"WTO Fisheries Subsidies Agreement: India's Acceptance and the Original Text"

International Relations / Trade | News context: India deposited its acceptance of the WTO Agreement on Fisheries Subsidies, 20 July 2026 | Published: 18 October 2026

Background and Context

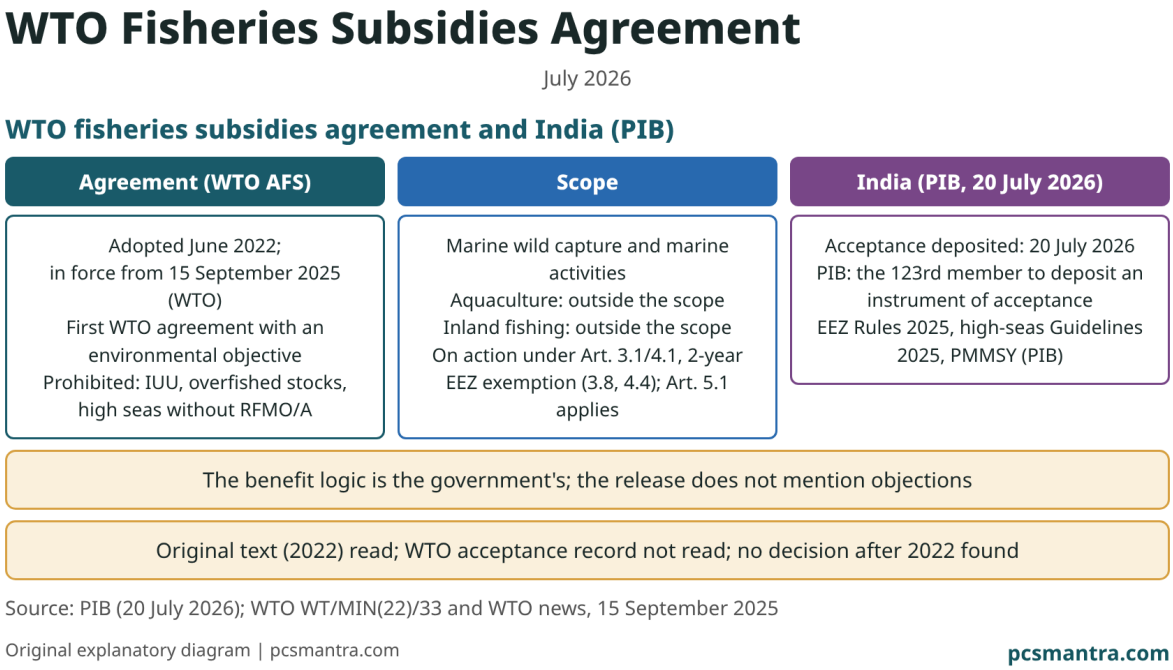
Many countries subsidise their fishers and fishing fleets. Some subsidies encourage illegal fishing and over-exploitation. The WTO's Agreement on Fisheries Subsidies (AFS) is the multilateral attempt to curb such subsidies. Per PIB, it was adopted by consensus at the 12th Ministerial Conference in Geneva in June 2022 and entered into force on 15 September 2025.

Why in the News

Per PIB's press release of 20 July 2026, India deposited its Instrument of Acceptance for the Agreement that same day and thereby became a party. Commerce Secretary Shri Rajesh Agrawal handed it to the WTO Director-General. Per PIB, India is the 123rd WTO member to deposit an acceptance. This number is PIB's; we have not matched it against the WTO's list. It is not the WTO's membership count.

Core Concept: the First WTO Agreement with an Environmental Purpose

Per PIB, this is the WTO's first multilateral agreement whose purpose is environmental sustainability. Per the original text recorded in the WTO's June 2022 Ministerial Decision (WT/MIN(22)/33), there are three main prohibitions: subsidies to a vessel or operator engaged in IUU fishing (Article 3), subsidies related to an overfished stock (Article 4), and subsidies for fishing outside both the jurisdiction of a coastal member and the competence of the relevant regional fisheries management organisation (RFMO/A) (Article 5.1).



Key Facts and Figures

Scope (Article 1)	**Per the text, the Agreement applies to subsidies that are subsidies within the meaning of Article 1.1 of the SCM Agreement and "specific" within the meaning of Article 2, and that are related to marine wild capture fishing and fishing-related activities at sea. Per a footnote, aquaculture and inland fisheries are outside the scope. Government-to-government payments for fishing access rights are not deemed subsidies.**

IUU (Article 3)	Per the text, no member shall grant a subsidy to a vessel or operator engaged in IUU fishing. A vessel is considered engaged in IUU only when the coastal member (in its area), the flag-state member (for its vessels) or the relevant RFMO/A makes a final affirmative determination through its own process. A prohibition based on a coastal member's determination applies when it has first given the flag state an opportunity for notification and exchange of information. The prohibition runs at least as long as the sanction applies or the vessel remains on the RFMO/A's list. Per footnote 6, no member is obliged to initiate an IUU investigation or determination.
Overfished stocks (Article 4)	Per the text, subsidies for fishing related to an overfished stock are prohibited. A stock is considered overfished when the coastal member or the relevant RFMO/A recognises it as such based on the best available scientific evidence. Per Article 4.3, if a subsidy or other measure is implemented to return the stock to a biologically sustainable level, the subsidy may be granted.
Unregulated high seas (Article 5)	Per the text, Article 5.1 prohibits subsidies for fishing that lies outside the jurisdiction of a coastal member or non-member coastal state and outside the competence of the relevant RFMO/A. For vessels flying another country's flag and for stocks of unknown status, Articles 5.2 and 5.3 speak of "special due care and restraint", which is not a prohibition.

