Contents

Preface VII
Acknowledgements IX
List of Abbreviations XVII
List of Treaties and Other International Legal Instruments XXI
List of Bilateral ACP–EC Fisheries Agreements XXIX

1. Introduction 1
   1. Fisheries and Human Development 1
      1.1 Human Development 2
      1.2 Fisheries and Concerns of Human Development 3
      1.3 Small-Scale Fisheries and Human Development 6
      1.4 The Overarching Concept of Sustainable Development 7
      1.5 Research Questions 8

2. Methodology 9
   2.1 Themes of Human Development in Fisheries 10
      2.1.1 Normative Consensus on Human Development 10
      2.1.2 Indicators of Human Development 12
      2.1.3 The Role of the Small-Scale Fisheries Sector 14
   2.2 Contemporary International Fisheries Law: a Focus on Legal Fisheries Instruments 15
      2.2.1 Multilateral Treaties 16
      2.2.2 Bilateral Treaties 17
      2.2.3 Other Legally Relevant Instruments 18
   2.3 Comparing Different Types of Legal Instruments 20

3. Outline 21

PART I - A CONTEXTUAL FRAMEWORK OF SUSTAINABLE DEVELOPMENT AND INTERNATIONAL FISHERIES LAW

2. The Conceptualisation of Sustainable Development in Fisheries Law 25
   1. Introduction 25
   2. A Legal Conceptualisation of Sustainable Development 27
      2.1 Defining Sustainable Development 27
      2.2 The Status of Sustainable Development 29
      2.3 The Pillars of Sustainable Development 30
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.4 The Scope of Sustainable Development</td>
<td>32</td>
</tr>
<tr>
<td>3. International Conferences Setting the Standards</td>
<td>33</td>
</tr>
<tr>
<td>3.1 From Stockholm to Rio</td>
<td>34</td>
</tr>
<tr>
<td>3.2 The 1992 Rio Conference</td>
<td>35</td>
</tr>
<tr>
<td>3.3 After the Rio Conference</td>
<td>39</td>
</tr>
<tr>
<td>4. The Formulation of Sustainable Development in Legal Fisheries</td>
<td>41</td>
</tr>
<tr>
<td>Instruments</td>
<td></td>
</tr>
<tr>
<td>4.1 Fisheries Treaties</td>
<td>41</td>
</tr>
<tr>
<td>4.2 Other Legally Relevant Fisheries Instruments</td>
<td>47</td>
</tr>
<tr>
<td>5. Conclusion: Sustainable Use as Part of Sustainable Development</td>
<td>49</td>
</tr>
<tr>
<td>3. The Human Development Pillar of Sustainable Development</td>
<td>53</td>
</tr>
<tr>
<td>1. Introduction</td>
<td>53</td>
</tr>
<tr>
<td>2. The Evolution of Development Thinking</td>
<td>54</td>
</tr>
<tr>
<td>2.1 The 1950s and 1960s: The Emergence of the Third World</td>
<td>55</td>
</tr>
<tr>
<td>2.2 The 1970s: From Income to Basic Needs</td>
<td>58</td>
</tr>
<tr>
<td>2.3 The 1980s: The Right to Development</td>
<td>60</td>
</tr>
<tr>
<td>2.4 The Multidimensional Approach of the 1990s</td>
<td>61</td>
</tr>
<tr>
<td>2.5 The New Millennium: Prioritising Poverty Eradication</td>
<td>63</td>
</tr>
<tr>
<td>3. Human Development and Human Rights</td>
<td>64</td>
</tr>
<tr>
<td>3.1 The Gradual Inclusion of Poverty in the Human Rights Discourse</td>
<td>65</td>
</tr>
<tr>
<td>3.2 The Centralisation of Human Rights in Development</td>
<td>67</td>
</tr>
<tr>
<td>4. Exploring the Core Principles of Human Development</td>
<td>69</td>
</tr>
<tr>
<td>4.1 Exploring the Human Developmental Pillar of Sustainable Development</td>
<td>70</td>
</tr>
<tr>
<td>4.2 The Principle of Equity</td>
<td>73</td>
</tr>
<tr>
<td>4.2.1 Intra-Generational Equity</td>
<td>75</td>
</tr>
<tr>
<td>4.2.2 Optimum Utilisation</td>
<td>77</td>
</tr>
<tr>
<td>4.3 Principles Aiming at Poverty Eradication</td>
<td>78</td>
</tr>
<tr>
<td>4.3.1 Poverty and Food Security</td>
<td>80</td>
</tr>
<tr>
<td>4.3.2 Poverty and Related Human Rights</td>
<td>83</td>
</tr>
<tr>
<td>4.4 Participatory Rights</td>
<td>86</td>
</tr>
<tr>
<td>4.4.1 Participation as Access to Information</td>
<td>87</td>
</tr>
<tr>
<td>4.4.2 Participation as Capacity Building and Empowerment</td>
<td>90</td>
</tr>
<tr>
<td>5. Conclusion: The Symbiosis between Human Development and Human Rights</td>
<td>92</td>
</tr>
<tr>
<td>4. Linking Human Development to the Small-Scale Fisheries Sector</td>
<td>95</td>
</tr>
<tr>
<td>1. Introduction</td>
<td>95</td>
</tr>
<tr>
<td>2. Understanding the Small-Scale Fisheries Sector</td>
<td>96</td>
</tr>
<tr>
<td>2.1 The Small-Scale Fisheries Sector in Developing Countries</td>
<td>97</td>
</tr>
<tr>
<td>2.2 The Challenge of Definition</td>
<td>99</td>
</tr>
<tr>
<td>2.3 Relative Definition or Consensus?</td>
<td>107</td>
</tr>
</tbody>
</table>
3.1 Food Security 190
3.2 Safety at Sea 196

