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FISHERIES SUBSIDIES

Update on fisheries subsidies 'Roadmap' discussions at the WTO²

At an informal meeting of the WTO Negotiating Group on Rules held on October 28-29, WTO Members continued their discussions on the Chair's 'Roadmap' towards establishing disciplines on fisheries subsidies.³ The focus of discussions at this cluster was on proposed **fisheries management conditionalities** (Article V of the Chair's 2007 Draft Text⁴) applicable to those subsidies that might eventually be permitted under General Exemptions (Article II) and Special and Differential Treatment for Developing Members (Article III). The purpose of these conditionalities is to eliminate or minimise the harmful effects that permissible subsidies may have on fish stocks.

According to the 'Friends of Fish' (Argentina, Australia, Chile, Ecuador, Iceland, Mexico, New Zealand, Norway, Peru and the USA) any flexibility granted to WTO Members should, *in all cases*, be limited by the health of the fish stock. In their view, given the imperfect nature of fisheries management conditions and the sorry tales of continued subsidisation even where sophisticated management systems are applied, additional conditionalities to those *already* contained in Article V of the draft Chair's Text are needed to safeguard the long-term sustainability of fish resources and those who derive their livelihoods from fishing.

In contrast, several developing countries, including the small and vulnerable economies (SVEs), are of the view that given that fisheries management systems are fundamental for preventing fish stock depletion, additional conditionalities would be unnecessary and unduly burdensome.

Considerable debate was also generated on the nature and extent of fisheries management-related conditions in future disciplines. The Friends of Fish took a strong stance, stating that there were four elements that were necessary elements of any fisheries management system, and should therefore be considered a part of any new disciplines: science-based stock assessments; catch limits based on those assessments; limited entry licencing schemes; and, effective compliance regimes.

Several developing countries pointed out that given the diverse

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nature of global fisheries and Members' varying capabilities in managing them, all members should not be required to put in place identical management systems. Pacific Island Countries' representatives, guided by the Forum Fisheries Agency, took the position that Members could negotiate a core set of minimum and adequate mandatory management conditions that are absolutely necessary to enforce the disciplines. However, conditions should not be too prescriptive and take into account the concrete realities of developing country situations, without being overly burdensome. It was also suggested by PICs that a common standard need not apply to all types of fisheries. For example, a more comprehensive set of management requirements should be applied to industrial fisheries, a simplified system for small scale commercial fisheries, and greater flexibility for subsistence and artisanal fisheries. For the latter, rules should cover *indicative* management conditionalities that allow for local conditions and indigenous institutions.

Members such as Japan emphasised that disciplines at the WTO should be an encouraging mechanism for the promotion of good fisheries management and that it would be useful to discuss consultative mechanisms between the WTO, FAO and RFMOs in the future. In a general statement, Japan repeated their long held view, that, under effective fisheries management, subsidies do not cause harm to fish resources.

On **the potential role of FAO** in mechanisms such as a peer review of management-related obligations, most Members agreed that the FAO's role should be limited to that of an advisory function. The Friends of Fish emphasised that the key objective of the disciplines was to enhance transparency around Members' fisheries subsidies and the fulfilment of conditionalities, rather than to establish a mechanism for approval of subsidies outside the WTO. Most Members, including the US and the European Communities, welcomed the use of technical expertise of outside experts like the FAO, but stressed that the lead role in enforcing disciplines should be played by mechanisms within the WTO only. According to developing countries, the FAO could play a critical role in providing them with the requisite technical assistance to meet their obligations under WTO fisheries subsidies disciplines.

On **transparency disciplines**, most members agreed that the process of notification was central to enhancing transparency around a member's subsidy regime. However there was some debate concerning the timing of such notifications. Developing countries strongly rejected the idea of ex-ante notification requirements prior to granting a subsidy, while the

'Friends of Fish' push for extra conditions to be placed on use of permissible fisheries subsidies, in addition to current proposed fisheries management conditions

The issue of 'one size does not fit all' needs to be considered in terms of fisheries management conditionalities on permissible subsidies



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'Friends of Fish' supported ex-ante notification as a means of ensuring compliance with proposed rules. Several Members were also of the view that in addition to providing notification on the use of a subsidy, members should also be required to provide information demonstrating how the subsidy conforms to relevant conditionalities.

On **dispute settlement**, several WTO Members argued that, to be consistent with other WTO agreements, it would be important for fisheries subsidies rules to permit panels to seek scientific and other technical expertise. This expertise on fisheries issues would be used to the case of disputes between WTO Members.

At the 10-11 December 2009 fisheries subsidies cluster meeting, most WTO Members agreed with the Chair that any mechanisms ultimately agreed as part of new disciplines on fisheries subsidies will require a certain degree of institutional infrastructure, expertise and resources, which could pose certain **implementation** difficulties, especially for developing countries.

