

再谈世贸组织渔业津贴协议

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摘 要

由于渔业资源危机愈发严峻, 渔业补贴协议提入了多哈会议的日程。一些世贸成员国, 特别是那些以渔业为主的国家指出, 因为各种渔业补贴计划而引起的过度捕捞已经造成了渔业资源的过度耗损。他们认为应采取新的政策来防止渔业资源的过度耗损。在2007年, 经过5轮谈判, 世界贸易组织(WTO)规则制定小组委员会制定了一个可行的统一的议案。然而, 这个议案至今都没有新的进展。本文的主要目的是验证世贸组织规则制定小组委员会的议案是否可以成为渔业补贴协议的基石。为了解答这一问题, 本文简单介绍了世贸组织渔业协议发展的历史, 分析了议案的主要议题, 探讨了跨太平洋伙伴关系协议(TPP)的议案。通过以上的分析, 我们得出以下结论: 世贸组织规则制定小组委员会的议案于补贴与反补贴措施协议(ASCM)相悖。同时, 议案的总体结构并没有遵循ASCM和WTO的一些协议。TPP与议案都存在类似的问题。因此, 值得怀疑的是: WTO成员国和TPP成员国是否能够合作, 共同实现保护渔业资源的目标。WTO成员国和TPP成员国应该首先解决这些问题, 这样才能够在渔业保护会谈中取得进展。

关键词

渔业补贴, 世界贸易组织(WTO), 多哈发展议程(DDA), 规则, 委员会议案, 补贴与反补贴措施协议(ASCM), 跨太平洋伙伴关系协议(TPP)

Abstract

Fisheries subsidies negotiation was added to the negotiation agenda of the DDA largely by the concern for the depletion of fishery stocks. Some members, in particular, the friends of fish group countries, claimed that over-fishing and overcapacity caused by various fisheries subsidies program have resulted in the depletion of fishery stocks. Therefore, they argued that new disciplines should be introduced to address the situation. In 2007, after more than five years of negotiations, the chairman of the rules negotiations group circulated a consolidated text. However, the negotiations have hardly made progress since then. This paper examines whether the rule negotiating group chair's text is legally and practically appropriate to serve as a basis for the fisheries subsidies negotiations. In order to address the question, this paper presents the brief history of fisheries subsidies negotiations at the WTO. Then, it analyzes critical issues of the rule negotiating group chair's text. It also explores the consolidated text of the TPP negotiations. Based on the analysis, it concludes that the basic concept and the principle of the chair's text are inconsistent with those of the ASCM, and that the structure of the text does not conform those of the ASCM and other WTO agreements. Likewise, the TPP text bears similar problems. Therefore, it is highly questionable whether WTO members and TPP parties can actually achieve the goal to conserve

fishery resources. WTO members as well as TPP parties should try to address these problems, so that they can make real progress in negotiations.

Keywords

Fisheries Subsidies, World Trade Organization (WTO), Doha Development Agenda (DDA), Rules, Chairman's Consolidated Text, Agreement on Subsidies and Countervailing Measures (ASCM), Trans-Pacific Partnership (TPP)
