

Fishing for a Future

The Advantages and Drawbacks of a Comprehensive Fisheries Agreement between the Pacific and European Union



Preface

The tuna fishery of the Western and Central Pacific Ocean is arguably the region's greatest natural asset, with US\$2 billion worth of tuna caught every year – a third of the world's total. Despite the fact that two thirds of these fish are caught within the exclusive economic zones of the Pacific Islands, only one tenth of their value remains there.

This briefing paper by Oxfam New Zealand examines whether the conclusion of a comprehensive multilateral fisheries agreement, possibly as part of the Economic Partnership Agreement (EPA) currently being negotiated with the European Union, could help remedy this imbalance, enabling Pacific nations to benefit more from their resource.

Pacific fisheries have been described as being as important to the region as oil is to the Middle East. Could a deal on fisheries with the EU help the Pacific benefit more from its own resource? While reading this paper, it is worth bearing several questions in mind. Should the Pacific countries request development assistance to improve fisheries-related infrastructure and controls? Does the Pacific need private EU investment and joint ventures? What about job creation in the industry and other employment spin-offs? Could an agreement between the EU and Pacific countries encourage transfers in skills and technology from the well-developed EU fishing industry? Also, depletion of stock in other tuna fishing areas, fuel prices, global weather patterns and other factors could significantly impact the tuna fishing industry and the value of any agreement. A deal that looks good today might not look so good tomorrow.

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Barry Coates
Executive Director
Oxfam New Zealand

Introduction

Globally the multi-billion dollar fishing industry employs tens of millions of people and provides a significant proportion of the world's food security, yet three quarters of the world's fish stocks are dangerously near depletion. The West and Central Pacific Ocean (WCPO) is the largest and the least over-exploited tuna fishery in the world, accounting for one-third of the global tuna catch.

The tuna fishery represents one of the Pacific's greatest natural resources, but only about a tenth of its two billion dollar annual value remains in the Pacific. The majority of the catching and processing of Pacific tuna is done by foreign boats and factories, and access fees currently paid by foreign vessels in Pacific waters amount to only around one-twentieth of the value of the fish caught. The people of the Pacific deserve a greater share of the revenue from this precious resource. Two obvious ways to ensure greater benefits to Pacific Island peoples is to increase Pacific Island involvement in the catching of fish and their processing into fish products, as well as to increase the access fees paid by foreign fishers.

The European Union (EU) has a large fishing fleet, and is the world's largest tuna market. Most Pacific fish and fish products already have tariff-free access to it. The value of this access is eroding, however, as tariff rates for competing countries are reduced. Furthermore, the combination of restrictive conditions on the Pacific's tariff-free access, and barriers that are typically higher for processed products than for unprocessed fish, serves to discourage Pacific involvement in value-adding industries.

The EU is currently renegotiating its trade relationship with the African, Caribbean and Pacific (ACP) group of countries to make them compatible with World Trade Organisation (WTO) rules. It is seeking a far-reaching deal in the Pacific region, including agreements on trade in goods, trade in services, investment, and possibly fisheries. For a fisheries agreement to be of maximum benefit to the Pacific it would need to cover not only access for Pacific fish products into the EU market, but also cover access arrangements for EU vessels to the Pacific fishing grounds, as well as provide support for development of the local fishing industry. Three separate EU Directorate-Generals (DGs) deal with these areas: DG Trade, DG Fish, and DG Development. Negotiations are further complicated by the fact that the EU already has three bilateral access agreements in the region, negotiated by DG Fish.

In the past, Pacific nations have generally negotiated vessel access deals bilaterally, thus missing out on the advantages gained by working together. Although current EU access to Pacific fishing grounds is relatively small and may remain so for some time, a collective access agreement, either as part of the EPA, or separate from it, could yield significant benefits and set a useful precedent for negotiations with other fishing nations.

The multilateral EPA negotiations could also provide an avenue for Pacific nations to get a better deal on access to the EU market for Pacific fish

and fish products, as well as provide an opportunity to gain assistance in developing the domestic industry.

Although it has been argued that these issues should be dealt with separately, under Article 178 of the European Community (EC) Treaty the EU is legally obliged to deal with developing countries in a 'coherent' manner, taking into account developmental (and environmental) objectives within its foreign policy, including its external fisheries policy.¹ Thus far, however, the EU negotiators have been extremely reluctant to agree to concrete measures that might dispel the sceptics' impression that its commitment to a 'coherent' external policy is anything more than rhetoric. Is the EU genuinely willing to pursue a coherent policy that would truly support sustainable development in the Pacific?

The Fishing Sector

Global Fish Stocks

In 2002, the most recent year for which figures are available, the global trade in fish and fish products totalled US\$58.2 billion and employed approximately 38 million people.² In 2003, the EU, as the world's biggest market for fish, imported more than €12 billion worth of fish products, including imports from ACP countries of €1.21 billion in unprocessed fish and €0.53 billion in processed fish.³

According to the Food and Agriculture Organisation of the United Nations (FAO), 75 percent of the world's fish stocks were at capacity or over-exploited in 2004.⁴ This problem has been exacerbated by illegal, unregulated and unreported (IUU) fishing that some estimates have suggested is equal to 23 percent of the total declared fish.⁵

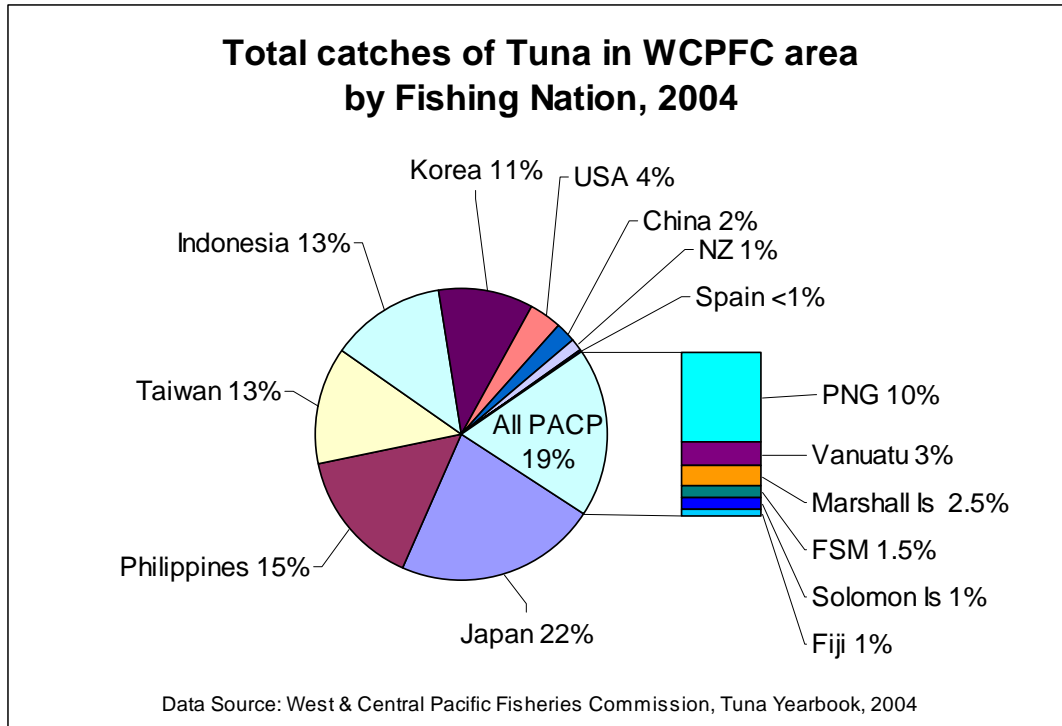
A further contributing factor to the dangerous depletion of global fish stocks is the more than US\$15 billion in annual fisheries subsidies worldwide, which amount to roughly one fifth of fishing industry revenue.⁶ These subsidies are currently under discussion at the WTO.

