

PAST, PRESENT AND FUTURE OF
PUBLICLY-FUNDED EUROPEAN UNION'S FISHING ACCESS AGREEMENTS
IN DEVELOPING COUNTRIES

by

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A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF
THE REQUIREMENTS FOR DEGREE OF

DOCTOR OF PHILOSOPHY

in

THE FACULTY OF GRADUATE AND POSTDOCTORAL STUDIES

(Resource Management and Environmental Studies)

THE UNIVERSITY OF BRITISH COLUMBIA

(Vancouver)

and

LA FACULTÉ DES SCIENCES

(Systèmes Intégrés en Biologie, Agronomie, Géosciences,
Hydrosciences, Environnement)

UNIVERSITÉ DE MONTPELLIER 2

(Montpellier, France)

December 2014

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Abstract

Since the 19th century, with the expansion and industrialization of extractive industries, maritime jurisdictions have shifted from chiefly open-access to a regime regulated by the UN Convention on the Law of the Sea (UNCLOS). This thesis examines fishing access agreements, i.e., legal tools that allow one country to fish in the waters of another one following mutually-agreed terms. The emphasis is on the particular fisheries access agreements funded by EU-taxpayers, and the aim is to test the common belief that their economic, social, and environmental provisions have improved over time *vis-à-vis* the host countries. To date, only little has been published on this topic, and thus this examination of their provisions is of paramount importance for the policy realm. Chapters 1 and 2 challenge the legal ground of such agreements, which rests on the questionable notion of fisheries 'surplus' that must be made available to other countries according to UNCLOS. Flaws in the estimation of surplus are noted: in most cases, the surplus cannot be calculated due to inaccurate catch estimates, and ceding a potential surplus to foreign countries results in hard-to-justify decreases in domestic catches. Chapter 3 argues that since their inception, the level at which these agreements have been subsidized remained extremely high (around 75%); the remainder (paid by fleets' operators) represented only a small fraction of their gross revenue, highlighting a potential imbalance in allocation of benefits. Finally, Chapter 4 demonstrates that despite advances in most social and environmental provisions, the one regarding the supervision of foreign vessels by observers (arguably the most critical provision of all) has declined. These results beg the question: how legitimate are such access agreements? While they are lauded for their transparency, they appear to remain mostly beneficial to European interests and poorly monitored. Also, due to the fishing expansion occurring in host countries and ongoing international trade reforms, one can only wonder whether such historical 'pay-fish-and-go' agreements still ought to continue.