

Consideration of the draft outcome document of the Conference

International Trade as an Engine for Development

Wednesday, 12 February

03:00pm – 06:00pm

Co-Facilitators,

India proposes the following suggestions in the draft outcome document for your consideration.

Paragraphs 42 -43

- India advocates for an open, fair, inclusive, equitable and transparent multilateral trading system, with the WTO at its core. In **para 42**, we propose deleting “predictable” to make the language consistent with Para 1 of WTO MC 12 outcome document. Additionally, we suggest writing ‘unjustified trade restrictions’, so that trade restrictions inconsistent with WTO rules may only be emphasized.
- In para 43 (b), we suggest deleting reference to ‘**Investment Facilitation for Development**’ as the WTO is not the forum for investment. Extending WTO principles to investment facilitation risks blurring the distinction between trade and investment regimes, resulting in unnecessary overlaps, inefficiencies and jurisdictional conflicts.
- We suggest moving the text on the **Permanent Solution on Public Stockholding (PS on PSH) for food security purposes** from para 43 (j) to the ‘Policy space in trade agreement’ section under para 43 (g) as we do not consider Public Stockholding for food security purpose as trade distorting.

- With reference to para 43 (h), we believe that trade agreements are distinct from investment agreements, and the disciplines applicable to trade in trade agreements cannot be superimposed on investment issues. Therefore, any references to investor-state settlements may be addressed accordingly by separating disciplines related to trade from investment and be deleted.
- In para 43 (i), regarding ‘**accelerating the replacement and termination of obsolete agreements**’, we emphasize that such decisions rest with sovereign governments. Accordingly, **clarity is sought** on which investment agreements are under review and **what role UNCTAD is expected to play** in this process.
- Regarding para 43 (k), while the draft acknowledges concerns on trade related environmental measures, it does not sufficiently address them to ensure **a fair and equitable multilateral trading system**.

Paragraph 44

- In para 44 (b), we suggest deleting references to ‘**digital trade regulations, cross-border e-commerce rules, and interoperable systems**’, as these issues are already being discussed in WTO, FTAs and other technical forums.

Further with reference to **compliance with mandatory and voluntary international standards, including sustainability standards**, India considers that international rule-making in digital space/ e-commerce is premature and such a provision will entrench existing digital industrialization asymmetry.

- In para 44 (e), the dissemination of disaggregated data may raise privacy and data protection issues. We, accordingly, propose deleting “disaggregated” and

inserting “**in accordance with domestic legal frameworks**” after the words gender and race.

Paragraph 46:

- On Trade in critical minerals and commodities, while it is essential that countries holding the valuable mineral resources are the primary beneficiaries of their extraction and trade, India emphasizes the need for targeted finance and investments, technology and knowledge transfer and capacity building to also support resource-deprived developing countries.
- In para 46 (b), we support developing Critical Mineral Traceability system as it can empower consumers to make informed decisions on the use of critical mineral-intensive products.

Thank you.
