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PREFERENTIAL AND FREE TRADE AGREEMENTS

Update on US free trade agreements

With the continuing malaise of multilateral Doha Round talks at the WTO, bilateral free trade agreements (FTAs) continue to act as the primary mechanism for enhancing market access between countries around the world. For example, in 2006, 42.6 percent of all US exports went to countries with which it held FTAs, while those same countries constituted only 7.5 percent of world GDP (excluding the US).[2] This indicates that the US exports disproportionately more to countries with which it maintains FTAs. While fish products are normally not very high on the agenda in FTA negotiations, from a developing country perspective FTAs are of particular importance to fish exports because most principal markets – EU, Japan and the US – maintain relatively high tariffs on fish products. Therefore, even if a developing country is not entering into an FTA, it must be aware of how its principal markets' FTAs and tariff structures impact competitors.

Most recently, the US has signed FTAs with Colombia, Korea, and Panama, but these are yet to be enacted by Congress.[3] While blocked by Congress in 2008 and currently delayed by the Obama administration, it seems probable that the FTA with Columbia will eventually be passed through Congress;[4] not least in the face of a high profile charm offensive by the Columbian government.[5] If the FTA is enacted (albeit perhaps in revised form), Columbian canned tuna will have duty free access to the US market ten years after the agreement comes into force (the duty reduction will take place over ten equal annual stages).[6]

FTAs continue to play a central role in the structure and politics of international trade

The FTA with South Korea is important to the US because South Korea is its seventh largest trading partner. The FTA will probably be less significant in terms of South Korea's market access for tuna products because Korea is a relatively high cost site of production and is unable to compete with processors based in Southeast Asia. Nonetheless, if the FTA is concluded, canned tuna will also enter the US duty free after 10 years of the agreement coming into force, although at a slower, unequal gradation than in the Columbia FTA.[7] The Obama administration has called the Korea FTA 'badly flawed', and while it has been reported as likely to go through Congress when put to the vote, it will be reviewed by both governments first and may be subject to revisions.[8]

The US is also in FTA talks with Malaysia and, through a wider sub-regional negotiation, with Vietnam.[9] While Malaysia is yet to become an internationally significant tuna processing site, Vietnam has significant potential – not least because it is a relatively very low cost site of production (e.g. very low labour costs).[10] However, several problems are facing the Vietnamese tuna processing industry, including overcapacity in manufacturing and problems securing supply of fish;[11] in addition, the US textile industry is putting up strong opposition to an FTA with Vietnam.

Columbia and South Korea will get duty free access for canned tuna to the US in ten years if their FTAs are enacted

Update on EU free trade agreements

The EU completed negotiation for an FTA with Korea in July and the deal is expected to be finalised by the end of 2009, subject to review by EU Member states.[12] The deal is estimated to cut bilateral trade tariffs at an annual US$106 billion within five to seven years and create the world's second largest free trade zone (after the North American Free Trade Agreement between Canada, Mexico and the US).[13] If the FTA goes through – European car manufacturers and Korean farmers are leading the opposition[14] – it will put the Obama administration under additional pressure to push its own FTA with Korea through Congress.[15] From the perspective of the European seafood industry, the most controversial element of EU-Korea FTA negotiations was over fisheries rules of origin (RoO) for surimi (ground fish white meat, used in processed products). Korea wanted to dismantle the EU's RoO, but the European Commission was fiercely opposed. The compromise outcome was an exemption from RoO for a set quantity of surimi (known as a derogation).[16] European industry is concerned that this derogation may set a precedent in FTA negotiations with Southeast Asian countries.[17]

Fisheries rules of origin were a point of controversy in EU-Korea FTA negotiations

The EU began FTA negotiations with India in March 2009. This was met by wide ranging protests by Indian trade unions and NGOs concerned with the potentially negative outcomes of the FTA.[18] From the EU side, the European Parliament raised concerns around the incidence of child labour and bonded labour in India, but India has remained firmly opposed to the inclusion of labour standards in bilateral or multilateral trade arrangements.[19] India is maintaining a 'hard-line stand' for duty-free access to 95 percent of the EU market,[20] and is also interested in Mode 4 services under the WTO General Agreement on Trade in Services (GATS) – the cross-border movement of labour. The EU has its eyes on the Mode 3 category that would liberalise cross-border investment in services. The EU is also reportedly keen to access the Indian automobile market, which India apparently opposes.[21] While India's tuna industry is in its nascent phase, the government has initiated a series of support programmes for its development and it may emerge as a potential – albeit minor – aspect of future negotiations.[22] The current level of EU-India progress is so slight (and future deadlock so likely) as to make this FTA low on the list of Pacific Island country (PIC) worries.

