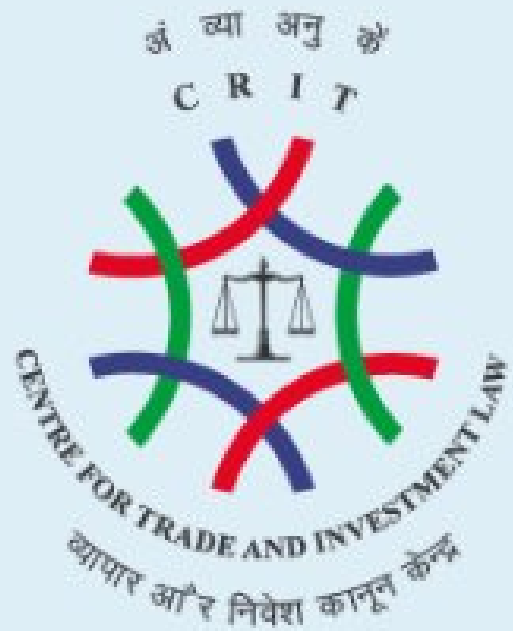




Webinar on WTO Agreement on Fisheries Subsidies: Legal Framework and Policy Prospects

**21 September 2026
4:45 PM - 6:15 PM (IST)**



Background

The WTO Agreement on Fisheries Subsidies (AFS), adopted at the Twelfth Ministerial Conference (MC12) in June 2022, marks a significant development in international trade and environmental governance, being the first multilateral WTO agreement with an environmental sustainability objective. The Agreement furthers the objective of the United Nations (UN) Sustainable Development Goals (SDGs) specifically UN SDG 14.6. The text of the AFS prohibits subsidies for illegal, unreported or unregulated (IUU) fishing, fishing targeting overfished stocks; and fishing in the unregulated high seas. The Agreement entered into force on 15 September, 2025 and India submitted its instrument of acceptance on 20th July, 2026. **The implementation of the Agreement raises practical questions concerning the interpretation and application of the Agreement's disciplines, domestic legal and institutional arrangements, subsidy notification and transparency requirements, determination of fish-stock status, conservation and management measures, and the design and administration of fisheries subsidies.**

The implementation of the AFS also needs to be understood within the broader international fisheries-governance framework, including the UN Convention on the Law of the Sea (UNCLOS), the Agreement on Port State Measures (PSMA), the UN Fish Stocks Agreement (UNFSA), and Regional Fisheries Management Organizations (RFMOs). In particular, the relationship between the AFS and UNCLOS raises questions concerning coastal-State jurisdiction, flag-State responsibilities, conservation and management of marine living resources, and the regulation of fishing activities within the Exclusive Economic Zone (EEZ) and beyond national jurisdiction. These overlapping legal and institutional frameworks make the effective implementation of the AFS dependent not only on WTO disciplines but also on the interaction between trade rules and the existing international and domestic fisheries regimes.

Additionally, the AFS is not yet considered as a comprehensive framework on fisheries subsidies. Article 12 requires the adoption of comprehensive disciplines within four years of its entry into force, making the ongoing negotiations on subsidies contributing to overcapacity and overfishing (OCOF) particularly significant. **These negotiations raise questions concerning the scope of future disciplines, policy space for developing and least-developed Members, and the balance between sustainability and the development needs of fisheries-dependent countries.**

Against this backdrop, the webinar seeks to develop a clear understanding of the substantive disciplines under the AFS, and the additional provisions being negotiated currently; focussing on the implementation requirements and identification of practical priorities for legal, institutional and policy reform. It will bring together policymakers, international trade law experts and fisheries specialists to examine the legal, institutional and practical dimensions associated with the Agreement. It seeks to facilitate dialogue amongst policymakers, legal experts, stakeholders and researchers to enhance understanding on domestic regulation, enforcement of disciplines to restrict IUU-fishing, monitoring and surveillance, notification and transparency requirements, subsidy design, and institutional coordination.

