

**INFORMAL MEETING OF ORGANISATION OF AFRICAN CARIBBEAN AND PACIFIC STATES
(OACPS) MINISTERS WITH PORTFOLIO RESPONSIBILITIES RELATED TO THE FISHERIES
SUBSIDIES NEGOTIATIONS IN THE WTO**

VIRTUAL, 24TH JUNE 2021

OUTCOME DOCUMENT

1. We, the Ministers with portfolio responsibilities related to the fisheries subsidies negotiation in the World Trade Organisation (WTO), during our informal virtual meeting to discuss developments in the negotiations,
2. **Recalling** the Sixth Meeting of OACPS Ministers in Charge of Fisheries and Aquaculture, held in Samoa, in September 2019;
3. **Cognisant** of the important role of the fisheries sector in the socio-economic development, food security and livelihood security of Member States of the OACPS;
4. **Committed** to the implementation of UN 2030 Agenda for Sustainable Development and, in particular, Goal 14 on the conservation and sustainable use of oceans, seas, and marine resources for sustainable development; and
5. **Concerned by** the global depletion of fisheries resources and the negative impact of harmful subsidies on fish stocks, particularly subsidies provided by major distant water fishing nations;
6. **Mindful** of the unprecedented challenges posed by the COVID-19 pandemic;
7. **Resolved** to strengthen the multilateral rules-based system in order to address the longstanding developmental aspirations of Member States of the OACPS;
8. **Recalling** the rights and obligations of parties under the UNCLOS and other international instruments that relates to fisheries;
9. **Convinced** that in order to realise the full potential of the contribution of the fisheries sector to our national development goals, in line with the principle of sustainable development, we must make the best use of our experiences, knowledge and lessons learned to achieve solutions for existing and emerging challenges;
10. **Taking note** of the progress accomplished in the negotiations and the remaining divergences among members;
11. **Welcoming** the effort of the Chair of the Negotiating Group on Rules (NGR) to conclude the negotiations as soon as possible,

12. **Noting** however that the text in document TN/RL/W/276 does not adequately accommodate the interests of Member States of the OACPS;

Hereby:

13. **Reaffirm** Goal 14.6 of the UN 2030 Agenda for Sustainable Development, as reaffirmed by 11th Ministerial Conference of the WTO in Buenos Aires in December 2017, and note the sense of urgency to reach an outcome in the WTO context to prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to IUU fishing, and refrain from introducing new such subsidies, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the WTO fisheries subsidies negotiation;
14. **Recognize** the efforts and important work of OACPS Geneva-based negotiators to advance and secure the Group's interests and address issues of concern in any outcome on fisheries subsidies rules at the WTO;
15. **Further recognize** the need for new rules that effectively prohibit subsidies to IUU fishing and target the prohibition of over 81 per cent subsidisation to large-scale industrial distant water fishing, while underlining the need for commitments under the Agreement to be proportionate to current levels of subsidisation, without loopholes that facilitate the continuation of harmful subsidies to the fisheries sector;
16. **Note** that OACPS Member States, accounting for a low percentage share of global marine capture production as well as an insignificant level of subsidization, are not the main cause of overcapacity and overfishing of the world's fish resources; and should, therefore, be exempted from subsidy prohibition commitments under the overcapacity and overfishing pillar of the Agreement, based on an appropriate *de minimis* threshold;
17. **Underscore** the importance of ensuring that the rules being negotiated neither affect the sovereign rights of members under relevant international law, including territorial integrity; nor undermine the primacy of coastal states determination in their maritime space; nor allow interference in national judicial processes of the OACP member States; nor allow for questioning of the internal legal and administrative enforcement frameworks of OACPS Member States through due process requirements; and that implementation is not more burdensome than necessary to achieve the sustainability objective of the mandate;
18. **Further reaffirm** that the WTO core mandate relates to fisheries subsidies rules and should complement and not duplicate nor contradict international instruments on oceans and fisheries management, or risk turning the WTO into a fisheries management organization;
19. **Note** that the scope of the fisheries subsidies disciplines should apply exclusively to wild marine capture fishing and fishing activities at sea, and exclude aquaculture, inland fisheries and marine plants, and should ensure that the agreement does not impede the ACP coastal States' right to support onshore value chain development activities;

20. **Underline** that the scope of the WTO rules should exclude any State support or programmes to promote the sustainable management, restoration and rebuilding of marine fisheries resources, environmental protection; safety at sea, and responds to man-made and natural disasters as well as bilateral fisheries access agreements;
21. **Stress** the importance of access fees to many Member States of the OACPS and the necessity to ensure that allocation of licensing or fishing rights, including the use of discounted fees by coastal states, are excluded from the disciplines so as to promote the domestic fishing industry and fisheries management;
22. Further recognize that it is outside the scope of the mandate of the WTO negotiations to prevent Members from granting or maintaining subsidies to vessels not flying the flag of the subsidizing Member; rather, the mandate allows for Members to focus on the activities of vessels and the types of subsidies from which they benefit;
23. **Highlight** the critical role of artisanal and small-scale fisheries in providing employment, food security, rural development and livelihoods for the coastal communities in ACP States and further emphasise that the agreed instrument should provide for a scope exclusion of artisanal and small-scale fishing segment, bearing in mind that artisanal and small-scale fishers are resource-poor, low income fisherfolk who depend solely on fishing for their livelihood;
24. **Stress** that the outcome should allow Member States of the OACPS to responsibly and sustainably developing their ocean economy and their Exclusive Economic Zones (EEZs), and derive benefits therefrom in the future;
25. **Underline** that the outcome of the WTO negotiations should not constrain the ability and legitimate interests of SIDS and LDCs in developing and utilizing their living marine resource, including for tuna, in a responsible and sustainable manner and in accessing resources on the high seas, using appropriate fishing arrangements and business models such as open registries, which create employment, generate income and enable the State to establish a presence and secure fishing quotas on the high seas;
26. **Emphasize** that transitional period, technical assistance and capacity building should not become a substitute for special and differential treatment and that special and differential treatment should be clear, operational, effective and appropriate in line with the Doha and subsequent Ministerial Declarations, as further underscored in the Sustainable Development Goal 14.6, and should not be conditional on arbitrary criteria such as Gross National Income (GNI) per capita, or on burdensome notification requirements;
27. **Note** that a meaningful agreement requires a strong commitment of major subsidizing members to agree on rules that effectively ensure the elimination of the most harmful subsidies.
28. **Highlight** that transparency and notification are important elements for the effective implementation of the Agreement, but such obligations, including those requiring new national legislation, should not be unduly burdensome or onerous for developing countries and LDCs, especially bearing in mind our multi-species ecosystems, and that sufficient time and technical assistance should be provided to OACPS states to enable them to comply with their obligations;

29. **Stress** that the principles of common and differentiated responsibilities are fundamental to any outcome in these negotiations, and that those who are responsible for creating the global problems of overcapacity, overfishing and IUU fishing should bear the responsibility and burden of rectifying the problem; and
30. **Support** the need for a follow up Ministerial Meeting prior to MC12 to assess the progress made.

Done 24th June 2021