



PREFERENTIAL TRADE AGREEMENTS

PACP-EU tuna trade politics heat up

Tensions between the EU and Pacific ACP states (PACP) regarding the negotiation of a comprehensive Economic Partnership Agreement have reached new heights. In line with a directive from Pacific Island Leaders, the PACP has issued an ultimatum to the EU – conclude negotiations by the end of 2013, otherwise the PACP will withdraw altogether.²

Lead PACP representative for EPA negotiations, Tonga's Dr. Viliami Uasike Latu, conveyed this ultimatum in a letter to the European Union's Commissioner for Trade, Karel du Gucht, dated 4 June 2013, in advance of a resumption of technical negotiations in Brussels in late June between the parties. Minister Latu indicated that the key contentious points in negotiations are fisheries (access), global sourcing and market access and expressed frustration that the EU has reduced the negotiations to a 'question and answer session', whereby EPA discussions have turned from a trade negotiation into a 'fish treaty'. He indicated that the PACP is amenable to high-level principles on conservation and management of fisheries resources being incorporated in the fisheries chapter, as well as the revised chapter on sustainable development. However, PACP Ministers are disturbed by the EU's demands to include specific commitments on access to PACP fisheries resources in a trade agreement that should otherwise be addressed separately in bilateral Fisheries Partnership Agreements. He stressed that attempts by DG MARE to propose changes to the PNA's purse seine Vessel Day Scheme within the realm of a trade negotiation has the potential to completely derail negotiations of the comprehensive EPA.³

The PACP are also frustrated with the EU's delay in presenting a revised proposal on global sourcing provisions, given their market access offers are contingent on global sourcing being extended to processed fresh and frozen fish (HS 0304/0305), in addition to canned tuna and cooked loins (HS 1603/1604). Minister Latu indicated that the PACP expect the coverage of global sourcing to be on par with what is offered to PNG and Fiji under the Interim-EPA and they will not accept any proposal on the fisheries chapter without considering in tandem the EU's proposal on global sourcing.⁴

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**PACP
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Conclude EPA
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In a subsequent radio interview (18 June 2013), Peter Thompson, EC Director for Economic Partnerships, responded that Europe is willing to consider all Pacific proposals, but the PACP timetable to conclude negotiations by the end of 2013 is unrealistic.⁵ He justified the focus on sustainability issues as a fall-out from very heavy questioning received by DG Trade from the European Parliament in relation to concerns about PNG's conservation and management of its fisheries resources (as part of an evaluation of global sourcing provisions offered under the Interim-EPA). He indicated that the EU's 28 member states and the European Parliament will need to be satisfied that the conservation and sustainable management of fisheries is appropriate before approving concessions (presumably, global sourcing) and they want to see this covered in the EPA text.

Reports from members of the PACP delegation from Brussels during the late-June technical negotiations indicated ongoing frustration with the EU. The PACP was reportedly further questioned about fisheries conservation and management measures, particularly the VDS and the EU failed to provide a revised formal proposal on global sourcing. The PACP also expressed frustration that the EU delegation was represented by junior official with no mandate to negotiation contentious issues – rather, they were only able to note positions for referral back to senior officials.⁶ This approach by the EU will likely only serve to exacerbate PACP frustration with the lack of progress in negotiations.

Spanish industry calls for tuna exclusion from EU-Thai FTA

The Spanish National Association of Manufacturers of Canned Fish and Seafood (ANFACO-CECOPECA) is lobbying the Spanish Government and the European Commission to treat canned tuna as a 'sensitive' product under the EU-Thailand Free Trade Agreement (FTA), which is currently in the early stages of negotiation. ANFACO argues that duty free imports of canned tuna from Thailand poses a great threat to the European canned tuna processing industry and would jeopardize thousands of jobs in Spain, Portugal, France and Italy.⁷

To strengthen its position, ANFACO has sought the support of Portugal and Azores in a joint statement calling for canned tuna to be excluded from the FTA.⁸ The Spanish Congress also reportedly supports this exclusion.⁹

