



Trade Hot Topics

WTO Fisheries Subsidies Negotiations: A Time to Remain Vigilant

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1. Introduction

At the 11th World Trade Organization (WTO) Ministerial Conference (MC11) held in Buenos Aires in 2017, ministers agreed to secure an agreement on disciplines on fisheries subsidies in 2020, in line with Sustainable Development Goal (SDG) Target 14.6. In 2018, the Chair of the Negotiating Group on Rules circulated a communication on 'Fisheries Subsidies Working Documents on Definitions; Scope; Prohibited Subsidies Relating to Illegal, Unreported and Unregulated (IUU) Fishing, Overfished Stocks, Overcapacity, Capacity-Enhancing Subsidies, and Overfishing; Notification and Transparency; Special and Differential Treatment; Transitional Provisions; and Institutional Arrangements', with a view to developing a working text to facilitate the process of reaching a fisheries subsidies agreement (WTO, 2018a).² This represented the first attempt to develop a negotiating text that would form the basis of a fisheries subsidies agreement. On 25 June 2020, the Chair issued a draft consolidated text on fisheries subsidies to expedite the negotiations related to disciplines on subsidies to overfished

stocks; subsidies that contribute to overfishing and overcapacity; and subsidies to IUU fishing.³ The draft legal text was intended to provide a possible starting point for the conclusion of these discussions by the end of 2020, paving the way for a final ministerial decision at MC12, now expected to be held in Kazakhstan in June 2021.

Disciplining fisheries subsidies is imperative for many small states, least developed countries (LDCs) and sub-Saharan African (SSA) countries, where fisheries make a significant contribution to economic growth and development. Fisheries are a source of income and employment, and of food and nutrition security. Fisheries also represent a vital share of exports and provide a viable opportunity for value addition for many of these countries. To ensure a balanced outcome that provides policy space for developing countries, especially small states, LDCs and SSA countries, discussions on the consolidated text must capture the interests of these countries⁴ and provide a sound basis for a fisheries subsidies agreement that is development-oriented. This requires that small

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 2 The working documents were based on the proposals on developing fisheries subsidies submitted by Members to the Negotiating Group on Rules, which the chair compiled with the support of delegations to develop a working text on several areas.
 3 The consolidated text was restricted access at the time of writing.
 4 Most Commonwealth small states, LDCs and SSA countries have been active in the discussions on fisheries subsidies as Members of the African Caribbean and Pacific (ACP) Group, the Africa Group and the LDC Group.

states, LDCs and SSA countries remain vigilant to ensure the proposed language in the consolidated text captures most of their interests. Also critical is the need to explore the possible implications of the proposed draft obligations for these countries to implement the ultimate agreement.⁵

This issue of *Trade Hot Topics* aims to identify some elements of interest to small states, LDCs and SSA countries that the discussions on the consolidated text on fisheries subsidies disciplines must capture, ensuring their interests are reflected in a multilateral outcome that establishes practical disciplines on fisheries subsidies. Because the consolidated text currently under discussion is restricted, the 2018 Chair's Fisheries Subsidies Working Documents (WTO, 2018a) are used to try and extrapolate such elements.

2. Key elements for inclusion in the consolidated text

The current negotiations on fisheries subsidies disciplines revolve around three pillars: the prohibition on subsidies to IUU fishing; the ban on subsidies on overfished stocks; and the prohibition on subsidies concerning overcapacity and overfishing. The negotiations are at an advanced stage and so it is imperative that small states, LDCs and SSA countries do not lose sight of the discussions and that they pay attention to the language used in crafting the text to ensure their interests are properly represented. Like the 2018 Chair's Working Documents, the consolidated text under discussion will have square brackets to indicate areas for further discussion. These are areas where small states, LDCs and SSA countries can negotiate the inclusion of issues of interest to them that the text might not have properly captured. Like in most negotiating texts, brackets serve different purposes, such as changing phrases or wording, deletion, amendment or replacement of text to accommodate countries' interests. In some cases, brackets indicate areas or provisions that require thorough discussion. In other cases, they highlight areas where an understanding was previously reached but Members agreed to bracket text in response to a diversity of views to postpone a decision. It is therefore crucial for small states,

LDCs and SSA countries to ensure the bracketed areas capture most of their interest.

