

Statement by India during Informal General Council meeting on 28 July, 2021 and to be taken on record for Agenda Item 22 of Formal General Council Meeting

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- At the CTG Meeting on 26 July an attempt was made by some Members from a particular group to portray that India's position on the issue was aimed targeting a particular Member i.e., Mexico and the GRULAC Group. Nothing can be far from truth than that. We have been clear and unequivocal throughout this process that our concern is on the systemic issues w.r.t. appointment of Chairs for WTO bodies in this organization. Therefore, we completely reject the statements made by some members from the GRULAC delegations and Member of the Mexican delegation at the CTG Meeting on 26 July, 2021.
- If our objection is to Mexico or GRULAC, as it was portrayed on 26 July, 2021, then India could have objected to Mexico becoming CTS Chair this year and also could have objected to the GRULAC Chairmanship of TBT and SPS in the earlier years. Members may please note that GRULAC has held the TBT Chairmanship twice since 2015 and the SPS committee four times since 2015.
- For India, the Chairmanship of TBT is a housekeeping issue, whereas for the Mexican delegation it is due to pressure from their Capital and private-business interests. They have openly stated this on several occasions. Therefore, it is clear who is desperate and trying to use every tool and pressure possible to get Chairmanship of TBT, that too when it is not their turn. We politely request the esteemed colleagues in the Mexican delegation to stop this misinformation campaign and also appeal to our friends from GRULAC not to fall into this campaign being led by some individuals. Narrating story 100 times, will not become fact.
- India has good, cordial and friendly relationship with both Mexico and the GRULAC region and an attempt by some individuals to portray it otherwise does not befit neither them nor the countries they represent. Recent examples during COVID has shown how we have helped each other. Few people are trying to portray leadership for Geneva highlights and these so called "friends of the system" will not come in the way of excellent bilateral relations.
- For us the concern is not one Member, but our issue is with the process. Let me illustrate the procedural follies that we have encountered during this process and bringing that out to the larger Membership is the sole purpose of our position on this matter.
- In March this year, the outgoing Chair had clearly communicated to the GC Chair at that time that he has not been able to finalise the names for the two subsidiary bodies because of objection from India and one other Member. Only 2 coordinators have asked for mediation of GC Chair. That shows they were not

referring to issue related to TBT Committee. However, during the Consultations that you undertook to finalise the slate, you were not informed of our objection and were given the information that only Agriculture committee was left to be finalised. This was a clear failure of the process, led and conducted by the Regional Coordinators, as our RC was aware of our objection but did not relay the same in that meeting.

- Further, it has also been mentioned that there was a gentlemanly agreement last year on the TBT Chairmanship for Mexico this year and that should be honoured. It seems that this gentlemanly agreement had only taken place between the outgoing CTG Chair (from GRULAC) and Mexico, or at least known only to them and not to the RC's. If RC's had known this, they could have informed us right at the beginning of the process that the slot has been reserved for Mexico and that India should not field its candidate for the post. However, due to this lack of transparency, on part of everyone involved i.e. the RC, the Chair of the concerned Bodies that we have landed in this situation.
- What is our primary concern here is lack of transparent system. Though many Members have been at the receiving end of this non-transparent process, it has continued for many years, because it serves the interests of some, who conveniently collude and 'fix' Chairs of these bodies as per their convenience.
- It is because of this that we see some individuals repeatedly taking Chairmanship of one or the other Committees year after year, what is called the Committee shopping! Some of them are senior colleagues and they should encourage younger colleagues for Chairmanships and mentor them. Unfortunately, we don't see that happening.
- Similarly, we also see this practice of Chairmanships being exchanged and traded for future years, under the garb of side-deals and so-called gentlemanly agreements, even when there are no established rules for doing so – what we call as future trading and short-selling of Chairmanships. Regulator's role in short-selling; Regulator becoming party without the knowledge of other ombudsmen/Regional co-ordinations.
- Because of these non-transparent practices, when they want to deny someone, they use all arguments and logic including the principle of rotation and balance, when we know the system of rotation is hardly being followed when you look at any committee nor the principle of balance. How is it balanced and representative one when country is getting Chairs for two Councils/Committees i.e. Committee of Trade in Services and Technical Barriers to Trade Committee. Similarly, when they want to accommodate someone, suddenly some gentlemanly agreement, which no one knows of surfaces. Does this practice give us any sense of pride in an organization which prides itself to be the pillar of the rules-based order?

- Chair, our concern is systemic. Therefore, **at the formal GC Meeting today, during the discussion on Agenda 22, if there is going to be an acknowledgement of the lack of transparency and miscommunication in the process which has led to the impasse this year and if you, as GC Chair can assure Members that you will undertake a comprehensive overhaul of the selection process for appointment for Chairs for WTO Bodies- both regular and subsidiary bodies as contained in the document W/L/510, then India will consider accepting the slate of names proposed.** Let me make it clear Chair, we are not here to secure Chairmanship of any Committee, be it for this year or seeking guarantee for subsequent years. We humbly reject the offer of TBT Chair for 2022 slate; as we do not believe in Chair shopping, future trading or short-selling of such Chairs.
