

PARLIAMENT MUST INTERVENE IN INTERNATIONAL NEGOTIATIONS

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It would be unwise to conclude from the demonstrations and protests that were the most visible face of the Third Ministerial meeting at Seattle, that the dominant WTO agenda is being derailed. Nothing could be further from the truth. The only thing that was a casualty at Seattle was the grand inauguration, other than that the pressure of the corporate agenda was palpable throughout. Developing countries continue to bear the brunt of savage market-opening tactics. The attempt to bring potential protectionist, non-trade issues like labour and environment onto what has almost ceased to resemble a trade agenda, is ongoing. India which is attempting to undertake far-reaching economic reforms at home will have to ensure some measure of success at the WTO if it is to succeed in its plans for economic recovery and if it is to protect its key sectors like agriculture from onslaught.

Our performance in the WTO has been quite abysmal so far. The outcome of the First and Second Ministerial Conferences were particularly disastrous for India. The Indian negotiating teams were ill prepared and dangerously ill informed in the new technology driven sectors of the global economy, like Intellectual Property Rights. As a result of this, they failed to secure any gains in any sector of importance to the country. Instead Indian negotiators came back admitting diplomatic failure and complaining that no country would engage with them on any issue they raised.

This situation is indefensible and will clearly have to be rectified if we are to derive any benefit from the multilateral trading platform. The constant input of experts and transparency in the negotiating process are absolutely essential if any improvement is to be made. However, in order to introduce greater purposefulness into the negotiations, and greater accountability to the country, it is very important that Parliament becomes more involved in directing and monitoring what the country's negotiating agenda should be in the various international treaties that India is party to. This is especially true of the WTO, a trade platform of crucial importance to the Indian economy.

Whereas the process of the WTO negotiations is conducted by the government, the Commerce Ministry specifically, and this should continue, Parliament should be more closely involved in the process than it has been so far. These are decisive times in international trade and the nation's elected representatives must help to guide the Indian position and monitor the outcome of negotiations so that the nation's interests are safeguarded.

What precisely should Parliament do? It should with the help of experts make a list of the 'Inviolable Areas' in which India will not yield in any international negotiation. This list should not set out to oppose everything on the agenda but should be rational and small. This list should then serve as a mandatory guidance for areas in which we will not grant concessions. Such a list would certainly include points like

self reliance in food production, employment/ income generation opportunities, provision of education and health care and the safeguarding of our culture.

In those areas where we are willing to give concessions, Parliament should give directions to the government to thoroughly examine the implications of the issues involved and to inform Parliament before any final decision is taken. The current issues in international negotiations are new and extremely complex. Take Intellectual Property Rights. A badly negotiated IPR regime could end up as a block to local capacity building and technology development which will have far reaching consequences for the Indian economy. Our decisions in this regard should be highly cautious. In 1993/94, the Indian negotiating team went and accepted patents on micro organisms in the Uruguay GATT Round without any idea of what this could mean for Indian science and Indian agriculture. A national discussion with stakeholders organised by Gene Campaign revealed that most of those concerned with micro organisms did not want patents or at least not as yet. Intervention by Parliament should in the future prevent the nation being presented with such a *fait accompli*.

Parliament must create a mechanism which will provide information on the impact of decisions to be taken on areas concerning the economy in the short and the long term.

There may be an impact on our ability to develop a new and emerging industrial sector of importance to us such as biotechnology or informatics. There could be an impact on foreign exchange reserves affecting imports or a reduction in government revenue. Such developments should be anticipated and communicated before Parliament dictates a final brief. This will allow a balanced view to be taken with respect to the give and take of international negotiation. It will also allow us to be forewarned and take steps to minimise the impact in those areas where we will grant concessions.

Parliament should create a mechanism to build in greater coherence in the domestic co-ordination needed for formulating the Indian position at international platforms. Several ministries are involved in a single subject and there is little interaction amongst them. If one takes the single subject of biological resources, a major subject of international negotiations today, the Industries Ministry deals with the subject of patents, the Agriculture Ministry deals with plant varieties, the Environment Ministry deals with natural biodiversity like medicinal and other economically useful plants, micro organisms would be dealt with by Science & Technology and Defence (with respect to sensitive micro organisms with an application in warfare) and the Commerce Ministry goes to negotiate at WTO councils and meetings.

In order to resolve this issue, Parliament could look to a highly successful model for consultations that is prevalent in Europe. This is the setting up of an *Enquete Commission*. This essentially involves the setting up of a Parliamentary Commission including members of Parliament from all political parties, experts from academia and industry etc. and citizens with a record of interest in the issue being looked at by the Commission. The Enquete Commission then has the subject researched and analysed and prepares a report for Parliament. This report serves to guide government policy.

Our Parliament could consider appointing a high-powered Standing Committee with members having proven ability, objectivity and experience to advise the government in these matters. Such a Standing Committee should interact independently with the National Committee on International Trade that was set up to advise the Commerce Ministry on the WTO negotiations as well as with other experts. Allowing for experts to advise them on a constant basis should strengthen parliamentary Standing Committees in the various ministries. The Committees should commission studies on important subjects and advise their Ministries on that basis.

Perhaps the most important role that Parliament should play is to be vigilant about the progress of negotiations and monitor that the brief given to the government is being followed. It should satisfy itself that no inviolate areas have been compromised and that anticipated benefits from the negotiations are actually coming the country's way. The negotiating team (in the present case the one going to Seattle), must be made fully answerable to Parliament about its performance. They must be accountable for what they have achieved or failed to achieve. There is an incident concerning the Japanese Prime Minister who was on a visit to the US lobbying support for Japan's interests in the concluding Uruguay Round. George Bush, President of the US at the time attempted to push the Japanese Premier into granting certain concessions during his visit. The Japanese candidly admitted that it would be quite futile to extract a concession from him, even a public one, since the Japanese Parliament would not accept it, in which case it would not constitute the official Japanese position. That is a good model for India to follow.