

Evaluation of EU / ACP fisheries partnership agreements: In the light of the report of the Court of Auditors of the EU, critical analysis.

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It is useful to recall the issue of the fisheries agreements signed between the EU and the ACP (African, Caribbean and Pacific² Group of States) in general under the Lomé Agreement and Its various revisions (Cotonou 2010) and bilateral agreements between the EU and certain African states in particular (Morocco).

During the 1970s, most coastal countries, and more specifically the ACP, extended their exclusive economic zone (EEZ) to 200 nautical miles from the baselines, repelling the high seas, characterized by the principle of free access to its living resources. This has resulted in a number of consequences, including the exclusion of foreign vessels for the sole national fleet and the ownership of almost 90 per cent of the fisheries resources under the control of coastal States.

To clarify the issue, it is necessary to specify the regime of these EEZs which are being extended by the said States. The EEZ is described as an area beyond and adjacent to the territorial sea³. It is a more recent concept than that of the continental shelf (early 1970s), but its origin is older, it is a will of the riparian states to control the fisheries resources (fisheries) beyond the territorial sea. From the 1950s onwards, in line with the Truman Declaration, it was for this reason that states of South America, Africa and Asia unilaterally extended their powers by reserving fishing zones (which could go up to 200 nautical miles)⁴. This has led to conflicts with other fisher folk such as the cod wars. As early as 1973, a new concept emerged at an OAU Conference: that of ZEE, but it was at the time a mere proposal. The term "EEZ" showed that we wanted to go beyond the simple fishing zone. The idea was to grant the coastal State

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² ACP Group of States of Africa, the Caribbean and the Pacific, www.acp.int

³ Article 55 of the United Nations Convention on the Law of the Sea Montego Bay.

⁴ ICJ, 25 July 1974, Fisheries Jurisdiction (Icelandic fisheries cases), FRG and RU v. Iceland: Iceland sentenced for violating international commitments and Court held that at that time no custom did not allow for an exclusive fishing zone, but recognized that State practice increasingly recognized the existence of preferential fishing rights in waters adjacent to the coastal State (...).

exclusive rights over all natural resources up to 200 nautical miles, independently of any territorial sovereignty. It can therefore be asserted that this notion from the moment it appeared had a customary value. Legally, it has been designated as a *sui generis* zone as distinct from the territorial sea and the high seas.

The United Nations Convention on the Law of the Sea created an original legal regime distinct from the territorial sea and the high seas⁵; it was a compromise between the developing countries and the industrialized countries. The CMB will therefore clarify the rights and obligations of coastal States and third States. As far as the rights of coastal States are concerned, the EEZ is not part of its territory, so it does not exercise its full sovereignty, but it will still have sovereign rights, mainly in the economic, scientific and In the field of protection of the marine environment⁶.

The interest of the EEZ will mainly arise in the fisheries sector concerning the management of fish stocks, in particular, the coastal State will also determine the capacity of its own exploitation of its fishery resources⁷, and if there is more than It may decide to authorize other States to fish in its area by issuing fisheries agreements with those third States. And then in this area it will be able to enforce regulations on fishing, which will have to be respected by third countries, and it can take measures in case of non-compliance with this regulation, even with foreign vessels. All this proved that the creation of EEZs on major fishing areas has resulted in many cases of illegal fishing. The coastal State thus exercises a real grip on its coastal sea.

Alongside the coastal State, the third State also has rights and obligations. Whether it is with or without a coastline, it will continue to enjoy extensive liberties in the EEZ, including freedom of navigation, overflight, submarine cables ... article 58 of UNCLOS. So these freedoms will in principle be exercised in the same way as that of the high seas, and this is not limited to a right of innocent passage as is the case in the territorial sea. Therefore, all high seas regimes apply to the EEZ, unless this contradicts the EEZ regulations. However, third States should respect the laws of the coastal State in this area.