The EU-India FTA may represent a competitive threat for PIC tuna exporters in the medium term

Most important in terms of potential competition with PIC tuna exports to the EU are the latter's FTA talks with the Association of Southeast Asian Nations (ASEAN), which includes major tuna producers Thailand, the Philippines and Indonesia, and emerging players such as Vietnam and Malaysia.[23] In 2008, talks were still concentrating on preparations for negotiations. Actual negotiations began to advance in 2009.[24] All-ASEAN talks have been delayed by EU Member state concerns over the human rights record of Burma (Myanmar), the slow pace of intra-ASEAN integration, and ASEAN concerns that the European pharmaceutical industry was seeking aggressive demands – including 20-year monopoly patent rights for medicines – that went beyond WTO intellectual property rules.[25] These sticking-points contributed to ASEAN-EU FTA talks being put on hold this May, despite the ASEAN group making clear its preference to negotiate on a region-to-region basis.[26]

The European Commission indicated that a bilateral (country-by-country) FTA approach would speed up the process of trade liberalisation between the EU and certain Southeast Asian countries. To this end, exploratory informal bilateral discussions had already taken place with Thailand and Singapore by late 2008. Thailand was clear that it seeks an improved access for canned tuna to the EU market (as the 'Cotonou Compromise' tuna quota expired in June 2008).[27] On its part, the EU has made clear that it is very keen to take FTA negotiations with Thailand forward. According to Philippe Meyer, the directorate-general for trade at the European Commission: 'If we manage to agree on something reasonably ambitious [with Thailand], then it will pave the way for the work with other countries'.[28] This raises concerns that tuna may be the subject of horse trading vis-à-vis other more strategic sectors (such as pharmaceuticals or automobiles) on the part of the EU in order to secure a deal. The other potential competitive threat to PIC tuna exporters is Vietnam. EU-Vietnam FTA talks are reported to be relatively

ASEAN-EU FTA talks have been put on hold and the EU is pursuing bilateral FTAs with Brunei, Singapore, Thailand and Vietnam

well advanced (four rounds of negotiations had already taken place by April) and reaching an agreement by October 2010 has been set as a top priority by the current Swedish presidency of the EU.[29]

Moving to Central and South America, the EU has been holding FTA negotiations with Columbia, Ecuador and Peru. The EU had hoped to engage the entire Andean Community of Nations under a single regional FTA, but Bolivia (the fourth member) refused because of the EU's push on the privatisation of natural resources and basic services. As with EU discussions with ASEAN, one of the most controversial aspects of discussions has been over European demands for strict intellectual property rights.[30] Concerns with the European Commission's 'biased' direction in negotiations, led to the leftist president of Ecuador announcing that his country will not sign an FTA,[31] and subsequent reports that Ecuador will only be party to selected elements of the deal.[32] This is of huge importance for the international trade in tuna: In 2008 Ecuador was the largest exporter of canned tuna to the EU, with an estimated 23 percent market share (rising from 9 percent share in 2002). In addition, Columbia is a mid-level exporter of canned tuna to the EU: Columbia held 4 percent of EU market share in 2008 and 2 percent in 2002. Like Ecuador, Columbia currently exports duty-free under the EU's GSP+ regime.[33] But, like the US, the EU is critical of lax labour standards and serious human rights abuses in Columbia. Finally, the EU is also negotiating an FTA (or 'Association Agreement') with six Central American countries (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama). These negotiations, tabled to conclude in 2009, were set back by a recent coup in Honduras.

