

**Report of SEAFDEC Webinar Series:
WTO Fisheries Subsidies Draft Consolidated Text
(Negotiating Group on Rules)**

**Bangkok, Thailand
10 and 17 June 2021**



Southeast Asian Fisheries of Development Center

The Secretariat

PREPARATION AND DISTRIBUTION OF THIS DOCUMENT

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Preparation of this document

SEAFDEC organized the 2-days Webinar Series: WTO Fisheries Subsidies Draft Consolidated Text (Negotiating Group on Rules) through an online platform on 10 June 2021 (*open session*) and 17 June 2021 (*closed session*). The first day of the Webinar (10 June 2021) was the *open session* attended by the resource persons from the International Institute Sustainable Development (IISD), the Commonwealth Secretariat, and from SEAFDEC Member Countries namely: Japan, the Philippines, Thailand, and Viet Nam, to share the views on WTO Fisheries Subsidies Draft Consolidated Text. On the second day (17 July 2021) was a closed session, attended by countries representatives from SEAFDEC Member Countries (except Singapore). The initial intention of the Webinar was to come up with a common position among the SEAFDEC Member Countries to focus on the “Fisheries Subsidies Draft Consolidated Chair Text, TN/RL/W/276 dated 11 May 2021,”. During the Webinar, the issues and concerns of the SEAFDEC Member Countries were identified corresponding to every article of the draft Chair Text. Nevertheless, the development of such common position was challenging due to the diverse views and positions expressed by the countries, the final output was the consolidated views of the SEAFDEC Member Countries on Fisheries Subsidies Draft Consolidated Chair Text, TN/RL/W/276 dated 11 May 2021.

CONTENTS

I.	INTRODUCTION	1
II.	OPENING OF THE WEBINAR.....	1
III.	PANEL DISCUSSION: VIEWS ON WTO FISHERIES SUBSIDIES DRAFT CONSOLIDATED TEXT (WTO-FSDCT).....	1
IV.	DRAFTING OF THE CONSOLIDATED VIEWS OF THE SEAFDEC MEMBER COUNTRIES FISHERIES SUBSIDIES DRAFT CONSOLIDATED CHAIR TEXT (TN/RL/W/276 DATED 11 MAY 2021)	4

Report of SEAFDEC Webinar Series: WTO Fisheries Subsidies Draft Consolidated Text (Negotiating Group on Rules)

10 and 17 June 2021, SEAFDEC Secretariat, Virtual Platform

I. INTRODUCTION

1. The SEAFDEC Webinar Series: WTO Fisheries Subsidies Draft Consolidated Text (Negotiating Group on Rules) was convened through an online platform on 10 June 2021 (*open session*) and 17 June 2021 (*closed session*). On 10 June 2021 (*open session*), the Webinar was attended by resource persons from the International Institute Sustainable Development (IISD), the Commonwealth Secretariat, and the speakers from Japan, the Philippines, Thailand, and Viet Nam to share their views on WTO Fisheries Subsidies Draft Consolidated Text. The Webinar also was attended by 100 registered participants from SEAFDEC Member Countries (MCs) and non-MCs, and SEAFDEC officials. The list of registered participants appears in **Annex 1**. The speaker's biography appears in **Annex 2**. On 17 June 2021 (*closed session*), the Webinar was attended by the representatives from the Department of Fisheries and relevant agencies (*e.g.* Trade Negotiation Department) of the SEAFDEC Member Countries namely: Brunei Darussalam, Cambodia, Indonesia, Japan, Lao PDR, Malaysia, Myanmar, the Philippines, Thailand and Viet Nam as well as SEAFDEC officials. The list of nominated participants appears in **Annex 3**.

II. OPENING OF THE WEBINAR

2. The Secretary-General of SEAFDEC, *Ms. Malinee Smithrithee*, firstly welcomed the participants and stated that last year SEAFDEC organized the Webinar on Fisheries Subsidies: Southeast Asian Region Perspective in September 2020 and reported the outcomes to the 53rd Meeting of SEAFDEC Council in 2021. While informing the latest development of the WTO Draft Consolidated Text dated 11 May 2021, she emphasized the Webinar in 2021 was the opportune time for SEAFDEC to provide the regional platform for SEAFDEC Member Countries to learn and share views on the updated progress the WTO Fisheries Subsidies Draft Consolidated Text, as well as challenges and issues on this Draft Consolidated Text among international and countries perspectives. She thanked all participants to join this virtual event, then declared the Webinar open. The Opening Remarks appears in **Annex 4**.