Faced with this change in the consecration of sovereign rights to coastal States, the EU will put in place an external component of its Common Fisheries Policy (CFP). This component essentially comprises fisheries agreements which have evolved over the years from the simple fisheries agreements first to the Fisheries Partnership Agreements (FPAs) and then the last generation to the Fisheries Partnership Agreements (FPAs).

Behind each agreement, there was a whole philosophy as if to mark the imprint of his time. The first-generation fisheries agreements were considered to be mere trade agreements with the principle of the Community acquiring the right of access and obtaining the right to fish and once having fished the vessels

⁵ PANCRACIO Jean-Paul, *Droit de la Mer*, Dalloz 1st ed, 2010, Paris, pp 122 - 364.

The CMB makes a distinction between the different maritime areas and the powers exercised therein, in particular the sovereignty areas of inland waters (Article 8) and the territorial sea (Article 3) sovereign rights zones such as the EEZ (Articles 55 to 75), the continental shelf (Article 76 §1), and the contiguous zone (which is not a space

Sovereignty or space of sovereign rights article33) and the international maritime spaces that are high seas (article 86) principle of freedom on the high seas.

⁶ Article 56 of UNCLOS, this provision cites a number of the competences exercised by a

In particular, it has jurisdiction over several areas: installations and works, artificial islands, marine research ... outside its regulatory competence for environmental protection, outside its normative competence, the CMB recognizes a repressive competence To prosecute infringements of international rules on pollution from ships (Article 220 §5).

⁷ Articles 61 and 62 of the UNCLOS set out the powers of the coastal State in relation to fisheries, in particular the determination of allowable volumes (VAC), the taking of conservation and management measures in the light of available scientific information

they left with the Products⁸, without having to worry about other realities (of a socio-economic nature). The second generation was made up of partnership agreements aimed at making third-country coastal countries genuine partners, taking into account their own realities, and promoting sustainable fishing that complies with European regulations in this area⁹.

This EU strategy was materialized through the signing of fisheries agreements to allow vessels flying the flag of the Member States to accede to the EEZs of the ACP States and to carry out fishing activities there.

So, the EU is one of the most important importers of fishery products (first) and has a large fleet ('4th fleet' in the world) and its population is almost entirely dependent on these products and is engaged in significant economic activity through this fishing activity¹⁰.

Its position as a major importer of fishery products and its high dependence on these products has led to a change in approach, in view of the relevant criticism that fisheries agreements constitute a predation of fishery resources of the ACP States and that they did not contribute to the development of local fisheries and were detrimental to diverse local interests, both food security and the marine ecosystem.

All these criticisms led the EU to adopt, or better to revise, in 2002 first and then in 2014 its external aspect of its fisheries policy. This shift of emphasis takes into account both the exploitation of fishery resources in a sustainable manner, focusing exploitation on the surplus stocks of third countries and secondly, concern for the conservation of the resource and the marine environment as a whole.

The principle is no longer the financial compensation against access to the resource, but the APA philosophy divides the financial compensation in two: one destined to cover access rights to the EEZ and another destined for Support to the local fisheries sector.

In response to this situation, new EU sustainable development requirements have been formulated by the EU to ACP States in order to cement this new partnership: transparency, good governance, democracy and human rights. Which constitute today the foundation of their relations. This way of proceeding from the EU is a strong message and thus sounds the death knell of the old predatory system (system essentially considered to be characterized by a race to fish). Forgetting humanitarian considerations, both economic and social, and even political, of people who are nationals of the ACP States.

The new fisheries agreements, thus painted, aim to rebalance trade relations between the ACP and the EU, with the aim of increasing the fishing capacity of third countries, creating new frameworks to involve more and more Civil society, etc.

As noble as they may be, a few questions remain, namely the question of:

- If the ACPs have benefited from these agreements, as was foreseen, or if they are further deferred by agreements which only concern access to the resource (to prevent the EU from falling into fishery products or Catch) or not see a whole fleet immobilized due to lack of access to the EEZs of third countries.
- If fisheries partnership agreements at the time of their implementation have not proved to be contrary to the objectives pursued at the outset.

