

Whose policy coherence counts? Assessing sustainable fisheries in Ghana and the European Union's engagement

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Abstract

Motivation: Promoting coherence for sustainable development (PCSD) is a key means of implementation for the 2030 Agenda for Sustainable Development, yet it has been overlooked as policy discussions have focused predominantly on the financing of the agenda. The literature and policy debates about PCSD largely focus on processes and on OECD countries, and they neglect their political and normative dimensions. This article complements recent literature on PCSD by elaborating and testing a relational perspective on the concept.

Purpose: To address these issues, this article elaborates a relational perspective that responds to the misrepresentation of third countries as passive recipients of (in)coherent OECD policy preferences.

Methods and approach: The analysis presented summarizes the literature on the related concepts of PCSD and Policy Coherence for Development (PCD). On this basis, the article articulates a relational perspective on policy coherence that complements other critical perspectives in the literature. Subsequently, it explores the potential and relevance of this relational perspective by analysing how the fisheries policy preferences of the European Union interact with those of Ghana.

Findings: Overall, the analysis shows that a commitment to sustainable fisheries cannot be assumed for either the EU or Ghana. Furthermore, assessing the responsibilities of the EU and Ghana around sustainability and degrees of adherence is difficult due to the presence of other fishing nations and influences. In the context of the EU's ambitious policy framework, the continued overfishing in Ghanaian waters negatively affects the credibility and justification of its continued involvement. Policy dialogue between the EU and the Ghanaian government and accompanying EU technical assistance have supported changes to Ghanaian fisheries policies, but overfishing continues.

Policy implications: Discussions on promoting PCSD should be supported by more empirical research into the extent and manner that policy preferences consider by policy-makers to be coherent with the 2030 Agenda contribute to advancing the agenda in different country and regional contexts.

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KEYWORDS

2030 Agenda, Common Fisheries Policy, European Union, Ghana, illegal, unreported and unregulated (IUU) fishing, Policy Coherence for Sustainable Development

1 | INTRODUCTION

The year 2023 marks the halfway point of the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals (SDGs). In April this year, the United Nations (UN) Secretary General observed that just 12% of the SDGs were on track, and only weak and limited progress had been made on others, while a third of the SDGs remained stuck or had even gone backwards. Given this worrying state of affairs, he called for an “SDG Stimulus” of at least USD 500 billion per year (UNSG, 2023). Although the efforts and those of other international actors predominantly focus on mobilizing additional public and private resources to achieve the agenda, doing so also requires moving away from “business as usual” and making fundamental changes to existing development trajectories. Calls for freeing up additional funding as the sole requirement for achieving the 2030 Agenda thus misrepresent the nature and thrust of an agenda that seeks to move away from “business as usual” and promote sustainable development patterns in all regions of the world. In fact, the incoherent policies maintained by the most powerful UN member states, such as increasing levels of fossil fuel subsidies or low ambitions in environmental taxation, are themselves contributing to supposed “SDG funding gaps” that the UN seeks to address (Bigger, 2023).

Although several SDGs address common challenges that every country needs to pursue and attain individually, such as the effective and equitable provision of public services, other SDGs relate to natural resource goals that require concerted efforts by multiple policy communities, actors, and levels of governance (Keijzer, 2017; Koff & Häbel, 2022). Recognizing this, the 2030 Agenda commits to “pursuing policy coherence and an enabling environment for sustainable development at all levels” (UNGA, 2015, p. 28) and included the promotion of Policy Coherence for Sustainable Development (PCSD) as a target under SDG 17. This target is considered a key means of implementation for the 2030 Agenda as a whole and is to be monitored by the presence or absence of dedicated institutional mechanisms. An emerging body of literature has criticized the apolitical and technocratic approach of the 2030 Agenda that misrepresents the promotion of coherence as a managerial challenge that can be tackled with the right technical means and processes (e.g. Brand et al., 2021; Yunita et al., 2022). A recent issue of *Development Policy Review* responded to this critique by exploring the concept of normative coherence for development, with a specific focus on the role of regional levels of governance. This normative perspective allows mitigation of the risk that efforts to strengthen policy coherence (un)intentionally reproduce and reinforce traditional economic growth trajectories (Koff & Häbel, 2022; Siitonen, 2021).

The literature on PCSD and the related concept of Policy Coherence for Development (PCD) retains a strong focus on Europe and the Organisation for Economic Co-operation and Development (OECD) (Carbone & Keijzer, 2016; Siitonen, 2021).¹ This focus is in part understandable, since the concepts themselves originate from these policy communities, and in the case of the European Union (EU) are included in its constituent treaties (Brand et al., 2021; Carbone & Keijzer, 2016). The present contribution explores policy coherence from a relational perspective. This approach adds another critical perspective to the existing literature on PC(S)D and normative PCD. In addition to being too apolitical and technocratic, the existing literature and policy debates on PCSD portray developing countries as passive recipients of OECD policy preferences, as opposed to

