

**Training Programme on
Strengthening Skills on Commercial
and Economic Diplomacy**

July 16-19, 2008, Jaipur, India

A Report of the Proceedings



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Introduction

CUTS International organised a training programme on “Strengthening Skills on Commercial and Economic Diplomacy” for Junior-level Civil Servants and Executives from July 16-19, 2008 at Jaipur. It was a sequel to the training programmes organised during the year 2007-08 for Indian government officials and business executives.¹ Last year CUTS had organised three such programmes targeted towards government officials and representatives from business and international organisations handling international affairs and negotiations.

The Department of Commerce, Ministry of Commerce and Industry, Government of India is supporting these training programmes. It seeks to fill the vacuum that exists in terms of an absence of institutional base on commercial and economic diplomacy. The said training programme was well attended by 21 Indian government officials from Department of Commerce, Government of India. These officials were handling work related to trade, investment and negotiations on various bilateral, regional and multilateral issues in their respective territorial divisions.

The training programme brought experts together to explore and deliberate various aspects involved in commercial and economic diplomacy namely, Kishan S Rana, Former Indian Ambassador to Germany and Course Director of CUTS Commercial Diplomacy Programme, B K Zutshi, Former Indian Ambassador to the General Agreement on Tariffs and Trade (GATT), Ahmed F Ghoneim, Associate Professor, Faculty of Economics and Political Sciences, Cairo University, Ramesh Chand, Director and Principal Scientist, National Centre for Agriculture Economics and Policy Research (NCAP), New Delhi, R S Ratna, Professor, Centre for World Trade Organisation (WTO) Studies, Indian Institute of Foreign Trade (IIFT) New Delhi, Arpita Mukherjee, Senior Fellow, Indian Council for Research on International Economic Relations (ICRIER), New Delhi and Pranav Kumar, Policy Analyst, CUTS, Jaipur.

Over a period of four days the participants sharpened their skills on commercial and economic diplomacy through lectures, real life experiences of resource persons, simulation exercises, group discussions, etc. Based on the feedback received from the participants and resource persons, the programme was successful in terms of

- quality of participation;
- resource persons;
- resource materials; and
- administrative and logistical arrangements.

Participants acknowledged that learnings they derived from the training programme proved to be extremely valuable. Approximately 95 percent of the participants expressed their desire to attend similar training programmes in the future.

Objectives

The objectives of the training programme were to:

- meet the imperative of having trained government officials at various levels who are involved in commercial and economic diplomacy;

¹ The details of this programme are available at www.cuts-citee.org/CDS/index.htm.

- ensure coherence between India’s domestic policy on trade and investment-related issues with international commitments; and
- enhance skills by developing/strengthening capacity for taking effective part in trade and investment negotiations and implementation aspects of related international agreements.

Participants

Participants were largely from the various territorial division of Department of Commerce, Government of India. The list of participants is attached as *Annexure II*.

“Administrative structure of the government still has the colonial work culture of confining junior officers to desk work. Due to this, opportunities to learn the nuances of commercial and trade-related activities and to develop professional skills are lost”.

Kishan S Rana (Former Indian Ambassador to Germany and Course Director)

“This training programme has proved beneficial in understanding WTO issues and the current impasse on agriculture, non-agriculture market access and services negotiations”.

N K Bhatia (Assistant Director, Department of Commerce)

“I have gained basic knowledge about the WTO and the various tools and techniques that one should keep in mind while participating in bilateral/multilateral deliberations”.

Vijay Kapoor, (Under Secretary, Department of Commerce)

“I am going back with informative and useful knowledge about the subject of commercial and economic diplomacy. This course has made me inquisitive and interested in knowing and understanding the issues related with the WTO and the position of India while negotiating these issues”.

Hemant Kumar (Section Officer, Department of Commerce)

Inaugural

Bipul Chatterjee, Deputy Executive Director, CUTS International inaugurated the training programme with a warm welcome to all the participants and presented a brief background of CUTS International, including its progression as an organisation where activities range from grassroots to international level. He pointed out that the purpose of this training programme is to impart basic knowledge and understanding on commercial and economic diplomacy. He elaborated the unprecedented experience and the presence of CUTS as a non-governmental organisation (NGO) in the field of competition, international trade and consumer issues.

Kishan S Rana, Former Indian Ambassador to Germany and Course Director of CUTS Commercial Diplomacy Programme commended CUTS International for taking the initiative of organising training programmes on commercial and economic diplomacy for various levels of Indian government official's namely, junior, middle and senior. He informed that the administrative structure of government still has the colonial work culture of confining junior officers to desk work, due to which opportunities to learn the nuances of commercial and trade-related activities and to develop professional skills are lost.

B K Zutshi, Former Indian Ambassador to the GATT shared his perceptions on international development *vis-à-vis* India's defensive approach towards international agreement until 1991-92 and said India introduced the economic reform process, which liberated the economy in a big way. These reforms have created a profound impact on all facets of the nation. Today, India has become an economic power to reckon with and plays a crucial role in the international arena along with US, EU and Brazil. He argued that before entering into an agreement it is required to formulate policies and procedures at domestic as well as international level to carry forward these agreements. This has generated the need for skilled officials at various levels to execute these agreements effectively and efficiently. Hence, capacity building programmes such as the one organised by CUTS have assumed great importance, he added.

Expectations of the Participants

At the close of the inaugural session, participants were requested to express their expectations from the training programme. Their responses are summarised below:

- skills and art of negotiations;
- knowledge and understanding of diplomatic practices around the world;
- WTO issues and on-going negotiations on agriculture, non-agriculture market access (NAMA) and services;
- India's position in the WTO and strategy towards various issues;
- various tools and techniques of international trade;
- trade agreements such as bilateral, regional and multilateral; and
- preparations and the required homework before entering into negotiations.

Session 1

Commercial and Economic Diplomacy: An Analytical Framework - Kishan S. Rana & Ahmed F Ghoneim

Kishan S Rana, while discussing an effective commercial and economic diplomacy, informed the participants about the transformation of economic diplomacy from period Before Christ (BC) to globalisation and the growing influence of business, corporate houses and civil society. He gave a brief introduction on how commerce as the driver of trade played a crucial role between two kingdoms during ancient times. Trade deal were worked out by keeping the future in mind or being optimistic about better returns in future. Today, however things have changed. One cannot decide who is a threat or opportunity because of ever growing economic clout and ambitions. He further explained the concurrent stages of economic diplomacy, home country's brand image and trade promotion methods.

Rana explained that economic diplomacy is a process adopted by the countries to have trade with the outside world. The purpose is to derive maximum economic advantage through ways of inviting business houses, private players and government units to invest and promote import/export between the two nations. During pre-globalisation period, commercial trade was the driving force for developing relations between two kingdoms, and both rulers and traders were optimistic and farsighted. During post-globalisation period, things have changed dramatically.

He opined that people are not perceptive but wary, which, therefore, makes it difficult in deciding whether having trade with a particular country is a threat or opportunity. Moreover, ever growing economic influence being overtly ambitious has instigated some kind of fear. For instance, Indo-China trade is at US\$40bn. While China's expanding economic authority is a threat to India it is an opportunity for Russia and US. This shows how inter-dependent India is in today's economic world. In the era of globalisation, countries have moved further, slid backwards or stagnated. He informed that there are more than 300 free trade agreements (FTAs) either under negotiations or at different stages of negotiations. Economic diplomacy can be used as efficient instruments to promote trade provided India works in coordination to various ministries, departments, territorial divisions, Indian missions abroad, etc.

He discussed the role of embassies in foreign trade, which are the prime mover of trade promotion between countries, and which need to take initiative for creating an environment conducive to public-private partnership (PPP). He emphasised the need for having a combined ministry of foreign affairs and international trade ministry. In this context, he shared the examples from UK, Singapore, Japan, etc, and said that the underutilisation of Indian embassies as external investment promotion agency for economic salesmanship (promoting trade, attracting investment); economic network (building local connections, outreach); and economic regulation (negotiating FTAs, RTAs). He strongly recommended that one must use the embassies as efficient action tools for promoting international trade.