The Small, Vulnerable Economies group (SVEs) took the opportunity to recall the joint ACP/SVEs drafting proposal on issues relating to Article III.4, contained in WTO document TN/RL/GEN/158. This proposal calls for the establishment of a sub-committee under the aegis of the WTO Committee on Subsidies and Countervailing Measures, to deal exclusively with issues relating to **technical assistance** and support programmes under a new fisheries agreement. As per this proposal, developing countries that indicate a need for technical assistance shall be provided with such assistance through: a) existing and new bilateral processes, b) new and/or existing WTO technical assistance and support mechanisms, and c) other mechanisms of relevant international and regional organizations. Several Members including Brazil, South Africa, Egypt, China, Chinese Taipei and Pakistan, expressed explicit support for the SVEs proposal. New Zealand, a driving member of the 'Friends of Fish' group, stated that technical assistance should not necessarily imply greater financial transfers and it would be useful to develop an inventory of systems that already exist. SVEs and other developing countries responded positively to this idea, stating that an inventory would be a good starting point, but only to determine what may need to be improved upon and/or what additional mechanisms may be required.

On **transitional arrangements**, there was a general agreement

**FAO's role
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function only**

**Implementation
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rules will
place a strain
on existing
institutional
infrastructure,
expertise and
resources of
many Member
countries,
including PICs**



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amongst Members that transitional arrangements are important to provide developing country Members with a period of adjustment for bringing their domestic policies in line with new multilateral rules. SVEs (including PICs) acknowledged that it would be difficult at this stage to say anything more specific on the issue of transition periods, until and unless there is knowledge of the full scope of obligations arising from a fisheries agreement and the nature and extent of flexibilities available to developing countries. To this effect, the SVEs suggested that any future revision of the proposed Chair's text should bracket the number of years for any proposed transition period.

PREFERENTIAL AND FREE TRADE AGREEMENTS

Sri Lanka preferential access to EU markets threatened

Sri Lanka is a major supplier of tuna products to the EU, particularly vacuum packed fresh chilled tuna loins (which are used for chilled tuna steaks at point of retail), and frozen tuna steaks. In 2007, Sri Lanka supplied 38 percent of all EU imports of frozen tuna steaks (data is not available for fresh chilled loin imports).⁵ Under the EU's Generalised System of Preferences Plus (GSP+) Sri Lanka has duty free access to EU markets for these products, subject to quality standards and rules of origin. This is an important competitive advantage given that the non-preferential tariff for fresh-chilled and frozen tuna fillets ranges from 15 to 18 percent.⁶

Sri Lanka has been in a state of civil war since the early 1980s, where the separatist Liberation Tigers of Tamil Eelam (the LTTE) were fighting the government to create an independent Tamil state in the north and east of the country. The conflict was interspersed with long periods of peace negotiations, but these collapsed entirely in 2008. After a dramatically heightened government offensive, the government declared victory over the LTTE in May 2009. The offensive resulted in serious human rights abuses by both sides and generated around 300,000 internally displaced persons.⁷

The European Commission has responded to human rights abuses by the Sri Lankan military and government failure to resettle internally displaced persons (reported to be living in camps against their will) by commissioning an independent investigation of the government's upholding of certain human rights Conventions.⁸ The *full implementation* of, among 27 other conventions, a) the International Covenant on Civil and Political Rights, b) the Convention against Torture and other

Sri Lanka is one of the main exporters of fresh-chilled and frozen tuna products to the EU. It uses the GSP+ duty free preference

An independent investigation for the EC found that the Sri Lankan government has not implemented conventions on human rights essential for compliance with the GSP+



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Cruel, Inhuman or Degrading Treatment or Punishment, and c) the Convention on the Rights of the Child are *conditions* for preferential market access under the GSP+. The investigation, published at the end of September 2009, found that the three Conventions on human rights listed above 'have not been effectively implemented in Sri Lanka'.⁹ The EC is now consulting with EU Member states 'to prepare a proposal with a view to temporarily suspending' GSP+ trade preferences.¹⁰ The (then) EU Trade Commissioner, Baroness Ashton, publically indicated that the outcome was likely to be negative for Sri Lanka's exporters, stating that: "It's very difficult to see any other recommendation than to suspend [GSP+ trade preferences]".¹¹

Current events in Sri Lanka have two implications for PICs. First, the possible end of preferential access to EU markets for Sri Lanka's tuna exports means that other suppliers, potentially from PICs, may be able to fill the gap (especially those with duty free market access arrangements). Second, while the Sri Lankan case is clearly extreme, the fact that the EU can unilaterally withdraw market access under GSP+ indicates the instability of this trading scheme, with negative implications for those households that are economically dependent on the preference for their livelihoods. Along these lines, the *Financial Times* argued that the Sri Lanka case represents 'the illogicality of using trade deals to achieve non-trade ends'.¹² This instability is particularly true given that countries must fully implement 27 international conventions to qualify for GSP+ status; leaving the EU open to *unilaterally* judge if any of the hundreds of clauses in these conventions have not been fully implemented.