***The PACP
feel that EPA
negotiations
have
transformed
into a fishing
treaty
negotiation***

***DG Trade
stands firm
that fishery
sustainability
issues will
remain part of
the EPA***



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In addition to the exclusion of canned tuna under the EU-Thai FTA, ANFACO is lobbying for strict rules of origin which would restrict Thailand's potential for regional cumulation with other ASEAN members. ANFACO is also calling for a framework that ensures a level playing field, whereby third countries exporting to the EU are subject to the same standards regarding labour, IUU fishing, sustainability, food safety, health and hygiene, etc.¹⁰ This position is reportedly supported by the EU's Regional Council Advisory of the Long Distance Fleet (LDRAC) which acknowledges the sensitivity of the EU canned tuna sector. ANFACO reports that LDRAC will present a concept paper to the EU which calls for the EU-Thai FTA to be subject to conditions relating to strict compliance with EU regulations and international conventions on social, labour, governance and environmental issues, which would be carefully monitored and controlled.¹¹

The arguments mounted by ANFACO are familiar for PICs, particularly PNG, given the heavy opposition raised by the Spanish industry along similar lines against the relaxed rules of origin (global sourcing) offered under the EU-PACP Interim-Economic Partnership Agreement. By contrast, Thailand supplies around 70,000 mt annually of canned tuna to the EU (~20% of total imports) making it and Ecuador the largest third party suppliers, while PNG currently only supplies around 14,000 mt (~4%).¹²

FISHERIES MANAGEMENT

Interim US Treaty comes into effect

After several years of negotiations, the US and the Pacific Island Parties reached an interim deal that will grant US fishing vessels access to FFA country waters for 18 months. The agreement went into effect beginning 15 June.¹³ In exchange for 8,000 fishing days in PNA waters where the Vessel Day Scheme is operational and 300 fishing days in non-PNA waters per year (12,450 days over the 18 month period), the US government and US fleet are to pay a total of US \$63 million per year (US \$94.5 million for the 18 month period). The deal represents a significant increase in payments in comparison with payments from the terms of the previous US Treaty in which the US government and industry paid a combined US \$21 million per year.¹⁴ According to the PNA's annual report to the WCPFC, the US fleet fished 7,696 days in 2011 and 8,920 days in 2010.¹⁵

Reportedly, the countries will continue negotiations towards a new ten-year Treaty arrangement to begin on 1 January 2015.

ANFACO is lobbying for canned tuna to be excluded from the EU-Thai FTA

The Spanish industry wants third countries, including Thailand, to comply with identical labour, social, governance and environmental standards as EU processors



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The mechanism under consideration for the future negotiations would allow for adjustments in the terms of agreement to reflect changing dynamics, such as price of fish.¹⁶ Details of how that system would work are not yet publicly available.

High fishing pressure in PNA waters

Reports of very high fishing rates in PNA waters in the first five months of 2013 have turned eyes towards the VDS and sparked discussion over the potential that PNA countries will need to close their fishing grounds before the year is up. Reportedly, the PNA countries have allocated around 50,000 fishing days for 2013¹⁷ – an allowance already higher than previous years.¹⁸ According to Marshall Islands fisheries director Glen Joseph, based on current fishing trends, the PNA could be out of fishing days by October.¹⁹

In recent years, the countries participating in the VDS have dealt with high fishing pressure in different ways. On the one hand, in recent years Nauru, Solomon Islands and Tuvalu closed their EEZs when they ran out of days. In 2011, Solomon Islands used the VDS mechanism that enables PNA countries to trade days and re-opened for fishing after purchasing days from other member countries. On the other hand, in 2012, Kiribati reportedly exceeded its Party Allowable Effort by selling many more fishing days than it had been allocated under the VDS. In the 2013 annual meeting, all eight PNA countries signed an agreement to abide by fishing limits and agreed to contribute to work towards imposing a hard limit on total fishing days in the region.²⁰ This year's sustained fishing pressure will test the limits of this renewed commitment. Members are hopeful that each party will abide by their allocations in order to further strengthen the regional approach to tuna management and to keep demand for fishing days high.

Outcomes from IATTC's 85th Annual Meeting

On the 10-14 June 2013, the Inter-American Tropical Tuna Commission (IATTC) met in Veracruz, Mexico for its 85th Annual Meeting. IATTC is the RFMO responsible for conservation and management of tuna resources in the eastern Pacific Ocean.