¹Unless indicated otherwise, this article uses the concepts of PCD and PCSD interchangeably and aligns to the works cited in this regard. For a discussion of the differences between the two concepts, which is beyond the scope of this article, please refer to Mackie (2020).

actors formulating their own policy preferences and interacting with those set by others. Exploring policy coherence from a relational perspective can improve our understanding of how the policy preferences of OECD states and regional organizations like the EU interact with those of third countries. This perspective can allow us to learn more about how similar policy preferences sometimes lead to different outcomes in contexts that are otherwise regarded as comparable, as hypothesized in the literature (Barry et al., 2010). To develop and test the relational perspective on PCSD, this article analyses the EU—a key norm-setting regional actor—in terms of how the supply-side of policy coherence interacts with developing country jurisdictions, institutions, and policies as the demand-side or enabling environment in which policy coherence gains are either achieved or fail to materialize.

The article explores the relational perspective through a focus on sustainable fisheries management, an objective addressed by several targets of SDG 14 on Life Below Water, which is one of the three “communal” SDGs as distinguished by Koff and Häbel (2022). It specifically analyses the interaction between the EU's Common Fisheries Policy (CFP) and its application in, and interaction with, the laws and policies set by Ghana. The EU is part of the global overfishing problem through its significant internal market, its role in international fish trading, and its considerable Distant Water Fleet (DWF). In 2019, the EU imported and exported a total of 8.55 million tons of fisheries and aquaculture products, representing a total value of EUR 33 billion. These figures make the EU the second largest trader of these products, after China. With a deficit of EUR 21 billion in 2019, the EU is a net importer of fishery and aquaculture products (EUMOFA, 2020). Recognizing its considerable market responsibility and looking to promote a “level playing sea,” the EU has introduced legislation and reform seeking to promote sustainable fishing both directly and indirectly in and by third countries. This legislation includes efforts to incentivize global action against Illegal, Unreported, and Unregulated (IUU) fishing by introducing certification and transparency requirements and a carding system structuring a process of dialogue with and, in extreme cases, sanctioning of trade relations (Barnes et al., 2020; Guggisberg, 2019; Wakefield, 2016). Its legislation is explicitly aimed at influencing behaviour beyond European stakeholders and so contributing to sustainable fishing practices worldwide (European Commission, 2022).

The article analyses the EU's fishing involvement in Ghana and how it interacts with the preferences and priorities of the Ghanaian fisheries policy. Ghana represents a relevant case to test the EU's ambition of contributing to sustainable fisheries beyond its own waters for three reasons: (1) it is a country with which the EU has not signed a bilateral fishing agreement and where EU vessels fish under direct authorizations; (2) fisheries represent a significant share of Ghana's gross domestic product and indirectly support the livelihoods of around 10% of its population (Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean, 2012); and (3) there are concerns over the growing role of non-European fishing fleets active in its waters (Okafor-Yarwood et al., 2022).

The analysis presented relies on a structured review of available literature, policy, and legal documents. While relevant to considering the potential of the analytical perspective pursued and generating plausible findings on fisheries policy (in)coherence, the pertinence and validity of its main observations beyond Ghana would need to be reviewed by further research. Overall, the analysis shows that the responsibilities for sustainability and degrees of adherence by Ghana and the EU are hard to determine. Due to the combination of domestic and international policies and the various actors involved, the EU's actual contribution to overfishing in Ghana cannot be reliably established. The EU has engaged with Ghanaian authorities to strengthen the coherence of Ghanaian fisheries policy with the objective of sustainable fisheries, yet these policy changes have not been translated in practice into more sustainable fishing. This situation presents a dilemma for the EU's continued fishing in and fish trading with Ghana, as shown by the issuing of a second yellow card under the EU's IUU legislation in June 2021.

The article is structured as follows. The next section introduces the relational perspective on policy coherence that is explored here, while motivating the specific policy area and country choice to do so. Section 2 subsequently describes the emergence of the global fisheries regime in which the policy choices of the EU and Ghana are embedded. Section 3 analyses the EU's CFP and reviews the existing literature on its external dimension. Section 4

analyses the interaction between the fisheries policy preferences of the EU and Ghana. The article concludes with general conclusions and suggestions for further research.

2 | POLICY COHERENCE FOR SUSTAINABLE DEVELOPMENT: A RELATIONAL PERSPECTIVE

Discussions on the need to make policies more attuned to development policy objectives were first prompted by evidence of the negative effects of incoherent policy choices in developing countries. In the context of asymmetrical international relations, economically powerful states were observed to give with one hand and take with the other. This sort of incoherence, intentional or otherwise, was seen as having a negative effect on the reputation and legitimacy of the states concerned, including the EU and its 27 member states, which in 2021 together provided 43% of global Official Development Assistance (Siitonen, 2021; Carbone & Keijzer, 2016). The promotion of policy coherence can be done by addressing or avoiding policy incoherence, and also by strengthening positive effects between objectives set under two or more policy areas. The latter is referred to as “synergies” or “win-win” and has received most emphasis in policy reports on policy coherence as published by the OECD and others (Brand et al., 2021).