FISHERIES TRADE AND DEVELOPMENT

ACP Ministerial Fisheries Mechanism created

The 90th ACP Council of Ministers met in Brussels on 18 November and mandated the creation of a new ACP Ministerial Fisheries Mechanism ('Fisheries Mechanism').¹³ This outcome built upon the first meeting of ACP Ministers in charge of Fisheries in Brussels 2 – 5 June 2009. The resolution of the June meeting called for the creation of an ACP Ministerial Fisheries Mechanism with the core objective of building 'political support, both within the group and from its external partners, for new approaches to fisheries governance, in order to ensure that fisheries play their just part in the social and economic development of ACP member States'.¹⁴ Details of the June meeting, including supporting documents are available here: <http://www.acpsec.org/en/fisheries/>

The Sri Lanka case offers opportunities for competing suppliers of tuna products to the EU and raises questions around the stability of the GSP+ regime

New Fisheries Mechanism designed to include a permanent strategic analysis service to ACP states



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The Fisheries Mechanism will be financed by contributions by ACP states and donors to a Trust Fund. Its tasks will include:

- Monitoring and evaluation of major fisheries developments, and trade and cooperation activities with ACP partners
- Promotion of the gathering and sharing of summarised strategic information between ACP countries at the highest political level
- Provision of strategic advice to ACP states in negotiations on fisheries issues
- Ensuring that recommendations by the Fisheries Mechanism are taken into account when major ACP-EU programmes, projects and/or texts are being reviewed

This range of functions could be significant to Pacific ACP states, not least in the possibility that the Fisheries Mechanism could offer the collective might of ACP states a forum for improved cooperation. This could include consultations with the EU over the reform of external dimensions of the Common Fisheries Policy, such as Fisheries Partnership Agreements.¹⁵

FISHERIES TRADE-RELATED REGULATION

Update: US-Mexico tuna-dolphin debate makes moves towards NAFTA

Mexico and the United States have been in dispute over the World Trade Organisation compatibility of the 'dolphin safe tuna' label for nearly two decades. In March 2009, Mexico requested a WTO panel to review Mexico's claim that a US law limiting the use of the 'dolphin safe' label on tuna and tuna products discriminates against Mexican tuna exports. The US opposed Mexico's request, arguing that the dispute should be resolved through the North American Free Trade Agreement (NAFTA), to which the US and Mexico are members. NAFTA's Article 2005(4) indicates that cases concerning the protection of the environment, or the health of animals or plant life, will be heard (at the responding party's option) solely under NAFTA's dispute settlement procedures.¹⁶

Despite the US request, Mexico pursued its request for a WTO panel review in April 2009. In November 2009, the US announced that it requested NAFTA dispute settlement consultations with Mexico regarding Mexico's failure to move the 'dolphin-safe' debate from the WTO to NAFTA. The US indicates that it wants the case heard in NAFTA under Article 2005(4) because the rights assigned by that provision are important.¹⁷

Fisheries Mechanism could act as tool for ACP in fisheries relations with the EU

The US has filed a dispute under the North American Free Trade Agreement rather than the WTO concerning its 'tuna-dolphin' dispute with Mexico



It is unclear where and when this dispute will be resolved. However, a decision at either NAFTA or the WTO on 'dolphin-safe' labelling stands to set an important precedent if private standards (including eco-labels for fish products) are considered barriers to market access that can be regulated through regional and international trade law. In addition, if any eventual WTO dispute panel were to favour Mexico, Mexican canneries would be able to access the US canned tuna market duty-free under the preferential trade terms of NAFTA. This eventuality could substantially alter the current structure of the US canned tuna market.

Atlantic Bluefin Tuna quota reduced at ICCAT, CITES listing proposed

As reported in the September edition of *FFA Fisheries Trade News*, increasing concern over Atlantic and Mediterranean bluefin tuna decline has generated heated policy debates.¹⁸ In response to reports that the recovery plan of the International Commission for the Conservation of Atlantic Tunas (ICCAT) would not be sufficient to rebuild the dwindling stock even if fully implemented, Monaco introduced a proposal to list Atlantic and Mediterranean bluefin under Appendix I of the Convention on International Trade in Endangered Species (CITES). The listing would ban international trade in the species. The European Commission initially backed Monaco's effort, before EU member states shunned the proposal. The United States supported Monaco's effort, but stopped short of co-sponsoring the proposal, holding out hope for 'strong and definitive' action at the November 2009 ICCAT meeting.¹⁹ In short, the US appeared to be using the threat of CITES listing to push ICCAT towards protective measures.²⁰

