries and maritime policies of Seychelles; a payment of € 65 per additional tonne up to a maximum of € 6,760,000; and an increased number of fleet compared to the previous protocol, which went from 52 to 60 (48 purse seiners and 12 longliners) (Martin 2011). The 2011-14 protocol is similar to the previous one, except for some aspects: the duration is set for three years instead of six years; there is an inclusion of flat rate fee for purse seiners, which equates to € 61,000 per year rather than advance payment and a rate per tonne in the previous protocol. As for the longliners, € 35 must be paid in case of exceeded catch.

The year 2013 marked the end of the protocol and the EU-S FPA. Twenty-two EU purse seiners vessels (14 Spanish; 8 French) were licensed under the protocol. The activities of the purse seiners fleet within the Seychelles EEZ were estimated to a total catch of 36,101 MT. The catch was dominated by the EU fleet, in which the Spanish vessels accounted for 40% (14,554 MT) of all catches compared to 22% (8,119 MT) for French and 18% (6647 MT) for Seychelles purse seiners. The remaining 19% (6,780 MT) of catches was caught by vessels under other flags.

²² OJ L 345, 30.12.2010, p. 1–19

As for the sectoral support (Appendix 3), a total budget of € 10,032,000 was allocated for the year 2011, out of which 38.20% was used to improve Seychelles industrial fisheries and fisheries management. The remaining 61.80% was brought forward for the year 2012 to account for a total budget of € 8,400,000. The sectoral support expenses for the 2012 was similar to the previous year, only with 1% decrease. Unlike the two previous years, Seychelles has used the sectoral funds up to 67.73% of the 2013 budget, which accounted for € 7,500,000. This shows an increase of 30% of the use of the sectoral support. The remaining 32.27% is to be programmed together with the next year budget allocation.

The sectoral funds are used according to three strategic priorities, which is defined during the Joint Committee meeting between both parties. These priorities are the fisheries infrastructure development; an improve of the fisheries management and industrial fisheries; and capacity building.

4.2.2 Sustainable Fisheries Partnership Agreement (SFPA)

The 2013 EU Regulation²³ on the CFP lays down the legal framework for the SFPA. The SFPA took place since January 2014 to up to date. It is an exclusive agreement, in which the EU vessels operating under the SFPA cannot be involved in private agreements with third countries (EC 2017b). The agreement is characterized by the fact that it provides financial and technical support to the partner countries (Seychelles for this case) by the EU. As such, the agreement underlines a *Sustainability Approach* to fisheries, which is therefore in line with the EU's sustainability agenda to mainly help the developing countries to ensure sustainable fisheries and food security (AK et al. 2017).

Similar to FPA, the SFPA provides a protocol, which authorizes access of EU vessel and specifies fishing opportunities; amounts and methods of payment; modalities of cooperation, etc; along with a technical annexes. A new protocol²⁴ (2014-2020) under the auspices of the SFPA came into force in the Seychelles in 2014. With a total value of € 30,700,000, the current protocol grants fishing opportunities for 40 tuna purse seiners and six longliners for a reference tonnage of 50,000 tonnes.

²³ OJ L 354, 28.12.2013, p. 22–61

²⁴ Provisional application adopted by the Council Decision 2014/5/EU. ([OJ L4, 9.1.2014](#))

A total of € 5,200,000 is to be put towards defining and implementing a sectoral fisheries policy for the Seychelles with a view to promoting responsible and sustainable fisheries for the duration of the protocol. As underlined in the 2013 CFP reform, the sectoral aids is to be de-linked from payments for access to fisheries resources.

The 2014 Joint Committee meeting between the EU-Seychelles approved the allocation of the sectoral support (€ 5,020,000) to be used according to strategical priorities: (i) the development of the fisheries infrastructure for a total value of € 3,225,257, which involves the completion of fish processing facilities, clearing access channels along with a reparation and placement of new navigational aids, and installation/commissioning of two new ice plants in Evidence and Praslin areas; (ii) the development and improvement of the fisheries and aquaculture management plans with a sum of €1,215,262. Hence, the financial aid assists the Seychelles Fishing Authority (SFA) to improve its fisheries and economic data collection, the processing dissemination, the observer programme on tuna purse seiners and the MCS; and at last (iii) a sum of € 495,462 to support the SFA with regards to its human resource development plan and capacity building. As planned, the 2014 sectoral funds was estimated to be spent up to 98.32%, and leaving 1.68% behind to add for the 2015 yearly budget. At this rate, the Seychelles is being effective in using the sectoral funds, however, this remains an estimation to be investigated.

So far, the SFA has processed and analyzed fishing data covering the period of 2014 – 2016 (first semester) of the current protocol. As such, the fleet activities in the Seychelles EEZ are mostly dominated by the EU fleet, in which the France holds the major catch in comparison to the Spanish purse seiners vessels. Table 2 gives an overview of all the fleet activities operating in the Seychelles EEZ, under different Access Regime²⁵. Note that the table highlights especially details for the EU-Seychelles SFPA, hereafter noted as “EU-S SFPA”. These data have been summarized after reviewing the SFA fisheries statistical reports from 2014-2016 (first semester).