Thailand is explicitly seeking improved market access for canned tuna in FTA talks with the EU

Ecuador, the largest exporter of canned tuna to the EU, has threatened to abandon FTA negotiations

Tuna Markets

StarKist lays off workers in Am. Samoa as Dongwon outlines strategic direction

A StarKist spokesperson announced in late July that it will lay off 'approximately 350 salaried and hourly positions combined' over a period of several months. The rationale for this move was 'excess global manufacturing capacity, annual increases in the minimum wage [in American Samoa] and constantly shifting [undefined] cost pressures', which combine to put the Pago Pago-based canning industry 'at significant and immediate risk and prevent it from remaining globally competitive'. The cannery will remain open and employ around 2,000 workers.[34]

The StarKist tuna business was bought by the South Korean giant Dongwon Industries from Del Monte in October 2008 for US$359 million.[35] Dongwon is an integrated tuna processor that owns 15 purse seine and 20 longline vessels operating around the world, a large domestic canning facility and 75 percent share of the South Korean market for canned tuna.[36] The take-over included Del Monte's tuna processing facilities in Pago Pago and Manta in Ecuador, and meant that all workers directly employed by Del Monte shifted to Dongwon. The StarKist brand maintains around 37 percent share of the US market and holds the premier position in the shelf-stable tuna category. Dongwon plans to make an annual investment of US$15 million to $20 million into marketing.[37] This includes a re-vamping of the traditional StarKist brand 'Charlie the Tuna' to appeal to a younger generation of US consumers. In addition, Dongwon plans to draw upon its experience of selling high-quality, valued-added tuna products in the South Korean market, which – according to the CEO and president of StarKist – are 'easily extendable and expandable' in the US.[38] Consequently, Dongwon predicts 10 percent growth in group-wide sales in 2009 compared to 2008.[39]

While the purchase of StarKist by Dongwon appears to be a potentially profitable expansionist move by this South Korean firm, the overall implications for PICs are negative. Starkist's lay-offs follow closely on the heels of the closure of the Chicken of the Sea canning plant in Pago Pago, reported on in May's *Fisheries Trade News*.[40] As a result, this manoeuvring by Starkist will come as an additional shock to neighbouring Samoa, as around eighty percent of cannery workers are Samoan citizens, who provide an important source of remittances to their families and, thus, the Samoan economy as a whole. American Samoa's delegate to US Congress, Eni Faleomavaega, is working with StarKist to find ways of ensuring that its cannery does not follow in the footsteps of Chicken of the Sea and divest completely. Faleomavaega and Starkist have teamed-up to write the American Samoa Protection of Industry, Resources, and Employment (ASPIRE) proposal, which seeks to encourage tuna processors selling product on the US market to do business in American Samoa. It also creates a framework for providing incentives to fishing vessels to land tuna in Pago Pago. Faleomavaega went on record to 'thank StarKist for caring enough about our people to stay long enough to determine if we can turn the principles of ASPIRE into law'.[41] Whether or not ASPIRE will be enough to convince StarKist to stay in the medium-term remains to be seen.

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StarKist blames global overcapacity in tuna canning and minimum wage legislation for loss of 350 jobs in American Samoa

Dongwon plans to invest in deeper marketing of the StarKist brand

Greenpeace supermarket campaigns

Greenpeace, the environmental campaigning organisation, has been actively engaged in putting pressure on supermarkets, canned tuna brands, tuna traders and boat owners to promote sustainable and non-IUU (illegal, unreported and unregulated) caught tuna, and has also lobbied governments to create marine reserves to protect breeding and spawning grounds.[42] (*FFA Fisheries Trade Briefing* reportedly extensively on various aspects of these campaigns in 2008.[43]) As John Fiorillo of *IntraFish Media* points out, Greenpeace campaigns targeting retailers have been a particular source of success, often resulting in significant shifts in supermarket seafood procurement policies.[44]