⁸ BEURIER Jean-Pierre, s / dir, Droits Maritimes, Dalloz, 3rd edition, Paris, 2014, p. 1452.

⁹ *Op cit*, p.

¹⁰ LAMBLIN-GOURDIN Anne-Sophie and MONDIELLI Eric, s / dir., The law of external relations of the European Union after the Lisbon Treaty, Bruylant, Brussels, 2013.

Positioned in that way, sustainable fisheries partnership agreements must be assessed in terms of the objectives and requirements that the EU has set itself.

In the present study, we will question the need to know whether the various fisheries partnership agreements have complied with the principles aimed in particular at improving the fishing capacity of third countries, the life of the population: from the security point of view Food, governance and human rights (I), and on the other we will analyze the EU's fisheries control mechanisms and their effectiveness (II).

I. Have sustainable fisheries partnership agreements achieved the objectives set by the EU legal framework

A. The relevance of FPAs (D) for the EU and the ACP

There is no need to recall the importance of the DPA to the EU, the Commission notes that these agreements have a clear advantage over other alternatives allowing access to the EEZ of third countries. These agreements are a clear, uniform, stable legal framework and solid legal certainty in relation to private agreements between shipowners and coastal States. These agreements offer a guarantee of non-discrimination of vessels and are an instrument of cooperation both scientific and good governance for the ACP.

As for the ACP, the Cotonou Agreement begins by recognizing the undeniable role of fisheries in a multidimensional approach, notably its positive impact on job creation, food security and notes that it constitutes an important source of local communities and reducing poverty¹¹.

The objective of this partnership is to strengthen the ACP fishing capacities by developing a strategy that aims to maximize the benefits of the ACP fisheries resources. Stimulate investment in the sector by integrating a local, national and regional dimension through coherent and well-structured development plans, this capacity building is reflected in the EU's involvement in various RFMOs. One question is sure that one could ask is the competence of the EU Commission to conclude these agreements.

What is the legitimacy of the Commission's competence in the negotiation of the DPA?

The competence of the Commission to conclude treaties and agreements with States and international organizations derives from Article 300 TEC, it also lays down the procedure to be followed, in particular the obligation to make recommendations to the Council, which must give its endorsement For the conduct of negotiations and frames the intervention of the European Parliament. A Council Resolution of 3rd, November 1976 authorized the Commission to conduct negotiations on fisheries agreements in the following terms: *'... the obtaining of fishing rights for Community fishermen in the waters of third countries, and that the maintenance of existing rights ... it instructs the commission to conduct negotiations with third countries and, in the first instance, will have to conclude framework agreements promoting access to the resource ...'*

Before turning to the evaluation itself, we need to dwell on the various sources that enabled us to analyze these agreements.

The Court of Audit of the EU is provided for in Article 13 of the TEU among the organs of the community and is governed by Article 278 TFEU, as regards its tasks and the modalities of its operation. Its mission is to control the expenditure and revenue of the EU and the bodies it creates (point 1), but also

¹¹ Article 23a of the Cotonou Agreement between the EU and the ACP.

of all natural or legal persons receiving EU funds, which can be monitored (Item 3) it draws up annually a report on the control carried out and on special questions it produces special reports, (point 4).

The present study is essentially based on the special report of the EU Court of Account of the year 2015 drawn up under paragraph 4 of Article 287 TFEU.

B. What is the assessment of APA (D)?

A number of objectives have been set by the CFP for sustainable fisheries, in particular to avoid overfishing by the EU fleet, contribute to the development of the local fisheries sector, respect for fundamental rights And democracy.

Reducing overfishing a hard to reach missile

In view of the objectives set out in the Fisheries Partnership Agreements, it is clear that the principle of sustainable minimum yield (MSY) is difficult to meet since surpluses of fishery resources to be fished by EU vessels are not Scientific data or reliable data in most third countries (paragraphs 29 to 32 of the EU Court of Account Report).

