



RIS Discussion Paper # 326

# Fisheries Subsidies and the Development Imperative: Balancing Sustainability and Equity

Mukesh Bhatnagar, Pankhuri Gaur and  
Ayush Tiwari



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# Fisheries Subsidies and the Development Imperative: Balancing Sustainability and Equity

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**Abstract:** The two-decade-long negotiations culminating in the fisheries subsidies agreement at the WTO in 2022 is the first of its kind, aiming at conserving fisheries by limiting the subsidies for IUU and overfished stocks. However, while approaching the MC 14, WTO Members still need consensus on subsidies provisions for overcapacity and overfishing (OCOF), which is being debated on its imbalanced provisions. The hybrid approach to OCOF and conditional sustainability-based flexibility will undermine the Doha mandate on fisheries subsidies. Additionally, the weaker provisions on distant-water fishing would also help in maintaining the ‘business as usual’ for the large industrial subsidisers. The S&DT provisions at the Fish 2.0, with four key elements, have also affected coalition-building for developing countries. As fisheries are important for livelihood, food and nutritional security, the WTO must ensure to balance fisheries sustainability while providing the necessary policy-space for developing countries to reach a consensus on the Additional Provisions on Fisheries Subsidies.

**Keywords:** Fisheries Subsidies, Overcapacity and Overfishing (OCOF), Special and Differential Treatment (S&DT), Common But Differentiated Responsibilities (CBDR)

## 1. Introduction

For more than two decades, fisheries subsidies have remained a central topic on the multilateral trade agenda, due to growing concerns regarding their environmental effects and developmental consequences. At the

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1999 Seattle Ministerial Conference (MC3) of the WTO, nations such as Australia, New Zealand, Iceland, and the United States proposed a work program to address the detrimental effects of fisheries subsidies on ecological sustainability. The 2001 Doha Ministerial Declaration mandated WTO members to begin negotiations on clearer and more effective disciplines regarding fisheries subsidies, emphasising the sector's vital role for developing countries. The 2005 Hong Kong Ministerial Declaration reinforced this mandate by calling for disciplines to prohibit certain subsidies that contribute to overcapacity and overfishing. It also specified that appropriate and effective special and differential treatment (S&DT) for developing and least-developed Members should be integral to the fisheries subsidies negotiations, considering the sector's importance to development priorities, poverty reduction, and livelihood and food security concerns.

Although a draft text was produced by the Chair of the Negotiating Group on Rules (NGR) in November 2007, this did not find convergence among the members due to wide differences in the approach to be followed for prohibiting certain forms of fisheries subsidies and the extent of S&DT to be provided to developing countries. Doha Round negotiations got stalled in 2008 with a stalemate in other important areas like Agriculture, Non-Agriculture Market Access (NAMA), and Services. By 2011, the NGR Chair observed that the negotiations on fisheries subsidies were not moving forward. Renewed global focus on sustainability and the Sustainable Development Goals (SDGs), particularly SDG 14.6, reignited the negotiations in the WTO. Following ongoing negotiations since 2016, the Agreement on Fisheries Subsidies (AFS) was adopted at the 12<sup>th</sup> WTO Ministerial Conference in 2022.

AFS marked a historic step in the WTO history, as it became the first multilateral trade deal with environmental sustainability objectives for prohibiting subsidies that support illegal, unreported, and unregulated (IUU) fishing and overfished stocks. This came into force in September 2025 after ratification by more than two-thirds of the WTO Members. However, the more contentious pillar of prohibiting subsidies that drive overcapacity and overfishing was left unresolved and is now being

negotiated under the Additional Provisions as Fish 2.0 provisions. These negotiations remain fraught, with draft texts allowing harmful subsidies under sustainability claims, diluted disciplines on distant water fishing (DWF), and unresolved S&DT provisions, leaving many developing countries concerned about imbalances in obligations and policy space. Groups such as the Africa, Caribbean and Pacific (ACP) and Least Developed Countries (LDCs), supported by India and Indonesia, have pushed for stronger prohibitions and effective S&DT. However, as negotiations progressed, coalition-building among developing countries has been fractured by differing criteria in S&DT. India has strongly opposed obligations based on aggregate subsidy, instead advocating for measures based on subsidy intensity per fisherman, and has highlighted the need to address non-specific fuel subsidies as equally harmful.