²⁵ National/Seychelles flag Licenses; EU-S SFPA, and private/individual agreement.

Table 2. Details on the purse seiners activities in the Seychelles EEZ

	2014	2015	2016 (1 st semester)
Total purse seiner vessels licensed in the EEZ of Seychelles	44 (28 EU-S SFPA: 14 Spain; 14 France)	49 (30 EU-S SFPA: 17 Spain; 13 France)	49 (28 EU-S SFPA: 16 Spain; 12 France)
Total supply vessels licensed in EEZ of Seychelles	16 (10 EU-S SFPA: Spain)	18 (10 EU-S SFPA: Spain)	17 (9 EU-S SFPA: Spain)
Total catch in metric tonnes (Mt) for purse seiners in the EEZ of Seychelles	54,600 (41,388 : 76% EU-S SFPA)	49,046 (32,506 : 66% EU-S SFPA)	38,252 (23,535 : 62% EU-S SFPA)
	Reference tonnage EU-S SFPA: 50,000		
Total catch in metric tonnes (Mt) by purse seiners fleet with corresponding percentage	French: 21,320 (40%) Spanish: 20,067 (37%) Seychelles: 7,593 (14%) Others*: 5,620 (10%)	French: 15,254 (31%) Spanish: 16,591 (34%) Seychelles: 11,650 (24%) Others: 5,551 (11%)	French: 13,375 (35%) Spanish: 9,697 (25%) Seychelles: 9,653 (25%) Others: 5,737 (15%)

*: It comprises of South Korea, Mauritius, and Italy. Italy joined only from 2015-16.

4.2.3 Comparison between the EU-Seychelles FPA/SFPA

Although the EU-S FPA/SFPA are both covered by the EU external dimension of the CFP, they have some differences in term of nature, core values and objective of the agreement; the protocol and the technical annexes, in which they are being guided (Table 3).

Table 3. Comparison of the previous and the current fisheries Agreements between the EU and Seychelles

	EU-S FPA	EU-S SFPA
EU-CFP	-	Enshrined in the CFP ²⁶ 2013 (Part VI, article 31)
Agreements	Nature; implementation/expiration date and type	
	Partnership 2007 – 2014 Tuna fishery agreement	Sustainability 2014 to current Tuna fishery agreement
	Core value	
	Development and sustainability	Respect and strengthen four key principles: Sustainable; Beneficial; Coherent; Transparent.
	Goal	
Guaranty the conservation and sustainable exploitation of resources, as well as partnerships between undertakings aimed at developing economic activities in the fisheries sector and related activities in the common interest) ²⁷ .	Establishment of a legal, environmental, economic and social governance framework for fishing activities carried out by EU vessels in partner country waters.	

²⁶ OJ L 354, 28.12.2013, p. 22–61

²⁷ Council Regulation (EC) No 1562/2006

<p style="text-align: center;">Protocol</p>	<ul style="list-style-type: none"> - Involved two protocols covering the period from 2007 – 2014 - Fishing opportunity up to 40 purse seiners and 12 longliners - Average reference tonnage of about 57,500 Mt - Payment of the financial contribution shall be made no later than 30 days after the entry into force and the anniversary date of the protocol - Unit price of additional catches is set to € 65 per tonne - Article 5 sets the adjustment of fishing opportunities by mutual agreement - Highlight the condition for governing fishing activities – exclusivity clause as an article (Article 7) - No mention of electronic exchange of data - No mention of mid-term review 	<ul style="list-style-type: none"> - One protocol covering the period from 2014 – 2020 - Fishing opportunity up to 40 purse seiners and 6 longliners - Average reference tonnage of about 50,000 Mt - Payment of the financial contribution shall be made no later than 90 days and no later than the anniversary date of the protocol - Unit price of additional catches is the total unit rate for the year in question. - Article 5 sets adjustment of fishing opportunities and revision of technical provisions by mutual agreement through Joint Committee. - Article 11 sets the electronic exchange of data - Article 12 underlines a mid-term review
<p style="text-align: center;">Technical Annexes or Management Measures</p>	<ul style="list-style-type: none"> - Section 2.2 addresses fishing authorization to be issued by Seychelles with regards to purse seiners and longliners (below/above 250 GRT) - Basic landing information (Chapter III, section 3.1) - Basic transshipment information (Chapter III, section 4.2) - The general principle of the vessels monitoring system defined in chapter III, section 5 	<ul style="list-style-type: none"> - Section 2.2 sets the fees to be paid by ship-owners according to a specific rate per tonne of fish caught per year: <ul style="list-style-type: none"> - 1st year: € 55/t ; 2nd year: € 60/t ; 3rd year: € 65/t - 4th and 5th year: € 70/t ; 6th year: € 75/t - Section 2.3 introduces the annual advance payment fee for tuna purse seiners, longliners (below/above 250 GRT) to be paid by ship-owners. - Inclusion and use of the electronic catch reporting system (ERS) - Details on landing information (Chapter III, section 3.2) - Details on transshipment info (Chapter III, section 4.2) - Vessels monitoring system (detail moved to appendix 8)

