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## STANDING AND NOTWITHSTANDING: INDIA'S POSTURES AT GATT/WTO

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**ABSTRACT**

*Since independence India's political, economic and foreign policy had been changing which implicitly steered her role in GATT(1947) and later in WTO(1995). The main objective of the article is to identify co- laterality and co-linearity in various variables those influenced our stand at various occasions. Through a time tagged analysis several clusters (of variables) have been identified. Soon after independence Indian regime was desperate to get rid of colonial practices, and therefore, adopted socialistic model. Thus India initially adopted cautious approach. Later, a decisive distance from cold war, acquiring a significant identity on global structure, efforts in establishing Non Alignment Movement, and reemphasis on agriculture were some factors during sixties made India to adopt a different posture globally. More dependence on PSUs, green revolution and nationalization of banks contributed toward India's consolidated stand. India's response in respect to easing trade barriers was by default as 'no'. To face economic crisis 1991 and debt trap, we were forced to ease trade barriers(LPG), which proved to be turning point in India's stand. After Uruguay Round being considered as lop-sided, Doha Round was launched in protecting the interests of developing countries which automatically implies our intensive role. This paper attempts to give special attention on India's role in Doha negotiations. An attempt has been made to identify various variables which made India's positions so different at WTO. The analysis suggested the forces at domestic and international front with greater contribution of political aspirations moderated our trade and even its politics.*

**KEYWORDS**

GATT, WTO, LPG, PSU, Non Alignment Movement.

**INTRODUCTION**

In order to ensure smooth trading relations internationally and maximize global trade after Second World War, an international institution in the form of General Agreement on Tariffs and Trade (GATT) was setup. Its objective was to work for reducing tariff on international trade in goods and provide a forum for negotiation on trade disputes and trade related issues among nations. The GATT aims at expansion of international trade, increase of world production by ensuring full employment in the participating nations, development and full utilization of world resources; and raising standard of living of the world community as a whole. GATT was formed in 1947 and we also became independent in the same year. However it was merely a coincidence, thus India became the founder member of GATT who played a very cautious role there. India's voice in international trade negotiations has often been a loud one, often louder than one would expect given its limited participation in world trade over the years. But the small scale of India's international trade prior to its economic reforms of 1991 is partly what makes its current role at the WTO so important. This is because India adopted the socialist pattern and essentially chose to shut off its economy from the rest of the world by enacting extremely restrictive policies toward trade and foreign investment. As one might expect, India's pursuit of an inward looking development strategy was reflected in the nature of its involvement in multilateral trade negotiations. During GATT years, India was largely perceived as a player that invariably took negative positions by default as **just no**. India's colonial hangover can hardly justify its prolonged pursuit of protectionist policies, not least because these policies significantly slowed down its economic progress relative to those countries that adopted a more outward looking approach. By adopting new economic reforms 1991 – LPG Policy, India had started to liberalizing the restrictions, supporting the public sector through privatization & globalizing its markets, it gradually **turned yes**.

India's voice in the international arena has often been seen as being representative of the developing nations at large. In fact, it seems fair to say that India appears to have been rather willing to play this leadership role which was perhaps most clearly at display during the negotiation of the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) under the Uruguay Round (1986-1993), the successful completion of which led to the establishment of the World Trade Organization (WTO). However, it was seemed to be less significant for developing nations but was still acceptable for other benefits in trade barriers to developing nations. So, to focus on developing nations Doha round was started whose agenda was development. The main objective of the article is to identify co- laterality and co- linearity in various variables those influenced our stand at various occasions. This paper attempts to portray the changing role of India at various occasions. The special focus is given on India's stand at Doha round.

**DOHA DEVELOPMENT AGENDA**

The Uruguay Round negotiations, launched in 1995, resulted in a major overhaul of the multilateral trading system and produced a multilateral bargain that is considered by many developing countries to be lop-sided. The Doha Round was launched in 2001; it was hailed as the Round that would put the interests of developing countries at the forefront – a corrective action of sorts to restore the perceived imbalance that resulted from the Uruguay Round. The WTO's work is to help trade flow more smoothly and predictably for the benefit of all and Doha Round continues tradition with a new approach to international trade in a pro development manner and sought to work around the issues that address the concerns of the developing countries in three areas (the "three pillars") of domestic support, export subsidies and market access, and their related issues. The Doha Round is the latest round of trade negotiations of WTO whose aim is to achieve major reform of the international trading system with the introduction of lower trade barriers and revised trade rules. Doha work programme covers about 20 areas of trade and is also known semi-officially as the Doha Development Agenda because of its objective.

