

CHAPTER III

FISHERIES

TITLE I

General provisions

ARTICLE 24

1. The Parties recognise that fisheries constitute a key economic resource of the ESA region, contribute significantly to the economies of the Signatory ESA States and have great potential for future regional economic development and poverty reduction. They are also an important source of food and foreign exchange.
2. The Parties further recognise that fisheries resources are also of considerable interest to both the UK and the Signatory ESA States, and agree to cooperate for the sustainable development and management of the fisheries sector in their mutual interests taking into account the economic, environmental and social impacts.
3. The Parties agree that the appropriate strategy to promote the economic growth of the fisheries sector and to enhance its contribution to the ESA economy, while taking into consideration its long term sustainability, is through increasing value adding activities within the sector.

ARTICLE 25

Objectives

The objectives of cooperation in fisheries are to:

- (a) promote sustainable development and management of fisheries;
- (b) promote and develop regional and international trade based on best practices;
- (c) create an enabling environment, including infrastructure and capacity building, for the ESA States to cope with the stringent market requirements for both industrial and small scale fisheries;
- (d) support national and regional policies aimed at increasing productivity and competitiveness of the fisheries sector; and
- (e) build links with other economic sectors.

ARTICLE 26

Scope

Cooperation in fisheries trade and development shall cover marine, inland fisheries and aquaculture.

ARTICLE 27

Principles

1. The principles of cooperation in fisheries include:
 - (a) support for the development and strengthening of regional integration;
 - (b) provision of special and differential treatment;
 - (c) the need to take into account the best available scientific information for resource assessment and management;
 - (d) a functioning monitoring system of the environmental, economic and social impacts in the Parties;
 - (e) conformity with existing national laws and relevant inter-national instruments including the United Nations Convention on the Law Of the Sea (UNCLOS), regional and sub-regional agreements; and
 - (f) preservation and priority of particular needs of the artisanal/ subsistence fishery.
2. These guiding principles should contribute to sustainable and responsible development of the living inland and marine resources, aquaculture, and to optimising the benefits of this sector for present and future generations, through increased investment, capacity building and improved market access.

ARTICLE 28

Preferential access

The Parties shall cooperate to ensure that financial and other support will be provided to improve the competitiveness and production capacity of the processing factories, the diversification of the fishing industry and the improvement of port facilities.

TITLE II

Marine fisheries

ARTICLE 29

Scope

The scope of this Title is the utilisation, conservation and management of marine fisheries resources to optimise the benefits from fisheries for the ESA region through investment capacity building and improved market access.

ARTICLE 30

Objectives

The objectives of cooperation are to:

- (a) strengthen cooperation in order to ensure the sustainable exploitation and management of fisheries resources as a strong basis for regional integration, given the straddling and migratory species which are shared among island and coastal States and as no individual ESA State has the capacity to ensure sustainability of the resource;
- (b) ensure a more equitable share of the benefits derived from the fisheries sector;
- (c) ensure effective monitoring control and surveillance (MCS) necessary for combating illegal, unreported and unregulated (IUU) fishing; and
- (d) promote effective exploitation, conservation and management of the living marine resources in the exclusive economic zone (EEZ) and waters in which ESA States have jurisdiction based on international instruments, including UNCLOS, for the mutual social and economic benefit of the ESA States and the UK.

ARTICLE 31

Areas of cooperation

1. To achieve the objectives of cooperation in marine fisheries within the described principles, cooperation will include fisheries management and conservation issues, vessel management and post-harvest arrangements and financial and trade measures and development of fisheries and fishery products and marine aquaculture.

2. The UK will contribute to the mobilisation of the resources for the implementation of the identified areas of cooperation at national and regional levels, which will also include support for regional capacity building. Furthermore, the UK shall contribute to the measures as described in the section concerning financial and trade measures, and on infrastructure development specific for fisheries and marine aquaculture.

- (a) Fisheries Management and Conservation Issues

- 1. The precautionary approach shall be applied in determining levels of

sustainable catch, fishing capacity and other management strategies to avoid or reverse undesirable outcomes such as over-capacity and over-fishing, as well as undesirable impacts on the ecosystems and artisanal fisheries.

2. Each ESA State may take appropriate measures, including seasonal and gear restrictions in order to further protect its territorial waters and ensure the sustainability of the artisanal and coastal fishery.
3. The Parties will promote the membership of all the concerned ESA States to the Indian Ocean Tuna Commission (IOTC) and other relevant fisheries organisations. These countries, with the UK, should coordinate action to ensure the management and conservation of all fish species, including tuna and tuna-like resources and facilitate relevant scientific research.
4. Where there is insufficient scientific evidence for the competent national management authority to determine limits and target levels of sustainable catch in an ESA EEZ, both Parties in consultation with the competent national authority and together with IOTC and where relevant, other regional fisheries organisations, shall support such scientific analysis.
5. The Parties agree to take appropriate measures where an increase in effort results in catch levels above the target sustainable level established by the competent national authority.
6. In order to conserve and manage straddling stocks and highly migratory fish stocks, the UK and the ESA States shall ensure compliance by vessels flying their flags with relevant national, regional and sub-regional fisheries management measures and related national laws and regulations.