With the 14<sup>th</sup> Ministerial Conference of the WTO (MC14) in March 2026 approaching, members face the challenge of bridging differences to conclude Fish 2.0. A sustainable approach is needed not only for establishing a balance between developed and developing countries but also for achieving the Sustainable Development Goal (SDG) of eliminating adverse fishery subsidies. Considering the significance of reducing fisheries subsidies while maintaining developmental opportunities for underdeveloped nations, this paper discusses, in detail, the provisions being negotiated on fisheries subsidies under the WTO. In this context, the chapter highlights the need for fisheries subsidies in Section 2, focusing on economic, social and environmental dimensions. The current status of global fisheries subsidies and how they are distributed between developed and developing countries, small-scale and large-scale fishers and different types of subsidies is discussed in Section 3. Section 4 deliberates on the AFS, followed by discussions on the current provisions being negotiated under Fish 2.0 in Section 5. While highlighting the sticking points in the additional provisions of fisheries subsidies for MC14, the section also highlights the specific proposals of developing countries. In continuation, Section 6 discusses India's position and proposal to the WTO on fisheries subsidies provisions. Section 7, while concluding, highlights the way forward for MC14.

## 2. Need for Fisheries Subsidies

The global discourse on fisheries subsidies spans three key dimensions—economic, social, and environmental. Economically, subsidies are often justified as mechanisms to alleviate the financial pressures faced by fishers by lowering costs, providing affordable raw materials and equipment, and fostering technological progress and capacity building. Globally, around 120 million people are engaged in the fisheries sector, directly or indirectly, and depend on it for livelihoods (FAO, 2020). Direct employment in the sector accounts for 63.2 million people in the primary sector in 2022, of which 25.4 per cent was contributed by marine fisheries (FAO, 2025a). Small-scale fisheries (SSF) dominate the sector, contributing 40 per cent of global catch while supporting 90 per cent of the capture fisheries workforce (Arthur *et al.*, 2022; FAO, Duke University and WorldFish, 2024). Fisheries subsidies also enhance trade competitiveness, as exporters from subsidising countries gain a comparative advantage through reduced production costs and lower market prices. The importance of subsidies for developing countries is much greater, as they account for nearly 90 per cent of the global fisher workforce (FAO, 2024). Beyond sustaining small-scale fishers' livelihoods, fisheries are essential for ensuring food and nutrition security.

The global aquatic animal food consumption has increased from 9.1 kg per capita in 1961 to 20.7 kg per capita in 2022, which is further estimated to increase by 10 per cent by 2032 (FAO, 2024). Being more affordable than other sources of protein, aquatic animal food constituted 6 per cent of all protein and 15 per cent of animal protein in 2021. While providing vitamins A, D, and B, as well as key minerals such as calcium, phosphorus, zinc, iron, and iodine, fisheries play a significant role in nutrition security. However, the specific nutrient profile is influenced by biological factors such as species and habitat, as well as post-harvest practices, including processing and preparation methods (Bennett *et al.*, 2018). Including fish in diets facilitates the absorption of nutrients from vegetable-based foods, thereby improving overall dietary quality (Belton and Thilsted, 2014). This is particularly relevant for Small Island Developing States (SIDS) and highly-populated, low-income countries

where fish is the primary animal-source food and serves as a cornerstone of nutritional well-being (Lem *et al.*, 2023).

Fish has been viewed as one of the largest traded commodities (FAO, 2021; Elahi *et al.*, 2024), accounting for US\$ 180.8 billion of global exports in 2023 (FAO, 2025b). This contributes to more than 10 per cent of global agricultural exports (UNCTAD, 2017; FAO, 2021). The relevance of the fish trade is higher for SIDS and LDCs, where the fish exports are reflected prominently in offsetting trade deficits and debt challenges through foreign exchange earnings. According to UNCTAD estimates, fish exports account for nearly 3 per cent of GDP in SIDS, and they are highly dependent on fisheries given their limited access to other industries. The fish trade has emerged as a vital pillar of economic growth and sustainability for many developing nations. The developing countries have been contributing to 54 per cent of fish exports and 32 per cent of fish imports in 2019 (FAO, 2021). However, Aquaculture is now increasingly contributing to the overall fish catch. As per SOFIA (FAO, 2024), Aquaculture contributed more than 57 per cent of the total aquatic animal production used for direct human consumption. Nonetheless, there is a need for fisheries subsidies, especially for developing countries, including SIDS and LDCs, aimed at supporting low-income, resource-poor fishermen engaged in capture fishing for livelihood support, as well as to provide flexibility to all developing countries to develop their fisheries sector.

