

**Informal TNC and HODs Meetings
30 September, 2021**

**Statement by India – Delivered by Brajendra Navnit, Ambassador &
PR to the WTO**

1. Let me begin by expressing thanks to the DG and the Chairs of the Negotiating Groups for their respective reports.
2. Chair, we have an important task today, to agree on the key deliverables for MC12. We have already missed two deadlines – of July and September. This disadvantages the developing countries and LDC's, who will be coerced on issues brought on the table at the last minute.
3. Taking into consideration the circumstances under which MC12 is being held, we need to focus on issues that matter for the world at this hour of crisis. In this context, let me lay out the priorities for MC12, which are by and large, the priorities of the developing world.

Food Security:

4. First, millions have regressed deeper into poverty during this pandemic and their food security is a critical issue for this organization. A simple, efficient, and permanent solution on extending PSH for food security purposes to new programs and new products should be definitive deliverable for MC12. In this regard, the recent proposals made by the Africa Group and the G33 offers a concrete solution to deliver a credible outcome at MC12. Approval of this will show that WTO delivers on past Ministerial decisions also.

WTO's Response to the Pandemic:

5. Chair, agreement on the WTO's response to the pandemic will be determined by reaching an outcome on the TRIPS waiver proposal. A recent study states that the total cost of delayed vaccinations – in terms of lost income – will amount to \$2.3 trillion, with the developing world shouldering most of that bill. Any response to pandemic will lack credibility if the response to IP related challenges is not built in. Having said that, Chair I would caution against discussions that are skewed, overtly focused on goods trade, aim at reducing the available policy space for members, impose onerous obligations in the name of transparency. These discussions promote the interests and benefits of a few while compounding the challenges for many developing and least developed countries especially amid a pandemic.

6. Export restrictions are legitimate policy tool available with members and its current use in the context of a pandemic is symptomatic and causal, reflecting acute supply side constraints, and unless the supply of essential products to combat pandemics is augmented by mobilizing the global manufacturing capacity, by making the IP know-how and technology openly accessible to all potential manufacturers, we will not be able to address these challenges. In this regard, we also need be cognizant that rules and agreements inked for a normal situation, not foreseeing extraordinary circumstances like the pandemic, will not deliver the desired and effective outcomes. Moreover, WTO response should not only try to address the existing trade barriers like export restrictions, but also address new and emerging ones, like vaccine differentiations or COVID passports affecting personnel movements in turn resulting in trade barriers for export of services. Additionally, free flow of services and supplies, like health services, international telemedicine services needed for handling the pandemic or natural disasters must be prioritized. Chair we have shared elements that in our understanding must be a part of any credible, effective, comprehensive and practical response to the pandemic, and we urge that these get incorporated in the various discussions that are currently being held on this issue, including the facilitator process.

Fisheries Subsidies:

7. Chair, at the Ministerial TNC on 15 July our Minister had highlighted the concern of developing countries and LDCs regarding the imbalance in the draft text and suggested the way out to bring balance by incorporating the principle of “Polluter Pays” and “Common but differentiated responsibility” in formulating the disciplines.

8. Chair, it is well established that the current unsustainable state of fisheries exists because of those Members who have historically heavily subsidised their fisheries sector, developed huge industrial fishing fleet capacities and exploited the marine resources in an unrestrained manner. Without tackling these harmful subsidies, it is not possible to have sustainable fishing which will take care of our future generations.

9. In order to remove present imbalances in the Chair’s text, India has submitted a comprehensive proposal in the document RD/TN/RL/147 on Article 5 of the draft text keeping in view the demands of developing countries and LDCs on S&DT and to incorporate the principle of “Common but differentiated responsibilities” for future policy space and in the form of carve-outs for subsistence, artisanal and small-scale fishermen up to coastal Members EEZ (200 nautical miles).

10. Let us refrain from judging proposals and giving comments like taking forward or backward steps, and engage in constructive negotiation.

Special & Differential Treatment:

11. We believe that the revised G90 proposal provides the much-needed groundwork to advance and finalise the ongoing discussions on this critical area. There is nothing to refute the fact that it is especially the developing countries and LDCs that have been the worst hit by this pandemic, the objectives of development that the proposal envisages to achieve and the challenges thereof which it aims to overcome are, relevant today more than ever. This is a decades long pending mandated issue on which we are yet to deliver. Thus, I urge members to engage constructively on this issue and work together to deliver a meaningful outcome at MC12.

E-Commerce Moratorium, Appellate Body:

12. We request the demandeurs of moratorium to submit a proposal explaining the rationale and the benefits so that we can appraise our Ministers for a decision at MC12. We also seek immediate restoration of the Appellate Body.

13. Finally, Chair, we are working closely with the GC Chair on the MC12 outcome document. I wish to mention here that it is important to ensure the final outcome document must only reflect the interest of the Members on mandated issues.

Thank You Chair.
