



## OP-ED

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### **It's time Fisheries subsidy talks properly address the issue of distant water fishing and sustainability**

The recent World Trade Organization (WTO) Ministerial Conference failed to deliver a number of outcomes, most noticeably an agreement to end subsidies that contribute to overfishing and overcapacity. As discussions resume at the WTO in Geneva there is now an opportunity for the talks to take a turn for the better and target those most responsible for overfishing.

The sentiment of failure is probably best summed up by Papua New Guinea Trade Minister, Richard Maru, who stated after the Ministerial “[t]he whole fisheries negotiations has failed because the distant water fishing nations were not willing to compromise with us on what we felt was best for them and for us under a win-win partnership. The real motives of the distant water fishing nations have been seen- they are not here to look after our future, so it is up to us to rise up, have our own fishing fleets, fish our own waters, and start processing our fish onshore so we can fish in ways that are sustainable and we can preserve our marine resources for our current generation and the generations to come.”

Ministerial Conferences, like the recent one hosted by the United Arab Emirates known as MC13, are often the space where the political decisions take over from the technical discussions and deals are finalised. The WTO is notorious for using small-room meetings of major powerful players to cut a deal and simply present this back to the rest of the membership for acceptance.

The previous MC was extended twice with a range of agreements being made in the early hours of the morning, often to the detriment of the smaller members such as Pacific Island countries, and the recent Ministerial appeared headed in the same direction. While it is widely reported that India was the only country blocking an outcome on fisheries subsidies other countries have also indicated that they would have if India didn't.

The failure to reach an agreement on fisheries subsidies at this Ministerial however isn't all bad, especially when one looks at what was being considered.

The main problem with the proposed text was the failure to hold to account those with the greatest historical responsibility for overfishing global fish stocks. This was done in two main ways. The first is the offering of an exemption for fishing that is 'proven' to be sustainable, a process that in practice will only be available to those countries with large capacity to monitor, measure, subsidise and report – often the very same countries with the large-scale fleets.

It also creates the problem of the WTO, a body with a terrible track record of overturning environmental legislation, becoming a space to question whether or not a country's fisheries management is actually sustainable and use its enforcement powers to change them. Big fishing nations have challenged the management of fisheries in other countries as they seek to get greater access, something already seen in the Pacific, and we would expect the same to happen through the WTO.

The second problem was that the prohibitions on subsidising distant-water fishing was largely made redundant. It requested that countries try their hardest to not subsidise such fishing and if they should, show that it's sustainable (but if not then ultimately they weren't punished). Distant-water fishing is often associated with overfishing and over-reliance on government support making any real prohibitions particularly impactful.

It's worth noting here how much the Pacific Island Countries were pushing for a hard cap on the level of subsidies by those countries using the sustainability exemption mentioned above. This capped amount must then decrease by 50% within 5 years. While this proposal wasn't included in the texts that circulated during the Ministerial, it is far from the only attempt to try and reign in the big fishing nations that has largely been discarded.

These two major problems highlight how the proposed agreement for Ministers wasn't up to standard. The Sustainable Development Goal 14.6 called for the WTO to prohibit certain

subsidies that contributed to overfishing and overcapacity, while also ensuring appropriate and effective special and differential treatment for developing countries.

The comments from Papua New Guinea indicate a truth that lies at the heart of the negotiations, and one that is being denied: those who already have their fishing fleets don't want to concede anything. Proposed texts like those being circulated at the Ministerial were seeking the easy path of not upsetting the powerful fishing nations in order to find an agreement regardless of how hollow.

Minister Maru's statement after MC13 is a clear indication of the lack of faith being put in institutions like the WTO and are questioning its priorities, leaving them to be forced to sustainably manage their own resources and economic aspirations.

With negotiations now shifting back to Geneva it is imperative that the trajectory of the MC13 texts in regards to overfishing isn't locked in and instead bold proposals about how to target those fleets most responsible for overfishing are seriously considered. The text at MC13 was rejected and any decision and push by the WTO or the big fishing nations to continue on that path denies the position of members to not reach consensus and the shortcomings of the text itself.

Pushing ahead with a framework that was ultimately rejected will only undermine the credibility of any outcome, portraying an institution that is more interested in appearing to be doing something than actually doing something of substance.

Instead this is a time to reflect on whether or not the proposals that were rejected are even fit for purpose to curb subsidies to overfishing. More time now must go towards coming up with approaches that practically impedes the subsidisation of the big fleets responsible for overfishing and overcapacity, a variety of proposals have previously come from the Pacific Islands, the African Group, India and Indonesia to name a few.

The time is right for the negotiations to move in the direction of addressing the problem and not just settling for any outcome. Fishing directly impacts the lives of Indigenous people of the ocean around the world, including the Pacific Islands, most of whom don't get their voice heard in the WTO.

MC13 must be seen as the final attempt at trying to reach an agreement based on the current formulation, one that falls short, and instead a new approach must be explored to target and

reign in those most responsible for overfishing without sacrificing the development options of developing countries and small island developing states.

***Adam Wolfenden is the Deputy Coordinator of the Pacific Network on Globalisation, a Pacific Islands non-government organisation, and recently attended the WTO Ministerial Conference 13 in Abu Dhabi.***

**-ENDS**