

## **India's Statement at Trade Negotiations Committee meeting at the level of Heads of Delegations held on 5<sup>th</sup> March 2018**

1. Thank you, DG, for convening this informal meeting of the TNC and for your report and assessment as the Chair of the TNC.
2. India associates with the statement of Indonesia on behalf of the G-33.
3. This is the first TNC meeting after the 11<sup>th</sup> Ministerial Conference of the WTO in Buenos Aires. It is a sobering reality that the Ministerial concluded without any substantive outcomes, even on mandated issues, and with very limited guidance for further engagement in Geneva. The Members therefore have an increased responsibility of addressing these challenges and putting the WTO on a steady, meaningful path forward. India is keen on reinvigorating the negotiations in the WTO and using this multilateral forum to develop trade rules that would be beneficial to all its members. This can best be accomplished by implementing existing decisions and mandates, building on the work done over the years and re-establishing mutual trust among the membership which has unfortunately eroded.
4. Let me enumerate some ideas and approaches which we feel can help in taking the agenda forward.

### **Agriculture**

5. Agriculture has some of the most important, sensitive and complex issues in our work in the WTO. These are also the issues of core interest to a large part of the membership. Therefore, it is extremely important that we take stock of our on-going negotiations and find ways to address issues on the table with engagement of all members. In this context, we believe that it is important to have trade rules that enhance food security and support the fight against hunger. This would also facilitate the achievement of a number of sustainable development goals, relating to the elimination of poverty, malnourishment and hunger to which we are all committed. The work on obtaining a permanent solution on public stockholding for food security for all developing countries and LDCs, should therefore remain an integral part of our agriculture work programme.
6. The importance of addressing the asymmetries and inequities arising out of the huge trade distorting agricultural subsidies provided by certain members is another issue that needs our attention and can only be addressed multilaterally. We need to reform these subsidies as many

developed countries are not exporting their competitiveness in agriculture but rather are exporting subsidies. In this context, negotiations on disciplining the most trade distorting form of domestic support, namely, the AMS beyond *de minimis*, and the flexibility to apply it without limit on specific products, must be a priority.

## **Fisheries Subsidies**

7. Fisheries subsidies is a Doha issue where we can work to conclude negotiations by the next Ministerial. India, and many developing countries, have a large population of small, poor workers dependent on traditional fishing activities for their livelihood. In developing disciplines on fisheries subsidies, we need to acknowledge this reality. Therefore, suitable special and differential treatment measures have to be incorporated while framing the disciplines.

## **Services**

8. In the area of domestic regulation in services, India has constructively engaged to broaden the debate and build consensus by providing textual suggestions to the proponents which factor in the concerns of many developing countries. We have also highlighted, on many occasions, that domestic regulations in isolation will have little or no impact on trade in services. A holistic approach needs to be adopted to address the numerous difficulties which services suppliers, particularly those of developing countries, face in the form of complex regulatory regimes of developed countries. While we are prepared to engage on domestic regulations, it is of vital importance to simultaneously address entry related measures for movement of professionals. In this context, we would like the membership to seriously consider measures for trade facilitation in services, focused primarily on Mode-IV alongside the negotiations for disciplines on domestic regulations.

## **TRIPS-CBD**

9. While the TRIPS agreement advocates protection to patents, the Convention on Bio-Diversity, seeks to promote equitable sharing of biological resources. The TRIPS-CBD linkage therefore seeks to protect bio-piracy by making many elements of the Convention on Bio-diversity enforceable. While this issue was earlier discussed in a DG-led process, it has lately slipped out of our priorities. We suggest that the WTO take up work to make mandatory, disclosure requirements for genetic resources and traditional knowledge in patent applications along with prior informed consent and benefit sharing. This is also one of the outstanding implementation issues from the Doha Work Programme.

## **DSB**

10. We value the role of the multilateral trading system, both as a negotiating forum for trade rules and for its dispute settlement functions. The latter has been, for us, one of the chief benefits of the WTO. What good is it to invest effort in the negotiation of rules if they cannot be effectively implemented and impartially enforced? In this context, India, along with many other members, has growing and deep concerns regarding the delay in selection and appointments of members to fill vacancies in the Appellate Body. This impasse not only threatens the functioning of the Appellate Body, which is a key pillar of the dispute settlement system of this organization, but also poses a serious threat to the credibility of the WTO itself. . We would, therefore, urge all members to constructively engage and find ways to address this issue on priority.

## **Development**

11. The views expressed by some members at MCXI signaled a desire to question the linkage between development and trade, and therefore the special and differential treatment provisions for all developing and least developed countries as an integral part of the WTO agreements. We cannot agree with this. Any approach which questions the centrality of the development dimension in the WTO and undermines the special and differential treatment for developing countries, is unacceptable.

## **New Issues**

12. On new issues, our consistent view has been that these can only be negotiated after consensus has been reached amongst the membership.

## **Tariff Barriers**

13. We share the concerns that some Members have expressed on recent developments that could lead to new tariff barriers and even a trade war. Application of tariffs, we believe, should respect the ceiling of bound rates agreed to at the WTO.

## **Conclusion**

14. In conclusion, I would like to state that as a founding member of the WTO, India has been a resolute supporter of the multilateral trading system. We strongly believe it is our collective responsibility to preserve the principles of non-discrimination, predictability and transparency which are the bedrock of this system. It is with this in mind that we are committed to facilitating and participating in candid conversations including at the Delhi Mini Ministerial we are hosting on 19-20 March, 2018, to chart a way

forward for the negotiating agenda and for breaking the impasse related to the AB.

15. Let me once again reassure you DG, that India stands committed to positively contribute to strengthening the WTO.

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