



NATIONAL PLATFORM FOR SMALL SCALE FISHWORKERS

October 4, 2020

Sri. Piyush Goyal,
Minister of Commerce and Industry,
Government of India.

Sub: Small Scale Fish Workers' Objections to the WTO Negotiations including
the Chair's text on Fisheries Subsidies.

Sir,

Greetings from National Platform for Small Scale Fish Workers (NPSSFW).

We are given to understand that the WTO negotiations on fisheries' subsidies are at the final stage and according to WTO meeting schedule very crucial rounds of discussions on it are going to take place from 5th to 9th October 2020.

We appreciate the efforts taken by the Government of India in resisting the pressure to withdraw fisheries subsidies in the WTO negotiations.

The process of negotiations on fisheries subsidies in WTO and the Chair's text on fisheries' subsidies negotiations at the WTO are not acceptable to the small scale fishing communities of India. Fisheries subsidies, especially fisheries subsidies to the small scale fisheries relate to livelihood and environmental concerns. As such these subsidies cannot and should not be determined or disciplined on considerations of international trade.

The National Platform for Small Scale Fish Workers (NPSSFW) represents fish workers organisations in 19 states of India both maritime and inland. The objections of small scale fish workers of the country to WTO negotiations have been discussed, summarised and have been appended with this letter.

We sincerely hope that the Government of India will steadfastly protect the interests of the small scale fishing communities and table these objections during the negotiations.

Yours Sincerely,

Encl: NPSSFW objections to
WTO fisheries subsidies negotiations
& Chair's text.

Pradip Chatterjee
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Copy forwarded for information and necessary action to –

1. Santiago wills, Ambassador and Permanent Representative of Colombia to the WTO, and Chair, Negotiating Group on Rules on Fisheries Subsidies.
2. Dr. Anup Wadhwan, Commerce Secretary, Government of India.
3. Brajendra Navnit, Ambassador & Permanent Representative of India to the World Trade Organisation, Geneva, Switzerland.
4. Mr. P.S. Gangadhar, Deputy Permanent Representative of India to the WTO.
5. Dr. Rajeev Ranjan, Secretary, Fisheries, Department of Fisheries.

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Objections of National Platform for Small Scale Fish Workers to the WTO Negotiations including the Chair's text on Fisheries Subsidies

The officially declared objective of WTO has been removal of tariff and non-tariff trade barriers to ease international trade. The WTO has taken on negotiations since 2001 to cut fisheries subsidies with the objective to eliminate those fisheries subsidies that are harmful and exploitative of marine resources. The negotiations have increased in speed after the adoption of Sustainable Development Goals in 2015 which mandates conclusion by 2020.

In their struggle against overfishing and destructive fishing the small scale fishers (SSF) have always demanded withdrawal of subsidies from the large-scale mechanised fishing sector that is primarily responsible for over and destructive fishing. But the small scale fishing communities have serious reservations regarding WTO negotiations on fisheries subsidies on the following grounds.

A. Regarding WTO's jurisdiction on determination / abolition of fisheries subsidies:

Fisheries subsidies, in the case of SSF, directly relate to protection and promotion of sustainable fisheries, employment, food security, nutritional status and equitable distribution of income. Thus they are part of fisheries management. Management of fisheries, on the other hand, is beyond the mandate of WTO. Fisheries conservation and management matters are addressed by the United Nations Convention on the Law of the Sea (UNCLOS), instruments of the Food and Agriculture Organization, and other legal regimes to which some WTO members have not consented. As such the WTO should not have any singular authority to determine or deny subsidies. Determination of fisheries subsidies should be done by the concerned regional, national, provincial and other authorities with mandatory participation of primary stakeholders. In addition, the WTO is a trade body, neither a fisheries administrator nor an environmental protection agency. Its activities are dominated by commercial interests of its member countries even when it is negotiating in the name of environmental conservation, making the outcomes unfair both from an economic and an environmental perspective.



