



## **Statement from small-scale fishers' groups on the World Trade Organization (WTO) negotiations on fisheries subsidies**



SSF Summit and Committee on Fisheries (COFI 36), 5-12<sup>th</sup> July 2024, Rome

We, Members of the small-scale fishers and Indigenous Peoples met during the 2<sup>nd</sup> Small-Scale Fishers Summit 2024 held in Rome between 5-7<sup>th</sup> July followed by the 36<sup>th</sup> Session of the Committee on Fisheries (COFI 36) that was held during 8-12<sup>th</sup> July recognized the important role to engage with the WTO Agreement on Fisheries Subsidies. The first part concluded in 2022 covered disciplines on subsidies to IUU fishing and where there are overfished stocks, while disciplines on subsidies contributing to overcapacity and overfishing (OCOF) are still ongoing.

We are aware that the comprehensive agreement, once concluded, will have serious implications for the future of small-scale fishers and Indigenous Peoples across the world. Therefore, we want to bring the following points of concerns related to the ongoing negotiations on OCOF subsidies to the attention of the policy makers, in particular the Member States at the WTO and in the Food and Agriculture Organization (FAO).

The WTO is aiming to discipline subsidies that contribute to harmful and unsustainable fishing aggravating the rapid deletion of marine resources based on the mandate provided by SDG 14.6. The mandate, from SDG 14.6, and also Goal 14 in general, is clearly to reign in large, in particular industrial scale fishing, including deep-sea fishing and fishing in distant waters. The implication of the SDG 14.6 mandate is also that cutting such subsidies should in fact conserve fish stocks for small-scale fishers who are not creating the problem, but bear a disproportionate cost in terms of both their livelihoods and food security.

However, as the current situation with the current text (document w/279) stands, contrary to our expectations from this agreement, we do not see effective disciplines on those responsible for the state of the oceans today. On the other hand, exemptions for small-scale fishers across developing countries is being restricted by imposing irrational conditionalities.

The sustainability exemption clause (Article A.1.1) is going to allow advanced fishing countries that have the ability to monitor and make the necessary notifications, to escape any commitment to cut subsidies that contribute to overcapacity and overfishing. This also discriminates against poorer countries who do not have such monitoring and notification capacity and therefore cannot make use of this clause even if they are actually fishing sustainably.

Moreover, for the proposed disciplines on subsidies tied to distant-water fishing, governments will only have to try not to provide them unless they can prove the fishing undertaken is sustainable. This provides a loophole that is more lenient than the general disciplines on subsidies going to fishing within a country's own Exclusive Economic Zone (EEZ). In that respect, it is helping to maintain the status quo and perpetuate the current state of very concentrated control over our oceans and marine resources.

Our biggest concern lies with the very limited special and differential treatment provision that proposes exemption for small-scale fishing across developing countries. We note that while it is agreed that the exempted category will be nationally determined, these activities should not be “industrialised”, This still poses major challenges in terms of clear definitions that clearly excludes small-scale fishers. Without clarity, such designations by governments may be subject to disputes that developing countries will not have the resources to fight.

We also want to point out that defining exemptions for SSF based on non-industrial characteristics does not amount to actual disciplines on industrial fishing, which are glaringly missing from the current texts. We believe that efforts to bring in disciplines on large-scale or industrial scale fishing has been strongly and consistently resisted by countries which have used such fishing to establish their commercial domination over marine resources for centuries.

Finally, exemptions for LDCs and for developing countries which account for less than 0.8% share of global marine capture is welcome. But our concern is also that this again perpetuates the current power dynamics in the oceans. Countries get exemptions not if they fish sustainably (which they may not have the wherewithal to prove) but if they stay small and poor, and do not threaten the big powers. Rather than encouraging smaller fishing countries and poorer countries to fish more, and reduce the fishing by big players, the current disciplines ensures the opposite. We are also concerned about small-scale fishers in developing countries that cross the 0.8% limit in a few years, or LDCs that graduate.

Like many small scale food producers organisations around the world, we express our concern that fisheries is not an issue that belongs in the WTO. The current negotiations on the current agreement are confirming these concerns. It remains unfair and unbalanced and is at the risk of delivering exactly the opposite of its stated objectives. We believe deferring to a five year review of subsidies will not redress this imbalance either.

We therefore demand that fisheries subsidies negotiations should be kept out of the WTO, and any negotiations should be brought to the Committee of Fisheries (COFI) under the mandate of the Food and Agriculture Organization's Sub-Committee on Trade. This is the forum which has the expertise to deal with any policy decisions related to fisheries and small-scale fishers and where small scale fishers and Indigenous Peoples are more engaged and included in this space.

***Endorsed by:***

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