It seems to us that the Commission, while signing the agreements, must first secure surplus resources to fish by its fleet, instead of taking refuge behind the inability of partners who often do not have sufficient resources to carry out a study of such an important scale as this one. Moreover, it seems inappropriate to use Article 61 of the UNCLOS to impose this obligation to determine surpluses in the sole discretion of the third State whose incapacity is otherwise known. The EU and the flag State are not, however, relieved. For they remain obliged to ensure that their vessels do not overfish.

In some cases, scientific data on surpluses do not exist. Sometimes they exist in other countries, as is the case in the Indian Ocean, where the Indian Ocean Tuna Commission (IOTC), despite recommendations based on scientific advice, still has a difficulty for the application of the principle of Maximum Sustainable Yield (RMD) to highly migratory species. Then we would question the real motivation of this overfishing by the EU fleet which would not contribute to the conservation objective of the species.

Support to the local fisheries sector as an instrument of development but difficult to manage.

Support to the local fisheries sector is the other pillar or even a key principle of the external dimension of fisheries policy, which is also in line with the desired partnership between the ACP and the EU. There are significant weaknesses in the Commission's assessments of the funds, which demonstrate, on the one hand, structural difficulties on the part of the ACP countries, such as poor governance, inadequate technical and the near absence of infrastructure and, on the other hand, other weaknesses can be detected on the EU side.

The report of the Court of Auditors points, among other things, to the lack of an assessment of sector-based support in certain countries such as Mozambique between 2012 and 2014, the lack of resources for the fisheries of the ocean the failure to pay attention to the need to absorb ACP sector-based support.

In other countries, it was found that some actions were properly carried out, such as the Seychelles, where the activities of the satellite-based vessel monitoring system (VMS¹²) were perfectly carried out; Some other activities have below-average implementation rates (less than 50%), such as the research

¹² <http://www.developpement-durable.gouv.fr/systeme-surveillance-des-navires-satellite-vms>
<http://sih.ifremer.fr/Description-des-donnees/Donnees-externes/Donnees-de-geolocalisation/Les-donnees-VMS>
https://ec.europa.eu/fisheries/cfp/control/technologies_fr

Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed rules for the application of the satellite-based vessel monitoring system.

management plan, infrastructure project studies for industrial or semi-industrial fisheries) or, finally, some others have not been implemented.

One might wonder how, without sector-based support for effective local fisheries, how would the DPAs differ from the agreements they have succeeded and what would be their impact on trade between the ACP and the EU? To the extent that the Cotonou Agreement between the two sides also aimed at easing tariff and non-tariff barriers that would also affect fishery products. In such a situation, it is obvious that it is still difficult for ACP countries to export fishery products to the EU. This fact of inappropriate or misdirected sector-based support seems to be deviating from the objective of eradicating poverty within the ACP.

Moreover, it would be useful to ask what would be the *ratio legis* of Article 32 of Regulation 1380/2013, which conditions the granting of sector-based support funds to the development activities of the sector concerned. Abundantly, the payment of these funds would amount to the payment of the right of access to the EEZ of the former regime allegedly replaced by the reform of the Common Fisheries Policy (CFP) of 2014. In view of this finding of failure of the sector-based support policy, one can legitimately ask whether the DPSAs or joint ventures do not threaten food security.

The problem of food security and the goal of poverty reduction

The EU's failure to take into account the sector-based support sector that would help improve local fisheries and by not securing a surplus fishery would seriously undermine the food security of local communities due to the absence taking into account the needs of the population.

There are countries where fish consumption is higher and food security is largely dependent on this food, as in the case of Senegal, where 75% of the protein requirement comes from fishery products. The existence of EU fisheries agreements coupled with an Asian presence in Senegalese waters has a negative impact on food security. Indeed, two phenomena can be observed: firstly, when the State has set up landing docks a trend emerges, the orientation of local fisheries towards international markets (extraversion of the fishery). In Senegal, 2/3 of the local production went to the processing of mainly Asian flours. Another situation is that of Equatorial Guinea, where there is no landing site, fishery products are not landed in the country and supply canneries on the Ivory Coast (Abidjan) and Ghana (Tema¹³). Finally, a new reality is made up of mixed companies (flying the flag of either the ACP States while belonging to the private owners of the EU member states), and thus preventing the development of artisanal fisheries which would contribute to the food security of States parties to the agreements.

