

世界貿易組織漁業補貼協定之分析

Analysis of WTO Agreement on Fisheries Subsidies

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摘 要

2022 年 6 月 17 日，第十二屆世界貿易組織部長級會議（MC12）通過《漁業補貼協定》，禁止會員提供特定的漁業補貼，象徵國際社會向海洋永續邁出重要一步。《漁業補貼協定》同時是單一國際組織將不同部門的規則整合到具體條款，以建立會員的禁止義務之重要一步。《漁業補貼協定》代表著國際法法源的一種發展方式，即國際法主體在貿易性質的法源引入漁業領域不受爭議的國際標準為會員義務的要件，除維持特定法律概念的解釋一致性，並維持會員維持或授予補貼的自由。對許多會員而言，協定的具體條款將影響其國內漁業法規與政策，甚至加速其參與國際合作。此法源整合方式是建立在會員的政治意願與互信，故《漁業補貼協定》利用透明原則建構會員的互信與尊重的管道，增加會員履行條約義務的意願，同時強制會員利用單一爭端解決機制減少解釋規範衝突，避免會員任意以單方貿易措施達成目的。

關鍵字：

漁業補貼協定 非法、不報告和不管制捕魚行為 規則整合 聯合國永續發展目標 海洋永續發展

Abstract

Agreement on Fisheries Subsidies, WTO adopted at the 12th Ministerial Conference (MC12) on 17 June 2022, marks a major step forward for ocean sustainability by prohibiting some specific harmful fisheries subsidies, which are a key factor in the widespread depletion of the world's fish stocks. It's also a great step on integrating the different sectoral rules into an agreement for setting up the Member's obligations. For many Members, some provisions of the agreement will affect their domestic fishery regulation and policy, even accelerate their participation in international cooperation. Hence, this article will brief the sectoral development of integration of international law shortly and focus on introducing and analyzing the individual provisions of the Agreement.

Keywords

Agreement on Fisheries Subsidies, IUU fishing, integration of international law, Sustainable Development Goal (SDG), ocean sustainability.