

**Permanent Mission of India to the WTO
Geneva**

**

**Meeting of Informal Open-Ended Negotiating Group on Rules on Fisheries
Subsidies on 21 July, 2020**

Statement of India delivered by Ambassador & PR to the WTO

Thank you Chair.

1. We would like to thank you and your team for the significant efforts made to prepare the draft text. This draft tries to accommodate views and ambition levels of various Members presented during negotiations.
2. We also place on record, our appreciation for the opportunity provided for bilateral consultation prior to this meeting.
3. The draft seems to be balanced and reasonable to begin the negotiations.
4. Having said so, I would present our views here on the draft text and a detailed version will follow as written statement:
 - First on architecture, we understand that the final architecture of this instrument will depend on whether it will be a standalone agreement or part of the SCM Agreement. For the purpose of clarity and better understanding, we suggest that all “definitions” reflected in the text, either in the main body or in the footnotes, could be brought at one place i.e. at the beginning under the heading “definitions”.
 - We also suggest that we should start working on the elements of **Preamble** simultaneously, taking a cue from the mandates, to facilitate clear understanding of the scope and coverage of the discipline.
 - Notwithstanding the reasoning provided by the Chair in his communication dated 25 June 2020 on the use of brackets in his text, we should be mindful of the understanding that unless the entire text is agreed, nothing is agreed in the text.
 - Chair, now coming to specific provisions in the text, I would like to reiterate that the provision for Non-specific fuel subsidies in Article 1.2 is important and needs to be addressed in a manner to result in a balanced outcome of negotiations.
 - On Article 2 related to **definitions**, apart from deliberating on the three definitions mentioned therein, we would suggest to include the definition of “**fish**” for clarity as to which marine fish products are covered by the disciplines.

- On Article 3.2 relating to entities that can make IUU determination, there have been considerable differences of views so far on inclusion of '**Subsidizing Member**' and '**Port State Member**'. Allowing Port State to make IUU determination, has the potential to intrude into the domain of a Coastal State.
- On Article 3.3, which has several brackets, we have specific concerns on the clause in the last bracket "[**and be in accordance with relevant international law.**]" as this might lead to various interpretations of established domestic laws.
- On Footnote 7, which seems to be inspired from UN Fish Stock Agreement and attempts to bring certain enforcement provisions, we are still unsure whether it is a right approach to bring such elements selectively which makes their implications difficult for coastal state determinations.
- On Article 5.1.2, our initial reaction is that the terms used are in-exhaustive, encompassing direct and indirect effect. It lacks clarity and predictability and needs a relook.
- We also consider that certain formulations, shown as "placeholders", would require reflection of the text, as they are integral to the discipline and cannot be left till the end.
- We would re-iterate that most important in these negotiations is a balanced outcome. We should be mindful that the present state of affairs of the ocean is on account of large subsidisers and not countries like India whose absolute as well as per capita (fisherman) subsidisation so far has been miniscule.

5. Let me turn to my observations on the process, particularly on the Work Programme from September to the end of the year 2020:

Chair, we do not have any issue on the suggested fisheries cluster schedule. However, we would like to make certain suggestions given the present state of affairs and the prevailing COVID-19 situation.

- **First, on the Timelines for finalisation of the Discipline**, we have already lost 4 crucial months. There are continued challenges back home because of increasing number of Covid-19 cases. There are large number of issues where positions of Members are still divergent. These will require considerable negotiations. Several important issues have not entered a serious text-based negotiations, particularly for a new agreement rooted on the plank of 'sustainability'. One such crucial element is the Dispute settlement mechanism for this agreement. Hence, we should not show undue haste in the work programme to conclude the negotiations by December 2020 as we should not compromise on the quality of the text and the process has to be fair and transparent. We must be open to conclude the negotiations by the next MC12 in June 2021.

- **Second issue is regarding participation of capital based experts during negotiations.** Contents of the draft text is highly technical and would definitely need effective participation of capital based experts. We would like to reiterate our earlier stand that the physical presence of the capital based experts at least during the fisheries cluster, is important for an effective outcome.

6. To conclude, Chair, we have been actively participating in Fisheries subsidies negotiations from the beginning. We are committed to constructive discussions for narrowing down the gaps and ready to discuss and negotiate in any format as long as it is transparent and inclusive and ensures effective participation of Members. Chair, as you work steadfastly to deliver on the mandate, which is to discipline harmful fisheries subsidies with effective special and differential treatment for developing countries including LDCs, you can count on the continued support of India. We will be contributing further during the negotiations.

Thank you, Chair.