The above information provided in the table 3 resulted from the analysis of the EU-Seychelles fishing agreements along with its provisional protocols and technical measures. The analysis shows that there are huge differences between the FPA and SFPA. However, these differences still remain to be investigated in practice.

Concerning the agreements, the FPA tends to be vague in its goal, and as such, it makes it difficult to determine, whereas the SFPA's goal is more specific in its nature but it requires a commitment from both parties to be successfully achieved. In addition, the way how the two agreements are crafted shows already a divergence toward two contrasting approaches (partnership and sustainability), and as such, both agreements perceive different core values. The most appealing difference would be attributed to the fact that the SFPA is now enshrined in the current CFP, under the external policy.

As for the protocols, the differences lie, first of all, in the fishing opportunities where the SFPA provides 12% less than the FPA assuming that 52 fleets correspond to 100% fishing opportunity. However, the SFPA is flexible to any adjustment of the fishing opportunity if necessary through a Joint Committee meeting between the EU and Seychelles. Secondly, the reference tonnage is 7,500 Mt less than what is provided by the FPA for the EU fleet. As such, in case of additional catches the FPA has set a fixed price while the additional price given by the SFPA is dynamics through the period of the protocol.

In terms of management measures or technical annexes, the two agreements present a rather minor differences. Both agreements have set similar management measures to be implemented by the EU fleet in Seychelles. However, some additional measures have been added to the technical annexes of the SFPA due to the inclusion of the new Electronic catch Reporting System (ERS) that has been introduced later in the FPA in 2013.

4.2.4 Stakeholders perception on the EU-S FPA/SFPA agreements

Hereafter is the results derived from the interview analysis, and as such readers should be aware that this section is independent from the outcomes generated by the literature review analysis. In this section, results are displayed in form of diagram (Figure 5), and are commented thereafter. It addresses the research questions number 2c.

The diagram resumes the final results of the stakeholders' responses to the interview questions after analysis (coding and category) described in the methodology section. It reads as follows:

It starts by introducing the FPA, which has undergone some changes to develop into a newly fishing agreement known as SFPA. This is indicated by the number 1, and hereafter noted as (1). The (2) explains the reasons behind the changes whereas (3) tries to address stakeholders perception on these changes and (4) emphasizes their impression on the new fishing agreement (SFPA) functionality. Note that (1), (2), (3) and (4) showcase similarities between stakeholders responses to the interview questions while (5) underlines difference in their responses. As such, the responses indicated by (5) are separated in two sections where LDAC has a different view on the specific matter than DG-MARE and SFA.