Nevertheless, rising global demand, unsustainable fishing practices and unregulated subsidies have led to excessive production, consumption and trade of fish, which affects marine biodiversity by depleting fish stocks. This further disrupts the marine ecosystem, threatens food security, and accelerates climate-related vulnerabilities, raising socio-economic concerns, especially for the coastal communities. Though there are no reliable estimates for IUU fishing at the global level, global estimates for overfished stocks are available. Food and Agriculture Organization (FAO, 2024) estimates that the share of fisheries stock within the biologically sustainable levels has declined from 90 per cent in 1974 to 62.3 per cent in 2021, simultaneously raising the share of

unsustainable fisheries stock to 37.7 per cent in 2021. The increase in the unsustainable fisheries stock leads to disruption in food chains, a rise in endangered and threatened species, while destroying the marine habitat with an imbalanced marine ecosystem. Moreover, species-based estimate highlights that within the threatened species category, 13 per cent are critically endangered, 18 per cent are endangered, and the rest are vulnerable in 2015 (Mohanty and Gaur, 2017). This necessitates the regulation of fisheries subsidies that contribute to overfishing and the conservation of marine biodiversity. Thus, it is essential for the World Trade Organization (WTO) Agreement on Fisheries Subsidies to strike a balance between the developmental needs of fishermen, especially SSF, and fisheries conservation.

### **3. Status of Fisheries Subsidies**

The magnitude of global fisheries subsidies reported in the literature varies widely, primarily due to divergent conceptual definitions of subsidies and differences in methodological approaches across countries and studies (RIS, 2021). An early estimate put global fisheries subsidies at around US\$ 54 billion (FAO, 1992). In contrast, the Friends of Fish group within the WTO estimated annual subsidies to fall within the range of US\$ 14–20.5 billion. Cisneros-Montemayor *et al.*, (2016) reported the figure to be US\$ 38 billion in 2014, which was later revised to approximately US\$ 35 billion in 2020 (Cisneros-Montemayor *et al.*, 2020). Sumaila *et al.* (2019) also estimated global fisheries subsidies at US\$ 35.4 billion in 2018. Out of the total subsidies, 63 per cent are characterised as capacity-enhancing, and nearly 30 per cent are beneficial subsidies. This composition has been similar to that of 2009 (Sumaila *et al.*, 2013, Cisneros-Montemayor *et al.*, 2016). While quantifying fisheries subsidies, it has been found that 22 per cent of the total estimated fisheries subsidies are fuel subsidies, the largest subsidy type (Sumaila *et al.*, 2019).

The distribution of fisheries subsidies among nations, however, is quite interesting. Figure 1 highlights the top 10 subsidising nations in 2018. China leads the board with US\$ 7 billion of fisheries subsidies, accounting for 20.9 per cent, followed by the European Union (11 per

cent), the United States (9.4 per cent), South Korea (9 per cent) and Japan (8 per cent). These five countries together constitute 58.4 per cent of total fisheries subsidies in 2018. Schuhbauer *et al.* (2017) estimate that 65 per cent of global fisheries subsidies are provided by countries such as China, the EU and Japan. The remaining five countries, including Russia, Thailand, Indonesia, Canada and Taiwan, collectively account for 14.6 per cent, and together the top 10 countries constitute 73 per cent of total fisheries subsidies in 2018. The majority of subsidies are provided by developed countries, amounting to 35 per cent, while the shares for emerging countries excluding China are 29.7 per cent, other developing countries 10.2 per cent and LDCs 3.9 per cent (RIS, 2021). The proportion of subsidies provided by developed nations has been dominant since 2003 and 2009.

