

**Statement by
Senator The Honourable Kamina Johnson Smith
Minister of Foreign Affairs and Foreign Trade**

WTO Trade Negotiations Committee at Ministerial Level

ACP Group Statement

15th July 2021

Thank you, Madam Chair,

Colleague Ministers,

Excellencies,

I deliver this statement on behalf of the ACP Group and on behalf of Jamaica.

As ACP Group Ministers, we re-affirm our full commitment to concluding the fisheries subsidies negotiations as soon as possible, preferably, before the 12th WTO Ministerial Conference. We would also wish to ensure that we conclude a quality agreement that delivers on the SDG14.6 and MC11 mandates.

Madam Chair,

The text has shown some improvements. However, it requires balancing, which may be achieved if amendments are effected to reflect the views and issues put forward by our Members.

In this regard, a lot of work is needed, including additional textual language to take account of the WTO's fundamental objectives of prohibiting certain forms of harmful subsidies that contribute to overfishing and overcapacity and IUU fishing, while preserving the sovereign rights of Members within their maritime jurisdiction, and, allowing for sufficient policy space for developing countries and LDCs to develop the capacity of their fisheries sector in a manner that responsibly seize the benefits to be derived from the ocean economy.

For example, Madam Chair, the text contains elements necessary for the IUU pillar, but further work is needed on areas such as due process, flag state determination, the primacy of the coastal state and effective rules for the subsidizing member to trigger the subsidy prohibition, after a determination, in a timely manner. Importantly, the text requires additional language regarding special and differential treatment. We are also consulting on the issue of transparency and notification. In addition, in the overcapacity and overfishing pillar the current approach focuses on fisheries management, instead of subsidy prohibition as instructed by the mandate. There are loopholes in the current draft that may lead to a maintenance of the status quo, thus defeating our collective sustainability objectives.

We recall that the ACP Group has advocated a list-based approach due to its simplicity. The hybrid approach to be found in the current text incorporates an effects-test combined with fisheries management modalities. Our analyses have shown that this approach does not fit well with the ACP Group's multi-species and tropical waters ecosystems, combined with our limited data capacity. That hybrid approach could also undermine the principles of "polluter pays" or differentiated responsibilities.

The current text should, therefore, be balanced with clear mechanisms for the elimination of harmful subsidies, especially by major subsidizers, rather than establishing disciplines for fisheries management. Addressing these issues represents work in progress and we believe that their resolution would bring balance and equity, as well as improve the sustainability dimension of the text.

In this regard, our Heads of Delegation have the authority and flexibility, and they have been mandated to continue to engage constructively in the negotiations with a view to arriving at mutually agreeable solutions, providing a balance of benefits for all. We will be providing them with the necessary guidance and instructions during the process.

Madam Chair,

Turning to your second question, we believe that the special and differential treatment provisions should benefit poor and vulnerable artisanal and small-scale fishers for their operation within the exclusive economic zones of coastal states.. We have consistently argued for a carve-out of artisanal and small-scale fishing from the scope of the Agreement, as they are not the cause of overfishing and over-capacity.

We welcome the removal of time limits for the exemption of artisanal and small-scale fishing. At the same time, the ACP Group is not in a position to agree to limitations only within 12 nautical miles, as our artisanal and small scale fishers operate well beyond those parameters.

The special and differential treatment provisions of the agreement should also allow for and foster the responsible development of the fisheries sectors in developing countries and LDCs. WTO Members whose subsidies and/or percentage of global catch is below an appropriate de minimis threshold should be exempt from the overfishing and over capacity obligations. The disciplines should target major subsidizers and distant water fishing nations. Special and differential treatment should not be limited to transition periods, and our core interests in having policy space for development of the sector should not be substituted for technical assistance and capacity building.

Invoking flexibility and special and differential treatment provisions in the agreement should be in line with the principles of responsible fishing but should not be conditioned on onerous notification requirements that would impede access of developing countries and LDCs to these provisions.

In closing, Chair, compromises are needed on all sides. The ACP Group has shown maximum flexibility, so far. The process must be member-driven, transparent and inclusive. We extend a hand of collaboration and partnership and look forward to a timely and successful conclusion of the negotiations.