

Chapter 11

The Global Value Chain in Canned Tuna, the International Trade Regime and Implementation of Sustainable Development Goal 14

*Liam Campling*¹

Abstract

This chapter explores the interaction between the international trade regime, the tuna global value chain (GVC) and the attainment of Sustainable Development Goal (SDG) 14 by small island developing states (SIDS). The nature of the tuna GVC, with retailers often playing suppliers off against each other, can lead to cost pressures being transferred to boat owners further down the chain. These trade challenges, which arise from the nature of organisation and co-ordination within the tuna GVC, are considered alongside other long-standing trade issues, including addressing harmful fishing subsidies (SDG 14.6), which create an even more uneven playing field for small states. In addition to addressing this aspect of unfair competition, while preserving aspects relating to special and differential treatment (S&DT), a number of areas where actions could be taken to increase the economic benefits derived from this sector are outlined.

11.1 The EU tuna trade regime and Commonwealth producer countries

Tariff regimes play a major role in shaping the structure of global tuna production in terms of both protecting domestic industry and offering a competitive advantage through preferential market access. Of course, trade

policy alone cannot explain the geography of the tuna industry. The international division of labour in canned tuna production is also shaped by, among other factors, access to fish, geopolitics (e.g. historical spheres of influence of 'national' fleets), the law of the sea (especially the United Nations Convention on the Law of the Sea, UNCLOS) and the relationship between domestic political economy and international investment. Nonetheless, historically, tuna canneries in Africa, Latin America and the Pacific islands largely focus on the European Union (EU) market and do so as a direct result of tariff preferences, while canneries in South-East Asia supply the USA, Japan and the EU, but with minor or zero preferences (Campling 2016).

EU tariff escalation and trade preferences for canned tuna are based on a 24 per cent tariff peak (Table 11.1), which was established historically by France to protect its domestic processors and, from the 1950s onwards, French-owned canneries in West Africa that were set up to follow the fish after stocks were overfished in the Bay of Biscay (Campling 2012a). In short, the global expansion of the tuna fishing industry after the Second World War was driven by the search for new frontiers where stocks were in better health. The industrialisation of fishery production that has taken place since then emphasises the very high level of ambition of the target of Sustainable

Table 11.1 Simplified EU tariff schedules for tuna and tuna products (percentage *ad valorem*)

Product/Harmonised System code	Most-favoured nation (MFN)	GSP	EBA and GSP+	ACP/EPAs
Fresh-chilled or frozen whole tuna/0302/03	0 (under 1604) 22 (other uses)	0 (under 1604) 18.5 (other uses)	0	0
Prepared or preserved tuna/1604	24	20.5	0	0
Prepared or preserved tuna (not in oil)/1604	24	20.5	0	0
Tuna loins to be canned/1604	24	20.5	0	0

Sources: Adapted from EU TARIC.

Development Goal (SDG) 14, which calls on the international community to ‘conserve and sustainably use the oceans, seas and marine resources for sustainable development’.

Over time, French colonial trade policy was translated into EU policy, protecting tuna processors in Italy and Spain too (Campling 2015a). By the 2000s, Spain was the major beneficiary of this tariff peak; it accounted for 71 per cent of EU production in 2011 and since 2001 has been the world’s second-largest producer of canned tuna, behind only Thailand (Globefish 2014). Given the highly competitive conditions in the Spanish retail market, this market share indicates the effectiveness of tariff protection, alongside various productivity-enhancing strategies of firms (Hamilton *et al.* 2011a).

The EU uses a classic policy of tariff escalation for tuna products, whereby greater levels of processing are accompanied by higher tariffs (Table 11.1). The EU market for canned tuna is the largest in the world and preferences available to developing countries can be grouped into two types. The first is the EU’s Generalised System of Preferences (GSP), which consists of three pillars: (a) the ‘standard’ GSP scheme, which excludes only a handful of developing countries; (b) the Everything but Arms initiative (EBA), which provides quota-free, duty-free treatment for all goods (bar arms and munitions) from all countries

categorised as least developed countries (LDCs); and (c) the GSP+, which is available to countries that are categorised by the EU as economically ‘vulnerable’ and have ratified a set of 27 international conventions on labour and human rights and on environmental and good governance.