The Tuna Fishery in the Pacific

The tuna fishery is by far the most economically significant fishery in the WCPO. It is the largest in the world, with approximately 2 million tonnes caught annually, worth US\$2 billion, and comprising roughly one-third of all landed tuna.⁷ This equates to roughly a fifth of the region's combined gross domestic product.⁸ The fishery is therefore probably the largest natural resource in the region, and according to DG Development, provides 'the greatest potential for the expansion of exports from Pacific Island countries.'⁹ However, Pacific nations receive relatively little tuna fisheries revenue because the fishing and processing industry is dominated by Distant Water Fishing Nations (DWFNs), such as China, Indonesia, Japan, the Philippines, the Republic of Korea, the United States, Taiwan, and Spain.

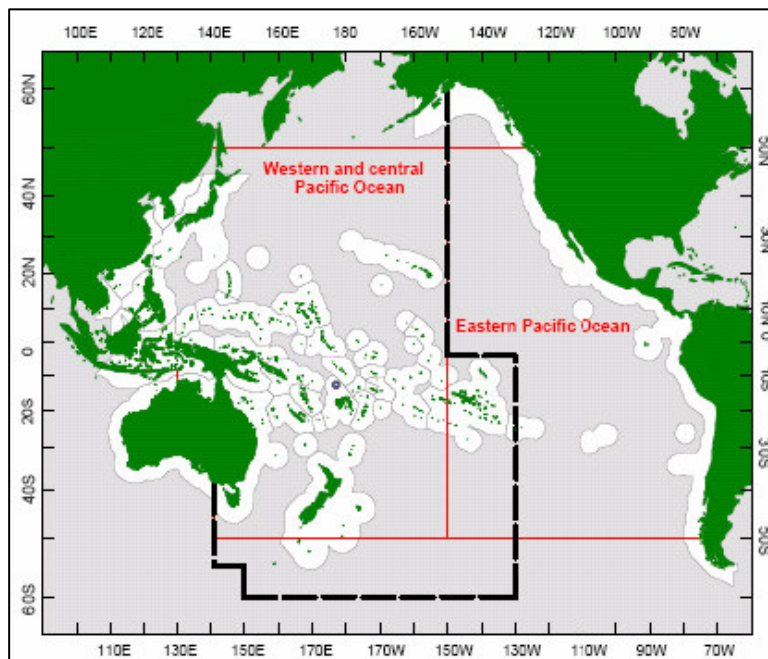
Figure 1 below shows the relative proportion of tuna caught in the WCPO by Pacific and other nations in 2004, approximately two thirds of which was caught within the Exclusive Economic Zones (EEZs) of Pacific ACP states.¹⁰ Although these figures have improved in favour of the Pacific in recent years, they still show that the lion's share of the fish is caught by DWFNs, with Papua New Guinea the only exception.¹¹

Figure 1. Proportion of tuna catches by nation in WCPFC area.



The processing capacity in the Pacific ACP states is relatively limited, with the main processing facilities located in Fiji, Papua New Guinea, and the Solomon Islands. Despite this limited capacity, an estimated 10,000 Pacific Islanders are directly employed by the tuna industry and another 10,000 to 20,000 are employed indirectly.¹²

Figure 2. The WCPO, with the Eastern Pacific Ocean and the West and Central Pacific Fisheries Commission Convention Area indicated with dashed lines.



The majority of WCPO tuna is caught within the 200-mile EEZs of Pacific ACP states that together cover 20.1 million square kilometres of the Pacific. Through various agreements with Pacific states, DWFN-owned and operated vessels carry out between 80 and 90 percent of the tuna fishing.¹³ In return for the right to fish in the Pacific's EEZs, DWFNs pay an access fee, generally around 4 to 6 percent of the gross revenue of the catch.¹⁴

The principal tuna species caught in the WCPO are skipjack, bigeye, yellowfin, and South Pacific albacore, but there is increasing concern that bigeye and yellowfin tuna stocks are over-fished.¹⁵ Purse seiner vessels account for the majority of fish caught. Accompanied by a smaller tender boat and sometimes a helicopter, these vessels use a very large net to encircle surface-swimming skipjack tuna, which is used mainly for canning. Pole and line vessels use live bait to target skipjack tuna, a less efficient but also less capital-intensive method with much better selectivity than purse seining. Longline vessels use lines, often over 100km in length, to target larger and deeper-swimming albacore, bigeye, and yellowfin tuna, destined mainly for the profitable Japanese sashimi market.



Figure 3. Purse seiners at work and in port.

Challenges to the Development of a Pacific ACP Fish Industry

According to one estimate, EU-ACP fisheries agreements have generated €694 million in EU member states since 2000 through the processing and marketing of fish caught in ACP waters.¹⁶ Pacific ACP states face significant challenges in the development of competitive tuna processing plants that could help keep a greater amount of fisheries revenue for the countries from whose EEZs the fish originated. Infrastructural barriers include a lack of wharves, stable supplies of water and electricity, and good transport networks. The long distance to market, and from supplies (such as cans, machinery, and so on), are also factors, as are problems with fluctuating local currencies.

Preference erosion, Rules of Origin (ROO) requirements, hygiene considerations, and illegal fishing also play significant roles in serving to deter investment, as does a global over-capacity in canning plants. None of these factors is insurmountable, however, as the existing industries demonstrate. American Samoa's tuna canning industry exported US\$470 million worth of canned tuna in 2003 and accounts for approximately one-third of all employment in the territory, employing workers from other Pacific ACP states such as Samoa and Tonga.¹⁷ Products from this industry have duty-free access to the US market, although there are concerns that a reduction in tariffs extended by the US to lower-wage competitors in Latin America could seriously threaten the survival of American Samoa's tuna canning industry.

Preference Erosion

Fish products originating in ACP countries currently have tariff-free access to EU markets, but the value of this access is eroding as tariff rates for competing

countries are reduced. For example, the tariff rate for canned tuna from the Philippines and Thailand dropped from 24 to 12 percent as part of a deal to secure a WTO waiver for the Cotonou Agreement until 2008.¹⁸ This preference erosion is likely to be ongoing as trade liberalisation continues, thereby exposing vulnerable Pacific ACP processing industries to larger, often lower-wage, competitors.