2.1 Scope

Like the 2018 Chair's Fisheries Subsidies Working Documents, the scope of the proposed fisheries subsidies disciplines will define cross-cutting issues that give meaning to what the agreement is intended to achieve. It is expected to focus on marine fishing and fishing-related activities at sea, excluding aquaculture and inland fisheries.

The exclusion of aquaculture has been a contentious issue, as some developing countries, including the LDC Group,⁶ believe subsidies on wild fish catch used as feed for aquaculture must come under fisheries subsidies disciplines (WTO, 2017a). In other words, the position of developing countries and LDCs is that marine fish caught as feed for aquaculture must be subjected to fisheries subsidies disciplines, as such subsidies contribute to overfishing and overcapacity. Indeed, there has been concern that the use of fish as feed for aquaculture has more negative than positive outcomes for the poor (Wijkstrom, 2009). This makes the issue of disciplining subsidies on wild fish for aquaculture feed an essential issue for consideration by small states, LDCs and SSA countries, especially in view of the rapid growth of the aquaculture industry, which is projected to reach 109 million tonnes in 2030 (FAO, 2020a). Because fishmeal and fish oils make up the most nutritious feed for farm fish, aquaculture expansion will lead to an increase in demand for fishmeal.⁷ Consideration should also be given to fisheries subsidies disciplines covering fish caught for animal feed. For example, in China, high-quality fishmeal is regarded as the best protein source for piglets (IFFO, n.d.).

As demanded by the African, Caribbean and Pacific (ACP) Group,⁸ the scope of the fisheries subsidies arrangement should exclude recreational fishing, which plays a vital role in the development of some ACP countries (WTO, 2017b). For example, in the Caribbean, recreational fisheries contribute to employment, food security, tourism (eco-tourism) and coastal livelihoods. For example, they

5 Related to the implications for small states, LDCs and SSA countries in implementing the agreed outcome is the decision as to whether the fisheries subsidies disciplines will be a standalone Agreement or an Annex to the Agreement of Subsidies and Countervailing Measures (SCM).

6 12 out of 36 Members of the LDC Group are Commonwealth countries.

7 The Marine Ingredients Organisation (IFFO) notes that fishmeal is the most established and well known of feeding ingredients for aquaculture: <https://www.iffco.com/what-makes-fishmeal-so-special>

8 36 out of 62 Members of the ACP Group are Commonwealth countries. The Bahamas, which is a WTO Observer, also participates in the ACP Group.

contribute more than US\$500 million annually to The Bahamas' national economy (FAO, 2017a).

Members have not yet decided on whether the fisheries subsidies disciplines will be a standalone Agreement or an Annex to the Agreement of Subsidies and Countervailing Measures (SCM). As such, small states, LDCs and SSA countries' consideration of this issue should take into account that subjecting the application of subsidies within the context and meaning provided in Article 1.1 of the SCM⁹ can potentially limit the range of recipients of direct or indirect subsidies. For example, Article 1.1 of the SCM does not cover the environmental imperatives or the ecological impacts of fisheries subsidies, which lead to a decline in fish populations and catches. The phenomenon of fishing down marine food webs threatening the ecosystem, making such fishing patterns unsustainable, (Pauly et al., 1998, and Essington et al., 2005)¹⁰ is a good example. Besides, the Article does not cover beneficial subsidies that can help eliminate overfishing, overcapacity, illegal fishing and other harmful ocean economic activities and enhance the growth of fish stocks through conservation and the monitoring of catch rates (Sumaila et al., 2010).

Given the above backdrop, the scope of the proposed fisheries subsidies agreement must be as specific as possible to prevent confusion and, therefore, must be clearly defined. It must also capture both the international and the domestic policy interests of small states, LDCs and SSA countries because international agreements encompass both international cooperation and domestic policy. Both international and domestic circumstances help define the agreement as different countries coalesce and bargain in developing an international agreement on fisheries subsidies disciplines that produces co-operative outcomes. As such, the scope should help define when and where domestic policy considerations will prevail, and the conditions under which internationally negotiated obligations dominate.¹¹

For small states, LDCs and SSA countries, disciplines must apply primarily to fishing in the high seas and the Exclusive Economic Zone (EEZ) of other Members and should not apply to them when fishing in their EEZ. Moreover, these countries are concerned about subsidies in the distant waters that have contributed to the raiding of their fish stocks and depleting them significantly.¹² Accordingly, small states, LDCs and SSA countries should insist that the scope specify where disciplines apply, which can then be elaborated in specific articles of the proposed agreement.