The second type of preference originates in the ACP–EU Lomé Conventions (1976–99) and the Cotonou Agreement (2000–08), wherein the 77 countries of the Africa, Caribbean and Pacific group (ACP) received non-reciprocal duty-free access. Canned tuna is widely recognised as one of the very few success stories of industrial upgrading sparked by the Lomé Conventions. However, the EU argued that the non-reciprocal terms of the Cotonou Agreement made it World Trade Organization (WTO) incompatible and, in order to maintain access to the EU market, ACP countries had to sign subregional interim or comprehensive economic partnership agreements (EPAs) in 2007. These are free trade agreements and provide for reciprocity.

The EU policy of tariff escalation keeps raw material input costs low for EU-based processors and provides them with maximum flexibility for sourcing inputs at the lowest price on international markets. Importantly, processors based in GSP and EPA countries do not benefit from this flexibility, because the rules of origin (RoO) require that they can

process only fish caught by vessels owned by firms based in their country or region or in the EU.² This ‘wholly obtained’ approach is the basis of all EU preferential rules of origin for fishery products in international preferential trade arrangements. The European-owned distant water fleet (DWF) maintains that the RoO contributes to offsetting the fact that its cost structure is higher than those of less heavily regulated competitors, especially in the realm of ‘social and environmental conditions’ (FITAG–ANFACO 2011, 2). From the perspective of preference-receiving trading partners, such as the ACP group, EU fisheries RoO have long been perceived as a source of contention because of their restrictiveness (Commission for Africa 2005; Grilli 1993; Ravenhill 1985). Either way, there is little question that RoO ensure that the DWF are major beneficiaries of EU preference schemes, as the fleet has a captive market among those EPA and GSP+ producers that do not have a domestic fleet (Campling 2008).

11.2 Lead firms and market power in the global value chain in canned tuna³

The period since the 1980s has seen a rapid concentration in US and EU grocery retail markets and an associated rise of supermarket ‘buying power’ (Gibbon and Ponte 2005). Supermarkets’ increased market share and sales density generate enhanced economies of scale, buying power and reduced unit costs relative to competitors, resulting in an oligopolistic value-chain structure with high barriers to entry in the retailing node of the chain (Burt and Sparks 2003). For example, the grocery retail sector in France, the UK and the USA is dominated by one lead firm and a handful of other key players in each country. This allows these firms’ buyers of seafood products to exert considerable pressure upstream the commodity chain on price and other areas of competition, such as product and process standards. In turn,

barriers to entry in the branded food market segment are normally high. For example, supermarkets in France, the UK and the USA generally limit shelf space to a category brand leader and second- and, sometimes, third-place competitors (or ‘follower’ brands), which have the economies of scale to absorb supermarket cost demands and leave space on the shelf for supermarket own brands (Campling 2012b).

The competitiveness challenge posed by supermarket power over suppliers is a common theme in global value-chain (GVC) analyses of the food industry. Market power enables supermarkets to sharpen competition among suppliers. For example, supermarkets play branded firms off against each other through the practice of ‘slotting’: a branded firm rents premium shelf space for a period, and even then may be squeezed for additional revenue within that period to avoid losing its retail ‘real estate’. Added to this dynamic is the power to discontinue (or ‘delist’) a brand if it does not provide a sufficient return to the supermarket.

Supermarkets also use their market power to extract additional revenue from canned tuna suppliers, including payments for business allowances, advertising and brochures, and damaged goods. According to Miyake *et al.* (2010), these ‘costs’ can represent as much as 40 per cent of the retail price of the canned tuna.

The first- and second-tier supplier firms that supply supermarkets or branded firms with seafood products are themselves often dispersed across the globe and ownership is fragmented. This allows supermarkets and branded firms to play suppliers off against each other, exerting considerable price pressure in the competition to win supply contracts. This pressure is transmitted to boat owners, who respond by fishing harder and faster, attempting to secure strategic access (with potential rent gains for coastal states), squeezing crew and other points of labour, and avoiding regulation where possible, especially where it has a high

cost (e.g. flags of convenience). Pressure in the fishing node of seafood commodity chains is often heightened further by intense horizontal competition among boat owners in conditions of widely acknowledged overcapacity in fishing. In combination, these market and industry dynamics suggest the need for more effective monitoring, control and surveillance of fishery systems.