The lofty declaration above notwithstanding, advancements during the Doha Round has been rather slow. In reality, some doubt that there has been any progress at all. It is, somewhat ironical that the so called 'Development' Round has so far been a Round without any significant 'developments' at all! (Saggi, 2010)

In November 2001, following up on the Doha Ministerial Declaration, member nations launched an ambitious Work Programme covering negotiations on agriculture, Non-Agriculture Market Access (NAMA), services, dispute settlement, antidumping duties, subsidies, etc. Here, WTO members expressed their resolve to find appropriate solutions to the implementation-related concerns raised by developing countries. The Doha Round of trade negotiations was scheduled to be completed by January 1, 2005. But, like the preceding Uruguay Round, the Doha Round has also encountered many roadblocks, and thus progress has been slow. It seemed unable to bridge the gap between differing positions on various issues in the Cancun Ministerial Meeting, held in 2003 which ended without any results on the negotiating table. A number of meetings went into vain one after another in a row. Even after nine years of talks, the Doha Round still had no framework (modalities) deal in March 2010.

A recidivistic pattern of collapses and resumptions in the negotiation process has fostered a sense of defeatism and learned helplessness among delegates. This nearly decade-long negotiation stalemate is attributable to the diametrically opposed perceptions of the Round between developed and developing countries. In sum, WTO members are split between two diametrically opposed worlds. This philosophical divergence on the nature of the Doha Round is the main culprit for the negotiation deadlock (Cho, 2010).

Technik and Master, ( 2010) diagnosed the following reasons for the failure of Doha:

Widened participation of developing nations because of marginalization in past rounds and power asymmetries; Shortfall of specified rules for decision-making procedures; "Club meetings" characterized by lack of transparency; Developing countries have not been able to use the majority rule – decisions have been made by consensus and with all present member countries<sup>7</sup>; Broadness of the agenda and no clear definition of "development"; No clear principles regarding the path towards development.

Following more than a dozen years of negotiations in the Doha round trade talks – and a final push over the past four days during a high-level meeting in Bali – it seems the World Trade Organization (WTO) has finally achieved something: the organization's 160 members appear to have reached an agreement.

## INDIA'S STAND AT DOHA

At the Doha Ministerial conference of November 2001, India's then Minister of Commerce and Industry Murasoli Maran appealed "WTO has to recognize the existing *development deficit* in various WTO agreements and take necessary remedial action.", he drew attention to the "the asymmetries and imbalances in the Uruguay Round agreements" and noted that "TRIPS has invited strong reactions from stakeholders (developing countries)". Alike criticism of TRIPS by India and other developing world, particularly with respect to its potential adverse impact on access to medicines in developing nations, was not entirely ineffectual.

The August 2003 joint proposal of the US and the EC on agriculture and NAMA was a watershed because developing countries realized the necessity to unite for supporting a more development-friendly agenda. To actualize this, India played a role in creating the G-20 group of developing countries with a common position on agriculture negotiations to thwart the US-EC proposal. Along with the EU, the US and Brazil, India became a part of the high profile G4 which was considered as inner circle at WTO to take forward the round and break the stalemate.

In Doha round of negotiations of World Trade Organization, India has sought to maintain its policy space with respect to agriculture along with the issues regarding non agricultural market access (NAMA) and services. Particularly, it has sought provisions in the Doha round to treat some agricultural commodities as "special products" that would be subjected to lesser or no tariff cuts based on considerations such as livelihood security. India along with G33, G30 has focused its efforts on the ability to protect special products reflecting food-security concerns. (Mancheri, 2011).

For India, it appears that OTDS (Overall Reduction of Trade-Distorting Domestic Support), quota expansion and tariff capping were not deal-breaking issues, and with some intelligent negotiations, issues relating to sensitive products and special products of interest to India. The issue of SSM (Special Safeguard Mechanism), however, became the deal breaker. The SSM is a tool that would allow developing countries to raise tariffs temporarily beyond current legal limits when import volumes increase or prices fall suddenly. India argues that the proposed SSM would enable developing countries (like India) to take remedial action through higher tariffs in case of import surges or import induced price declines (Kaushik, 2009).