A major outcome from the meeting was an extension of the existing conservation and management measure for tuna for the next three years (C-13-01). Under the measure, purse seine vessels over 24 metres must observe an annual 62 day closure in the Convention Area (from 29 Jul – 28 Sep or 18 Nov – 18

An interim agreement between PIPS and the US valued at US\$ 63 million per year formally folds the US fleet into the VDS

High fishing pressure spotlights VDS mechanisms



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Jan) from 2014–2016. Purse seine fishing is also banned in a large marine area to the west of the Galapagos Islands called the 'Corralito' for 30 days annually (29 Sep – 29 Oct). Longline vessels are subject to annual catch limits by flag on bigeye tuna.²¹ Despite international pressure on all tuna RFMOs to adopt harvest control rules and limit/target reference points, IATTC is yet to incorporate these into its management measure for yellowfin, bigeye and skipjack tuna.

IATTC also introduced measures for the collection and analysis of data on FADs (C-13-04). From 1 January 2015 purse seine vessels will be required to collect and report information to their flag state authorities when fishing on FADs, which will then be provided to IATTC's scientific staff for analysis; the results of which will be used to develop resolutions for strengthened management of FADs. Purse seine vessels will also be required to identify all FADs deployed in accordance with an identification scheme developed by IATTC. To reduce the entanglement of sharks, turtles and other by-catch species, FADs must be designed and deployed using non-entangling materials. In synch with WCPFC, deliberate setting of purse seine nets on tuna aggregating with live whale sharks is now prohibited in IATTC waters.²²

During 2014, a precautionary limit has been set at 5,000 mt for Pacific bluefin tuna within the IATTC convention area (C-13-02). IATTC's position is that the impact on bluefin tuna in the WCPFC area is much greater than the EPO. Hence, IATTC will appeal to WCPFC to adopt stock building targets and mandatory management measures for Pacific bluefin at its 2013 Regular Annual Session.²³

IATTC attracted criticism from NGOs for failing to adopt several proposed shark conservation measures, including the prohibition of catches of hammerhead and silky sharks, and a requirement to land sharks with their fins still naturally attached.²⁴ EU proposals for port state inspection measures and the introduction of a catch documentation scheme (which the EU has been pursuing in all four tuna RFMOs) were not adopted. However, a technical working group will be convened to discuss the catch documentation scheme.

IATTC has extended its annual 62-day purse seine fishing closure until 2016

While IATTC failed to adopt shark conservation measures, measures for strengthened FAD management were introduced



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FISHERIES DEVELOPMENT

Expanding canning capacity in the Pacific

The Pacific region's tuna canning capacity is expanding with the commencement of processing operations at Majestic Seafoods in Lae, Papua New Guinea. On June 10 2013, PNG's Prime Minister, Peter O'Neill officially opened the region's newest and largest tuna processing plant. The US \$38 million plant has the potential to process up to 350 mt/day at full production.²⁵ Majestic Seafoods is a joint venture partnership between Thai tuna processing giant, Thai Union, Century Canning of the Philippines and an existing PNG-based fishing and canning player, Frabelle. Proposals are in the pipeline for more new tuna processing developments in PNG – potentially at least another five, which together with Majestic could add at least 1,000 mt/day, tripling PNG's existing 500 mt/day processing capacity.²⁶ While in Lae for the Majestic opening, the Prime Minister also reportedly broke the ground during the same visit for another Philippines tuna processing investment.²⁷

French fishing group, Sapmer has also announced that it has been granted ten purse seine fishing licences by Papua New Guinea, in conjunction with plans to establish a tuna processing plant there (details on the processing investment are yet to be released). Samper intends to take up the ten licences between 2015-2018 to expand its total global purse seine fleet to 20 vessels.²⁸

Since 2010, negotiations have also been underway between South Korea's largest tuna company, Dongwon Industries and the Solomon Islands government to establish a tuna processing facility at Doma, West Guadalcanal. In mid-June, Dongwon's company advisor visited Honiara to meet with local officials to discuss the company's SBD \$250 million investment proposal.²⁹ Dongwon has also expressed interest in establishing a facility in PNG.