The question of jobs is also related to the fisheries sector and is an important factor in the fight against poverty. Some fisheries agreements stipulate that 50% of the local workforce will be absorbed. The EU / Mozambique fisheries agreement that the EU freezer trawler licensed to fish in Mozambican waters must take 50% of the crew. Another example can be taken from Equatorial Guinea where an APPD is promoted as being able to promote employment dependent on fishing activity, while reformulating a conditionality that is the formation of the national sailors. In Senegal there are 30,000 unemployed seafarers with sufficient training.

On the other hand, it may be difficult to believe that the DPSAs promote jobs in the south, while in the north their visibility is difficult to observe. The Court of Auditors notes that *'the JPAs do not fulfill all their objectives and that the evaluation report does not mention employment in EU regions which depend on fisheries'*.

The EU's pursuit of Fisheries Partnership Agreements despite the failure to respect the principles of democracy and human rights: the EU between contradiction and pragmatism?

¹³ The ex-ante and ex-post evaluation of the EU / Equatorial Guinea fisheries agreement

The latest-generation fisheries agreements focus on a number of principles, including respect for human rights. It is not clear that this principle has always been correctly applied. Indeed, some states with which the EU has concluded agreements have experienced periods of political crises in which violations of fundamental rights have been committed. These agreements have never been suspended, let alone sector-based support funds. The Commission has always described this situation, which is understandable in Mauritania, for example, between 2008 and 2012. In Madagascar, despite the persistence of the crisis, the Commission considered that it no longer fulfilled the conditions for eligibility for support funds, but Madagascar had continued to benefit from the funds, thus avoiding the loss of jobs and Food insecurity, etc.

One has to wonder whether this practice is compatible with the principle of respect for fundamental rights by third States and that its implementation is not to deprive the 2014 reform of its full substance. The logic behind the disbursement of the structural support fund in spite of non-respect for human rights may fall within the scope of praxis, which requires that EU vessels and their nationals have access to the Exclusive Economic Zone to avoid disturbance on the EU market.

Furthermore, this same pragmatism has led the EU to renew its partnership agreement with Morocco, which has a de facto occupation of Western Sahara in violation of imperative rules of international law and the right of peoples under Self-determination¹⁴.

The EU / Morocco agreements are singular in the sense that they initially do not fit in the same package of the Cotonou agreements (the only state that is not a party to the EU / ACP partnership). Three-quarters of the EEZs covered by the EU / Morocco fisheries agreement are territorial waters of Western Sahara, and a dispute arose as a result of the agreements. The Commission has always argued that the agreements between the EU and Morocco are lawful, since the sector-based support fund was used for the benefit of the occupied populations.

For our part, such justification cannot suffice because it is undoubtedly a flagrant violation of international law and also of the principle of the right of peoples to dispose of them. The Commission is not in a position to report any evidence that the funds earmarked for sector-based support for local fisheries are actually used to improve the local Sahraoui fishery in order to claim any benefit. In addition, we would question the respect for human rights for a government that is in quasi-permanent combat and which represses any claim of the Sahraoui.

There is no doubt that this situation between Morocco and the EU establish an illegality which actually raises questions as to whether the difference between the first generation fisheries agreements and the APPs (D) is only semantic And that, in practice, the methods and practices have remained the same and that sustainable partnership is only an Arlesian one.

II. Has APP (D) reduced IUU fishing in the exclusive economic zones of third countries?

Worldwide, IUU fishing represents more than 26 million ton of catch annually and is estimated at nearly US \$ 23 billion. The EU imports each year an amount of IUU fishing, estimated at 500 000 ton worth 1.1 billion euro.