The most recent of these supermarket campaigns was by Greenpeace US at the end of June.[45] It ranked supermarkets in a scorecard according to a set of criteria, including whether the supermarket: has a sustainable seafood policy, undertakes or is involved in sustainability initiatives, seafood products are properly labelled, and endangered ('red list') species are for sale. This campaign was a follow-up on a similar ranking exercise undertaken in June 2008; a year later, Greenpeace found that seven retailers had improved, sometimes significantly, but only to reach a 'passing' grade (none received a score of 'good'). Several retailers had not improved, and for those that had not, Greenpeace took action against them. For example, Greenpeace went so far as to develop a spoof website to target Trader Joe's, which received the worst ranking of all US nation-wide supermarket chains, in part because it sells 15 species of the 22 on the Greenpeace red list.[46] Follow-up ranking were recently published by Greenpeace Canada and Greenpeace UK.[47]

The US seafood industry association, the National Fisheries Institute (NFI), hit back with a new counter-offensive against Greenpeace and several other environmental NGOs.[48] The 'NFI Truth Squad' was unveiled in July 2009.[49] Most important, it calls into question the science used by Greenpeace, although this criticism was based on only one fish stock (Alaska Pollock).

A similar follow-up campaign by Greenpeace Spain assessed six supermarkets. It found that, despite improvements over a 2008 ranking, all supermarkets were selling species on the 'red list': the French-owned giant Carrefour had the worst record.[50] It also recently ran a follow-up assessment of supermarkets in Portugal.[51] Similarly, Greenpeace France claims that '"Most of the Fish sold today in French supermarkets comes from unsustainable fisheries'".[52] In response activists handed-

Greenpeace campaigns targeting supermarkets have been a success

Greenpeace has recently highlighted seafood sustainability issues in supermarkets in Canada, France, New Zealand, Portugal, Spain, the UK and the US

out over 10,000 sustainable fishery guides in supermarkets throughout France. In New Zealand, Greenpeace has warned the two major national supermarkets, Progressive Enterprises and Foodstuffs, that they risk a consumer backlash if they do not shift to more sustainable practices.[53] Among several other species, Greenpeace New Zealand's 'Red Fish' guide – as all other Greenpeace red guides – includes bigeye, bluefin and yellowfin tuna. It also recommends that consumers only buy skipjack that is from New Zealand fisheries or from troll or pole and line gear, with a specific advice to avoid purse seine caught products where fish aggregation devices have been used because of the incidence of by-catch.

Greenpeace launches campaign for the promotion of pole and line tuna fisheries

In a separate move, in an attempt to support what it sees as more sustainable and equitable tuna fisheries, Greenpeace launched a campaign at the European Tuna Conference in April to ask 'retailers, restaurants and tuna traders to pre-order and shift their supplies to sustainable and equitable skipjack tuna'.[54] Greenpeace criticises tuna purse seine fisheries because of the incidence of bycatch and the dominance of ownership from developed countries with little socio-economic benefits flowing to coastal developing countries. Instead, Greenpeace supports pole and line tuna fisheries (subject to effective management of bait fisheries) as they incur very low levels of bycatch, result in a higher quality product and are more suited to coastal developing countries, including by generating more employment.

In a report making the case for pole and line tuna fisheries, Greenpeace highlights the Maldives as a success story. It goes on to identify PICs as prominent possibilities to 'develop domestic pole and line fisheries', which would allow them to 'regain control of ... precious tuna resources, and reap significant environmental and socioeconomic benefits'.[55] The report also highlights the fact that the UK supermarket Sainsbury's now sources a minimum of 90 percent of its own-brand canned tuna from pole and line fisheries. The report fails to note, however, that Sainsbury's suddenly shifted from procuring pole and line tuna to purse seine caught fish in the context of a price war with Tesco in the 1990s, leaving canneries in Fiji and the Solomon Islands on the brink of collapse.