III. PANEL DISCUSSION: VIEWS ON WTO FISHERIES SUBSIDIES DRAFT CONSOLIDATED TEXT (WTO-FSDCT)

3. Under this panel discussion, it was held as the open session on 10 June 2021. There were two resource persons from regional organizations and four resource persons from national fisheries related agencies namely Japan, Thailand, the Philippines and Viet Nam. The discussion was facilitated by *Dr. Worawit Wanchana*, SEAFDEC Secretariat. The VDO was recorded and is available via this link <https://www.youtube.com/watch?v=z72uNI5Tvek&t=3s>.

4. *Dr. Worawit Wanchana*, Policy and Program Coordinator of SEAFDEC introduced the rationale, expectation and program of the Webinar. In his introduction, he informed that the Webinar was organized in response to the recommendation was made by the SEAFDEC Council during its 53rd Meeting in 2021, requested SEAFDEC to provide a platform and facilitate discussion, share the updated information and develop common views to be reflected WTO negotiation among the SEAFDEC Member Countries. Then, he then encouraged the participants to share views and key issues towards the development of common views.

- **International Institute for Sustainable Development (IISD)**

5. The “Fisheries Subsidies Agreement: State of Play” was presented by *Dr. Alice Tipping*, Lead of the sustainable Trade and Fisheries Subsidies of IISD. She provided the information on the WTO Fisheries Subsidies Draft Consolidated Text includes key elements for the SEAFDEC Member Countries to consider for the development of the common position. In her presentation, she referred to 3 main pillars of the Draft Consolidated Text; which are 1) Illegal, Unreported, and Unregulated (IUU) fishing; 2) Overfished Stocks; and 3) Overcapacity and Overfishing. As the abovementioned pillars, she also provided Chair’s proposal on the Text of the implemented measures and issues in each pillar.

6. Furthermore, she also emphasized the updated text under the legal and institutional issues on the Chair text for transparency of activities, there are some additions that the Members provide the information on fishing activities that are subsidized, notify IUU determinations, and invoke exceptions only concerning notified subsidies. She informed that the more detail on issues “WTO Negotiations on Fisheries Subsidies Update” available on the IISD website.

- **The Commonwealth Secretariat**

7. *Dr. Collin Zhuawa*, the Economic Adviser (Multilateral Trade), the Commonwealth Secretariat. He presented the “WTO Fisheries Subsidies: Draft Consolidated Chair’s Text” which provide based on the least developing countries perspective. He provided some issues from the Draft Consolidated Text (TN/RL/W/276 dated 11 May 2021) including the Prohibition of subsidies concerning IUU fishing, overfish stock, and overcapacity and overfishing. Besides, he expressed the views that the least developing countries would require technical assistant and capacity building to support the implementation of the instrument and agreement. He also shared the views for transparency and notification issue that there are supports from developing countries as well as the requirements should not be burdensome given their limited capacity and resource which could hinder the process of invoking flexibilities. Finally, he summarized the main areas of concern on the recent discussion that should be considered by the Members.

- **Representatives from SEAFDEC Member Countries**

8. *Mr. Katsuma Miyauchi*, Assistant Director of Fishery Products Trade office, Fisheries Agency of Japan. He expressed the concern on the updated Fisheries Subsidies Draft Consolidated Chair Text on fuel subsidies in Article 1.2 that should be included as a type of fisheries subsidies, also shared the views that Japan generally agrees with Article 2 and suggested the slightly changes in Article 3, 5 and 8.

9. *Ms. Jariya Jiwapibantakit*, Economist from the Fisheries Development Policy and Planning Division, the Department of Fisheries, Thailand, generally agreed with Article 3. She recognized that fisheries subsidies under the good fisheries management would prevent the negative effect to fishery resources. She supported the hybrid approach in Article 5.1 and 5.1.1 consisted of list-based approach and sustainability-based approach and also highlighted that flexibility in Article 5.1.1 would allow the policy space for the development of the fisheries sector and maintain the sustainability of fish resources. She emphasized that subsidy discipline should not be interfered with and affect the livelihood of artisanal fishers. She wished the WTO

fisheries subsidies negotiations to achieve its goals by striking a balance between the effective discipline on harmful fisheries subsidies and the policy space needed for developing members.

