

FAO Instruments and the Fisheries Subsidies Regulation

Auxiliary Tools for a Regulatory Framework



Food and Agriculture
Organization of the
United Nations

Marcio Castro de Souza
Senior Fishery Office
Fisheries and Aquaculture Department
marcio.castrodesouza@fao.org

Approaches and Background can be different



But they all focus on the same goal!



Food and Agriculture
Organization of the
United Nations

The Complexity of the Negotiations

- "Apart from recognizing the major effects on fish trade of subsidies and quantitative restrictions, it was also indicated that health and sanitary regulations, and packing and labeling requirements could have important trade distorting implications."
- "the establishment of a multilateral framework for international trade in fish and fisheries products."



A New Issue?

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

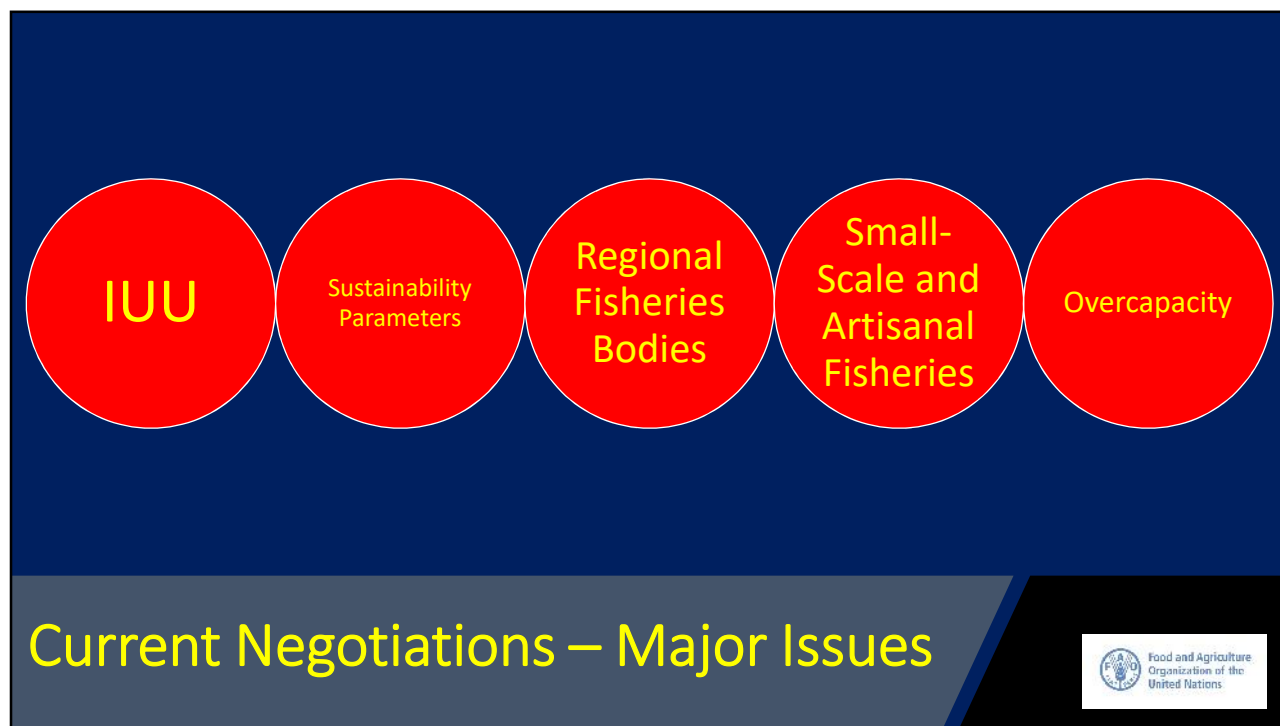
MDF/W/17

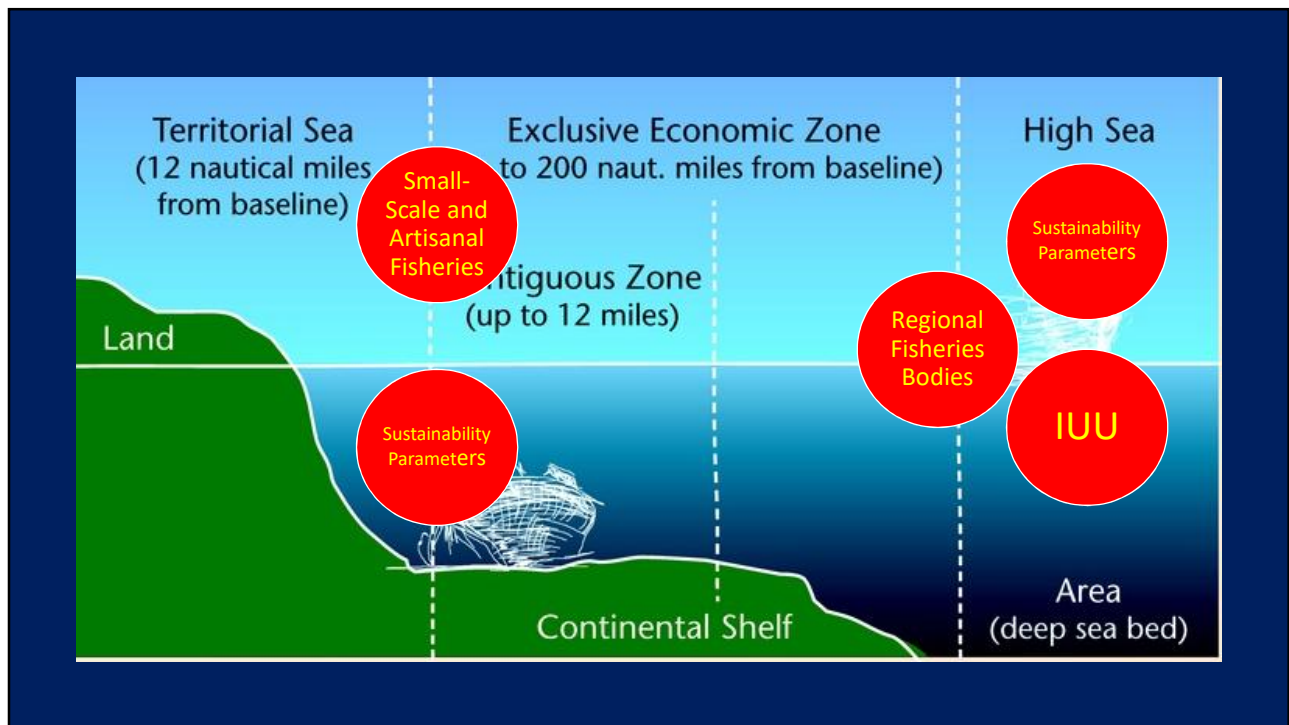
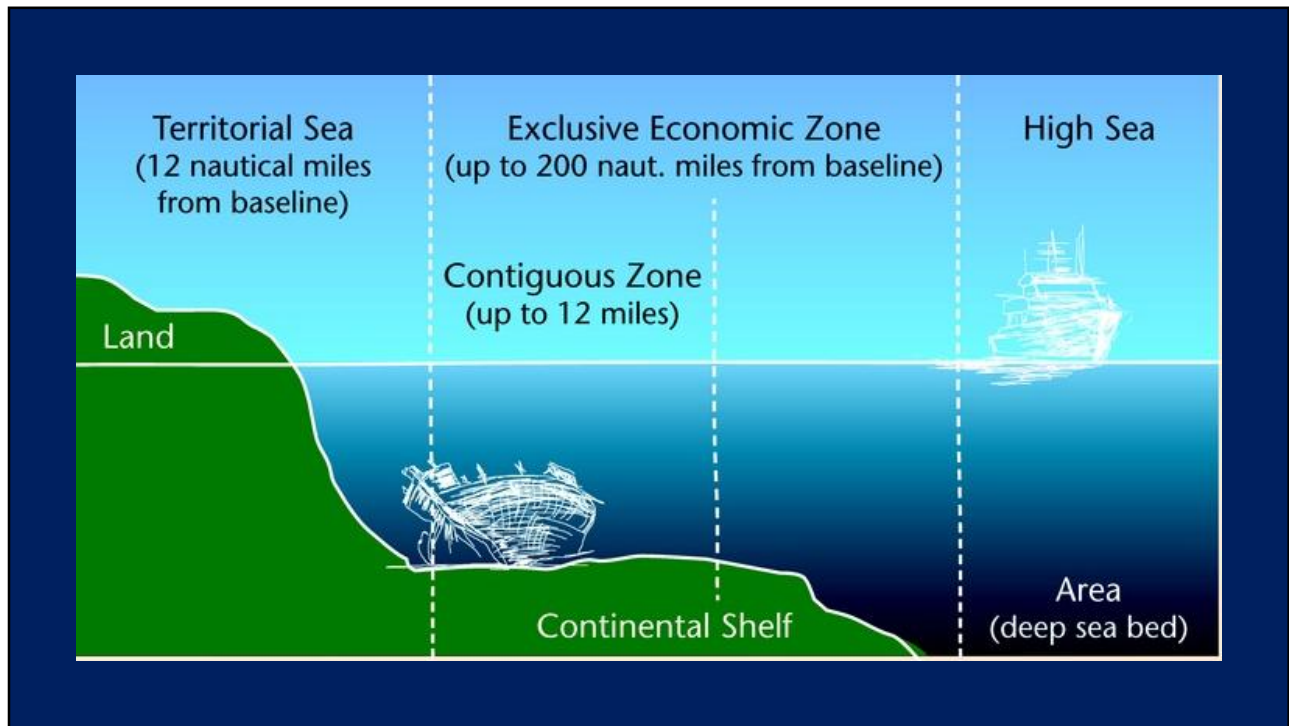
22 November 1984