However, it has been highlighted that the reduction in fisheries subsidies from the developed world was greater for beneficial subsidies than for capacity-enhancing subsidies (RIS, 2021). However, according to the same report, for emerging countries, excluding China, the growth in beneficial subsidies has been greater than that in capacity-enhancing

**Figure 1: Top 10 Subsidising Nations in 2018**



Source: Authors' based on Sumaila *et al.*, (2019).

subsidies. Other estimates at the regional level show that the Asia-Pacific Economic Cooperation (APEC) member economies have reported a collective fisheries subsidy of US\$ 12.6 billion (Cox and Schmidt, 2002; Coopers, 2000). In contrast, fisheries subsidies for these 41 countries accounted for nearly US\$ 10 million in 2021 (OECD, 2025). Recognising their heavy reliance on fisheries and their relatively low levels of development, marked by limited technology, weak sectoral management and a lack of vessel capacity (Kumar *et al.*, 2020) compared with developed nations, many developing countries, including India, are seeking adequate waivers that advocate the principle of Common But Differentiated Responsibilities (CBDR) under the disciplines for OCOF in Fish 2.0 negotiations.

Small-scale fisheries, including artisanal and subsistence fisheries, though poorly funded and marginalised (Smith, 1979; Kura *et al.*, 2004; World Bank, 2004), play a critical role in national and coastal economies in both developed and developing countries (Allison and Ellis, 2001; Berkes *et al.*, 2001; Mills *et al.*, 2011). SSF accounts for 90 per cent of capture fishers and 40 per cent of global capture fisheries (FAO, Duke University and WorldFish, 2024). Yet their contribution to national fisheries has been underestimated (Teh and Pauly, 2008). Moreover, only 15.6 per cent of global fisheries subsidies in 2009 were directed toward SSF (Schuhbauer *et al.*, 2017), which rose to US\$ 6.6 billion, amounting to 19 per cent, by 2018 (Schuhbauer and Sumaila, 2016; Schuhbauer *et al.*, 2020). Critics (Pauly, 1997; Chuenpagdee, 2011) argue that most subsidies disproportionately benefit large-scale fishing enterprises. It has been estimated that, globally, large-scale fishers receive four times as much subsidy benefit per active fisher as small-scale fishers (Schuhbauer *et al.*, 2020). Within the fuel subsidies, only 7 per cent is provided to SSF and the rest is directed towards large fishing fleets. This intensifies pressure on fish stocks and undermines the support that SSF requires to sustain livelihoods and economic stability. Facts like these have raised the need to regulate fisheries subsidies provisions at the global platform, keeping in view the development priorities of developing countries, including SIDS and LDCs.

## **4. The Agreement on Fisheries Subsidies (AFS)**

The Agreement on Fisheries Subsidies (AFS) marks an important milestone in WTO law, being the first agreement since 1995 to establish binding disciplines on subsidies (Becerra Sanchez, 2022). The AFS focuses on two key pillars: first, relating subsidies provided to Illegal, Unreported, and Unregulated (IUU) fishing, and the second focusing on subsidies provided to fish stocks found to be overfished. Negotiations on the third pillar of Overcapacity and Overfishing (OCOF) are still ongoing under the Fish 2.0 Agreement. Phase 1 Agreement (AFS), covering the first two pillars, was adopted at the WTO Ministerial Conference in 2022 (WTO, 2022). Following ratification by more than 2/3<sup>rd</sup> of WTO members, the AFS comes into force on September 15, 2025. As of now, 116 members have submitted their instruments of acceptance, including major fishing and trading nations such as the European Union, the United States, China, Korea and Japan. Several developing countries, including India and Indonesia, are still in the process of completing their ratification process. Overall, the AFS aims to limit harmful subsidies while maintaining a balance between promoting sustainable fishing practices and developmental priorities.

As discussed in the previous sections, IUU fishing poses a significant threat to marine ecosystems, weakening conservation measures adopted by coastal states and Regional Fisheries Management Organizations or Arrangements (RFMOs/As). While adopting the definition of IUU fishing from FAO's International Plan of Action to Prevent, Deter and Eliminate IUU Fishing (IPOA-IUU), the AFS addresses it by prohibiting subsidies to the vessels and operators that are involved in IUU fishing (Lennan and Switzer, 2023). Under Article 8.1, Members are required to notify detailed information on fisheries subsidies as part of their regular notifications under the Agreement on Subsidies and Countervailing Measures (SCM Agreement), including information on fishing activities to the extent possible, stock status, fleet capacity, vessels receiving subsidies, and catch data by species. Article 8.2 mandates annual notification of vessels and operators identified as engaging in IUU fishing, while Article 8.3 and 8.4 require Members to inform the WTO Committee of measures

taken to implement the Agreement and to describe their national fisheries regimes. These provisions aim to enhance transparency and compliance.

