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FISH TRADE



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Acronyms

ABS	Access and Benefit Sharing
AMLC	Association of Marine Laboratories of the Caribbean
APC	Africa, Caribbean and Pacific Group
APEC	Asia-Pacific Economic Cooperation
ASC	Aquaculture Stewardship Council
ASCM	Agreement on Subsidies and Countervailing Measures.
BAP	Best Aquaculture Practices
BGI	Blue Growth Initiative
CAF	Development Bank of Latin America
CARICOM	Caribbean Community and Common Market
CARICOMP	Caribbean Coastal Marine Productivity Program
CARIFORUM	Caribbean Community and Dominican Republic
CARPAS	Regional Fisheries Advisory Commission for the Southwest Atlantic
CBD	Convention on Biological Diversity
CDS	Catch Documentation Schemes
CEPAL/ECLAC	Economic Commission for Latin America and the Caribbean
CESI	Committee for Environmental and Social Impact
CITES	Convention on the International Trade in Endangered Species of Wild Fauna and Flora
CPPS	Permanent South Pacific Commission
CS	Commonwealth Secretariat
CSD	Commission on Sustainable Development
CTE	Committee on Trade and Environment, WTO
CTS	Committee for Trade in Services, WTO
DDA	Doha Development Agenda
DFID	Department for International Development
EBSA	Ecologically or Biologically Significant Area (under CBD)
EEZ	Exclusive Economic Zone
EGA	Environmental Goods Agreement
EGS	Environmental Goods and Services
ENSO	El Niño-Southern Oscillation
EPA	European Partnership Agreement
EPPs	Environmentally Preferable Products (EPPs)
FAO	Food and Agriculture Organisation of the United Nations
FDI	Foreign Direct Investment
FoF	Friends of the Fish
FoS	Friends of the Sea
GAAP	Global Aquaculture Advancement Partnership
GATS	General Agreement on Trade in Services
GDP	Gross Domestic Product
GEF	Global Environment Facility
GHG	Greenhouse Gas
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GSSI	Global Sustainable Seafood Initiative
ICT	Information and communication technologies
ICZM	Integrated coastal zone management
IDB	Inter-American Development Bank
IEAE	International Atomic Energy Agency
IFPRI	International Food Policy Research Institute
IMO	International Maritime Organisation
IOC	Intergovernmental Oceanographic Commission
IOCARIBE	IOC Sub-Commission for the Caribbean and Adjacent Areas
IsPOA	Istanbul Programme of Action for Least Developed Countries
ITQ	Individual Transferable Quota
IUU	Illegal, unreported and unregulated fishing

LDCs	Least Developed Countries
LPAA	Lima Paris Action Agenda
MAF	Ministry of Agriculture and Fisheries of Oman
MARPOL Convention	International Convention for the Prevention of Pollution From Ships, 1973 as modified by the Protocol of 1978
MDGs	Millennium Development Goals
MEAs	Multi-lateral Environmental Agreements
MFN	Most Favourable Nations
MIF	Multilateral Investment Fund
MPA	Marine Protected Area
MSC	Marine Stewardship Council
MSP	Marine Special Planning
MSY	Maximum Sustainable Yield
Nagoya Protocol	The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity
NAMA	Non Agriculture Market Access, WTO
NGO	Non-Governmental Organization
OECD	Organization for Economic Cooperation and Development
OECS	Organisation of Eastern Caribbean States
OLDEPESCA	Latin American Organization for Fisheries Development
PES	Payment for Ecosystem Services
PIC	Pacific Island Countries
PIF	Pacific Island Forum
PPMs	Process Product Methods
PPP	Purchasing Power Parity
R&D	Research and development
RFBs	Regional fisheries bodies
RFMO/As	Regional fisheries management organizations and arrangements
RTAs	Regional Trade Agreements
SDG	Sustainable Development Goals
SDT	Special and Differential Treatment
SIDS	Small Island Developing States
SVE	Small and vulnerable economies
TPP	Trans-Pacific Partnership Agreement
TURF	Territorial Use Rights Fisheries
UK	United Kingdom
UN	United Nations
UNCED	United Nations Conference on Environment and Development
UNCLOS	United Nations Convention on the Law of the Seas
UNCTAD	United Nations Conference on Trade and Development
UNDESA	United Nations Department of Economic and Social Affairs
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNGA	United Nations General Assembly
UNWTO	United Nations Tourism Organisation
USAID	United States Agency for International Development
USDA	United States Department of Agriculture
WCPO	Western and Central Pacific Ocean
WECAFC	Western Central Atlantic Fishery Commission
WEF	World Economic Forum
WTO	World Trade Organisation
WTTC	World Travel and Tourism Council
WWF	World Wildlife Fund