On economic promotions, he emphasised on brand image of host country and the economy, which adds strength to most diplomatic activities. He reasoned that presenting unique qualities of home country is the most powerful and distinctive way of promoting country's image that proves beneficial in developing wide reaching relation. He cited the example of China, which has used image consultants in marketing Beijing as the venue for the 2008 Olympics and Shanghai did the same in presenting itself as a 'world city'. In the 1990s even India developed its 'India Brand Equity Foundation' (IBEF), an innovative PPP, which serves a dual purpose in helping Indian companies to build their image in the export market and in portraying a good image of the country. The operational management is taken care of by Confederation of India Industries (CII). One needs to use such tool optimally by including other services such as tourism, integrating diplomatic sectors (from culture to consular), mobilise regional support, etc.

He then described that economic diplomacy involves handling three principal issues: economic vs political; domestic vs external; and state vs non-state. A good economic diplomacy revolves around handling these three issues, along with a well drafted foreign policy. He concluded the session by stating that having a unified strategy, being pro-active in our approach, open to suggestions from different stakeholders, combining foreign affairs and foreign trade, may help in developing effective and efficient economic diplomatic relations globally. Moreover, while promoting international trade, both domestically and internationally, one should make the best use of embassy networks, he added.

Ahmed F Ghoneim, during this session, deliberated on the various aspects of commercial and economic diplomacy, especially the analytical framework and provided with a conceptual framework of commercial and economic diplomacy, i.e. how trade is gaining importance at global/multilateral level and art and skills of negotiations which may impact trade positively or negatively. He pointed out that in a nutshell, commercial diplomacy includes research, analysis, advocacy, building consensus on the negotiating outcome that will lead to international trade agreements.

According to him, reduction of trade barriers with the advent of globalisation has led to the expansion of trade. Today, the role of trade is gaining a lot of importance at global/multilateral level. Basically, commercial diplomacy gained importance due to growing gravity of trade negotiations at different level, viz. bilateral, multilateral and regional. He argued that soaring complexity in global trading system and negotiations at various levels has made realisation of having well trained professional with competent negotiation skills for addressing complexities. Negotiating and looking after a country's involvement in trade agreements is becoming increasingly a challenging task because trade agreements now address a wide range of domestic regulatory measures, he added.

He expressed that in today's interdependent world a commercial diplomat is very crucial, who plays a decisive role in negotiations which affects trade and investment between two countries. It is therefore necessary that every diplomat must consider the factors which perhaps determine or influence the investment climate at home and abroad. It is very important to identify the main issues *vis-à-vis* trade aspects involved in the issue and it is quite possible that in certain cases trade could be the main concern, while political or diplomatic efforts are the means.

In other cases, politics, social considerations or other aspect are the main concern and trade is the means to achieve it, he argued. Nevertheless, because of repercussions on investment climate it is very important that the diplomat has in depth analysis and perspective of different related dimensions and its implications on the economy. These include:

- trade perspective and its likely impact on variables such as government revenues, market access abroad, consumers, domestic and other industries etc;
- economic perspective and its implications on the economy (employment, productivity, production, etc);
- policy perspective and likely affect on domestic policies, inclusion of new measures, adoption of trade/non-trade related means;
- political perspective, which takes place against the backdrop of domestic political process and includes departments/ministries, gainers and losers due to policy change, social and political implications;
- legal perspective, as domestic laws and international trade rules influence government policy on trade and foreign investment;
- institutional perspective, capacity building on how to manage and solve the problem, bottlenecks which need to be addressed and alternative solutions to the existing problem; and
- public opinion perspective, to determine their belief or attitude about the problem and usage of media/press/parliament for influencing public opinion.

He went on to explain that when it comes to mapping out the research agenda one should choose the source of data collection which is authentic and reliable, possess the necessary professional skills required to carry out the research and have a thorough knowledge of related dimensions – all these will help in setting up the negotiation plans, argument and strategies. While negotiating one should be able to strike balance between the trade interests, address policy issues, build political coalitions and seek public support both at home and abroad. Moreover, as a negotiator it is very important to have command over the information, be credible, discuss the basic issues and then move onto difficult ones, consult experts and give attention to cultural issues. One needs to ensure that while negotiating do not forget or get digressed from the moot problem.

While concluding the session Ghoneim expressed that it is important to note that globalisation has led to increase in demand for professionals especially with skills in commercial diplomacy. Professionals having a background in economics, accountancy, legal and trade related field are in great demand. Therefore churning out skilled professionals requires further polishing of analytical, writing, oral and negotiating skills. However, lack of skilled professional often hinder negotiation process thereby not being able to take advantage of trade liberalisation opportunities. It is therefore necessary for a country to create a pool of qualified people who can guide the negotiating process at different levels, he added.

Session 2

A Practical Approach to Negotiations - Kishan S Rana

Kishan S Rana pointed out the growing importance of negotiations at different levels (and multilateral negotiations in international trade and non-political) *vis-à-vis* the crucial role played by the diplomats and other government officials while participating in the process. He then briefed the objectives of negotiations which are aimed at including concerns of the countries and obtaining economic growth, which will lead to prosperity of the population in all dimensions. He elaborated on the different concepts of negotiations like Zone of Possible Agreement (ZOPA), Best Alternative to a Negotiated Agreement (BATNA), etc. which eventually help in arriving at consensus, i.e. produce agreements or results.

He explained that negotiation is never a zero sum game; in fact, it is an integrative approach, while a distributive agreement will leave behind traces and memories, which will then influence subsequent actions. He mentioned that economic diplomacy moves from broad stages of salesmanship, networking and regulation management. He categorised negotiations into four stages:

- *Pre-negotiations*: This includes formulation of agenda, venue, dates, delegations, etc. The settlement of preliminaries such as media management, building confidence and track II and track III processes are done at this stage. Track II includes discussions with NGOs and track III is negotiations with agencies independent of the Government.
- *Preparations*: This includes establishing internal consensus among various stakeholders and to focus strengths and weaknesses. During this stage, one should focus on building the team and political consensus in the country.
- *Negotiations*: This includes initial presentation, exploration, formula, details, packaging, building and implementation, creative part and the recognition of end game.
- *Follow-up*: This includes the assessment of negotiations, communication of the result, learning's from the result, etc.

He then described Rober Putnam's two-level theory of negotiations, which was put forward in early 1990s, and which provides the concept of modern negotiation in two following levels:

- Level I: Negotiation with foreign partners
- Level II: Negotiation with domestic stakeholders namely parliament, political parties, media, think tanks, etc.

While describing the Putnam's theory, he emphasised the notion of 'win-sets', which means the zone within which one is willing to accept the agreement. The range of options is acceptable to the negotiating partner, whether it is the foreign counterpart in a bilateral process or the domestic people that have an interest in that issue. It is usually not easy to identify the exact contours of the 'win-sets' but the effort to understand it is worthwhile because it helps identify the range of possibilities that are going to be acceptable to the foreign partner and to the domestic stakeholders. He stated that a country like Japan, which carries out extensive harmonisation of the domestic consensus prior to foreign negotiations gains in three ways. First, it knows well the domestic win-sets and builds it into the official stance.

Secondly, relative inflexibility might produce (because any new compromise must be cleared with the home Level II) a strong negotiating position. Third, implementation of an accord is easy because of the consensus already established with the stakeholders. The concept of Robert Putnam suggests that the task of negotiation involves effort to change the win-sets at both the levels and to match one's own win-sets. This is a dynamic and complex process. One ought to consider the following element that governs the process:

- the narrower the win-sets, the stronger will be the bargaining power;
- understanding and monitoring other side win-sets;
- negotiators work under 'bounded rationality', i.e. imperfect knowledge of the win-sets of the other side;
- it is worthwhile to convey false or misleading information to the foreign partner on one's own win-sets. This is called the 'negotiators' dilemma' and it features in any difficult, prolonged negotiations; and
- where one encounters a heterogeneous structure on the other side, it makes it difficult to estimate win-sets, but it also makes it possible to try coalition building with like-minded elements.

