



## PUBLIC CONSULTATION ON INTERNATIONAL OCEAN GOVERNANCE<sup>1</sup>

BLOOM Association

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**Sentences in blue have been added after submission**

As a non-governmental organization, BLOOM focuses on the preservation of marine ecosystems and the livelihoods that depend on them. In this contribution, we summarize our thoughts and beliefs on the many challenges facing the international governance of the ocean.

### 1. CONTEXT

Although contributors to the EC's Consultation were not asked to comment on the "Context" paragraph, we would like to note that our analysis of the global situation widely differs from the one described by the EC.

The EC document mainly reflects the views embedded in the EU "Blue growth agenda",<sup>2</sup> and more broadly, in the Europe 2020 strategy for "smart, sustainable and inclusive growth",<sup>3</sup> i.e., the ocean is presented as a provider of "ecosystem services", a "driver for the European economy", having "great potential for innovation and growth", and an "enormous potential for blue growth". We witness a growing consensus at both global and national levels<sup>4</sup> on an approach celebrating "Blue Growth". Even a few large NGOs have adopted this language and justify the need to preserve the oceans by using monetary valuation.<sup>5</sup>

Unfortunately, the Blue Growth approach - although claiming to combine economic profits with more sustainable maritime practices - does not deal with some of the biggest issues that hamper the ocean and people who depend on it, i.e., equity, social justice, and the sovereignty of developing countries. Blue Growth does not account for the need to end destructive fishing practices, nor does it address the issue of public subsidies that fuel them.

Therefore, we suggest that the EU strategy for "international ocean governance" be reframed and reworded as a "sustainable and ethical development project for the ocean and maritime nations". We feel that the notion of sustainable and ethical development better corresponds to what we, European citizens, should seek to achieve in terms of social development and international solidarity within the boundaries of what nature can provide and with respect to the non-utilitarian and intrinsic value of marine ecosystems. Replacing "Growth" with "Development" is important to us because while there is already ample exploitation of natural resources, there has been little or no plans to ensure that the benefits drawn from exploiting marine ecosystems have led to long-term development and fair distribution of wealth, especially in third party countries, partners of the EU.

<sup>1</sup> [http://ec.europa.eu/dgs/maritimeaffairs\\_fisheries/consultations/ocean-governance/index\\_en.htm](http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/ocean-governance/index_en.htm).

<sup>2</sup> [http://ec.europa.eu/maritimeaffairs/policy/blue\\_growth](http://ec.europa.eu/maritimeaffairs/policy/blue_growth).

<sup>3</sup> [http://ec.europa.eu/europe2020/europe-2020-in-a-nutshell/index\\_en.htm](http://ec.europa.eu/europe2020/europe-2020-in-a-nutshell/index_en.htm).

<sup>4</sup> The United Nations' FAO and the World Bank pushed for a "blue economy", see Global Oceans Action Summit for Food Security and Blue Growth. Chair's Summary (2014) 51p, Available at: [www.fao.org/cofi/41010-0501970390bfbcd97d7082fb80f8da6.pdf](http://www.fao.org/cofi/41010-0501970390bfbcd97d7082fb80f8da6.pdf). At the national level, the French Ministry of Ecology, Sustainable Development and Energy recently submitted its "strategy for blue growth" for public scrutiny [www.developpement-durable.gouv.fr/IMG/pdf/2015-09-04\\_Inauguration\\_Lyce\\_e\\_maritime\\_St-Malo.pdf](http://www.developpement-durable.gouv.fr/IMG/pdf/2015-09-04_Inauguration_Lyce_e_maritime_St-Malo.pdf). See BLOOM's answer <http://www.bloomassociation.org/wp-content/uploads/2015/09/Contribution-BLOOM-Croissance-bleue-FINAL.pdf>

<sup>5</sup> [www.panda.org/wwf\\_news/?244770/Ocean-wealth-valued-at-US24-trillion-but-sinking-fast](http://www.panda.org/wwf_news/?244770/Ocean-wealth-valued-at-US24-trillion-but-sinking-fast).