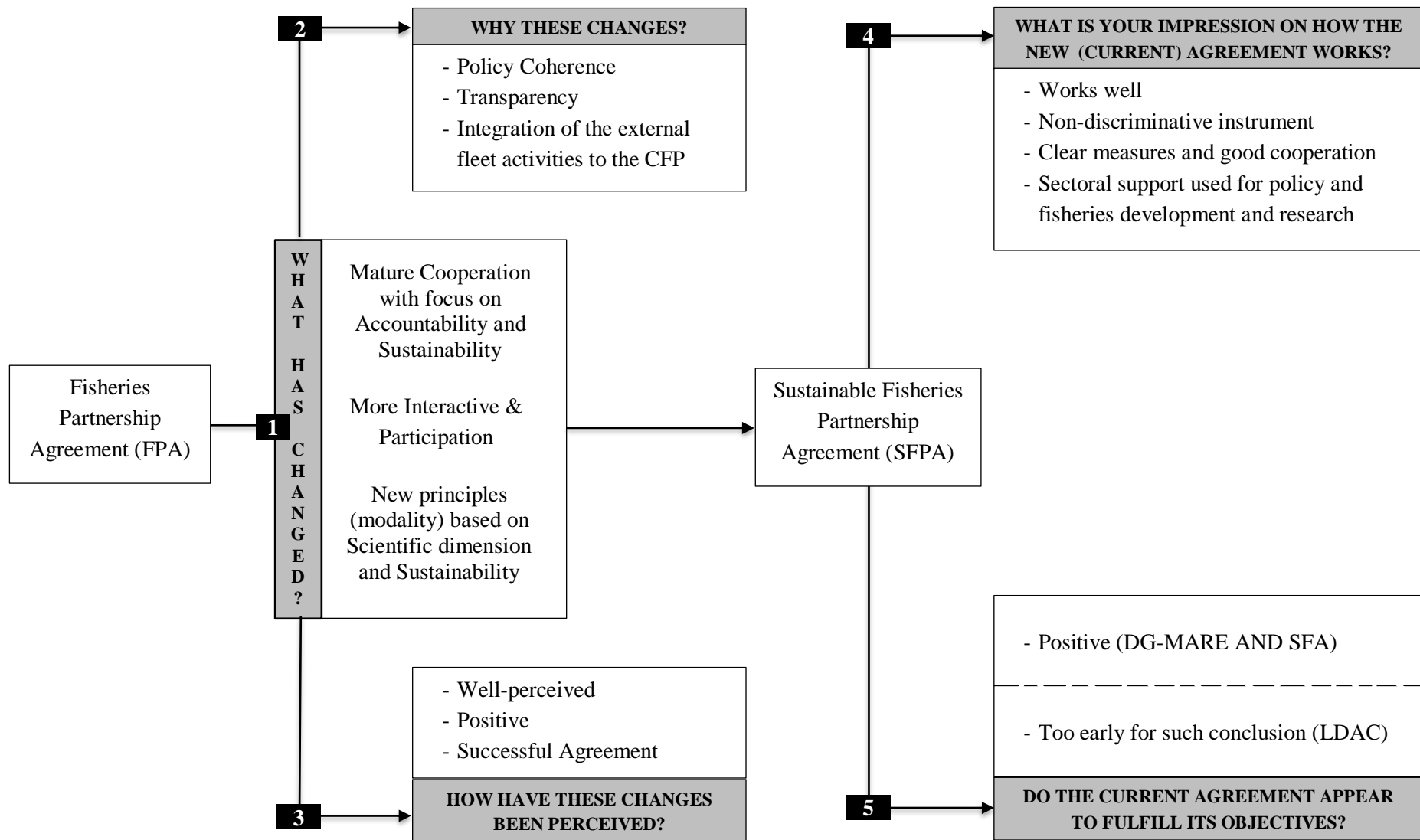


Figure 5 – Diagram presenting the results of the interviews on the EU-Seychelles fishing agreements.

(DG-MARE: Directorate General Maritime Affairs and Fisheries; SFA: Seychelles Fishing Authorities; LDAC: Long Distance Advisory Council)

Based on the diagram above, some major changes have been brought to the FPA into SFPA. These changes put more emphasis on the cooperation, participation and interaction between the EU and Seychelles with main focus on accountability and sustainability.

“ (...) Now we have this renewed instrument that takes care much more of the scientific dimension and sustainable use of resources, ...” (DG-MARE informant 1 2018). In addition, “This is the big change, having more mature cooperation and dialogue with third countries in terms of the use of the money and it has to be accountable...” (LDAC informant 2 2018).

In fact, the changes were triggered by the need for policy coherence and transparency concerning EU external fleet activities in third countries.

“That is what motivate not to leave the external dimension of the CFP and the external fleet on a total isolation compared to what is going on in the EU” (DG-MARE informant 1 2018).

According to all respondents that have been interviewed, the changes in the fishing agreements have been perceived positively.

“It’s basically well-perceived, the image of fisheries agreements has improved because, if I compare to what the NGOs for instance were saying on these agreements in the past and now I think it is much more positive” (DG-MARE informant 1 2018), and also “it has been positively perceived (SFA informant 3 2018) by the EU fleet and EU citizens in general” (LDAC informant 2 2018).

However, the EU commission seems to be skeptical about the implementation of the sectoral support in Seychelles.

“We have been told by the EU negotiators that Seychelles is being very slow in implementing the money in sectoral support, unless they prove they are really using it the money could be withdrawn... the reason behind, even the commission is not sure, it might be because of a lack of understanding in term of bureaucracy and paper work... it is a lot of new requirements they are not familiar with” (LDAC informant 2 2018).

Despite this misfortune, the current agreement is performing well as DG-MARE and SFA exposed. In the other hand, LDAC seemed to have another insight:

“It is a bit premature for an accurate assessment as the focus is mainly toward the cooperation development, which is difficult to measure in short term.” (Informant 2 2018).

4.3 Implementation of the EU-S fishing agreements

Prior to any understanding of how the EU-S fishing agreements are implemented, it is important for readers to be aware of the existing legislation, policy and/or institutions that guide the fishing activities of both parties. Note that the protocol and the technical measures forged for the fishing agreements are in line with the Seychelles fisheries law and policy. As such, a legal and institutional framework for both parties is worth knowing, and is introduced in the subsequent text before it addresses the last research questions number 2d.

4.3.1 Advisory council to the EU

A regional advisory council has been established by the council decision (2004)²⁸ to contribute to the achievement of the CFP's objectives and in particular to advise the Commission on matters of fisheries management in respect of certain sea areas or fishing zones.