The foundations for this understanding of policy coherence and how it is promoted were shaped during the first decade of this millennium. During this period, the concept was frequently discussed by policy-makers in networks facilitated by the OECD and the EU (Carbone & Keijzer, 2016). Their discussions were informed by a body of literature on the concept that further defined and operationalized it (Hoebink, 2005) and distinguished different levels of coherence: internal (within a single policy area), intragovernmental (within one government), intergovernmental (between governments), and donor–recipient coherence (Picciotto, 2005, p. 312). During this period, the promotion of policy coherence for development (PCD) became understood as a process whereby the interests of stakeholders in developing countries should be represented and considered in decisions that could affect them. This process was considered to be supported by dedicated institutional mechanisms such as co-ordination bodies and impact assessment procedures. In the case of the EU, the Commission monitored the creation and use of such mechanisms by itself and EU member states through biennial reports, while the mechanisms and their performance were also assessed by independent evaluations (Mackie et al., 2007; Núñez-Borja et al., 2018). During the negotiation of the 2030 Agenda and its SDGs, the concept of PCD was a key element of the EU's negotiating position, calling for a universal agenda that required all involved to review the alignment of their policies with global sustainable development (Keijzer, 2017).

Recent literature criticizes this technocratic or managerial approach to promoting policy coherence by arguing that it reasons away the real interests and politics involved (Brand et al., 2021; Yunita et al., 2022). Their examples of concrete policy trade-offs encountered in the Netherlands and the EU illustrate that the presence or absence of “institutional mechanisms,” as emphasized in SDG target 17.6, does not guarantee policy (in)coherence. Instead, the technocratic approach to promoting policy coherence obscures the politics inherent in such decision-making processes. The authors criticize this apolitical approach, by which ‘policy incoherence is understood as a problem of institutional and policy design, that once correctly adjusted, can lead to a coherent state of development’ (Yunita et al., 2022, p. 92). For the EU, the dominance of this approach can be explained by the absence of intra-European consensus to pursue its normative dimensions (Carbone & Keijzer, 2016), as well as by the instrumental use of the concept as part of a wider effort to promote “burden sharing” in terms of contributions to global development between OECD and non-OECD members (Keijzer, 2017). In contrast to this dominant technocratic and process-oriented approach, the idea of normative policy coherence seeks to transcend this dominant approach by taking concrete normative issues as the starting point (Siitonen, 2021, p. 4). The benefit of this approach is that it allows consideration of what kind of transformative development is required in each instance, thus mitigating the risk that efforts to strengthen policy coherence end up reproducing and reinforcing a traditional economic growth trajectory (Koff & Häbel, 2022).

These recent contributions to the literature offer analysis and ideas for adjusting the technocratic tendencies of the dominant policy discussions and accompanying research on policy coherence. Nonetheless, most contributions retain an OECD-centric perspective and represent the promotion of PCSD as a supply-driven (or donor-driven) process whereby their policies can be adjusted based on evidence of their potential or past effects in developing countries. Typically, policy discussions and academic contributions represent developing countries as passive recipients of the policy preferences set by OECD countries. Some of the earlier literature does acknowledge the heterogeneity both within and between developing countries to explain why the same OECD policy preferences can lead to different outcomes in otherwise comparable contexts (e.g. Barry et al., 2010), but the nature of this analysis does not examine how such “recipients” of OECD preferences interact with and respond to these policy preferences. Recent research has begun to explore PCSD in relation to national policy-making in developing countries, such as the applicability of the concept to South African policy-making (Mbanda & Fourie, 2020) and the potential of inclusive policy processes for PCSD in Mexico (Koff et al., 2022). While presenting important reflections and evidence on PCSD in non-OECD country contexts, these and other contributions do not analyse how these national policy-making processes interact with the policy preferences determined and pursued by other states and international organizations.

To complement these recent critical contributions on PCSD and normative policy coherence, this contribution explores how the EU as a key norm-setting regional actor interacts with developing country policy preferences. Regarded the original OECD-centric perspective on the concept, such a relational or “multi-actor” perspective would have the benefit of bringing together the demand- and supply-sides of policy coherence. A relational perspective, moreover, considers that policy coherence is not a binary and static property of any given policy, but instead considers policy (in)coherence as an outcome of the interaction between the various relevant actors, each with their own involvement and responsibilities for formulating and/or realizing policy. Figure 1 visualizes the key (inter)relations that can be analysed under this perspective for PCSD, essentially combining the dimensions originally defined by Picciotto (2005) as intragovernmental, intergovernmental and recipient coherence. Key elements in this figure concern (1) the separation between ongoing policy (re)formulation and implementation processes from the existing policy preferences; (2) the influence of both on the realization of development outcomes; (3) the possibility for dialogue between the OECD member concerned and third countries on the (un)intended effects