He then described the Harvard method of negotiations, i.e. separation of the people from the problem. For example, consideration of perception of others, finding out commonality of interest behind adverse positions, making a creative search for options and looking at criteria that may offer solutions. He also described Tommy Koh's principle, which suggests that each negotiation is different and to be approached accordingly, building a cohesive team (i.e. inter-ministerial team), mastering one's own brief and understanding the others brief, knowing when and how to use foreign advisors, using help from third parties, winning trust through emotional intelligence, understanding the other side's culture box and thinking on a win-win situation, are prerequisites.

Session 3

Communication and Writing Effective Resolution - Kishan S Rana

Kishan S Rana while discussing the effective communication and writing effective resolution stressed upon the key feature of writing a resolution. He informed the participants that resolutions must have a single full stop accompanied by several semi colons, whether they are of five lines or five pages. The two important elements of a resolution are preamble and operative: preamble begins with verb in present continuous tense and the operational paragraph begins with the same. The documents (draft resolution) are divided into internal document and public document with certain characteristics like brevity, precision, credibility, truthfulness, completeness and language. He explained the important points of a resolution which is a constructive ambiguity (i.e. for flexibility) and material breach and deliberate vagueness in language is a device used in certain documents to bridge over differences of substance and the same is left to the concerned parties to interpret. With the help of an example from the resolution 242 of the 1967 Arab-Israel conflict he elaborated the advantage of constructive ambiguity. The statement was “*Withdrawal from occupied territories*”, which suggested that Israel was under no obligation to withdraw from all occupied territories, while for the Arabs, this sentence means that Israel was to withdraw from occupied territories.

While quoting one of the citations from Babarnama, he emphasised the significance of plain or simple language and clear words as a part of good writing skills. Rana then described the Cipher telegram as a powerful tool for communication, but at the same time flagged that this is double-edged, since it could hurt badly the originator of the message. He elaborated the elements of resolution texts that include time element, conditionality, action imperative and combining clause. He further described the art of public speaking and quoted Manu “speak the truth but not the unpleasant; speak the pleasant but not the untruth.” He then described the attribute of a good speech (Lord Krishna to Arjun in Bhagwad Gita), which says, “what you say must not disturb the person, one must speak with accuracy, one should be truthful, one should please the person who hears, one should be benefited while listening”. The need for giving concrete examples, avoiding clichés or phrases that are stereotyped, avoiding abbreviations or acronyms, sticking to the time, voice modulation and making a habit of not using those words might frame a question to the response, he added.

Drafting of Resolutions

On drafting of resolutions, Rana conducted an exercise of drafting resolution with participants, who were divided into four groups. Each group has two teams, representing Utopia – a large developing country with a population of over 200 million and a per capita Gross Domestic Product (GDP) of US\$1200, growing at about 6 percent per annum and Legoland – a small emerging economic power with a population of 40 million and a per capita GDP of over US\$5000, growing at an average of 7 percent per annum. The task of each group is to draft a paragraph, which will go into the joint statement to be issued after a meeting of the commerce ministers of the two countries, covering an FTA that is in the pipeline.

During the stipulated time period, participants drafted a paragraph, and at the end, he stressed the need of simple writing, less use of passive voice and the use of deliberate ambiguity, if the situation demands. The participants carried out the exercise successfully based on specific directives given by Rana.

Session 4

Multilateral Trading System - B K Zutshi & Ahmed F Ghoneim

B K Zutshi, while discussing the Multilateral Trading System (MTS), informed that WTO was set up in the 8th round of multilateral trade negotiations (1986-94), wherein Doha Round was the 9th round of negotiation. He stated that GATT is not an institutional arrangement and had comprehensive coverage of not only trade but also investment and employment. The Uruguay Round led to the creation of WTO. Earlier, the GATT had mainly dealt with trade in goods and now the WTO and its agreements cover General Agreement on Trade in Services (GATS) and Intellectual Property Rights (IPRs). He pointed out the following reasons for the genesis behind the WTO:

- increasing importance of services in national economies and in international trade;
- shifts in comparative advantage;
- fragmentation of MTS;
- explosive growth in information technology (IT);
- increasing tradability of services; and
- increasing importance of intellectual property goods in trade due to technological developments

Discussing the fragmented nature of MTS, he explained that no two sets of countries had the same rights and obligations. While differentiating between WTO and GATT, he informed that GATT was not an institutional mechanism rather a provisional application of a chapter of Havana Treaty. Marrakesh Agreement established the WTO as an institution, which was the third leg of the international economic order conceived in Bretton Woods Institutions. WTO has much larger coverage by inclusion of services, intellectual property rights, common dispute settlement and enforcement mechanism, forum for continuous negotiation and Trade Policy Review Mechanism (TPRM), he added.

Zutshi elaborated the existing structure of WTO, which includes: ministerial conference (which meets after every two years); General Council; Dispute Settlement Body (DSB); and trade policy review body. Under the General Council, there are councils for trade in goods, services, IPRs and a committee for trade and development, balance of payments (BoP), budgets and trade and environment. He mentioned that members might participate in all councils, committees, except appellate body, dispute settlement panels, textile monitoring body and plurilateral committees. He outlined the following element which constitutes the paradigm of WTO/GATT:

- set of rules for the conduct of international trade relations among members and applicable across the board to all of them, with some exceptions, strictly defined;
- negotiated schedules of market access commitments of individual members exchanged on reciprocal basis; and
- a mechanism for dispute settlement and enforcement.

He informed that WTO is a *sui-generis* organisation, which means member driven and member administered, and is democratic in character where value of a member's vote is identical irrespective of its trade share. It has a clearly defined remit or competence, which is confined to trade relations among its members and a credible dispute resolution system, one of its kind in any inter-governmental organisation. The decision making is based on consensus although voting is possible and provided to all the members. WTO combines the triple function of governance, namely, executive, legislative and judicial.

He elaborated the role and function of WTO Secretariat in detail and stated that a Director General along with four Deputy Director Generals and Divisional Heads, who are mostly professionals, head the Secretariat. The Secretariat plays an important supporting role in the functioning of the system, such as it prepares background papers at the request of members for decision making purposes, keeps record of meetings and prepares the annual reports and research based studies. The Director General has a facilitating role and specific authority for offering mediation and conciliation in dispute settlement and in appointment of members of dispute settlement panels in case of disagreement between parties. The WTO's basic principles and rules include:

- non-discrimination, two aspects namely Most Favoured Nation (MFN) and national treatment;
- prohibition on quantitative restriction on imports and exports with some exception;
- reciprocity, i.e. political economy of MTS with special and differential treatment (S&DT) for developing countries;
- market access; and
- transparency.

He pointed out that the WTO has certain trade measures that include fair competition (safeguards) and unfair competition (anti-dumping, subsidies and countervailing measures). He then described the actual working of system and how a member country could participate effectively. On criticism of the actual working system of WTO, he said that small and/or least developed countries (LDCs) delegates were not participating effectively (even some of them were absent) in meetings that involve important discussions and/or decisions. He suggested the following points to enhance the working of WTO:

- a better manpower resource allocation (of LDCs and developing countries) and capacity building of delegations could be done of such members;
- ensure that the daily load of meetings is kept within reasonable limits;
- widen the horizon of transparency; and
- make the negotiating processes, efficient and inclusive; etc.

While discussing the role and participation of civil society and NGOs in WTO, Zutshi referred to Article V (2) of the Marrakesh Agreement that envisages appropriate arrangements being made for consultation and cooperation with the NGOs concerned on matters related to the WTO. He pointed out that there are issues related to the participation of NGOs during bilateral, regional and multilateral agreements that include availability of WTO document, access to dispute settlement process, right to file amicus brief and participation as observer.