Greenpeace campaign limited by unrealistic expectations on current pole and line fishing capacity

The main criticism levelled at Greenpeace's (and by other environmental NGOs) pole and line campaign is that global pole and line fishing capacity is far from sufficient to meet demand for this important source of low priced protein.[56] For example, the UK supermarket chain ASDA (owned by US Wal-Mart) and the brand John West (managed by MW Brands) have both publically made this point. John West went further to say that the reduction of bycatch and catching juveniles, compliance with fishing quotas and support for regulatory bodies were all more important than scientifically unresolved debates on preferred fishing gears, highlighting prior problems with pole and line bait fisheries.[57]

Greenpeace had already recognised this criticism.[58] It was one of the main drivers for the pre-order petition campaign: It is an effort to gauge interest and to encourage buyers to seek out potential partners in coastal developing countries to re-develop pole and line gear as viable tuna fisheries.[59] The pre-order campaign is available here. Greenpeace reports that several major wholesalers and retailers from the UK and the Netherlands have shown interest.[60] Greenpeace state that they are '"now in the process of talking to market players as well as the countries in the Pacific as to when would be a good chance to bring them together for a future workshop to develop the next steps"'.[61] It should be noted that both PNG and Solomon Islands are looking at options to revive pole and line operations, particularly with smaller scale vessels.

PNG and Solomon Islands are looking at options to revive pole and line operations

Fisheries Trade and Development

Tuna and Pacific island country food security[62]

Fish is a mainstay of food security for PICs; fish protein provides between 50 and 90 percent of dietary animal protein intake in many island nations.[63] However, food security – defined as physical, social and economic access to sufficient safe and nutritious food to meet dietary needs and preferences[64] – is becoming an urgent concern for Pacific island countries.

Food security is becoming an urgent concern for Pacific island countries and territories

Currently, fish consumption in most island countries well-exceeds the level recommended for good nutrition of people in the Pacific (35 kg of fish per person each year). Average national per capita fish consumption is already greater than this in five PICs, and is >70 kg per person per in another seven PICs. Importantly, most of this fish comes from subsistence fishing.[65]

Despite this good news, the threat of declining food security lingers. Forecasts indicate that in 2030, even well-managed coastal fisheries will only be able to meet consumption demand in six of 22 Pacific island countries and territories.[66] Several trends contribute to these worrying forecasts; three of these are highlighted here.[67]

First, rapid population growth will increase demand for limited fish products. Population in the Pacific region is predicted to double in 36 years. Urban populations are expected to grow at an even faster rate.[68] Supplying the population with fish in the year 2030 will require an additional 115,000 tonnes of product compared to current needs. However, coastal fisheries do not have the capacity to sustain the catches required to deliver this amount of fish. Furthermore, rapid urbanisation stands to erode customary land-ownership rights and cultural norms of resource sharing that have historically protected vulnerable populations from food insecurity. Urbanisation also threatens to eliminate traditional knowledge and skills in harvesting, preparation and preservations of traditional, healthy foodstuffs.

Second, many Pacific island countries and territories are net importers of food. Agricultural productivity and coastal fisheries production have stagnated and are not keeping pace with population growth. As Pacific islands become more dependent on food imports, they are increasingly vulnerable to rising global food and fuel prices (induced by the global food crisis and intensified by the diversion of crops into biofuels). Furthermore, diets with a high proportion of imported foods – many of which are highly processed and have little nutritional value – are contributing to escalating rates of non-communicable diseases (such as diabetes and heart disease), malnutrition and micro-nutrient deficiencies.

Third, traditional food production systems, particularly fisheries, are threatened by global climate change. Plans to optimise the contribution of fisheries to food security could be threatened by climate-induced changes to the abundance and distribution of tuna, degradation of coral reefs, declining coastal stocks, and weather-induced damage to infrastructure for fishing fleets and aquaculture production.[69]

To address these challenges, the leaders of the Pacific Islands Forum prioritised food security under the Pacific Plan in the Niue Communiqué.[70] Similarly, the Secretariat of the Pacific Community (SPC) is implementing several research projects to address and inform food security efforts.[71] These organisations have highlighted the critical importance of fisheries to future food security and identify five key areas that should help ensure supply fish into the future. These are: conducting assessments of the sustainable production available from oceanic (tuna), coastal and freshwater fisheries, and aquaculture; allocating access to fish for food security from these sources; improving the efficiency of fish catch, production and distribution; developing government policies in support of improving access to fish; and ensuring that management bodies can effectively

Population growth and climate change are among the main threats to fish-based food security in the Pacific