In response to this question, it was observed that the EU's efforts on IUU fishing were notable. These efforts are reflected, at international level through its adherence to instruments such as the Agreement on Port State Measures to Prevent or Deter and Eliminate Illegal, Unreported and Unregulated Fishing (2009), The International Plan of Action on IUU fishing (2001). At EU level, the EU has adopted its IUU

¹⁴ Lucile MARTIN, "The Case of Western Sahara", *Les Cahiers de l'Orient*, 2011/2 (No. 102)

<https://www.cairn.info/revue-les-cahiers-de-l-orient-2011-2-page-43.htm>.

Maurice FLORY, "The opinion of the International Court of Justice on Western Sahara, 16 October 1975", *French Yearbook of International Law*, 1975, Volume 21, Number 1, pp. 253-277.

regulation since 2008 and entered into force in 2010. The Regulation establishes a Community list of IUU vessels, refusal to grant fishing permits or access to ports and port services Confiscation of catches and equipment and prohibition of exports and re-export of products. This regulation strengthens cooperation between RFMOs by advocating the establishment of a community alert system or in the list of RFMO IUUs. It has made it mandatory to inspect at least 5% of transshipment and disembarkation of third country vessels in the ports of the designated Member States or the validation of fishing certificates by the flag State.

Given the difficulty of controlling fishery products, it would therefore be difficult to say that IUU fishing was totally contained despite stringent legislation as described above. The practice of causing the phenomenon created by the joint venture raises doubts as to the fluidity of the fishing operations resulting from this category. The absence of any means of control on the part of most of the ACP States, contenting themselves with the declarations of captains of vessels and who do not see the landing of vessels in their ports, is not such as to reassure.

At the regional level, other initiatives have been taken to combat IUU fishing, but remain marked by challenges related to financial and technical constraints. Progress is reported even though the monitoring, surveillance and control system remains relatively developed, underfunded and limited human resources. SADEC can be cited among these regional efforts with the adoption of a measure for the sharing of operational data, cross-border collaboration even if implementation remains weak.

Another disadvantage in this region is that there is a difference in development that is not conducive to effective control of IUU fishing¹⁵. Indeed, the high rate of corruption does not facilitate control and the lack of transparency influences the implementation of the international plan of action.

NEPAD adopted a plan for the development of fisheries and aquaculture in Africa (PAF) in 2005 in Abuja. In the final declaration, African States are aware of the need for sustainable fisheries and that the DPAs signed between these states and the EU must be considered in an economic development perspective. It recommends investing more in infrastructure such as landing sites, refrigeration units, road networks, the transport system and commercialization in order to contribute to the poverty reduction objective.

For sustainable fisheries, the PAF recognizes the role of civil society in the conservation of marine ecosystems, as it has appeared that local fisheries also contribute to the destruction of species¹⁶. So participation of local communities in the decision-making process such as the PAF wants should contribute to the improvement of people's lives and promote sustainable fishing.

Internationally, the fight against IUU fishing has been a long-standing concern of the Food and Agriculture Organization of the United Nations (FAO). It adopted a Code of Conduct for Responsible Fisheries (1995); An International Plan of Action to prevent and deter and eliminate IUU fishing (2001) a flag State correctional code (2009). All of this soft law regulation and adopted in 2015 a legal instrument binding the agreement on port State¹⁷ measures.

¹⁵ http://www.undp.org/site/files/2015human_development_report_overview-fr.pdf/, le PNUD classe certains pays de la SADEC en deux catégories ceux en développement d'une part et d'autres à revenus intermédiaires avec comme conséquence que la surveillance des frontières ne saurait être supportés de la même manière par les Etats de la région.

¹⁶ According to Mr. Arona DIAGNE, president of the national fishermen's association of Senegal, Senegalese boats plunder more the resources of the sea than the foreign ships and considers that this situation would be remediable if they were taught to practice a sustainable fishing.

