



Making transparency work in Africa's marine fisheries

André Standing

U4 is a web-based resource centre for development practitioners who wish to effectively address corruption challenges in their work.

U4 is operated by the Chr. Michelsen Institute (CMI) – an independent centre for research on international development and policy – and is funded by AusAID (Australia), BTC (Belgium), CIDA (Canada), DFID (UK), GIZ (Germany), Norad (Norway), Sida (Sweden) and The Netherlands Ministry of Foreign Affairs.

All views expressed in this Issue are those of the author(s), and do not necessarily reflect the opinions of the U4 Partner Agencies or CMI/U4. (Copyright 2011 - CMI/U4)

Making transparency work in Africa's marine fisheries

By
André Standing

U4 Issue

November 2011 No 11



Table of contents

Abstract	iv
Acknowledgements	iv
1. Introduction	1
1.1 Context: The value of marine fisheries in Africa	2
2. Transparency in marine fisheries: Some empirical evidence	5
2.1 Transparency in foreign aid and donor funded projects aimed at African marine fisheries	7
2.2 Explaining the lack of transparency in Africa's marine fisheries.....	8
3. Does transparency matter for the governance of Africa's marine fisheries?	10
3.1 What makes transparency effective?.....	13
3.2 Can transparency go too far?	18
4. Policy developments in marine fisheries transparency	20
4.1 Civil society demand in Africa	20
4.2 The FAO and the Global Record on fishing vessels	21
4.3 Fisheries transparency reforms and the World Bank.....	22
4.4 Reform of the EU's Common Fisheries Policy	23
5. Policy implications	25
5.1 Establishing international norms on transparency in fisheries.....	25
5.2 Ensuring transparency in foreign aid.....	25
5.3 Strengthening accountability and voice	26
5.4 Time for an 'EITI for fish'?	26
References	28

Abstract

Global problems facing the marine fisheries sector, including overfishing and the marginalization of the small-scale sector, are leading to increased international awareness of the need to improve transparency in fisheries governance. This Issue paper considers the situation in Africa, where access to information on commercial fisheries and related investments, including foreign aid for fisheries development and marine conservation, are generally lacking. It suggests improving transparency may lead to important gains, such as reducing corruption, improving the effectiveness of aid, and combating illegal fishing. However, the extent to which transparency can make a difference in these areas depends on a number of conditions, including the strength of mediating organisations, the strength of accountability mechanisms, and whether there are robust means to allow for 'principal-led' transparency. The paper reflects on the value of establishing a dedicated transparency initiative for marine fisheries inspired by the Extractive Industries Transparency Initiative (EITI).

Acknowledgements

The author would like to thank Tim Gray (Newcastle University, UK), Liz Hart (U4) and Aled Williams (U4) for comments and assistance in developing this paper. In addition, the author would like to acknowledge the ongoing support and funding for his work on transparency in Africa's fisheries from Beatrice Gorez at the Coalition for Fair Fisheries Arrangements.

1. Introduction

The worldwide trend of fisheries management failure, and the resulting decline in marine biodiversity and fisheries productivity, is giving rise to frustration with the secrecy and lack of accountability that tends to characterise fisheries governance in many regions. In 2010 one of the largest ever global studies of fisheries management claimed that “policy making transparency”, defined as public authorities sharing information and incorporating independent scientific advice, is the most important feature of successful fisheries management. Yet it found that only in a small number of countries (less than 2 per cent surveyed) did independent experts think such transparency was sufficient (Mora et al: 2009). Reinforcing this view, the FAO in its latest biannual ‘State of World Fisheries and Aquaculture Report’ argued that:

Lack of basic transparency could be seen as an underlying facilitator of all the negative aspects of the global fisheries sector – IUU fishing, fleet overcapacity, overfishing, ill-directed subsidies, corruption, poor fisheries management decisions, etc. A more transparent sector would place a spotlight on such activities whenever they occur, making it harder for perpetrators to hide behind the current veil of secrecy and requiring immediate action to be taken to correct the wrong (FAO: 2010, p. 105).

For many countries in Sub-Saharan Africa concern with poor levels of transparency in the fisheries sector is also emerging as a critical point of localised political debate and protest. In Senegal this year the entire fisheries sector went on strike due to investigations led by local fishing associations that revealed the Minister of Maritime Affairs privately allocated licenses to 22 foreign industrial trawlers, mostly from Russia, to exploit pelagic fish species. These licenses formed part of an unpublicised fisheries protocol with Russia that provides aid for capacity building in the country, including measures to help combat illegal fishing. This decision was controversial as it contravened both Senegalese fishing laws as well as the government’s own scientific advice for the urgent need to reduce capacity in the commercial fisheries sector by at least 50 per cent. The Russian boats were also given very favourable terms of access, leading local stakeholders to suspect corruption may have occurred (Standing: *forthcoming*).

A few months after the protest in Senegal, a source in Mauritania’s parliament leaked a document to local NGOs describing a fisheries agreement signed between the government and a Chinese state fishing company, worth approximately USD 100 million. This allows roughly 50 industrial fishing boats access for the next 25 years to Mauritania’s fishing grounds, which are already suffering the consequences of years of unsustainable fishing, exacerbated through poorly regulated fisheries access agreements, including with the EU (Ilnyckj: 2007).

Dissatisfaction over these instances of secrecy and lack of public consultation on commercial fisheries management is leading to calls for reform. In recent policy statements published by NGOs in Africa, fisheries ministers have been urged to improve transparency and accountability to ensure the rights of artisanal fishing communities are respected and that corruption and poor decisions by authorities can be challenged.¹ The African Union has subsequently acknowledged that transparency is critical for reform of marine fisheries, while the World Bank reports it is mainstreaming transparency in its lending and support to African countries. However, not only is progress slow, but it also seems that the issue has been discussed in somewhat vague terms: there is a lack of clarity on precisely what information needs to be made public and how.

The aim of this paper is to bring the issue of transparency in marine fisheries into sharper focus. It puts forward the argument that transparency is important for African fisheries, but that the benefits of

¹ See for example the Banjul Declaration issued at a 2010 ministerial meeting on fisheries in Africa, organised by the African Union. www.cape-cffa.org/IMG/pdf/BANJUL_CIVIL_SOCIETY_DECLARATION_EN.pdf

improving transparency depend to a large extent on how it is approached and understood. The paper is therefore primarily concerned with policy, providing recommendations to practitioners on both the weaknesses of existing approaches to transparency and what may be good options for policy reform and operational support. The discussion is limited to sub-Saharan Africa (hereafter just Africa), although improving transparency in fisheries is evident in other regions, including the European Union and in Asia Pacific, meaning it is a global challenge.

The paper is organized into three parts. The first part attempts to show in what ways African fisheries management lacks transparency and why, which includes transparency problems in fisheries-related foreign aid and donor projects in Africa. The reason for doing so is that this flow of aid is both substantial in volume and significant in terms of its influence. The paper purposely avoids debates on whether aid is a good thing or not, and limits its analysis to questions of aid efficiency and impact.

The second part considers the potential benefits and limitations of transparency. There are expectations and assumptions about the beneficial impact of improving transparency that are important to describe: reducing corruption, improving the quality of decision-making, combating illegal fishing, and increasing the efficiency and impact of aid. To what extent transparency can make a difference in these areas depends on a number of conditions, and the growing academic literature on transparency has shown that these conditions are often not met. This part of the paper will review the transparency literature and identify the main factors that may contribute to the success and failure of transparency to bring about positive governance improvements, as well as arguments suggesting transparency can go too far.

The final part of the paper begins by describing the emerging demands for greater transparency in Africa's marine fisheries. It looks at some of the main recent policy developments, including the reform of the European Common Fisheries Policy, projects by the FAO, and efforts by the World Bank. There is also an emerging discussion about the possibility of extending or replicating the Extractive Industries Transparency Initiative (EITI) for fisheries. These are all promising developments, but each has weaknesses and potential flaws, which is evident from the preceding discussion on the theory of transparency's effectiveness. The paper ends with recommendations.

1.1 Context: The value of marine fisheries in Africa

Although there are marked differences between countries, over the past three decades there has been a tremendous increase in industrial fisheries in most African waters, the vast majority of which is undertaken by foreign-owned companies. This development has been partly driven by increasing global demand for fish, but it is also a consequence of the depletion of fish resources elsewhere; as fish production has stagnated and declined in the territorial waters of developed countries, Africa has been used increasingly to sustain production and profits for the fishing fleets of Europe and Asia (Alder et al: 2004 Swartz et al: 2010). This is leading to heightened competition for access, which needs to be understood within the environment of substantial overcapacity in the global commercial fishing fleet — some estimate that it is twice as large as can be sustained by our oceans (Pauly: 2009). Moreover, technological advances in industrial fishing means fishing boats are becoming more efficient: according to some estimates “technology creep” improves the efficiency of industrial fishing vessels by 2-5 per cent annually, which means a doubling of effective fishing effort over a 15-20 year time span (Pauly: 2009). Government subsidies play a significant role in both sustaining overcapacity and increasing efficiency: those directed towards enhancing fishing capacity are estimated to be USD 20 billion annually (Sumaila et al: 2010).

The growth in industrial fishing in Africa has been joined by an increase in small-scale fisheries. Consider, for instance, Senegal where total landings by small-scale fishers stood at 130 000 tonnes per year in the early 1980s, rising to 250 000 tonnes in the early 1990s, and up to 350 000 tonnes by 2002

(UNEP: 2002).² A widely cited estimate, based on official statistics provided by African governments, is that at least 10 million Africans now rely on fisheries for direct employment, with many more being dependent on fisheries income indirectly (Béné et al: 2007). This figure is acknowledged to be a gross underestimate. This is largely because official statistics often fail to capture the real production and contribution of the informal sector. For example, in Mozambique the actual catch of the small-scale sector was shown in an independent study to be 6.2 times greater than that which was officially reported by the government to the FAO (Jacquet et al: 2010). In Ghana, the disparity is similar: the small scale sector produces about 5.5 times as much as the government reports (WorldFish: 2008).

This growth in both foreign industrial fishing and small-scale fishing has meant fish exports from Africa have increased in both quantity and value. In West Africa, for example, official exports of fish grew from approximately 600 tonnes in the late 1960s to 4.5 million by the early 2000s (Alder et al: 2004). By the mid 2000s the FAO reported that the value of fish exports from Africa was USD 4.5 billion, making the fisheries sector more valuable than all other internationally traded agricultural commodities (Kurien: 2004 p. 148). Again, this value of fish trade is almost certainly an underestimate. The FAO receive incomplete data from African governments (FAO: 2010), and a large amount of fish caught in African waters destined for overseas markets is caught illegally or is caught by foreign companies who do not land their catch in an African country. In other words, the actual quantity and value of fish consumed internationally from African waters is probably larger than is officially reported.

How and to what extent this growth in marine fisheries and international fish trade has benefited African countries remains a matter of some debate. For many African coastal and island states marine fisheries represent an important source of government revenues and foreign exchange earnings, and marine fish now rank among the most valuable of their exported commodities. In countries such as Mauritania, Mozambique and Senegal, historically fisheries have accounted for between 40-50 per cent of the value of total exports (Béné et al: 2007, p. 18). In the Seychelles, the largest supplier of canned tuna from Africa, fish products account for over 90 per cent of exports, generating 50 per cent of all foreign exchange earnings (SFA: 2006).