The UK market is of particular commercial importance to Commonwealth tuna processors. Concentration among supermarkets is high, at 80 per cent for the top five firms. Two brands control around 60 per cent of the UK canned tuna value market. This concentration may allow oligopolistic rent capture (see Campling 2012b).

Despite general agreement that supermarkets play a 'driving' role in agrifood chains, from the perspective of most developing Commonwealth countries they are the only 'lead firms' in the canned tuna industry. Branded firms and trading companies play a particularly prominent role and, unlike supermarkets, work directly with local labour, suppliers and governments. For example, the 'big three' tuna trading companies play a 'governing' role both in co-ordinating industrial tuna fisheries in the western and central Pacific Ocean and in supplying raw materials to tuna processors (Campling *et al.* 2007).

There is a heterogeneity of players in the branding and manufacturing node, each with their own logic and tactics for survival in the highly competitive tuna chain. Two main categories of firms are identified: (a) *branded manufacturers*, which are often integrated backwards into fishing, rely in large part on own manufacturing for supply and also source some of their product from non-branded manufacturers; and (b) *marketing companies*, which generally rely on non-branded manufacturers to supply their branded product and instead focus on marketing and

total supply chain management/co-ordination, and derive profits primarily from brand rent. Many developing Commonwealth countries are currently located at the bottom of a hierarchy in the international division of labour within canned tuna production.

11.3 Commonwealth government responses to canned tuna preference erosion: leveraging fishery access for development gains

In view of the nature of their insertion into the tuna value chain, with limited actual or potential influence over changes to the international trade regime, as well as competition among multinational firms in the canned tuna chain, there are concerns over the ability to effectively implement the SDGs, in particular SDG14, which states: 'By 2030, increase the economic benefits to Small Island developing States (SIDS) and least developed countries from the sustainable use of marine resources.' This concern is heightened by the extent of direct and indirect preference erosion for fish products.

A common strategy for SIDS suffering from preference erosion is for them to diversify into 'niche' products and/or alternative markets. But it is far less common for such proposals to be thought through in relation to the evidence. A recent study by Campling (2015b) of alternative markets for canned tuna and tuna loins for Pacific SIDS found very few commercially serious options. Instead, the competitive advantage of existing EU and US tariff preferences was found to be a crucial pillar in the survival of these processors under current world market conditions.

A major disadvantage for Pacific island tuna processors is very high sea-freight costs relative to competitors, particularly South-East Asian processors. Comparative freight

rates for 20-foot dry containers (finished goods) are presented in Table 11.2. The costs of exporting to a number of alternative markets from the two current locations of canned tuna production in the Pacific islands – Papua New Guinea and Solomon Islands – are compared with the costs of shipping from clusters of tuna processing in South-East Asia and Ecuador. It is apparent that the cost of shipping finished product to markets in Japan, Latin America, the Middle East, Russia and South Africa is prohibitively more expensive from these two SIDS. Shipping even to Australia, which neighbours Papua New Guinea and Solomon Islands, is much cheaper from South-East Asia. This is part of a long-standing problem facing SIDS: their relative and crucially *permanent* physical isolation from principal markets and concomitant extreme economic vulnerabilities (Hache 1998; Campling 2006). This is in

comparison with a location such as Thailand, which benefits from being between the Indian and Pacific oceans, well positioned for raw material supply and as a hub on the East–West sea-freight ‘superhighway’.⁴

There is a substantial body of work on the role of high trade costs (particularly of ocean-going sea freight) as a competitive disadvantage to many SIDS because they incur structural (spatially induced) costs on trade (UNCTAD 1996, 1997, 2014a). As UNCTAD put it in a chapter of *Review of Maritime Transport 2014* dedicated to the analysis of SIDS: ‘Transport costs of SIDS trade are comparatively high because small volumes of trade have to travel long and indirect routes to reach distant markets’ (UNCTAD 2014b, p. 105). Of course, this depends entirely upon location. Some islands are in a better relative position than others in terms of their

