

Statement Regarding the World Trade Organization (WTO) Agreement on Fisheries Subsidies

16 September 2025

We are members of traditional fisher peoples (small-scale fishers), civil society organisations, Indigenous Peoples, and conservation groups who advocate for improved livelihoods, ocean ecosystems and justice-led development.

We are making this statement at a time when we face multiple crises as they relate to our oceans. Climate change is forcing fish stocks to migrate, increasing ocean acidification, destroying our coastal homes and jeopardising cultural practices. Debt crises are resulting in our governments paying more to service debt than they spend on health and education. Biodiversity levels are collapsing, threatening entire food chains. In the face of such challenges, the time for false solutions is over.

Fishing is critical to the lives and livelihoods of billions world-wide. More than 3 billion people rely on seafood as their primary source of protein, with over 60 million people globally employed in the fisheries sector. At the same time, the UN Food and Agriculture Organization estimates that 85% of marine fish stocks are either fully exploited or overfished.

The WTO Agreement on Fisheries Subsidies Falls Short

The Sustainable Development Goals were clear in their mandate for the WTO to deliver an outcome to: “prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing and refrain from introducing new such subsidies, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the World Trade Organization fisheries subsidies negotiation.”

The Agreement on Fisheries Subsidies (AFS) that was agreed in 2022 fails to meet the SDG mandate. While there are subsidy prohibitions in place for IUU fishing, there is not sufficient special and differential treatment (SDT) to protect the interests of small fishers in developing countries and Least-Developed Countries (LDCs). In addition to this, it sets a weak platform to build on with ongoing negotiations to prohibit subsidies to overcapacity and overfishing.

Disproportionate Impact on Traditional (Small-Scale) Fishers

The AFS bans subsidies to all IUU fishing and requires there to be laws and regulations in place to ensure no IUU subsidies are continued or given. This approach lacks nuance as the IUU definition may involuntarily include small scale fishers, especially in developing countries and LDCs where registration mechanisms and reporting infrastructure are not strong. According to an FAO paper by the Director of Fisheries in Gambia, “In most small scale fisheries, access to the fish resources is open, unrestricted and in most cases, unregulated. Fishing activities are hardly reported. The local fisheries administrations lack the capability and capacity to manage fisheries on a sustainable basis and monitoring, control and surveillance is virtually non-existent or extremely ineffective.”

Most international conservation agreements are based on the premise of common-but-differentiated-responsibility, which means that those most responsible for the problem take the lead in addressing it. The AFS makes no distinction between damage caused by large-scale, industrial fleets and small-scale fishing, with the impact of the former being far more considerable than the latter. This placing-everyone-in-the-same-basket approach without directly reigning in the subsidies to the large-scale fleets represents an endorsement of an imbalanced text, leaving small-scale fishers to bear the burden and fails to

meaningfully implement common-but differentiated-responsibility, weakening overall global standards for international environmental agreements.

While regulating IUU is necessary it may not be realistic and possible to eliminate IUU fishing among small scale fishers in the short run, and definitely not within the 2 year 'peace clause' transition period that is included in the agreement.

Inadequate Special and Differential Treatment (SDT)

The agreement contains a lack of adequate and effective special and differential treatment. All countries, including very poor and vulnerable developing and least-developed countries, are making the same commitments as those most responsible for overfishing, with the only flexibilities given to developing countries and LDCs being a two-year transition and some extra time to make notifications regardless of their capacity to do so. This represents a failure to uphold the SDG mandate.

Administrative Burdens and Reverse SDT

The prohibition on subsidies to fishing overfished stocks contains an exemption if countries can prove to the WTO that there are measures in place to restore stock levels. This will be administratively burdensome for many developing and least developed countries, resulting in it being available only to those countries with large capacity to monitor and measure their stocks. This amounts to a reverse special and differential treatment as it rewards capacity. This approach is also being retained in the current negotiations prohibiting subsidies to overcapacity and overfishing.

Limited Scope on High Seas Fishing

The prohibitions on subsidies for fishing outside the jurisdiction of a coastal member of a Regional Fisheries Management Organisation (or Agreement) is pitched as banning subsidies to high-seas fishing however that isn't strictly the case. This outcome only captures a small percentage of the high seas as the vast majority is under the competence of an RFMO/A, undermining its effectiveness and claims of impact. This limited outcome also highlights the ineffectiveness of the AFS and the failure to meet the mandate set by Leaders.

Limited Scope on High Seas Fishing

The creation of the voluntary Fisheries Fund to provide support for developing countries is aimed solely at implementing the agreement and will divert from the more urgent needs of fishing communities and stocks.