Coastal fisheries, tuna fisheries and pond aquaculture are being tapped to fill the emerging gap in food security

monitor fish allocation and resource health.[72]

SPC researchers point to coastal fisheries, tuna fisheries and pond aquaculture to fill the emerging gap in food security. They offer several recommendations for how to use these resources better to improve food security.[73] For example, the management of coastal fisheries must be improved so that they can provide their potential contribution to the fish needed by both rural and urban populations. However, even well managed coastal fisheries will not be able to meet future demand. Therefore, low-cost, inshore fish aggregating devices (FADs) are being promoted to give coastal subsistence fisheries better access to tuna. Small pond aquaculture, both in rural areas and on the fringes of urban centres, can also be developed to help fill demand.[74]

Increasing the use of tuna for food security will require policy interventions that facilitate domestic, rather than just export-oriented, tuna consumption. Chief among these are allocating more tuna catch to subsistence and small-scale fishers, and supporting enterprises involved in post-harvest and domestic tuna distribution. Undersized tuna previously discarded from purse seine vessels, and bycatch from longline operations, have an important role to play in supplying fish at low cost in urban centres.[75] However, there can be complexities here, such as the potential downward effect on prices for locally caught fish.

Expanding pond aquaculture will require technical expertise, appropriate production and distribution infrastructure, and outreach programs to facilitate integration of pond fish into local diets.[76]

In summary, ensuring long-term food security in the Pacific region is a large task and will require a range of policy and food production efforts. Effective means will need to be found to measure the success of these policies and efforts.[77]

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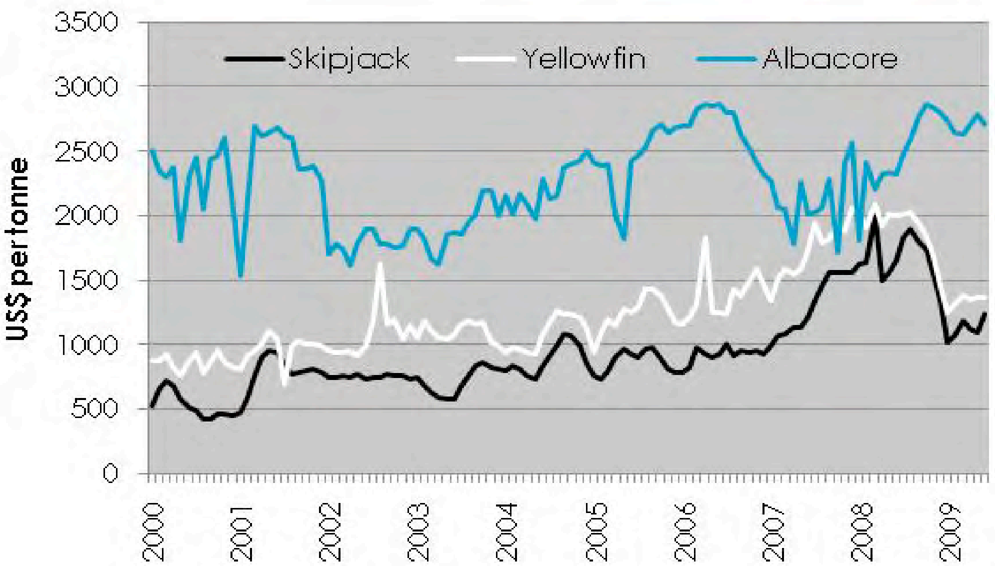
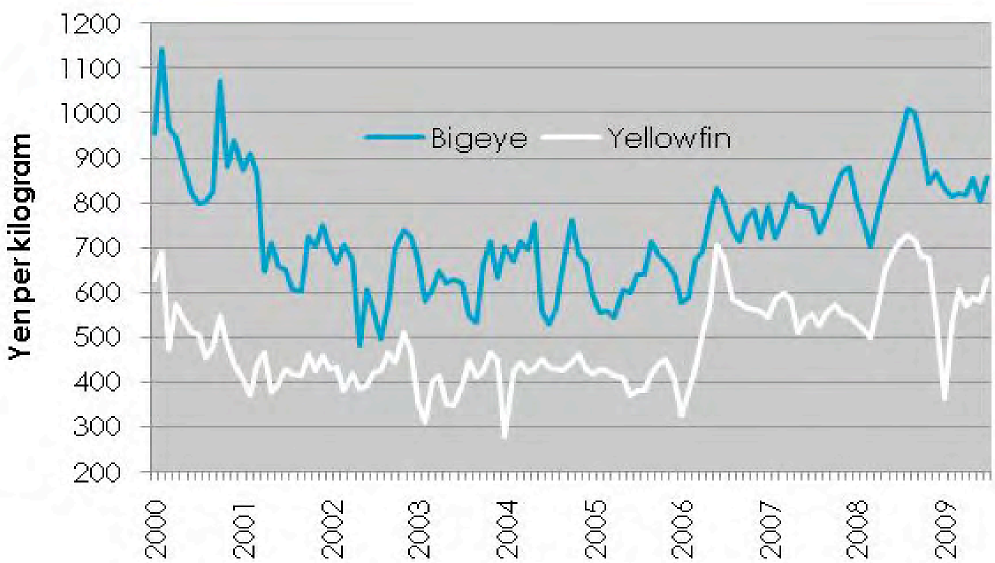
Meeting expected demand for fish for PIC domestic consumption will require extensive planning and policy intervention