Rules of Origin

The Cotonou Agreement sets out the rules for the preferential access granted to the ACP for products exported to the EU. Under the agreement, a fish product must be 'wholly obtained' from the Pacific ACP state concerned if it is to be deemed to have originated from a Pacific ACP state and thus be eligible for tariff-free access to the EU market.¹⁹ This has been interpreted by the EU to mean that fish must be caught by either an ACP or EU vessel in order to be deemed 'originating fish', thus excluding fish caught by non-EU and non-ACP vessels even when caught in a Pacific EEZ. Tariff barriers are higher for the processed products of non-originating fish than they are for unprocessed fish (which enter the EU tariff-free anyway), further discouraging the development of the Pacific fish-processing industry. This is termed 'tariff escalation' by the WTO, and helps the EU protect its domestic industry. As the Pacific's fishing fleet is relatively small, particularly the purse seine fleet best suited to supplying canneries, the EU's Rules of Origin provide an incentive for Pacific canneries to buy the raw fish from EU-flagged vessels in order to gain tariff-free access to the EU market. This ROO requirement acts as form of upstream subsidy to EU vessels by providing an incentive for Pacific ACP states to sign EU access agreements in order to ensure the supply of 'originating' fish to their canneries. Although it might be argued that the ROO help to encourage the Pacific *fishing* industry, at present the balance between helping the fishing industry (both Pacific and European) with tight ROO on the one hand, and developing the Pacific *processing* industry on the other, disproportionately favours the former.

The determination of a state's EEZ for purposes of defining the ROO is also under dispute, with the EU arguing that only fish caught within 12 nautical miles of the coast can be deemed to be originating fish, while the Pacific ACP states believe fish caught anywhere within their 200 mile EEZs should be counted. The EU's stance on this issue flies in the face of accepted international norms, while also encouraging fishing close to the coast, thus potentially posing a threat to predominantly inshore artisanal fishing.

Sanitary and Phytosanitary (SPS) Measures

Another obstacle to Pacific ACP states benefiting from the potential added value of their fishery products is the application of increasingly stringent food safety standards. The high standards demanded by the EU can require significant investment in improved processing facilities, and monitoring and certification systems. These standards can therefore act as barriers to trade as well as encouraging the Pacific to export only raw or semi-processed products to avoid compliance costs.

Illegal, Unregulated and Unreported (IUU) fishing

IUU fishing in the Pacific is estimated to be worth up to US\$360 million annually.²⁰ Monitoring and controlling fishing activity in such a large area and with limited resources is a difficult task for Pacific states. Available tools include: a satellite-based Vessel Monitoring System that tracks licensed fishing

vessels equipped with transponders; observers deployed on vessels to monitor catches and fishing practices; monitoring transshipment of fish in port; fishing vessel logs; and aerial and surface surveillance with the assistance of Australia, France, and New Zealand.

Together these tools comprise a relatively sophisticated monitoring, control and surveillance (MCS) system for the Pacific fisheries industry. Nevertheless, significant challenges remain:

- The Vessel Monitoring System does not always provide real-time updates to countries in whose waters vessels are fishing.
- There is a lack of reliable observation coverage, especially when agreements allow boat owners to default on embarking an observer through a small compensation payment.
- There can be poor training of observers, and the independence of observers can be compromised by their nationality (if they are from the DWFN rather than the coastal state), or if they are directly paid by the ship-owner.
- There are sometimes problems with altered and inaccurate logbooks.
- The transshipment of catches at sea can escape monitoring.
- At times payment of a fee allows avoidance of local landing provisions.

In 2004, Greenpeace estimated that, ‘based on arrests in the last five years, the majority of vessels caught fishing illegally in the [Pacific] region are from China, Taiwan, Indonesia and Korea’, but no fishing nation has a perfect compliance record, and EU members are no exception.²¹ According to the EU’s own Fisheries Compliance Scoreboard, much data is “entirely absent for certain activities in waters where EU agreements with third parties have been concluded.”²² Also, like those of other fishing fleets, EU vessels have at times re-flagged their vessels with other ‘flags of convenience’ in order to avoid their home-country’s regulations.

Regional Management

Regionally, three principal agencies are responsible for managing fisheries in the Pacific:

- The Pacific Islands **Forum Fisheries Agency (FFA)** in Honiara, Solomon Islands, helps member states manage fishery resources that fall within their 200 mile EEZs.²³
- The **Western and Central Pacific Fisheries Commission (WCPFC)** in Pohnpei, Federated States of Micronesia, was established in 2004 to manage the conservation and sustainable use of highly migratory fish stocks in the Western and Central Pacific.²⁴ The Commission determines total allowable catch, regulates fishing methods, and allocates quotas to member countries, including Pacific Island states and DWFNs, that fish in the WCPO.
- The **Secretariat of the Pacific Community (SPC)** is a technical assistance and research body based in Noumea, New Caledonia, with an office in Suva, Fiji, that provides data on catch and stock levels, as well as technical assistance with training and local industry development.²⁵ Its membership includes all 22 Pacific nations as well as Australia, New Zealand, France and the United States.

In addition, the sub-regional **Nauru Agreement** comprises members whose EEZs account for a significant volume of the region's tuna catch and almost all of the purse seine catch.²⁶ As part of this agreement, the Palau Arrangement sets limits on the total purse seine fishing effort in members' EEZs and adjacent high seas, and parties are currently introducing a new management scheme (the Vessel Days Scheme) to be administered by the Forum Fisheries Agency.

Existing fishing agreements

In the Pacific, access to fisheries has typically been granted on a bilateral basis, either between a DWFN government and a Pacific government, or between a Pacific government and a foreign fishing association or company. Agreements are usually renegotiated each year and determined on the basis of the previous year's price and catch. Since the 1970s, fees paid to Pacific ACP states have slowly risen from around four percent of the catch value to the current rate of around five to six percent.²⁷ Exact figures are difficult to identify as many agreements are secret, and fees are often mixed in with subsidies and bilateral aid, and may also cover multiple species of fish. For instance, in 2003 the Asian Development Bank noted that the EU fleet off West Africa was paying between eight and nine percent in license fees, "but subsidies could be part of this."²⁸ The secretive nature of many of these deals provides ample opportunity for corruption, meaning that not only can money from access fees be diverted from its proper use, but shady deals can also result in over-fishing.

The US holds the only multilateral fisheries access agreement in the region. Through an agreement negotiated in 1987 and extended for ten years in 2003, the US pays a total of US\$21 million annually to Pacific ACP states, regardless of catch, for a maximum of 40 purse seine vessels. This is a relatively lucrative agreement for the Pacific states involved, in part because the US has not made use of its full allocation, some of which has then been re-allocated to other DWFNs. Approximately 85 percent of the revenue from the US agreement is allocated to Pacific countries according to catch volume in their EEZs, while the remaining 15 percent is allocated to aid and technical assistance, without reference to catch levels.