2.2 Definitions

Like the section on the scope, the section on definitions also outlines cross-cutting issues that give meaning to the disciplines. Just like the Port States Measures Agreement (PSMA) (FAO, 2016), the proposed fisheries subsidies agreement must separate the definitions of fishing and fish-related activities. In this regard, the definition of 'fishing-related activities' must include processing done at sea as suggested by the ACP countries.¹³

The 2018 Chair's Fisheries Subsidies Working Documents proposed additional language to the PSMA definition of 'vessel' to include the definition for fishing vessels applied in Members' national laws. This creates room for conflict between domestic law and international law when applying the definition – in terms of which law supersedes the other. In this regard, consideration must be given to adopting the PSMA definition of vessels and strengthening it by specifying the types of vessels involved in fishing-related activities at sea, as was done by the Food and Agricultural Organization (FAO) Voluntary Guidelines for Catch Documentations (FAO, 2017b), rather than leaving it vague and open to interpretation by individual countries. This is because use of the term 'another type of boat' in the PSMA definition leaves this to the interpretation of individual countries. In contrast, the Voluntary Guidelines for Catch Documentation use the term 'vessels of any size', which covers all types of fishing vessels regardless of size.¹⁴

9 Article 1.1 of the SCM spells out the conditions under which a subsidy is deemed to exist.

10 See also <https://britishseafishing.co.uk/fishing-down-the-food-chain/>

11 For example, the differences in the interests of countries with large-scale fishers and those with fish industries that are largely populated by micro, small and medium enterprises (MSMEs) and artisanal fishers owe mainly to national policies governing fisheries as countries want to retain policy space and preserve issues of national interest. At the same time, countries will have to agree on international obligations to fish in a sustainable manner.

12 Most small states, LDCs and SSA countries lack the capacity to fully exploit fisheries resources in their EEZ as well as from the high seas.

13 The language on processing of fish at sea was initially bracketed in the WTO Document (WTO, 2018a), showing the need for further discussion.

14 The Voluntary Guidelines for Catch Documentation Schemes define 'fishing vessels' as 'any vessel of any size used for, equipped for use for, or intended for use for the purposes of fishing or fishing-related activities, including support vessels, fish-processing vessels, vessels engaged in transshipment and carrier vessels equipped for the transportation of fishery products, except container vessels' (FAO, 2017b).

Definitional issues are critical for small states, LDCs and SSA countries to help in the capture of some of their interests in the proposed fisheries subsidies agreement. In this regard, they should strive to have a common understanding of the meaning of terms, words and definitions with the big providers of subsidies, which provide about 78 per cent of global subsidies to the fisheries sector and whose industrial-scale fishing contributes significantly to the global depletion of fish (Arthur et al., 2019).

2.3 Prohibition on subsidies to IUU fishing

There is a common understanding among negotiators that IUU fishing should not be subsidised. To give a specific meaning to illegal fishing in the agreement, the consolidated text must adopt the definition of IUU provided by the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU), paragraph 3, which provides separate definitions for illegal fishing, unreported fishing and unregulated fishing (FAO, 2001). The definition will help in the operationalisation of the prohibition of subsidies to vessels of operators involved in IUU as the meaning of IUU is not the same across all domestic laws and relevant Regional Fisheries Management Organisations/Arrangements (RFMO/A). The use of the meaning of IUU as provided under national fisheries laws and regulations, or under RFMO/A, where applicable, in addition to the IPOA-IUU definition, is counterproductive as the issue is already captured under paragraphs 3.1.1–3.4 of the IPOA-IUU.

Provisions on the prohibition of subsidies on IUU should cover subsidies provided to IUU supporting activities such as illegal transshipment. The application of transshipment as a fishing-related activity to IUU is likely to arise when a vessel involved in transshipment is listed on an IUU vessel list (South Centre, 2017). For a more precise understanding, consideration should be given to developing a provision on banning subsidies in IUU supporting activities under the Article on the prohibition on subsidies to IUU as proposed by the LDCs, targeting vessels or operators 'engaged in illegal fish transshipment at sea' (WTO, 2017a). This could help bolster the effectiveness of IUU subsidy disciplines.