The second pillar of the AFS addresses subsidies granted to fishing activities involving overfished stocks. Such subsidies promote stock depletion and affect long-term sustainability. Under the Agreement, members are restricted from providing subsidies for fishing or fishing-related activities meant for overfished stocks. However, it may be exempted if the countries demonstrate measures to rebuild the stock to a biologically sustainable level. The overfished stock discipline complements the IUU provisions by focusing on the situations where fishing activities are legally permitted but cause ecological harm. However, mainly due to inadequate scientific data, limited stock assessment capacity, and insufficient monitoring systems, implementing these measures poses significant challenges for developing countries (Orofino *et al.*, 2023; Seminara *et al.*, 2024). In response to this, the AFS includes S&DT provisions, granting developing members additional time to strengthen their fisheries management systems. The effectiveness of this component ultimately depends on members' capacity to generate reliable stock assessments and systematically integrate sustainability objectives into subsidy policies. Tropical countries like India, where there is predominance of multiple species, are faced with challenges of fish stock assessment species-wise and consequently to regulate subsidies.

S&DT constitutes a core element of the AFS, addressing the capacity and livelihood challenges those developing countries and LDCs face in implementing fisheries regulations. Under the AFS, participating nations are provided with a two-year transition period from the date the agreement enters into force. During the transition period, the subsidies allocated within and up to the Exclusive Economic Zones (EEZs) of nations are exempted from Article 3.1 (IUU fishing), Article 4.1 (Overfished stocks), and Article 10 (Dispute Settlement) (WTO, 2022). Interestingly, this is applicable to both developing countries and LDCs, without any differentiation. However, under the provision mentioned in Article 6, Members should exercise “due restraint” in

raising matters involving LDCs and provide country-specific solutions based on their needs (WTO, 2022; Hoekman *et al.*, 2023). This transition, continuing until September 15, 2027, aims to help developing nations by strengthening institutional capacity, improving fisheries management systems, and revising domestic policies, while ensuring the interests of small-scale and artisanal fishers.

To enhance accountability and support peer review among WTO Members, transparency through comprehensive notification obligations is a fundamental feature of the AFS. Article 8 establishes specific obligations for reporting on subsidy programs, fishing activities and, to the extent possible, stock assessments, fleet capacity, and vessel-specific data (Lennan and Switzer, 2023). Also, the members are required to notify the lists of vessels and operators involved in IUU fishing, provide details of national legal and administrative structures, and share information regarding RFMO/As to which they are parties. Hence, these notification obligations are designed to ensure the efficient enforcement of subsidy bans and foster collaborative efforts among the members. But compliance with these obligations comes with certain challenges, mainly for developing countries that have limited administrative and technological capacity. Therefore, the success of AFS will not only depend on legal disciplines but also on members' ability to fulfil these transparency obligations. And to make this Agreement genuinely meaningful, it is important to enhance data collection methodologies, refine reporting systems, and promote institutional coordination among the members. AFS also provides, in Article 7, targeted technical assistance and capacity building assistance to developing country Members, including LDC Members, for the purpose of implementation of the disciplines under the Agreement. A voluntary WTO Fish Fund, as envisaged, has also been established. 17 members have contributed to the Fish Fund around US\$ 18 million.

## **5. Current Negotiations: Fish 2.0**

The WTO fisheries subsidies negotiations have yet to cross the finish line, as the conclusion of the third pillar of subsidies contributing to Overcapacity and Overfishing (OCOF) has not found a consensus.

The text issued by the Chair of the Negotiating Group in November 2024 (WTO, 2024) proposes a ‘Hybrid’ approach for the prohibition of subsidies contributing to OCOF A list of presumed prohibited subsidies encompasses subsidies for the construction and modernisation of vessels; subsidies for the acquisition of machinery and equipment for vessels; subsidies for fuel, personnel, social charges, or insurance costs; income support (except for subsistence purposes during seasonal closures); price support; subsidies for at-sea assistance; and subsidies that cover operating losses of vessels. Nonetheless, this restriction may be irrelevant if the subsidising member can demonstrate the implementation of steps to sustain the fish stocks in the relevant fishery at a biologically sustainable level.