The EU does not currently have a multilateral fisheries agreement with the Pacific ACP countries. Instead, it has three bilateral "fisheries partnership agreements" with Kiribati, Federated States of Micronesia, and the Solomon Islands, based on the relatively high access fee of €100 per tonne.²⁹ The Kiribati agreement was renewed in 2006, and according to a statement made at the time, the EU intends to negotiate a "future network of [bilateral] tuna agreements" including renewals of the Solomon Islands and Micronesian deals.³⁰

Some agreements, such as the fisheries partnership agreements of the EU, include additional stipulations, such as requirements to include some local crew members (or pay for them even if they are not embarked), to tranship in local ports, and to allocate a certain amount of funds for conservation and management. Figure 4 below shows an approximate comparison of returns from the major access agreements.³¹

Figure 4. DWFN's tuna off-takes from the WCPO and payments (2003)

	US	Japan	China	Korea	Chinese Taipei	EU
Off-take (2003) MT	94,003	366,783	35,985	208,592	235,188	n.a.
Fleet number	16PS	157LL 35PS 35PL	106LL 8PS	150LL 27PS	153LL 34PS	5LL 3PS
Financial Compensation/ Economic Benefits	US\$21M to 17 countries*	5% catch value	5% catch value	6% catch value	6% catch value	€100/tonne (about 12% catch value)

Source: Off-take and fleet number data, IOTC (2003) and FIAS (2000).

(PS: purse seine, LL: longline, PL: pole and line)

*The US agreement can amount to as much as 23% of catch value, depending on number of vessel allocations actually used.

Possible EU/Pacific Fisheries Agreements

Article 178 of the European Community Treaty sets out a legal obligation on the part of the EU to deal with developing countries in a 'coherent' manner, meaning that EU developmental and environmental policies need to be taken into account when the EU is implementing policies in other areas, such as EU-ACP fisheries agreements. An EU booklet explaining the concept of coherence states that "the EC will continue to pay particular attention to the development objectives of the countries with which the Community will engage in bilateral fisheries agreements."³² Coherence is also referred to throughout the Cotonou Agreement.³³ Fishing agreements between the EU and Pacific ACP states must therefore take into consideration the developmental and environmental needs of the latter, including the conservation of fishery stocks, a commitment to take only 'surplus' stock, and the need to contribute to domestic economies, including the development of domestic industries, resources, and capacities.

Despite being relatively well-paying, existing EU-Pacific ACP bilateral 'fisheries partnership agreements' have not shown much promise in terms of development for the Pacific countries involved, stipulating minimal transshipments in port (for Kiribati only) and requiring just one or two local crew members. The current renegotiation of the economic relationship between the region and the EU, as mandated by the Cotonou Agreement, is a good opportunity to address all aspects of the two parties' fisheries relations. Issues for renegotiation could include EU vessel access and fees, Pacific ACP access to the EU market, and development assistance targeted at Pacific industry development (including sustainable management of the resource). As one of the objectives of an EPA is to be WTO-compatible, any agreement would need to be careful to avoid linking certain aspects, for instance trade concessions and vessel access, that may be deemed illegal under current or proposed WTO rules. Obviously this is something of an unknown as fisheries subsidies are under discussion and the current WTO round is stalled.

There are three options under consideration for a multilateral agreement, with the first option the most likely, particularly when taking into account the recent renewal of the Kiribati agreement.

Option 1: A “head” agreement with subsidiary bilateral agreements would establish over-arching principles, including provisions for development projects in the Pacific and conservation measures, while leaving individual Pacific ACP states to negotiate bilateral deals subject to the head agreement’s principles. This system would leave existing bilateral deals in place and access payments would still go to individual states, while other multilaterally derived benefits would flow to all parties, leaving no country worse off than under the existing arrangements. Existing bilateral deals would be progressively harmonised under the head agreement. The head agreement would provide longer-term access for the EU fleet, perhaps up to 20 years, thus encouraging EU investment in the Pacific. The lengthy timeframe would appeal to the EU, but could constrain the ability of Pacific nations to address issues of sustainability and environmental protection, and flexibility in negotiating deals with other foreign fishing nations could be compromised. Issues of access to the EU market could possibly be included within the agreement, or separately under whatever revised trade regime is in place from 2008.

Option 2: A centralised multilateral agreement would be similar to the current US multilateral treaty. It would phase out existing bilateral agreements and consolidate access through a regional agreement, probably administered by the Forum Fisheries Agency. Funds from this centralised agreement could be allocated asymmetrically to compensate for individual Pacific ACP states’ losses from cancelled bilateral deals. This approach would provide a stronger negotiating position for the region as a whole, but individual states may feel that they are in weaker positions to achieve their national goals, and it might be difficult to guarantee that no state would be worse off. Kiribati, for instance, has argued that it is already disadvantaged by the existing US treaty, and the recent renewal of its bilateral agreement with the EU demonstrates the difficulty of maintaining a united negotiating front.

Option 3: A centralised sub-regional multilateral agreement differs from the two options described above as it would be concluded only with parties of greatest interest to the EU fleet. It is difficult to see how this approach would adhere to the overall strategy for the promotion of regionalism that is a guiding principle of the EPA process, or promote coherence between the EU’s various goals relating to fisheries, trade and development.

The Current Position

As at October 2006, the EU appears to have backed away from the idea of any type of multilateral deal on fisheries, despite having pursued it in the late 1990s. It is unclear whether this is simply a negotiating strategy, or a genuine change in policy. According to the EU, the renewed Kiribati agreement “occupies a *key* position in the future network of tuna agreements to be set up in the Pacific Ocean, together with the agreements with the Solomon Islands and Micronesia.”³⁴ This seems to suggest that although the EU fishing effort in the Pacific is currently small, the existing agreements might serve as a toehold for the EU, so that if it did require greater access due to declining stocks elsewhere, it would be in a good (“key”) position to expand.

It is important to remember that despite talk of “coherence”, there are at least four different EU agencies involved, with varying interests in fisheries: DG Development, DG Trade, DG Fish, and DG Environment. From the point of view of DG Fish, the status quo allows EU negotiators to “pick off” Pacific Island countries as and when more access is required, while DG Trade is more concerned with trade-related matters, such as tariff and non-tariff barriers to Pacific exports. Both are likely to be subject to lobbying from the EU’s fishing and processing industries, with the Spanish fishing industry particularly influential with DG Fish. Only DG Development has development as its highest priority.