¹⁷ M. MORIN, "The FAO Agreement on Port State Control Measures", Yearbook of Maritime and Oceanic Law, University of Nantes, vol. XXVIII, 2010, p. 393-410 - "The fight against IUU fishing and State responsibility", in

The need for binding regulation is not to be demonstrated. On the occasion of the conference which preceded the entry into force of the Agreement on Port State Measures, the US Secretary of State said that *"fishing vessels operate on the margins of the law, ... sometimes depend on forced labor to obtain the large catches and make the best profits and that these activities are often associated with human rights violations "*.¹⁸

This regulation for combating IUU fishing takes into account the situation and needs of certain coastal, developing and small island states which cannot control and monitor their EEZs and who face enormous difficulties in implementing Implementation of the PSMA¹⁹. It demonstrates the need for cooperation between States parties and encourages them to cooperate both within the framework of RFMOs and through both national and regional projects. Authorizations are requested prior to entry to ports (Article 8) and the right to refuse authorizations (Article 9). This agreement strengthens the responsibility of the flag State, coastal States and market measures. At this point this agreement is in line with the EU / IUU regulation in that it seeks to establish a global file of IUU fishing vessels and non-cooperating States²⁰. It imposes obligations on the State of the port, in particular: the control of ships, the communication of inspections to coastal States and the flag (Article 18) Flag State (Article 20), etc.

Here is one final question, is that of the inspectors of third countries embarked in EU vessels?

Actually, in some countries supervisors exist and do their job properly and receive EU support (Senegal, Mozambique, Seychelles, etc.). In other countries, The CSRP more precisely those in the south do not have patrollers, coastal radar, VMS, AIS for the control of their EEZ.

Finally, the Fisheries Partnership Agreements between the EU and the ACP have changed in philosophy and practice. This change has affected both EU and third-country practices. For the latter, despite the strengthening of their prerogatives over their EEZ, they have been forced to standardize or shape their action to the imperatives of good governance and democracy. Principles dictated by their European partner who offer them net revenues for the financing of their budget, by acquiring rights of access. Disbursement of the second component for sector based support improves the conditions of a local fishery (harbor development, SVM reinforcement, radar) to some extent. Even if for the time being the balance sheet is not totally at the rendezvous of the ambitions displayed during the revision of PCP 2014 efforts still have to be made from this point of view. On the part of the population, it is not clear that the sums paid into the DPAs benefit the latter. Due mainly to corruption and bad governance in third-country governments, food insecurity and unemployment continue to beat these populations.

On the EU side, Fisheries Partnership Agreements have improved the sustainable fisheries approach by providing unsurpassed transparency in that it is the only one with dual control to respect both the means monitoring and evaluation of its own specific measures and those of FAO. While most countries (China, Russia, etc.) are at one level or do not follow any rules in this area.

Maritime areas: control and prevention of illegal traffics at sea / Espaces marins : surveillance et prévention des trafics illicites en mer, P. CHAUMETTE s / dir. , Gomylex Editorial, Bilbao, 2016, pp. 83-97

¹⁸ [Http://www.fao.org/sites/fisheries//](http://www.fao.org/sites/fisheries//) Statement by the United States Secretary of State JF Kerry on the margins of the discussions on the entry into force of the Agreement on Port State Measures Aimed at counteracting IUU fishing.

¹⁹ Article 21 of the Agreement on Port State Measures stresses the need to provide technical assistance to island, developing and LDC States, to strengthen their capacity to develop a legal framework and to be able to Implementations of port State measures, invites States Parties to finance training, activities to increase monitoring, monitoring and control capacity.

²⁰ Mr MORIN, 'The European Union and the identification of non-cooperating third countries in the fight against illegal, unreported and unregulated (IUU) fishing', Yearbook of Maritime and Oceanic Law, University of Nantes, vol. XXXIV, 2016, p. 229-248.

The effectiveness of the EU's measures to combat IUU fishing is no longer demonstrative, its approach consisting of combating local, national, regional and international action for the benefit of its partners, Be welcomed and strengthened even if its ACP partners are to be as transparent in the agreements they sign with other partners who do not respect the principles of sustainable fisheries.

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