

WORLD TRADE ORGANIZATION

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PREPARATIONS FOR THE FOURTH SESSION OF THE MINISTERIAL CONFERENCE

Communication from India

The following statement made at the General Council Meeting on 31 October-1 November 2001 by Mr. Prabir Sengupta, Commerce Secretary of India, is being circulated at the request of that delegation.

Mr. Chairman,

At the outset, I would like to recognize, on behalf of my delegation, as has been done by all distinguished delegates, the serious efforts undertaken by you, Mr. Chairman, the Director General, and the WTO Secretariat.

I would first like to bring out our serious concerns relating to certain issues in the draft Ministerial Declaration prepared by you in cooperation with the Director General.

To start with, the manner in which the four Singapore subjects have been dealt with in general and in particular, the language suggested for "trade and investment" and "trade and competition policy" is extremely disturbing. Mr. Chairman, my delegation has repeatedly expressed its inability to accept commencement of negotiations either explicitly or implicitly, in respect of the four Singapore subjects. In your text of 26 September you had provided two options each for investment and competition. Even at that time, we had pointed out that the second option did not reflect our views accurately. In a number of consultations, multilateral, plurilateral and bilateral, many delegations, including my own, have voiced our strong opposition to the negotiating option as well as the so-called the "opt-in/opt-out" approach in respect of investment and competition. In the context of competition policy, a large number of delegations including my own had expressed serious reservations on a number of occasions about commencement of negotiations in this complex area, without first acquiring at least some minimum experience in implementing domestic competition law.

It is surprising and, upsetting, to find that the earlier paras giving options on Investment and Competition have been dropped and the draft now has, according to our reading, only the option of negotiations. We strongly urge that the option of continuation of study with a report to the fifth ministerial conference be reintroduced. We are also of the view that the way these two subjects have law.ac.7on* -0.

differences in crucial areas, especially in respect of new issues, you are probably forcing many of us to put the entire text in square brackets.

Mr. Chairman, I have very serious problem with the suggestion that your text should be transmitted as it is to the Ministers. Such a course of action, we strongly feel will not be appropriate. I do not think it is fair to cause any disadvantage to any Member of the Organisation through a Chairman's text. WTO is a forum for negotiations. Sometimes, we acquiesce when a Chairman comes out with a text after wide ranging consultations. Today we are dealing with a momentous issue, which will have tremendous impact on the commercial, economic and social life of billions of people. This is, therefore, not an ordinary issue. While we appreciate your constraints, I must say that it is not possible for me to acquiesce in a situation where a draft ministerial declaration is transmitted to the Ministers without reflecting concerns and objections from a large number of countries including mine. You will recall, Mr. Chairman, the Seattle text that was transmitted with the consensus of the General Council contained various options relating to various issues in square brackets. I know that it has been a fashion to criticize that text saying that it was unmanageable. However, that text had the merit of not prejudicing anybody's position. We feel that by opting for a clean text without appropriately reflecting the different positions at least on major issues, we have swung to the other extreme. If appropriate revision of the text is not considered possible at this stage, at a minimum, there should be a clear covering letter as an integral part of the DMD explaining the main differences encountered and options suggested on critical issues during the preparatory process. We visualise this covering letter to deal with substance and not on process alone.

I am sure, your experience and commitment to the Member-driven nature of this organisation will help you to find a way out of this situation so that the Ministers have before them a full picture of different positions on various subjects which will come up for consideration at Doha. I would like to emphasise again the need to accommodate the expressions and positions of a significant number of countries while transmitting the draft Ministerial Declaration.

Thank you.