Table 11.2 Freight cost comparison for 20-foot dry containers of canned tuna (US\$/container)

Destination	Supplier					
	Lae, Papua New Guinea	Noro, Solomon Is.	Bangkok, Thailand	Jakarta, Indonesia	Gen. Santos, Philippines	Guayaquil, Ecuador
Melbourne, Australia	1,100	1,100	650	550	650	2,200
Cape Town, South Africa	2,890	2,890	875	800	1,150	2,500
Tokyo, Japan	1,700	2,000	350	350	750	1,000
Shanghai, China	1,300	1,600	330	400	250	1,000
St Petersburg, Russia	3,550	3,565	900	900	1,850	1,200
Port Said, Egypt	2,505	2,505	1,440	1,450	1,700	1,200
Riyadh, Saudi Arabia	2,775	2,775	980	1,150	1,350	2,200
Buenaventura, Colombia	2,980	4,480	1,525	1,525	1,600	1,125
Santos, Brazil	2,690	4,190	720	720	800	1,675
Buenos Aires, Argentina	No service	No service	700	600	1,050	1,780
Callao, Peru	2,950	4,450	1,500	1,500	1,500	n/a
San Antonio, Chile	2,950	4,450	1,500	1,500	1,500	n/a

n/a, not available

Source: Major shipping lines and freight forwarders – various, April 2015.

geographical proximity to major markets (e.g. the Caribbean's geographical relation to North America or Singapore's strategic positioning in Asia compared with Atlantic, Indian and Pacific ocean SIDS).⁵

Tuna processing is a labour-intensive activity providing much-needed employment in relatively undiversified low-income Commonwealth economies (e.g. Barclay 2010; Havice and Campling 2013), albeit not without some unintended socioeconomic effects. In the context of the structural costs facing SIDS in terms of sea freight, we focus on two leverage points that allow Commonwealth governments to directly and indirectly influence local development gains from the tuna industry: mediating access to the fishery resource and enhancing access to EU markets. Crucially, the leveraging of resource access is an agenda advanced by coastal developing states independently of major donors and other development agencies.

The principal leverage of governments of low-income coastal Commonwealth countries is their sovereign rights over access to marine resources in their waters. Exclusive economic zones (EEZs) in particular constitute large expanses of state property that Commonwealth countries use to appropriate ground rent from industrial tuna fleets (Campling and Havice 2014). For coastal Commonwealth countries, the most commercially important fish enclosed in EEZs are tuna and tuna-like species, alongside hake and others in Namibia and small pelagics in West Africa.

Two types of resource access leverage strategy are addressed here. 'First-generation' access entails a representative of a DWF⁶ agreeing to pay a coastal state government a fee for the right to fish. 'Second-generation' access agreements entail a foreign enterprise gaining the right to a fish in an EEZ in return for registering its fishing fleet domestically and/or making a local investment in onshore

processing. The rest of this section examines two Commonwealth state examples of each 'generation' of access agreement.

Despite its very small size, Seychelles is widely recognised as having effectively negotiated first-generation access agreements with the EU. Seychelles occupies a strategic place in the Western Indian Ocean tuna fishery, because tuna regularly migrate through its EEZ and Port Victoria is at the centre of the regional purse seine fishery, making it the most economically logical base for the EU DWF (Campling 2012a). The annual EU payment *alone* to Seychelles under the 2014–19 fisheries partnership agreement (FPA) is €5,350,000 (boat owners pay various additional fees) (EU–Seychelles 2014).

However, while these first-generation access fees are important contributions to government revenue, the domestic capture and creation of value from the application of taxes on and provision of goods and services to the EU DWF when it is in Port Victoria are far more significant (Campling 2012b). Nonetheless, it is instructive to draw out a number of gains secured to Seychelles in its FPA negotiations (EU–Seychelles 2014):

- The FPA includes a provision for employing two Seychellois crew members. If they do not, boat owners pay a daily fee of €20 for two crew members while in Seychelles waters. It is thought that it is the only FPA to contain such a clause.
- The International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work shall apply to crew working on board.
- Crew employment contracts shall guarantee social security cover applicable to them, including life insurance, sickness and accident insurance, and pension benefits.
- Basic ILO wage conditions shall be met, including bonuses being in addition to wages.

