

**PRESS BRIEFING STATEMENT OF
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FISHERIES SUBSIDIES NEGOTIATIONS CHAIR
20 May 2022**

Good day, everyone. Thank you for joining us as momentum picks up in the WTO fisheries subsidies negotiations.

My briefing to you today will focus on progress made during "Fish Week" this week, similar to what I have just reported this morning to heads of delegations. **The tone was positive and constructive, and generally Members signalled some new flexibility. They now need to pick up the pace of work and transform these signals into the concrete decisions needed to close the remaining gaps during the week of 30 May. Realistically, this is the last moment to reach agreement before MC12.**

Report of the week

We started the week on Monday with a short opening plenary session at Heads of Delegation level. The rest of the week through this morning was used for meetings in various configurations. About 50 delegations in total took part in topic-specific meetings where it was very useful to hear a broad spectrum of views. We closed this morning with a plenary stocktaking session.

Much of the work focused on some of the outstanding issues in the draft Agreement that need to be resolved. These included:

- The balance and ambition related to overcapacity and overfishing, including special and differential treatment for developing countries and least-developed countries
- The treatment of non-specific fuel subsidies;
- The issue we call "reflagging"
- The issue we know as "territoriality"
- And transparency requirements related to forced labour

In addition to the overall positive atmosphere, what is encouraging is that all members want an effective and ambitious outcome. We now need to find the package that all members will see as being sufficiently effective and ambitious to be acceptable.

Director-General Ngozi Okonjo-Iweala, who attended some of our meetings during the week and also spoke at the meeting this morning, noted a spirit of willingness to do the work, and signs of momentum to close the deal. She too urged Members to really intensify work starting now.

It is clear that all members have made concessions to get us to a text that is relatively advanced in terms of convergence. It also is clear that all members will need to make further contributions to reach the long-sought collective outcome on this extremely important issue.

Special and differential treatment

Turning to the issues—I held three meetings with over 40 delegations on special and differential treatment in the overcapacity and overfishing discipline, that is Article 5.4 of the draft Agreement, which was sent to Ministers last November. These meetings focused mainly, but not exclusively, on the *numbers* in Article 5.4.

For example, we looked at the *number of years for a transition period* for developing country members in the overfishing and overcapacity discipline, which is contained in Article 5.4(a). It seems that most members indicated a degree of comfort with a range between 5 and 7 years as maximum number of years for a transition period, with some suggesting a longer period, including 25 years, and some suggesting a shorter period. While we still need to find a compromise point, we now have a clear mapping of views.

On the *number of the de-minimis*—this is in article 5.4(b)(i)—this refers to the maximum percentage share of a developing country in global marine catch that would qualify it for an exemption from the discipline in article 5.1. Members' suggestions were 0.7%, 1.0% or 1.2% of global catch, and some either lower than that or suggesting a different structure of the provision.

Concerning the *number of miles for the geographical limit for subsidies to artisanal fishing*—this is article 5.4(b)(ii)—for some, it should be 12 nautical miles, for others, 200 nautical miles, and there were also suggestions for somewhere in between.

While there remains a spectrum of views, I also detected a willingness to engage to see what can be accepted by all for each of these parameters.

Non-specific fuel subsidies

I also held two meetings on the treatment of non-specific fuel subsidies, that is, fuel subsidies that are not limited to particular companies, sectors, or regions, and instead are more broadly available in an economy.

About 30 delegations in total took part in these meetings. Members exchanged ideas about whether the substantive disciplines should or should not apply to such subsidies, which currently are not covered by the WTO's existing subsidy rules, and whether they should be subject to a transparency requirement. Another idea was to include the issue of non-specific fuel subsidies in the periodic review of the implementation and operation of the fisheries subsidies agreement. It was a useful exchange that we can build on.

Territoriality, forced labour, others

I also held meetings on territoriality. As you know, the provisions in the draft Agreement are intended to ensure that the Agreement and its implementation would have no implications on issues that involve overlapping territorial claims. The other issues we tackled were the draft notification requirements for information indicating the use of forced labour by vessels or operators; subsidies to distant water fishing; and reflagging.

Members engaged in good discussions based on the draft text, often providing constructive amendments and new suggestions which attracted interest.

Next steps

Regarding next steps, here is the frank assessment I shared with members on where I think we stand after many hours of meetings this week, and what I think should come next.

As I mentioned, overall the vibe throughout the week was positive. Members engaged constructively, many showed some movement in their positions, and a number had capital-based negotiators in their delegations. Essentially everyone indicated a commitment to finish the negotiations by MC12.

Another important conclusion from this week is that we have reached the point where it is difficult to make progress when the issues are discussed one-by-one. A horizontal discussion across provisions is needed to find the internal balance within the text that can bring us to a conclusion.

All members have said that we need to have a clean text ready before ministers gather in Geneva on 12 June for MC12. Given this goal, we have some decisions to make, which although difficult, are not so many. Thus, members need to hasten their pace.

It is clear that to reach agreement before MC12, we must get this done not later than the week of 30 May. So I see the week of 30 May as "fish **decision** week".

I have heard some members say that it is "now or never" for a fish agreement and I tend to agree. So, we need to do everything we can to ensure that it is "now".