Given that our domain of expertise covers fisheries, our contribution is restricted to this sector. Given that time and resources are limited in our organization to produce more extensive research on the topic of governance, we did not answer section 3.2. We would also recommend that the Commission read in addition the special issue of Marine Policy on Marine governance of European Seas,<sup>6</sup> published last year as a contribution to the 7<sup>th</sup> work package of the EU-funded “Options for Delivering Ecosystem-Based Marine Management” (ODEMM) research project.

## 2. GENERAL PROBLEM DEFINITION

*"Recent discussions and initiatives conclude that the current framework for international ocean governance is not effective enough in ensuring the sustainable management of oceans and their resources".*

- Do you agree or disagree with this general problem definition? Please explain why

We agree that the current ocean governance framework is not effective enough.<sup>7</sup> As examples of weaknesses in international governance, the consultation document quotes IUU fishing and the confusion resulting from the patchwork of rules and institutions. Other important examples include i) the lack of courage from political leaders (who oftentimes do not arbitrate in favor of the public interest); or ii) the reckless push for economic growth, which has resulted in the hyper-technologization of **exploitation techniques** and privatization of common resources such as fishes, the continental shelf, and coastal areas, with a vast array of negative consequences for **local** communities and marine ecosystems.

## 3. SPECIFIC PROBLEM DEFINITION

*"The causes of ineffective international ocean governance could be explained by:*

- *Gaps in the existing international ocean governance framework;*
- *Inefficient use and implementation of the existing international ocean governance framework, or insufficient coordination among its components;*
- *A lack of knowledge about the oceans".*

- Do you agree with the list of specific problems? If not, please explain.

To this list of specific problems, we would like to add the following pressing issues that are consistent hurdles to a sound management of resources:

- The lack of transparency of political processes;
- The incapacity for NGOs and civil society representatives to participate in national and European decision-making, and even to obtain observer status;
- The absence of legal status for ecosystems and non-human beings allowing continued unsustainable and sometimes irreversible exploitation of resources;
- Widely insufficient control and law enforcement;
- Non-prohibitive fines in case of law infringement;
- The lack of transparency in fisheries data.

<sup>6</sup> *Marine Governance of European Seas* (2014) Eds Raakjaer, J. and van Tatenhove, J. *Marine Policy*. 50(B) pp323-382  
[www.sciencedirect.com/science/journal/0308597X/50/supp/PB](http://www.sciencedirect.com/science/journal/0308597X/50/supp/PB).

<sup>7</sup> However, we would like to highlight that any governance framework can only aim to ensure the sustainable management of human activities at sea and not the "sustainable management of the ocean".

We detail these examples below.

- Which specific problems would you add?

### a) Inefficient use of public funding

In a majority of cases, subsidies have been found to be harmful to biodiversity and to encourage overfishing.<sup>8</sup> Subsidies are therefore increasingly recognized by governments, researchers and NGOs as a major barrier to the transformation of the fishing sector towards an economically viable and environmentally responsible activity.<sup>9,10,11</sup> The Sustainable Development Goals (SDGs)<sup>12</sup> developed at the Rio+20 conference in 2012 and formally adopted during the UN 2015 Sustainable Development Summit held in New York on September 25-27 2015<sup>13</sup> emphasize that we should, by 2020, “*prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing and refrain from introducing new such subsidies*” (SDG 14.6).<sup>14</sup>

In France, the continued subsidization of the sector has favored mobile gear technologies and large-scale fishing activities.<sup>15</sup> Subsidies were allocated as part of programs with specific goals (e.g., trade balance, competitiveness, profitability, employment and safety) that were never achieved.<sup>16</sup> Paradoxically, subsidies had a key role in several fisheries crises in the late 1970s, mid-1990s, and early 2000s<sup>17</sup> and have served to maintain social peace instead of achieving socio-economic as well as ecological sustainability of the fishing sector. In other words, and as highlighted by a report by the French Court of Auditors: public subsidies have contributed to depleting marine ecosystems, fish stocks and fishers populations in France.<sup>18</sup>

➔ We suggest cutting harmful subsidies and reallocating these public funds towards reducing the overall fishing capacity and developing artisanal, smaller-scale fisheries with lower impacts on the environment.