To demonstrate the sustainability, the Members can be covered under two tiers under Article A.1.1 (a) or (b). Tier 1 will generally cover all developed country members and China, with an obligation to demonstrate the sustainability of fish stocks along with an explanation of how their measures ensure sustainability of fish stocks at a biologically sustainable level, with an additional obligation to notify any new subsidy programme for fisheries within six months. Tier 2 will include all developing countries, if they are not among the top 10 subsidising members or are not engaged in far-off distant water fishing. Such developing country members will be required to demonstrate the sustainability of their fish stocks through their regular subsidy notification. This obligation to demonstrate sustainability will not apply to developing countries until the time they are covered by the S&DT exceptions.

In the draft text W/285 of November 2024 (WTO, 2024), there are four elements of S&DT. The first one is the S&DT for LDCs till these countries remain LDC. The second S&DT is applicable to those developing countries that contribute less than 0.8 per cent of global marine capture, in volume, based on the latest FAO data. Close to 40 developing countries, largely from Africa, the Caribbean and Pacific (ACP) will benefit from this S&DT exception. The third S&DT is that developing countries will get flexibility to grant subsidies for the artisanal and small-scale fishing that are primarily low income, resource poor or livelihood in nature, and such flexibility will not have a geographic

limitation. This is a significant flexibility as most of India's fishing is conducted in the EEZ by fishing vessels of less than 24 meters in length that can be considered as artisanal and small-scale. Most Indian states give fuel tax exemptions as subsidies for diesel or other fuel used in fishing vessels. Such subsidies will continue to be permissible for small-scale and artisanal fishing.

The fourth S&DT element of significant interest to India and other developing countries is for development priorities. Those developing countries that have a share of more than 0.8 per cent in global marine catch will require policy space to develop their fisheries sector and infrastructure. Besides India, this set of countries will include Indonesia, Peru, Vietnam, Chile, Philippines, Mexico, Morocco, Malaysia, Thailand, Oman, Myanmar, Ecuador, Mauritania, and Argentina. The text provides a transition period to give flexibility to continue to grant otherwise prohibited subsidies. This transition period will be decided in the conclusion of negotiations and may range between 10 and 25 years, depending upon the extent to which other members accede to India and other developing countries' demands. At some point of the negotiations, members were willing to agree to 10 years transition period as S&DT. This S&DT flexibility should give India sufficient time to embark on the development of its fisheries sector, including infusing more allocation in the Pradhan Mantri Matsya Sampada Yojana (PMMSY) scheme to develop our distant water fishing capabilities, advanced fishing vessels with improved refrigeration equipment. The real challenge is how many resources we can allocate to the fisheries sector in the coming years.

Coalition-building has been a hallmark of every successful WTO negotiation. Developing countries have sought to build a coalition in the fisheries subsidies negotiations. Throughout these negotiations, the ACP group, the LDCs group, and the Africa group have put forth proposals to develop disciplines on the prohibition of subsidies, as well as on the demand for appropriate and effective S&DT. The ACP group was at the forefront in demanding the prohibition of subsidies for large-scale industrial fishing. India had joined forces with the ACP group for a long duration of the negotiations. While seeking Common but Differentiated

Responsibilities (CBDR) in the negotiations, India was in the forefront and was supported by the ACP group. India had proposed an outright prohibition of subsidies for 25 years for countries engaged in Distant Water Fishing (DWF) (WTO, 2021).

While many developing countries supported India's approach of CBDR, the manner in which such prohibition should apply did not garner much support from many developing countries. On the issue of S&DT, while all developing countries were united in demanding effective S&DT, in the endgame, developing countries got divided over various elements of S&DT that were of interest to them. For example, a large chunk of developing countries fell under the De Minimis, i.e., below 0.8 per cent share in global marine catch. Thus, these countries were lukewarm to the demand of other developing countries, above the De Minimis, for a longer transition period. Thus, keeping the coalition of developing countries has posed several challenges in these negotiations.