While concluding his part, Zutshi lamented that policy coherence and coordination is a concern in the MTS and it needs to be addressed through cooperative arrangements with other inter governmental organisations such as United Nations Conference on Trade and Development (UNCTAD), World Health Organisation (WHO), International Monetary Fund (IMF), World Bank, World Intellectual Property Organisation (WIPO), etc.

Ahmed F Ghoneim discussed Regional Trade Agreements (RTAs) in the context of WTO and said that RTA is an agreement signed between two or more nations within a certain region to reduce tariffs and restrictions on trade. Article XXIV under GATT and GATS Article V allows members to have such agreements following certain conditions. However, conditions set for RTAs are quite contradictory to MFN rule.

For instance it's mandatory that contracting parties liberalise majority of its trade and the transitional period i.e. new harmonised rules, should not exceed 10 years, he added.

He listed the the following divergent structures under the RTAs:

1. An FTA is a group of two or more customs territories which has eliminated tariffs and other trade restrictions on substantially all trade.
2. A Customs Union is two or more customs territories which have an FTA and which also apply a common external tariff on goods from non-members.
3. A Common Market deepens a customs union by providing free flow of factors of production such as labour and capital in addition to the flow of outputs.
4. An Economic Union can include the free movement of capital as well as goods and services, a common currency and a common economic policy, e.g. European Union (EU).

He explained that over a period of time, RTAs has seen an explosive growth: there are currently 205 agreements in force as of July 2007, and a total of 385 RTAs have been reported to the WTO. This number has increased four times since the beginning of 1990. The proliferation of these agreements has been because of following reasons:

- a) Firstly, national policy space for developing countries under the multilateral trade negotiations is narrow;
- b) Secondly, uncertainties about the future of negotiations under the aegis of WTO; and
- c) Thirdly, desire to increase regional economic cooperation on trade and non-trade issues.

Ghoneim informed that India has been involved in number of RTAs like Indo-Sri Lanka, Indo-ASEAN, Indo-Thailand, etc. Moreover, there were talks underway for an FTA with the EU, China, Brazil, etc. He described the two models of RTAs, i.e. shallow and deep integration and said that with the negotiation talks at WTO yet to be concluded, more countries are diverting to RTAs. Whether such diversion is good or bad for the welfare of world economy is debatable. According to him greater welfare could be achievable through more comprehensive liberalisation.

He provided an interesting comparison on supporters of RTAs who argued the extent to which trade diversion exceeds trade creation under RTAs, and said that in some circumstances smaller RTAs may be easier for countries to negotiate. Those doubtful of RTAs argue that they are witnessing growth because the smaller nations are at a disadvantaged position. He discussed the likely impact of RTAs on developing nations: RTAs will lead to economic benefits along with increased competition and promotion of foreign direct investment (FDI), secured market access, exploitation of economies of scale where small producer are unable to make optimum utilisation of the produce and require further investment and creation of external trade. At the same time there are certain negatives of RTAs such as loss of revenue which needs to be addressed by restructuring tax and tariff system (wherever necessary); trade creation can lead to risk of trade diversion; and reduce preferential treatment for other countries exports. At this point, he gave a diagrammatical explanation of trade creation and trade diversion.

He further described the non-traditional gains argued by policy analysts that small developing countries entering into an RTA with developed countries stand gain much, i.e. beyond the welfare effects. In case of any disputes, the settlement system is supposedly much superior and effective because even private parties are allowed to seek redressal of trade disputes as compared to the WTO's dispute settlement mechanism, which is available exclusively to member-country governments. In this context, he cited examples North American Free Trade Agreement (NAFTA) and EU. He stated that trade liberalisation (for expanding external trade) and attracting foreign investment can lead to positive outcome, provided domestic institutions are well equipped in negotiating intelligently and have an effective commercial diplomacy. Moreover, institutions should organise find ways to prevail over the costs of liberalization, he concluded.

Session 5

An Overview of the Indian Agriculture Sector - Ramesh Chand

Ramesh Chand presented an overview of Indian agriculture sector and its contribution to the country's economy. He showed the achievements of the agriculture sector so far in the present era of globalisation and economic liberalisation, including the challenges and implications. He informed the participants that agriculture sector's contribution is 17.7 percent in output that includes crop, livestock, fishery and forestry; its share in employment is 55 percent; in merchandise export, it is 10.7 percent; and it provides food needs and security. He stressed on the role of farm income as crucial especially in the Indian context and informed that the decline in farm income over the years is more than the decline in employment and is one of the reasons for shift of farmers to alternative sector. Crop sector (67 percent) is one of the largest component followed by livestock (24 percent), forestry (5 percent) and fishing (4 percent), in the agriculture sector in India.

He listed the following problems faced by the agriculture sector:

- a) Export slow down after 1998 as a consequence to which the growth in this sector also slowed down during the period 1997-98 to 2004-05.
- b) The regional/sectoral disparity, i.e. region-to-region disparity and change in productivity.
- c) Efficiency; i.e. wheat/rice is imported at a cheaper rate still its cost remains high because the trans-shipment cost is less while importing it from other country than within India. The transportation cost from Delhi to Mumbai is much higher due to inefficiency of market which results in high price of the wheat /rice.
- d) Poor infrastructure and poorly functioning agricultural markets.

He argued that agriculture growth is considered crucial for inclusive growth, while fast growth of non-agriculture sector has led to rise in disparities. There are other factors like global food crisis meaning as international markets are becoming costly and undependable, the concept of self-sufficiency gaining strength. He explained that agriculture is both a part of problem and a solution by giving examples of emergence of bio-energy (solution) and climate change (problem).

He discussed the factors affecting GDP in agriculture by providing several graphics and comparing the growth rate in GDP in different periods and concluded that growth rate has gradually been declining especially from 1998 to 2007. He further deliberated on each of the factors affecting GDP agriculture, namely: measure of technology frontier; gross fixed capital formation in public sector; gross fixed capital formation in private sector; area under fruit and vegetable; and high value agriculture, etc.

He explained the reasons underlying slow down in agriculture growth and enabling environment and conditions to achieve growth in the sector. The main thrust areas such as institutions, input supply, environment for private investments, R&D and agri-administration are providing conducive environment for growth in agriculture. He apprised the participants of the constraints to achieve the 4 percent growth in the sector. He lamented that agriculture has remained the most neglected area when it comes to public investment. Through graphical representation and comparing the public investment in agriculture as percentage of GDP growth figures from 1980 to 2004-2005, he not only demonstrated the low investment but also stressed on the need to increase it.

He pointed out that there is a very little increase in net irrigated area in spite of large increase in outlay and there is sub-optimal use of investments in this sector. He highlighted the necessity of creating an infrastructure and infrastructural services and underlined the importance of technology dissemination through allocation of more resources for extension, closer and frequent interactions between research and extension and result oriented performance evaluation of extension staff. He discussed various significant issues such as use of fertilisers and attitude towards using biotechnology. He strongly emphasised that biotechnology could be seen as a part of solution and described the potential of modern biotechnology. He informed that there is stiff opposition from some influential NGOs regarding use of biotechnology and the risk is exaggerated and over emphasised in using biotechnology. This sluggishness in adoption is not worthy and India should learn lesson from its own experience with B T cotton, which is essentially through the use of biotechnology, he argued.

He discussed in detail the measure to be taken to increase the growth in agriculture sector. He enumerated the importance of supply of improved seed, technology dissemination and importance of adequate supply of fertiliser (of different types according to soils types). He suggested that soil testing and treatments is significant, so is support for output marketing. It is essential to raise public investment in agriculture to 4 percent GDP by end of XIth Plan and to further the speedy completion of ongoing major and medium irrigation schemes, rainwater harvesting and aquifer recharge. He stressed on strengthening of watershed development, suitable mechanism to plough back subsidies in the form of investments. He was of the opinion that the supply of power to agriculture needs to be metered and enhanced. The quality control and regulation against spurious inputs should be increased while decreasing the large yield gap between attainable and actual yield, he suggested. He asked for a complete restructuring of the agricultural research system, including a provision for national fund for strategic research in the sector.