10. *Ms. Nguyen Thi Trang Nhung*, Deputy Director of Science, Technology and International Cooperation Department, the Directorate of Fisheries, Ministry of Agriculture and Rural Development, described there are remaining challenging issues for further discussion in Article 1, 2, 3, 4 and 5. Especially the Article 5.1 and footnote 10, she stated that the 5.1.1 refers to specific species by fishing activities and fishing gears, which will be difficult for tropical and multi species fisheries to conduct stock assessment to define reference points. She recommended that SEAFDEC Member Countries cooperate further to develop other reference points to be more realistic for tropical and multi species fisheries to be included in “footnote 9” and “footnote 10.” Additionally, she also informed that Viet Nam supports the Article 3 but the determination of IUU fishing should respect the rights and obligations of flag states and coastal states and not be expanded over fisheries management scope”.

11. *Mr. Jerome Bunyi*, Alternate Chief Negotiator on All Fisheries Matters in the WTO of the Philippine Department of Agriculture and the Agriculture Counsellor-Designate of the Philippine–Agriculture Office for European Affairs–Brussels, shared his views that securing ASEAN position on the WTO fisheries subsidies negotiations is highly unlikely given the divergent positions of ASEAN Member States in many areas. He nevertheless mentioned that it might be reasonable to envisage for ASEAN to have common positions in some or few aspects of the negotiations, for example, on the terminologies that should be used in a WTO fisheries subsidies instrument/agreement, which must be based on existing definitions found in most relevant international instruments/conventions such as the FAO and UNCLOS. He also emphasized that the Philippines would not accept the Chair’s Article 11.4(b) as it is written, particularly that it automatically exempts any infringements in any fishing areas that are being claimed as disputed waters by the subsidizing Member, from being challenged in the WTO court, especially if the claim of disputed waters by the Member is not properly substantiated in accordance with the rules of international law.

- **A SUMMARY OF KEYS ISSUES FROM THE SEAFDEC WEBINAR**

12. *Dr. Worawit Wanchana* summarized key issues of the discussion during the open session on 10 June 2021. Then, he explained the procedures of the drafting the common position on the WTO Fisheries Subsidies Draft Consolidated Text.

- **COUNTRY’S VIEWS ON WTO FISHERIES SUBSIDIES DRAFT CONSOLIDATED TEXT (WTO–FSDCT)**

13. The representative from Cambodia expressed support on the development of the composition and the proposal from the Least Development Countries (LDCs) Group to the WTO fisheries subsidies. He then raised the concern for the implementation of the agreement on the common legal instrument and capacity of each member state.

14. The representative from Japan summarized the views on the draft consolidated text fisheries subsidies and demonstrated the support of LDCs for WTO negotiation on fisheries subsidies.

15. The representative from Myanmar presented the views on the draft text. She also informed that there are executing some rule and regulations for the prohibition on overfishing

stock in Article 4 and require technical assistance and capacity building for the implementation of the discipline under the instrument.

16. The representative from the Philippines has discussed the views and key issues for the Philippines with regard to the latest Chair's draft text and shared that there remains divergent issues for discussion among WTO Members to develop common views.

17. The representative from Indonesia shared the views regarding the Draft chair text from WTO that Indonesia and AMS have common views on the prohibition of subsidies concerning IUU fishing, and overfishing and overcapacity. She recalled the importance Special and Differential Treatment as an indivisible part of fisheries subsidies discipline to provide an effective and fair discipline especially for developing countries and LDCs. Particularly for their small-scale fisheries which highly dependent on fisheries for livelihood. Nevertheless, Indonesia appreciated the discussion to develop the potential common position for the WTO negotiation chair text and encouraged the transparent and inclusive negotiation process for an effective and agreeable fisheries subsidies disciplines.

18. The representative from Malaysia shared the views on the consolidated text for appropriate implementation on prohibition for IUU fishing, overfish stock, and overfishing and overcapacity issue. Furthermore, she also informed that Malaysia welcome opportunities to explore for any technical assistant and capacity building on this matter.

19. The representative from Brunei Darussalam took note the general views on the draft consolidate text fisheries subsidies negotiation and support the agreeable common views from the SEAFDEC Member Countries. Also, he informed that the country continues to prohibit subsidies for IUU fishing, and continually collaborate with ASEAN-SEAFDEC Member Countries and for information sharing, and technical assistant and capacity building on the implementation of WTO fisheries subsidies.

20. The representative from Viet Nam shared additional comment and concern on the negotiation draft chair text.

21. The representative from Thailand summarized the position and concern of the country on the consolidated text to provide the fisheries subsidies.

IV. DRAFTING OF THE CONSOLIDATED VIEWS OF THE SEAFDEC MEMBER COUNTRIES FISHERIES SUBSIDIES DRAFT CONSOLIDATED CHAIR TEXT (TN/RL/W/276 DATED 11 MAY 2021)

22. The country representatives shared their concerns and views on the WTO Fisheries Subsidies Draft Consolidated Chair Text, TN/RL/W/276 dated 11 May 2021 in each Article. After the discussion, the views of the SEAFDEC Member Countries were consolidated and accommodated the feedback from the country representatives. The final consolidated views of SEAFDEC Member Countries appear in **Annex 5**.