(b) Vessel Management and Post-Harvest Arrangements

1. Vessel Management and post-harvest arrangements emerging from IOTC and any other relevant regional fisheries organisations will be observed. ESA States and the UK shall set out minimum terms and conditions with respect to MCS of UK fishing vessels operating in the waters of ESA States, which should include the following:
 - (i) a Vessel Monitoring System (VMS) will be set up for all ESA States, and all ESA States will use a compatible VMS. Those ESA States which do not have a VMS will be assisted by the UK to set up a compatible VMS;
 - (ii) in addition to a compulsory compatible VMS system, all ESA States, in conjunction with the UK, will develop other mechanisms to ensure effective MCS and the UK will support ESA States to put such an agreed system in place and assist in implementation;
 - (iii) the Parties shall have the right to place observers, whether in national or international waters, with the procedures concerning the deployment of observers being well stipulated. Observers are to be paid by the national governments but all costs on board are to be met by the ship-owner. The UK will support the costs of training observers;
 - (iv) common systems of reporting of fishing will be developed and be

used throughout the region, with minimum terms set for reporting;

- (v) all vessels that land or tranship their catches within the ESA State shall do it in ports or outer-port areas. No transshipment shall be allowed at sea, except on particular conditions foreseen by the relevant Regional Fisheries Management Organisations (RFMO). Both Parties shall cooperate to modernise landing or transshipment infrastructure in ports of ESA States, including development capacity of fish products;
 - (vi) all vessels should endeavour to use the facilities of the ESA States and undertake to make use of local supplies;
 - (vii) discards reporting shall be compulsory. Priority should be given to avoid discards through the use of selective fishing methods in line with the principles of the IOTC and relevant regional fisheries organisations. As far as possible, by-catch shall be brought ashore.
- 2 The Parties agree to cooperate in developing and implementing national/regional training programmes for ESA nationals in order to facilitate their effective participation in the fishing industry. If the UK negotiates bilateral fisheries agreements, employment of ESA nationals shall be encouraged. The International Labour Organisation (ILO) Declaration on fundamental principles and rights at work shall apply as of right to seamen signed on UK vessels.
- 3 Both Parties shall undertake coordinated efforts to improve the means for preventing, deterring, and eliminating IUU fishing and to this end take appropriate measures. Fishing vessels involved in IUU fishing should be prosecuted and should not be allowed to fish again in ESA waters, unless prior authorisation has been obtained from both the flag State and the concerned ESA States as well as, where relevant, the concerned RFMO.

(c) Financial and Trade Measures and Development issues

The Parties undertake to cooperate in promoting the setting up of joint ventures in fishing operations, fish processing and port services; to enhance production capacity; to improve competitiveness of fishing and related industries and services, to downstream processing, development and improvement of port facilities, and to diversify the fishery to include non-tuna species which are under-exploited or not exploited.

TITLE III

Inland fisheries and aquaculture development

ARTICLE 32

Scope

The scope of this Title shall cover inland fisheries, coastal and aquaculture development in the ESA region with respect to capacity building, technology transfer, Sanitary and Phytosanitary (SPS) standards, investment, and investment finance, environmental protection as well as legal and regulatory frameworks.

ARTICLE 33

Objectives

The objectives of cooperation in inland fisheries and aquaculture development will be to promote sustainable exploitation of inland fisheries resources, enhance aquaculture production, remove supply side constraints, improve fish and fish product quality to meet SPS standards in the UK market, improve access to the UK market, address intra-regional trade barriers, attract capital inflows and investment into the sector, build capacity and enhance access to financial support for the private investors for inland fisheries and aquaculture development.

ARTICLE 34

Areas of cooperation

1. The areas of cooperation shall include UK contributions to the following:
 - (a) capacity building and export market development through:
 - (i) building capacity in industrial and artisanal production, processing and product diversification that strengthen the competitiveness of the region's inland fisheries and aquaculture. This could, for example, be achieved by the creation of Research and development (R&D) centres including the development of aquaculture for commercial fishing farms;
 - (ii) building capacity for managing export market chains, including the introduction and management of certification schemes for specific product lines; and implementation of market promotion, value addition and reduction in post-harvest losses in fishery products;
 - (iii) increasing capacity in the region through, for example, improving competent authorities, traders' associations and fishermen's associations in order to participate in fisheries trade with the UK and training programs in product development and branding.
 - (b) Infrastructure
 - (i) developing and improving infrastructure for inland fisheries and aquaculture;
 - (ii) facilitating access to funding for infrastructure, including all types of equipment.
 - (c) Technology
 - (i) contributing to the development of technical capabilities, including value adding technology promotion, for example, through fisheries technology transfer from the UK to the ESA countries;
 - (ii) enhancing fisheries management capacity in the region, for example through research and data collection systems and contribution towards appropriate technologies on harvesting and post-harvest management.

- (d) Legal and regulatory
 - (i) supporting the development of inland fisheries and aquaculture regulations and monitoring control and surveillance systems;
 - (ii) supporting ESA States in developing appropriate legal and regulatory instruments on intellectual property rights (IPR) and building capacity for their implementation in international trade;
 - (iii) eco-labelling and intellectual property protection.
- (e) Investment and finance
 - (i) promoting joint ventures and other forms of mixed investments between stakeholders in ESA States and the UK, for example for the setting up of modalities for identifying investors for joint venture operations in inland fisheries and aquaculture;
 - (ii) contributing to providing access to credit facilities for the development of small to medium scale enterprises as well as industrial scale inland fisheries.
- (f) Socio-economic and poverty alleviation measures
 - (i) contributing to the promotion of small and medium scale fisheries, processors, and fish traders by building the capacity of ESA States to participate in trade with the UK;
 - (ii) encouraging participation of marginal groups in the fishing industry, for example, through the promotion of gender equality in fisheries by developing the capacity of women engaged in fisheries, as well as other disadvantaged groups with the potential to engage in fisheries for sustainable social economic development.

2 Both Parties shall contribute to measures to ensure that fish trade supports environmental conservation and safeguards against stocks depletion, and to the maintenance of biodiversity and the cautious introduction of exotic species for aquaculture (to be introduced only in managed/closed spaces in consultation with all concerned neighbouring countries).