### b) Lack of transparency

In order to implement a socio-economically and environmentally responsible public-funding policy, fisheries managers and policy makers need neutral assessments based on cross-sectional, transparent and critical data. Today, however, access to fisheries subsidy data is an ordeal. The absence of transparency has reached new heights since Member States were required by European institutions to collect (and publish) subsidy data allocated under the European Fisheries Fund (EFF; 2007-2013).<sup>19</sup> This will still be the case under the European Maritime and Fisheries Fund (EMFF; 2014-2020).<sup>20</sup> In France, BLOOM has tried to access the European Fisheries Funds data (2007-2013) in a usable format for months, but was told that these data were “rendered useless on purpose”.

<sup>8</sup> Sumaila, et al. (2013) Global fisheries subsidies. Note IP/B/PECH/IC/2013-146, European Parliament, Directorate General for Internal Policies, Policy Department B: Structural and Cohesion Policies—Fisheries, Brussels (Belgium). 44 p.

<sup>9</sup> Grynberg (2003) WTO fisheries subsidies negotiations: implications for fisheries access arrangements and sustainable management. *Marine Policy* 27(6): 499-511.

<sup>10</sup> Sumaila and Pauly (2007) All fishing nations must unite to cut subsidies. *Nature* 450(7172): 945-945.

<sup>11</sup> Ibid. Sumaila, et al. (2013).

<sup>12</sup> <https://sustainabledevelopment.un.org/topics>.

<sup>13</sup> <https://sustainabledevelopment.un.org/post2015/summit>.

<sup>14</sup> <https://sustainabledevelopment.un.org/?menu=1300>.

<sup>15</sup> Le Floc'h, et al. (2012) A case study of technological switching and technological lock-in in the french fisheries sector: why is sustainable change so difficult? *Canadian Journal of Agricultural Economics*: 1-19.

<sup>16</sup> Anon. (2010) Rapport sur les aides de l'Etat à la pêche - Exercices 2000 à 2009. 2010-14-0, Cour des Comptes, Septième chambre, Troisième section Paris (France). 187 p.

<sup>17</sup> Mesnil (2008) Public-aided crises in the French fishing sector. *Ocean & Coastal Management* (51): 689-700.

<sup>18</sup> Ibid. Anon. (2010).

<sup>19</sup> Commission Regulation (EC) No 498/2007 of 26 March 2007 laying down detailed rules for the implementation of Council Regulation (EC) No 1198/2006 on the European Fisheries Fund.

<sup>20</sup> Regulation (EU) n°508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund.

→ We suggest going back to the former rules by which the publication of subsidy data was the prerogative of the European Commission. This would drastically increase transparency and consistency in data publication. It would ensure putting all EU fishing nations on the same level playing field.

**c) Lack of monitoring and slow decision-making**

A good example of the lack of monitoring, subsequent waste of human resources, and slow decision-making is the recent consultation on an EU Ecolabel for fisheries and aquaculture products: very broad in scope, this consultation started once again from scratch in 2015 without taking into account the debates on eco-labelling schemes for fisheries products that have been occurring since 2005.<sup>21</sup>

→ We suggest looking into what has already been done in previous years in order to account for all stakeholders' views.

**d) Weak influence of NGOs and civil society in decision-making**

NGOs and other civil society groups should not be thought of by institutional decision-makers as just "stakeholders". They represent a driving force towards greater cooperation, through the active mobilization of public support for international agreements.<sup>22</sup> The diversity of civil society groups and their value to official intergovernmental processes are acknowledged in Agenda 21 (the comprehensive sustainable development blueprint adopted at the 1992 Rio Earth Summit; See box below).

23.1. Critical to the effective implementation of the objectives, policies and mechanisms agreed to by Governments in all programme areas of Agenda 21 will be the commitment and genuine involvement of all social groups.