SPC addresses competition between local and industrial fishers³⁰

In response to calls from Pacific Heads of Fisheries, the Secretariat of the Pacific Community (SPC) has examined the issue of increased competition for tuna between small-scale local fishers and industrial vessels in some Pacific Islands. SPC has published a policy brief – *Balancing the needs: Industrial versus artisanal tuna fisheries* - to alert Pacific Island nations to the problem and possible solutions (which is available at: www.spc.int).

**PNG's newest
and largest
350 mt/day
tuna cannery
has opened in
Lae**

**Negotiations
are still
underway for
a Dongwon
investment
in Solomon
Islands**



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Industrial tuna fishing poses three challenges for artisanal fisheries – there are fewer tuna available to catch; fishing pressure from industrial fleets is higher than ever before; and, more industrial catch is being taken closer to artisanal fishing grounds.

SPC recommends a series of possible solutions that fisheries managers can apply to try to address this issue – establish industrial fishing exclusion zones; install near-shore anchored FADs for artisanal fisheries; improve national knowledge about catches from small-scale fisheries and how these change over time; strengthen small-scale fishers' associations and increase their participation in national tuna management planning forums; and, promote management measures at WCPFC that account for the special needs of artisanal fisheries.

TUNA MARKETS

Thai fishing industry under fire for labour abuses

UK-based non-profit organization, the Environmental Justice Foundation (EJF), has released a report on human trafficking in Thailand's fishing industry – *Sold to the Sea*. The report focusses on an investigation conducted in March 2013 into 14 Myanmar men who were rescued from a port in Southern Thailand – alleged victims of human trafficking, exploitation and human rights abuses while working for a Thai shrimp fishing operation.³¹

EJF highlights the root cause of trafficking in Thailand's fishing industry – an acute labour shortage given the unattractiveness of long working hours, low and unpredictable pay, physically demanding work and long periods at sea. This labour shortage fuels the trafficking of migrants from Thailand's neighbouring countries, particularly Myanmar, Laos and Cambodia, to supply cheap labour for work on Thai fishing boats, often under extremely oppressive conditions.

EJF's report coincides with release of The US State Department's annual *Trafficking in Persons (TIP)* report in which 188 countries and territories are ranked into three tiers based on the extent of their governments' efforts to comply with the 'minimum standards for the elimination of trafficking' under the *US Traffic Victims Protection Act 2000*.³² The TIP report indicates that a significant portion of labour trafficking victims within Thailand are exploited in commercial fishing and fishing-related industries (as well as low-end garment production, factories,

Management measures should be promoted at WCPFC that account for the special needs of artisanal fisheries to mitigate competition from industrial vessels

Human trafficking is prevalent in Thailand's fishing industry



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domestic work and street-begging). For 2013, Thailand has been ranked on the Tier 2 Watch List for the fourth consecutive year. While the TIP concludes that the government of Thailand does not fully comply with the minimum standard and has not shown sufficient evidence of increasing efforts to address human trafficking (in terms of *inter alia* investigation, prosecution, corruption and victim protection), Thailand has been granted a waiver to a downgrade to Tier 3 on the basis of a written plan submitted in 2012 that, if implemented, will constitute significant improvements. However, EIJ believes there is sufficient evidence of failure by the Thai government to stop trafficking (including the case of the 14 Myanmar fishermen) to warrant serious consideration by the US State Department of listing on Tier 3 of the TIP report.³³ If Thailand is ranked as a Tier 3 country it risks losing access to the US market, which would have dire consequences for Thailand's seafood industry.

On the market side, EIJ is appealing to major importers and retailers in the US (and EU) to demand transparency and ensure that their supply chains are 100 percent free of any products that have been produced in conjunction with human rights abuses.