The Long Distance (Fleet) Advisory Council (LDAC)²⁹ has been created in 2004 to exclusively provide advice to the European Institutions and EU Member States on matters related to agreements with developing countries and relations with RFOs (LDAC 2018).

4.3.2 Seychelles legal and Institutional framework

All fishing activities in the Seychelles EEZ are guided by the fisheries policy (2005), which is a revision of the 1986 policy. With reference to the policy document, the long-term policy objectives of the Government of Seychelles in the sector are (Christophe and Damien 2014):

“to promote sustainable fisheries development and optimize the benefits of this sector for present and future generations”.

The fisheries Licenses Regulations and the fisheries Act (1987). The latter was amended by the Fisheries Amendment Acts of 1997 and 2001, lays down the rules on fishing by Seychelles-registered or foreign-flagged vessels. It establishes the main methods of fisheries management. However, it does not provide an adequate legal framework for MCS from a compliance and enforcement point of view, hence, the adoption of the fisheries Bill30 (Snijman 2011).

²⁸ OJ L 256, 3.8.2004, p. 17–22

²⁹ Recognized in the CFP Regulation (EU) No 1380/2013 as an organization to represent EU interests

³⁰ Created in 2011, it is a detailed and updated instrument to respond to local/regional/international developments.

The institutional framework of the Seychelles includes but not limited to the Ministry of Natural Resources (MNR) and the Seychelles Fishing Authority (SFA). The MNR is responsible for policy directives in fisheries related matters, while the SFA (1984), a parastatal organization with autonomous legal and financial status, is the executive arm of the government in all fisheries activities. As such, it is the SFA that directly deals with the implementation and the daily operation of the EU-S agreements. Note that the SFA is composed by a very limited number of qualified staff due to the lack of potential candidates (VC 2016). Hereafter, the next section focuses on the EU-S fisheries agreement implementation with regards to technical measures under the auspices of the SFA.

4.3.3 Management system of the EU-S agreements

The EU fleets are required to comply with Seychelles fisheries regulation³¹ and laws³². Both parties shall then notify forthwith each other of any changes in their respective fisheries policy and legislation. Only eligible EU fishing vessels³³ can obtain fishing authorization/licenses (not transferable) to conduct fishing activities in the Seychelles EEZ, under a protocol set by the FPA/SFPA. To that end, foreign fleet shall notify Seychelles authority by radio or other means of communication (fax, e-mail) at least six hours in advance of their intention to enter/leave Seychelles' waters, and every three days or at all other times when requested by the SFA (FarFish 2017). In addition, current position, volume and catches kept on board on the time of communication shall be reported. As for the longliners which do not have the appropriate communication equipment the SFA disregard their obligation to report in this format. Instead, they are obliged to use radio communication when reporting. In case of negligence, fishing vessels shall be deemed as vessels without a fishing authorization thereafter shall be treated accordingly.

Besides, all catches shall be landed or transshipped in port Victoria unless otherwise provided by the license or specifically approved by the SFA. A logbook system has been implemented for the industrial longline since early 80's to 2012 (< 70% annual coverage with 89% more recent years) and from 1984 to date for industrial seiners (95-100% annual coverage) (Assan et al. 2015).

³¹ Regulation of the 31st of March 1987

³² Laws of Seychelles (2010)

³³ Compliance with Regulation (EU) No. 2017/2403 repealing Council Regulation (EC) No 1006/2008

Surprisingly, the year 2012 marked a major breakthrough for the EU-S FPA in improving the catch reporting requirement of the EU fleet. The EU committee agreed on the introduction of an electronic logbook as indicated in the 2011-14 protocol, and it is considered equivalent to its paper version (Appendix 2). This new system is then used to facilitate catch communication data between the EU fleet and SFA. However, not all licensed vessels submit complete logbooks and that catches by the industrial fishing vessels compiled by the SFA is unlikely to be entirely reliable (Standing 2016). In addition, monitoring of transshipment or landing has found to be difficult mostly for the distant water industrial longliners as they rarely land in the port of Victoria, which makes it challenging to obtain good logbook coverage, transshipment or landings along with size frequency data.

Despite of these uncontrollable fishery issues, Seychelles Fishery Authority run supportive activities to minimize the impact on the fishery resource. As result, Seychelles National Scientific Observer Programme was created and contributed to a total of 45 trained observers in 2014 by the SFA. Furthermore, a training of more observers was anticipated in 2015 under the same program. At the regional level, Seychelles have participated also in the Regional Observer Programme³⁴ in order to facilitate the monitoring of transshipment at sea (Assan et al., 2015). Under this program, the ship-owner is obliged to embark at least two qualified Seychelles seamen and one observer, if requested by the SFA. If the condition is not met, with reference to the minimum number of seamen and observers on board, the ship-owner is deemed to pay a flat rate amount to the Seychelles authorities. It is however indicated in Seychelles annual reports that the provision of these observers along with the seamen are not easily implemented due to complexity with regards to the use of the sectoral funds (Martin 2011).