23.2. One of the fundamental prerequisites for the achievement of sustainable development is broad public participation in decision-making. Furthermore, in the more specific context of environment and development, the need for new forms of participation has emerged. This includes the need of individuals, groups and organizations to participate in environmental impact assessment procedures and to know about and participate in decisions, particularly those which potentially affect the communities in which they live and work. Individuals, groups and organizations should have access to information relevant to environment and development held by national authorities, including information on products and activities that have or are likely to have a significant impact on the environment, and information on environmental protection measures.

23.3. Any policies, definitions or rules affecting access to and participation by non-governmental organizations in the work of United Nations institutions or agencies associated with the implementation of Agenda 21 must apply equally to all major groups.

23.4. The programme areas set out below address the means for moving towards real social partnership in support of common efforts for sustainable development.

Source: [www.unep.org/Documents.Multilingual/Default.asp?DocumentID=52&ArticleID=71&l=en](http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=52&ArticleID=71&l=en)

However, lobbying methods by industrial groups often lead to the capture of public decision-making by private interests. Lobbies have a large influence on public institutions, i.e., those that are supposed to protect society and represent its interests.<sup>23</sup>

<sup>21</sup> More information on ecolabels for fishery and aquaculture products are available on our website: <http://www.bloomassociation.org/en/a-european-eco-label-for-aquaculture-and-fisheries-products/>

<sup>22</sup> Gemmill and Bamidele-Izu (2002) The Role of NGOs and civil society in global environmental governance. In Ivanova (ed.) Global Environmental Governance: options and opportunities. Yale Center for Environmental Law & Policy, Yale United Kingdom). 255 p.

<sup>23</sup> Sourice, B (2014) Plaidoyer pour un contre-lobbying citoyen. Eds Charles Léopold Mayer. 243 p.

In the domain of fisheries governance and management of marine resources, the **industrial** fishing sector is overrepresented in several institutions such as Regional Fisheries Management Organisations **or** Regional Advisory Committees. In the annual TACs and quota decision-making in Council, industrial lobbies carry a lot of weight in the political process (as opposed to NGOs, which are even declined access to the building where negotiations occur).

We could even argue that the industrial sector is represented twice since the fishing industry interests are already represented by government representatives or elected officials who have an electoral interest in echoing requests of national industries. Such collusion may create conflicts of interests.<sup>24</sup> For example, French S&D MEP Isabelle Thomas is the rapporteur<sup>25</sup> of the deep-sea regulation, although she has also taken a public stand as the patron of Bluefish, a French-led organization which brings together the most prominent advocates of industrial fishing.<sup>26</sup>

→ We suggest opening all discussions that focus on the exploitation/use of public goods to be open to NGOs and the civil society. There should be no opaque negotiations.

### e) The gaps in the legal framework

An important issue concerns the gaps in the existent legal framework to protect the environment. In 2010, the International Law Commission (ILC) was suggested to amend the Rome Statute - one of the most powerful documents in the world, assigning “the most serious crimes of concern to the international community as a whole” over and above all other laws - to include an international “Ecocide” crime. Crimes that already exist within the jurisdiction of the International Criminal Court under Article 5 of the Rome Statute are collectively known as “Crime Against Peace”. They are: the crime of genocide, crimes against humanity, war crimes, and the crime of aggression. Given that the most vulnerable populations are those who are hit the hardest by the degradation of the environment and climate change, adding “ecocide” to this list of crimes against Peace would enable victims of environmental destruction to get a legal basis for prosecution.<sup>27</sup> With, e.g., oil spills qualified as ecocides, oil companies would have to prove that their activities will not harm the environment, which will be much more dissuasive than the slack environmental standards as they are practiced today.

Experts also suggest that illegal fishing should be integrated within environmental and natural resource crimes.<sup>28</sup> It appears that international organizations such as Interpol (cf. Project SCALE<sup>29</sup>) have started to integrate this suggestion. The total value of current illegal and unreported fishing losses worldwide has been estimated between \$10 and \$23.5 billion annually,<sup>30</sup> calling illegal fishing an environmental crime would make it easier to find appropriate mechanisms to address it.