A big question before the negotiators was to protect the sovereignty of a coastal state over its EEZ as enshrined under the United Nations Convention on the Law of the Sea (UNCLOS) 1982. India had raised this issue consistently during the first phase of negotiations when the Agreement on Fisheries Subsidies (AFS) was concluded in June 2022. To a great extent, the AFS preserves the sovereign right of a Coastal state, and the new fisheries subsidies agreement will not prejudice the rights and obligations of a coastal state within its Exclusive Economic Zone (EEZ). Very recently, Indonesia submitted a proposal before the NGR (WTO, 2025a), highlighting the incompatibility of the WTO fisheries subsidies vis-à-vis "The Constitution of the Ocean" or the UNCLOS 1982. The submission highlights various UNCLOS provisions, calling on sovereign rights of coastal states to explore, exploit and manage the marine resources within their EEZ.

## **6. India's Position**

India's fisheries sector supports nearly 3 crore people, with about 50 lakhs engaged in marine fishing (Government of India, 2022). Despite the vast EEZ of 2.02 million sq. km and a vast coastline of over 11,000 km, the sector remains predominantly small-scale and unorganised, with 95

per cent of fishers operating at subsistence levels (Government of India, 2025). Of nearly 2 lakh fishing vessels, more than 60,000 are mechanised, while most boats remain motorised (Sathianandan, 2012) and confined to nearshore waters within 30–40 nautical miles. Government support has focused on infrastructure such as harbours, cold storage, and value chains rather than direct subsidies, alongside sustainability measures like the annual 61-day fishing ban and stock assessments showing over 91 per cent of fish populations remain healthy. While comparing subsidies provided by India and the top subsidisers, it has been noted that subsidies provided by India are merely US\$ 35 per fisher (with catch volumes 480 kg), including support during fishing bans, as compared to US\$ 76,000 per fisher (with catch volumes 237,130 kg) in a year for some of the developed countries (WTO, 2024). Moreover, under its PMMSY and Pradhan Mantri Matsya Kisan Samridhi Sah-Yojana (PM-MKSSY), India aims at developing deep-sea fishing, fisheries infrastructure and value chains through fleet upgradation, vessel modernisation, etc., for which it requires the necessary policy space to continue.

Given the country statistics, India has always emphasised that the global rules must balance sustainability with equity and recognise historical responsibility while protecting artisanal fishers from rigid definitions that could misclassify them as industrial fishers. India, with Indonesia, opposed the ‘Hybrid’ approach of List plus Sustainability, which did find support from a large number of WTO members, at the Abu Dhabi Ministerial held in 2024. India, thereafter, did not agree to conclude the negotiations in the December 2024 General Council meeting due to imbalances in the draft text produced by the Chair of the NGR. These imbalances were due to weak sustainability-based disciplines being projected as a compromise ‘hybrid’ approach, whereas India was seeking a stronger discipline for those countries that were the traditional big subsidisers and were responsible for the overexploitation of marine resources. The sustainability-based flexibility has been opposed by Members like India, as this will continue ‘business as usual’ for the traditional big subsidisers who will be able to demonstrate sustainability with their advanced fisheries conservation and management measures.

On the issue of obligation arising based on the aggregate of subsidies, India had expressed strong reservations and had submitted a paper (WTO, 2024) highlighting the inconsistency of the aggregate level of subsidies. India has proposed that the intensity of fisheries subsidies per fisherman will be a more appropriate basis for determining the obligation to demonstrate the sustainability of fishery resources. Many countries with large fishing populations, especially developing countries, LDCs and SIDS, provide subsidies to support their artisanal and subsistence fishers, which are crucial for maintaining social and economic stability. An aggregate approach might obscure the importance of these subsidies in promoting local sustainability, as these economies are not characterised by the large-scale commercial operations seen in wealthier nations.

Additionally, managing long coastlines and large EEZs requires robust conservation and management frameworks to preserve marine habitats and promote sustainable practices. Subsidies to resource-poor traditional fishing communities play a crucial role in offsetting the expenses associated with these management activities and contribute significantly towards the sustainability objective. In its submission, India also stated that:

*“The global commitment to achieving the Sustainable Development Goals (SDGs), particularly Goal 14 (Life Below Water), calls for the reduction of harmful fisheries subsidies while ensuring that subsidies provided to promote sustainable fishing practices and the livelihoods of vulnerable fishers are not undermined. SDG 14.9 (Support Small Scale Fishers) calls for providing access for small scale artisanal fishers to marine resources and markets. Adopting a per capita approach to subsidy obligations would better align with the UN SDGs by supporting countries in their efforts to balance environmental sustainability along with the social and economic development of small-scale fishers. In line with SDG 14, the principle of Common But Differentiated Responsibilities-Respective Capabilities (CBDR-RC) recognizes that in order to sustainably manage the resources, historical polluters having higher resource consumption should take the lead in reducing pollution.”*