2.4 Prohibition on subsidies concerning overfished stocks

While there is a common understanding that the fishing of overexploited species should not be subsidised, there appears to be disagreement on

what constitutes an overexploited/overfished species and how this is assessed. This raises the need to define and give specific meaning to overfished species to help ensure the right to provide fisheries subsidies is not given only to those countries with the capacity to assess fish stocks regularly. Moreover, while the authority to conduct fish stock assessments is granted to national jurisdictions where the fishing is taking place or by a relevant RFMO/A, based on scientific evidence available and recognised by them, the question of other countries relying on information used against them as provided by the other country in cases of dispute settlement is of concern (South Centre, 2017). In this regard, it is vital to consider the suggestion by Argentina and others to allow the cooperation of Members involved in the evaluation of related overfished stocks (WTO, 2017c).

In discussing the language on unassessed stocks presumed to be overfished, it is critical to avoid a situation where only those countries with the capacity to regularly assess fish stocks benefit from agreed provisions, which will prejudice the interests of developing countries (South Centre, 2017). There are also concerns about how the new rules governing subsidies to fishing can be applied by Members with little access to data about the state of their stocks (Headley, 2020).

2.5 Prohibition on subsidies concerning overcapacity and overfishing

Some countries have proposed exceptions for the use of non-harmful subsidies, known as beneficial subsidies. For example, the ACP Group has identified such subsidies for (i) disaster relief; (ii) research and development; (iii) sustainability of stocks, acquisition and installation of equipment; (iv) reducing environmental impacts of wild marine capture; and (v) increasing resilience and vulnerability to climate change. In discussing and determining the language and the nature of non-harmful subsidies to be included in the agreement, it is imperative for small states, LDCs and SSA countries to ensure no loopholes are created that would allow big subsidisers to indirectly subsidise their fisheries sectors. While all the areas for non-harmful subsidies suggested by the ACP Group are important to LDCs, small states and SSA countries, two areas stand out for special consideration: subsidies aimed at reducing the environmental impacts of wild marine capture and subsidies for disaster relief.

Given their environmental concerns and the preservation of the ocean ecosystem, consideration

should be given to allow small states, LDCs and SSA countries to provide beneficial subsidies that help eliminate overfishing, overcapacity, illegal fishing and other harmful ocean economic activities.¹⁵ This is particularly important for most small and vulnerable economies (SVEs) that are seeking to develop blue economies as they must balance socio-economic development with the conservation of ocean ecosystems. According to the United Nations Conference on Trade and Development (UNCTAD) (2014), the focus for blue economies must be on balancing the pursuit of economic policies and activities for development with policies that promote shared conservation responsibilities among countries and preserve ocean ecosystem services, such as fisheries, waste and pollution absorption. Indeed, paragraph 28 of the Doha Ministerial Declaration and paragraph 9 of the Hong Kong Ministerial Declaration Annex D (Rules) underscore the need to clarify and improve WTO disciplines on fisheries subsidies, taking into account the importance of the fishing sector to developing countries and the importance of the sector to the development priorities of these countries (WTO, 2001, 2005). In other words, subsidies disciplines should not stand in the way of developing countries – especially small states, LDCs and SSA countries – exploiting fish resources for developmental purposes.

Provisions on exceptions for subsidies by small states, LDCs and SSA countries are essential to recovery following natural disasters. This is especially important given that most of these countries are prone to natural disasters and cannot cope with the increasing frequency and intensity with which they are occurring as global climate change accelerates. At MC11 in 2017, WTO SVE Group Members¹⁶ stressed the need for WTO rules and disciplines not to stand in the way of reconstruction after natural disasters and requested the right to use flexibilities in the multilateral trading system for rebuilding after experiencing such disasters (WTO, 2018b).¹⁷ Recently, the coronavirus (COVID-19) pandemic

has demonstrated the need for stimulus packages for economies, especially developing economies, in times of crisis and natural disaster. The pandemic has highlighted the need for fisheries subsidies to support recovery as some governments have sought to support low-income households and micro, small and medium enterprises (MSMEs).¹⁸ The exception for subsidies for recovery from natural disasters is particularly important in developing countries such as SVEs and LDCs where diets rely heavily on fish.