There have been two new major developments in the bluefin debate. First, the CITES listing effort has moved forward. Monaco formally introduced its proposal, and the species will be considered for listing at the CITES meeting in March 2010. The proposal is supported by a new ICCAT study indicating that it is over 93 percent certain that bluefin populations are less than 15 percent of their original size.²¹ CITES guidelines suggest that this level of depletion would qualify for a trade ban for a slow-reproducing fish species like bluefin.²²

The second major development occurred in November when ICCAT met to set annual catch limits. The potential of a CITES listing put ICCAT members under pressure to significantly reduce total allowable catch, or else face a possible total ban on bluefin trade. The ICCAT meeting yielded a catch quota reduction from 22,000 metric tons to 13,500 metric tons. While

Potential for a CITES listing for bluefin tuna put pressure on ICCAT and yielded a significant reduction in total allowable catch



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this is the largest reduction in ICCAT history, key fishing states and conservation organisations argue that it is not enough. The US indicated that it will support a CITES ban if ICCAT action is not sufficient to protect the species, and went into the meeting proposing a quota of 8,000 metric tons which, even if strictly enforced, would have only a 50 percent possibility of enabling stock recovery by 2023.²³ Conflicting reports have emerged from the US. One US representative deemed the ICCAT quota 'disappointing'.²⁴ However, a formal US statement released after the meeting praised catch reductions, commitments to adjust the quota in two years to guarantee at least a 60 percent chance of rebuilding the stock to healthy levels by 2023 and a promise to develop a tracking system that would make it difficult to sell illegally caught fish. No decision has been made as to whether the US will continue to support a CITES listing.²⁵

Conservation organisations, some of which entered the ICCAT meeting advocating for a quota of zero,²⁶ expressed disappointment with the new catch limits, citing failure to account for and address rampant illegal fishing in the industry. Following the meeting, conservation organisations have continued to press for a CITES Appendix I listing for bluefin, arguing that only a complete – if temporary – global trade ban will save the species.²⁷ Industry responses to the new ICCAT catch limit have been mixed. Japanese restaurant and shop owners have expressed concern over meeting consumer demand and potential price increases.²⁸ Fishing interests from Malta, one of the major bluefin fishing fleets, welcomed the new quotas, indicating that the compromise reflects the need to balance conservation and fishing industry interests.²⁹

TUNA MARKETS

Government attempts to Save American Samoan Canning Industry

On 30 September 2009, Chicken of the Sea International closed down its Pago Pago-based canning operation (Samoa Packing) to relocate to Georgia, US; a decision largely related to an increase in federally mandated minimum wage rates in American Samoa. As a consequence, over 2,000 jobs have been lost by American Samoan nationals, as well as workers from neighbouring Independent Samoa.

American Samoan delegate to the US Congress, Faleomavaega

Conservation organisations continue to support a total trade ban in bluefin tuna, CITES will consider the proposal in March 2010



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Eni Hunkin has been instrumental in developing the proposed Protection of Industry, Resources and Employment bill (ASPIRE), intended to keep American Samoa's tuna industry afloat in the wake of Samoa Packing's closure, as well as encouraging future industry development.³⁰

The proposed ASPIRE bill authorises the US Government to pay subsidies to both tuna processors and vessels of US\$200 per tonne each for whole round tuna delivered to American Samoa-based processing facilities. In addition, in an attempt to discourage US vessels offloading to other processing sites such as Thailand and Latin America, the bill requires US tuna vessels fishing in WCPO that do not deliver to American Samoa to pay an annual fee of US\$250,000.

There have been mixed responses to the ASPIRE bill. Prominent figures in the global tuna canning industry, Joe Hamby (Tri Marine International) and Renato Curto (Cape Fisheries Holdings, LLC) have supported ASPIRE, in so far as it provides incentives for tuna processors and fishing vessels to operate in Pago Pago to help keep American Samoa's tuna industry afloat. They both indicated, however, that penalties to be imposed on vessels offloading tuna elsewhere are unnecessary, particularly since market forces should dictate where vessel owners offload.³¹ These concerns have also been echoed by US tuna vessel owners. One of Starkist's competitors, Chicken of the Sea has opposed the ASPIRE bill, along with US tuna vessel owners with close ties to Bumble Bee Seafoods, on the grounds that it provides bail-out support for Starkist, while at the same time imposes new taxes on Starkist's competitors.³²

Only days before the cannery ceased operating, American Samoa's Governor, Togiola Tulafono presented a proposed bill to the Legislature for the appropriation of US\$ 5 million to enable the Territorial Government to purchase Samoa Packing's remaining assets. It was proposed that in an effort to preserve jobs, a new, smaller tuna processing facility employing 600-700 workers could be operated by Government, or a third-party on behalf of the Government. The American Samoan Legislature has made a decision, however, not to back the appropriation bill.³³