B. Regarding imposition of non-subsidy regime in all waters / waters beyond territorial waters:

In general, the negotiations try to impose rules on subsidies given for fishing activities in **all waters**, including territorial waters (i.e. 12 nautical miles from the shore) and beyond. However, developing countries asked for a waiver on territorial waters and Exclusive Economic Zones (EEZ). In the current text on all 3 pillars, IUU fishing, overfishing & overcapacity and overfished stocks, even Special and Differential Treatment (S&D) seems to be limited to just territorial waters, which itself is not even agreed. Coverage of either all waters, or of waters beyond territorial waters are completely unacceptable to us.

All waters mean all forms and scales of fishing including small and large. Subsidies for the SSF have a different purpose and significance than those for the large scale fisheries. Therefore **any subsidy to SSF for operation in any waters** should be left out of WTO's subsidy disciplines.

Waters beyond territorial waters mean marine waters beyond 12 nautical miles or 22 kilometres from the shore (baseline). Even under the current text, the maximum waiver (under S&D) seems to apply only to territorial waters and not even to EEZ. The SSF cannot be confined within 12 nautical miles. Because of geographical realities (extension of continental shelf) and technology (development in boats and motors) SSF now extends even up to 100 Kms in some areas. So limiting waivers to territorial waters is inadequate to meet the livelihood needs of SSF.

C. Regarding denial of subsidy to overfishing or destructive fishing:

Over Fishing (or destructive fishing) and Over Capacity (OFOC) is always area specific. Save and except some gears and nets like bottom trawling, purse seining, LED light fishing, mosquito net fishing, poison fishing etc., which are destructive, overfishing depends on the capacity and scale of fishing. As such, what is a small fishing vessel by western standard is large by Indian standard. We demand elimination of subsidies to fishing with destructive fishing gears and to large scale mechanised fishing sector and protection of subsidies to small scale fisheries applied to a country specific or regional context. In India the small scale fishers have already demanded removal of subsidy to the large-scale mechanised sector and destructive fishing.



D. Regarding denial of subsidy to IUU fishing:

We have serious objections on application of IUU fishing criteria to small scale fisheries. A substantial part of SSF is supposedly illegal, unregulated and unreported by the given definition of IUU that fails to recognise the realities of small scale fishers in developing countries such as India which are described below.

- i. **Illegal:** It may be noted that small scale fishing is largely a traditional livelihood practice. Registration and licensing are formalities that have been imposed of late. As such many small fishing boats are yet to be registered or have license to fish. Formally they are illegal, but actually it is their livelihood right. Similar situation may arise if SSF is made to be confined within territorial waters. Conversely, if any mechanised boat illegally intrudes into exclusive fishing zone of SSF, which is a regular practice, it is not identified or booked due to weak MCS.
- ii. **Unregulated:** Indian Fisheries lack regulation. There is no regulation on effort or catch. It is almost an open access regime. Acceptance of this condition will mean no subsidy for Indian fisheries.
- iii. **Unreported:** There is no authentic and appropriate system of reporting of effort or catch. Estimates are made by gross accounting. This too happens mainly in harbour based fisheries. In SSF there is no system of estimation at all.

Often SSF are caught under this definition due to lack of mechanisms to estimate this properly in developing countries and due to reasons beyond their control. So if the WTO now eliminates subsidies on IUU fishing it will severely impact SSF, and it is unacceptable to us.

- E. Though the negotiations on fisheries subsidies relate mainly to marine / coastal fishing, we believe any commitment on subsidies to coastal fishing will also impact inland fishing activities as these are closely connected (through market and other means) and many subsidies are linked. Therefore, both small-scale inland and coastal fishers stand opposed to any concessions in these negotiations.

In view of the above Indian fisheries cannot accept determination of or disciplines on subsidies by WTO. India should strongly reject any disciplines especially since it is clear that the current special and differential treatment measures cannot protect the interest of small scale Indian fishers.