→ We support the creation of an international (or at least European) court of justice for environmental crimes.

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<sup>24</sup> Code of Conduct for Members of the European Parliament with respect to financial interests and conflicts of interest [www.europarl.europa.eu/pdf/meps/201305\\_Code\\_of\\_conduct\\_EN.pdf](http://www.europarl.europa.eu/pdf/meps/201305_Code_of_conduct_EN.pdf).

<sup>25</sup> This status does not appear on the European Parliament's MEP register ([www.europarl.europa.eu/meps/en/114279/ISABELLE\\_THOMAS\\_home.html](http://www.europarl.europa.eu/meps/en/114279/ISABELLE_THOMAS_home.html)), but the information has been shared in several french newspaper, e.g., [www.entreprises.ouest-france.fr/article/europe-malouine-isabelle-thomas-designee-rapporteur-dossier-peche-profonde-24-07-2014-154345](http://www.entreprises.ouest-france.fr/article/europe-malouine-isabelle-thomas-designee-rapporteur-dossier-peche-profonde-24-07-2014-154345).

<sup>26</sup> [www.bloomassociation.org/en/defending-the-indefensible-how-politicians-and-their-lobbyists-are-doing-it](http://www.bloomassociation.org/en/defending-the-indefensible-how-politicians-and-their-lobbyists-are-doing-it).

<sup>27</sup> <http://eradicatingecocide.com>.

<sup>28</sup> Sander, *et al.* (2014) Conceptualizing maritime environmental and natural resources law enforcement – The case of illegal fishing. *Environmental Development* 11: 112-122.

<sup>29</sup> [www.interpol.int/fr/Crime-areas/Environmental-crime/Projects/Project-Scale](http://www.interpol.int/fr/Crime-areas/Environmental-crime/Projects/Project-Scale)

<sup>30</sup> <http://biosphere.blog.lemonde.fr/2015/01/27/dune-definition-de-lecocide-a-une-application-penale>.

#### **f) Lack of control**

Fish are a common resource and citizens have the right to demand strict control over the fishing industry, as much as over other industries from the agro-food sector. Several possibilities exist to enhance control and monitoring in order to reach "fully-documented fisheries", e.g., onboard observers, CCTV,<sup>31,32</sup> and satellite surveillance.<sup>33</sup>

→ We demand the implementation of such systems in order to increase the accountability of the fishing industry.

#### **g) The unacceptable gap between scientific advice and political decisions**

In 2015, Fisheries Ministers have again allowed quotas that exceed the ICES scientific advice, this time by 37% (in tonnage), but this is not the first time.<sup>34</sup> Although there are regular claims that decisions should be based upon "best available science", there is no international, EU or national mechanism ensuring that governments or other political bodies take science into account. Scientific recommendations, when dealing with a wild natural resource, should not simply serve as advice but as compulsory brackets within which to operate.

In the Bay of Biscay, the value of the French catch has decreased by 45% since the late 1980s, because fisheries are not properly managed.<sup>35</sup> However, improper management is not only bad for the environment but for all other socio-economical indicators.<sup>36</sup>

→ We demand that scientific recommendations be used as the basis for decision-making when it comes to the exploitation/use of public resources.

#### **h) Application of principles such as the precautionary principle**

The precautionary principle is present in many legal frameworks, both at the national and supranational levels. Yet, given the gloomy state of marine resources in Community waters depicted above, it appears that it is not widely applied.

In France, the precautionary principle is the guiding principle by which "the lack of certainty, given current scientific and technical knowledge, should not hinder the adoption of effective (...) measures to prevent the risk of serious and irreversible damage to the environment".<sup>37</sup>

Under the EU law, the precautionary principle has binding power, cf. Art. 174 (2) of the Treaty establishing the European Community (2002),<sup>38</sup> which stipulates that European environmental policy "shall be based on the precautionary principle" and on the principle "that preventive action should be taken" to ensure "a high level of protection" for the environment.

