

**Weak regulation of distant water fleets puts rented fishery in jeopardy; a critical analysis of fisheries partnership agreements in Madagascar**

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**Abstract**

Madagascar is the world, fourth biggest island, and one of the world, poorest countries. Given its severe poverty, Madagascar has no large-scale domestic fleet. Consequently, it is required by the United Nations Convention on the Law of the Sea to rent these un-exploited resources to distant water fleets (DWFs) from other nations through access agreements. We present an analysis of access agreements signed between DWFs and the Republic of Madagascar valid in 2011. All agreements were appraised based on a number of criteria, including reporting requirements, fees, observers, restrictions and bycatch limits. Our findings highlight consistent severe shortcomings, in particular with regards to the contractual obligations and accountability of DWFs in reporting catches which result in signatories having no disincentive for over-exploitation and illegal fishing. Our analysis shows that of a total of seven agreements authorizing fishing by 170 vessels, only one agreement has a quota in place. Only two require mandatory inspection before a fishing campaign. One agreement is exempt from having any observers on boats and the European Union, whose fleet accounts the majority of licensed vessels (124), does not address the issue of bycatch. Our findings highlight many of the challenges faced by coastal developing nations in renting their fisheries resources. Whilst it is widely recognized that such states need assistance in improving MCS capacity, our analysis suggests that technical assistance in contract development and negotiation should be a fundamental pre-requisite to establishing a fair and sustainable fisheries access agreement framework.