However, the potential income from commercial marine fisheries may be much greater for many countries under improved fisheries management regimes and more equitable allocation of rents between foreign companies and African countries. Due to lack of investments and infrastructure, many countries fail to capture revenues from both upstream and downstream activities. Indeed, in countries such as Kenya and Tanzania, industrial fishing boats do not land significant catches locally, and state revenues are therefore restricted to selling licenses and access agreements, which are normally calculated at 4-7 per cent of the value of landed catches. These can still be sizeable sums. In Mauritania, over the past decade revenues from selling fisheries access to foreign distant water fishing fleets have contributed 30-40 per cent of total government income. Similarly in Guinea-Bissau state revenue from licenses and access agreements is estimated to be roughly 25-30 per cent of the entire government's budget, excluding foreign aid (Megapesca: 2009). Yet the African Union has suggested that the government revenues from commercial fisheries could be substantially increased throughout the continent: they calculate that potential government rents could be in the region of USD 2 billion annually (African Union: 2010).

Although the wealth derived from commercial fishing and fisheries exports is considerable, there are several negative consequences evident to varying degrees in different countries. Critics of this situation argue that increased revenues from commercial fisheries and the export industries have not "trickled down" to the poor, while growth in the export of fish may have had an adverse influence on local fish supply and price (Kurian: 2004). Ghana, for example, despite having historically productive marine fisheries, is now a net importer of fish in both quantity and value (FAO: 2008). Mozambique

² This is not a trend unique to Africa. The number of small-scale fishers globally has increased by 400% since the 1950s—a growth rate much higher than in agriculture, which has expanded over the same timeframe by 35% (Béné: 2011).

also imports more fish from other African countries than it exports to Europe, Asia and the United States (USAID: 2010), as does Guinea and Gambia (MRAG: 2010). Indeed, during the period of global growth in fish trade and production, Africa is the only continent where per capita fish consumption has been in decline (Béné and Heck: 2005).

In addition to the possibility that increased export trade in fisheries has diminished local food supply, perhaps most important is the threat to environmental sustainability of the fisheries sector. Most available studies indicate that the growth in marine fisheries in Africa is threatening (or has already caused) depletion of fish stocks and profound marine biodiversity loss.³ Fishing effort is too high in many countries, by both foreign industrial fishing boats and the small-scale fisheries sector. This in turn is generating conflicts over a range of illegal activities, such as boats fishing in waters without licenses, the use of banned fishing gear and fishing in protected areas. Africa seems to have high levels of illegal fishing, valued conservatively at USD 1 billion each year (MRAG: 2005). The problem of overfishing is exacerbated by indirect threats to marine ecosystems from pollution, destruction of habitats and possibly climate change.

It is widely acknowledged that the ability of African governments to manage fisheries well in this situation of heightened global demand, increasing competition for access by foreign fishing companies, and the growth in the small-scale fishing sector, is limited, although this varies significantly between countries. The problem may partly lie with inadequate capacity among governments, but equally the governance challenges of Africa's marine fisheries are political ones, where strong vested interests in profit maximisation can override responsible decisions and the effective implementation of regulations. A project attempting to establish a Partnership for Africa's fisheries, managed by NEPAD, declared: "with a few notable exceptions, African fisheries governance is typically ineffective, resulting in fisheries being overexploited economically and often well beyond biologically sustainable limits. Policy objectives are often poorly directed and apparently sensible policy choices often have unintended consequences" (Chimaterio: 2010). There is a general consensus that many of Africa's fisheries are characterized by governance failure - what may be used by some as a euphemism for corruption, inefficiencies and waste. Lack of transparency in the marine fisheries sector could well be a contributing factor, as following sections of this paper will consider.

³ There is a large literature on the decline of marine biodiversity caused by fisheries. See, for example, Pauly (2009) for a good overview and introduction.

2. Transparency in marine fisheries: Some empirical evidence

Ann Florini, a leading academic on the issue of transparency, defines it as the “availability of sufficient information to ‘outsiders’ that enable them to have informed voice and to assess the decisions of ‘insiders’” (Florini: 2007). Transparency is therefore dependent not only on the availability of public information, but also on the timely sharing of this information, its quality, and its accessibility.

That marine fisheries lack transparency is evident from the growing concern this issue is receiving, not only by NGOs, but also by the international development community, including the FAO and the World Bank. Most African countries do not publish significant and important information on a range of aspects on fisheries management, and dissemination of information is rarely timely, of sufficient quality, or presented in ways that make it accessible to citizens, particularly coastal communities. In fact, the nature of commercial fisheries makes the sector particularly vulnerable to opacity—it happens offshore and out of sight.

However, there is a need to illustrate this lack of transparency more conclusively, showing precisely what government information is made available in different countries and what is the quality and accuracy of this information. In an attempt to do this, a survey in 14 African⁴ countries is being implemented by the author, referred to here as the ‘fisheries access to information survey’.⁵ Partial results from the first phase of the survey suggest the following important issues relevant to this paper:

i) Fishing licenses: Of the 14 countries surveyed, only 2 publish full lists of licenses sold to foreign companies: Mauritius and Gabon. Thus in several African coastal countries, basic information on how many licenses governments sell to foreign or nationally flagged commercial fishing boats is treated as confidential. This means that it is impossible for members of the public to know how many commercial boats hold licenses to fish in these countries, where these boats are registered, who the beneficial owners are, and what are the terms and conditions of their fishing licenses.

There are, however, several exceptions outside the countries surveyed. South Africa and Namibia provide long-term fishing rights based on the allocation of catch quotas, and information on the rights holders and the conditions of fisheries access is in the public domain. Also, in Madagascar, authorities published (until recently) a list of all fishing licenses sold to foreign companies in national newspapers.

In some countries, including Senegal, Mauritania, Namibia and Mozambique, the authorities either encourage or mandate that foreign fishing companies form joint venture partnership with local companies. Information on the local benefactors or partners is generally not proactively published.

ii) Access agreements: In addition to lack of transparency in licensing, one of the main concerns in Africa relates to bilateral access agreements: contracts that govern fishing authorization for a number of individual boats. Host countries signing these agreements tend to receive a lump sum or annual payment based on the expected number of boats to take up fishing opportunities or on the expected market value of fish being landed. The money paid through access agreements can be linked to development assistance for the host country, or access agreements may be negotiated as part of

⁴ The survey is due to be completed in late 2011. The countries in which it is being implemented are: Mauritius, Tanzania (and the semi-independent fishing authority of Zanzibar), Kenya, Mozambique, Gabon, Nigeria, Ghana, Togo, Ivory Coast, Guinea, Guinea-Bissau, Senegal, Gambia, and Mauritania.

⁵ The survey is broken down into two phases; the first phase is a review of open source material published by national fishing authorities, and the second phase involves submitting formal requests for information to the government, focused largely on issues of fishing licensing and financial reporting. In all countries the survey is undertaken by local residents, most of whom work for NGOs that are actively involved in the fisheries sector.

broader government-to-government aid packages. For example, the EU has negotiated and contributed to the cost of access agreements on behalf of the European fishing fleet since the late 1970s and it has always been the case that a proportion of the money paid by the EU has been directed towards improving research and capacity in fisheries management of the recipient country. There are now 15 EU agreements with a total value of €140 million.⁶ They are now referred to as Fisheries Partnership Agreements (FPAs). Other than the EU and European member countries, the most important countries to use fisheries access agreements in Africa include Japan, Taiwan, South Korea, Russia and China.

Apart from the FPAs with the EU, all bilateral fisheries agreements signed by African countries are kept confidential. In some cases fishing authorities do release general information to the public on the overall nature of these agreements. In Mauritius, for example, the government's annual report on fisheries details how many Japanese boats have taken up licenses for tuna fishing under its bilateral fisheries agreement with the Japanese Long-Line Tuna Fishing Corporation. In the access to information survey, the government responded to a formal request for information on the value of this agreement, although the contract itself remains confidential. In the remainder of the countries surveyed there was no publically available information on non-EU access agreements.

The EU's FPAs are now more open with the contracts themselves published online and free to download. In some cases there are meeting notes for the committees that oversee the implementation of FPAs in specific countries, although not for all.⁷ The EC claims that this degree of openness promotes good governance and allows for public scrutiny.⁸ However, the EC does not publish its own ex-ante and ex-post evaluations of its agreements. These include information about the surplus fish stocks the EU fleet intends to target, analysis on the social, economic and ecological impact of these agreements, and a review of how money paid to third countries has been used. All of these documents are circulated to certain ministers of fisheries in EU member states, but they are still kept confidential and are not provided to all host state governments or European parliamentarians; the current chair of the EU Parliamentary fish committee has been granted access to these documents on the strict condition that she is able to view them in a designated room without taking copies or written notes (anon. personal communication with the author, February 2011). A recent legal case brought against the European Commission by 25 NGOs to publish these evaluations is ongoing, but has resulted in 16 evaluations being released. The remainder, which possibly number about 50, are still classified as confidential.

iii) Monitoring, control and surveillance: Information on monitoring, control and surveillance (MCS) of fishing boats is also not widely disseminated in African countries. The outcomes of inspections of onboard observers are rarely shared publicly. On some occasions arrests for illegal fishing are publicized by fisheries authorities, but details on what the outcome was, in terms of fines and penalties, is often lacking or hard to find, perhaps indicating that penalties may be negotiated and settled outside of courts. Therefore, despite the attention illegal fishing has received on the continent, which has resulted in substantial funds made available by the donor community for improving MCS capacity, few countries provide the type of information that would allow others to know how well commercial boats are being monitored and policed. Some countries have shared the results of law enforcement and monitoring activities with international consulting firms as part of regional studies on illegal fishing, although in one study attempted in 2008 in Southern Africa (Stop Illegal Fishing: 2008), researchers claim their survey sent to governments went largely unanswered. In 2010, another study in West Africa by the same organization resulted in more information: their questionnaire was answered by four out of six countries (MRAG: 2010). This suggests information does exist and can be made publicly available, at least to certain organizations.

⁶ Data obtained from the website of the European Commission.

⁷ Some, but not all, of these are available through the EU's website:
http://ec.europa.eu/fisheries/cfp/international/agreements/index_en.htm

⁸ See the following factsheet on fisheries partnership agreements:
http://ec.europa.eu/fisheries/documentation/publications/cfp_factsheets/fisheries_partnership_agreements_en.pdf

iv) Fisheries policy and management performance: Only a small number of African countries, including South Africa, Namibia, Mauritius and Mozambique, publish both coherent documents on their fisheries policy (providing some indication of what the objectives are for the ministry or department responsible for marine fisheries) as well as annual reports on fisheries management. Out of the 14 countries surveyed, 9 countries do not make annual reports publicly available. In the majority of these countries it appears that these reports are simply not produced, although in others a peculiar situation exists where annual reports are apparently written but treated as internal government documents only and not shared with the public. This is the case in both Ghana and Nigeria.

v) Revenue and expenditure: Cross-country surveys by organizations such as the International Budget Partnership (IBP) show that in many African countries government departments do not disclose budget documents, financial statements and audit reports, if these are in fact undertaken or produced (International Budget Partnership: 2010). Many national departments or ministries of fisheries conform to this overall observation: annual budget documents are not released to the public for discussion, basic financial information on state revenues from marine fisheries are not available and neither is detailed information on the expenditure of fisheries departments or ministries. Again, in the access to information survey, only the government of Mauritius proactively makes this information available to citizens. In all of the other countries surveyed local citizens failed to find any information on annual budgets, income and expenditure of their fisheries department or ministry.

