

Trading gets fishy

The recent WTO Ministerial meeting at Doha, Qatar led to a Declaration that could potentially affect fisheries and fish trade

The Ministerial Declaration that came out of the World Trade Organization (WTO) Ministerial Conference in Doha from 9 to 14 November 2001 has on its expanded negotiating agenda at least three areas that bear on fisheries and fish trade.

First, the most specific reference is to fisheries subsidies. This is for the first time that they are on WTO's negotiating agenda. The Declaration refers to "clarify and improve WTO disciplines on fisheries subsidies". It is unclear what this actually means. Does it aim at redefining the scope of subsidies agreements to reflect some of the concerns of member countries on subsidies and excess capacity in fisheries? Would prohibited subsidies include those contributing to excess capacity? Under actionable subsidies, would "adverse effects to the interests of other Members" include subsidies that are believed to contribute to overfishing pressures? Or will we see a new WTO agreement on fisheries subsidies?

Currently, the Agreement on Subsidies and Countervailing Measures is silent on subsidies that contribute to adverse environmental impacts. So far, no complaints, whatsoever, have been made on fisheries subsidies to the Dispute Settlement Body (DSB) of the WTO.

Could such clarifications and improvements possibly help to develop a framework within which the subsidies regimes specific to the fisheries sector can be understood? For example, how to define various kinds of subsidies in fisheries? What in fisheries would be non-actionable, actionable and prohibited subsidies? What about social, economic and ecological benefits and costs of subsidies in the context of rich and poor countries, small-scale and large-scale, and

coastal and distant-water fisheries, both in the short and long run?

An exercise in addressing subsidies issues in fisheries may help to reduce or eliminate subsidies where they are unnecessary, and to better target them to reduce overcapacity, to rebuild fish stocks and fish habitats, to consider effective fisheries management programmes, to introduce insurance and social security measures and to train fishers in alternative forms of employment.

The second aspect of the Doha Declaration is that, under Market Access for Non-Agricultural Products—the category under which fish trade falls—modalities are to be agreed upon to reduce or eliminate tariffs, particularly on products of export interest to developing countries. Such negotiations can potentially contribute to employment benefits, especially to women, in several developing countries that export processed fish products to the United States and the European Union, for example. This is assuming that tariffs can be brought down, or eliminated altogether on processed fish and fish products, like canned tuna in brine or oil, that are exported from developing countries to the industrialized nations. Exporting processed fish, instead of raw fish that are later canned or value-added, can contribute to better conversion of wet weight to product weight, with positive implications for fisheries resource conservation.

Multilateral agreements

A third area of relevance to fisheries is the negotiations on the relationship between WTO rules and specific trade obligations under multilateral environmental agreements (MEAs). The Convention on International Trade in Endangered

Species of Wild Fauna and Flora (CITES) and the International Commission for the Conservation of Atlantic Tunas (ICCAT), are examples of MEAs that have set out specific trade obligations.

The ICCAT management measures using trade sanctions for bluefin tuna or swordfish sometimes apply to imports from non-member countries.

Further, certain species of sharks and sea horses, for example, which are mainly harvested in developing countries, are likely to find their way into the CITES Appendices I and II in the near future. This is a potential area of conflict between 'development' and 'conservation' interests, and the debate could very well be polarised between industrialized and developing countries.

There are also other less significant areas of relevance to fisheries. These include the reference to the WTO Committee on Trade and Environment to continue its work on the effects of environmental measures on market access as well as labelling requirements for environmental purposes.

The reference to the ongoing negotiations on trade in services, especially on movement of natural persons, could also be of some interest to the fisheries sector since several industrialized countries

have room in their depopulating fisheries to accommodate fishworkers from developing countries.

There seem to be consensus emerging at the international level that free trade in marine fish and fish products can be counterproductive to conservation of fish stocks. In the shrimp-turtle case, for example, the Appellate Body of the WTO has upheld that the United States can take trade-related measures to protect turtle population outside its national jurisdiction. Perhaps we are at the beginning of a process that might lead to an Agreement on Fisheries at the WTO. This thought might sound a bit far-fetched, but it can not be dismissed outright. **3**

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