International Seafood Sustainability Foundation expands efforts

In recent months, the International Seafood Sustainability Foundation (ISSF), a partnership between tuna processors, traders, scientists and the environmental NGO World Wildlife Fund (WWF), has continued to expand its efforts to promote science-based initiatives for long-term conservation and

Proposed legislation on American Samoan includes a US\$250,000 fee for US fishing vessels active in the WCPO that do not offload to American Samoa

The proposed legislation has been criticised by some as discriminatory support for only one of the big three US canned tuna firms



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sustainable use of tuna stocks.³⁴ It has called on WCPFC members to impose a complete temporary closure of the purse seine tuna fishery in the WCPO in order to achieve the bigeye catch reductions recommended by the WCPFC scientific committee in 2009. In addition, tuna companies belonging to ISSF agreed to share catch and price data with regional fisheries management organisations (RFMO) to improve the accuracy and completeness of data available to RFMO scientists. The first data to be shared will come from 2009 catch of ISSF member companies (including, but not limited to, large firms such as Bumble Bee and Chicken of the Sea) which comprise more than 50 percent of the annual global catch of tropical tunas. Data to be shared include species and size composition detailed to the level of individual fishing trips. ISSF has provided processors with information on accurate species identification. To ensure commercial confidentiality, data are available only to RFMO scientists unless three or more companies' data are aggregated.³⁵

ISSF has also made its membership requirements and procedures public. Processors and traders become members of a subsidiary trade association called ISSA – International Seafood Sustainability Association. ISSA members agree to follow conservation measures implemented by ISSF. Members must be purchasers of raw tuna for processing or purchasers of raw tuna or finished tuna products for resale. Failure to comply with ISSF sustainability standards can terminate the membership and render the member unable to participate in ISSF for two years. Potential members are subject to an interview and traceability audit to ensure capacity to comply with requirements. The membership fee is a non-refundable US\$ 50,000. The number or names of applications have not been released.³⁶ Current members include: Bolton Alimentari, Bumble Bee Foods/ Clover Lead Seafoods, MW Brands, Princes, Sea Value, StarKist, Thai Union Manufacturing/ Chicken of the Sea, and Tri Marine International.

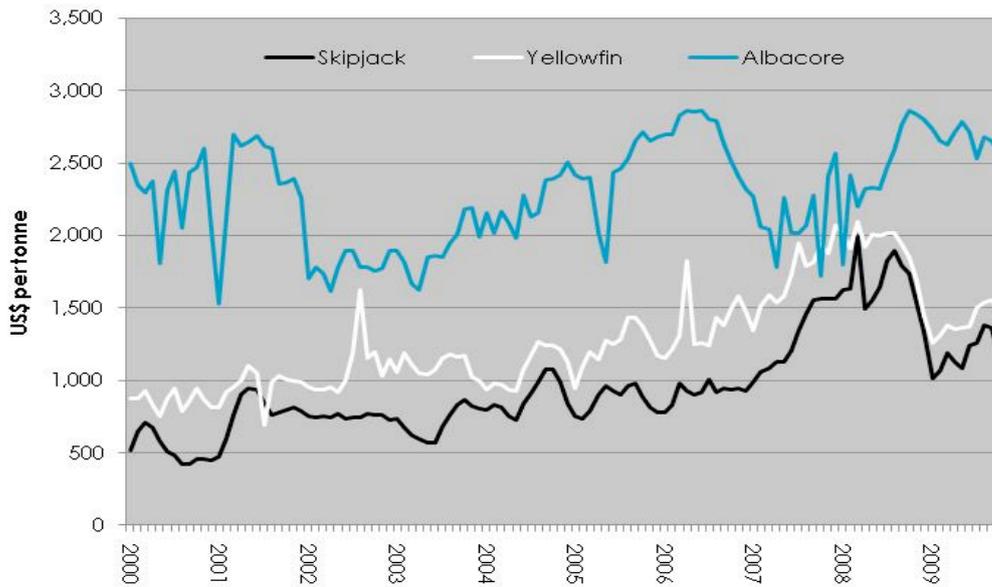
ISSF members have agreed to share catch and price data with regional fisheries management organisations to improve data accuracy