In summary, although we require more evidence, the author's research provides some indication of the poor levels of transparency in Africa's marine fisheries. Citizens in many countries are unable to easily access simple information on which companies are authorized to fish, what are the regulations in place to manage fisheries, what is the performance of the government in effectively managing their marine resources, and what revenue is being generated as a result. National fishing authorities appear to treat this information as confidential, or at least they do not see the benefits in proactively disseminating it to local citizens.

2.1 Transparency in foreign aid and donor funded projects aimed at African marine fisheries

Alongside the lack of transparency in African marine fisheries management, there is limited transparency in foreign aid and donor projects directed to supporting fisheries management and marine conservation. Research which forms part of the access to information survey suggests the amount of this aid is significant and that many African governments remain dependent on foreign donors to support their marine fisheries. Since 2000, total foreign aid for fisheries and marine conservation in Africa surpasses USD 2 billion.⁹ The EU and the World Bank are the greatest source of funding for marine fisheries management in Africa, but other sources of large foreign aid projects include the African Development Bank, several UN agencies (including UNEP, UNDP and the FAO), as well as European bilateral donors, Russia, Japan and China. Indeed, Chinese investments in fisheries are growing substantially. In Mauritania, a Chinese state fishing corporation has recently agreed a protocol on fisheries development and support worth USD 100 million, with reports also claiming a similar USD 60 million investment by Chinese fishing corporations in Mozambique. Both form part of an access agreement, the details of which are not fully disclosed to the public.

Levels of transparency of this foreign aid are inconsistent, but it is not difficult to point out weaknesses and inadequacies. Over and above the fact that much donor assistance is kept confidential, in few cases are evaluation documents and audited budgets shared publicly, and very rarely are such documents presented in local languages. To what extent information on donor-funded projects in

⁹ This estimate is based on the author's research on aid transparency, which will be published with the results of the access to information survey. A list of aid spending by multi-lateral and bi-lateral donors since 2000 for marine fisheries will be presented in this publication.

fisheries and marine conservation would be provided by aid agencies upon formal request by members of the public is difficult to assess, although the author's experience shows that several important donor agencies resist disclosure. For example in June 2011 a formal request was sent to the World Bank by the author for annual reports and audit reports for a USD 65 fisheries project in Tanzania, but all of this information was classified as "restricted for public access". This means that members of the public have no access to information on how USD 65 million allocated for improving Tanzania's marine fisheries has been used. Likewise, as noted above, the request for access to evaluation documents of EU fisheries agreements was initially refused on the grounds that these documents were classified "confidential" so as to protect European commercial interests and the "international relations of the EU".¹⁰

This lack of transparency in donor funding for fisheries is not unusual. Criticisms in this regard have grown with the commitments made by the international donor community through the 2005 Paris Declaration on Aid Effectiveness and the subsequent Accra Agenda for Action in 2008; numerous academics and NGOs have monitored these commitments and found that the overall state of donor transparency is still disappointing and progress has been slow (see, for example, Access-info: 2009). In a recent survey on donor transparency the FAO, UNEP and UNDP were identified among the worst performing of 52 bilateral, multilateral and UN agencies surveyed (Easterly and Williamson: *forthcoming*).

2.2 Explaining the lack of transparency in Africa's marine fisheries

Lack of transparency is often presumed to be a deliberate state of affairs; information is obscured from the public to hide corruption, inefficiencies and crime. The confidentiality surrounding fisheries access agreements raises such suspicions, as is suggested by the case of widespread protest in Senegal over the Russian fisheries protocol, as well as Mauritania's new fisheries agreement with the Chinese fishing corporation. That some of those with vested interests in fisheries would rather information is hidden and beyond public scrutiny may well be true. However, other factors need consideration if we are to improve our understanding of the lack of transparency in marine fisheries, and the problem may lie with structural characteristics of the industry.

One possibility is that the inability to share information by government authorities may be due to a lack of funding and resources. However, this can only be a small contributing factor; fisheries management in many countries is well supported through state budgets and donor financing, and much information is probably collated and could be published. A second factor to consider is that there is no internationally agreed consensus on what type of information ought to be made public in the management of marine fisheries. In international agreements and conventions on the governance of fisheries, transparency and access to information are mentioned, but there has not been pressure on signatories to enforce these obligations, and there is limited detail on what information should be disclosed, by whom and how. There is no direct reference to transparency in the 1982 United Nations Convention on the Laws of the Seas, but in the 1995 agreement on the governance of migratory fish, the "Straddling Stocks Agreement", Article 12.1 reads: "States shall provide for transparency in the decision-making process and other activities of sub-regional and regional fisheries management organizations and arrangements". Likewise, the 1995 FAO Code of Conduct on responsible fisheries notes that "States should, to the extent permitted by national laws and regulations, ensure that decision-making processes are transparent and achieve timely solutions to urgent matters" (Article 6.13). In other words, lack of transparency in marine fisheries may partly be explained as an outcome of inadequate international norms.

Yet this does not explain why some governments choose to be more open than others; why in some countries there seems to be an aversion by governments to share information publicly. Analysts have speculated that the reasons for this may lie with the legacy of colonialism, which established public

¹⁰ Details of this case are available from www.transparentsea.co

institutions that were never outwardly directed towards serving citizens (for instance, Kaufmann and Kraay: 2002). While colonial legacies may be relevant, the historical consequences of government dependence on the exploitation of “sovereign rents” may be more revealing (Collier: 2005). The negative consequences of state dependency on oil and mining, as well as foreign aid, on democratic institutions is now well researched, and some studies have claimed empirical evidence.¹¹ The negative impact is probably greater in some situations than in others; countries with longer and stronger democratic traditions may be less vulnerable, suggesting causes and effects are complex. A similar observation may hold true for some African countries where the majority of state income from fisheries comes from selling fishing licenses to distant water fishing fleets through access agreements with foreign governments and from foreign aid. Income from local fishers and coastal communities in some countries makes only a minor contribution, largely because these activities remain untaxed and form part of the informal economy. Consider, for instance, Guinea-Bissau where in 2005 a fifth of total government income (including all sectors) was estimated to come from selling access to foreign companies to exploit its marine resources, representing USD 20 million.¹² In 1987, 17 per cent of national wealth creation came from local fish exports, but by the mid 2000s this had dropped to less than 0.5 per cent. Guinea-Bissau has also received millions of dollars in funding from donors, such as the EU, the World Bank, China and Russia. It could be argued that the most important constituents in Guinea-Bissau's marine fisheries at present are not its local citizens, but the foreign fishing fleets and donors from Asia, the EU and Russia.

¹¹ On the relationship between oil dependence and levels of government openness see, for example, Ross (2001) and Shaxson (2007). On the effects of aid on levels of democracy and transparency, see Moon and Williamson (2010), Ramkumar and De Renzio (2009) and De Renzio (2009), but also Collier (2005) for an alternative view that connects both issues—arguing aid does not have the same negative impact on levels of transparency as oil.

¹² Data on Guinea-Bissau's fisheries comes from a confidential report commissioned by the European Union, the contents of which were shared with the author by an anonymous source in the country.

3. Does transparency matter for the governance of Africa's marine fisheries?

Public access to information on how the environment is being exploited is considered a basic human right, as stipulated in various international agreements and conventions including Article 10 of the Rio Declaration and the Aarhus Convention. These instruments make clear that there is a moral imperative for governments to disclose sufficient and timely information on the management of marine ecosystems to citizens, although this imperative is mitigated by the legal norm of protecting commercial interests.

The international norm of “the right to know” is justified for many reasons, not least reducing opportunities for corruption. The basic arguments for transparency are compelling and intuitive; secrecy by those in positions of delegated authority and power is objectionable, particularly when the economic and environmental outcomes of their actions, or lack of action, are deplorable. Yet an emerging analysis is making the subject of transparency less straightforward: gains in public access to information have not always led to impressive results, and the benefits of transparency seem easily overstated.

The aim of this section is to first examine some of the potential benefits of increasing transparency in Africa's marine fisheries. It is difficult to know what the outcomes of increasing the flow of information about marine fisheries governance will be. People will use more information in different and possibly innovative ways, or they may not use it at all. None of this can be predicted. Yet it is possible to summarize some of our main expectations of what we *hope* would happen under a regime of more openness. Four interrelated issues stand out:

i) Improving the quality of decision-making: One of the basic justifications for increased transparency is that it will improve the quality of policymaking and the effectiveness of state departments. The theory is that with greater knowledge of how governments and those in positions of authority operate, outsiders will be able to exert influence and provide checks and balances. It is possible to see how this might be useful in the context of the challenges facing African marine fisheries. Governments may make errors in marine fisheries management, perhaps due to faulty science, but also as a possible outcome of heightened competition and the resulting pressure for short-term profit maximization. Greater transparency may enable citizens to identify policy mistakes, such as governments allowing too much fishing, allowing destructive fishing practices, or pursuing policies and access agreements that are more beneficial for industrial foreign fishing companies than for local resource users.

Evidence that transparency is important to the success of fisheries management was presented in a recent review of the effectiveness of fisheries management worldwide, based on a survey of over 1200 fisheries scientists (Mora et al: 2010). Researchers found that the main attributes of success were the degree to which national fishing authorities were transparent, sought the advice of independent experts, and were willing to act on that advice. Yet the survey found that in the majority of countries, such transparency and participation was lacking and that decision-making was highly influenced by political and commercial pressures. The authors further claimed that “policy-making transparency” was the most important factor in determining whether fisheries were managed sustainably:

Our findings indicate that policymaking transparency is likely to work as a “sustainability bottleneck” through which other positive attributes of fisheries management are filtered. For instance, we found that scientific robustness did not influence the sustainability of fisheries. This may be because, in the process of policymaking, scientific advice may be overridden due to socioeconomic costs and political or corruption pressures... If the policymaking process is participatory and legitimate, it is likely that even poorly enforced systems will move towards sustainability because of voluntary compliance. (Mora et al: 2010, p. 3)

The insight provided by this research on the effectiveness of transparency is however limited by the author's approach of bundling transparency with the concepts of public participation and accountability. The research did not isolate the effect of transparency alone. Nevertheless, an interesting implication of this research is the idea that without transparency and open consultation with stakeholders, distrust and resentment is an inevitable outcome. We can speculate that this in turn may be an important rationalization of rule breaking; if fisheries management is perceived to be secretive and lacking legitimacy, it is that much easier for fishers to justify not following regulations and reporting their activities to the authorities.

ii) Reducing corruption: Many actors in international development relate transparency closely to the problem of corruption. But corruption in marine fisheries remains relatively under-studied and it is not an issue frequently discussed in fisheries policy fora. Several aspects of marine fisheries governance are nonetheless prone to corruption, for similar reasons corruption is thought to be prevalent in other natural resource sectors.

A straightforward corruption risk in marine fisheries is the embezzlement of revenues and license fees. Decisions on licensing are typically made by a single person, without involvement by others, making license fees vulnerable to theft (Tsamenyi and Hanich: 2009). Moreover, as indicated above, the budgets and accounts of the ministry or department responsible for fisheries are often kept secret and are poorly audited. In 2008, growing pressure on the government of Guinea-Conakry led to an official audit of the Ministry of Fisheries, which revealed the country lost millions of Euros in revenues through a range of dubious accounting practices (Standing: 2009). In this case, it was implied that off-the-book transactions, some of which may have been linked to bribe payments, were chiefly to blame. There are several other examples of embezzlement of fisheries revenues; having gained access to some of the EU's evaluations of its fisheries agreements, in several countries it is noted by the authors of these reports that EU funds have gone missing, revenue from fines and penalties paid by fishing firms are unaccounted for, and in one case it was reported that license fees paid by some European companies were paid directly to the private bank account of the minister of fisheries (see Standing: *forthcoming*). While such practices deny the state valuable revenues, negative outcomes may be greater in terms of ecological impact: corruption in fishing authorization will tend to allow more boats access than is sustainable. Further examples of this can be found outside Africa.¹³

A related challenge is the potential for bribes and kickbacks in the negotiation of marine fisheries access agreements. This may be critical in understanding why governments consent to access agreements that would seem environmentally and/or economically unsound, although such decisions may also be explained by the lure of donor funds or the threat of their removal.¹⁴ Having entered into corruption-tainted deals, or those that are conditional on other aid projects, it may be difficult for further irregularities to be countered by government authorities, such as illegal fishing by boats operating under these agreements.