As with other numerous principles, the problem is not the wording, which is close to perfection, but actual application.

<sup>31</sup> Ruiz *et al.* (2014) Electronic monitoring trials on in the tropical tuna purse-seine fishery. ICES Journal of Marine Science.

<sup>32</sup> Le Manach (2014) Past, present and future of publicly-funded European Union's fishing access agreements in developing countries. PhD thesis, University of University of British Columbia, Vancouver (Canada). xiii + 174 p.

<sup>33</sup> [www.pewtrusts.org/en/multimedia/video/2015/project-eyes-on-the-seas](http://www.pewtrusts.org/en/multimedia/video/2015/project-eyes-on-the-seas).

<sup>34</sup> See [www.lemarin.fr/sites/default/files/2015/02/20/anal\\_tacs\\_dec\\_2014.docx](http://www.lemarin.fr/sites/default/files/2015/02/20/anal_tacs_dec_2014.docx)

<sup>35</sup> Steinmetz *et al.* (2008) A bio-economic analysis of long term changes in the production of French fishing fleets operating in the Bay of Biscay. Aquatic Living Resources 21: 317-327.

<sup>36</sup> Ibid. Steinmetz *et al.* (2008) A bio-economic analysis of long term changes in the production of French fishing fleets operating in the Bay of Biscay. Aquatic Living Resources 21: 317-327.

<sup>37</sup> Loi no 95-101 du 2 février 1995 relative au renforcement de la protection de l'environnement, dite Loi Barnier. Available at: [www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT0000051804&categorieLien=id](http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT0000051804&categorieLien=id).

<sup>38</sup> EC (2002) Treaty establishing the European Community. Official Journal C 325: 33-184.

- If you were to rank the list of specific problems by priority, which one would come first?
  - The lack of transparency of political processes;
  - The incapacity for NGOs and civil society representatives to participate in national and European decision-making, and even to obtain observer status;
  - The lack of transparency in fisheries data;
  - The absence of legal status for ecosystems and non-human beings allowing continued unsustainable and sometimes irreversible exploitation of resources;
  - Widely insufficient control and law enforcement;
  - Non-prohibitive fines in case of law infringement.

### 3.1 The existing international Ocean Governance Framework

- What is missing to close the gaps in the existing international ocean governance framework (e.g. new institutions, new rules, new agreements, new arrangements)? What would you want to change?

In addition to the points made above (see “→”), we would like to emphasize that we want more transparency:

- Minutes of the Council meetings should be made available, as well as a live streaming of Council discussions and NGO / civil society participation, at least as observers;
- All public subsidies to maritime activities and fisheries should be made available in a statistically usable format.

We would like more co-decision instances:

- The maritime domain would benefit from having civil committees with NGO and civil society representatives to arbitrate on the grounds of long-term perspective.
- Which areas or issues of international ocean governance are inadequately covered and could benefit the most from filling gaps in the current framework, or from more efficient organisation of the international ocean governance framework? How would they benefit? Which geographic areas could benefit the most from more effective organisation, or from filling of gaps in the institutional framework; and how would they benefit?

The external dimension of the Common Fisheries Policy is a black box, which clearly does not benefit “partner countries” in Africa and in the Pacific Ocean as much as it benefits European interests.

Heavily subsidized fishing access agreements negotiated by the European Commission (DG MARE) on behalf of the European fishing sector exist since 1979 and have been signed with around 20 countries throughout Africa and Oceania.<sup>39</sup> Numerous independent studies show that these agreements have, in part, been responsible for the over-exploitation of partner countries’ marine resources and that their economic benefit remained low compared to the revenue generated by the fisheries.<sup>40</sup> It also appears that indirect benefits such as employment and locally-added value are generally weak as well.<sup>41</sup>

Partner countries in Africa and in the Pacific Ocean would benefit from an improved international ocean governance framework, but to do so, Europe must improve its transparency and accountability: the civil

<sup>39</sup> [http://ec.europa.eu/fisheries/cfp/international/agreements/index\\_en.htm](http://ec.europa.eu/fisheries/cfp/international/agreements/index_en.htm).