Exceptions and flexibility	Per the text, under Articles 3.8 and 4.4, no action based on Articles 3.1, 4.1 and 10 can be taken for 2 years from the Agreement's entry into force against subsidies of developing members (including least-developed) up to and within their EEZ. This exception does not apply to Article 5.1. Our calculation: per the WTO news release of 15 September 2025, the Agreement entered into force that day, so on the basis of the text the two years are completed on 15 September 2027. This is our text-based calculation. The same wording appeared on the WTO legal-text page on 18 October 2026, and we found no WTO decision after 2022 changing this period or the disciplines, but we have not conclusively proved the absence of such a decision, so do not treat this as the current applicable final date. Other provisions: limited subsidies for disaster relief (Article 11.1), "due restraint" towards least-developed members (Article 6) and a voluntary WTO fund (Article 7).
India's domestic framework	Per PIB, India has the rules for sustainable exploitation of fisheries in the EEZ, 2025, the guidelines for sustainable fishing in the high seas for Indian-flagged vessels, 2025, and a capacity-building framework under PMMSY, which the Ministry described as a "strong base" for implementation.

How to Check the Government's Arguments Against the Text

Aquaculture staying out: the government says a large share of shrimp exports comes from aquaculture, which is outside the scope. This matches the text's footnote. But the press release gives no figure for shrimp exports and we have not read such a figure.

Protection of small fishers: the press release claims the Agreement protects traditional and small fishers. Our reading: we did not find a separate exception clause for small or traditional fishers in the original text. The text's prohibitions relate to IUU, overfished stocks and unregulated high seas. Which of India's subsidies fall under these, the press release does not say.

High seas: India's 2025 guidelines relate to Indian vessels in the high seas. Article 5.1 curbs subsidies for high-seas fishing outside the competence of any RFMO/A. How the two will align with each other, we have not read.

Significance: the Confluence of Trade and Environment

Multilateralism: PIB calls it a signal of India's commitment to a "rules-based trading system". That is the government's statement.

Dispute settlement: per Article 10, Articles XXII-XXIII of GATT 1994 and the DSU apply, and in disputes under Articles 3, 4, 5 the procedures of Article 4 of the SCM Agreement apply. That is, compliance with these prohibitions can be tested in the WTO's dispute settlement system.

Challenges and What We Have Not Read

The sunset text: per Article 12, if comprehensive disciplines are not adopted within four years of entry into force and the General Council does not decide otherwise, the Agreement will stand terminated. Article 9.4 and paragraph 4 of the Decision signal further negotiation. We have not read the state of the post-2022 negotiations.

What we have not read: we fully read the PIB press release (20 July 2026) and the WTO's June 2022 Ministerial Decision WT/MIN(22)/33 (including the original text). We have not read India's acceptance record deposited with the WTO, the WTO's updated list of acceptances, any WTO decision after 2022 (we found none), the status of the fisheries fund, or the position after 20 July. The date of entry into force, 15 September 2025, comes from the WTO news release. We cannot prove the absence of decisions after 2022.

The government's side: the press release makes no mention of any drawbacks or objections to the Agreement. The benefits given in the article are the government's claims.

Way Forward

This article is an analysis of the 2022 original text, alongside PIB's press release of 20 July 2026. For the current status of the exception period, see the WTO's latest information. The assessment may change as implementation rules, the review of subsidies, the exception period and dispute-settlement experience arrive.

Distinguishing the Concepts

Keep four things separate: (1) depositing the acceptance and the membership rank (PIB's statement); (2) the text's scope and the three prohibitions; (3) the 2-year EEZ exception from action under Articles 3.1/4.1, while Article 5.1 continues to apply; (4) the government's claims versus what we have not read.

Mains Perspective

GS-II: international institutions and agreements; GS-III: fisheries and environment; GS-II: India's interests. In an answer, state both the benefits and the limits of the exception.

UPSC CSE Mains Style: Original Practice Question

Evaluate India's 2026 acceptance with reference to the core provisions of the WTO Agreement on Fisheries Subsidies (2022). What measures will India need between the exception for EEZ subsidies and the prohibition for the high seas?

(Answer in 150 words) | 10 marks

Answer Outline

Introduction: The purpose and scope of the AFS.

Main Body: Three prohibitions: IUU, overfished stocks, high seas; what it means for India: the limit and duration of the EEZ exemption, small fishers, exports; measures: monitoring, stock assessment, PMMSY.

Conclusion: Stress monitoring and scientific stock assessment, keeping the protection of marine resources and the livelihood of small fishers together; do not apply the EEZ-related exemption beyond its limit and duration.

Sources

- PIB, India deposited acceptance of the WTO Agreement on Fisheries Subsidies (20 July 2026)
- WTO, Agreement on Fisheries Subsidies: Ministerial Decision of 17 June 2022, WT/MIN(22)/33 (including original text)
- WTO, WTO Agreement on Fisheries Subsidies enters into force (15 September 2025)
- WTO, Agreement on Fisheries Subsidies (legal text, with editorial notes)

Sources: the PIB press release, the WTO Ministerial Decision (original text), the WTO news release of 15 September 2025 and the WTO legal-text page were read. The WTO acceptance record was not read and no decision after 2022 was found.

Remember: per PIB, India deposited its acceptance of the WTO Agreement on Fisheries Subsidies on 20 July 2026. Per the 2022 original text, there are three prohibitions: IUU, overfished stocks and high seas without an RFMO/A. Developing members' subsidies up to their EEZ have a 2-year exception from action under Articles 3.1 and 4.1; Article 5.1 continues to apply. The rank of 123rd is PIB's statement.