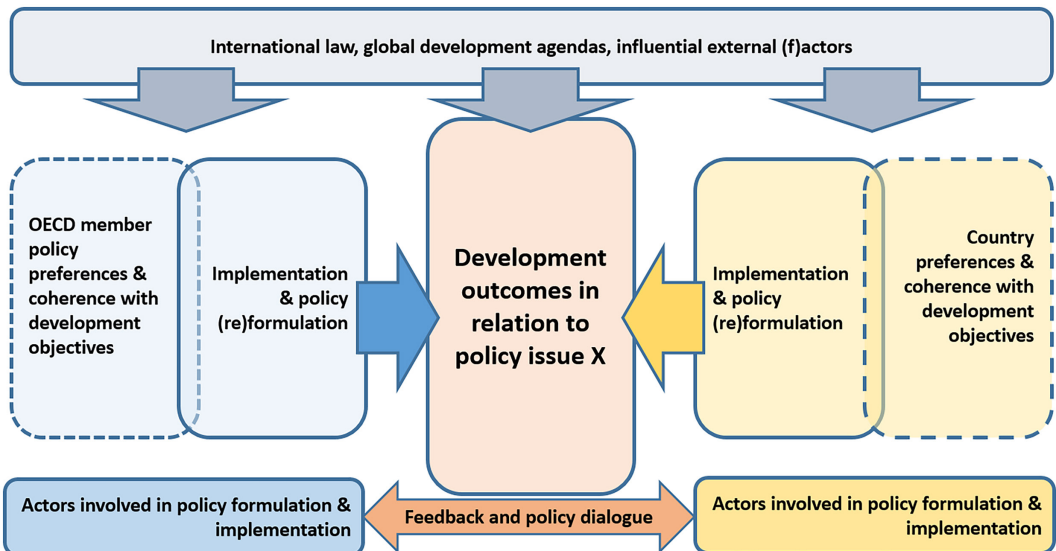


FIGURE 1 A relational perspective on policy coherence.

Source: Authors' own elaboration.

observed; and (4) although the arrows presented are of equal size, in reality the EU's influence will vary depending on the involvement and influence of various other international actors as regards the country concerned and the specific policy issue at hand.

In terms of the potential normative starting points of such a relational assessment of PCSD, Häbel and Koff (2022, p. 4) provide a helpful typology that groups the 17 SDGs into seven material, seven relational, and three communal goals. Although the first seven concern material and investment-related goals that can be pursued by freeing up additional means and using these effectively, the second group of seven requires rethinking development understandings and priorities—thus moving away from “business as usual.” The final three goals, namely climate action, life on land, and life below water, all concern natural resources that belong to or affect the global community as a whole, and therefore by definition can only be effectively tackled through international co-operation.

To explore the potential of a relational perspective on policy coherence, this contribution focuses on SDG 14 which seeks to “Conserve and sustainably use the oceans, seas and marine resources for sustainable development.” The targets associated with this goal include restoring fish stocks to sustainable levels and prohibiting fisheries subsidies that contribute to overcapacity and overfishing. As noted in the Introduction, the EU has a key role in the pursuit of these targets through its significant internal market, its role in international fish trading, and its considerable DWF capacity. The EU has, in addition, introduced legislation and reforms that seek to promote sustainable fisheries both directly and indirectly in and by third countries, including by its efforts to reduce IUU fishing. Its legislation is explicitly motivated to contribute to sustainable fishing practices worldwide (European Commission, 2022).

The coastal state of Ghana represents a relevant case for exploring this perspective by assessing the intersection of its fisheries policy preference with that of the EU, given the importance of fisheries to its own economy and the absence of a bilateral fishing agreement with the EU. The choice for Ghana is also motivated by an earlier pilot case study of policy coherence, commissioned by the Ministry of Foreign Affairs of the Netherlands (2014), which made a detailed assessment of the impact of European and Dutch policies in Ghana between 2006 and 2011—while also inquiring as to the likely effects of other possible policy choices during the same period. This study looked at trade, agriculture, taxation, forestry, and migration policy. It identified the various Ghanaian and European actors involved and formulated credible alternative options that these could have pursued during the same period. The study's conclusions include the observation of generally limited effects of policy incoherence for Ghana, with the exception of migration policy, while further diversification of financial flows to Ghana and its international co-operation dealings shows that the country is becoming more autonomous in relation to European actors.

Before further analysing the European and Ghanaian fisheries institutions and policy preferences, the next section describes the emergence of, and recent developments in, the global fisheries regime in which they are embedded.

3 | CONTEXT: THE GLOBAL FISHERIES REGIME

Water covers 71% of the world's surface and is home to around 32,000 fish species. Despite this abundance, economically powerful regions have long depleted their own waters and maintain sizeable DWFs, assisting fishers with public subsidies valued at USD 44 billion each year (Sumaila, 2022). Fisheries governance is a subset of international maritime law and involves a combination of international, regional, and national jurisdictions (Stokke, 2019).