The wider EPA negotiations (which are meant to have development at their core and be comprehensive) are being led by DG Trade who argue that they are not mandated to discuss the issue of adjustment funds to meet costs incurred by the Pacific in implementing an EPA.³⁵ These costs, they argue, are to be covered under the 10th European Development Fund, managed by DG Development. Presumably a similar line of argument will be applied to negotiation on fisheries. Although this may be legally correct according to the various mandates of each agency, it seems reasonable to argue that article 178 of the EC Treaty is a more fundamental principle, and thus requires a change in the “that’s not my department” stance of the negotiators. A multilateral agreement based on this fundamental EC Treaty principle and covering all aspects of fisheries in the Pacific could thus truly be called a ‘comprehensive’ one.

Potential Advantages of a Comprehensive Fisheries Agreement

There could be several advantages to the establishment of a comprehensive (i.e. coherent), multilateral fisheries agreement between Pacific ACP states and the EU.³⁶

Conservation

As a highly migratory fish, tuna is notoriously difficult to conserve. The greater level of cooperation inherent in a multilateral agreement between coastal and fishing states should improve implementation of conservation measures. A multilateral agreement could also result in more EU funds to put towards conservation measures and monitoring, control and surveillance. A longer-term commitment under a multilateral fisheries agreement could also strengthen the EU’s own interest in conservation of fish stocks in the WCPO. To some degree, improvement in environmental outcomes would depend on the relative influence of DG Environment, and would require improvements in the EU’s conservation record generally.

Access Fees

The EU already pays higher fees than most DWFNs, although the inflexibility of the existing agreements means that the fees do not change according to the type of tuna caught, so the €100/tonne formula is attractive to the Pacific for purse seine fishing that targets lower-value skipjack, but much less so for the higher value species caught with longline fishing. A united group of Pacific ACP countries negotiating a multilateral deal may be able to exact better returns than the existing bilateral agreements, and this could be used to leverage up payments from other DWFNs. Any fishing allocation to the EU would be instead of, rather than in addition to, existing agreements, so a multilateral agreement with the EU could be used to eliminate lower-

value bilateral agreements by attrition. At the current, relatively low, levels of EU fishing effort in the Pacific, such an agreement would perhaps be most valuable initially as a precedent setter, taking on increasing economic importance if and when the EU fishing effort increased.

Convenience

The migratory nature of tuna and seasonal variations in their movements mean that tuna vessels need to have several agreements with various countries in whose EEZs stocks might be found. A multilateral deal should significantly simplify this, enabling fishing in several countries' EEZs under one agreement. The same advantages could extend to requirements on embarking observers, local crewing, and local landing provisions. These advantages should serve to make access arrangements more attractive to DWFNs, and therefore also help to make negotiating higher access fees easier.

Capacity Building

At best, current fisheries agreements provide only vague references to local industry development. Most observers agree that the best option for significant improvement in returns to the Pacific ACP states from their fisheries is an expansion of the domestic industry, both in fishing and shore-based facilities, and in human capacity through training. The EU's commitment to a 'coherent' fisheries policy should provide a useful avenue to develop these industries. Direct development funding from the EU, joint projects with EU companies, and funds available through ProInvest and the European Investment Bank could all be options that would be made more attractive if a comprehensive multilateral agreement was in place. The longer term of such an agreement should also make investment in Pacific ACP states more likely.

Transparency

It has been noted in numerous news articles and reports that current bilateral negotiations lack transparency and provide many avenues for corruption.³⁷ A more transparent multilateral approach to an EU fisheries agreement has the potential to ameliorate this problem.

Rules of Origin and Sanitary and Phytosanitary Requirements

A comprehensive fisheries agreement, negotiated as part of the larger EPA or other trading arrangement, should provide an opportunity to change the protectionist ROO that favour EU industry at the expense of Pacific industry development. Pacific ACP states, in keeping with international norms, would like any fish caught in their 200 mile EEZs and processed in their countries to be eligible for tariff-free EU access, no matter which state's vessel catches it. Changes to the ROO are a central concern for the Pacific ACP countries, not only for fish products, but for almost all goods.

A comprehensive agreement could also include help with meeting tough EU sanitary and phytosanitary (SPS) regulations as part of the EU's commitment to trade facilitation and development.

Compulsory Landing

It is difficult for Pacific ACP states to extract extra value from their tuna resource if the fish are never brought onshore in the Pacific. Whilst it would be unreasonable to require landings in states with little or no infrastructure, the inclusion of landing requirements, including tight rules on amount, quality, and rules preventing payment in lieu of landing, would seem to be a good way of encouraging onshore

investment and development. There is some concern, however, that compulsory landing provisions could make the WCPO a less attractive option for DWFNs. However, the improved bargaining position achieved by negotiating multilaterally, as well as the potential pooling of landing destinations and facilities available under a multilateral agreement, may help to overcome these concerns. It is also worth noting that as the Pacific contains such a large proportion of the world's tuna, DWFNs have only limited options elsewhere.

Possible Disadvantages of a Comprehensive Agreement with the EU

Inflexibility

A comprehensive agreement with the EU could reduce the ability of Pacific states to achieve their individual national goals. The dramatic differences between Pacific ACP states in terms of size, wealth, resource endowment, and location, among other things, inevitably mean that these goals may be different and a multilateral agreement could prove constraining. Some Pacific ACP states, for instance, may view a multilateral agreement as simply a means to increase access fees, while others may have more of an interest in industry development and the reduction of trade barriers. It should also be noted that eight coastal states receive approximately 95 percent of all access revenues and would thus need incentives to pool resources with the others.³⁸

Another problem could arise if an agreement provided the EU with a fixed level of access irrespective of stock levels. This could result in domestic fishing being curtailed, or other DWFN access (and fees) being reduced while EU access continues. In theory this should not be possible as EU policy only provides for access to 'surplus' stocks, and this access would be subject to the regional management bodies. Experience in Africa, however, suggests that EU boats have often competed directly with local fishers and have overfished until the point of fishery collapse.³⁹ This could also prove a problem if Pacific ACP states wished in the future to decrease foreign access in order to increase domestic capacity, or to use their control of one third of the world's tuna stocks to influence market prices.

The 'surplus stocks' requirement could also, ironically, possibly encourage overfishing as countries search for extra 'surplus' in order to maintain EU funding, both in fees and development aid. For this reason NGOs such as the Coalition for Fair Fisheries Arrangements (CFFA) have called for a decoupling of development funds from access levels.

Another potential problem lies in the investment rules that a comprehensive agreement could contain, or that might be included in a broader EPA relating to foreign investment in the Pacific. These rules might prevent states from implementing environmental or social measures for fear that they could be interpreted as detrimental to the profitability of foreign investments, and thus leave the government vulnerable to compensation claims.

Subsidies

Globally, the fishing industry is rife with subsidies, from the supplementation of access fees (as is the case with the EU, with boat owners only paying 35 percent of the access fee), to money for vessel construction and transfer, to tax breaks on fuel costs, and funding for onshore facilities. Some of these subsidies are under discussion at the WTO, and many environmental groups are pushing to have them eliminated (or

at least reduced) as they often contribute to unsustainable resource use.⁴⁰ The extent to which the attractiveness of a comprehensive fisheries agreement depends on EU subsidies that have the potential to be challenged, as well as to encourage damaging environmental practices, will therefore need to be considered. The “Friends of the Fish” group of countries that are pushing for reform of subsidies in the WTO, however, have intimated that reform of subsidies should take into consideration the special needs of developing countries.⁴¹ Given the only grudging agreement to *any* reform, it seems very unlikely that access fees will be disciplined in the near future.