To what extent improving the transparency of access agreements might diminish corruption is difficult to assess. Concerted efforts at improving accountability in the signing of access agreements in the Solomon Islands, including opening up the negotiating process to more observers, has however been linked to an increase in the total access fees paid to the country - from around USD 2 million in 2002 to USD 4 million in 2004 (Barclay and Cartwright: 2007).

¹³ There have been several cases outside Africa where embezzlement of fisheries revenue has been uncovered. For example, in the Solomon Islands public allegations of corruption prompted an investigation by the Auditor-General that revealed the country had lost some USD 4 million through the theft of license fees by the Ministry of Fisheries. In Fiji, in 2004 the Director of Fisheries was exposed by a special committee of inquiry for privately selling fishing licenses to foreign boats that would have otherwise been denied access to Fijian waters due to restrictions imposed on fishing capacity. See Tsamenyi and Hanich (2009) for further details.

¹⁴ This is raised in several publications: Clover (2005); Barclay and Cartwright (2007); Tsamenyi and Hanich (2009).

A lack of transparency in company records and share-holdings, coupled with policies promoting joint-ventures between foreign businesses and local stakeholders, also appears to make commercial fisheries vulnerable to conflicts of interest. Senior fisheries officials and politicians can simultaneously own private fishing boats or become joint-venture partners in fishing and fish processing companies. This situation threatens sound policy making and compliance: where fishing boats are co-owned by senior officials, they may be free to engage in a range of illegal activities knowing that there is protection from arrest and investigations. In Angola, the EU and South African Development Council undertook a project aimed at increasing the capacity of marine surveillance and inspections. A research report undertaken as part of this project noted that in many cases evidence of malpractices were not reported to the authorities by onboard observers due to the knowledge that boats were co-owned by politicians and public officials, including those in the ministry of fisheries. The report urged transparency in the ownership of fishing boats to be prioritized (Cederrand: 2004).

iii) Reducing illegal fishing: Problems of corruption show how lack of transparency is directly related to the problems of illegal fishing. In a study commissioned by the UK Department for International Development (DFID) in 2005—which came to the conclusion that Africa lost USD 1 billion each year from illegal fishing—one of the main findings was that different levels of illegal fishing in African countries correlate with proxies of good governance, including levels of transparency and media freedom. The report recommended that national governance reforms, including improved transparency and accountability, and anti-corruption measures, were vital for the effectiveness of continued donor funding intended to reduce illegal fishing (MRAG: 2005). This recommendation seems to have been under-appreciated: it is conspicuously absent from international policy fora on illegal fishing as well as follow-up reports which have depicted the problem as predominantly one of a lack of funding and support (MRAG: 2010).

Where the issue of transparency has gained more resonance is with the argument that one of the key obstacles facing international efforts at combating illegal fishing is information sharing between authorities. The FAO has developed an international agreement on 'Port State Measures, to Prevent, Deter and Eliminate Illegal Fishing'. A review of the implementation of this agreement by the Pew Environmental Group (2010) argued that one of the key challenges lies with resistance from authorities in sharing data among themselves and others about port state visits and inspections. The negative outcome of this lack of information sharing is mainly one of poor collaboration in investigations, but it is also reasonable to believe that a lack of disclosure on penalties and fines inhibits a deterrent effect as well.

The Senegalese case above alludes to another potential benefit of improving transparency for combating illegal fishing. The public disclosure of information on fishing licenses increases the likelihood that fishers and others will know when a fishing boat is acting illegally. The current confidentiality surrounding fishing authorization means the public may have limited ability to distinguish between an illegal fishing boat and a legal one. Transparency in licensing and contracts could, in theory, be an effective approach to increase the capacity of governments to counter illegal fishing by encouraging reporting by the public and other fishing vessels. Collaboration could be further strengthened where outcomes of penalties and fines are actively disclosed. Without this type of information, the public may feel disinclined to co-operate with the authorities, lacking confidence that reporting infractions at sea will lead to any meaningful results.

iv) Improving the effectiveness of marine fisheries aid: That transparency is important in improving aid effectiveness is now well-established. This is partly based on concerns over corruption and waste in the use of donor funds. The strong role played by foreign aid towards African marine fisheries suggests that means to improve transparency in such aid flows is also important to consider. In Tanzania, between 1994 and 2006, the Norwegian government provided USD 60 million for a Management of Natural Resource Programme, which included work on the conservation of marine and coastal resources and the creation of marine protected areas. Investigations beginning in 2006 revealed that up to half of this money was lost to corruption and fraud (Jansen: 2009). This would

suggest that the World Bank project in Tanzania, MACEMP, with a budget of USD 65 million, is also vulnerable to corruption. Greater transparency in marine fisheries aid could help expose instances of corruption, and more importantly increase the ability of citizens to monitor project implementation.

Beyond corruption, a wider risk is that of duplication of aid efforts where donors unknowingly provide money for the same objectives. Such problems may be reduced by increasing public scrutiny on the objectives and outcomes of donor aid, with the hope that this will, in turn, increase the flow of information back to donor agencies on their real impact and achievements. At the same time it may improve public voice on how donor funding should be used.

Improving transparency in aid and donor projects for fisheries management and marine conservation is important for other reasons. A major concern is that aid spending can be tied to fisheries access and it is therefore used to further the strategic interests of the fishing industry of the donor country. These interests may be at odds with local needs, particularly the artisanal fishing sector. Russia's support to Senegal is illustrative of this problem, but these issues may not be confined to this particular example. Through the Directorate General for Maritime Affairs (DG-MARE),¹⁵ the EU simultaneously provides government aid and technical assistance in Africa while also working to promote the interests of the European fishing industry. There is a risk that this funding and the technical assistance provided with it could be influenced by economic self-interest, which is alluded to by DG-MARE's argument that public disclosure of its evaluations would threaten the commercial interests of the European fishing industry. Greater information on the contents and management of donor projects and marine fisheries aid, particularly where these are intimately related to fishing access, could be a barrier to abuse.

Finally, as noted above, high dependence on foreign aid is thought to be a factor in low levels of government accountability and openness, at least in some countries. Thus there is a further potential justification for increasing public access to information on donor projects and spending: this may be important to counteract the potential of aid to have a perverse impact on levels of government transparency and accountability in general (Harford and Klein: 2005; Moon and Williamson: 2010).

3.1 What makes transparency effective?

Improving transparency in marine fisheries can be justified on the grounds of strengthening the quality of decision-making, stimulating political processes and combating forms of crime, dishonesty and corruption. Yet a growing academic literature casts some doubt over the real effectiveness of transparency reforms or the benefits of "governance through disclosure" (Gupta: 2008). There are several aspects that are important to consider.

i) The ability of citizens to access and comprehend information: The potential for increased transparency to have a positive impact on governance is dependent on the capacity of people and organisations to comprehend and access information. This is partly influenced by how information is presented and whether it is widely accessible. Documents may be published in foreign languages or buried in hard to navigate websites. Yet added to this is the capacity of intended recipients of information to analyze and make sense of information. Raw data may be publicly accessible, but in some cases the sheer volume and complexity of data means it has no obvious meaning to many people. Good examples are budget documents and financial reports. To a non-trained eye these can be intimidating to read or highly confusing, which may not only be a fault with the reader but also because authors may have poor skills of communication. Marine biologists and technicians in African institutions may not be proficient in making information comprehensible to citizens, including rural coastal communities. But the same problem is evident in some documents produced by international development agencies: documents may not only be in foreign languages, but can be laden with technical jargon, lack coherence and as a result can be bemusing to citizens, including well-educated ones.

¹⁵ See: http://ec.europa.eu/dgs/maritimeaffairs_fisheries/index_en.htm

The complexity of data is a barrier to transparency. This barrier is both technical and psychological—it can lead to people feeling overwhelmed and incapable of understanding information. This in turn may diminish demand for information, which leads to less urgency by authorities in communicating their activities and policy decisions. The idea of citizen budgets stems from this problem: these are summary budgets written in accessible language and aimed at a non-technical audience.

Without proactive assistance in making information more easily comprehensible, efforts to make sense of publicly available data can involve considerable time and resources. Fishsubsidy.org, which collates and organises information on EU fisheries subsidies, has taken two years to develop with a minimum investment from philanthropic donors of €150,000, not including the salaries of several people working on the project.¹⁶ Such case studies “remind us that an enormous civil-society investment may be required to translate nominally public data into clearly transparent information” (Fox: 2007, p. 667).

Related to the complexity of data is the strength of mediating institutions themselves; those that play the role of collating information and making it publicly available — often the media and NGOs. In many African coastal states such mediating institutions can be weak or thin on the ground. One straightforward problem is lack of capacity and resources, which is particularly evident among NGOs working on the rights of small-scale fishers. Yet more fundamental problems stem from political conditions. The independence of many NGOs in Africa is undermined by a combination of donor dependency and reliance on the good will of government agencies to function. This increases the risk of self-censorship and diminishes the potential of NGOs to tackle controversial issues or take an independent stance.

ii) The strength of accountability mechanisms: A second variable influencing the effectiveness of transparency is the ability of people to influence authorities: there needs to be a consequence to the actions of those disclosing information for transparency to have a potential impact. Research on transparency initiatives show that these tend to be effective where there are instruments for people to sanction authorities (Kolstad and Wiig: 2008). This includes voting and the use of elections, or legal sanctions through courts. Yet in many African coastal and island states these instruments are weak, and officials working in fisheries departments or fisheries ministers themselves are not subject to competitive meritocratic or democratic processes. The rule of law can also be ineffective and access to justice for citizens can be non-existent or extremely hard or dangerous to pursue.

The use of sanctions and legal redress requires not only due process and the strength of the rule of law; it also relies on clarity of rules for agents (Ascher: 1999, p. 271-272). Many of the failures of fisheries management, such as providing access to too many foreign fishing boats in contravention of scientific advice, may be ethically questionable but not necessarily illegal. Here there is no role for legal sanctions, unless rules can be changed to make agents legally accountable for errors. Yet beyond litigation or elections we can think about accountability mechanisms operating through two different channels. We can conceptualize one of these as “voice” and the other as “exit”.

Exit as an accountability mechanism is unevenly distributed among people and organizations. Fishing companies have the ability to exit a country as a mechanism of dissatisfaction with the way in which fisheries are managed. This may have been the case for some European fishing companies previously operating in West Africa due to their frustration with corruption, as described in the following section. However, the potency of industry exit is undermined by the possibility of other fishing industries replacing them, which seems highly probable due to overcapacity and heightened international competition for fisheries access. Although some companies may wish to exit countries where fisheries are poorly managed, the threat of losing out to competitors may work to keep them there.