4. The Principle of Participation 201
4.1 Participation as Access to Information 201
   4.1.1 Education and Awareness 202
   4.1.2 Participation in Decision Making and Access to Relevant Information 202
4.2 Participation among States 205
4.3 Participation within States 207
   4.3.1 Capacity Building within States 207
   4.3.2 Participation of Women 210

5. Conclusion: A Gradual Inclusion of Human Development in Multilateral Fisheries Instruments 211

PART III - INTEGRATION OF HUMAN DEVELOPMENT IN EUROPEAN EXTERNAL FISHERIES POLICIES

7. The EU’s External Fisheries Policy and the ACP-EU Relations 217
   1. Introduction 217
   2. The CFPs Responsibility for Fishing Activities in ACP Waters 219
      2.1 Legal Basis and Competences 220
         2.1.1 The Road towards a CFP: Developments until 1983 221
         2.1.2 The Competence to Enter into International Fisheries Agreements 222
      2.2 The External CFP until the 2002 Reform 224
         2.2.1 The Establishment of a Comprehensive CFP: The 1983 Regulation 224
         2.2.2 Continued Policies through the 1992 Regulation 225
      2.3 The Green Paper: Discussing Past Shortcomings and Future Objectives 227
         2.3.1 The Approach towards Developing Countries 228
         2.3.2 Requirements of Coherence 230
      2.4 The External CFP after the 2002 Reform 232
   3. Sustainable Development and the Principle of Coherence 233
      3.1 The External Dimension of Sustainable Development 234
      3.2 Coherence between Environment and Development? 238
   4. The 2000 Cotonou Agreement 242
      4.1 The Cotonou Agreement and Human Development 243
      4.2 The Cotonou Agreement and Fisheries 244
   5. The Generations of Bilateral Fisheries Agreements 245
      5.1 The First and Second Generations of Fisheries Agreements 246
      5.2 Increasing Criticism 247
      5.3 The Third and Fourth Generation 251
   6. Conclusion: The CFP as a Basis for Human Development? 251
8. Human Development in Bilateral ACP-EC Fisheries Instruments 255
   1. Introduction 255
   2. An Equitable ACP-EC Relation 259
      2.1 A Mutual Interest in the Fishing Activities 260
      2.2 Financial Compensation 263
      2.3 Rational Exploitation and Responsible Fishing 271
      2.4 New Consultations after Changing Stocks Situations 275
   3. The Principle of Poverty Eradication 279
      3.1 Reference to Local Fishing Communities and Food Security 279
         3.1.1 The Inclusion of the Small-Scale Fisheries Sector 280
         3.1.2 National and Local Food Security 284
         3.1.3 The Duty to Land Catch 285
      3.2 Training of ACP Personnel 289
         3.2.1 ACP Observers on Board 289
         3.2.2 ACP Fishermen on Board 294
      3.3 Port Equipment and Use of Supplies and Services 298
   4. The Principle of Participation 300
      4.1 Regional Cooperation and Capacity Building 300
      4.2 Joint Ventures 302
      4.3 Social Governance 304
         4.3.1 Policy Dialogue 304
         4.3.2 Transparency 305
         4.3.3 Participation of Women 306
   5. Conclusion: A Minimal Inclusion of Human Development in ACP-EC Fisheries Instruments 307

9. Conclusion: Normative Consensus on Human Development in Legal Fisheries Instruments 311
   1. The Need to Strengthen Human Development in International Fisheries Law 311
   2. The Cornerstones of Human Development 312
      2.1 Normative Consensus on Equity 312
         2.1.1 Intra-Generational Equity 313
         2.1.2 The Optimum Utilisation of Marine Living Resources 315
      2.2 Normative Consensus on Poverty Eradication 316
         2.2.1 Food Security and Related Human Rights 316
         2.2.2 Safety at Sea 317
      2.3 Normative Consensus on Participation 317
         2.3.1 Access to Information 318
         2.3.2 Capacity Building and Empowerment 318
   3. An assessment of Normative Consensus 320
      3.1 An Immature Human Development Pillar 320
      3.2 Food Security as a Conceptual Bridge between the Pillars 323
4. Differentiating the Roles of Fisheries Instruments
   4.1 Progressive Development at the Multilateral Level
   4.2 Stagnation at the Bilateral ACP–EC Level

5. The Immature Human Development Pillar and the Small-Scale Fisheries Sector
   5.1 Reference to the Local Fishing Communities
   5.2 The Absence of Definition
   5.3 Limited Poverty Perceptions

6. Reformulating the Human Dimension of International Fisheries Law

Appendices
   I  2002 ILA New Delhi Declaration of Principles of International Law Relating to Sustainable Development
   III Categories and Dimensions of Fisheries
   IV The Relation between Poverty and Fisheries.
   V Tables of the Multilateral Fisheries Instruments subject to Analysis in Chapter 6
   VI Tables of the ACP–EC Bilateral Fisheries Agreements subject to Analysis in Chapter 8

Bibliography

Index

Samenvatting