He stressed that seed is the primary input for raising productivity and hence special programmes for seed supply in less developed states should be initiated. He also emphasised on improving the competitiveness in agri-markets and suggested on increased private participation. Modernisation of post harvest infrastructure, simplification of food laws and attracting private investments in food processing will help in developing this sector to a great extent. By facilitating restructuring of cooperative credit speedily and rigorously expanding agriculture insurance by involving banks and private insurance companies and by running special programmes to enable small farmers to improve their capacity to go for high value commercial activities, growth in the agriculture sector in India can be achieved with ease, he reasoned.

At the end of the session a participant raised questions regarding India's shifting focus (in WTO negotiations) from reduction in tariff and subsidies to issues like IPRs and technology. The participant was interested in knowing whether it is in the interest of nation or not? Kishan S Rana raised a question whether e-chaupal has been able to provide in overcoming the inefficiencies of market and whether trans-shipment cost is lessened if Indian railways provide service.

In response, Chand clarified that indeed the situation in agriculture is shifting and indicated that the influence of technology and IPRs will increase in future. He explained that the government needs to give importance to the issues of technology and related protection and so issues like reduction in subsidy is not required to be negotiated in the WTO. He informed that e-chaupal has been fairly useful and despite of Indian railways providing the service of transportation, the cost of trans-shipment still remains very high.

Session 6

An Overview of the Manufacturing Sector in India - Pranav Kumar

Pranav Kumar provided an overview of the manufacturing sector in India by broadly deliberating on three distinct phases of manufacturing sector since independence and the policy changes made during these three phases. He elaborated the existing scenario by explaining the growth trends, employment generation and the manufacturing sector's contribution in the national income. Lastly, he discussed the major challenges, which the sector is facing along with the constraints, and the requisite steps required to be taken in the manufacturing sector.

He explained that India after 1991 identified export as a major tool for development and in this context it was very vital for Indian manufacturing sector to grow. He further laid emphasis on the issues of employment generation in manufacturing sector. He explained that during the Phase I (1950-80) the main policies focused on large and heavy industries since there was an emphasis on state control and central planning in the policies that were made during this period. The manufacturing policy during this period put severe restriction on private initiatives and there was a rigid price control in existence. Consequently, this phase was widely acknowledged to have been unsuccessful. During the Phase II (1980-90) the main policies were focused towards reducing of barriers to entry and expansion, beginning of simplification of procedures and providing easier access to better technology and intermediate material import. The Phase III illustrates the reduction in and/or abolition of some restrictions, such as high tariff rates, import licensing and the quantitative restrictions. Among the main policies of this phase was reduction of barriers to entry for (FDI), abolition of industrial licensing and fiscal and monetary reforms, he added.

He then discussed the growth performance of manufacturing sector in three phases: during Phase I, which essentially had state led import substitution policy framework, had helped create a diversified manufacturing sector. However, stagnation reached in the industrial sector by mid 1960s and the policy framework was increasingly blamed. This led to some tentative steps aimed at liberalising these regimes in the late 1970s and early 1980s. During Phase II, he discussed a comparative study of different sectors within the manufacturing sector from early 1980s to early 1990s and showed graphically how growth rate was higher in mining and quarrying sector in 1981-82, which gradually decreased by the year 1990-91, and similar situation was found in general in the other sectors in the industrial sector.

He elaborated the Phase III during which Industrial sector growth in India fell sharply in the later seven years (1997-98 to 2003-04) as compared to the first seven years after the reforms (1990-91 to 1996-97). He demonstrated it by comparing the index numbers of industrial production (growth rates) from 1990-91 to 2005-06. He elaborated the share of manufacturing sector in India's growth, contribution of manufacturing sector in employment generation, etc. He then discussed the challenges faced by manufacturing sector in India and pointed out that there is a sharp deceleration in the sector's growth and that its contribution in GDP remains constant over the years, which is worrisome trend. There is no significant contribution in employment generation and the share in total exports is falling though exports are still dominant, he added.

He singled out the major constraints that the Indian industrial sector faces today, namely: poor infrastructure, labour regulations, high cost of finance and high transaction costs, deteriorating quality of labour, skill mismatch, skill shortage, cascading effect of indirect taxes on selling price of commodities. He then discussed the steps required to enhance the growth of manufacturing sector in India and suggested that there should be increase in infrastructure investment from 5 percent of GDP to 8 percent of the GDP by the end of 11th financial year plan.

Kumar informed that due to rigid labour laws and unchanged regulations in the country, the manufacturing sector is holding back the growth and hence there should be reform in this area. He suggested that the financial sector in India also needs revamping which will in turn help the manufacturing sector to grow further. While explaining this he made a comparison between the Chinese and Indian manufacturing sector through graphical presentation and demonstrated that China is doing better in almost all the areas of manufacturing sector and has been channelling huge investment in infrastructure, power and gas, transport, irrigation, telecom etc. He suggested that this is high time that India should pay attention to the manufacturing sector by taking requisite steps as aforesaid to have balanced development and to trap the unused potential.

Video Session

In this session two videos were shown to the participants in order to apprise them of the WTO and its operation. The first video titled '*To the heart of the WTO*' explained how WTO was established. The video proved to be quite informative and the participants were able to realise as to what is the WTO and how it came into existence. They were also able to appreciate the importance of the WTO in trade arena. The second video titled '*Solving Trade Disputes*' provided in detail the dispute settlement mechanism in the WTO. However, since the video sound was not comprehensible, it was stopped in the midst on request of the participants.

At the end of the session participants raised a question: what is the root cause of dissent between G-20, US and EU in the WTO? While replying to the specific question Ahmed F Ghoneim mentioned that in agriculture the disagreement is apparently in relation to market access, export competition and domestic support. For that matter the developed countries, provide production subsidies to their farmers (especially US & EU) which lowers down prices in the international market and the India, Brazil, South Africa (IBSA) farmers are not able to cope up at this lowered price. Moreover, he explained the multi-functionality theory followed by the developed countries and the same is not agreed by the developing countries.

Session 7

WTO Negotiations on Agriculture - R S Ratna

R S Ratna provided an overview of the WTO Agreement on Agriculture (AoA); market access; domestic support; export competition (export subsidies); S&DT; other provision in the AoA and the current negotiation; accession negotiation on agriculture; disputes in agriculture trade.

While introducing the subject he pointed out that it is important to know the historical events before understanding the issues in agriculture and current negotiations thereby. He, therefore, acquainted the participants of origin of GATT 1947. He informed that the GATT was established through negotiation under the United Nation Conference on Trade and Employment as the 'third' of the Bretton Woods 'institutions' for conduct of international relations. GATT, 1947, entered into force on January 01, 1948 and was terminated on December 31, 1995, but substance lives on as GATT 1994. He further informed that there were 'Original' 23 contracting parties, including India, agreed on substantial tariff reductions.

He briefly described various rounds of negotiations in the GATT system starting from Geneva in 1947 to Annecy (1949), Torquay (1951), Geneva (1956), Geneva (Dillon Round 1960-61), Geneva (Kennedy Round, 1964-67), Geneva (Tokyo Round, 1973-79) and lastly Geneva (Uruguay Round, 1986-1994) and the subjects covered in these rounds. He then apprised the participants of the 15 original subjects in the Uruguay Round namely, Tariffs, Non-tariff Barriers (NTBs), Natural Resource Products, Textiles and Clothing (T&C), Agriculture, Tropical Products, GATT Articles, Tokyo Round Codes, Anti-dumping, Subsidies, Intellectual Property, Investment Measures, Dispute Settlement, GATT System and Services.