LIST OF PARTICIPANTS ON 10 JUNE 2021

No.	Country	First Name	Last Name	Gender	Organization
1	Bhutan	Karna Bahadur	Ghalley	Male	Student
2	Brunei Darussalam	Hajah Siti Amin	Mahali	Female	Department of Fisheries
3	Brunei Darussalam	Matzaini	Haji Juna	Male	Department of Fisheries
4	Brunei Darussalam	Irwan	Haji Mohammad Noor	Male	Department of Fisheries
5	Cambodia	Chhoun	Chamnan	Male	Department of Fisheries Post-Harvest Technology and Quality Control Fisheries Administration (FiA)
6	Cambodia	Em	Puthy	Male	Department of Planning, Finance and International Cooperation Fisheries Administration (FiA)
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8	Switzerland	Tanvi	Sinha	Female	The Commonwealth
9	Germany	Patrick	Oswald	Male	Cde
10	India	Virendra	Kumar	Male	Dr Rajendra Prasad central agricultural University Bihar
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12	Indonesia	Hendri	Kurniawan	Male	Ministry of Marine Affairs and Fisheries
13	Indonesia	Jaya	Wijay	Male	Directorate of Marketing, DG of Product Competitiveness, MMAF Indonesia
14	Indonesia	Djoko	Prasetyo	Male	Ministry of Marine Affairs and Fisheries

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18	Indonesia	Muhammad	Febrianoer	Male	Secretariat of Directorate General for Capture Fisheries Ministry of Marine Affairs and Fisheries (MMAF)
19	Indonesia	Ridho	Rahmadi	Male	MMAF
20	Indonesia	Rita	Octafiani	Female	Coordinating Ministry for Maritime Affairs and Investment
21	Indonesia	Endroyono	Endroyono	Male	Ministry of Marine Affairs & Fisheries
22	Indonesia	Devina	Yuliantini	Female	MMAF
23	Indonesia	Yuliadi	Kadarmo	Male	MMAF
24	Japan	Aya	Matsushima	Female	Fisheries Agency of Japan
25	Japan	Hajime	Yukitomi	Male	Tokai University
26	Lao PDR	Vonsamay	Dalasaen	Female	Department of Livestock and Fisheries
27	Malaysia	Adibi	Nor	Male	Universiti Malaya
28	Malaysia	Mazalina	Ali	Female	SEAFDEC/MFRDMD
29	Malaysia	Masaya	Katoh	Male	SEAFDEC/MFRDMD
30	Malaysia	Mohd Ruslan	Abdullah	Male	MINISTRY OF AGRICULTURE AND FOOD INDUSTRIES
31	Malaysia	Chai	Chuan Jian	Male	MINISTRY OF AGRICULTURE AND FOOD INDUSTRIES

32	Malaysia	Nur Fadhlina Chan	Mahadie Chan	Female	Department of Fisheries Malaysia
33	Malaysia	Siti	Salwa	Female	MAFI
34	Malaysia	AHMAD SYAFIQ NAZMI	NADZAR	Male	Ministry of Agriculture and Food Industries
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36	Myanamr	Su	Myo Thwe	Female	Department of Fisheries
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38	Myanmar	Nyo Nyo	Thant	Female	Department of Fisheries
39	Myanmar	Ei Thal	Phyu	Female	Ministry of Education
40	Myanmar	Thaung	Htut	Male	Wildlife conservation society
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54	Philippines	Mary Mae	Sibaylos	Female	None

55	Philippines	Agnes	Faustino	Female	CBSUA CALABANGA
56	Philippines	Maria Liza	Farquerabao	Female	UP Visayas
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69	Philippines	Armida	Norte	Female	IFMS
70	Philippines	Jacqueline	Espenilla	Female	University of the Philippines Institute for Maritime Affairs and Law of the Sea
71	Philippines	Jazzmere Denise	Lana	Female	Central Luzon State University
72	Philippines	Virgilia	Sulit	Female	SEAFDEC/SEC
73	Philippines	Cheryl Marie	Natividad-Caballero	Female	Department of Agriculture
74	Philippines	Renalyn	Romero	Female	Camarine Norte State College - Institute of