The first legal principles on the governance of the maritime space date back to the 17th century. National rights over a nation's coastlines were limited to three nautical miles (5.6 km), which was considered the distance a cannon shot would reach at that time (though probably an overestimation) (Walker, 1945). All waters beyond

those national boundaries were considered international waters—free to all nations, but belonging to none of them. From the early 20th century, some states took initiatives to extend their claims on the sea beyond the three nautical miles zone to protect their national resources, while others continued to stick to the freedom of the sea doctrine. Decades of negotiations subsequently led to the adoption of the United Nations Convention on the Law of the Sea (UNCLOS) in 1982 (Varghese, 1985).

The UNCLOS introduced a clear geographical delimitation for states to exercise their sovereign rights over ocean resources. To this end, the UNCLOS introduced the concept of the Exclusive Economic Zone (EEZ). This EEZ starts at 12 nautical miles from the coastal baseline (the territorial waters) and extends 200 nautical miles from that baseline. Article 56(1) of the Treaty grants the coastal state sovereign rights to explore, exploit, conserve, and manage the natural resources in, below, and above the water surface within their EEZs. States should determine the total allowable catch within their EEZ and, based on this assessment, may grant other states access to the surplus through international agreements or other arrangements. Waters beyond the EEZs concern the high seas, with fishing regulated by dedicated international organizations, dubbed regional fisheries management organizations (RFMOs). The same organizations also deal with the fishing of straddling and highly migratory fish stocks (Wakefield, 2016).

During the decades that followed, various international processes and negotiations were convened, including in the UN's Food and Agricultural Organization (FAO) and the World Trade Organization (WTO), each with their own approach to including or excluding key stakeholders. These resulted in a series of soft and hard law institutions that allowed states to meet their UNCLOS responsibilities. The international organizations and processes concerned approached fisheries primarily from a food security, environmental, or trade angle, and were mostly conceived and developed independently of one another. The different fora and overlapping mandates have been a source of disagreement between states, such as whether overfishing of selected species could be tackled with the CITES agreement (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) or whether fishing subsidies could be discussed in the FAO or in the WTO (Young, 2011).

Key agreements adopted following the entry into force of the UNCLOS include the 1992 Convention on Biological Diversity, the 1995 UN Straddling Fish Stocks Agreement, and the 2009 Agreement on Port State Measures. In addition to these, several codes of conduct and plans of action were adopted to protect selected species or promote sustainable fisheries. These specified what states needed to do, but lacked adequate specification and did not ensure effective monitoring and compliance. Generally speaking, the development of institutional approaches to promoting sustainable fishing in these various regimes did not keep up with the increases in global fishing capacity. The difficulty of collective action to address overfishing was illustrated by two decades of WTO negotiations of a fisheries agreement, which followed earlier discussions in the FAO during the 1990s. WTO negotiations on this matter were successfully concluded in July 2022, while still running the risk of a stalemate situation during planned further negotiations. Another recent development concerns the adoption of the Agreement to ensure the conservation and sustainable use of biodiversity in marine areas beyond national jurisdiction on March 4, 2023, 15 years after negotiations had started.

4 | THE EU'S FISHERIES POLICY AND ITS EXTERNAL DIMENSION

The EU is a key actor in global fisheries governance in that it is both involved in the aforementioned institutions and also contributes its own institutions that seek to pursue their own aims and interests. Although the founding Treaty of Rome (1957) included fisheries as an integral part of the agriculture policy of the European Economic Community, it took until 1970 before the member states adopted the Common Fisheries Policy (CFP). The emergence and subsequent evolution of the CFP was driven by internal and external factors, particularly the Community's growing membership, including states with sizeable DWFs, and the adoption of the UNCLOS. Fisheries policy is an exclusive competence of the EU, under which the EU can legislate and adopt binding acts relating to

the conservation of marine biological resources under the CFP. Under this exclusive competence for fisheries, it may enter into legal relations with non-EU States (hereinafter third countries) on behalf of its 27 Member States. The EU's CFP competence includes fisheries management, market and trade policy, structural funding, and international policy (Barnes et al., 2020).

As a consequence of the creation of coastal states' EEZs, the European DWF lost its free access to the waters of third countries. To allow the DWFs of its members to continue fishing, the EEC negotiated bilateral fisheries agreements with coastal states and became a member of the RFMOs for its fishing on the high seas. As a result, the "external dimension" of the CFP has from the beginning been structured around two types of arrangements: (1) multilateral agreements for fishing activities on the high seas; and (2) bilateral agreements with third countries for EU fishing in their EEZs. The latter agreements are currently referred to as Sustainable Fisheries Partnership Agreements (SFPAs). Like their predecessors, the SFPAs grant fishing rights to EU vessels in exchange for financial and technical support to the "host country." The basic regulation of the CFP stipulates that: (1) the agreements should be of mutual benefit to the Union and the third country concerned; (2) the standards for EU vessels fishing in EU waters should also apply to fishing outside EU waters; and (3) the agreements can target only surplus of the allowable catch (Mulazzani & Malorgio, 2015). The EU currently has 13 SFPAs in force, 11 of which are with African coastal states. SFPAs include an exclusivity clause that stipulates that EU vessels cannot operate in the waters of the third country outside the framework of the agreement, even when the SFPA concerned is "dormant," if no protocol is in force. Should no SFPA have been concluded between the EU and a third country, EU vessels may engage in fishing either through private licensing—also referred to as direct authorizations—or by entering into joint ventures.