He said that the original GATT did apply to agricultural trade, but it contained certain loopholes. He quoted an example that GATT 1947 allowed countries to use some non-tariff measures such as import quotas, and to subsidise. Consequently, agricultural trade became highly distorted, especially with the use of export subsidies, which would not normally have been allowed for industrial products. The Uruguay Round produced the first multilateral agreement dedicated to this sector. He informed that the new rules and commitments apply to the following:

- Market access: Various trade restrictions confronting imports
- Domestic support: Subsidies and other programmes, including those that raise or guarantee farm gate prices and farmers' incomes
- Export subsidies: Other methods used to make exports artificially competitive

He mentioned that the Article 20 of AoA provides for the continuation of reform process. While describing the market access in agriculture he stated that it has to be governed by a 'tariffs only' regime. He informed that it is sought to gain market access and for this, removal of NTBs through tariffication process is required. He apprised that the developed country needs to reduce the tariffs by simple average of 36 percent over 6 years and 24 percent over 10 years for developing countries. India's binding level in agricultural products as 100 percent for primary products, 150 percent for processed products, 300 percent for edible oils and for few items a lower bindings (on some 119 tariff lines), he added.

Ratna explained export subsidies, which are generally identified by ‘boxes’ of traffic lights namely, green (i.e. permitted), amber (i.e. slow down and to be reduced) and red (i.e. forbidden or prohibited). He mentioned that Green Box contained in Annexure 2 of AoA, means that subsidies that do not distort trade, or at most cause minimal distortion. Another important feature of Green Box is that the same has to be government funded (not by charging consumer higher prices) and must not involve price support. Green Box subsidies are allowed without limits, subject to the conditions prescribed in Annexure 2. He further stated that there is no Red Box in agriculture.

He explained rules for subsidies discipline, which is brought for the first time in AoA, saying that developed countries have to reduce the volume of subsidies by 21 percent in 6 years following the base period (1986-90) and the corresponding budgetary outlays for export subsidies by 36 percent. For developing countries, the reduction in subsidies is 14 percent in volume terms and 24 percent in budgetary outlays over a period of 10 years. He informed that the developing countries are allowed to provide certain subsidies like subsidising of export marketing costs, internal and international transport and freight charges, etc. While discussing the domestic support in agriculture he mentioned that it is meant to identify the following:

- a) Acceptable measures of support to farmers; and
- b) Curtailing unacceptable trade distorting support to farmers.

He also explained the categories in the domestic support, which included the explanation on Green Box and Amber Box and the related provisions of *de minimis* etc. He described the Doha Ministerial Declaration and its mandate, which comprises of market access (negotiations are ongoing on substantial reductions); export competition; domestic support; tariff cuts for developed and developing countries, sensitive products, tariff capping, tariff simplification, special products and special safeguard mechanism, cuts in Overall Trade Distorting Domestic Support (OTDS), i.e. Amber Box + *de minimis* + Blue Box; cuts in Aggregate Measure of Support (AMS); product specific ceilings; blue box and associated disciplines; green box; cotton; phase out of export subsidies; food aid and commercial displacement and state trading enterprises; and export credit and guarantees.

He explained the various rounds of negotiations following the Doha Ministerial Conference of the WTO and said that the Fifth Ministerial Conference in Cancún, Mexico in 2003 ended without consensus. However, 10 months later, the deadlock was broken in Geneva on August 01, 2004 when the General Council agreed on the “July Package”. He informed that during the Sixth Ministerial Conference in Hong Kong, December 2005, the Ministers resolved to complete the negotiations in 2006. In pursuance of this objective, member countries further resolved to establish modalities in agriculture and NAMA)no later than April 30, 2006 and to submit comprehensive draft schedules based on these modalities no later than July 31, 2006. In respect of Services, member countries agreed that requests may be submitted by February 28, 2006; a second round of revised offers by July 31, 2006; and final draft schedules by October 31, 2006. He apprised the participants that the April and July 2006 deadlines were missed because of lack of convergence on the major issues in agriculture and NAMA. He described the current proposal contained in the latest draft and suggested that the draft modalities on agriculture are not different from that of May 19, 2008. He discussed the key content of latest proposal on domestic support (on OTDS, AMS and product specification). He elaborated on the current modalities in reference to Blue Box and Green Box and the position of G-33 in this regard. While concluding the session Ratna elaborated the rationale of Special Safeguard Mechanism (SSM) and the current proposal of July 2008 on the same.

Session 8

Case Study on India's Negotiating Strategy on Agriculture

R S Ratna conducted a mock exercise on agriculture negotiation. It was a text based negotiation which illustrated that the present round of trade negotiations has reached at a very advanced stage. The member countries have formed alliances for a better negotiating position and to get the best deal for themselves. Alliances were formed of likeminded countries such as G-10, G-27 and G-36. The negotiations are now being held where the group representatives are negotiating to get the best deal for themselves. The mock exercise also has a secretariat, which is assisting these groups in these negotiations while providing technical assistance to them. The text states that although major part of negotiations has been over and some understanding has been reached but there are still issues remained where no consensus has been reached. The two proposals were given, which are as follows:

Proposal A

The Base OTDS (Overall Trade Distorting Subsidies) shall be reduced in accordance with the following tiered formula:

- a) where the Base OTDS is greater than US\$60bn, or the equivalent in the monetary terms in which the binding is expressed, the reduction shall be 75-85 percent;
- b) where the Base OTDS is greater than US\$10bn, and less than or equal to US\$60bn, or the equivalents in the monetary terms in which the binding is expressed, the reduction shall be 66)-73 percent; and
- c) where the Base OTDS is less than or equal to US\$60bn, or the equivalent in the monetary terms in which the binding is expressed, the reduction shall be 50 percent.

Proposal B

Members shall reduce their final bound tariff in equal annual instalments over five years in accordance with the following tiered formula:

- a) where the final bound tariff or ad valorem equivalent is greater than 0 and less than or equal to 20 percent, the reduction shall be 50 percent;
- b) where the final bound tariff or ad valorem equivalent is greater than 20 and less than or equal to 50 percent, the reduction shall be 57 percent;
- c) where the final bound tariff or ad valorem equivalent is greater than 50 and less than or equal to 75 percent, the reduction shall be 64 percent; and
- d) where the final bound tariff or ad valorem equivalent is greater than 75 percent, the reduction shall be 66-73 percent.

Participants were then divided into four groups while each group consisted of six members. The four groups were named as G-10, G-27, G-33 and Secretariat. The groups were constituted in line with member countries of the WTO namely, the US, EU and developing countries. Each group had its own mandate. The situation was described by Ratna which says that 'there were some who feel no deal is better than a bad deal'. There is a huge public outcry back home and elections are due. Each group was under tremendous pressure from their governments to conclude the deal. It was also mentioned that without this deal the entire effort put for several years in negotiations will go waste as new governments may bring new issues which none of the negotiators will be ready to take up.

Each participant in a group was given a mandate in a confidential envelope. The mandate for all participants in G-10 was same so also in other groups of G-27, G33. Representative from each group was to negotiate on the proposals with representative of other groups. The negotiations were facilitated by representatives of Secretariat with representatives from G-10, G-27 and G- 33 and were directed to reach at a consensus. The time limit allotted to reach consensus was 30 min for each group.

Following the completion of this exercise, each group was asked whether they could reach any consensus. It was observed that none of the group could reach consensus on the proposal except one group. Ratna then deliberated on the strategies of negotiations and explained how consensus could have been reached. The participants were able to get the feel of the trade negotiations in the WTO through this mock exercise and found it quite beneficial.