Tuna Price Trends

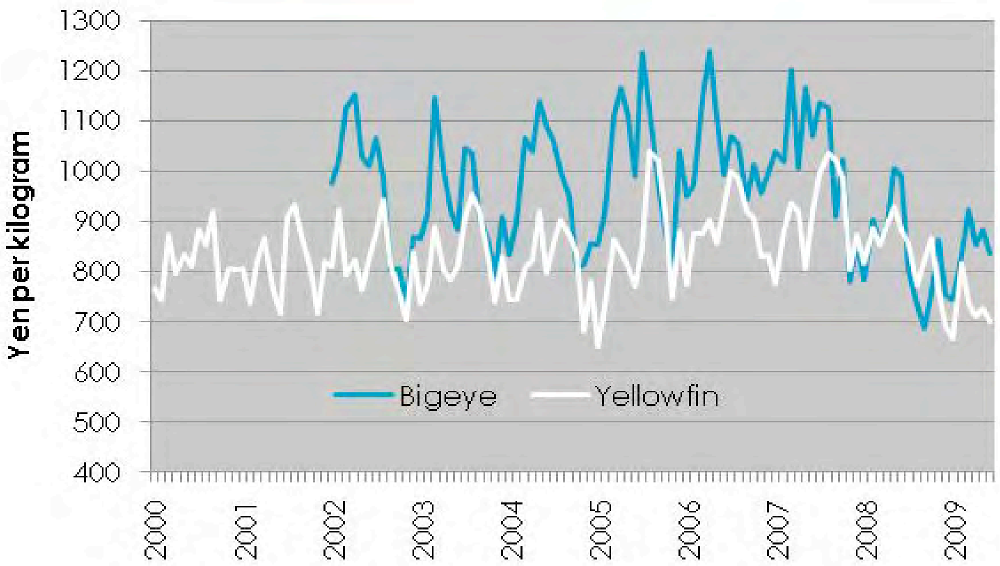
Canning-grade prices: Bangkok (SKJ & YFT) and Pago Pago (ALB) to June 2009[78]



