

PART III

FISHERIES

TITLE I

GENERAL PROVISIONS

ARTICLE 51

Scope and Principles

1. The cooperation in fisheries trade and development shall cover marine, inland fisheries and aquaculture.
2. The Parties recognise that fisheries constitute a key economic resource of the EAC Partner State(s), contribute significantly to the economies of the EAC Partner State(s), and have great potential for future regional economic development and poverty reduction. They are also an important source of food and foreign exchange.
3. The Parties further recognise that fisheries resources are also of considerable interest to both the EU and the EAC Partner State(s), and agree to cooperate for the sustainable development and management of the fisheries sector in their mutual interests, taking into account economic, environmental and social impacts.

4. The Parties agree that the appropriate strategy to promote the economic growth of the fisheries sector and to enhance its contribution to the economy of the EAC Partner State(s), while taking into consideration its long-term sustainability, is through increasing value-adding activities within the sector.

ARTICLE 52

Principles of Cooperation

1. The principles of cooperation in fisheries shall include:
 - (a) supporting the development and strengthening of regional integration;
 - (b) preserving the *acquis* of the Cotonou Agreement and its successor agreement;
 - (c) providing special and differential treatment;
 - (d) taking into account the best available scientific information for resource assessment and management;
 - (e) ensuring functioning monitoring systems for the environmental, economic and social impacts in the EAC Partner State(s);

- (f) ensuring conformity with existing national laws and relevant international instruments, including the United Nations Convention on the Law of the Sea of 1982, done at Montego Bay on 10 December 1982 (UNCLOS), regional and sub-regional agreements;
 - (g) ensuring the preservation of, and the priority of particular needs of, the artisanal/subsistence fishery.
2. Those guiding principles should contribute to sustainable and responsible development of the living inland and marine resources and aquaculture, and to optimising the benefits of this sector for present and future generations, through increased investment, capacity building and improved market access.
3. 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 development and improvement of port facilities in the EAC Partner State(s).
4. Detailed areas of cooperation are identified under Title IV of Part V.

TITLE II

MARINE FISHERIES

ARTICLE 53

Scope and Objectives

1. The provisions of this Title shall apply to the utilisation, conservation and management of marine fisheries resources to optimise the benefits from fisheries for the EAC Partner State(s) through investment, capacity building and improved market access.
2. The objectives of cooperation between the Parties under this Title are to:
 - (a) promote the sustainable development and management of fisheries;
 - (b) strengthen cooperation 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 coastal EAC Partner State(s), and given that no individual EAC Partner State has the capacity to ensure sustainability of the resource;
 - (c) ensure a more equitable share of the benefits derived from the fisheries sector;
 - (d) ensure effective the monitoring control and surveillance necessary for combating illegal, unreported and unregulated (IUU) fishing;

- (e) promote the effective exploitation, conservation and management of the living marine resource in the Exclusive Economic Zone (EEZ) and waters in which the EAC Partner State(s) have jurisdiction based on international instruments, including UNCLOS, for the social and economic benefit of the Parties;
- (f) promote and develop regional and international trade based on best practices;
- (g) create an enabling environment, including infrastructure and capacity building, for the EAC Partner State(s) to cope with the stringent market requirements for both industrial and small-scale fisheries;
- (h) support national and regional policies aimed at increasing the productivity and competitiveness of the fisheries sector; and
- (i) build links with other economic sectors.

ARTICLE 54

Fisheries Management and Conservation Issues

1. A 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 EAC Partner State may take appropriate measures, including seasonal and gear restrictions, in order to protect its territorial waters and ensure the sustainability of artisanal and coastal fisheries.
3. The Parties shall promote the membership of all concerned EAC Partner State(s) to the Indian Ocean Tuna Commission (IOTC) and other relevant fisheries organisations. The EAC Partner State(s), with the EU, shall coordinate action to ensure the management and conservation of all fish species, including tuna and tuna-like resources and to 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 the EEZ of the EAC Partner State(s), the 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 EU and the EAC Partner State(s) shall ensure compliance by vessels flying their flags with relevant national, regional and sub-regional fisheries management measures and related national laws and regulations.

ARTICLE 55

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. The EAC Partner State(s) and the EU shall set out minimum terms and conditions with respect to the monitoring, control and surveillance of EU fishing vessels operating in the waters of the EAC Partner State(s), which should include the following:
 - (a) a vessel monitoring system (VMS) will be set up for the EAC Partner State(s) and if the EAC Partner State(s) do not have a VMS they will be assisted by the EU to set up a compatible VMS;
 - (b) in addition to a compulsory compatible VMS system, the EAC Partner State(s), together with the EU, will develop other mechanisms to ensure effective monitoring, control and surveillance, and the EU will support the EAC Partner State(s) to put such an agreed system in place and assist in its implementation;
 - (c) the EU and the EAC Partner State(s) shall have the right of placing 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 EU shall support the costs of training observers;
 - (d) common systems of reporting of fishing will be developed and used throughout the region, with minimum terms set for reporting;

- (e) all vessels that land or tranship their catch within an EAC Partner State shall do so in ports or outer-port areas. No transshipment shall be allowed at sea, except on particular conditions foreseen by the relevant Regional Fisheries Management Organisation (RFMO); the Parties shall cooperate to develop and modernise landing or transshipment infrastructure in ports of the EAC Partner State(s), including development capacity of fish products;
- (f) discards reporting shall be compulsory; priority should be given to avoiding discards through the use of selective fishing methods in line with 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 EAC Partner State(s) nationals in order to facilitate their effective participation in the fishing industry. Where the EU has negotiated a bilateral fisheries agreement, the employment of EAC Partner State(s) nationals shall be encouraged. The International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work shall apply to seamen signed on EU vessels.

3. The 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 confiscated and the owners prosecuted by the competent authorities. They should not be allowed to fish again in waters of the EAC Partner State(s) concerned unless prior authorisation has been obtained from both the flag State and that EAC Partner State(s) as well as, where relevant, the RFMO concerned.

TITLE III

INLAND FISHERIES AND AQUACULTURE DEVELOPMENT

ARTICLE 56

Scope and Objectives

1. The provisions of this Title shall apply to inland fisheries, coastal and aquaculture development in the EAC Partner State(s) with respect to capacity building, technology transfer, SPS standards, investment and investment finance, environmental protection, and legal and regulatory frameworks.
2. The objectives of cooperation in inland fisheries and aquaculture development will be to promote sustainable exploitation of inland fisheries resources and enhance aquaculture production, remove supply-side constraints, improve fish and fish products' quality to comply with international SPS measures, improve access to the market of the EU, 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.