Although the CFP has always been the basis for the activities of EU vessels fishing outside EU waters, it was only with this 2013 reform that the principles of the external dimension of EU fisheries were defined and included in the basic CFP regulation (Regulation (EU) No 1380/2013). The 2013 regulation stipulates that the external CFP should aim for: (1) coherence with other external EU actions; (2) sustainable and economically viable fishing activities and the promotion of EU employment; (3) the application of the same principles and standards for EU fishing activities outside and inside EU waters; and (4) the eradication of IUU fishing.

The CFP reform was preceded by new legislation for preventing, deterring—and ultimately eliminating—IUU fishing by its fleet (Council Regulation (EC) No 1005/2008). This regulation is considered the first of its kind and introduces two legal instruments to advance its aim: a catch certification scheme to ascertain the legality of EU imports and a carding system to advance dialogue and, when necessary, impose trade restrictions. Under the carding system, the EU may trigger dialogue and enhanced co-operation to address observed shortcomings (yellow card) and may escalate to suspending EU fisheries and seafood trade with the country concerned (red card). Flag states were, moreover, required to notify the Commission that they have in place the necessary legal framework, procedures, and structures to certify the catches of vessels flying their flag, thus allowing fishery products trading from and into the EU to be traced. By 2021, 93 states had sent the EU such a notification. In a response to a recent EU Court of Auditors report, the European Commission clarified the international ambition of its IUU legislation as follows: "The objective of the carding process is not only to prevent fishery products stemming from IUU fishing entering the EU. The objective is also to promote that all countries abide by their international obligations as flag, coastal, port or market State as regards the fight against IUU fishing" (European Commission, n.d., p. 4).

The most recent legislation concerns the sustainable management of external fishing fleets (Regulation (EU) 2017/2403), which replaced a 2008 regulation that was generally considered inadequate to promote the consistent treatment of different fishing practices and ensure transparency. The 2017 Regulation lists conditions under which the Commission may allow third-country vessels to be active in EU waters, establishes processes to control EU member state decision-making, and requires that all EU vessels be authorized by their flag state under predefined conditions and be monitored by them to check compliance. Although fishing under direct authorization was largely ignored by the 2008 Regulation, the new regulation introduces common criteria to be used by flag states to issue such authorizations and requires them to share information with the Commission before doing

so. While fishing under direct authorization remains the ultimate responsibility of the member states, under the new Regulation this fishing type is covered by general eligibility criteria and Commission oversight. Linked to this, the regulation requires all EU vessels over 15 metres long and active in third country waters to be registered with the International Maritime Organization, giving it a unique identifying number that follows the vessel from construction to decommission—no matter what flag it sails under. The regulation represents a key step towards ensuring that the CFP is internally coherent in terms of applying the same principles and objectives to its internal and external aspects (Guggisberg, 2019).

The literature on the external dimension of the EU's CFP observes an enduring detrimental impact of EU fisheries practices on the (over)exploitation of fish stocks and thus on the food and economic security of highly vulnerable regions (Okafor-Yarwood & Belhabib, 2020). The external dimension of EU fisheries policy was previously found to be under-regulated, containing significant grey zones as well as internal contradictions (Mulazzani & Malorgio, 2015). This under-regulation of EU external fishing is framed as both a violation of international law and an ethical problem, as the EU is found to be contradicting its own ethical discourse on sustainability, development, and poverty eradication (Gegout, 2016; Okafor-Yarwood & Belhabib, 2020). The state of play is related to the broad and somewhat conflicting objectives of the CFP; that is defending the international presence and interests of the EU's fishing industry while guaranteeing fish supply for the internal market and contributing to sustainable fishing governance and fostering the development of third countries (Mulazzani & Malorgio, 2015). This leads observers to conclude that, despite the reforms, the EU's fisheries policies remain primarily geared to protecting the EU's own economic interests (Gegout, 2016).

Research also points to unfair competition between EU and local fleets as per the EU's considerable fisheries subsidies, including exemptions from fuel tax (Antonova, 2016; Hadjimichael, 2018). Other literature and independent research examine the EU's more recent legislative changes including the aforementioned 2017 Regulation (Guggisberg, 2019) and the participation of third countries in IUU fishing (Barnes et al., 2020). Under this legislation, the EU "uses its power as a market State to encourage other fishing entities to take appropriate steps to encourage responsible fishing practices" (Barnes et al., 2020, p. 10). A recent report of the European Court of Auditors concluded that the effectiveness of IUU legislation was undermined by differences in quality and frequency of checks by EU member states, the paper-based nature of the certification scheme, and also the failure of some member states to impose sufficiently dissuasive sanctions in cases where IUU fish imports are found (ECA, 2022). The European Commission can also open infringement procedures against member states that fail to implement the regulations concerned.