Joint Ventures

EU-Pacific ACP joint ventures are seen as a way to facilitate investment in the local fishing and processing industries to the mutual benefit of both the EU and the Pacific. Despite their development potential, joint ventures need to be approached cautiously. While EU subsidies for transferring vessels to non-EU countries were phased out in 2004 to avoid the problem of fishing over-capacity in the EU fleet being transferred elsewhere, concern remains that fisheries partnership agreements could provide a backdoor for the continuation of potentially damaging fishing subsidies and practices.⁴² The July 2005 fisheries partnership agreement between the EU and Morocco serves as a cautionary example. On the one hand, the agreement represented a welcome reflection of the new EU policy that agreements must be subject to scientific advice (i.e. environmentally ‘coherent’). It therefore did not include an agreement on access to shrimp stocks, as they were already over-fished. However, partly with the help of EU subsidies, 40 shrimp and 12 cephalopod trawlers were transferred to joint ventures and were subsequently trawling Moroccan waters.⁴³

A further cautionary tale concerns the first fisheries joint venture undertaken by the EU. This 1992 venture in Argentina, which involved the transfer of vessels, proved “disastrous for the Argentine hake fishery”, according to CFFA. In this case, drastic action was taken by the Argentine authorities to prevent complete resource collapse. EU companies are now seeking a new agreement so that their investments in Argentinean fisheries can be protected.⁴⁴

Consideration also needs to be given to the fuel efficiency of transferred vessels, as fuel costs comprise a significant proportion - approximately one third - of fishing costs, and modern vessels are increasingly being designed with more fuel efficient engines.⁴⁵ There is thus the potential for Pacific ACP states to be lumbered with less efficient vessels under joint ventures, and then be unable to compete with more modern DWFN fleets. Incidentally, the rising cost of fuel may help give smaller-scale Pacific ACP fishers an edge, as their operations are generally more fuel efficient.

Joint ventures (or indeed any venture) in tuna *processing* also needs to be approached with caution. The impact and benefits for local communities and landowners, the implications of the use of resources such as power and water, and the impact on the environment all need careful consideration and oversight. For instance, a recent study of the tuna loining plant in Wewak, Papua New Guinea, found significant air and sea pollution, an extremely opaque financial structure, and exploitation of workers.⁴⁶

Rhetoric versus Reality

The principle of coherence, with its emphasis on development and the environment, seems promising for the Pacific, but it is yet to be seen whether this will translate into concrete action. In relation to extra resources being provided as part of

an EPA, Fiji Trade Minister Kaliopate Tavola, who has been intimately involved in the negotiations, notes that the EU ‘has consistently skirted the subject [of resources] every time it came up.’⁴⁷ The European Commission argues that it has no mandate to discuss the provision of extra resources for development. The negotiators have been similarly unresponsive to calls for a loosening of ROO requirements so that fish caught by other DWFNs, but landed and processed in a Pacific ACP state, could gain tariff-free access to the EU market.⁴⁸

There is also a significant European tuna industry, as well as large Spanish-owned investments in Latin America, that could be threatened by relocation of processing capacity to the Pacific, and so these interests are likely to lobby against any deal that helps relocation to occur. This problem has the potential to be mitigated somewhat by the EU fishing industry (as opposed to the canning industry), which has a vested interest in EU investment in the Pacific in order to maintain access to Pacific waters. The balancing effect may be somewhat limited, however, as the two businesses are typically closely entwined.

A further consideration is the adherence (or otherwise) of EU vessels to local regulations, although this is a problem with all vessels, foreign and domestic. Alarming, in the 2004-2008 EU-Guinea fisheries agreement, the permitted by-catch for EU shrimp trawlers is ‘extraordinarily’ high compared to those allowed for Guinean trawlers.⁴⁹ As one EU ambassador put it ‘there is no point supporting surveillance if the pillaging of resources is allowed through legal means.’⁵⁰

Finally, while the EU maintains that regionalism is a central plank in its development strategy for the Pacific, it appears that the negotiators are reluctant to agree to a regional deal as there is already access for EU vessels through the existing bilateral deals. The EU therefore has little to gain for itself, other than the achievement of its development aims in the Pacific. The difficulty for the Pacific in maintaining a united front in negotiations makes it particularly easy for the EU to avoid negotiating a multilateral agreement.



Figure 5. Frozen fish on the deck of a purse seiner.

Conclusion

Despite the clear size of the WCPO tuna resource, and the attractiveness of keeping a greater proportion of its value in the region, there is no one-size-fits-all solution that might be employed to achieve this end. For instance, development of the tuna industry has had varied results in other regions, and thus further research into the economic, social, and environmental impacts of its development in African countries (such as Cote d'Ivoire, Ghana, Mauritius, Senegal, and Seychelles) and Asian countries (including Thailand and the Philippines), as well as within the Pacific region (American Samoa and Papua New Guinea), would prove useful. Although outside the scope of this paper, greater investigation of the impact of fishing agreements on artisanal fisheries in the Pacific needs to be undertaken, as well as of how non-tuna fisheries might fit into an EU fisheries partnership agreement. A further question to be addressed is whether what is arguably the region's greatest resource should be used as a bargaining tool within the wider EPA negotiations. Despite these caveats, it is possible to draw some conclusions.

First, it can be seen that there are three key components to a comprehensive fisheries deal with the EU. The first is the question of access for EU vessels to Pacific waters. The second is the question of access for Pacific fish products to the EU market. The third is the question of industry development in the Pacific, and what role the EU plays in that development. Cross-cutting issues of conservation, transparency, illegal fishing, among others, also interact with these components. As this paper has hopefully demonstrated, all three components interact with one another to varying degrees, and for this reason it seems both sensible and important to have a comprehensive agreement that addresses all these issues together. It is difficult to see how this could be achieved on anything other than a regional basis, so the need for the Pacific ACP states to negotiate together is of great importance.

Although the EU has a relatively minor fishing presence in the Pacific at the moment, a multilateral access agreement could at the very least set a worthwhile precedent for future agreements, and given the state of other tuna fisheries, the EU's interest in the Pacific fishery may well increase. A multilateral deal should also result in greater transparency in the famously murky waters of fishery agreements, while proving more convenient for vessel operators, and providing greater opportunities for the Pacific to include stronger clauses on local crewing, observers, compulsory landing provisions, and access fees.