Donors also have the option of exit as an accountability mechanism. They can withdraw aid due to dissatisfaction with corruption or policy failure. There are several examples of this, such as donors

¹⁶ Author's personal communication with fishsubsidy.org, May 2011.

pulling out of Zimbabwe or South Africa under apartheid, but none that the author is aware of in fisheries. Exit may be a painful choice that is avoided for various reasons. Many donors may prefer to be loyal to governments and work with them to improve accountability and problems of corruption, rather than re-direct funding to another country. There is also great pressure placed on donor agencies to administer aid (Easterly: 2002), making exit a cumbersome and unattractive option. Another manifestation of exit by donors, however, is to reduce spending to actors they are dissatisfied with and redirect this to other actors in the same country (Harford and Klein: 2005). This is a more subtle form of exit.

Another form of exit presents itself to the retail industry and consumers. They may decide not to purchase fish originating from a corrupt source, or perhaps stop buying certain types of fish due to management failure and overfishing. Here the growth of eco-labels in fisheries is possibly relevant to facilitating exit. The fishing industry, fisheries managers and retailers responded quite rapidly to the threat of exit triggered by “dolphin-safe” tuna campaigns, for instance, although perhaps with no great effects on marine conservation (Ward: 2008). Other eco-labels, such as the one provided by the Marine Stewardship Council, offer a relatively weak mechanism for accountability, largely because they promote good fisheries without really impacting on the bad ones: they do not carry a message to retailers or consumers to stop eating certain fish. Moreover, eco-labelling schemes for fisheries have not spread to Africa, perhaps in part because of problems of fisheries governance, but also because of the barriers to entry: gaining MSC approval is expensive. Still, the lack of eco-labelled fish products originating from Africa may work as an accountability incentive—forcing African governments to improve the management of fisheries to meet the demands these labels set.

Strengthening market-based approaches to regulating fisheries management could have a greater potential for increasing accountability through encouraging exit. The problem, however, comes from the availability of other markets where eco-labels are not presently in demand, such as in Asia. In other words, if buyers chose exit as a means of protest or action, then the overall impact on accountability is weakened if other buyers fill the void.

Voice is the third accountability mechanism. Our case example of Senegal is illustrative: increased information on a policy failure, and possibly an instance of corruption, led to protest and public criticism. In such cases we see that voice is the only option available to certain groups or people: there is no option of exit for small-scale fishers, nor is there an option of taking the government to court.

The potential of voice to work effectively as a means of changing government behaviours is dependent on various aspects, including the sheer numbers of people expressing complaints and the status of those voicing their opinion. In many African countries we know that voice is suppressed by authorities and freedom of expression is denied. This makes voice a costly or dangerous route for social actors within some environments. There are also problems of self-censorship and conservatism, as noted above.

Voice can be a powerful accountability mechanism, but analysts of corruption often see it as having a marginal impact, particularly for highly corrupt authorities. As Tim Fox writes: “If the power of transparency is based on the ‘power of shame’, then its influence over the really shameless could be quite limited” (Fox: 2007, p. 665).

These three accountability mechanisms—voice, exit and sanctions—are interrelated. They represent different approaches to accountability, but they may also work together: voice may stimulate exit and vice versa. Moreover, where people feel disempowered to influence the behaviour of authorities, they may not invest resources to get access to information and undertake the necessary analysis to make sense of their behaviour or activities.

iii) How information is made available: In addition to the publicity and accountability conditions, the effectiveness of transparency seems to be influenced by how it is achieved. We can distinguish three mechanisms. The first is information that is actively published by authorities themselves. They may be

mandated to provide certain documents or information by government or international regulations, but may also be encouraged to provide information voluntarily. The Extractive Industries Transparency Initiative (EITI)¹⁷ is often depicted as an example of a voluntary agency-led initiative, although countries that commit to EITI are now mandated to disclose certain information, or are otherwise no longer classified as compliant. Yet this type of transparency in isolation can be a weak approach to addressing corruption or exposing governance failure, based on a straightforward argument that authorities will only disclose information that is in their benefit and are unlikely to disclose information that would expose wrongdoing. Thus organizations or agencies that proactively disclose information about their workings may simply publish dishonest, or selective, information, often packaged in a way that resembles propaganda and good news stories, rather than objective, in-depth analysis. If a fisheries ministry is embezzling funds from fishing licenses they may disclose a partial list of licenses, and continue to profit through off-the-book transactions.

This is relevant for donor-funded projects. Many donors rely on publishing the outcomes of internal audits or their own project evaluations as the only mechanism to achieve transparency. These documents may provide a reliable source of information, yet the risk is that they are insufficient and vulnerable to bias. There may well be an incentive to exaggerate beneficial outcomes and downplay project failures as this may threaten jobs or future supply of funding.

A second way in which transparency is achieved is through third-party organizations and consultants, who are employed to undertake audits or external reviews. In fisheries this includes evaluations provided by certifying agencies under eco-labelling schemes, or aid project evaluations undertaken by consultants hired by donor agencies. We could also include external audit reports undertaken by auditing firms. Such transparency may be better than government or donor led transparency alone. Indeed, it was consultants' suspicions over the misuse of Norwegian funds in Tanzania that eventually led to more forensic investigations by an international auditing company. What makes this approach to transparency attractive is that paid consultants or certifiers are given both resources and access to undertake in-depth evaluations. Their findings also have publicity and may possibly be protected from the reprisals of exposed agencies.

There are also weaknesses and pitfalls to this route to transparency, however. Third party certifiers or consultants are also vulnerable to conflicts of interests and self-censorship; consultants who tend to receive contracts to undertake evaluations of fisheries are typically dependent on other donor projects for income, or have previously been employed in the same donor agencies. This may be particularly so in fisheries, which is a specialized field where a relatively small number of people can claim expertise.

The third mechanism for transparency is sometimes referred to as 'non-agency led' transparency. It includes information that is leaked to the public, disclosed by whistleblowers, or obtained by civil society through litigation, such as by using freedom of information laws. It is information that the governments (or donors) would not release of their own accord. This type of transparency may provide a stronger anti-corruption effect. In a society where non-agency led transparency is robust, such as where citizens have legal rights to access information and whistleblowers are provided good protection, corruption becomes much more risky. A confidential document that is leaked to the press or gained through litigation is also more likely to contain incriminating evidence than a document carefully prepared for public consumption.

The prospect of non-agency led transparency is weak in most coastal and island states of Africa. Although some 80 countries have now passed national freedom of information laws, most in the last five years, the majority of coastal and island states in Africa still fail to provide citizens with a legal right to request information from government authorities. Changes are slowly occurring. In 2011 ministers in charge of information and communication among the Economic Community of West African States (ECOWAS), agreed to a "supplementary act on freedom of the media and the right to information". This may pave the way for new freedom of information laws in member states. Still, it is

¹⁷ See: <http://eiti.org/>

unclear whether such provisions will allow citizens access to information on issues such as fisheries licensing, joint-venture partnerships and bilateral access agreements. Such information may be deemed commercially sensitive and exempt from access to information rules, just as the EC has argued to be the case with its ex-ante and post-ante evaluations of FPAs.

The distinction between these types of transparency should not lead to an “either/or” decision. What is important is that all types of transparency exist together. One can imagine a hypothetical situation where governments do not disclose any information themselves, but there are strong provisions for non-agency disclosure. Transparency under this condition would be difficult as it would rely on citizens to continually make requests for information about activities of authorities that they are not aware of. We therefore need information from governments to work as a reference point, even if this information is only partially revealing.

In sum, the ability for transparency to be effective is dependent on a number of conditions. We can imagine a spectrum: at one end are countries or sectors where transparency conditions are weak – government authorities produce little to no information, NGOs and the media are weak or lacking independence and there is a lack of effective mechanisms of accountability – and at the other we have a situation where governments disclose information, there are third party evaluations or audits of information, robust measures to ensure ‘non-agency’ led transparency, strong and independent media or NGOs and highly effective means for accountability. Imagining this spectrum, several of the coastal countries in Africa will be placed somewhere towards the end where transparency conditions are weakest. These may also be the countries with the highest levels of corruption and fisheries governance failure. This represents a dilemma for transparency: it is least effective where it is needed most.

This dilemma may explain why some scholars have become pessimistic over the impact of transparency used as a policy tool in isolation (e.g. Mason: 2008; Gupta: 2008). It may well be the case that transparency gains may not have much of an impact over the short term, and that the case for transparency has perhaps been overstated and oversimplified. Others hold a more optimistic view based on the idea that small gains in transparency, even in the least open and corrupt societies, will help shift countries or sectors further along the spectrum over time. Anne Florini writes:

Certainly disclosure systems can function in ways that don't change existing power structures, or that don't accomplish much of anything. Transparency in and of itself is a limited tool. But there is nothing static about the normative environment, and access to information can help to shift that environment. Disclosure can be just a small step within an existing system, but it can also help to transform that system. (Florini: 2008, p. 15).

Moreover, by understanding the conditions that make transparency more effective, there are clear policy implications which may offer a way out of the transparency dilemma. Lindstedt and Naurin provide a summary of their research on the effectiveness of transparency that is useful to consider for the final sections of this paper:

One important implication of [our] findings with respect to current debates and research on transparency is that measures directed towards the agent [governments or donors] may not be sufficient to obtain effects on agency behaviour. Reforms focusing on the principal itself, or on mediators between the agent and the principal, may be equally important. This is also a lesson for anti-corruption reformers. In countries with low levels of education and media reach, and in semi-democratic political systems, improvements with respect to transparency must be accompanied by reforms to strengthen the capacity of people to access and process information as well as impose sanctions, in order to achieve a substantial reduction of corruption. (Lindstedt and Naurin: 2010, p. 316-317).

3.2 Can transparency go too far?

Although the majority of publications on transparency are concerned first and foremost with increasing transparency and understanding how transparency reforms can be effective, there are some experts who raise further concerns about the limits of transparency. We need not dwell on this literature here, but it is important to be aware of two key arguments.

i) Where to draw the line? Firstly, some scholars point out that there needs to be a reasonable limit to public access to information, as well as increasing the participation of outsiders to policy debates and decision-making bodies, which is often an associated policy recommendation for increasing transparency. Some state information and political processes remain confidential and beyond incessant public scrutiny for good reason. The call for greater inclusion of NGOs and scientists in decision-making processes is not without its costs; large numbers of outsiders will inevitably slow procedures and could require a dumbing down of debates and analysis. Moreover, open debates may inhibit frank exchanges of ideas and the discussion of sensitive topics, meaning too much openness encourages political correctness or pandering to popular sentiments (Fenster: 2006, p. 910). Ultimately, where there is an excess of participation in decision making by outsiders, the real debates and decisions may simply shift elsewhere and happen informally.

It is also argued that improvements in transparency may create bureaucratic burden for authorities. Disclosure of certain key documents and statistics can be vitally important, but too much disclosure may place considerable strain on government departments, and this may introduce an obsession with public reporting and form-filling that will come at the expense of efficiency, creativity and a willingness to tackle difficult or unpopular issues.

Certain information held by authorities may also be kept secret for justifiable reasons, which includes protecting commercial interests. An example of this is certain data on the activities of fishing vessels, such as information on where fishing boats have been operating and data on catch volumes. It is possible that the fishing industry would be concerned that competitors could use this information to see where good fishing lies. In one article about corruption in the Pacific Island fisheries, it was noted that fishing companies worried that this type of information has been sold to competitors by national fishing authorities (Tsamenyi and Hannich: 2009, p. 389).