Foreword

A fish story: From a tragedy to a triumph of the commons

Among all of the economic activities that the human race carries out upon the world's oceans, fishing is perhaps the oldest and mostly closely connected with our development. Recent finds of crafted fishhooks in the caves of Okinawa have demonstrated that this connection has persisted for more than twenty thousand years. Yet if current patterns regarding the ways in which we harvest the seas and consume our catch are not subject to meaningful and effective overhaul, then a relationship that has probably nurtured our species since our first steps away from the cradle of civilization will be lost.

Today our marine resources, particularly fish, are facing anthropogenic pressures that pose unprecedented sustainability risks. Both the current capabilities and future potential of oceans to sustain these resources are being severely impacted factors such as over-fishing practices, illegal fishing activities and poor management. In addition, rising surface temperatures, higher sea levels, acidification of sea water, maritime transport activities and related externalities, pollutants, and damaging extractive seabed activities serve only to exacerbate the situation.

Fishing plays a major role in contributing to sustainable development, economic growth, food security and livelihoods. Fish, molluscs and crustaceans, as well as other organisms such as seaweeds, form a central component of our diet, particularly for coastal and lake populations. In many Least Developed Countries (LDCs) and Small Island Developing States (SIDS), fish consumption contributes to at least 50 per cent of daily protein intake.

In 2014, global exports of fish and fish products reached an all-time high of US\$ 146 billion. In volume terms, after highs in the 1990s, the level of marine and fresh water fish catch remains steady at about 90 million tonnes, probably due to the natural limits of extraction of an already overexploited resource. Furthermore, as developing countries now account for 56 per cent of total world exports, these nations should have a strong voice in the methods used to safeguard the future of these resources.

Alarming, 87 per cent of the world's marine fish stocks are rated as fully exploited, overexploited or depleted by the Food and Agriculture Organization (FAO). This is a ratio that has been increasing steadily. Currently, half of the fish stocks located off of the West African coast are classified as overharvested, meaning they will be unable to recover. This underlines the severe deterioration of the overall state of global fish resources worldwide and the need for immediate action.

Transforming our world: the 2030 Agenda for sustainable Development and the 17 Sustainable Development Goals (SDGs) outline, for the first time, a charter in a stand-alone global goal that addresses the health of marine resources and ecosystems, with specific regard for fish. SDG 14 lays out several targets directly oriented towards preventing fish stocks from becoming the first global tragedy of the commons.

Despite the circumstances in which we find ourselves, advancing SDG 14 and its related targets will not be easy. There are many challenges to be faced, including the complexities of oceans and fisheries governance, weak regulatory frameworks, harmful subsidies, and – in fishing nations among developing countries – poor implementation and a lack of financial and technical resources. Some of these key challenges, as well as innovations to advance the implementation of SDG 14, such as responsible and sustainable wild fish harvest, aquaculture production and trade, are discussed in this Trade and Environment Review (TER). The Review brings together the contributions of over 20 prominent experts and practitioners on fish governance systems; fish harvest, production and consumption; unsustainable fishing practices; fish and marine ecosystems management; and fish trade.

UNCTAD as the focal point of the United Nations system for trade and development, in collaboration partners that include the FAO, the Commonwealth Secretariat and International Oceans Institute, advocates the promotion of sustainable oceans economy and sustainable fishing trade. In the last two years, UNCTAD has conducted several expert discussions on ocean economies and produced a report with the Commonwealth Secretariat entitled "Sustainable Fisheries: International Trade, Trade Policy and Regulatory Issues". This joint report proposes an agenda for sustainable fisheries that promotes the conservation of fish stocks, as well as the sustainable consumption and trade of fish by all.

