

**India's Statement at Trade Negotiations Committee meeting at the level
of Heads of Delegations held on 10th December 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. We also thank the Chairs of the Negotiating Groups for their reports.
2. India associates itself with the statement to be made by Indonesia on behalf of the G-33.

State of Play:

3. Clouds have been hanging over Geneva in the week leading to this last General Council meeting of 2018. But the darkness outside is nothing compared to the gloom that shrouds the WTO ! Today, we see more protectionist measures in a year than at any time in the recent past; more dispute panels being set up in a period of 30 days than in the whole year 2017; and a spate of unilateral measures & counter measures amidst escalating trade tensions. Further, time is running out for the Appellate Body! These issues, if left unaddressed, will sound the death knell of the rules-based, multilateral trading system, as we have known it for the last two decades, and which we cherish !
4. In this grim environment, let me, DG, share some candid thoughts.

On Reforms:

5. The main discourse today at the WTO is centred around reforms. Members in different geometries and configurations have been discussing them. Many country groupings, including the leaders of the G20, believe that the WTO needs to be reformed to improve its functioning. The often-heard cliché is 'reform should take everybody along'. At the same time, the papers on the table appear to be lopsided with the potential to increase divergences. If this trend continues, there would be limited chances of possible agreement amongst Members. While we are willing to engage on reform proposals, we would like to caution that a balance and inclusiveness will be critical to success in this area.

Coming to the Appellate Body:

6. The one, small silver lining seems to be some suggestions in the form of concrete, textual proposals to address the Appellate Body impasse. Addressing specific problems related to the AB, while protecting its independence, presents a window of opportunity to break the logjam. We have co-sponsored two such proposals with the hope that they will provoke active engagement, discussion on specifics and development of possible solutions. It is our view that a pragmatic approach demands that we try to address the problems facing the WTO sequentially, and in steps. Finding a way to preserve the dispute settlement system while trying to improve it, should be the first, and foremost step in the direction of protecting our rules based system of multilateral trade. Without an effective system of enforcement of rules, the appetite for new rules or reforms will, at best, be very limited.

As far as the Negotiating Agenda is concerned:

7. We have about 18 months to the 12th Ministerial Conference, and to craft a package in the negotiating forum which has something for everyone. However, we should not be sanguine, as time will fly like the last twelve months since Buenos Aires have passed. Mandated issues in agriculture like Public Stockholding for Food Security (PSH) for all developing countries & LDCs, fisheries and services need to be taken forward with a sense of focus. We need to build on the work done in the last many years. India, along with others, has made a number of proposals in the CoASS on issues like domestic support, public stock holding and SSM and we are actively participating in fisheries subsidies negotiations. These underline our efforts to take the negotiating agenda forward, in areas where decisions leading to reform, including of the Agreement on Agriculture, are long overdue.

Many lament the need for focusing on regular work of WTO:

8. On our part, we are committed to working towards better utilisation of the regular bodies of the WTO in the multilateral format. Our proposal on understanding the e-commerce moratorium in the General Council, in so far as it impacts Members' policy space to protect domestic industry and government revenue is an important initiative in this direction. Further, we have, in the WPDR, made a proposal on domestic regulations for Mode 4 relating to the movement of professionals, their entry and presence. Our proposal was discussed during the meeting of the WPDR on 5 December 2018. Several Members and groups supported the proposal and expressed interest to work on issues of interest for developing countries, with priority on development. Going forward, we will continue to engage with the Membership

to develop commercially meaningful rules to facilitate Mode 4, as per mandate of GATS Article VI:4.

What then is the way forward ?

9. We believe that it is important to implement various mandates from previous Ministerial Conferences in a fair & urgent manner, and without cherry picking, to harvest a basket of outcomes at Astana. On the other hand, if decisions of one Ministerial are not implemented, the moral pressure on executing others gets automatically reduced. Further, in addition to preserving and improving the dispute settlement system, we need to be clear that principles that we hold dear, like abjuring protectionism and unilateral measures, non-discrimination among Members, preserving special and differential treatment for all developing countries and LDCs, should inform the way forward for the WTO. We also need to urgently address the asymmetries in Uruguay Round agreements, particularly the Agreement on Agriculture and also move forward on fisheries subsidies disciplines, an issue that is part of the Doha mandate.

Thank you, Chair.