This last clause was an important addition in the 2013 agreement because, according to author interviews in Seychelles in January 2014, the EU DWF reportedly had previously underpaid Seychellois crew members.

The most important multilateral first-generation access arrangement is the Vessel Days Scheme (VDS) implemented by a group of eight Pacific islands known as the Parties to the Nauru Agreement (PNA), which includes four Commonwealth countries: Fiji Islands, Kiribati, Papua New Guinea and Solomon Islands.⁷ The VDS was rolled out from 2008 and acts as a cartel in terms of access to over 50 per cent of the world's canning-grade tuna (Clark and Clark 2014). This high-profile success story of South–South co-operation saw the Pacific island countries collaborate in their relations with foreign industrial purse seine fisheries to maximise rent generation through the auctioning of fishing vessel days (Havice 2013). Since 2010, when the co-ordination of the VDS shifted to the PNA Office in the Marshall Islands, the increase in revenue captured from the fishery had increased five-fold and an independent review found that ‘two of the largest tuna stocks; [sic] skipjack and yellowfin, have been maintained in a very healthy state’ (Hagrannsoknir 2014, p. 11). There are, however, some concerns that the VDS has not (yet) successfully limited overcapacity in industrial fisheries in the region (Hanich *et al.* 2010). It has also come under considerable fire from the Spanish tuna industry, including through far-ranging fishery-related demands made by the EU in EPA negotiations (Batty 2016).

A prominent example of second-generation access among low-income Commonwealth countries is the ‘Namibianisation’ policy, which attempted to overcome the legacy of racialised ownership of industry from prior South African rule. The Namibian case is concerned mainly with processed products of hake and monkfish, and canned pilchards, along with

small volumes of tuna (FAO 2007). These are predominantly exported duty free to the EU under ACP preferences, a situation that was set to continue with the signing of an EPA in June 2016. The policy of localising ownership of fishing enterprises through discounted resource access fees doubled the employment of Namibians through the 1990s (Armstrong *et al.* 2004). It also means boats are compliant with EU RoO. At the same time, the use of a complicated web of preferential shares, proxy ownership and cross-ownership means that de facto Namibian control over fishing industries remains low, with foreign ownership remaining dominant, consolidated into a handful of large conglomerations (Manning 2000; Melber 2003).

In more recent years, other countries have tried to follow the strategy of fishery domestication, most prominently Papua New Guinea. Because of a combination of geographical isolation and other costs of doing business, processed tuna exports from PNG are dependent on duty-free access to the EU market. To further attract onshore processing investment in PNG, the government signed the Pacific Interim-EPA and deployed ‘second-generation’ fishery access arrangements. If they commit to onshore investment, foreign firms are allocated considerably more fishing licences than necessary to supply that plant, offering long-term strategic resource access (Hamilton *et al.* 2011b). There is, however, some debate around the environmental sustainability of this strategy (European Parliament 2012) and it has the potential to undermine the success of the VDS in terms of facilitating vessel overcapacity and reducing the price of a fishing day.⁸

11.4 Implications for implementation of Sustainable Development Goal 14

Some of the SDG14 targets are largely conservation measures (e.g. ‘effectively

regulate harvesting,’ ‘implement science-based management plans’). However, others have direct relevance to trade policy-makers, such as ‘address harmful fishing subsidies’. Of course, there should be no confusion about the positive linkages between effective fishery management and potential sustainable development outcomes. Even the most carefully considered industrial and trade policies will be immediately undermined should the natural resource on which they are based be eroded. SDG14 provides considerable guidance in this regard, although, arguably, the targets are not new.

A plethora of overlapping policy initiatives govern fishery conservation and management at many scales, from national management plans to regional fishery management organisations, and from international agreements established under the United Nations to private sector sustainable procurement policies and third-party eco-labels. In addition, some of the SDG14 targets are – quite rightly – system-wide issues that fall outside narrow fishery-related concerns (e.g. acidification and marine pollution).