For a comprehensive agreement with the EU to prove worthwhile, the Pacific would ideally secure changes that contribute to the sustainable development of the region's fishing and processing industry. These changes fall both in the area of trade rules (such as ROO) and in the area of capacity building. Article 178 of the EC Treaty should mean that these overlapping areas are dealt with in a coherent manner that leads to substantive improvements in outcomes for the Pacific. Given the importance of the EU as a market for tuna, for instance, ROO is one area where change should prove beneficial, a change that would complement any forthcoming assistance in the area of SPS. These changes seem more likely to occur as a result of comprehensive multilateral negotiations, but the EU negotiators have thus far shown little sign of living up to Trade Commissioner Peter Mandelson's assertion that "We can legitimately be held to our own rhetoric."⁵¹ Despite the EU's considerable assistance with development in the Pacific, the Commission's clear reluctance to consider a comprehensive agreement on fisheries casts serious doubt on its often-stated

commitment to both trade and regionalism as tools for eliminating poverty. Removing such doubt by demonstrating greater openness to a comprehensive agreement on fisheries would go a long way toward ensuring that the Pacific ACP countries are in a strong position to fish for a prosperous and sustainable future.

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Useful Websites

Atuna - www.atuna.com

Coalition for Fair Fisheries Arrangements - www.cape-cffa.org

CTA: Technical Centre for Agriculture and Rural Cooperation ACP-EU - <http://agritrade.cta.int/fisheries/index.htm>

EU Fisheries bilateral agreements - http://ec.europa.eu/fisheries/cfp/external_relations/bilateral_agreements_en.htm

EU Fisheries Scoreboard - http://ec.europa.eu/fisheries/cfp/control_enforcement/scoreboard/archives_en.htm

European Centre on Pacific Issues - www.ecsiep.org/index.php

Forum Fisheries Agency - www.ffa.int

Globefish - www.globefish.org/index.php?id=2745

Internet Guide to International Fishing Law - www.intfish.net

Secretariat of the Pacific Community - www.spc.org.nc

UN FAO Fisheries - www.fao.org/fi/default.asp

Western and Central Pacific Fisheries Commission - www.wcpfc.org

List of Acronyms

ACP	African, Caribbean and Pacific States
DWFN	Distant Water Fishing Nation
EEZ	Exclusive Economic Zone
EPA	Economic Partnership Agreement
EU	European Union
FFA	Forum Fisheries Agency
FAO	Food and Agriculture Organization of the United Nations
IUU	Illegal, Unregulated and Unreported
MCS	Monitoring, Control and Surveillance
MFPA	Multilateral Fisheries Partnership Agreement
PACPS	Pacific ACP States
ROO	Rules of Origin
SPC	Secretariat of the Pacific Community
SPS	Sanitary and Phytosanitary
WCPFC	Western and Central Pacific Fisheries Commission
WCPO	Western and Central Pacific Ocean
WTO	World Trade Organisation

Endnotes

- ¹ A brief document produced by Directorate-General for Development of the European Commission (DG-DEV), "Policy Coherence for Development: The Millennium Development Goals: Europe Cares...", 2005, explains the EU's commitment to this principle. http://ec.europa.eu/comm/development/body/communications/docs/MDGs_depliant_004.pdf#search=%22eu%20coherence%20environment%20fisheries%20development%20policy%22
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- ³ Coalition for Fair Fisheries Arrangements, *ACP-EU Economic Partnership Agreements: Fisheries* (Maastricht: ECDPM, 2005), pp. 5, 9. Available at www.ecdpm.org/dp69.
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- ⁵ Marine Resources Assessment Group, *Review of Impacts of Illegal, Unreported and Unregulated Fishing on Developing Countries*, June 2005. Available at www.dfid.gov.uk/pubs/files/illegal-fishing-mrag-synthesis-report.pdf
- ⁶ UN Environmental Programme, 'UN expert urges reform of fishing subsidies at world trade talks' press release, 14 December 2005. Available at <http://www.un.org/apps/news/story.asp?NewsID=16927&Cr=world&Cr1=trade>
- ⁷ Forum Fisheries Agency, "GEF Support for Pacific Oceanic Fisheries Management: Background Information," undated. Available at <http://www.ffa.int/node/513>
- ⁸ Calculated from the United Nations Human Development Index figures and FFA estimates. Figures available at <http://hdr.undp.org/statistics/data/> and <http://www.ffa.int/node/373>.
- ⁹ DG Development/AIDCO, "Fisheries in The Pacific: Coherence between Development and Commercial Objectives," 18 February 2002, p. 3. Available at http://www.ecsiep.org/documents/resource/01-issue_paper_fish.pdf#search=%22Fisheries%20in%20The%20Pacific%3A%20Coherence%20between%20Development%20and%20Commercial%20Objectives%22
- ¹⁰ Catches below 10,000 tonnes, with the exception of Spain, are not shown on this chart.
- ¹¹ It should be noted that these figures only give a rough idea of Pacific involvement in the fisheries, with Fiji, for instance, having foreign fleets based in its ports and supplying local industry.
- ¹² Tavola "The Impact of WTO and ACP-EU on the Fisheries Sector," p. 4.
- ¹³ Kaliopate Tavola, "The Impact of WTO Agreements and the Current WTO and ACP-EU Negotiations on the Fisheries Sector", undated, p. 3. Available at http://www.globefish.org/files/FisheriesSector1_331.doc
- ¹⁴ DG DEV/AIDCO estimated that this is well below market value, which could be as much as 13%. In "Fisheries in The Pacific: Coherence between Development and Commercial Objectives," p. 3.
- ¹⁵ Western and Central Pacific Fisheries Commission, "Report of the First Regular Session of the Scientific Committee," Noumea, New Caledonia, 8-19 August 2005.
- ¹⁶ CFFA, "Policy Study: EU-ACP Fisheries Agreements," 2005, p. 8. Available at http://www.cape-cffa.org/pub_EU/study%20fisheries%20agreements%202005.doc.
- ¹⁷ United States Department of Labor, *American Samoa Economic Report – 2005*. Available at <http://www.dol.gov/esa/whd/AS/sec2.htm>
- ¹⁸ As the Cotonou agreement gives non-reciprocal preference to some countries (i.e. the ACP), but not others, it is challengeable in the WTO as being unfair. To secure protection from challenge, the EU reduced the tariff for other states (for a set quota) in exchange for a temporary waiver for the preferences extended to the ACP under Cotonou.
- ¹⁹ Cotonou Agreement, Article 3.
- ²⁰ New Zealand Ministry of Foreign Affairs "Peters signs Maritime Surveillance Agreement with France", press release, 5 April 2006. Available at <http://www.scoop.co.nz/stories/PA0604/S00099.htm> Currency conversion performed by Oxfam on 21 August 2006
- ²¹ Greenpeace, *Development without Destruction: Towards Sustainable Pacific Fisheries*, 2004, p.7. Available at http://www.greenpeace.org/australia/resources/reports/overfishing/DWDRReport_feb04