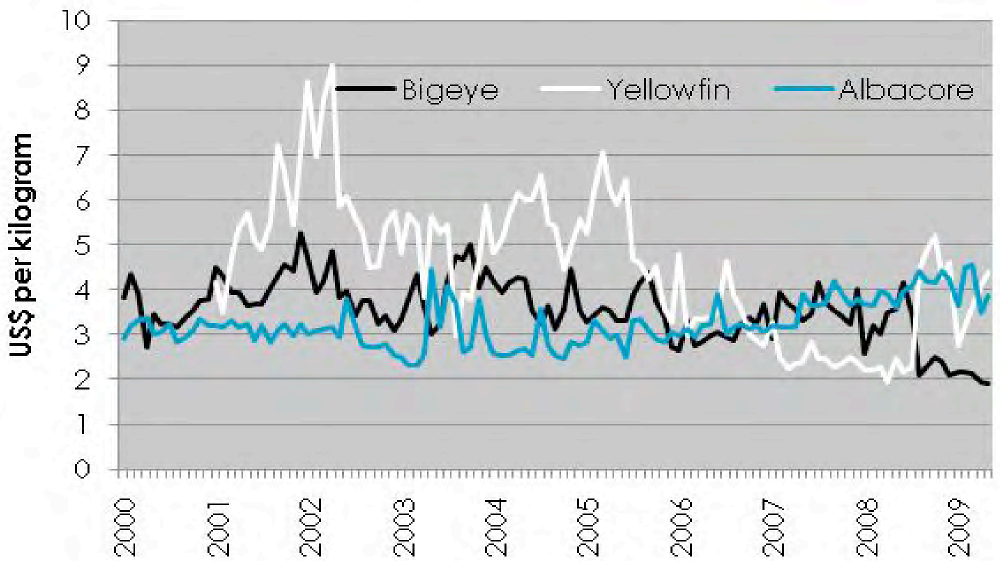
Japan frozen sashimi prices (ex-vessel, Japanese ports) to July 2009[79]



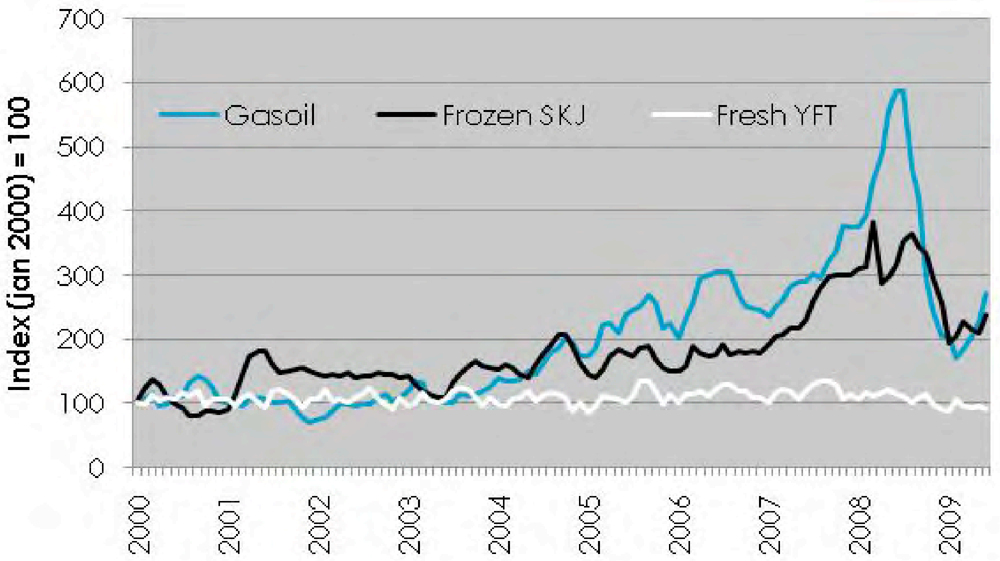
Japan fresh sashimi prices (origin Oceania) to June 2009[80]



US imported fresh sashimi prices to May 2009[81]



Gasoil, canning-grade SKJ and sashimi YFT price index to June 2009[82]



Coming in the next issue (August 2009, Vol. 2: Issue 8)

- PNG signs Interim EPA with EU
- Greenpeace assessment of seafood eco-labels

[1] Prepared for the FFA Fisheries Development Division by Liam Campling, Consultant Fisheries Trade Analyst, FFA, and Elizabeth Havice, University of California-Berkeley. Desktop publishing by Antony Price. The authors would like to thank Len Rodwell for his input on an earlier draft of 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.

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[6] See Annex 2.3 Tariff Elimination and Annex 2.3 Tariff Schedule of the United States of America of the final text of the United States-Colombia Trade Promotion Agreement, signed on 22 November 2006. Available at: http://www.ustr.gov/trade-agreements/free-trade-agreements/colombia-fta

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