At UNCTAD 14, held in Nairobi in July 2016, UNCTAD joined together with FAO, the United Nations Environment Programme (UNEP), 91 member States, four International Governmental Organizations and 11 International Civil Society Organizations to issue the Fish Subsidies Declaration, which serves as a roadmap towards ending harmful fishing subsidies. Further, paragraph 100 (t) of the newly agreed Nairobi Maaikiano gave UNCTAD a specific mandate on the oceans economy. This new, unprecedented mandate arises as a consequence of a need to implement and advance trade related aspects of SDG 14, and will require UNCTAD to intensify its work in this area as a response.

It is through this expansion and these types of concerted, coordinated responses that we can ensure that the benefits of sustainable practices accrue to fishing nations and their populations, particularly in developing countries. Only when this happens, will we truly be able safeguard our marine resources for future generations.

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29 November, 2016

Executive Summary

For the next 15 years, the implementation of the 2030 Agenda for Sustainable Development and the achievement of the related Sustainable Development Goals (SDGs) will command international attention. Achieving the 17 global goals and 169 related targets requires, inter alia, careful assessment and practical suggestions on implementing this transformative agenda on a global scale on an urgent basis. In this direction, UNCTAD's 2016 Trade and Environment Review brings together a collection of independent articles by leading experts providing succinct diagnosis and novel suggestions on the implementation of SDG 14 which seeks to "Conserve and sustainably use the oceans, seas and marine resources".

Oceans contribute to food security, nutrition and to ending hunger, fostering culture and identity, supporting agriculture, mitigating the effects of climate change, providing educational opportunities and safeguarding sacred sites. The conservation of oceans and sustainability of marine resources and ecosystem is thus essential to the very basis for human wellbeing in coastal communities and beyond. Oceans are of major importance to coastal States, especially LDCs and SIDS. For all SIDS, for example, their marine territory is several times large than their land area signifying the potential huge marine resources available to them from the oceans.

SDG 14 brings international spotlight on the overexploitation of oceans and marine resources by humans to the extent that their sustainability and resilience is threatened on a wide scale. Particular emphasis is placed on oceans health and economics especially international trade, marine resources primarily fisheries, and resilient growth, sustainable development and poverty eradication. In particular it points to a pressing need for the international community to address the issue of the conservation and the rebuilding of global fish stocks that have been so quickly depleted as a result of many factors including the industrialization of the fisheries sector to date.

The TER 2016 is structured into three complementary parts that examine issues pertinent to the promotion of sustainable use of living marine resources mainly fish in healthy oceans and seas. It focuses on trade in fish within the context of the oceans economy, often also referred to as the blue economy, in terms of challenges and opportunities for the global community in implementing Agenda 2030 and specifically SDG 14.

Part I focuses on the international and regional (governance and legal) framework for oceans and sustainable fisheries and to future trade trends and prospects, including the potential impact of climate change. This part discusses the effective implementation of two global governance frameworks that provide the legal basis consisting of rights and obligations of Member States over life on seas and for the development of sustainable fisheries, including through engendering a multitude of complementary international instruments at the global and regional levels.

The two frameworks are the "Convention" and "Agreement", respectively the 1982 United Nations Convention on the Law of the Sea and the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The TER 2016 also discusses the important role of the United Nations General Assembly in promoting sustainable fisheries, and it calls the attention of the global community on implementing the Convention and the Agreement, and developing policy and providing guidance at the global level. It will also contribute to global surveillance of the implementation of SDG 14 with the initiative to convene the high-level United Nations Conference to support the implementation of Sustainable Development Goal 14 from 5 to 9 June 2017 in New York.

Trade regulations affecting oceans and marines resources such as fisheries comprise an integral aspect of the matrix of oceans governance frameworks. Thus international trade initiatives are part of the solution to sustainable oceans and fisheries development. To that extent such initiatives need to support the implementation of the goals and related legal and policy frameworks for sustainable oceans and fisheries

development, with due consideration for national circumstances. Upon reflection what becomes apparent is the requirement for better synergies and coherence amongst these levels of oceans, fisheries and trade policy making in order to promote healthy oceans and global sustainable fisheries management and use more effectively.