Such arguments on the limits of transparency are important. However, there will be ways of publishing data on the activities of fishing boats that retains a respect for commercial considerations, such as publishing aggregated data for fishing fleets rather than data on the specific activities of fishing boats. Yet the point being made by some scholars is that a general call for transparency needs to be nuanced with a deeper understanding of exactly what type of information should be made public and why certain stakeholders may have legitimate complaints with this level of disclosure.

ii) The hazard of overstating the importance of transparency? A second concern is that the goal of increasing transparency can be given such prominence that it downplays or eclipses other policy considerations. This has been a criticism of the Extractive Industries Transparency Initiative (EITI). Although EITI emerged from a general concern over the negative impact of the extractive industries on development and human rights (what is often referred to as the 'resource curse'), over time the single focus of auditing government revenues from extractive sector companies has, according to some commentators, worked to sideline more difficult and controversial discussions on the management of the global oil and mining industry (Shaxson: 2009, p. 28). This has been interpreted as politically convenient, with the international focus on transparency weakening demands for a review of how mineral wealth is spent, what is the impact of extractive companies in communities, and how developing countries can lower dependence on mineral revenues. At the same time, critics point out that authorities that meet the EITI standards receive benefits in terms of increasing their legitimacy within the international community, which in turn leads to increased aid and preference for securing

loans and investments by international financial institutions (Bracking: 2009 p. 7). This outcome of transparency initiatives has been dubbed 'clearwashing' by some (Rowell et al: 2005, p. 187).

This remains a contested argument for EITI, as proponents claim increased transparency has worked to broaden public debate on the extractive industries, rather than restrict it. Nevertheless, an important point is that transparency needs to be considered as one component of improving fisheries governance. It should not be considered an end in itself, and meeting the requirements of transparency reforms does not mean that fisheries are necessarily well managed, or the rights of marginalized communities respected.

4. Policy developments in marine fisheries transparency

There are clear policy implications that follow from the previous two parts of this paper. Before these are considered, however, it is important to describe some relevant policy developments that may be working to improve transparency in marine fisheries, or at least hope to do so. The task of advancing any new recommendations for policy should largely be seen as one of building on existing efforts, and identifying where these efforts can be strengthened.

4.1 Civil society demand in Africa

The unfolding saga in Senegal relating to the licensing of 22 foreign industrial fishing boats illustrates the growing dissatisfaction among African civil society and fishing communities regarding government accountability and public participation in decision making.¹⁸ There have been several public calls by civil society organizations in Africa for improved access to information. In November 2009 a meeting was organized by the artisanal sector of the Mauritanian National Fisheries Federation focused on improving relations with the EU. In the resulting Declaration of West African Artisanal Fisheries Sector Organizations, improving transparency was a key message, and there was a specific call to extend EITI to fisheries.¹⁹ In 2010, African ministers of fisheries met in the Gambia for an inter-ministerial meeting on fisheries. At a side event, a loose coalition of African civil society organizations produced a further statement containing recommendations for fisheries reform, called the Banjul Declaration. This declaration put forward the argument that African citizens have a right to information on fisheries management and that transparency needs to be respected.²⁰ More recently, the demand for increased information and public participation in fisheries management was presented at an international meeting organized in Brussels, and at a meeting organized by the FAO and NEPAD in Johannesburg. These examples highlight that transparency is an emerging demand by NGOs on the continent, and is perhaps becoming better articulated in international policy fora.

Civil society demand for transparency does not appear to have generated a strong response by African governments or inter-governmental organizations so far. One exception is a short policy document issued by the African Union, which prioritized transparency.²¹ This may have been written by external consultants, and irrespective of its origin, there has yet to be any evidence that improving transparency will be taken forward by the AU or NEPAD in a strategic way.

Perhaps due to a sense that these demands are not being addressed systematically, more proactive efforts are underway by some NGOs. A regional West African NGO (CAOPA) is planning a seminar in 2011 dedicated solely to the issue of transparency and access to information. Included in the proposed agenda is training on state budget analysis and the potential of using freedom of information laws to gain access to documents held by governments, donors and international organizations.

Such efforts are reminiscent of the early stages of civil society advocacy work in the extractive industry sectors. This work led to the establishment of the Publish What You Pay campaign²² in the late 1990s which now has over 300 members worldwide. In comparison to previous campaigns for

¹⁸ The lack of consultation in fisheries management has been a perennial complaint made by artisanal fishing communities. This helped give rise to the norm of co-management strategies in coastal *inshore* fisheries, something that is implemented in several African countries to varying degrees and success. However, there has been little advance in integrating local communities and NGOs in the management of the industrial fishing sector that tends to operate further out to sea.

¹⁹ The declaration is available from the website of the Coalition for Fair Fisheries Arrangements:

www.cape-cffa.org.

²⁰ The Banjul Declaration is available at:

www.cape-cffa.org/IMG/pdf/BANJUL_CIVIL_SOCIETY_DECLARATION_EN.pdf

²¹ This document is entitled 'Fisheries policy and governance reform', available from www.africanfisheries.org.

²² See: www.publishwhatyoupay.org

transparency in oil and mining, there is little doubt that demand for transparency in marine fisheries is relatively small. There is also much more evidence for this demand in West Africa than in Eastern and Southern Africa. This does not mean there is a lack of concern over transparency and levels of accountability in fisheries, but rather that this concern has yet to transform itself into a collective voice.

The above may lead the international development community to conclude that the issue of transparency in marine fisheries may not be a significant one. However, the demand for greater transparency in the extractive industries was also slow to establish, and a clear collective voice of African NGOs did not make itself heard until after a small number of Northern NGOs gave the issue greater publicity. The Publish What You Pay Coalition was not developed by grass root mobilization and demand, but was to a large extent engineered by external actors such as Global Witness and the financial investor Gorge Soros (Shaxson: 2007, p. 217-218). This does not diminish the legitimacy of the movement, but it does suggest that collective action for transparency reform in the marine fisheries sector may also appear more strongly in Africa with the support and involvement of international NGOs and donors.

4.2 The FAO and the Global Record on fishing vessels

The FAO's interest in tackling illegal fishing has led to the development of a Global Record for fishing vessels. This complements the FAO's agreement on port state measures to prevent, deter and eliminate IUU fishing, which obligates states to share certain data on inspection and port visits by fishing vessels. The Global Record, which was formally approved by the FAO Committee on Fisheries (COFI) in 2011, is ambitious. It involves assigning all vessels above a certain size a unique vessel identification number, and capturing information on vessel characteristics, ownership and details of the flag state. The FAO plan to add further modules to the database over time, such as information on where registered vessels are authorized to fish, information on port state visits made by vessels, and outcomes of any inspections and history of offending. The vision is a database that contains large amounts of information on all fishing vessels that can be accessed by inspectors and fisheries managers using simple search functions. In its development phase it was not entirely clear that the Global Record would be made public, although it does appear this will be the case now.

The Global Record is an important development for the transparency of marine fisheries. It will not, however, include information on the contents of access agreements or any information on fisheries investments. Providing data to the Global Record is also voluntary for governments. It therefore faces two problems associated with agency-led transparency: authorities not supplying data and authorities supplying false data. Moreover, there are no sanctions in place for non-compliance, although it is hoped that if enough governments contribute then those that do not will face international pressure. Unfortunately the possibility of many countries not complying with the Global Record would appear to be high. In the early 2000s, the FAO requested all countries to develop and submit "National Plans of Action on combating IUU fishing". Despite the availability of funding and technical assistance, less than half of African coastal and island states have either submitted a final document or shown a clear commitment to do so.²³

Increasing the flow of information on fishing vessels and licenses through the Global Record could enable people to undertake much greater scrutiny of fisheries management. Although it is presented as a tool directed towards combating illegal fishing, it may be used just as much for empirical studies and advocacy campaigns as for global law enforcement.

²³ Information on which countries have submitted National Plans of Actions (NPOA) is available from www.stopillegalfishing.com. It is the author's view, based on experience of working on IUU fisheries in Africa, that many stakeholders feel that African governments have shown a weak commitment to work on their NPOA.

4.3 Fisheries transparency reforms and the World Bank

According to senior employees at the World Bank, improving transparency in fisheries is a priority in its lending and engagement with African countries. There are, however, no published documents on why or how this is done, and it appears to be the case that the policy of increasing transparency in Africa's fisheries is an internal one, approached in a somewhat ad-hoc way.

The first country to engage in transparency reforms via technical and financial support of the World Bank was Madagascar, which was also supported by French development funds. Here details of fishing licenses and revenue were published in a local newspaper by the government, and the Malagasy authorities established an economic observatory for fisheries that collates and publishes considerable data on the commercial fishing sector. Unfortunately there has been a temporary halt to the public disclosure of information on fisheries due to the country's political instability. Recent reports, however, suggest the current Minister of Fisheries will continue to publish information, including licenses, in the near future. Officials at the World Bank claim these governance changes in Madagascar brought about significant sector improvements, increasing state revenue by some € million over a three year time frame.

The World Bank has also encouraged disclosure of fishing licenses in Gabon, which were published in local newspapers in 2010 by the Gabon government. There are similar ongoing efforts in collaboration with governments of the Seychelles, Guinea-Bissau and Senegal. The World Bank is also supporting the West African Fisheries Commission and the South West Indian Ocean Fisheries Programme to develop regional databases containing key fisheries data and information on licensing, as well as monitoring and surveillance. These databases are not presently planned to be shared with the public, although it is hoped by World Bank staff that they may be in the future.

The above indicates the World Bank could become an important driver for improving marine fisheries transparency in Africa. However, there are also weaknesses to their approach. The failure to provide any public document on its work on transparency is peculiar, although this is apparently due to lack of time being set aside, and is not a conscious decision. A presentation on this work was given at an international meeting on transparency held in Brussels this year, which shows a willingness to engage in wider debate.

The World Bank has yet to focus support on the publicity condition of transparency--i.e., enhancing the capacity of NGOs and the media to access data and make sense of it. Without attention to this, it is not entirely clear what the impact of increasing transparency in Guinea-Bissau or Gabon, for example, will be. This does not mean the World Bank's efforts at increasing the flow of information in marine fisheries will lack impact, but rather that this impact may not be as effective as it could be. Those working on marine fisheries in the World Bank acknowledge this, and this may only suggest their work needs greater support, particularly by those who have more experience in NGO capacity building.

Finally, as noted already, several of the large projects in Africa sponsored by the World Bank appear to lack sufficient transparency. This exposes the World Bank to potential criticism and may undermine its legitimacy to espouse the virtues of transparency to others. The World Bank has improved its own transparency through a new Policy on Access to Information launched in 2009.²⁴ Yet there are still major shortfalls, including the wide scope for limiting access to the public to financial information or any documents that governments have requested to be kept confidential. If the World Bank is to maximize its influence on transparency in African marine fisheries, proactive transparency in its own projects is necessary, as is strengthening the provisions for non-agency led transparency on its own investments and loans.

²⁴ See: www.worldbank.org/wbaccess

4.4 Reform of the EU's Common Fisheries Policy

Increasing transparency in Africa's commercial fisheries is emerging as a key policy debate in the current reform of the EU's Common Fisheries Policy, due to be finalized by 2012. An important trigger for this debate came from a study into European fisheries activity in West Africa undertaken by the Swedish Society for Nature Conservation (SSNC), where the issue of lack of transparency and accountability was given prominence. Since then, a coalition of European and international NGOs, named Ocean 2012,²⁵ has made improving transparency one of their priorities, and it is also an issue supported by several MEPs who are members of the EU Committee for Fish, including the lead author of the SSNC report. This year over 25 organizations and fisheries experts, including the steering committee of Ocean 2012, signed a letter requesting access to all the ex-ante and post-ante evaluations of EU fisheries agreements. Due to a refusal by the EC to disclose these documents, a complaint under the Aarhus Convention has been submitted. Legal support by the NGO Client Earth,²⁶ means this matter will now go to court.