					Fisheries Marine and Sciences
75	Philippines	Francisco Jr	Torres	Male	National Fisheries Research and Development Institute
76	philippines	Kenn rhey Yvonne B	Aceron	Female	IFMS
77	Philippines	Janet	Malaluan	Female	Camarines Norte State College
78	Philippines	Sonia	Sanchez	Female	Bureau of Fisheries and Aquatic Resources
79	Philippines	Obarco	Davidson	Male	Fisheries
80	Philippines	Sherwin	Marcelino jr.	Male	Students
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82	Switzerland	Kim	Kampel	Female	commonwealth
83	Switzerland	Tanvi	Sinha	Female	The Commonwealth
84	Taiwan	Yih sien	Chiu	Male	Fisheries Agency
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86	Thailand	Teerawan	Manleka	Female	Environmental Justice Foundation
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98	Thailand	Robert	Lee	Male	FAO
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103	Thailand	Koichi	Honda	Male	SEAFDEC/SEC
104	Thailand	Thanyalak	Suasi	Female	SEAFDEC/TD
105	Thailand	Sawitree	Chamsai	Female	SEAFDEC
106	Thailand	Rattana	Tiaye	Female	SEAFDEC/TD
107	Thailand	Suthipong	Thanasansakorn	Male	SEAFDEC/TD
108	Thailand	Takatsugu	Kudoh	Male	SEAFDEC/SEC
109	Thailand	Piromwan	Phokaew	Female	Department of Fisheries Thailand
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111	United Kingdom	Kimonique	Powell	Female	Commonwealth Secretariat
112	Viet Nam	Trang Nhung	Nguyen Thi	Female	Directorate of Fisheries
113	Viet Nam	Hong Nhung	Nguyen Thi	Female	Directorate of Fisheries
114	Viet Nam	Hanh	Bach Van	Male	Directorate of Fisheries

BIOGRAPHY OF SPEAKERS



SEAFDEC Webinar on Fisheries Subsidies

10 June 2021, 14:00-16:30 (UTC+7:00)

Speakers from International Organizations



Alice Tipping is Lead-Sustainable Trade and Fisheries Subsidies at the International Institute for Sustainable Development (IISD). She has designed and led highly respected programmes of research and policy dialogues on trade and environment issues, particularly on fisheries subsidies. She has a deep understanding of the intersection of foreign policy, law and environmental protection that's informed by roles in government and in managing policy-relevant research. Previous roles to IISD include Programme Manager, Environment and Natural Resources for the International Centre for Trade and Sustainable Development (ICTSD), Policy Advisor to New Zealand's Permanent Mission to the UN in Geneva, Second Secretary and Legal Adviser to New Zealand's Permanent Mission to the World Trade Organization (WTO), and Policy Advisor and Legal Advisor at New Zealand's Ministry of Foreign Affairs and Trade.

Collin Zhuawu is an Economic Adviser – (Multilateral Trade) at the Commonwealth Secretariat. He is responsible for monitoring and analyzing critical trade-related developments at the multilateral level and develop advice and recommendations to benefit Commonwealth members, especially small states, LDCs, and countries in Sub-Saharan Africa. He is also responsible for advancing the Secretariat's applied trade policy work in selected areas and disseminating the finding strategically for maximum impact. Before this, Collin served as a Commonwealth Geneva-based Trade Adviser involved in a range of activities designed to enhance the negotiating capacities of Commonwealth Small States on multilateral trade negotiations and their fuller integration into the global trading system. His activities included identifying issues of interest and concern to these states in the economic and global trading landscape, providing technical assistance, and enhancing the content and preparation of their concerns and interests in the multilateral trade negotiations. He also served as a Commonwealth Economic Adviser in the Office of the Chief Trade Adviser (OCTA) for Forum Island Countries (FICs), where he provided technical support and capacity building to the FICs in their negotiations for the Pacific Agreement on Closer Economic Relations (PACER) Plus with Australia and New Zealand.





SEAFDEC Webinar on Fisheries Subsidies

10 June 2021, 14:00-16:30 (UTC+7:00)

Speakers from SEAFDEC Member Countries



Katsuma Miyauchi is currently Assistant Director of Fishery Products Trade office, Fisheries Agency of Japan. He obtained his Bachelor of Fisheries Science from Sea Food Department, Faculty of Fisheries, University of Hokkaido. He worked as first secretary in charge of FAO at Embassy of Japan in Italy then started working as Assistant Director with Fisheries Agency of Japan since 2012.

Jerome Bunyi is the Department of Agriculture Alternate Chief Negotiator on All Fisheries in the WTO. He is also the Director and Agriculture Counsellor-Designate of the Philippine Agriculture for European Affairs, based in Brussels.