All EU fishing vessels fishing, or intended to fish, in the fishing areas within the Seychelles' EEZ shall be equipped with an Electronic catch Reporting System (ERS), Vessel Monitoring System (VMS) and Vessel Locator Device (VLD) installed. The VLD is used to automatically and continuously enable an hourly communication on their geographical coordinates to the Fisheries Monitoring Centres (FMCs) of their flag state. Note that the FMCs also promote the implementation of the EU Catch Certificate Scheme (CCS), which ensure that products exported from Seychelles to the EU are not tainted by IUU fishing activity (NFDS et al. 2013).

³⁴ IOTC resolution 11/04 with regards to the Scientific Observer Programme

5 Discussion

5.1 Policy change: moving from FPAs to SFPAs

This section focuses on the change of the EU fishing agreements from FPAs to SFPAs with developing countries. As such, the EU twisted its approach from partnership to sustainability. The change in approach is however linked to the reform of the EU Common Fisheries Policy as this has been perceived to function in a way to impede fisheries development in developing countries. Since the inception of the CFP, the activities of the EU external fleet in third countries including Seychelles were alarming. It triggers NGOs and scientists' concerns as what happened in practice were never be in line with what have been written on paper. Although, the FPA falls short in achieving its objectives, it is acknowledged as a partnership work in progress as far as the Seychelles case is concerned. Some authors such as Nagel et al. (2012) and Stilwell et al. (2010) shared the same point of view in their findings concerning the EU agreements with other developing countries. Le Manach et al (2013), Gagern et al (2013) and others including NGOs such as WWF (2010) for instance, are however opposed to this point of views.

The EU FPA with Seychelles has performed in a way that is not irresponsible despite of some minor omissions. However, the agreement has been changed to SFPA in consequence of the EU policy reforms in response to those criticisms. It is encountered that a policy or agreement that deals with the sustainability approach cannot easily be achieved, and as such, there is a large body of literature dealing with the issues of resource sustainability.

Nowadays, all EU fishing agreements with developing countries have turned into SFPAs in order to achieve a sustainable manner to fisheries. Yet, public concerns are still arising if the reform has led to anything positive at all regardless the provision made by the sectoral funds. This is to be investigated later on for the case of Seychelles, as the agreement itself is still under its achievement.

5.2 EU-Seychelles fisheries Agreements and management

The information provided hereafter is intended to discuss the findings on the characteristics and the differences between the FPA and SFPA, and then it addresses the technical issues related to the implementation of the EU fishing agreements in Seychelles.

Based on the findings, the two agreements are pointed towards different characteristics. Although they have differences, the details that are forged in both fisheries agreements are quite similar. This can be seen within both protocols and technical annexes. However, the SFPA is perceived to be more specific and achievable in term of its objectives compared to the FPA. This is because the SFPA gives a closer look at partnership while promoting sustainability, and as such it includes more renewed instruments to deal with transparency, accountability, mutual benefits and coherence than what the FPA provided. Multiple documents reveal such characteristics of the SFPA (AK et al. 2017; EC 2017b).

In addition, the integration of the SFPA under the external dimension of the EU policy gives a lot more attention and commitment of the EU to address, under a closer loop, the activities of the external fleet in third countries. This was not the case while the FPA was in force five years ago. To that end, the advisory council to the EU is more actively involved and engaged in giving recommendations to the EU under the SFPA. This is because EU Member States are more committed and eager to participate in achieving good intentions towards Seychelles as well as the EU. Note that the EU fleet share equal benefits as the Seychelles under the SFPA, not only because of the large amount of tuna catches made in the Seychelles EEZ, but also, the presence of Port Victoria, which is the most important port in the Indian Ocean for tuna related fisheries activities (landing, transshipment, canneries).

The protocol covering the period 2014-2020, under the SFPA, provides a reference tonnage of 50, 000 tonnes of tuna fishery in Seychelles. This reference tonnage has been fully respected by the EU fleet from the time of entry of the protocol up to 2016. The EU purse seiners fleet covered a maximum of 41, 388 tonnes in 2014, which represents 76% of the total catches in the EEZ of Seychelles to a minimum accounted for 62% of total catches in 2016. With such a pattern, the EU-S SFPA has no risk of misuse, and as such, it indicates basis for successful agreement (LDAC 2018), and therefore, it is in line with the policy framework and the partnership concept described in the conceptual framework section.

In the other hand, the EU-S SFPA struggles in practice the same way as what the EU-S FPA experienced in the past. As an example, the ERS device to improve the communication network between the EU fleet and the SFA, under the SFPA, does not work as expected. As such, it delays the work of the SFA to collect fisheries data. Such misfortune override the policy framework, and as such, it hinder the goal of promoting a sustainable fisheries in Seychelles.