In contrast to the extensive literature on SFPAs, there is less literature on EU fishing under direct authorizations or on the use of its IUU regulation and related market-based standards and requirements. The next section analyses the EU's involvement in Ghana with a key focus on Ghanaian policies and institutions, and the extent to which the EU has engaged with these.

5 | EU FISHERIES IN GHANA

Ghana is located along the Gulf of Guinea with a coastline of 343.8 miles and a total continental shelf area of about 24,000 square kilometres (Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean, 2012). A quarter of Ghana's 30.4 million people live in its coastal regions. In addition to the fisheries sector, other economic sectors compete over the use of the coastline and Ghana's marine resources, including the exploitation of offshore hydrocarbons (Okafor-Yarwood et al., 2022, p. 4). The fisheries sector is essential for Ghana from a socioeconomic perspective. It contributes 4.5% to its gross domestic product (GDP) and accounts for 12% of the agricultural GDP (Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean, 2012). Ghana is a major tuna exporter to the EU, with supply chains traditionally focused on entering the EU market via the United Kingdom (Interpol, 2014). Ghana

also maintains its own DWF, which includes 21 tuna vessels active in the waters of Côte d'Ivoire (Defaux et al., 2017).

Since there is no SFPA between the EU and Ghana, EU vessels have to negotiate direct authorizations to fish in Ghanaian waters. In 2015, 44 tuna vessels were licensed to fish in Ghana, of which 13 were registered in the EU (four flagged to Spain, nine to France).² The licence fees paid included application and processing fees based on the ship's weight. French vessels reported paying between USD 45,000 and USD 110,000 per year to fish for tuna in Ghana (NFDS et al., 2016, p. vi). An EU-funded ex-ante impact assessment to consider a possible SFPA indicated that there were no officially established figures on the catches of these EU vessels, with the European Commission and the French vessels reporting differing figures (NFDS et al., 2016). Fisheries trade between Ghana and the EU stood at 21,000 tonnes in the year 2020 (ECA, 2022, p. 28).

The cornerstone for regulating fisheries is Ghana's 2002 Fisheries Act (Republic of Ghana, 2002). Other legal instruments include the Ghana Ports and Harbours Authority Act of 1986, the Ghana Shipping Act of 2003, and the fisheries regulation. The Fisheries Act established general provisions on the sustainable management and development of the fishery sector accompanied by a set of institutions (i.e. Fisheries Commission, Fisheries Settlement Committee, Fisheries Development Fund, among others). The government issues fishing licences on an annual basis, while also regulating access by ocean zonification and requirements on the size of the gears and fishing devices. The definition of a national and foreign vessel relies on Ghanaian ownership over the vessel. This was based on the idea that Ghanaians must be involved in the industry to protect the national interest. Therefore, if a vessel is owned or controlled by the Government, or by a Ghanaian citizen, a Ghanaian company, or by a partnership under Ghanaian jurisdiction, the vessel is considered national. If that is not the case, the vessel will be categorized as a foreign vessel. For tuna vessels, the legal requirement of national ownership is reduced to 50% (Republic of Ghana, 2002). Foreign vessels are allowed to fish only if there is a licence or if there is an authorization under an international agreement between Ghana and the state where the vessel is registered. Some DWFs opt to register as national vessels, including through joint ventures, so as to pay lower licence fees and penalties for illegal fishing, a practice which has cost Ghana millions of dollars in tax revenue (Oirere, 2021).

Ghanaian society functions under the common law legal system, whereby uncodified law and court rulings generate precedents to be followed in similar cases—including in fisheries management where practices which are otherwise forbidden by written law can be perceived as legal because of a court ruling. This is the case with Saiko fishing. It refers to a practice whereby the "bycatch" that industrial trawlers either do not want or are not authorized to catch under their license is transferred to canoe operators at sea ("transshipment"). Historically, Saiko fishing was done through in-kind trade, but these days it takes place more in the form of organized transactions (Baido-Tsibu, 2019). In 2001, local fishers initiated a high court action against the community of Saiko fishers, which they deemed to challenge the legality of their business. The court ruled in favour of the Saiko fishers, who were thus allowed to continue their practices (Hen Mpoano, 2015). However, Saiko fishers continue to risk arrest by public authorities, and the government has not confirmed the continued legality of Saiko fishing (Baido-Tsibu, 2019). The continued practice of Saiko fishing and their co-operation with industrial trawlers have the effect of both depressing prices for artisanal fisheries and incentivizing the use of illegal fishing methods by the latter. Contrary to the objectives under the 2022 Ghanaian Fisheries Act, an estimated 90% of industrial trawl vessels licensed to fish in Ghana's EEZ are flagged to Ghana yet owned by China under joint-venture schemes (EJF, 2021; Okafor-Yarwood et al., 2022, p. 4).