In NAMA (industrial goods but including fisheries), discussions focused on three issues – "coefficients" for tariff reduction by developed and developing countries, the anti-concentration clause and "sectors." On coefficients, the depth of India's autonomous liberalization provided it with an adequate cushion based on which it appeared to accept the proposals in the NAMA text albeit developing countries were being asked to cut tariffs more than those of developed countries. After the July 2008 meeting, India's Commerce Minister, Kamal Nath stated that India and other developing countries strongly opposed these negotiations and that there was an attempt by developed countries to make these negotiations mandatory despite the Hong Kong Ministerial Declaration having reaffirmed them to be non-mandatory. In December 2008, India's Minister of State for Commerce, Jairam Ramesh reiterated India's negotiating position that participation must be on a non-mandatory and good faith basis without prejudging the outcome.

Services liberalization is another important issue for India due to its interest in the movement of natural persons in the category of experts and skilled persons. There was a Signaling Conference on Services during the July 2008 meeting with the idea that Members with an important interest in services could provide clear signals to each other regarding their intentions to open their markets. The chances of India of using G-20 to further its interest in service sector seems remote, as positions with regard to trade in services differ significantly within the group. Thus in search of new allies, India have submitted several proposals along with Asian and Latin American developing nations. India signaled a liberal offer in important areas of interest to developed countries including telecommunications, distribution, financial services, energy and environment services, and courier services. (Kaushik, 2009).

Bali outcome as essentially a victory for developing countries fashioned by India's almost single-handed crusade for safeguarding their rights to subsidize agriculture. With the political mileage having been achieved – both at home and among low-income developing-country members of the WTO – India could have afforded to be flexible and allow the trade facilitation deal to go ahead. By doing so, it can further claim to have acted as a responsible stakeholder in global trade with unflinching commitment to the cause of the WTO and multilateral trade.

## DISCUSSION

India's original inclusion into GATT in 1947 notwithstanding, the economic policies pursued by India during its five decades or so as an independent country effectively shut off its economy from the rest of the world. Reflected its inward looking development strategy, India's negotiating positions at the GATT during these years were essentially negative in nature: reluctant to open its borders to trade and investment, India was really not in a position to be an effective participant in the multilateral trading system. Despite being socialistic economy, Indian policy makers aimed signaling the rest of the world that India could do whatever the advanced nations can. Accordingly, a diversified industrial production base was meticulously planned out for India, ranging from simple consumer items to sophisticated capital goods and heavy machinery. India believed in promoting greater understanding and trust among nations and pro-actively took forward the Non-Aligned Movement to help reduce the prevailing tension and distrust among nations in the aftermath of the Second World War.

Fortunately, starting in 1991, India began a process of economic liberalization that has already paid significant dividends in terms of higher economic growth and increased integration with the world economy. This was indeed a radical departure from India's past policy framework prevalent since independence. The reforms initiated in 1991 and pursued through the decades to follow, were much wider and deeper than earlier piecemeal attempts of economic liberalization. This ushered in a paradigmatic shift in policymaking and India's stand which was perceived to be 'just no' gradually changed to 'yes'.

Post-WTO (1994), India witnessed a phenomenal transformation of its economy, rapidly growing economy and size of markets play a major role in attracting economic powers of the world. India's voice in international trade negotiations has often been a loud one, often louder than one would expect given its limited participation in world trade over the years. India's emergence as a major economic player in the world has, therefore, definitely contributed to its heightened profile at the WTO. The parameters of India's WTO policy have been by and large determined by its domestic imperatives fulfilling the country's *best interest* as perceived by the policy makers from time to time. There is clearly a large overlap between India's domestic interests and the larger interests of the developing world. India's developmental concerns at the WTO, especially with respect to food security, livelihood and public health have been adopted for its own domestic priorities. India's postures at WTO were merely not driven by economic reasons rather; it is due to political and strategic aspirations. India is pursuing varied strategies in different fields corresponding to heterogeneous structure of domestic economy. Thus it is quite difficult to find an overall characterization of India's positions at the WTO. At Bali conference, India played an eminent role in making it the very first success since the formation of WTO. Bali was clearly a happy hunting ground for India. It now remains to be seen whether the 'trade-off' it agreed to at Bali is an indication of more such trade-offs in future underlining a shifting approach in its external trade negotiations.

## CONCLUSION

The above temporal line suggests that there has always been a cluster of factors including domestic and international political changes, overall macro and micro economic processes, and emergence of multilateral politico-economic groups vis-à-vis our participation etc, however, with a change in cardinal factor.

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