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- ²³ Forum Fisheries Agency website, <http://www.ffa.int/node/192>
- ²⁴ Western and Central Pacific Fisheries Commission website, <http://www.wcpfc.org>
- ²⁵ Secretariat of the Pacific Community website, <http://www.spc.org.nc>
- ²⁶ PNA members are Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Solomon Islands and Tuvalu. For more information see: <http://www.fishallocation.com/assets/pdf/papers/GlenJoseph.pdf>
- ²⁷ Josie Tamate, 'Access Agreements: South Pacific Forum Fisheries Agency' in FAO Fisheries Report No. 732, Supplement, *Papers Presented at the Workshop and Exchange of Views on Fiscal Reforms for Fisheries – To Promote Growth, Poverty Eradication and Sustainable Management* Rome, 13-15 October 2003. Available at <http://www.fao.org/docrep/007/y5718e/y5718e07.htm>
- ²⁸ Asian Development Bank, "Alternative Negotiating Arrangements to Increase Fisheries Revenues in the Pacific," November 2003, TAR:OTH 36669, p.1.
- ²⁹ Kiribati (a six-year agreement recently renewed, and scheduled to take effect from September 2006), the Federated States of Micronesia (nine years, renewable for three year periods), and the Solomon Islands (three years automatically renewable for three year periods).
- ³⁰ EU press release, "EU and Kiribati Initial new Fisheries Partnership Agreement," 20 July 2006. Available at <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/06/1039&format=HTML&aged=0&language=EN&guiLanguage=en>
- ³¹ Table originally published in Mwikya, Stephen 'Fisheries Access Agreements: Trade and Development Issues', ICTSD Project on Fisheries, Trade and Sustainable Development; Issues Paper no. 2, April 2006, p.13.
- ³² DG-DEV "Policy Coherence for Development", p.3.
- ³³ Article 20 "The Approach", for instance, states "The objectives of ACP-EC development cooperation shall be pursued through integrated strategies that incorporate economic, social, cultural, environmental and institutional elements that must be locally owned. Cooperation shall thus provide a coherent enabling framework of support to the ACP's own development strategies, ensuring complementarity and interaction between the various elements." Article 23 (D) "Economic Sector Development" states "Any fishery agreement that may be negotiated between the Community and the ACP States shall pay due consideration to consistency with the development strategies in this area" *The Cotonou Agreement*, pp.31, 37.
- ³⁴ EU press release, "EU and Kiribati Initial new Fisheries Partnership Agreement," 20 July 2006. Emphasis added.
- ³⁵ The term 'comprehensive' is peppered throughout the EUs language on the EPAs. See for instance International Development Committee "Fair Trade? The European Union's Trade Agreements with African, Caribbean and Pacific Countries", 2005, p.9 where Commissioner Mandelson argues that 'the [EPA] approach is comprehensive. The package we are trying to devise is comprehensive, and therefore the conversation that we keep having has to be comprehensive.' Available at <http://www.publications.parliament.uk/pa/cm200405/cmselect/cmintdev/68/68.pdf#search=%2022Fair%20trade%3F%20The%20European%20Union%E2%80%99s%20trade%20agreements%20with%20African%2C%20Caribbean%20and%20Pacific%20countries.%22%22>
- ³⁶ For clarification, I use the term comprehensive to refer to an agreement that covers most, or all, of the issues relating to fisheries i.e. conservation, market access, vessel access and so on. The term multilateral simply refers to an agreement with many parties, and so may not necessarily be comprehensive – it may only refer to vessel access for instance. Technically it could be possible to have a comprehensive bilateral agreement, although in the Pacific context with multiple EEZs and migratory fish stocks, this seems unlikely.
- ³⁷ For example, see: Robert Keith-Reid, "Fishy Tuna Money: A Big Power Bidding War is Raising the Stakes," *Pacific Magazine*, February 2003. Available at <http://www.pacificislands.cc/pm22003/pmdefault.php?urlarticleid=0006>; Jane Kelsey, "A People's Guide to the Pacific's Economic Partnership Agreement," World Council of Churches, 2005, p. 60.

³⁸ Asian Development Bank, "On Or Beyond The Horizon: A Discussion Paper on Options for Improving Economic Outcomes from the Western and Central Pacific Tuna Fishery," July 2005, p. 1.

³⁹ For example, see: Environmental Justice Foundation, "Party to the Plunder: Illegal Fishing in Guinea and its Links to the EU," 2005. The Mauritanian cephalopod fishery is an example of drastic measures needing to be taken in order to preserve threatened stocks.

⁴⁰ For example, see: Greenpeace, "How Government Funds are Killing Oceans and Forests and why the CBD rather than the WTO should stop this perverse use of public money," Available at <http://www.greenpeace.org/international/press/reports/deadly-subsidies>

⁴¹ The "Friends of the Fish" grouping at the WTO include Argentina, Chile, Iceland, New Zealand, Norway and Peru.

⁴² For example, see: Coalition for Fair Fisheries Arrangements, "Financing EU Distant Water Fishing in Developing Countries," submission to the 'Steering Towards 2007-2013: What Financial Support for the Common Fisheries Policy and Coastal Zone Development?' conference, 27-29 May 2004. Available at

http://ec.europa.eu/fisheries/news_corner/autres/conf270504/contributions_en.htm

⁴³ Coalition for Fair Fisheries Arrangements, "New EU-Morocco Fisheries Partnership Agreement: Winds of change?" Available at <http://www.cape-cffa.org>

⁴⁴ CFFA, 'Policy Study: EU-ACP Fisheries Agreements', p. 21.

⁴⁵ CFFA, "EU Fisheries Subsidies: Significance for Developing Countries," December 2005, p. 5. Available at <http://www.cape-cffa.org>.

⁴⁶ Sullivan, Nancy, Maria Huaniangre, Paul Hukuku, Kia Nema, Thomas Warr and Malawa Wong. With Daniel Amarie, Jill Bosro, Jerry Hensen, Bibiana Kasuka, Rebecca Nalawagi, Barth Nanguru, Steven Sangi, Mek Saulmack and Rex Wani. "Fishy Business: The social impact of South Seas Tuna Company in Wewak, ESP", undated, available at <http://www.nancysullivan.org/pdf/companyreport-sstsocialimpact.pdf#search=%22fishy%20business%3A%20the%20social%20impact%20of%20south%20seas%20wewak%22>.

⁴⁷ Tavola, "The Impact of WTO and ACP-EU Negotiations on the Fisheries Sector," p. 10.

⁴⁸ CFFA, "ACP-EU Economic Partnership Agreements: Fisheries," p. 12.

⁴⁹ European cephalopod trawlers' by-catch is set at 35%, while Guinean trawlers' by-catch is set at 7.5%. See CFFA, "EU-Guinea Fisheries Agreement: A Fairer Kind of Partnership?" January 2004, p. 2. Available at <http://www.cape-cffa.org>

⁵⁰ Coalition for Fair Fisheries Arrangements, "A New Mauritania-European Union Fisheries Agreement Protocol: Overexploitation of Mauritania's Cephalopods is up for Auction," August 2001, p. 3. Available at www.monachus.org/library/pech_CFFA01.pdf

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