In addition, the SFPA is found to be not well directed in the Seychelles. There are lots of challenges that the current agreement encounters so far, since its implementation in 2014. Most of these issues have been raised since the FPA, yet it remains active (NFDS et al. 2013). They are mainly related to the implementation of the SFPA in practice, and therefore, directly linked to the management measures set by the protocol. Although, the EU fleet have improved in reporting the entry/leaving of the Seychelles EEZ, this is not the case with reporting catches as revealed in the findings. The reason is that the longliners often run a yearly trip and the purse seiners, which fish in the Mozambique, are not necessarily transshipping in the Port of Victoria, and therefore, electronic reports³⁵ are not available in time causing a data processing delay by the SFA.

Besides, the provision of the observers presented challenges due to the fact that the programme runs slow in delivering its outcomes. This means that in the absence of the observers onboard the EU fleet, the fishing activities and the type of gears used by the fishing vessels, along with the control of the catch data recorded in the logbook are not verified in time, and therefore would harm the protocol/agreement to achieve its goal. To this end, the underestimation of the programme might then jeopardize Seychelles' position as beneficiary of the sectoral support, which is intended for such specific purpose. To emphasize, the sectoral funds are meant to support the fisheries and maritime policies of Seychelles. However, in case of misuse or non-report the EU shall phase out the provision of the funds as stated in the protocol.

The findings revealed that under the FPA, Seychelles have used the funds to a minimum of 38% in 2011, and up to a maximum of 68% in 2013. These expenses were estimated to be 98% in 2014, under the SFPA. At this rate, Seychelles have increasingly improved its spending of the funds in developing its fisheries infrastructure. Such performance benefits both parties especially the EU to showcase its reputation when the agreement works as intended with respect to the policy coherence and the partnership concept. However, the 2014-2015 report on the sectoral funds revealed differently. It is stated that only 55% of the sectoral funds was used by Seychelles in 2014 (VC 2016), which is 43% less than what was estimated (98.32%) to be spent for that year based on the present study results. Such performance is therefore weakened the SFPA, and corrective approach to structural adjustment is needed to reverse the situation in a way that it falls in line with the concepts of development, partnership and policy.

³⁵ FarFish 2020 - First Annual Meeting. Case study of Seychelles. May 2018. Portsmouth

5.3 Interview process on the EU-S agreements

The following section is devoted to address the experience encountered during the interview process with the respondents, and then it emphasizes the strength and the weaknesses of the interview approach.

The use of the interview questions seemed to be relevant for the research in question. It did not just address and respond to the research questions but also it provided direct perceptions of the stakeholders involved towards the FPA/SFPA. As a result, the interview showed no contradictory responses between the interviewee, however, they all have different approach on how to tackle the questions. To that end, it has been noticed, first of all, that their responses to the questions were affected by their professional position although the questions are both specific and obvious. For example, informant 1 is a representative from DG-MARE, his answers are more administrative and reflect more the EU interest to the agreements, whereas the informant 2 (a representative from LDAC) rather narrative and descriptive in a sense that it does not gloss over any details on the subject being addressed. To this extent, information derived from LDAC is therefore considered to be fruitful, however, it is rather time consuming when it comes to data processing and analysis due to the bunch of information. The informant 3, which is a representative from the SFA, is however straightforward and short in responses, which is good in terms of time restriction, but it is also challenging to fully grasp the technical words. Short responses mean limited information.

The strength of the interview approach is that the responses were being extracted directly from the source regardless of their duties towards restrictions on shared information. It means that the information are 100% diffused from the sender to the receiver. As such, it maintains a high level of accuracy and reliability in a sense that there is no twist of words being transmitted in comparison to how it would be if it comes from a line of multiple senders. The more the information travel from one sender to another the less the quality of the information will be.

Nonetheless, this interview approach has weaknesses, which is to trust the information as it is not based on scientific experimentation, but rather build from a daily experience on the subject. Secondly, the interview is weakened in the sense that it did not cover all the relevant stakeholders. As such, we did not get to hear any arguments from the operators/fishing companies. Although the LDAC could speak on their behalf, it would have been interesting to get in touch with them as they are directly affected by any change on the fishing agreements.

6 Conclusion

This chapter showcase the conclusion of the study, and therefore, it provides a summary of the findings with regards to the research questions in fulfilling the objective of the study, and then, it emphases on the limitations to finish with a recommendation and future study prospect.

6.1 Summary of the study research

This study was undertaken due to the heightening interest in the character of the relationship between EU with Seychelles as it has not been addressed in earlier research. As such, the study examined Seychelles' relationship with the EU to assess whether or not the fishing agreements deserves critique for similar reasons as the other EU agreements with developing countries.