EIJ is also urging the European Commission, European Parliament and EU member states to ensure that concerns over human trafficking are specifically raised in the context of Free Trade Agreement negotiations between the EU and Thailand. This echoes calls from the Spanish National Association of Manufacturers of Canned Fish and Seafood (ANFACO), and more recently, the EU's Regional Council Advisory of the Long Distance Fleet (LDRAC), for the inclusion of chapters within the EU-Thai FTA which requires effective ratification, implementation and strict compliance with international conventions with regard to labour and social issues (as well as environmental and governance issues).³⁴

While Thailand does not have an industrial tuna-fishing fleet, it is the world's largest canned tuna processing hub, employing tens of thousands of workers, the majority of which are migrant labourers. Recently, two major Thai tuna processing companies were questioned over alleged worker abuses.³⁵ Undoubtedly, the Thai fishing and seafood processing industries will continue to be carefully scrutinized for human rights abuses and subsequent violations will weigh heavily, not only on FTA negotiations, but on future access to Thailand's most significant export markets for tuna, shrimp and other seafood products.

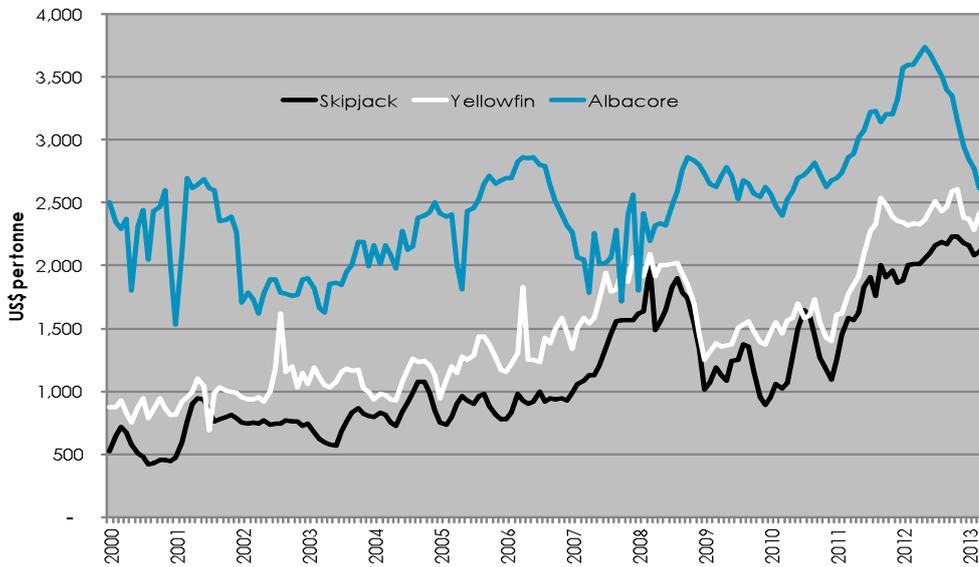
**Thailand risks
US market
sanctions if its
Government
does not
increase
efforts to
address human
trafficking and
meet minimum
US standards**