Special Distribution

Working Party on Trade in Certain
Natural Resource Products

SUMMARY OF POINTS RAISED DURING THE MEETING ON
20-21 SEPTEMBER 1984: FISH AND FISHERIES PRODUCTS





The Legal Framework Applicable to Fisheries

- Mandatory and Voluntary Instruments
- For voluntary instruments
 - “notification”
 - “collaboration”




Fisheries Legal Framework

Is it really different?

- “Notification” Issues
 - Reliance on Countries
- Difference in Country Adherence
 - Direct Incorporation in the New Rules
 - ASCM – Annex I (k)
 - Relevant International Instrument shall be used
 - TBT – Art. 2.4
 - SPS – Art. 3
- Incorporation of Principles of International Instruments
 - As present throughout the WTO Agreements






IUU

Small-Scale and Artisanal Fisheries


Overcapacity

Current Negotiations – Major Issues



Food and Agriculture Organization of the United Nations

FAO Code of Conduct for Responsible Fisheries



Food and Agriculture Organization of the United Nations

Overcapacity FAO IPOA-Capacity

- Implementation of National Plans of Action
- Capacity monitoring
- Includes assessment of fish stocks
- “Subsidies which contribute to overcapacity”
- Emphasis on shared and overfished stocks
- Main Monitoring Instrument
 - Questionnaire on the Code of Conduct for Responsible Fisheries Implementation
 - Every 2 years
 - Reliance on the Country



IPOA Capacity: summary information relating implementation at national level (%)

Region (number of respondents in brackets)	Members having developed and started to implement an NPOA Capacity	Members having launched the preliminary fishing capacity assessment	Status of the assessment*		Members not yet started, but planning to commence the assessment**	Members implementing management measures to adjust capacity*
			On-going	Finished		
Africa (26)	26.92	42.31	100.00	0.00	33.33	63.64
Asia (14)	57.14	78.57	72.73	27.27	33.33	90.91
Europe (11)	27.27	63.64	50.00	50.00	50.00	71.43
Latin America and the Caribbean (25)	8.00	40.00	100.00	0.00	60.00	80.00
Near East (6)	33.33	66.67	50.00	50.00	0.00	75.00
Northern America (2)	50.00	100.00	0.00	100.00	-	100.00
South West Pacific (8)	25.00	37.50	100.00	0.00	20.00	100.00
Total (92) and averages	27.17	52.17	78.72	21.28	40.91	79.17

* Only refer to Members having launched the preliminary assessment. ** Only refer to the group of Members that has not yet launched the preliminary assessment.



Small-Scale and Artisanal Fishers

SSF Guidelines

- Holistic Approach
- Sustainability Issue is Present
- “One Size does not fit all”



Port State Measures Agreement PSMA

- Mandatory Instrument
- Recently came into Force
- Vessel oriented
 - Avoid entrance of the product in the markets
- IPOA-IUU



SDGs and Fisheries Subsidies Negotiations

- Increase Mandate Strength
- Clear Mirroring
 - Transcutting Approach
- Comprehensive overview
 - Developing Countries and SIDS Needs
 - Small-Scale and Artisanal Needs



The Current Negotiations Issues in a Nutshell

- The Complexity can be offset
 - amplitude of instruments
 - possibility of available information
- Different approach from traditional WTO rules
 - Reliance on collaborative instruments
- “Difference in membership is not a blockage
- Mandatory and Voluntary Dichotomy can be offset
 - Existing practices in WTO Agreements associated with other international instruments



The Current Negotiations Issues in a Nutshell

- **SDGs**
 - Reinforces the mandate
 - Stress the comprehensiveness and crosscutting aspect of the sector
 - Focus on effective, pragmatic and specific results for developing countries and small-scale and artisanal fishers
- **FAO's role**
 - Technical inputs
 - Adjustments can be proposed
 - Technical expertise and Capacity Building
 - Reducing knowledge gaps



**Food and Agriculture
Organization of the
United Nations**

Marcio Castro de Souza
Senior Fishery Officer (Trade Issues)
Fisheries and Aquaculture Department

marcio.castrodesouza@fao.org