A number of international institutions, regional organizations and national Governments have elaborated and implemented oceans or blue growth development strategies. These include for example the FAO's Blue Growth Initiative, UNCTAD's ocean economy work stream, the European Union's Blue Growth Strategy, Mauritius Oceans Economy strategy, Seychelles Blue Economy strategy, 2050 African Integrated Marine Strategy, and Pacific Islands Regional Ocean Policy and Framework for Integrated Action.

These development strategies clearly recognize that fisheries, marine ecosystems and climate change are interdependent. Climate change affects oceans temperature, salinity and currents, winds, sea levels and seasonal fluctuations that in turn affect fish habitats and fish populations. Fisheries, for example, have been historically affected by regional climate variability, such as the El Niño Southern Oscillation, in varying intensity with geopolitical and economic consequences. The sustainability and diversity of fish populations in terms of age, size and geography impacts positively marine ecosystems and ecosystem services. Overfishing and excessive exploitation of fish reduces in turn undermines the sustainability, resilience and natural ability of fish species to adapt to climate change. Oceans, marine resources including fish, and climate change have an interdependent relation that can be beneficial or detrimental depending on the intensity and variability of impact.

Part I also makes links to trade-related agreements under the World Trade Organization (WTO) and recent regional trade agreements such as the Trans-Pacific Partnership (TPP) Agreement. In this regard, the TPP is pioneering in its provisions on marine resources conservation and fish subsidies including prohibition, capping and notification. The Pacific Rim countries that signed the TPP include 12 major fishing nations. They inter alia agreed to prohibit (not grant and maintain) the most harmful fishing subsidies and Illegal Unreported and Unregulated (IUU) fishing, refrain from introducing new ones or extending existing ones, and notify each parties' subsidy schemes. Enforcement of TPP clauses including on fisheries subsidies are subject to dispute settlement.

Part II of the TER provides a prognosis of international trade in fish and fish products by 2035. The interaction between instruments seeking the conservation of wild fish stocks and marine species on the one hand, and instruments determining the trade regime on the other, will shape the way in which fish is harvested, processed and traded. Three main trends are worth noting. One trend points to a selective and incremental incorporation of marine life and fish conservation measures in the multilateral trading system, and in particular into regional trade agreements. The implementation of SDG 14 through trade instruments is thus likely to be influenced more strongly by regional and plurilateral efforts.

Another clear trend is that by 2035, wild fish catch will grow only slightly beyond current harvest levels while aquaculture harvest will rise substantially to fill the gaps in addressing increasing demand. Issues linked to aquaculture fish are thus likely to feature more heavily in the concerns of countries in terms of food security, nutrition, jobs and incomes. The conservation of marine fisheries will feature more prominently.

A third trend is that market conditions affecting fish and fish products will primarily consist of non-tariff measures as opposed to tariffs, including sustainability standards, traceability, eco-labeling and others. Unfair trade practices such as harmful subsidies and IUU fishing activities will continue to be discussed at the multilateral and regional levels as incipient efforts to address them will start to show some impact.

The three trends point to a future in which fish harvest, processing and trade will continue to grow to meet the needs of a growing population, while the global efforts to improve ocean health, marine resources

resilience and sustainability and marine ecosystems as per SDG 14 will depend more on efforts at regional and national levels, backed up with regular monitoring, stock-take and identification of necessary policy measures at the global and multilateral level.

Part II also examines challenges and opportunities for harvest and trade in sustainable fisheries from wild catch and aquaculture, private standards affecting market entry conditions, and the potential of organic aquaculture. It also presents some national experiences in building sustainable fisheries sectors. The global market for oceans products and services is estimated at US\$ 1.35 trillion per annum, accounting for about 2 per cent of global gross domestic product. Around 350 million jobs are directly or indirectly created by the oceans economy. Oceans and fisheries also support, and indeed increase, the profitability of other drivers of economic growth, such as marine-oriented tourism – commonly referred to as sea, sun and sand tourism - and agriculture.

