

Statement by Ambassador Santiago Wills of Colombia, Negotiating Group on Rules Chair, Press Briefing, 10 June 2022

1. I would like to take this opportunity, just before the WTO's 12th Ministerial Conference begins, to give an update of where we are in the negotiations on fisheries subsidies in the WTO. For the past few weeks, delegations have been working long hours, including weekends and public holidays, with the objective of delivering a clean draft Agreement on Fisheries Subsidies to Ministers before MC12 begins on Sunday.

2. This is not the first time I've sent Ministers a draft text. An earlier draft was sent to them a few days before MC12 was supposed to start at the end of November last year.

3. Although the Conference was postponed, we continued to work in Geneva but progress was slow and, for a while, it looked as though delegations were drifting further apart on some issues. But with a new date set for MC12 the atmosphere began to change.

4. We started the most recent phase of negotiations in early May with a new negotiating dynamic. All the delegations involved were clearly ready to work. Although it started slowly, the pace of progress increased steadily and, over the past few days several issues have been resolved that everyone thought were some of the most sensitive with opinions polarised between extreme views.

5. As a result, I am very pleased to say that, this evening, I finished working on a revised draft of the Agreement on Fisheries Subsidies which has been sent to Ministers for their consideration at MC12. I must emphasize that this is not an agreed document. In some places the draft text is my best attempt to suggest an outcome that I think is most likely to attract consensus.

6. In some areas I am delighted to say it is not my work at all. Instead, the text presented came from groups of Members with very different starting positions who working together, resolved their differences and presented to the plenary a text they could all accept.

7. A lot of the work over the past few weeks was done in small groups. Some of these were held by me, some by the Director-General and some, as I just said, by delegates meeting and working together. Throughout this phase of work, transparency and inclusiveness was essential and any results from any small group were presented to meetings of the full Negotiating Group with every Member invited and the floor was opened to give everyone the opportunity to speak and have their views taken into account for every issue.

8. So, what I have sent to Ministers is not my work but the result of a collective effort by Members to deliver to Ministers a text they can consider, negotiate and finalize so that they can respect a promise made by Heads of Government in Sustainable Development Goal 14.6. An agreement to eliminate subsidies that contribute to illegal, unreported and unregulated fishing and to prohibit subsidies that contribute to overcapacity and overfishing, with appropriate and effective special and differential treatment.

9. However, not every issue has been resolved. Indeed, this is a draft Agreement and in this draft there remain some issues that Members have not agreed to yet, or where I could not sense the precise landing zone. These issues are in square brackets to indicate that Ministers may want to focus their efforts on resolving them.

10. Of course, as this is a draft of the Agreement from the Chair of a negotiating group, all the text could be considered to be in brackets and, of course, Ministers have the right to discuss and negotiate any of the provisions. I am also well aware that there are some delegations that will

be disappointed with this draft because it does not represent every element of some of their proposals. However, this is a negotiation and that means proposals need to be negotiated, refined, and amended to take account of those with different views. The end result is often quite different to the original suggestion.

11. The good news is that on some issues that had appeared intractable, the draft Agreement presents a clean solution that came from the negotiating process. For example, what we refer to as 'territoriality', that is how to ensure that a WTO panel would not decide who had jurisdiction over disputed or overlapping territorial claims. Here we have a clean text whereas in the previous draft it had enormous brackets to indicate how sensitive it was. This is significant progress; Members should be commended for reaching a compromise in this matter. Similarly, there were polarized opinions on subsidies given to vessels not flying the subsidizers flag. Here, there were two alternative and incompatible provisions in the previous draft. Now, through a new approach to this issue as worked by Members there is clean text in the draft Agreement.

12. Even on the question of special and differential treatment (SDT), through a clearer structure and wording we have a common understanding of how the provisions work, which will greatly help focus on the remaining questions to be resolved and a considerable narrowing of differences. The differences still remain, particularly, on the specific numbers relating to the parameters of SDT on the overcapacity and overfishing pillar. These numbers are: the share of global marine capture fishing above which a developing country Member would not be able to avail of the exemptions; the share of global volume of marine capture production below which developing country Members would be exempt from the discipline in article 5.1; the transition period during which developing country Members would be exempt from the discipline in article 5.1, which also is relevant to a provision for Members graduating from LDC status; and the geographic

scope of the exemptions for subsidies to low income, resource-poor and livelihood fishing or fishing related activities.

13. Disciplining non-specific fuel subsidies has always been a sensitive issue in these negotiations. It is my assessment that, for both practical and systemic reasons, there is strong convergence among the preponderance of Members not to extend the scope of the disciplines to cover non-specific fuel subsidies. Although a few Members remain of the opinion that they should be part of the scope of this agreement, some that initially were of this view showed flexibility and moved towards a compromise approach. The converging view of Members is that said compromise approach could be reached through obligations on notifications of non-specific fuel subsidies. The new draft, thus, reflects this converging view.

14. Similarly, aside from other issues that remain sensitive for Members, the transparency provision on forced labour remains in brackets in the text. I expect Ministers of interested delegations to resolve such issue during MC12, as well as other outstanding issues.

15. Overall, the draft Agreement sent to Ministers this evening represents my best and honest effort at presenting to them a draft that is as clean as possible with only a few decisions for them to focus on, negotiate and agree. Members should be commended for their constructive and tireless engagement. Their discussions in the past few weeks were characterized by their flexibility and a will to compromise. This has allowed me to send a text to Ministers with significant progress compared to the text sent to them in November.

16. After over twenty years, it is long past time for the WTO to deliver on its promise to agree to rules that will stop subsidies for illegal and excessive fishing. As I've said to Members before: they should not be negotiating against each other but against the unrelenting depletion of global fish

stocks, that are so vital for livelihoods, food security, and a healthy planet. The longer we wait, the more the fish lose. And the more the fish lose, the more we all lose.

17. I trust WTO Members will be up to the task in the next few days. The time has arrived to deliver.