Failure to comply with ISSF sustainability standards can terminate membership

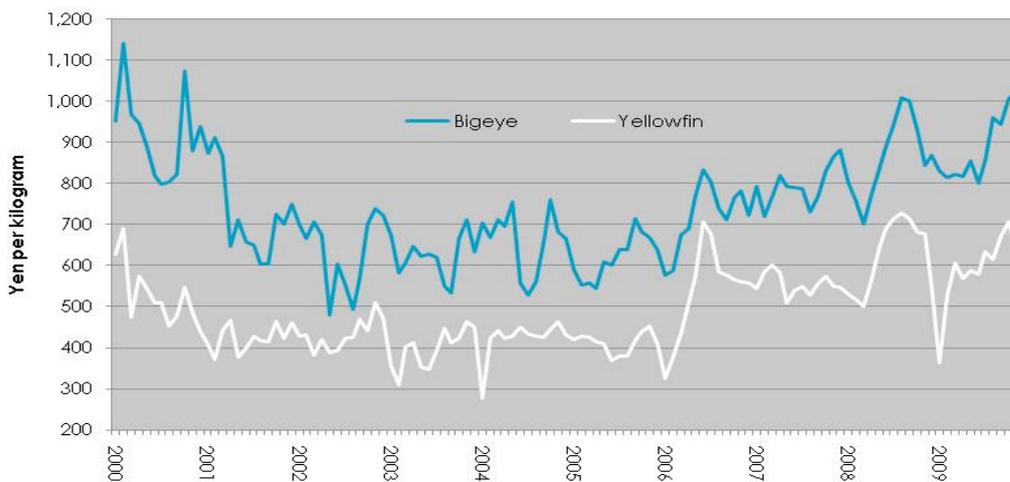


TUNA PRICE TRENDS

Bangkok canning-grade prices to October 2009³⁷



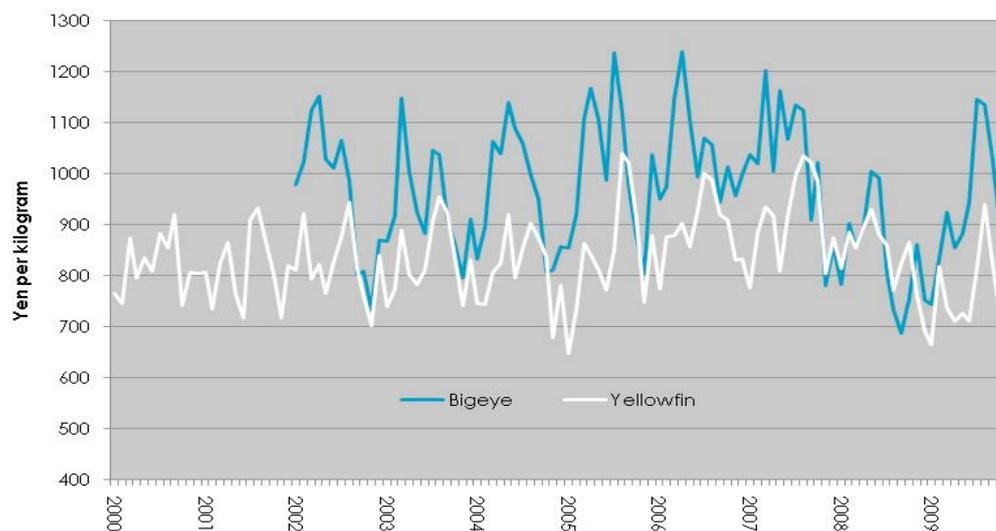
Japan frozen sashimi prices (ex-vessel, Japanese ports) to November 2009³⁸



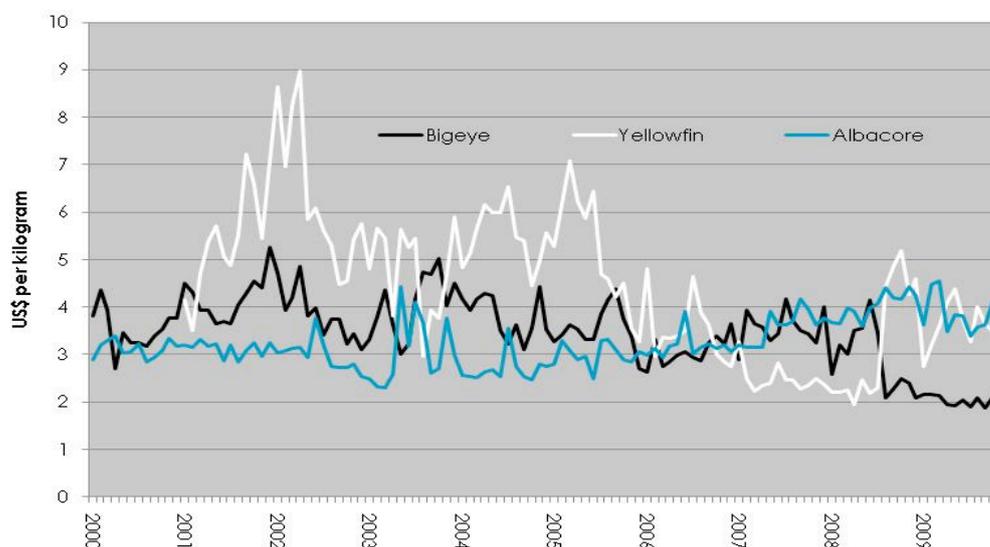


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Japan fresh sashimi prices (origin Oceania) to October 2009³⁹