<sup>40</sup> See in-depth discussion in Le Manach (2014).

<sup>41</sup> Ibid. Le Manach (2014).



society must gain access to more data related to these agreements<sup>42</sup> and it must also have a say in the negotiations. Furthermore, in order to become more equitable, the sectoral funds (i.e., “development aid”) should not be linked to the allowed fishing effort: the funds needed by a country to develop itself should not be linked to our interest in their resources. In fact, it was shown that fishing access agreements are going against the principles set forth by other DGs, as well as against the very own principles of the founding treaty of the EU, which states that:

*"Community policy in the sphere of development co-operation [...] shall foster (i) the sustainable economic and social development of the developing countries, and more particularly the most disadvantaged among them, (ii) the smooth and gradual integration of the developing countries into the world economy, and (iii) the campaign against poverty in the developing countries".<sup>43</sup>*

Improving the “external dimension” of the European fisheries could help countries in Africa and in the Pacific Ocean to develop in a sustainable way and to become independent from the EU fleets to fish their own stocks and generate wealth. In areas such as the Horn of Africa, this could potentially help resolve decade-old conflicts.<sup>44,45</sup>

- Which sectors of the economy could benefit the most from a more effective international ocean governance framework or from filling gaps in the existing set- up and how would they benefit?

In France, Benoît Mesnil has shown in 2008 that the massive aids granted to the sector "have not achieved the stated objectives and, paradoxically, have been a key factor in the eruption of subsequent crises, notably because they were granted without conditions of genuine changes in the industry’s practices. The supreme paradox is that the succession of turbulent demonstrations over the years was the result of aid programmes devised with the overriding objective of preserving social peace."<sup>46</sup>

- Where is the greatest added value for the EU to address this specific problem?

The EU would get more dignity from showing an exemplary behavior. The governance of the fisheries sector would also be improved, which would stabilize the sector in terms of employment and increase performance of marine ecosystems, meaning more valuable species could be caught again (like in the recent past) with more value created, more wealth generated, more marine species in the functional ecosystems which can then deliver services such as climate regulation.

- Which principles or objectives should guide potential action?

“Growth for growth” is not viable. We need to think in terms of development. We need a real societal project in which equity, ethical behavior, social justice and sovereignty of people for access to natural resources are key. These concepts are not included in the project of Blue Growth as it is now.

Today, developed countries no longer "depend" on wild resources for subsistence.<sup>47</sup> It is time to build a well thought-through society project around ideas and values such as ethics, empathy, and social justice.

<sup>42</sup> Until recently, the only available « data » were the legal texts of the agreements. It is only a few years ago that the EU had to publicly advertise the assessments of these agreements (see [http://transparentsea.co/index.php?title=EU\\_Fisheries\\_Agreements#Ex\\_ante\\_and\\_ex\\_post\\_evaluations](http://transparentsea.co/index.php?title=EU_Fisheries_Agreements#Ex_ante_and_ex_post_evaluations)). Some of these assessments were redacted, and they are now watered down.

<sup>43</sup> Article 130u. EEC (1992a) The Maastricht Treaty — Provisions amending the Treaty establishing the European Economic Community with a view to establishing the European Community, Maastricht (The Netherlands), February 7, 1992. 59 p.

<sup>44</sup> Diaz LM and Dubner BH (2010) Foreign fishing piracy vs. Somalia piracy — Does wrong equal wrong? Barry Law Review 14: 74–96.

<sup>45</sup> Waldo MA (2009) Somali piracy: the other side of the coin. African Prospects: 8–11.

<sup>46</sup> Ibid. Mesnil (2008).

<sup>47</sup> Bromley, D. 2008. The Crisis in Ocean Governance: Conceptual Confusion, Spurious Economics, Political Indifference. MAST, 6(2): 7-22