Jariya Jiwapibanthanakit is an economist from the Fisheries Development Policy and Planning Division, Department of Fisheries Thailand. She holds Bachelor and Master in Economic from Kasetsart University. She is specialized in analyzing international fish trade situation and data, disseminating fish trade information and statistics, trend analysis for fishery products as well as monitoring requirements and regulations on fishery products. She is also experienced with giving opinions on fishery trade issues including FTAs/RTAs and multinational trade negotiation and participated in fisheries subsidies negotiation meetings.

Nguyen Thi Trang Nhung is the Deputy Director of Science, Technology and International Cooperation Department, at the Directorate of Fisheries, Ministry of Agriculture and Rural Development. She also serves as SEAFDEC Alternate Council Director for Viet Nam.



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OPENING REMARKS

*By Ms. Malinee Smithrithee
SEAFDEC Secretary-General*

Distinguished speakers, dear participants, ladies and gentlemen,

I am pleased to welcome you all to this 2021 SEAFDEC Webinar on WTO Fisheries Subsidies. Last year, SEAFDEC organized the webinar WTO Fisheries Subsidies: Southeast Asian Region Perspective. We have learned the progress of the WTO fisheries subsidies negotiation during 2020 from relevant organizations such as WTO, FAO and IISD as well as country's views. We have also learned the challenges and issues, where SEAFDEC and partners could explore for the technical assistance to support the Member Countries.

As you all aware, the WTO Draft Consolidated Text has recently been released by the Chairperson of the WTO Negotiation group in order to present and expected to reach an agreement on fisheries subsidies, and also announced to convene the Ministers meeting on 15 July 2021. In this connection, today, it is timely for us to get update on current status and to hear views from our selected panel with regard to the WTO fisheries subsidies draft Consolidated Text. Major outputs, suggestions and recommendations from today webinar will be further discuss among SEAFDEC Member Countries and their consideration in developing an ASEAN Common Positions on this WTO draft consolidated text.

Ladies and gentlemen, I would like to express my sincerest thanks to all speakers. This is pleasure having you with us today. I wish we will have a fruitful and productive information and discussion. And it would certainly provide useful information for our development of the ASEAN common position.

Thank you very much and have a good day.

SEAFDEC Webinar Series:**WTO Fisheries Subsidies Draft Consolidated Text (Negotiation Group on Rules)**

(10 and 17 June 2021)

SEAFDEC organized the Webinar Series on WTO Fisheries Subsidies Draft Consolidated Text (Negotiation Group on Rules) on 10 and 17 June 2021 with funding support from the Japanese Trust Fund. As a response to the recommendations made by the SEAFDEC Council during its 53rd Meeting in April 2021 for SEAFDEC to facilitate the establishment of a regional platform for discussion and development of common position of the Member Countries on fisheries subsidies that could be reflected at the Ministerial Meeting of the WTO scheduled on 15 July 2021 and in November 2021, the Webinar Series was convened in two sessions. The first of the Webinar Series organized on 10 June 2021 was an open session and participated in by representatives from SEAFDEC Member and non-Member Countries as well as from international and regional organizations. Subsequently, the second session of the Webinar Series on 17 June 2021 was organized as a closed session and attended by representatives from the SEAFDEC Member Countries (except Singapore). During such Webinar Series, the discussion focused on the “Fisheries Subsidies Draft Consolidated Chair Text, TN/RL/W/276 dated 11 May 2021,” from which the issues of concern of the SEAFDEC Member Countries were identified corresponding to every article of the Chair Text.

Although the Webinar Series intended to come up with common position among the SEAFDEC Member Countries, development of such common position was challenging due to the diverse views and positions expressed by the countries. Nonetheless, the issues and concerns identified by the countries were summarized and shown in the following Table:

Article	Consolidated Views of SEAFDEC Member Countries*
General Principles	<ul style="list-style-type: none"> • The Instrument should be made part of the Agreement on Subsidies and Countervailing Measures (SCM Agreement), and not as a standalone document [MY] • The Instrument, once finalized, should be a legally binding instrument and should be enforceable under the WTO Dispute Settlement Understanding (DSU) [PH]
1. Scope	<ul style="list-style-type: none"> • Countries that agree with the whole Article 1: MM, PH • Other countries generally agree with Article 1, but with some comments: <ul style="list-style-type: none"> - Agree with Article 1.1 [TH] - Article 1.2 on fuel subsidies is not agreeable [BN, KH, JP, MY] - Article 1.2 on territoriality is not agreeable [VN] - Article 1.2: would agree only if small scale and artisanal fisheries are excluded in the scope[ID]