Fish is one of the most traded commodities worldwide. International trade in fish and seafood reached a record value of US\$ 146 billion. In volume terms, world fishery trade rose from about 15 million tonnes in 1991 to about 45 million tonnes in 2014. About 56 per cent of this trade in 2014 was accounted for by developing countries indicating their growing major role as suppliers of marine products. The main driver of fish supply growth in the future will be aquaculture. Growing at an annual rate of 8 per cent, aquaculture harvest is expected to represent 62 per cent of total fish output by 2030. In contrast, wild marine fish catch, is estimated to stabilize at around the 80 million tonnes reached in 2010 and remain so for the foreseeable future unless effective action is undertaken in improving fish management systems.

Important factors in fish harvest and trade are market-based, voluntary sustainability standards, eco-labeling and traceability systems for wild catch and cultivated (aquaculture) fish. These have been growing rapidly over the past two decades with the growth of fish production, trade and consumption. Seafood production certified under global sustainability initiatives grew 40-fold from 2003 to 2015 and now represents more than 14 per cent of global production. There are more than 50 voluntary seafood standards in operation which are tailored to specific supply chains or regions. They are mostly limited to a number of highly visible species consumed in developed countries such as salmon, cod, tuna, mackerel, and shrimp. Sustainability production methods, sometimes also included in standards, are becoming a market entry requirement for some developed country markets. The ability of voluntary sustainability initiatives to deliver on a needs-based approach to sustainable development will require a concerted effort by both supply chain actors and policy-makers toward the facilitation of supply and demand of certified production among developing countries, particularly across Asia.

Sustainability standards and traceability systems are a positive step towards promoting sustainability of fish and seafood production. They however face some hurdles, one of which is that obtaining the necessary certification necessitates an increase in production costs, which can be prohibitive in the case of most small-scale fishers in developing countries. Such fishers are then locked out of the more lucrative fish markets and also are not integrated into the wider effort to assure sustainability of fish resources.

Aquaculture is one of the fastest growing food-producing sectors, increasing at an annual rate of 8 per cent and providing nearly half of all fish consumed by humans. Environmental and social questions have been raised regarding the potential negative impacts of aquaculture. To address these concerns several private standards like Marine Stewardship Council (MSC), Friends of the Sea (FoS), and Aquaculture Stewardship Council (ASC) have been established to promote minimum environmental and social requirements, which producers need to meet to achieve sustainability standards certification. Standards are prevalent in the organic market segment of aquaculture that are linked to health consciousness of consumers and reflected in premium prices for such fish. Beyond sustainability standards, many consumers seek additional guarantees to ensure that the fish products they consume are not only sustainably, but also organically produced. Hence the market for sustainable and organic aquaculture is evolving.

In three developing countries – Oman, Morocco and Ecuador – fisheries play a major role in the national economy, especially through linkages with the tourism sector. Ecuador developed ecotourism linked to fish in fishing villages and Galapagos Island marine protected areas, as well as recreational fishing in Guayaquil and elsewhere. Oman developed ecotourism linked to fish in fishing villages, through integrating fish into restaurants and hotels and encouraging sea turtles and whale watching in marine protected areas as well as promoting recreational fishing. Morocco is promoting fish consumption into restaurants and hotels sectors, processing canned sardines, encouraging tourism in artisanal fishing villages, developing oceans-souvenir industry and promoting recreational fishing.

However, the continuation of benefits from oceans and fisheries depends on the health of oceans and sustainability and resilience of marine living resources, especially fish stocks which are being challenged by factors such as overfishing due to overcapacity of fishing fleets, IUU fishing, certain types of fisheries subsidies, destructive fishing practices, climate change and ecosystem degradation. Quite alarmingly, more than 85 per cent of global fish stocks are fully exploited or overexploited, according to the FAO.

Part III of the TER addresses the difficult matter of harmful incentives that facilitate overfishing and leads to fish stock depletion, primarily in terms of IUU fishing and fisheries subsidies. Addressing harmful fishing incentives is thus an important part of the toolkit to restore fish populations, foster sustainable fisheries and deliver substantial economic and social gains. IUU fishing is estimated to catch 11 to 26 million tonnes of fish annually, which is a staggering 25 per cent of fish harvested annually from the oceans, and valued at up to US\$ 23 billion. This is the value that is lost each year to legitimate fishers.

A key to arresting and eliminating IUU fishing is to develop an overarching traceability system of traded fish from vessel to final consumer. This however would require major upgrading of institutional and technical implementation capacities, which many developing countries are often not capable of developing due to limited financial resources.

