

ASIA PERSPECTIVES ON FISHERY SUBSIDY ISSUES AND LINKAGES WITH ENVIRONMENT*

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ABSTRACT

“Trade and Environment” is one of the most controversial globalization/linkage issues that the WTO has addressed. Over-exploitation of natural resources is among the factors negating environmental protection efforts and contributing to environmental degradation. What the WTO can do is to, inter alia, use international trade rules to regulate government subsidies granted to resource/environment degrading industries. The current ASCM regime has been considered to be of limited use in curbing harmful fisheries subsidy practices. In 2002 the WTO Trade Negotiations Committee created the Negotiating Group on Rules to address the subject of Fisheries Subsidies in the context of ASCM. Certain Asian Member countries, e.g., Korea, Japan, China, and Taiwan, have played a vital role in this negotiation. The WTO is not an environmental organization and is without any mandate to

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regulate or interfere with environmental policy and laws at the national and international levels. What the WTO may not do needs to be addressed here. The international fisheries conservation and management regime envisages trade sanctions or trade-related measures as a means to enforce international conservation and management measures. Central to the theme of such economic/trade sanctions to be imposed by regional fisheries management organizations (RFMOs) and their Members is the requirement of adherence to the principles, rights and obligations included in WTO Agreements. With the WTO and the RFMOs in mind, it is important to observe how far this Organization may go in the quest for maintaining the sustainability of fishery resources, without trespassing its inherent or internal limits, which define it as a trade organization. There is a need to identify the external restrictions on the WTO's endeavor to avoid interfering with what is authorized or entrusted to the RFMOs. The way to do this is to examine the role played by the international fisheries resources management regime to address the environmental problems of overcapacity, overfishing and resource depletion. With such knowledge, the WTO may better identify its role in its collective pursuit, with the RFMOs, for the sustainable development of fisheries. Additionally, the realization of the role played by the RFMOs and other environmental organizations in various stages in maintaining the sustainability of fisheries resources may also necessitate the establishment of certain kinds of relationship between the WTO and related environmental organizations.

KEYWORDS: *trade and environment; ASCM; regional fishery management organizations; IUU Fishing; IPOA-IUU; IPOA-Capacity; UNFSA; Asian Countries; overcapacity; overfishing; FAO Compliance Agreement; Code of Conduct for Responsible Fishery; precautionary approach*