Article	Consolidated Views of SEAFDEC Member Countries*
2. Definitions	<ul style="list-style-type: none"> • Countries that agree with the whole Article 2: BN, JP, MY • Other countries generally agree with Article 2, but with some comments: <ul style="list-style-type: none"> - Terminologies in Article 2 should adhere to the terms and principles embodied in relevant international instruments such as the PSMA, FAO, FAO IPOA-IUUF [PH] - Terminologies in Article 2 should adhere to the terms embodied in relevant fisheries-related international instruments developed by FAO [VN] - Definition of fishing and fishing related activities are agreeable but needs more clarification on the definition of operator [ID]
3. Prohibition on Subsidies to IUU Fishing	<ul style="list-style-type: none"> • Countries that agree with the whole Article 3: BN • Other countries generally agree with Article 3, with some comments: <ul style="list-style-type: none"> - In Article 3.1, the phrase “or fishing related activities in support of such fishing” should be added after the end of original sentence [KH] - Article 3 should not be applied to “operator” [MY] - Article 3 should be applied to “operator” [MM] - Article 3.2: support the determinant entities of IUU fishing [ID] - In Article 3.3 (a): concerns expressed on the determination of IUU fishing activities in overlapping areas [VN] - In Article 3.3 (a): determination of IUU fishing activities in overlapping areas should follow the principles of UNCLOS [PH] - In Article 3.3 (b): it might be difficult to acquire positive evidence for determining IUU fishing activities [MM] - Article 3.3 (c): would not support the inclusion of the phrase “[, and shall provide an opportunity to the flag State and subsidizing Member to submit information to be taken into account in the determination] [ID] - New Article 3.3 (d) should be added so that the issue on “forced labor” is considered [KH] - In Article 3.4: specific duration should be indicated for application of prohibition of subsidies [MM] - In Article 3.6: technical support for implementation of this Article is required [MM] - Article 3.8: no exemption should be provided in Article 3 [JP, PH, TH] - Article 3.8: exemption should be provided to small-scale and artisanal fisheries operated for livelihood [VN] - Article 3.8: should provide flexibility for fishing within the 12 nautical miles, with or without further filters or qualifications [PH] - Article 3.8: exemption period should follow the Agreement on Aquaculture (AoA) and Trade Facilitation Agreement (TFA) [MY]
4. Prohibition on Subsidies Concerning	<ul style="list-style-type: none"> • Countries that agree with the whole Article 4: BN • Other countries generally agree with Article 4 but with some comments:

Article	Consolidated Views of SEAFDEC Member Countries*
Overfished Stocks (OFS)	<ul style="list-style-type: none"> - Text of Article 4.3 should be changed to “Notwithstanding Article 4.1, a Member may grant or maintain subsidies referred to in Article 4.1: if such subsidies <u>and/or other measures for stock recovery</u> are implemented in a manner of promoting the rebuilding of the stock to a biologically sustainable level.” [JP] - Article 4.3: would not support flexibilities that could lead to enhanced capacity in the overfished areas [ID] - Article 4.4: exemption should be permanently provided to the subsidies for fishing and fishing related activities within 12 nautical miles from baselines in order to give flexibility to artisanal fisheries [TH] - Article 4.4: exemption should be extended up to the countries’ EEZs [MY] - Article 4.4: as the same rules and regulations are applied to small fishing vessels and off-shore fishing vessel, SDT in these areas might not be necessary [MM] - Article 4.4: geographical terminology, e.g. 12 nm should not be referred to, since SSF determination may differ in different countries, and for some countries such determination may not follow geographical areas [VN] - Footnote 9: although the use of MSY is agreeable, difficulties could be encountered in undertaking stock assessments in terms of cost, expertise, and resources [MY]
5. Prohibition of Subsidies Concerning Overcapacity and Overfishing (OCOF)	<ul style="list-style-type: none"> • Countries that agree with the whole Article 5: BN • Other countries generally agree with Article 5 but with some comments: <ul style="list-style-type: none"> - Article 5.1: would support the list-based approach [ID] - Article 5.1.1: would not support any fisheries management flexibility [ID] - Article 5.1.1: there is too much flexibility for countries to provide subsidies in the case where fisheries management is in place [PH] - Article 5.1 and Footnote 9&10: should be modified to include reference points that are applicable for multi-gears and multi-species fisheries [VN] - Article 5.1.1 and Footnote10: would support this provision which is accessible to all members with fisheries management and allow the policy space for members to provide necessary subsidies for the development of fisheries sector. Members could also use alternative references points other than MSY that could indicate a biological sustainable level [TH] - Article 5.1.1 and footnote 10: no need to make geographical limitations [JP] - Article 5.2 (a): would support but without any “contingency test” [ID] - In Article 5.2 (b): would support for government-to-government access to agreements in the EEZ is not agreeable as this has been opposed by concerned stakeholders [MM] - Article 5.2 (b) on access agreement, should be followed by stricter notification requirements [ID] - For Article 5.5: preference is on ALT 2 [JP] - Article 5.5: preference is on ALT 2 which is a good starting point for the negotiation, but exemption should be permanently provided

