Volume 26 Number 1, 2025 www.usask.ca/esteyjournal

The Estey

Journal of International Law and Trade Policy

Abstract

Balancing Livelihood and Sustainability: India and the WTO Fisheries Agreement

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The interrelation between trade and environmental sustainability is complex with both positive and negative impacts. It is accepted that global trade contributes to environmental degradation by focusing on increasing production and transportation dependent on pollution causing materials and fuels. However, a shift in the role of global trade has occurred with the promotion of sustainability through the adoption of green technologies. An increased focus on a global action towards sustainability on a multilateral level began at the beginning of the 21st century. This focus gained momentum with the adoption of the sustainable development goals by countries globally.

A reading of the World Trade Organisation (WTO) framework provides an understanding of the recognition of the balance between environment and trade even prior to the recognition provided in the 2000s. The legal agreements including the preamble have provided for specific provisions regarding environment while imposing provisions regarding free trade. Thus, it can be said that a balance was struck by the framers of the General Agreement on Tariffs and Trade.

One of the WTO's most significant steps in this direction in the recent times is the Agreement on Fisheries Subsidies, adopted in June 2022 after more than two decades of negotiations. The focus of the Agreement is the subsidies granted by the countries leading to depletion of marine life and illegal fishing. The WTO, by laying down a legally binding agreement, attempts to ensure protection of marine biodiversity while protecting global seafood production. While the aim of the Agreement seems noble, its provisions have been flagged by developing countries including India. The concerns are founded in the dependence of millions of small-scale fishing communities on government subsidies. The prohibition on subsidies will leave such communities

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financially deprived overnight. India has currently opposed the draft of the Agreement citing the internal situation and the lack of accountability of developed countries who account for majority of the fishing subsidies provided globally.

This paper is structured to explore these issues in depth. This paper is structured into six chapters. The Introduction introduces the intersection of trade and environmental sustainability and the framing the WTO Agreement on Fisheries Subsidies. Chapter I traces the Agreement's negotiating history, from the Agreement on Subsidies and Countervailing Measures to its adoption at the 12th Ministerial Conference. Chapter II analyses the key provisions of the Agreement, including those on IUU fishing and overfished stocks. Chapter III examines the global and domestic implications of implementing the Agreement, especially for small-scale fishers. Chapter IV explores the concerns of developing and least-developed countries regarding equity, transition periods, and representation. Chapter V focuses on India's fisheries sector, government subsidy schemes, legal frameworks, and its position on the Agreement. Chapter VI discusses the need to balance sustainability and livelihoods through subsidy reform and traditional conservation practices. The conclusion provides with recommendations for India's policy stance and negotiation strategy moving forward.

Keywords: fisheries subsidies, India, negotiations, sustainability, WTO