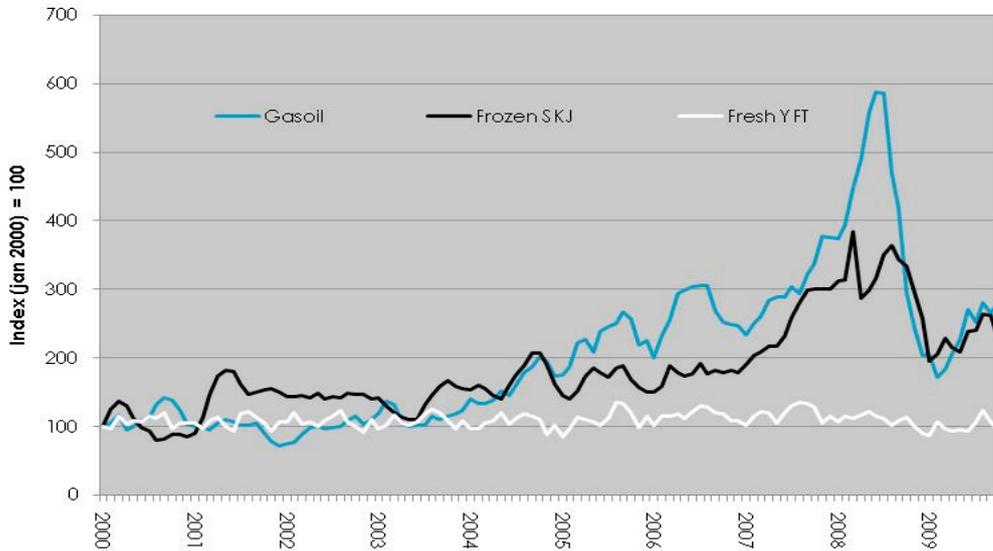


US imported fresh sashimi prices to October 2009⁴⁰





Gasoil, canning-grade frozen skipjack (SKJ) and fresh sashimi yellowfin (YFT) price index to October 2009⁴¹



Coming in the next issue (January 2010, Vol. 3: Issue 1)

- Update on impact of recession on Japanese seafood giants
- European Union takes early steps in reforming Fisheries Partnership Agreements
- WCPFC conservation efforts on bigeye and FAD fishing



¹ Prepared for the FFA Fisheries Development Division by Liam Campling, Consultant Fisheries Trade Analyst, FFA, Elizabeth Havice, Colorado College, and Amanda Hamilton, independent consultant. Desktop publishing by Antony Price. The authors would like to thank Manleen Dugal for her input into this briefing. The contents of this briefing (including all analysis and opinions) are the responsibility of the author and do not necessarily reflect the positions or thinking of the FFA Secretariat or its Members.

² The following draws upon inputs provided by provided by Manleen Dugal, Technical Advisor, Permanent Representation of the Pacific Islands Delegation to the WTO.

³ For a summary of the Roadmap see FFA Fisheries Trade News, January 2009, 2:1. Available at:

http://www.ffa.int/trade_news. The text of the Roadmap is available here: TN/RL/W/236, New Draft Consolidated Chair Texts of the AD and SCM Agreements, 18 December 2008. Available at: <http://www.wto.org>.

⁴ TN/RL/W/213, Negotiating Group on Rules, 'Draft consolidated Chair texts of the AD and SCM Agreements', 30 November 2007. The text is available here (see Annex VIII on page 87 onwards): www.wto.org/english/tratop_e/rulesneg_e/rules_chair_text_nov07_e.doc

⁵ Based on Eurostat search using HS Code 0304.2945. See Liam Campling with Amanda Hamilton and Mike Batty 2008, 'An Assessment of the Potential Benefits to PACP States of a Revision of the Rules of Origin for Fisheries Products of HS Chapters 0304 And 0305', submitted to Pacific Islands Forum Secretariat. Note that vacuum packed fresh tuna loins are imported under the HS code 0304.193990, which covers 'Fresh chilled salt water fish fillets "other" species'. The tariff classification does not differentiate between species or product type (fresh fillets or loins) and as such the EU import data for this product is statistically useless.

⁶ Campling et al 2008. Fiji and PNG also have duty free access for these products under their Interim Economic Partnership Agreement with the EU (although in practice Fiji does not because of its failure to meet EU sanitary and phyto-sanitary requirements), and PICs categorised as Least Developed Countries (LDCs) have the same preference under the EU's Everything But Arms Initiative (EBA).