It is also noteworthy that pressure for greater transparency in EU access agreements has also come from governments of developing countries. Providing comments on a green paper on the reform of the CFP, a group of ACP Ministers complained about lack of information sharing, specifically the scientific evaluations undertaken by the EC:

After close to three decades of signing EU-ACP fisheries agreements, and making available funds attached to agreements for *fisheries management, fisheries research, stock assessment* and the like, very few or no formal, transparent and freely available evaluations on surplus production available for third countries have surfaced in any of the ACP Member States. This must change and both the ACP countries and the EU should endeavour to commit to such changes. If fisheries in ACP countries are to avoid the deepening crises that affect European over-sized fleets and a depletion of fish stocks, there is a need to manage ACP fisheries resources in a different and much more responsible manner.²⁷

Calls for increased transparency have not been met with outright resistance by the fishing industry, particularly the Spanish and French companies who are among the main benefactors of EU access agreements. It is precarious to generalize on the sentiments of all industry players, but there have been senior voices from fisheries organizations, such as CEPESCA,²⁸ suggesting that greater transparency in Africa's fisheries would be welcomed within the industry. One reason for this may be that European fishing companies, in particular those owned by the Spanish, have faced increasing scrutiny and criticism by European NGOs for their contribution to overfishing in Africa. Many within the European fishing industry feel the resulting accusations have been unbalanced and sensationalist. The industry's view is that greater transparency will help show that their fishing activities have been responsibly managed and that greater attention should be placed on other fishing boats operating in Africa, particularly those from Asia.

The European fishing industry also appears to be frustrated by poor levels of fisheries governance in countries where the EU fleet operates. Fishing boats are regularly exposed to corruption, including extortion by local inspectors. Sources from the Spanish fishing industry claim this is costing boats thousands of Euros and significantly undermining profits. Furthermore, corruption involving other fishing boats is seen as a major cause of overfishing, which is contributing to heightened competition and the decreasing availability of fish. In fact, there is a view that due to poor levels of governance, West African fisheries are no longer considered as important for the European fleet compared to a decade ago, a view that may be substantiated by the decreasing number of European boats taking up

²⁵ See: www.ocean2012.eu/?lang=it

²⁶ See: www.clientearth.org

²⁷ ACP position on the EU's Common fisheries policy reform, 2009, Paragraph 18.

²⁸ Confederación Española de Pesca.

fishing licenses provided by EU FPAs (MRAG: 2007). The fishing industry therefore shares frustration with other stakeholders that decades of EU financial assistance given to African countries has not improved local fisheries management.

The EC is therefore facing mounting demands to improve accountability in its relations with African countries, and there may be tacit support for reform from the fishing industry as well. This pressure, and possible litigation, is influencing decision makers. In a recent speech on fisheries agreements given to ministers of developing countries in Brussels, the Commissioner of Fisheries, Maria Damanaki, claimed that "greater transparency" should be promoted in future fishery agreements between Europe and other countries and that it is necessary to make a "radical change" in various aspects of fisheries agreements.²⁹ This may mean there will be public disclosure of evaluations and greater public participation in the negotiation of fisheries agreements. Moreover, one of the policy options being considered by the EC is to decouple all development assistance from access agreements. In the future, payments made by the EC to developing countries for improving management capacity could be made by the European Development Fund, which places more stringent requirements for public financial auditing and assessment of policy coherence. This may reduce the potential for EU economic self-interest to influence technical support to developing countries.

Whether these developments will have a wider impact on Africa's fisheries governance is a matter of some interest. If the EC continues to improve transparency in its own engagement with African countries, it may make greater demands for transparency by other governments representing the interests of their fishing industries in Africa.

²⁹See:

www.fis.com/fis/worldnews/worldnews.asp?monthyear=&day=17&id=42800&l=e&special=&ndb=1%20target
=

5. Policy implications

It is evident from the previous sections that some progress is already being made to improve transparency in Africa's marine fisheries. Activities so far appear to represent small steps, and it is difficult to know whether they will lead to significant change. Several initiatives could be taken to improve transparency further, of which the following would appear most important to consider.

5.1 Establishing international norms on transparency in fisheries

A key obstacle to improving transparency in Africa's fisheries is the lack of an international norm on what information governments should disclose to the public and how they should do so. International conventions and agreements on fisheries governance mention transparency as an ideal, but do not provide detailed guidance. This is evident in the FAO Code of Conduct, which merely encourages transparency: "States should, to the extent permitted by national laws and regulations, ensure that decision-making processes are transparent and achieve timely solutions to urgent matters".

In 2009, the FAO produced a technical guideline on information-sharing aimed at government authorities. This report presented the problem of incomplete information sharing in developing countries as principally one of poor capacity and something that will be overcome with advances in information technology and funding support. There was no recognition that disclosure of information is resisted or avoided for political and/or economic reasons.

The FAO arguably remains the best vehicle to provide a more detailed standard of transparency in global fisheries. This could be addressed through the FAO's Committee on Fisheries (COFI) which considers and develops plans of action for supplementary aspects of responsible fisheries management. For example, in 2001 COFI agreed an International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing. More recently it has taken steps to develop a similar international plan of action to reduce mortality of seabirds by fishing boats. COFI could therefore consider an international plan of action on transparency in fisheries. Given the importance attached to transparency in its latest "State of World Fisheries and Aquaculture" report, this would seem a logical step. It would also seem to have synergy with the existing efforts to establish a Global Record on fishing vessels.

A plan of action would be voluntary, and therefore it would face considerable problems of implementation, as does the plan of action on IUU fishing. However, it would provide citizens and fisheries stakeholders with a clear set of principles with which they can hold public authorities to account and monitor progress over time. Equally, this could provide a clear guide to governments on what the international community considers necessary for responsible fisheries management and what precisely is meant by transparency in the FAO's Guide. In developing this proposal the FAO should give consideration to international conventions on freedom of information, including the Aarhus Convention, as well as binding conventions on human rights and anti-corruption.

Although the FAO may be the best vehicle for establishing a global standard on transparency, at the same time there is an opportunity for the African Union, and NEPAD, to establish a continental standard. If the AU is committed to advancing transparency in marine fisheries, then a detailed declaration or statement could be formulated. Whether this would get the support of African governments is uncertain and again there would be enormous challenges of implementation. However, it remains a key step for inter-governmental organizations to acknowledge the importance of this issue and move beyond talking about transparency in an abstract and tokenistic way.

5.2 Ensuring transparency in foreign aid

There is a clear need to improve transparency in aid directed towards fisheries management and marine conservation. There are many policy documents and best practice guidelines produced by

international organisations on how donor transparency should be approached, and it is not necessary to repeat these here.³⁰ However, the important message in the literature on aid effectiveness is for donors to improve both agency-led transparency and strengthen provisions for non-agency led transparency. In other words, donors need to publish detailed and accessible information on their project spending, which includes project proposals and agreements, annual audits, and end of project evaluations. There is also a need to ensure procedures are in place to allow citizens to request further information, and the process for doing so needs to be articulated clearly.

In addition to strengthening transparency in aid and donor-funded projects, bilateral donors and the international development community, including UN agencies, should promote transparency in fisheries management. It is not a policy that donors working in fisheries appear to prioritize. For example, the considerable funds being invested in improving the capacity of authorities to reduce illegal fishing could be joined by project objectives to publish details on fishing licenses, joint ventures and outcomes of investigations and arrests. Some resources in project spending could be set aside for an effective communication strategy on fisheries management, including the production of citizen budgets and annual reports that are accessible to local citizens. Lengthy documents are not always read by local citizens, so donors could encourage fishing authorities, and others, to communicate information via newspapers, and more importantly via radio broadcasts.

5.3 Strengthening accountability and voice

As indicated above, the effectiveness of transparency reforms is dependent on accountability. It is unlikely that fisheries could provide a major impetus for reforms in African countries in terms of due process and the rule of law. Nevertheless, if voice has a role in accountability, then we can think of practical ways to increase it.

The recommendation on improving transparency for donors is partly one of increasing the publicity condition of transparency: ensuring that information is accessible and that mediating institutions, such as NGOs and the media, have the capacity to analyze and use data. As argued already, the effectiveness of transparency can be blunted where resources are not available. To a large extent the task of increasing capacity of NGOs should be instigated by NGOs themselves—donors and international NGOs will have a limited impact providing training and resources to NGOs that have not really demanded it. Indeed attempts by outsiders to engineer voice may be useless and possibly counterproductive. There is, however, an emerging interest among fisheries NGOs in Africa, particularly in West Africa, to improve their ability to access information and do something with this information. This can be helped with outside funding and training. One of the most important skills in short supply appears to be budget analysis. This is an area where donors could provide both financial and technical support, including sharing lessons from other resource sectors, such as the extractive industries.

There is of course an important role that intergovernmental organizations and international NGOs can play in strengthening voice at a local level. In this respect, UNEP, UNDP, FAO, the World Bank and internationally influential NGOs, such as WWF and Greenpeace, could do more to help raise awareness and pressure for marine fisheries transparency at a local level.

5.4 Time for an 'EITI for fish'?

In addition to the above, one policy option is the establishment of an international transparency initiative for marine fisheries. This is an ambitious idea that has gained some interest among international fisheries stakeholders and takes its inspiration from EITI. The basic idea is to develop a voluntary government-led initiative whereby countries commit to publishing specific data and

³⁰ See for example: <http://www.publishwhatyoufund.org/>, www.makeaidtransparent.org/ and the website of the International Aid Transparency Initiative: www.IATI.org

information on fisheries management. The rules and procedures could be developed and managed by a dedicated independent secretariat, and the initiative could be implemented in countries by a dedicated committee or representative, and overseen by a multi-stakeholder process.

There are several reasons that make this approach an attractive one. Improvements in transparency would be based on a firm commitment by governments and there would be a coherent structure to the dissemination of data. In comparison to increasing transparency through litigation or civil society advocacy campaigns, it is an approach that could improve public participation in decision-making. Furthermore, an international transparency initiative may help overcome political difficulties facing companies and governments trying to increase transparency in isolation: it may be that much easier for agents to agree to public dissemination of information if they realize other countries and companies are doing the same.

In thinking about an EITI-inspired initiative for marine fisheries, one possibility would be to build directly on EITI and extend it to fisheries. Indeed, in two EITI implementing countries, Mauritania and Togo, there have been some early discussions on the possibility of widening EITI to cover fisheries, just as Liberia is attempting to include timber. Expanding EITI into fisheries is an option, but perhaps not a good one. The strength of EITI arguably lies in its focused application; trying to stretch it to cover other resource sectors and industries may weaken its effectiveness and may cause confusion. Creating a dedicated transparency initiative for fisheries could perhaps be a wiser option.

EITI has faced considerable criticism, mainly due to the effectiveness of transparency occurring in countries where there are dire prospects for accountability (Bracking: 2009; Shaxson: 2009; Kolstad and Wiig: 2008). EITI has struggled to demonstrate impact, particularly in reducing corruption, which is exacerbated by its somewhat narrow focus. If an "EITI for fish" is to gain more widespread interest, then these critical debates need to be given consideration. It is possible that a version of an international fisheries transparency initiative could learn from EITI and avoid some of its limitations. However, it is the author's view that an EITI for fish may be premature. EITI became feasible when the international call for transparency in the extractives industries became sufficiently loud. This gave EITI a platform and ensured high-level support from governments and intergovernmental organizations. The demand for transparency in marine fisheries has a long way to go before similar support is likely to be available. Less ambitious steps, such as the ones described above, may therefore be more important in the short-term.