Data were drawn mainly from two different sources: a literature review on the specific topic and an interview focused on semi-structural interview approach. To this end, the analysis of both data helped to answers the research questions that were being addressed. Nevertheless, this study was partially able to assess the EU-Seychelles relationship as the current agreement could not entirely be evaluated yet. Specifically, the character of the relationship between EU with Seychelles with regards to the fisheries agreements is satisfactory, and therefore it does not deserve similar critique despite of some minor omissions.

As for the agreement itself, it is shown that the EU FPA with Seychelles was a partnership in progress. This is revealed by the fact that the agreement suffered only by a minor issue with regards to the observer provision. Surprisingly, the FPA has been rebranded into SFPA as a consequence of the 2013 CFP reform. Thus, the SFPA is seen as an improvement of the FPA. As such, it comprises of different set of core values that focuses on sustainability, coherence, mutual benefit and transparency. So far, the EU-Seychelles SFPA indicates a good cooperation agreement, yet there are still room for improvements, especially with regards to the use of the sectoral funds. The funds are not completely used in Seychelles, and therefore, it affects the fisheries development in the region. This was found to be one of the reasons to impede the provision of observers.

To end, the study indicates that none of the key species of tuna fisheries targeted in the Seychelles EEZ by EU vessels are overfished or subject to overfishing as their total catches are always within the reference tonnage (50,000 t) for the period from 2014 up to 2016 (first semester). This shows that the EU fleet complies with the protocol/agreement, and therefore is in line with the concept of partnership and the policy framework.

6.2 Limitations of the study research

The accomplishment of this study research was limited by certain number of factors, and as such it is acknowledged that this present research could have been better if the following limitations were overcome. These limitations include (i) time restrictions, which has restricted myself to conduct a deep research on the case study as well as to attend relevant conferences related to the subject; (ii) access to people to interview, and therefore it led to not having enough responses from stakeholders. Although the FarFish project has provided contacts information for relevant stakeholders, it was found to be challenging to get in touch with most of them. In addition, the ones that could be contacted had come to cancel or refuse the invitation letter for the interview in question; (iii) access to some relevant and technical document from the EU and Seychelles, which has largely restricted the review and the data collection, and therefore, it made the analysis to fall short for the EU SFPA with Seychelles. For example, the 2016 and 2017 Seychelles fisheries statistical reports, along with the 2015, 2016 and 2017 SFA annual reports under the SFPA are not available. As for the EU documentation, it takes a significant amount of time to get a feedback when requesting document from the EU Mare fisheries-Info.

6.3 Recommendation and future study prospect

On paper, all fishing activities undertaken by both parties are well structured and managed. However, what is written is not always easy to implement or to carry out due to the complexity of the fisheries system. As a result of this research, the following recommendations should be taken into account by both parties to improve the next fishing agreement/protocol:

- ✓ Yearly fishing reports together with sectoral audit should publicly be available in time
- ✓ Under the IOTC resolution 11/04, there is a need of an advanced capacity development of observers
- ✓ Advancing the use of the ERS to be fully operational as soon as possible in order to facilitate and receive data exchange in real time.
- ✓ Funding should focus more into scientific research and development.

Any further study approach in this field should be align with the assessment of the sectoral funds, and as such, it should focus on the limiting factors that hinder the use of the sectoral support in the Seychelles. Based on this research, it is believed that if these limitations are known and addressed, the approach to sustainability under the SFPA in Seychelles is promising.

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Appendix 1. Interview Questions

Interview Questions applied to EU, LDAC and SFA

1. What has changed from the FPAs to SFPAs?
2. Why these changes?
3. How have these changes been perceived?
4. What is your impression of how the SFPAs are working?
5. Do the SFPAs appear to fulfill their objectives?

Abbreviations:

EU: European Union

LDAC: Long Distance Advisory Council

SFA: Seychelles Fishing Authorities

Appendix 3. Sectoral support for the period of 2011-2014 EU-S FPA protocol

	Sectoral Contribution for the period 2011-2014 FPA protocol			
	FPA			SFPA
	2011	2012	2013	2014
Accumulated budget from last year	7 832 000	6 200 000	5 300 000	2 420 341
Yearly sectoral support	2 200 000	2 200 000	2 200 000	2 600 000 (*)
Total budget for the present year	10 032 000	8 400 000	7 500 000	5 020 341
Total budget used	3 832 000	3 100 000	5 079 659	? (**)
Total budget Estimated to be used	-	-	-	4 935 981
Total budget used/estimated to be used in %	38,20 %	36,90 %	67,73 %	98,32
Total budget remain/estimated to be remained in %	61,80 %	63,10 %	32,27 %	1,68 %

(*) Sectoral support provided by the new protocol under the SFPA agreement.

(**) The total budget used for the year 2014 is unknown. This information will be provided by the 2015 SFA Annual Report, which is not available yet at the time of the research project.

Appendix 4. Material

Seychelles Fishing Documentation

1. SFA 2017. Annual report 2014. Victoria, Mahé, Seychelles. Pp. 108
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www.sfa.sc
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