Argentina, Colombia, Costa Rica, Panama, Peru and Uruguay have also made a submission that shows their interest in the exclusion of subsidies compensating for damage caused by natural disasters (WTO, 2017c). However, the countries provide complex implementation conditions, which pose considerable challenges for developing countries, especially LDCs and small island economies that regularly face natural disasters.¹⁹ For example, post-disaster reconstruction starts immediately and does not wait for 'science-based assessment of the post-disaster state of fishery' (South Centre, 2017). In this regard, the fisheries subsidies agreement should be designed in such a way that it gives developing countries – especially small states, LDCs and SSA countries – the flexibility to use subsidies for recovery after natural disasters. It should balance the underlying economic vulnerability of these countries to natural disasters and other external economic shocks.

2.6 Special and differential treatment

The proposed S&D provisions in the 2018 Chair's Fisheries Subsidies Working Documents are in the form of exclusions from disciplines, technical assistance and capacity-building, transitional arrangements and best endeavours (e.g. exercising due restraint). For most small states, LDCs and SSA countries, S&D is critical to ensure fisheries subsidies disciplines provide them with policy space to use subsidies for their developmental objectives. As such, the outcome of fisheries discussions should show differentiation in the disciplines for

15 There is a need to ensure that the eligibility for exceptions is not complex such that only countries with capacity can make use of them (South Centre, 2017).

16 16 out of 26 Members of the SVE Group are Commonwealth countries. The Bahamas, which is a WTO Observer, also participates in the SVE Group.

17 Most SVEs' fish play a critical role in contributing to the sustainable development of these countries and natural disasters damage fisheries, causing immense losses, and cripple trade.

18 The pandemic has led to a decrease in fishing activities by the artisanal and MSME sector (FAO, 2020a, 2020b).

19 The conditions outlined by Argentina et al. include (i) the subsidies must be directly linked to the effects of the disaster; (ii) subsidies are limited to the affected geographic area; (iii) in the case of reconstruction, the subsidies must restore only the affected area, the affected fishery and/or the affected fleet to its pre-disaster state; (IV) the subsidies must be 'up to a sustainable level of fishing capacity as established through a science-based assessment of the post-disaster status of the fishery' (WTO, 2017b).

overcapacity and overfishing, thereby capturing the ACP Group proposal to exempt fisheries subsidies disciplines by developing countries in their EEZs (WTO, 2017d). This would provide developing countries with the necessary policy space to use fisheries subsidies for developmental purposes. Some countries have suggested a set of criterion for beneficiary countries, particularly in view of some large developing country subsidisers. The criterion include Members (i) not having a gross national income per capita exceeding US\$5,000 for three consecutive years;²⁰ (ii) not having a share of annual global marine capture fish production exceeding 2 per cent; (iii) engaging in distant water fishing; and (iv) having a total contribution of agriculture, forestry and fishing to gross domestic product (GDP) of less than 10 per cent for the most recent consecutive years.

Several SVEs are unlikely to meet these criteria by virtue of being high-income countries (Table 1). Thus, the criteria exclude several Commonwealth countries, yet fish plays an essential role in the development of these economies.

While it is imperative to ensure that developing countries that are big subsidisers do not slip through the net of the new disciplines, thereby undermining their effectiveness, it is also essential that developing country Members that have

Table 1. High-income SVEs (GDP per capita, constant 2010 US\$)

Country	GDP per capita
Antigua and Barbuda	15,703.0
The Bahamas	27,478.0
Barbados	16,454.5
Dominica	7,055.5
Dominican Republic	8,005.1
Grenada	9,330.0
Maldives	8,209.5
Mauritius	10,949.2
Seychelles	14,962.4
St Kitts and Nevis	17,241.6
Saint Lucia	9,350.7
St Vincent and the Grenadines	6,852.5
Trinidad and Tobago	15,105.1

Source: World Bank World Development Indicators.

minimal impact on overfishing and overcapacity are not unduly restricted because of their high GDP per capita. As such, it is crucial to develop criteria to benefit SVEs to ensure support of the livelihoods of small-scale fisheries as well as to focus on their welfare. In developing the criteria, consideration should be given to the impact of eliminating subsidies on artisanal and coastal fishers and MSMEs, which collectively make up the bulk of the fishing industries in small states, LDCs and SSA countries. The criteria must also aim to resolve concerns by some developed countries that are apprehensive about the developing status of certain large developing country subsidisers.

