

**Press Information Bureau
Government of India
Ministry of Commerce & Industry**

15-January-2019 17:37 IST

CTIL holds Training and Capacity-Building Programme on International Trade and Investment Law

India reiterated its willingness to engage in resolving the issues related to the current impasse in the appointment/reappointment of judges in the WTO Appellate Body and urged the WTO Members to come together to resolve the current crisis at the WTO. Additional Secretary, Department of Commerce, Government of India, Mr. Sudhanshu Pandey said this while addressing the audience at an intensive training and capacity-building programme organized by Centre for Trade and Investment Law (CTIL) for Indian government officials on international trade and investment law.

The panellists included three former Deputy Directors General to the WTO- Mr. David Shark, Prof. Anwarul Hoda and Dr. Harsha Vardhan Singh, in addition to India's former Commerce Secretary, Mr. Rajiv Kher. The discussion focused on the issues of Appellate Body crisis on appointment/reappointment of Members, improving the negotiating function of the WTO and the justification for use of national security exception. Dr. James J. Nedumpara, Head and Professor, Centre for Trade and Investment Law introduced the concerns surrounding the WTO and referred to the system as "fragile". He also reiterated that the present controversies have a potential risk of causing irreparable damage to the rule-based multilateral trading system.

Mr. David Shark noted that the concerns raised by the United States on the functioning of the WTO Appellate Body are not new and have been expressed by the previous administrations also. He also observed that the WTO adjudication on national security exception has some potential pitfalls. Emphasizing on the fundamental principle that "justice delayed is justice denied", Prof. Anwarul Hoda referred to the Appellate Body as "the lynchpin of the international trading system" and urged the Members to proactively engage for resolving the stalemate. He also advocated the "plurilateral approach as a way forward". Mr. Rajiv Kher, Chair of the discussion, emphasized that the claims against developing countries, of "unfairness and non-transparency have to be weighed against the WTO ideals of equity and fair play", which the developed countries have failed to fulfill themselves. Mr. Patrick Macrory, emphasized that the burden of proof must lie with the Member who raises the grievance to come up with a positive agenda for resolving the crisis.

Dr. Harsha V. Singh, former Deputy Director General to the WTO, called the present challenges "a mammoth to deal with" and urged the Member States "to carefully choose between substance and procedure, before engaging with each other". Prof. Abhijit Das, Head, Centre for WTO Studies, underlined the significance of a "sequential approach" and reiterated the need for reviving the Doha Round.

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