Despite these shortcomings, we are seeing developing countries under pressure to ratify the agreement. The recent trade deal between Indonesia and the United States included a commitment by Indonesia to ratify the AFS in exchange for the US reducing its illegal tariffs. Such coercion is not only undemocratic and disrespectful, it does nothing to address the sustainability and development challenges faced by our oceans and communities and perpetuates a deeply unequal power relations over the oceans.

Overall, the 2022 WTO Agreement on Fisheries Subsidies is not balanced, as advanced industrial fishing, large-scale fishing and distant water fishing are not disciplined effectively, while stringent notification and subsidy removal burdens will fall on developing countries and LDCs who don't have the capacity.

And the Future Looks Bleak

The conclusion of the ongoing negotiations on overcapacity and overfishing subsidies presents some opportunity to correct this imbalance, however the existing proposals fail to reign in those most responsible. Easily accessible exemptions for large capacity fishing nations, weak prohibitions for subsidising distant water fishing, and the potential inclusion of small-scale fishers in the subsidy bans is presenting a text that is exacerbating the imbalance in the AFS as opposed to correcting it.

What we are Calling For:

The WTO has clearly failed to deliver on the task given to it by the Sustainable Development Goals and deliver an equitable and honest outcome for sustainability.

We therefore call for:

1. There to be no pressure for developing countries and least-developed countries to ratify the AFS in exchange for illusory trade benefits or development assistance;
2. Developing countries and LDCs not to ratify the AFS if they have not done so already and for those who ratified not to implement it;
3. Fisheries subsidies negotiations to be kept out of the WTO, and any negotiations should be brought to the Committee of Fisheries (COFI) under the mandate of the Food and Agriculture Organization's Sub-Committee on Trade. This is the forum which has the expertise to deal with any policy decisions related to fisheries and small-scale fishers and where small-scale fishers and Indigenous Peoples are more engaged and included in this space.

Endorsed by:

Global/Regional

1. World Forum of Fish Harvesters and Fish Workers (WFF);
2. World Forum of Fisher People (WFFP)
3. Third World Network
4. Pacific Network on Globalisation (PANG)

National:

5. Australian Fair Trade Investment Network (AFTINET);
6. Handelskampanjen (Norway);
7. Vikas Adhyayan Kendra (India);
8. Bangladesh NGOs Network for Radio and Communication (BNNRC);
9. All Bangla Fishermen's Association (ABFMA)
10. Koalisi Rakyat untuk Keadilan Perikanan / KIARA (DKI Jakarta, Indonesia);
11. Indonesia for Global Justice / IGJ (DKI Jakarta, Indonesia);
12. Kelompok Pengelola Sumber Daya Alam / KELOLA (Sulawesi Utara, Indonesia);
13. Jaringan Pengembangan Kawasan Pesisir Buton (Sulawesi Tenggara, Indonesia);
14. Federasi Serikat Nelayan Nusantara / FSNN (Sumatera Utara, Indonesia);
15. Koalisi untuk Advokasi Laut Aceh / KuALA (Aceh, Indonesia);
16. Yayasan BAILEO (Maluku, Indonesia);
17. Layar Nusantara (Jawa Tengah, Indonesia);
18. Jaringan Kerja Pemetaan Partisipatif / JKPP (Jawa Barat, Indonesia);
19. Serikat Nelayan Indonesia / SNI (Jawa Barat, Indonesia);
20. Persatuan Warga Balong (Jawa Tengah, Indonesia);
21. Forum Komunikasi Nelayan Tradisional Pesisir Timur Lampung / FORKOM NETTRAL (Lampung, Indonesia);
22. Forum KUB Mina Agung Sejahtera (Jawa Tengah, Indonesia);

23. Lembaga Hukum Adat Laot Lhok Kuala Cangko Ulee Lheue Banda Aceh (Aceh, Indonesia);
24. Lingkar Juang Karimunjawa (Jawa Tengah, Indonesia);
25. Forum Nelayan Jepara / FORNEL (Jawa Tengah, Indonesia);
26. Serikat Nelayan Indonesia (SNI) Cirebon, Kelompok Usaha Bersama Gebang Sejahtera (Jawa Barat, Indonesia);
27. Front Kebangkitan Petani & Nelayan / FKPN (Banten, Indonesia);
28. Kelompok Nelayan Masalembu / KNM (Jawa Timur, Indonesia);
29. Mbaris Lestari, Lampung Timur (Lampung, Indonesia);
30. Nelayan Mina Samudera Tumpang Pitu (Jawa Timur, Indonesia);
31. Yayasan Inovasi Hukum Ekonomi dan Governansi Indonesia / YIHEGI (Banten, Indonesia);
32. Forum Peduli Pulau Pari (DKI Jakarta, Indonesia);