While technical assistance is vital to small states, LDCs and SSA countries, it is essential to ensure such technical assistance and capacity-building do not represent just a sweetener to the negotiations. Instead, it will be important to ensure it is delivered after the agreements come into force. Besides, technical assistance resources must be adequate and not difficult to secure and make it easy for small states, LDCs and SSA countries to pursue ambitious implementation agendas. As such, technical and financial assistance must be provided to help developing countries implement the disciplines and to fight IUU. Full technical and financial assistance must also be provided to implement assessments of both overfished stock and stocks that have not been assessed. Capacity-building is vital to help small states, LDCs and SSA countries develop their fishing capacity in a sustainable manner and to assess and monitor fish stocks as well as fishing activities in their EEZ and beyond.

2.7 Transparency, institutional arrangements and dispute settlement

Important to developing a fisheries subsidies agreement are the cross-cutting issues of transparency, institutional arrangements and dispute settlement. Considering that there is no common understanding on these issues, there is a need for small states, LDCs and SSA countries to think carefully about possible language in these areas, especially on the dispute settlement mechanism, which will play a critical role in disputes that may arise as a result of the established disciplines. In this regard, consideration should be given to ensuring the mechanism will be accessible by developing countries whose fishing industries comprise mostly MSMEs and that

²⁰ Based on constant 2010 US dollars.

lack financial and human resources to utilise the mechanism effectively. Given that small states, LDCs and SSA countries have limited financial and human resources to participate in dispute settlement effectively, consideration should be given to providing peace clause protection for these countries, thus preventing them from being brought to dispute settlement.

Given the importance of transparency to the success of a fisheries subsidies agreement, small states, LDCs and SSA countries together with other developing countries must stress the importance of ensuring notifications and transparency procedures are not burdensome for them (WTO, 2016).²¹ This may require assessing different scenarios, such as moving away from using SCM notification procedures under Article 25, which most developing countries already regard as onerous (Box 1). The suggestion to adopt SCM notification procedures, which was

Box 1. Information required when notifying under Article 25 of SCM

- a. Form of subsidy (i.e. grant, loan, tax concession, etc.).
- b. Amount of subsidy either per unit or total amount/annual amount budgeted for the subsidy (where subsidy per unit is not possible), including indicating the average subsidy per unit in the previous year, if possible.
- c. Outlining policy objectives/reasons for the subsidy.
- d. Providing the period of the subsidy and/or any limits associated with it.
- e. Providing statistical data permitting an assessment of the trade effects of the subsidy.

In addition, an explanation should be given where a Member cannot provide specific information on the above, and such an explanation should be part of the notification. Also, in the case of a subsidy being provided to specific products or sectors, the notification should be product- or sector-specific.

Source: WTO (1994).

reflected in the 2018 Chair's Fisheries Subsidies Working Documents, may come back on the table. Small states, LDCs and SSA countries are likely to be concerned that the list of transparency requirements in the 2018 Chair's Working Documents will make it too burdensome and difficult to achieve full compliance. Consideration should be given to developing differentiated notification procedures (S&D) where enhanced notification and transparency obligations apply to the major fishing country, as most of them are the prime contributors to overcapacity and overfishing, rather than those with small fishing capacity.

The issue of institutional arrangements was also addressed in the 2018 Chair's Fisheries Subsidies Working Documents, and suggestions made therein may resurface. One suggestion is for the SCM Committee to administer the implementation and application of the established fisheries subsidies disciplines (WTO, 2018a).

3. Conclusion

Especially given the ambitious deadline of achieving an agreement by the end of 2020, negotiators still have considerable work to do to try and reach consensus in several areas. This poses a significant challenge for most small states, LDCs and SSA countries, considering their limited negotiating capacity. The biggest challenge relates to their ability to influence the crafting of a set of multilateral rules that effectively discipline those Members with large-scale industrial fishing capacity while, at the same time, avoiding victimising Members with limited fishing capacity.

To enhance their participation in the discussions, which are in part being conducted virtually, because of the pandemic, small states, LDCs and SSA countries must consider intensifying the use of information and communication technology and digital technologies to enable their capital-based negotiators to help bring up-to-date information and relevant expertise to the negotiating process. In addition, small states, LDCs and SSA countries should remain vigilant to ensure the proposed language in the text captures most of their interests, and especially that the rules are development-friendly and supportive of developing countries with small fishing capacity – thus making S&D an integral part of the final agreement.

²¹ For example, some countries have proposed some notification information elements such as information on the status of the fish stock for which the subsidy is provided/status of fish stock targeted by the vessel benefiting from the subsidy (WTO, 2017e).

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