Objectives and Guiding Questions

Objectives

The webinar seeks to:

- Examine the key disciplines and flexibilities under the AFS;
- Identify the legal, regulatory and institutional measures required for developing countries to implement the AFS;
- Examine the notification and transparency requirements concerning the implementation of the AFS;
- Explore mechanisms that can assist Members in implementing and reporting under the Agreement; and
- Discuss the path ahead including the continuing negotiations on overcapacity and overfishing (OCOF);
- Analyse the interaction between the AFS, UNCLOS and other international fisheries instruments;

Guiding Questions

- What are the specific notification obligations under the AFS, and what could be the appropriate pathways for compliance with these obligations?
- What specific flexibilities does the AFS provide to developing Members through its Special and Differential Treatment (S&DT) provisions, and are these flexibilities adequate to accommodate the development needs of developing countries such as India?
- In what ways can S&DT provisions support the sustainable development of fisheries in less-developed nations?
- What are the key practical challenges faced by Members in implementing the AFS, particularly in monitoring fishing activities, collecting and verifying fisheries data, identifying IUU fishing and coordinating among relevant authorities?
- What are the primary areas of contention in current negotiations regarding overcapacity and overfishing, and how can these issues be addressed in a fair and equitable manner?
- How does the AFS interact with UNCLOS, particularly regarding EEZ jurisdiction, high-seas fishing and the respective responsibilities of coastal and flag States?

Quick Snapshot on AFS

THE WTO AGREEMENT ON FISHERIES SUBSIDIES (AFS)

Advancing Sustainable Fisheries. Supporting Oceans. Securing Our Future.

A LANDMARK AGREEMENT



Adopted at WTO MC12 in June 2022



First multilateral WTO agreement with an environmental sustainability objective



Advances UN Sustainable Development Goal 14.6

WHAT THE AGREEMENT PROHIBITS

The AFS prohibits subsidies for the following fishing or fishing related activities:



Subsidies for illegal, unreported or unregulated (IUU) fishing



Subsidies for fishing targeting overfished stocks



Subsidies for fishing in the unregulated high seas

THE AGREEMENT AT A GLANCE



Article 12 requires adoption of comprehensive disciplines within 4 years of entry into force, failing which the Agreement could terminate.



Entered into force on 15 September 2025



India submitted its instrument of acceptance on 20 July 2026



FROM NEGOTIATION TO IMPLEMENTATION

The entry into force of the AFS marks a shift from negotiation to implementation. For India, this raises key questions concerning:



Understanding and applying the Agreement's disciplines



Changes in domestic law and administrative practice



Reporting & notification obligations



Ensuring compliance while safeguarding legitimate fisheries support

LOOKING AHEAD: THE SECOND PILLAR

The AFS is the first stage of WTO disciplines on fisheries subsidies.

Additional disciplines on subsidies contributing to overcapacity and overfishing (OCCOF) are under negotiation.

These negotiations are critical to completing the fisheries-subsidies framework, balancing sustainability with the development needs of fisheries-dependent countries.



KEY THEMES FOR DISCUSSION



Domestic regulation & enforcement of IUU fishing



Monitoring, control and surveillance



Notification, transparency and reporting



Design of fisheries-related support



Institutional coordination and capacity building



India's future engagement in WTO fisheries-subsidy negotiations

Moderator



Prof. James Nedumpara
Prof. & Head
Centre for Trade and Investment Law (CTIL)

Panellists



Ms. Alice Tipping
Director, Trade and Sustainable Development
IISD



Mr. Tristan Irschlinger
Senior Policy Advisor,
IISD



Prof. Mukesh Bhatnagar
Former Professor,
CWTOS



Mr. Sebastian Mathew
Small-scale fisheries Advisor



Ms. Priyansha Hajela,
Consultant (Legal),
CTIL