The Ghanaian Fisheries Commission has a specialized division for monitoring, control, and surveillance activities. It works in co-operation with the navy, the army, and on-board observers. Due to the country's limited monitoring capacities and resources, the chances of being caught *in flagrante* on IUU activities are slim. Therefore, the use of several illegal fishing methods has been considered as a key contributor to the

²Another vessel was flagged to Curaçao, which is a constituent country within the Kingdom of the Netherlands.

significant decline in Ghanaian fish stocks (Interpol, 2014, p. 45). The combination of ambitious IUU legislation and limited resources to enforce these has had the effect of causing unintended policy incoherence with SDG 14, as monitoring activities tend to focus on “nearshore” small-scale fishers while not being able to effectively monitor DWFs that fish further from the shore (Okafor-Yarwood et al., 2022). One specific example is that the government was able to enforce limited closed seasons to small-scale fishers to protect the spawning season of small pelagic fish, while failing to do so effectively for the trawlers operating further away from the shore (Okafor-Yarwood et al., p. 5).

Ghana's legal framework entails a range of sanctioning mechanisms should an infringement of the provisions be detected, including monetary fines, the detention—and the sale and resale—of the assets linked to the committing of an infraction. In practice, these potential sanctions were generally viewed to be so poorly enforced that they were deemed a deterrent to IUU practices. In 2013, after assessing that Ghana did not do enough to prevent IUU fishing, the EU issued a yellow card. Ghana responded by improving its legal framework, particularly by amending its Fisheries Act in 2014. Following these reforms and accompanying co-operation projects, the EU lifted the yellow card in 2015, with the Commissioner commenting that Ghana had “taken ownership of their fisheries reforms and now have robust legal and policy frameworks in place to fight IUU fishing activities” (European Commission, 2015a). In response to a written question from a member of the European Parliament in December 2015, the Commissioner added that Ghana (and Papua New Guinea) had the “the legal and administrative framework to fully meet their responsibilities as coastal, flag, port and export state” (European Commission, 2015b). In this period, the Commission was reportedly in informal discussions on agreeing a potential SFPA for which it had presented initial written proposals, though these preparations did not advance beyond an ex-ante evaluation (NFDS et al., 2016).

Six years after these negotiations, evidence of insufficient enforcement of the legislative and institutional changes led the European Commission to issue a second yellow card in June 2021. The European Commission justified its decision by pointing out major shortcomings, including illegal transshipment, deficiencies in the monitoring, control, and surveillance of vessels, and the lack of alignment of the national legal framework with Ghana's international obligations. The EU press release called for further dialogue and co-operation, while emphasizing that “the decision does not entail any measures affecting trade” and that halting trade was “only a last resort measure” (European Commission, 2021). Panama and Ghana are so far the only two countries which the EU has yellow-carded a second time, both being of higher economic importance to the EU from a fish trade perspective than the three currently red-carded countries of Cambodia, Comoros, and Saint Vincent and the Grenadines (ECA, 2022).

6 | CONCLUSION

This article has sought to complement and add to recent critical research on PCSD by elaborating and testing a relational perspective of the concept. It has reviewed recent research on PCSD that criticized the dominant process and apolitical approach of past policy discussions and accompanying research, while observing the neglect of its political and normative dimensions. It further considered that much of the available OECD-centric research misrepresents third countries as passive recipients of (in)coherent OECD policy preferences and elaborates a relational perspective on policy coherence that seeks to address this shortcoming. This relational perspective considers that policy coherence is not a binary property, but instead comes in degrees and emerges from the interaction between the various relevant actors concerned, each with their relative influence on and responsibilities for formulating and/or realizing policy.

The perspective was applied to an analysis of how the preferences of the EU's fisheries policy interact with those of Ghana and consequently produce (in)coherence with SDG 14 associated with sustainable fisheries management. While the EU regulations seek to ensure that its fishing fleet engages in sustainable fishing, the EU is

unable to determine the extent to which this happens in Ghana. The analysis suggests that Ghana only exerts a limited degree of control over fisheries within its waters; this includes EU-flagged vessels that are active there. Overall, the analysis concludes that neither the EU's nor Ghana's commitment to sustainable fisheries can be assumed. The presence of other fishing nations and influences moreover makes it challenging to determine their responsibilities for sustainability and degrees of policy coherence. In view of the EU's ambitious policy framework, the continued overfishing in Ghanaian waters negatively affects the credibility of the EU. The policy dialogue that it has engaged in and the technical support it has provided to Ghana's fisheries policy have resulted in changes on paper, but not yet in practice.

The analysis shows the need for research on PCSD to move beyond analysing the content of policy preferences as "outputs." Specialists should investigate to what extent and how these preferences are translated into practice. Such research could also focus on gathering evidence on the extent to which and how the policy preferences of multiple actors interact and produce development outcomes as desired by the latter. With the 2030 Agenda now having reached its midpoint, such research evidence could also contribute to ensuring that ongoing policy debates move beyond a discussion of assumed "funding gaps" to adequately consider the implications of the universal, differentiated, and transformative nature of the agenda.

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DATA AVAILABILITY STATEMENT

The data that support the findings of this study are openly available in EUR-Lex at <https://eur-lex.europa.eu>, reference numbers in the European Union references below.

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