Article	Consolidated Views of SEAFDEC Member Countries*
	<p>to the subsidies for fishing and fishing related activities within 12 nautical miles from baselines in order to give flexibility to artisanal fisheries [TH]</p> <ul style="list-style-type: none"> - Article 5.5: SDT provides too much flexibility for developing countries that may have no fisheries management in place, to provide subsidies [PH] - Article 5.5 Alt 2, strongly opposed because SDT provided to small-scale fisheries of developing countries including LDCs should be without time limitation [ID]
6. Specific provisions for LDC members	<ul style="list-style-type: none"> • Agree in principle with Article 6, but there should be specific and appropriate timeframe for the transitional period under this article [TH] <ul style="list-style-type: none"> - In Article 6.1: transition period should be 5 years [KH]
7. Technical Assistance and Capacity Building	<ul style="list-style-type: none"> • Agree in principle with Article 7 and that technical assistance and capacity building should be provided to developing country Members to support implementation of the Instrument (All countries)
8. Notification and Transparency	<ul style="list-style-type: none"> • Countries that agree with the whole Article 8: BN • Other countries generally agree with Article 8 with some comments: <ul style="list-style-type: none"> - Under Article 8.2: add new topic (b) “any vessels and operators for which the Member has information that reasonably indicates the use of forced labor, along with relevant information to the extent possible,” and change the current topic (b) to topic (c) [KH] - In Article 8.3: request for additional information should be based on concrete reasons [MY] - Provision of information and notification as part of this agreement (Instrument) should not create burden to the countries [ID] - Provision of additional information and notification as part of this agreement (Instrument) should not create burden to the countries, and only for such information that are directly relevant to fish subsidies [PH] - For Article 8.1 (a) ii: countries might have difficulties in providing “catch data by species” due to the multi-gears and multi-species nature of the fishing activities [MY, VN, ID] - In Article 8.1 (b) iv: common understanding should be provided on some terminologies, <i>e.g.</i> fleet capacity [VN] - Provision on notification should not be linked with the SDT provisions [ID] - Article 8.2 (b): notification requirement for access agreement need to be stricter to provide information on surplus quantity and price for quantity (ID)
9. Institutional Arrangement	<ul style="list-style-type: none"> • Countries that agree with the whole Article 9: BN • Other countries generally agree with Article 9 with some comments: <ul style="list-style-type: none"> - The instrument should be an annex to the existing SCM Agreement, and thus no new Committee should be established [MY]

Article	Consolidated Views of SEAFDEC Member Countries*
	<ul style="list-style-type: none"> - Any legal form of this Instrument is acceptable [ID] - The mandate, responsibilities, and limitations of the proposed Committee should be clearly specified [PH] - In Article 9.3: clarification should be provided on the terminology “fishery regime,” whether this refers to “fishery management” or “fishery subsidy” regime [VN]
10. Dispute Settlement	<ul style="list-style-type: none"> • Countries that agree with the whole Article 10: BN, TH • Other countries generally agree with Article 10 with some comments: <ul style="list-style-type: none"> - possible ‘add-ons’ to this Article should be discussed [PH, ID] - position of the country for this Article is reserved in relation to dispute settlement between coastal State and flag State [VN] - would support to limit the discipline on Violation Complaints and exclude Non-Violation and Situation Complaints[ID]
11. Final Provisions	<ul style="list-style-type: none"> • Countries that agree with the whole Article 11: (All countries) • Other countries generally agree with Article 11 with some comments: <ul style="list-style-type: none"> - current text of Article 11.4 (b) is not agreeable, especially in relation to territoriality, <i>i.e.</i> territorial or maritime jurisdiction issues already settled by international courts should be exempted from this provision [PH]

***BN:** Brunei Darussalam; **KH:** Cambodia; **ID:** Indonesia; **JP:** Japan; **MY:** Malaysia; **MM:** Myanmar; **PH:** Philippines; **TH:** Thailand; **VN:** Viet Nam