He also conducted a mock negotiation exercise to identify sensitive products (SPs) in the range of 10-18 percent. The participants were divided into 4 groups, each group consisting of six members. The time allotted for this exercise was 90 minutes. The exercise contained a list of 697 items at 6-digit HS Code which form part of agriculture tariff lines. The Uruguay Round bindings were also mentioned and the list contained the applied tariffs for the three-year period which gave an idea about how the items in agriculture sector are being liberalised. Lastly, the list provided import and export data for a two-year time frame.

The exercise for the participants was to examine what single percentage of SPs that they would like to select and the reason for such a selection. Moreover, the participants were to draw the commitment schedules on SPs identified as per the modalities that have been agreed for the developing countries (tariff reduction as well as numbers). The participants were also provided with the size of SPs as 10-15 percent of total agriculture lines up to 6 percent of/no lines may have no cuts and that overall cut, in any case should be 10 percent.

The participants then consulted among themselves on identifying SPs, the reasons and justification thereof, which was duly analysed by Ratna. The exercise proved to be very informative for the participants and was helpful in understanding the points which one must consider while selecting SPs. The mock exercise was comprehensive and called for involvement of each participant individually and in group. It was proved to be successful in providing the idea of negotiation and strategies adopted thereof.

Session 9

WTO Negotiations on Non-Agricultural Market Access (NAMA) - R S Ratna

During the session R S Ratna described that NAMA negotiation, issues under NAMA, namely, product coverage, tariff peaks and escalation, tariff binding, Swiss Formula approach, NTBs, etc. He apprised the participants with the para 16 of Doha Ministerial Declaration which illustrates the reduction or elimination of tariffs (including tariff peaks, high tariffs, and tariff escalation) as well as NTBs. The declaration also states that negotiations shall take fully into account the special needs and interests of developing and LDCs participants, including through Less Than Full Reciprocity (LTFR) in reduction commitments.

He explained in details the Annexure B of framework agreement on NAMA which includes topical issues such as 'formula approach'. This is the key to reducing tariffs and reducing or eliminating tariff peaks, high tariffs and tariff escalation. He explained that negotiating group should continue their work on a non-linear formula applied on a line-by-line basis, which shall take fully into account and also takes into consideration the special needs and interests of developing and LDCs including through LTFR in reduction commitments. The participants were also described the commitments under the Hong Kong Ministerial Declaration which included reaffirmation on all elements of framework agreement, adoption of Swiss Formula, importance of special and differential treatment and LTFR in reduction commitments and other elements of para 24 of the declaration.

He described the main elements in NAMA, which are formula, treatment of unbound lines, flexibilities and sectorals and other issues. The development in negotiation on each of these elements was described to the participants. On formula, Ratna informed that 'Swiss Formula' was adopted with coefficients to reduce or eliminate tariffs especially on products of export interest for developing countries and to take account of special needs of developing countries including LTFR. He apprised the participants that the Chairman's Modalities in July 2007 provided Swiss [19-23] Coefficient Formula for developing countries while Swiss [8-9] for the developed countries. This was further negotiated and reflected in the Chairman's Modalities in May 2008 with [7-9] for developed and [19-21], [21-23], [23-26] for developing countries. He mentioned that the latest Modalities do not provide any change from the earlier one.

He then explained how Swiss Formula works with different coefficient and India's position in NAMA negotiations. He stated that India's negotiating position is that 'the coefficients of the formula should be such that the mandate of less than full reciprocity (LTFR) in reduction commitments between developed and developing countries is met i.e. developed countries take larger percentage cuts from their bound rates than developing countries'.

He elaborated on the treatment of unbound lines and said that in the Hong Kong Ministerial it was decided to adopt a non-linear mark-up approach to establish base rates for commencing tariff reductions. Finally, in July 2008 Modalities it was agreed to 25 percent mark-up on the applied rate with base year, applied MFN tariff on November 14, 2001. He discussed flexibilities and said that there were many proposals for negotiations.

On sectorals, he apprised the participants on current proposals, which include autos and related parts, bicycles and related parts, chemicals, electronics/electrical, fish and fish products, forest products, gems and jewellery, hand tools, health care, raw materials, sports equipment and T&C. He also mentioned that India opposes sectoral initiatives as they create an inverted duty structure, affect vulnerable industries, distort the tiered tariff structure, have revenue implications and entail larger reductions by developing countries than developed countries.

While concluding the session he described the horizontal proposals on ministerial decision on procedures for the facilitation of solutions to NTBs and ministerial decision on trade in remanufactured goods. Furthermore, he explained the vertical proposals on negotiating proposal on NTBs in the chemical products and substances sector; understanding on the interpretation of the agreement on technical barriers to trade as applied to trade in electronics; agreement on NTBs pertaining to the electrical safety and Electromagnetic Compatibility (EMC) of electronic goods, understanding on the interpretation of the agreement on technical barriers to trade with respect to the labelling of textiles, clothing, footwear, and travel goods; and agreement on NTBs pertaining to standards, technical regulations and conformity assessment procedures for automotive products.

Session 10

An Overview of the Indian Services Sector - Arpita Mukherjee

While providing an overview of services sector Arpita Mukherjee pointed out that over the years, services has increasingly played an important role in economic activity and displayed more dynamism than other sectors. This has led to most countries seeking export markets for services. Expansion of the services sector offers room for increased foreign exchange earnings through exports and FDI resulting from improved capacity and efficiency of the sector. An important sector in this regard includes telecommunications, energy, financial services, and transport as well as construction services, tourism, etc. Depending upon the pattern of growth, it further contributes towards national development by enhancing efficiency in sectors which are key sources of national output and employment required to battle against poverty and illiteracy. Most importantly services sector provides the much needed platform to poor producers by bringing their productive capacities thereby overcoming the disadvantages of acting alone.

She analysed different factors responsible for the overall growth of services sector in India and thereby gave an overview of its contribution to the economy, its achievements and challenges, etc. She mentioned that with growing global trade and investment, flows in services driven by liberalisation and deregulation of economies, technological advances, as well as cost and other imperatives, the services sector presents opportunities to diversify the economy, export baskets and markets. Over the years, service sector in India has grown in importance from less than 41 percent to the GDP in 1990-91 to 61.8 percent in 2006-07. The overall growth in 2006-07 was 11 percent. The rapid growth in services has been mainly due to phasing out of government monopoly and opening up of government monopoly services to domestic and private participation, for instance – telecommunications, which witnessed the highest rates of growth within the service sector. Technological advances in information and communication technology and the growing demand for skilled labour and trade opportunities have in particular fuelled growth in the Information Technology (IT) and IT Enabled Services (ITES) segment within the communications sector.

While discussing service sectors' contribution towards formal employment Mukherjee said that on the basis of various official estimates and surveys carried out by consulting groups, one can estimate that services contributed to 69 percent of employment in the organised sector. The official estimates of the service sectors' contribution to overall national employment may (to some extent) understate the actual contribution of services to total employment due to their failure in capturing informal employment. On the whole, positive impact of liberalisation due to a few entry barriers made India an attractive foreign investment destination. Moreover, availability of English speaking manpower and government incentives and support, further contributed towards the growth of services in India.

She explained that due to expansion of service sector, India got an opportunity to diversify its sources of foreign exchange earnings and thereby improve upon overall efficiency and capacity to export goods and services. India's share in services almost doubled from 20.3 percent in 1997 to around 39 percent in 2006. The country currently enjoys a trade surplus in services. Nearly 2/3rd of the revenue (through exports) earned has been through IT/Business Process Outsourcing (BPO). The overall share has increased primarily due to availability of skilled and professional labour at competitive prices.

Furthermore, over the years, the country has also emerged as an attractive offshore destination for outsourcing wide range of services. Fortune 500 companies and half of Global 2000 corporations are sourcing technology related services from India because it helps in saving the overall costs by 2-30 percent and moving up the value chain. India's share in the world market for IT software and services (including BPO) increased from around 1.7 percent in 2003-04 to 2.3 percent in 2004-05. Therefore India's share in global exports of commercial services has gone up from 34 in 1995 to 10 in 2006 and in imports from 26 to 12.