References

- Access-info. 2009. *Not available not accessible: aid transparency monitoring report*, Access-info, Madrid.
- African Union. 2010. "The wealth generation opportunities of African fish resources", Paper prepared for the *Conference of African Ministers of Fisheries & Aquaculture*, Banjul, the Gambia, 20-23 September 2010. CAMFA/2/2010, African Union, Addis Ababa.
- Alder, J and R. Sumaila. 2004. "West Africa: fish basket of Europe past and present", *Journal of Environment and Development*, (13) 2.
- Ascher, W. 1999. *Why governments waste natural resources*, John Hopkins University Press, London.
- Barclay, K and I. Cartwright. 2007. "Governance of tuna industries: the key to economic viability and sustainability in the western and central Pacific ocean", *Marine Policy* 31, 3.
- Béné, C. 2011. 'CAADP and fisheries policy in Africa; Are we aiming for the right reform?' CAADP Policy Brief, No. 40.
- Béné, C., G. Macfadyen and E.H. Allison. 2007. *Increasing the contribution of small-scale fisheries to poverty alleviation and food security*, FAO Technical Paper, No. 481, Rome.
- Béné, C. and S. Heck. 2005. Fish and food security in Africa, *NAGA, WorldFish Centre Quarterly*, Vol. 28 No. 3 & 4.
- Besley, T., R. Burguess and A. Prat (2002), 'Mass media and political accountability', in *The right to tell: the role of mass media in economic development*, World Bank Institute, Washington D.C.
- Bracking, S. 2009. *Hiding conflict over industry returns: A stakeholder analysis of the Extractive Industries Transparency Initiative*, Working Paper 91, Brooks World Poverty Institute, University of Manchester.
- Cederrand, S. 2004. *Report of the surveillance voyage to Angola waters of the Namibian fisheries protection vessel: "Anna Kukurakaze Mungunda"*, April-May 2004, Working Paper 31, European Union and Southern African Development Council.
- Chimatiro, S. 2010. *The PAF Philosophy: Partnership for African Fisheries*, NEPAD Planning and Coordinating Agency.
- Clover, C. 2005. *The end of the line; how overfishing is changing the world and what we eat*, Ebury Press, London.
- Collier, P. 2005. *Is aid oil? An analysis of whether Africa can absorb more aid*, Centre for the Study of African Economies, Oxford University.
- De Renzio, P. 2009. *Taking Stock: What do PEFA Assessments tell us about PFM systems across countries?*, Overseas Development Institute, London.
- Easterly, W. 2002. "The Cartel of Good Intentions: The Problem of Bureaucracy in Foreign Aid", *Public Reform* 5 (4).

Easterly, W. and C. Williamson (forthcoming) "Rhetoric versus Reality: The Best and Worst of Aid Agency Practices, *World Development*.

FAO. 2008. *Present and future markets for fish and fish products from small-scale fisheries; case studies from Asia, Africa and Latin America*, FAO Fisheries Circular, No. 1033, Rome.

FAO. 2009. Information and knowledge sharing, Technical Guidelines for responsible fisheries, 12. FAO, Rome.

FAO. 2010. *State of World Fisheries and Aquaculture*, FAO, Rome.

Fenster, M. 2006. "The opacity of transparency", *Iowa Law Review*, 91.

Florini, A. 2007. *The right to know: Transparency for an open world*, Colombia University Press, New York.

Florini, A. 2008. "Making transparency work", *Global Environmental Politics* 8(2): 14-16.

Fox, J. 2007. "The uncertain relationship between transparency and accountability", *Development in Practice*, 17(4) 663-671.

Gupta, A. 2008. Transparency Under Scrutiny: Information Disclosure in Global Environmental Governance. *Global Environmental Politics* 8(2): 1-7.

Harford, T and M. Klein. 2005. *Aid and the resource curse*, The World Bank Group, note 291.

Ilnyckyj, M. 2007. "The legality and sustainability of European Union fisheries policy in West Africa", *MIT International Review*, Spring.

International Budget Partnership. 2010. *Open budgets, transforms lives: The open budget survey 2010*. International Budget Partnership, Washington D.C.

Jacquet, J. H. Fox, H. Motta, A. Ngasuru, and D. Zeller. 2010. 'Few data but many fish; marine small-scale fisheries catches for Mozambique and Tanzania', *African Journal of Marine Science*, Vol 32, No. 2.

Jacquet, J., D. Zeller and D. Pauly. 2010b. 'Counting fish; a typology for fisheries catch data', *Journal of Integrative Environmental Sciences*, Vol 7, No. 2.

Jansen, E. 2009. *Does aid work? Reflections on a natural resource programme in Tanzania*. U4 Issue 2009:2, Chr. Michelsen Institute, Bergen.

Johnston, M. 2005. 'Syndromes of corruption: wealth, power and democracy', Cambridge University Press, Cambridge.

Kaufmann, D and A. Bellver. 2005. *Transparenting transparency: Initial empirics and policy applications*, The World Bank, Washington D.C.

Kaufmann, D and A. Kraay. 2002. "Growth without governance", *Economia*, 3(1).

Kolstad, I and A. Wiig. 2008. "Is transparency the key to reducing corruption in resource-rich countries?", *World Development*, vol 37, no. 3.

Kurien, J. 2004. *Responsible fish trade and food security*, FAO, Rome.

- Lindstedt, C and D. Naurin. 2010. Transparency is not enough; making transparency effective in reducing corruption, *International Political Science Review*, 3 (31).
- Mason, M. 2008. Transparency for Whom? Information Disclosure and Power in Global Environmental Governance. *Global Environmental Politics*, 8(2): 8–13.
- Moon, S and Williamson, T. 2010. *Greater aid transparency: crucial for aid effectiveness*, ODI Project Briefing, Overseas Development Institute, London.
- Mora C, R.A. Myers, M. Coll, S. Libralato, T.J. Pitcher. 2010. *Management effectiveness of the world's marine fisheries*. PLoS Biol 7(6).
- Moran, H. 2006. *How multinational investors evade developed country laws*, Working Paper No. 79, Centre for Global Development, New York.
- MRAG. 2005. *Review of impacts of illegal, unreported and unregulated fishing on developing countries*, Marine Assessment Resources Group, London.
- MRAG. 2007. *Comparative Study of the Impact of Fisheries Partnership Agreements*, Technical Report, Marine Resources Assessment Group, London.
- MRAG. 2010. *Estimation of the cost of illegal fishing in West Africa*, Marine Assessment Resources Group, London.
- Oceanic Development, Poseidon Aquatic Resource Management Ltd and MegaPesca Lda. 2009. *Ex-post Evaluation of the Current Protocol to the Fisheries Agreement between the European Commission and the Republic of Guinea-Bissau*. European Commission, Brussels.
- Pauly, D. 2009. "Beyond duplicity and ignorance in global fisheries", *Scientia Marina*, 73(2), p. 218.
- Pew Environment Group. 2010. *Preliminary findings from a gap analysis: A comparison of RFMO port state measures to prevent, deter and eliminate illegal, unreported and unmanaged fishing*, briefing report available from: http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Protecting_ocean_life/5.%20PSP%20RFMO%20Gap%20Analysis.pdf?n=9961
- Ramkumar, V. and De Renzio, P. 2009. *Improving Budget Transparency and Accountability in Aid Dependent Countries: How Can Donors Help*, International Budget Partnership, Washington D.C.
- Ross, M. 2001. Does oil hinder democracy? *World Politics*, 53:297–322.
- Rowell, A, J. Marriott and L. Stockman. 2005. *The next gulf: London, Washington and oil conflict in Nigeria*. Constable, London.
- SFA. 2006. *2006 Annual report*, Seychelles Fishing Authority.
- Shaxson, N. 2007. *Poisoned Wells; the dirty politics of African oil*, Palgrave Macmillan, New York.
- Shaxson, N. 2009. *Nigeria's extractive industries transparency initiative: Just a glorious audit?* Chatham House, London.
- Standing, A. 2008. *Corruption in Africa's industrial fisheries*, U4 Issue, 2008: 4, Chr. Michelsen Institute, Bergen.

Standing, A. 2009. "The European Union and the scramble for African fish", in R. Southall and H. Melberg (eds.), *The new scramble for Africa; Imperialism, investment and development in Africa*, University of Kwazulu Natal Press, Durban.

Standing, A. *forthcoming*. *Corruption and the political economy of fisheries: Some considerations from Africa*, draft paper available from www.transparentsea.co/themes/corruption.

Stop Illegal Fishing. 2008. *The impact of flags and ports of non compliance in the SDAC region*, Stop Illegal Fishing, Botswana.

Sumaila, R., A.S. Khan, A.J. Dyck, R. Watson, G. Munro, P. Tydemers, D. Pauly. 2010. "A bottom up re-estimation of global fisheries subsidies", *Journal of bioeconomics*, 12.

SSNC. 2009. *To draw the line: EU fisheries agreements in West Africa*, Swedish Society for Nature Conservation, Stockholm.

Swartz, W., E. Sala, S. Tracey, R. Watson, D. Pauly. 2010. "The spatial expansion and ecological footprint of fisheries (1950 to present)", *PLoS ONE*, (5) 12.

Tsamenyi, M. and Q. Hanich, 2009. "Managing Fisheries and Corruption in Pacific Island fisheries", *Marine Policy*, 33: 386-392.

UNEP. 2002. *Integrated assessment of trade liberalization and trade-related policies: A country study on the fisheries sector in Senegal*, United Nations Environment Programme, Geneva.

USAID. 2010. *The competitiveness of Mozambique's fisheries sector*, United States Agency for International Development, Washington D.C.

Ward, T. 2008. "Barriers to biodiversity conservation in marine fishery certification", *Fish and Fisheries*, 9, 169—177, 173.

World Bank. 2009. *The Sunken billions: The economic justification for fisheries reform*, The World Bank, Washington D.C.

WorldFish. 2008. *Big numbers project; preliminary findings*, WorldFish Centre, Panang.

U4 Anti-Corruption Resource Centre
Chr. Michelsen Institute (CMI)
Phone: +47 47 93 80 00
Fax: +47 47 93 80 01
u4@u4.no
www.U4.no

P.O.Box 6033 Bedriftssenteret
N-5892 Bergen, Norway
Visiting address:
Jekteviksbakken 31, Bergen

This U4 Issue is also available at:
www.u4.no/publications

Indexing terms:
Marine fisheries
Corruption
Aid
Natural resource management

Photo by
ccarlstead on flickr.com

Global problems facing the marine fisheries sector, including overfishing and the marginalization of the small-scale sector, are leading to increased international awareness of the need to improve transparency in fisheries governance. This Issue paper considers the situation in Africa, where access to information on commercial fisheries and related investments, including foreign aid for fisheries development and marine conservation, are generally lacking. It suggests improving transparency may lead to important gains, such as reducing corruption, improving the effectiveness of aid, and combating illegal fishing. However, the extent to which transparency can make a difference in these areas depends on a number of conditions, including the strength of mediating organisations, the strength of accountability mechanisms, and whether there are robust means to allow for 'principal-led' transparency. The paper reflects on the value of establishing a dedicated transparency initiative for marine fisheries inspired by the Extractive Industries Transparency Initiative (EITI).