⁷ For details on the conflict, see the reports of the International Crisis Group, available here: <http://www.crisisgroup.org/home/index.cfm?id=4459&l=1> and Amnesty International, available here: <http://www.amnesty.org/en/asiaandpacific/southasia/srilanka>

⁸ Françoise Hampson, Leif Sevón and Roman Wieruszewski 2009, *The Implementation of certain Human Rights Conventions in Sri Lanka*, Final Report, 30 September. Prepared for the European Commission. Available at: http://trade.ec.europa.eu/doclib/docs/2009/october/tradoc_145153.pdf

⁹ Hampson et al 2009: 118.

¹⁰ 'Commission statement on Sri Lanka GSP+ report', Brussels, 19 October 2009. Available at: http://trade.ec.europa.eu/doclib/docs/2009/october/tradoc_145141.pdf See also, European Commission 'Notice on the GSP+ Sri Lanka issue', 19 October 2009. Available at: http://trade.ec.europa.eu/doclib/docs/2009/october/tradoc_145154.pdf; and, Commission of the European Communities C(2009) 7999, Brussels, 19 October 2009, 'Report on the findings of the investigation with respect to the effective



implementation of certain human rights conventions in Sri Lanka'. Available at: http://trade.ec.europa.eu/doclib/docs/2009/october/tradoc_145152.pdf

¹¹ Jeremy Page, 'EU may end Sri Lanka trade deal over human rights', *The Times*, 19 October 2009. Available at: <http://www.timesonline.co.uk>.

¹² 'Tigers and trade', *Financial Times*, 20 October 2009. Available at: <http://www.ft.com>

¹³ ACP Communiqué on Fisheries, Brussels, 18 November 2009. Available here: www.acpsec.org/en/newfisheriesmechanism/newfisheries_09.html

¹⁴ Resolution of the 1st Meeting of the ACP Ministers in Charge of Fisheries Held in Brussels (Belgium) from 2nd to 5th June 2009. Available at: http://www.acpsec.org/en/fisheries/resolution_fisheries_16-06-09_e.pdf

¹⁵ For an overview of this see 'External dimensions of European Commission's proposed Common Fisheries Policy reform', *FFA Fisheries Trade News*, May 2009, 2(5). Available at: http://www.ffa.int/trade_news

¹⁶ For more background on the tuna-dolphin debate, see: 'Mexico-US tuna dolphin debate returns', *FFA Fisheries Trade News* 2(6), June 2009. Available at: http://www.ffa.int/trade_news

¹⁷ 'The tuna-dolphin case: The NAFTA-WTO conflict heats up', *USTR Press Release*, 4 November 2009. Available at: <http://www.ustr.gov>

¹⁸ 'Concern over bluefin decline heightens, policy action ensues', *FFA Fisheries Trade News*, September 2009, 2(9). Available at: http://www.ffa.int/trade_news

¹⁹ Jane Lubchenco, 'Statement from Dr. Jane Lubchenco, Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator, Announcing Support for Listing Atlantic Bluefin Tuna on International Trade Endangered Species List', 14 October, 2009. Available at: <http://www.noaa.gov/newsroom/2009/10/14/2009101401>

²⁰ Rex Dalton, 'Monaco continues to push for bluefin fishing ban', *The Great Beyond: The Nature Blog that Rounds Up Science News from Around the World*. 15 October, 2009. Available at: <http://blogs.nature.com>

²¹ ICCAT, 'Extension of the 2009 SCRS meeting to consider the status of Atlantic Bluefin Tuna populations with respect to CITES biological listing criteria', ICCAT Doc. No. PA2-604/2009. 30 October 2009. Available at: <http://www.iccat.int>

²² Richard Black, 'Tuna ban "justified" by science', *BBC News*, 29 October 2009. Available at: <http://news.bbc.co.uk>

²³ Juliet Eilperin, 'Thinking globally to save the riches of the sea', *The Washington Post*, 29 November 2009. Available at: <http://www.washingtonpost.com>; ICTSD, 'Environmentalists say ICCAT cuts are insufficient', *Bridges Trade BioRes* 9(21), 27 November 2009. Available at: <http://www.ictsd.ch>

²⁴ Juliet Eilperin 2009; 'NGOs to press for more bluefin cuts', *Cape Cod Times*, 19 November 2009. Available at: <http://www.capecodonline.com>

²⁵ 'NGOs to press for more bluefin cuts', *Cape Cod Times*, 19 November 2009. Available at: <http://www.capecodonline.com>



²⁶ Andrew C. Revkin, 'Group warns of failing effort to manage tuna and sharks', *The New York Times*, 14 November 2009. Available at: <http://www.nytimes.com>

²⁷ ICTSD 2009.

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