**Labour abuses
in Thailand's
fishing and
processing
industries
will influence
EU-FTA
negotiations**

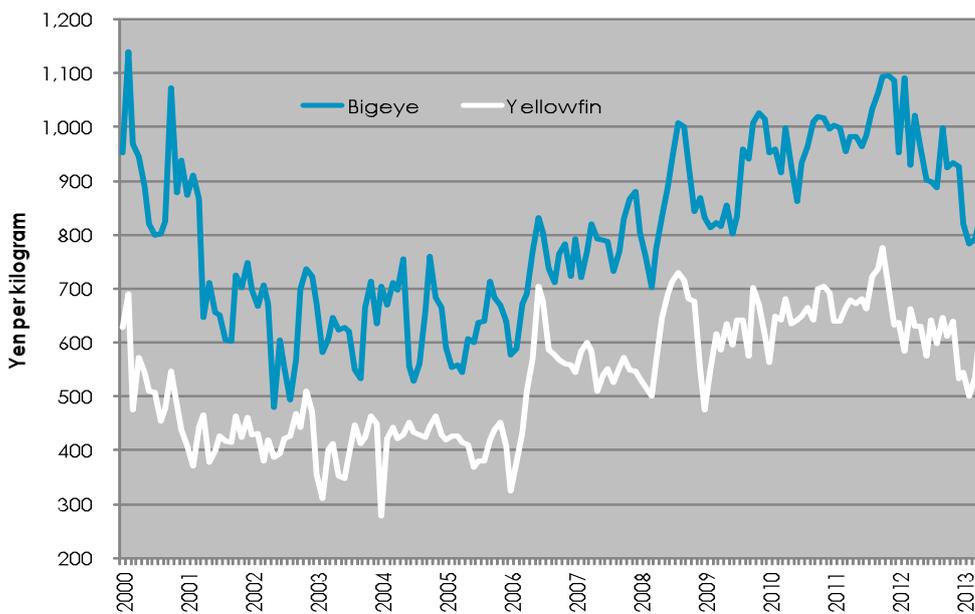


TUNA PRICE TRENDS³⁶

Bangkok canning-grade prices to April 2013³⁷

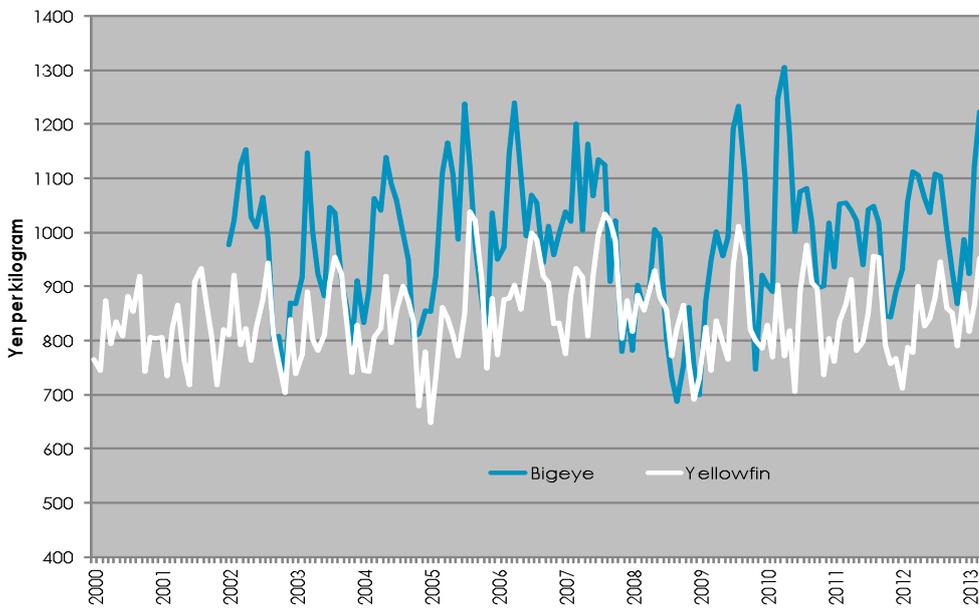


Japan frozen sashimi prices (ex-vessel, Japanese ports) to May 2013³⁸

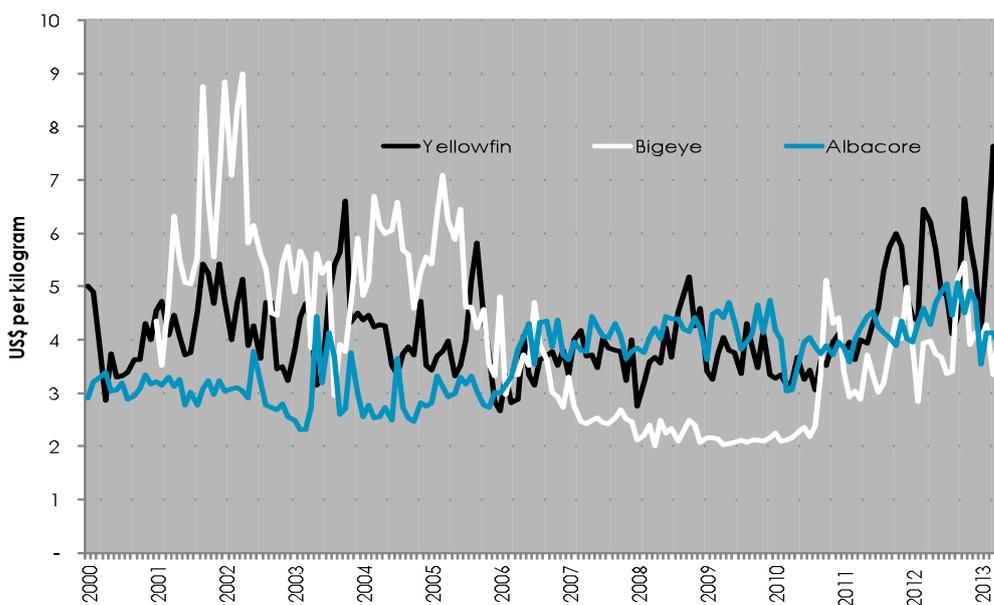




Japan fresh sashimi prices (origin Oceania) to April 2013³⁹

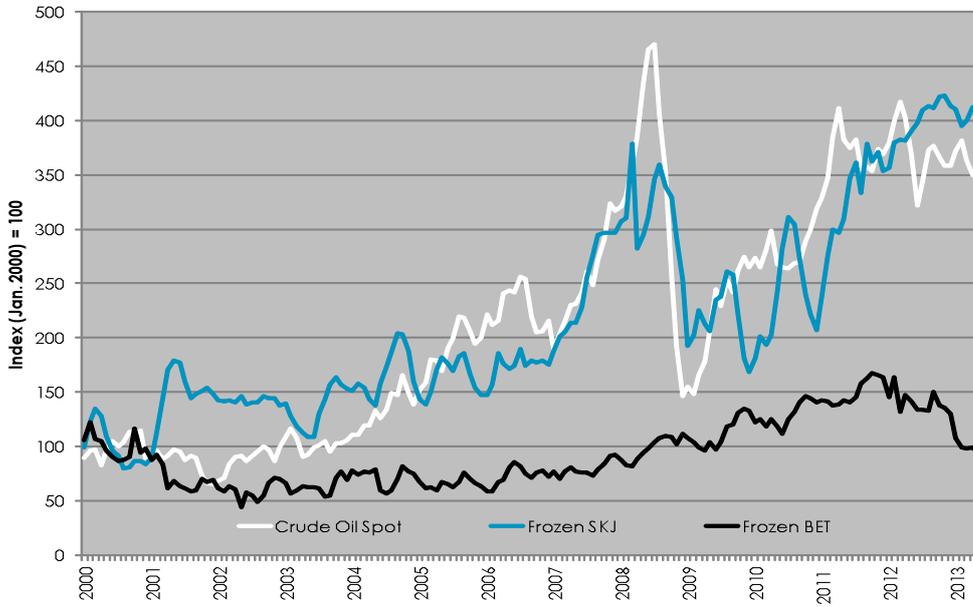


US imported fresh sashimi prices to April 2013⁴⁰





Crude oil, canning-grade frozen skipjack (SKJ) and frozen bigeye (BET) price index to May 2013⁴¹





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¹³ Robert Matau 2013, 'US to pay over US\$94m in a transitional fish deal: Negotiators hope to finalise deal end 2013', *Islands Business*, June 2013. Available at: <http://www.islandsbusiness.com>; Radio Australia 2013, 'US paying more for tuna as talks on final agreement continue with PNA', 3 June 2013. Available at: <http://www.radioaustralia.net.au>; Radio Australia 2013, 'US signs new tuna agreement with the Pacific', 16 May 2013. Available at: <http://www.radioaustralia.net.au>.

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¹⁸ In 2011, total allowable effort was 35,136 and actual days fishes were 41, 591. This figure includes Party Allowable Effort, FSMA days and US Treaty days. There was no hard limit for US vessels during that year because of the



terms of the WCPFC Conservation and Management Measure at that time. PNA 2012, 'Vessel Day Scheme (VDS) report to the Eighth Regular Session of the Western and Central Pacific Fisheries Commission (WCPFC8)', in *Western and Central Pacific Fisheries Commission Eighth Regular Session*, Tumon, Guam, 2012. Available at: <http://www.wcpfc.int>.

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³⁶ All databases are provided by the Fisheries Development Division at FFA.

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³⁸ FFA database

³⁹ Japan Customs. http://www.customs.go.jp/toukei/info/index_e.htm

⁴⁰ US National Marine Fisheries Service. <http://www.st.nmfs.gov/st1/trade/index.html>

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