

## **General Council Meeting**

**March 3, 2020**

\*\*\*

### **Statement by India - Delivered by Ambassador & PR to the WTO**

#### **'Procedures to strengthen the negotiating function of the WTO statement by the US'**

Let me express my condolence to the people of Oman on the passing of Sultan Qaboos and to New Zealand on the passing of former DG, WTO, Mike Moore. We also join others in welcoming incoming PRs and bid a warm farewell to colleagues leaving Geneva and wish them well in their future endeavors.

2. We thank the United States for their statement under this agenda item.

3. At the outset, we would like to refer to the submission WT/GC/W/765 by India and some other Members, where we have dealt with most of the issues raised by the US, and underlined that S&DT is a treaty embedded right at the WTO, an entitlement which developing countries have paid for, and that it cannot be taken away from us, based on certain arbitrary assumptions, including creative interpretations of the basis of G20 membership.

4. The draft decision by the United States uses parameters, many of them unrelated to development, to target certain Members. While some developing Members may have made progress, old gaps in the levels of development persist, and in some areas have even widened. Further, new divides, especially in the digital and technological spheres, are becoming more pronounced. The S&DT in favour of developing countries and LDCs is, therefore, as relevant and required today as it was in 1995.

5. The basis of S&D is to give Members time and flexibility to integrate into the rules based system. Members with huge differences in economic and social development cannot be put in the same category. For instance, to put India, which has an annual per capita income of about USD 2500, in the same development category as the United States, with a per capita GDP of more than USD 70000, would be blatantly unfair.

6. While on this issue, India would also like to draw the attention of the Membership to the repeated assertions of the United States here and elsewhere that their draft decision for the General Council as well as the

US Presidential Memo relate only to the Special and Differential Treatment in the current and future negotiations and not under the existing WTO Agreements. However, in complete negation of such repeated assertions, the United States has been unilaterally denying S&D Treatment to developing countries even under the existing WTO Agreements. A recent example of such unilateral action is vide Notice dated 2 February, 2020, wherein the United States Trade Representative, using the criteria mentioned in their draft decision for the General Council, has denied 10 WTO country Members S&DT under Article 27.10 (a) and (b) of the Agreement on Subsidies and Countervailing Measures, which deals with rules for termination of countervailing duty investigations.

7. Similarly, vide Presidential Proclamation 9902 of May, 2019, the United States unilaterally removed India and Turkey from the list of developing countries exempt from application of the safeguard duty on crystalline silicon photovoltaic cells and large residential washers, an S&DT provision for the developing countries under Article 9(1) of the Agreement on Safeguards. Similarly, in future, using arbitrary criteria the United States can deny S&DT under the existing WTO Agreements to other developing countries and even to LDCs.

8. In fact, such actions on part of the United States fuel our apprehensions that the real purpose behind the United States submission at the GC, the Presidential Memorandum on the issue and the draft decision for the General Council is to ultimately terminate S&DT at the WTO altogether. To this end, a so called case by case approach is being proposed, it is dependent on providing evidence of the need for S&DT, sector wise to start with, which will soon expand to requesting for and seeking S&DT, product by product and line by line. It will be so burdensome and impractical that it will make S&DT for developing countries and LDCs, extinct and a part of history of the WTO.

9. Further, Chair, on the issue of the S&DT at the WTO. The United States has been denying any discussion on the G90 Agreement Specific Proposals in the CTD SS, which *interalia* include a proposal that '*importing developed country Members shall not ban the importation and marketing of products originating from a least developed country Member and developing country member facing capacity constraints based on the rejection of shipments from one or a limited number of suppliers from that Member*'. We find that the Economic and Trade Agreement between the United States and China of 15 January, 2020 contains similar provisions for US exports to China of dairy products and infant formula; meat, poultry and processed meat; aquatic products; feed additives, premixes, compound feed, distillers' dried grains, and

distillers' dried grains with solubles; pet food and non-ruminant derived animal feed. This reflects the double standards of the US. On the one hand they, even as a developed country, have negotiated a flexibility for their exports to China, and on the other, they have been refusing even to discuss a similar flexibility under special and differential treatment for developing countries, including LDCs in the CTD SS, as part of the G90 proposals for decades.

10. It appears to be a case of not only not practicing what you preach but also not preaching what you actually practice !

11. I thank you, Chair.

\*\*\*