In the Fisheries Subsidies discipline, India, over time, has been raising the issue of non-specific fuel subsidies. Based on India's proposal, non-specific fuel subsidies were proposed to be part of disciplines under Article 1.2 of the Scope in previous negotiating texts. Under the provisions of the WTO Subsidies Agreement (ASCM), a subsidy is considered specific when it is targeted towards certain industries, enterprises or regions. Non-specific subsidies are not actionable under the ASCM. During negotiations, most members held the view that only specific subsidies should be covered by the new fisheries subsidies discipline. However, India had highlighted that a different approach will be required to deal with Fuel subsidies, as these are among the most harmful subsidies. In the case of distant water fishing or industrial fishing, the fishing operations are not viable unless supported by large doses of subsidies.

Global fisheries subsidies were estimated at around UD\$35 Billion. However, based on 2019 notifications, the subsidies notified to the WTO were around US\$4.2 billion (Centre for WTO Studies, 2019). Out of these, the Fuel subsidies notified to the WTO were only US\$122 million. This implies that many fuel subsidies are not being reported to the WTO. This can be most likely due to these fuel subsidies being non-specific by their design or the manner in which various Governments operate such horizontal fuel tax exemption schemes, which also benefit the fisheries sector. India has reiterated that non-specific fuel subsidies harm fish resources as much as any specific fuel subsidy. For this agreement, which is aimed at ensuring fisheries resources, there should be no distinction between specific and non-specific fuel subsidies.

In addition, the S&DT elements in the negotiating text are of significance to India, as has been its consistent stand that S&DT must be appropriate and effective, keeping in view the livelihood and food security interests of our fishermen. India's position calls for a development-oriented outcome that safeguards livelihoods, strengthens domestic capacity, and ensures that subsidy disciplines reflect diverse national contexts while advancing sustainability goals.

## 7. What for MC14?

Many member countries, including India, are of the view that the present negotiating text of Fish 2.0 is moving away from the Doha Mandate with weak sustainability-based principles like the “Hybrid Approach”. India also opposed the dilution of the strong disciplines on subsidies for distant water fishing, as it was modified to ‘to the extent possible’ to accommodate the interests of a few countries. Irschlinger (2025) also notes that current Text fails to maintain a balance for small-scale and large-scale fisheries; sustainable management and economic development of the fish sector. Moreover, given the United States latest proposal (WTO, 2025c) to tighten the S&DT provisions, there is a high probability that the developing countries and LDCs would have to fight for greater development space under the S&DT provisions in Fish 2.0.

A recent joint submission, by countries including Australia, Fiji, Iceland, New Zealand, Norway, Papua New Guinea, Samoa, Seychelles, Solomon Islands, Tonga, and Vanuatu, has proposed a Draft Ministerial Decision on Fisheries Subsidies (WTO, 2025b). The joint submission states that:

*“Building on the progress made since the Twelfth and Thirteenth WTO Ministerial Conferences, and having regard to Article 12 of the Agreement on Fisheries Subsidies, the Negotiating Group on Rules shall continue negotiations on additional disciplines to prohibit certain forms of fisheries subsidies that contribute to overcapacity and overfishing, recognizing that appropriate and effective special and differential treatment for developing country Members and LDC Members should be an integral part of these negotiations. Members agree to continue to engage constructively in the negotiations, with a view to making recommendations to the Fifteenth WTO Ministerial Conference for effective disciplines that would achieve the comprehensive agreement on fisheries subsidies referred to in Article 12 of the Agreement on Fisheries Subsidies.”*

Therefore, according to these countries, given the diverse views of the WTO Members, it seems hard to conclude the negotiations on the Additional provisions on Fisheries Subsidies by March 2026 (MC14).

It is also advised to move ahead with the negotiations, aiming for the 15<sup>th</sup> WTO Ministerial Conference for its conclusion. However, to retain the sustainability component of fisheries while not losing on equity, India needs to stick to its principles and may submit its instrument of ratification for AFS at the MC14 as a step towards sustainable fisheries.

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