There are two SDG14 targets that carry obvious trade-related policy implications in the context of this chapter: prohibiting fishery subsidies that contribute to overcapacity and overfishing, and the commitment to increase the economic benefits to SIDS and LDCs. Indicators to monitor the fishery subsidies target by 2020 should include multilateral rules that limit the application of existing subsidies that contribute to overfishing and overcapacity, but that include effective special and differential treatment (S&DT) provisions. Unless decisive action is taken, it is unlikely that this target will be met. The political-economic interests and geopolitics involved in the fishery subsidy debates at the WTO at the height of their activity (almost monthly multilateral meetings between 2007 and 2010) were not resolved (Campling and Havice 2013). Major efforts will be required in order to ensure that the political and technical

problems encountered during this period (e.g. how to agree to S&DT that did not give the largest developing-country subsidisers carte blanche, or how to define ‘artisanal fishing’) can be overcome in the current, perhaps even more tumultuous, global political economy.

While we saw earlier that the collapse of the Doha Round of trade negotiations at the multilateral level gave preference-dependent fish processors a moment of respite from multilateral preference erosion, the new bilateralism and in particular the rise of macroregional free trade agreements (FTAs) such as the Trans-Pacific Partnership (TPP) suggests a new kind of threat. As Goel *et al.* (2015, p. 6) point out, for small vulnerable economies, their ‘numbers and the “consensus rule” of the WTO provide proponents with negotiating leverage beyond their physical or political-economic size’. However, TPP rules were negotiated by states that do not have the same interests as most small developing economies (TPP 2016).⁹

For example, a key target of SDG14 is to ‘prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing’ by 2020, but crucially ‘recognising that appropriate and effective’ S&DT ‘should be an integral part’. However, the SDG refers only to fishery subsidy negotiations at the WTO, so it does not commit bilateral agreements on disciplines to fully consider S&DT. This much is apparent from the text of the TPP, which does not contain S&DT provisions on fishery subsidy disciplines (except for a minor two-year extension to the transition period allocated to Vietnam). This is tempered by the fact that the ambition of the TPP rules on fishery subsidies is very low compared with the height of the discussions at the WTO (Campling and Havice 2016). Even if small island economies are granted accession, the example of the TPP raises the spectre of their being unable to influence the changing context of international trade law as established by new norms produced in macroregional FTAs.

Notes

- 1 Senior Lecturer in Political Economy, School of Business and Management, Queen Mary University of London.
- 2 EU rules of origin for fish are based upon 'wholly obtained' criteria. Under (interim) EPAs and the EU's current GSP regime, the wholly obtained criteria for fish and fish products are as follows: (1) All fish is automatically wholly obtained when caught inland and within the territorial seas (12 miles from the coast) of the signatories. The location determines origination. This can also include fish caught in a country's archipelagic waters, where the proper international legal procedures have been followed through the United Nations. (2) If caught outside these locations, origination is determined by the 'nationality' of the boat (i.e. when caught in exclusive economic zones and in the high seas). Nationality is determined by the boat (a) being flagged and registered by one of the parties to the agreement, and (b) being at least 50 per cent owned either by nationals of parties to the agreement or by a company based in one of the parties to the agreement.
- 3 This section draws on Havice and Campling (forthcoming).
- 4 Multiple interviews with European, Japanese and Thai tuna industry representatives, 2006 and 2015.
- 5 However, the actually existing peripherality of Indian and Pacific ocean SIDS does not reduce the vulnerability of Caribbean SIDS, because feeder shipping services are precarious; a foreign liner may decide to bypass any port at any time.
- 6 This could be an individual enterprise, an industry association or a government or supranational body (e.g. the EU).
- 7 First enacted in 1982, the Nauru Agreement is a subregional arrangement that sets terms and conditions for the licensing of tuna purse seine fishing.
- 8 Personal communications, Pacific island fishery experts, July 2016.
- 9 The 12 countries that signed the TPP are Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the USA and Vietnam. References to the TPP legal text use the version published online by the Office of the United States Trade Representative (TPP 2016).

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