Importantly, the recent entry into force of the FAO Port State Measures Agreement in June 2016 following ratification by 30 Members will make IUU fishing more difficult. The agreement requires ratifying countries to designate specific ports for use by foreign vessels (for example for fueling purposes) that would make control over such vessels easier, and to deny entry or inspect ships that have been involved in IUU fishing.

Fisheries subsidies by governments comprise three types. Those that foster sustainable management of fisheries resources, such as those directed at research and development and fish management, especially by fish dependent and vulnerable countries like SIDS, are considered positive incentives. Those that facilitate overfishing or illegitimate fishing by enhancing fishing capacities or production or IUU fishing are harmful incentives. The third category are those that are ambiguous in that these can promote or undermine the sustainability of fish stocks depending on various circumstances. In general capacity enhancing subsidies are important to distant water fishing nations in maintaining and industrializing their fishing fleets and the related jobs and incomes generated.

Fisheries subsidies have been estimated by academic sources to be as high as US\$30-35 billion globally in 2013, of which developed countries give about 65 per cent. Approximately 60 per cent of global subsidies are estimated to contribute to fishing overcapacity and overfishing. Fuel subsidies are estimate to account for 22 per cent of total global fishing subsidies. It is clear that without subsidies to sustain them many high seas fishing operations would be largely unprofitable. The provision of capacity-enhancing subsidies is one of the key policy failures that have intensified the degradation of marine fisheries while also increasing inequality among fishers.

Addressing government incentives that drive unsustainable fisheries practices is not just an environmental imperative. Government subsidies in the fisheries sector can also have severe negative social and economic impacts for the most vulnerable countries and communities. This is recognized globally however efforts to

address harmful subsidies so far have had limited success. SDG 14 target 14.6 requires countries to prohibit harmful subsidies, eliminate subsidies for IUU fishing, and refraining from introducing new ones by 2020. It brings hope to addressing this unfair situation.

The upcoming United Nations Conference to Support the Implementation of Sustainable Development Goal 14 in 2017 should provide a new opportunity to consider further practical actions at multilateral and national levels to implement target 14.6 as well as other SDG 14 targets. One suggestion on the considerable resources that would be saved if harmful fisheries subsidies were prohibited is that these funds could be spent to secure the implementation of other SDG 14 targets for example through establishing a Blue Fund.

Fisheries subsidies, with appropriate attention to special and differential treatment to developing countries, were identified as a trade issue ripe for discipline in the context of the Doha round of negotiations of the WTO. Despite tremendous negotiating efforts invested by WTO members to clarify and strengthen disciplines on fisheries subsidies, including through a prohibition of certain forms of fisheries subsidies that contribute to overcapacity and overfishing, there has been no concrete agreed outcome so far (see Fish Subsidies Groups in the Annex). Disciplining and removing fisheries subsidies would have policy implications for all countries including developing coastal and island states, such as Pacific Island States overseeing the valuable tuna fishery in the Western and Central Pacific Ocean.

Inaction on the matter at the latest 10th WTO Ministerial Conference December 2015 – three months after the adoption of the SDGs – was not an encouraging sign. However, some Members keen on addressing the matter issued a joint Ministerial declaration calling for achieving ambitious and effective disciplines on fisheries subsidies, to commit not to provide such subsidies, to refrain from introducing, extending or enhancing such subsidies and to recognize special and differential treatment that is appropriate, and appropriate enhanced WTO transparency and reporting.

More recently, UNCTAD, FAO and UNEP backed by more than 90 countries issued a statement titled: “Regulating fisheries subsidies must be an integral part of the implementation of the 2030 sustainable development agenda” at the UNCTAD 14 Conference in Nairobi in July 2016. This statement made an international call to member States and the international community to move forward and deliver on target 14.6 of the SDGs to prohibit by 2020 certain fisheries subsidies that lead to overcapacity and overfishing, to eliminate subsidies that contribute to IUU fishing and to refrain from adopting such subsidies. It is hoped that as a consequence of these multilateral efforts that WTO members at the 11th WTO Ministerial Conference in 2017 would take up this and other proposals and effectively deliver on this target.