Mukherjee, while highlighting the sector wise growth, pointed out sectors where our performance is yet to reach its peak. For instance, India in spite of its majestic diversity and having all the essential ingredients to be world player in tourism, it is yet to be taken seriously, i.e. as an important tourist destination. According 2006 estimates, India's global share was around one percent. On the other hand services in which India continues to play a major in the global market are as follows:

- communication, ranked 4th among the exporting services;
- construction, 7th largest exporter;
- financial, 10th exporter; and
- computer and information, ranked 2nd in terms of exports.

She stated that from being a passive player in the Uruguay Round, India today has active interest in services liberalisation in the on-going Doha Round. All this clearly indicates that favourable market conditions, external trade developments, having competitive advantage and the critical role played by the service sector further helped in facilitating the country's mixing with world markets. She mentioned that with the advent of liberalisation and globalisation, opening up of the markets, India's export revenue has been increasing. Being a part of the MTS has given more bargaining power to India. In spite of having global presence and credibility, Indian professionals continue to face barriers, which are as follows:

- a) due to lack of trust visa application get rejected;
- b) contribution towards social security with any corresponding benefits;
- c) non-recognition of professional qualifications and experience – issues of equivalence and accreditation of qualification and professional licenses;
- d) inadequate information available, or information not readily available, to non-governmental market participants about new or proposed regulations; arbitrary administration of domestic laws;
- e) long delays and procedural complications and also for verification of applicant's qualifications acquired in the territory of another Member.

She elaborated the domestic challenges encountered by the services sector in India. Although India has succeeded in having greater access to foreign market and subsequently placing minimal protection at the domestic level, it has a long way to go in preparing the domestic economy to take advantage of liberalisation. The country has been giving too much of importance to the service sector without strengthening its manufacturing segment. Poor quality of infrastructure offered has been responsible for service sector being labelled as inefficient. The infrastructure cost in 2005-06 was 15 percent of the GDP. A large number of people have limited access to education and healthcare services. Due to uncertain investment climate and backdated regulations, reform process in sectors like energy, education, retail, postal and courier has been sluggish. Moreover, multiple taxes and clearance, lack of coordination, bureaucratic delays unfriendly attitude, have discouraged global companies from investing in India.

She stated that India has got the potential and need to explore it to the fullest and should gear himself to take on the challenges faced at home and abroad. Therefore it is imperative that we have a comprehensive service sector policy, improve our infrastructure and establish a regulatory framework which promotes both efficiency and competition. Furthermore, enhancing the quality and quantity of higher education alongwith skill development will make India more competent. Finally easing of trade barriers through mutual recognition or cooperation agreements, embassies need to be pro-active in terms of sharing information pertinent to knowledge about market investment by putting up information on websites, rationalise taxes, licensing, adopt PPP strategy, etc.

Session 11

WTO Negotiations on Services - B K Zutshi

B K Zutshi started with an introduction to inclusion of service trade in the MTS, inclusion of services in Doha Round and current status on negotiations in respect of market access and rules. He stated that the inclusion of services in the Uruguay Round of trade negotiations led to the GATS. Since January 2000, they have become the subject of multilateral trade negotiations. GATS is the first multilateral trade agreement to cover trade in services. Its creation was one of the major achievements of the Uruguay Round of trade negotiations, from 1986 to 1993.

He gave a brief outline on GATS and mentioned that it tracks closely the GATT model except with some modifications. The relevant terms and concepts are similar, but not necessarily identical to those used in the GATT. For instance, national treatment is a general obligation in goods trade and not negotiable as under the GATS. The agreement establishes a set of rules to ensure that regulations are governed in a partial manner and do not cause any kind of barriers to trade. MFN (treatment no less favourable than that accorded to like services and services suppliers of any other country) and transparency (treatment no less favourable than that accorded to like services and services suppliers of any other country) obligations are applicable across the board with temporary exceptions negotiated during the Uruguay Round. There are specific commitments related to market access and national treatment. He informed that in the latter countries have to maintain commitments made by them in several sectors and in the former where there are certain conditions and qualifications to ensure that no discrimination takes between domestic services or service supplier.

He then explained the concepts of Mode 1 (cross-border supply), Mode 2 (consumption abroad), Mode 3 (commercial presence), and Mode 4 (presence of natural persons). He mentioned that although WTO negotiations on Services were launched way back in 2000 as a part of the built-in agenda of the Uruguay Round of negotiations, progress made so far has been quite disappointing. Although trade in services offer potential, negotiations, it has become hostage to the pace and progress of agricultural negotiations. Moreover fresh timetable for submission of revised offers is yet to be released. Taking into account the potential of services to break the deadlock, a special session of the services council was held to explore the possibility of issuing a text on services. A text has been issued but not on the line of the texts in NAMA and agriculture.

He further informed that a couple of negotiations are to be in accordance with plurilateral requests to augment the request and offer mode of negotiations. Developed countries are reportedly quite rigid on issues of interest and concern to developing countries under Mode 4. Similarly, response from developed countries binding of the existing degree of openness of their markets under Mode 1 is quite sorry. Most of the existing offers on the table are not even at the level of existing degree of openness. In spite of the stalemate, reliable offers and concessions have been made by member countries, but surprisingly negotiations are yet conclude. This is because of inadequate attention in the negotiations or lack of interest in the service sector industry in developed countries about market liberalisation under GATS. It could also be due to autonomous liberalisation or any political economy reasons. Under service rules, GATS has provided provisions for negotiating on following:

- a) domestic regulations – Article VI (4)
- b) emergency safeguard measures – Article X
- c) government procurement – Article XII
- d) subsidies – Article XV

He informed the participants that except on Article VI (4), negotiations otherwise has been very poor. Under Article X, there's still no clarity on the three fundamentals of who to protect from what and in what manner. In Article XII there's no understanding on the scope of the negotiating mandate. Under Article XV members have not responded to sharing information on existing subsidies, as required by the mandate. Article VI (4), according to the speaker reflects a minimalist approach to a possible outcome in the area of domestic regulations, which is quite crucial for realisation of effective market access.

Session 12

Case Study on India's Negotiating Strategy on Services - B K Zutshi

B K Zutshi conducted a case study on market access negotiations in services. It was an exercise where one needs to identify the possible negotiating strategy for India. While describing the case study he mentioned that in deciding on our negotiating strategy, the first task is to identify service sectors/sub-sectors of export interest to India. This identification in turn has to be based on services sector studies on the actual and potential international competitiveness of various sectors/sub-sectors. A background illustrating all the information of the case study was circulated to the participants. On the basis of this background participants are requested to:

- A. Identify sectors and modes of supply in which India should seek liberalisation from its trading partners;
- B. Identify sectors in which India can make concessions within the service sector itself, and, if necessary, in other sectors/areas, like Agriculture and NAMA;
- C. Kind of strategy to be adopted to secure maximum possible benefits from enhanced access in identified areas of export interest in the services sector; and
- D. The participants should indicate the process of identification of trade offs that they may recommend. In this exercise the decision-making process is more important than the decision itself.

For this purpose participants were divided into four groups and each group consists of six members. Each group was provided with a classification list and on its basis the group was requested to choose services which required liberalisation from the trading partners, identify sectors in which India can make concessions and strategy which needs to adopt for securing maximum possible benefits. After discussing amongst themselves, each group was requested to make a presentation of their recommendations, outlining the process and briefly indicating the reasons for the same. The primary focus of this exercise was decision making process. Based on the specific directives given by Zutshi, the participants carried out the exercise successfully.

Closing and Evaluation

In the closing session, Kishan S Rana summed up that the training programme would certainly prove beneficial in enriching one's knowledge, who should try to make use of it in the professional life. B K Zutshi emphasised that India is aspiring to become world power and hence engaging in various international engagement, both multilaterally and bilaterally. Therefore, it will be imperative for a government official to develop his skill and knowledge, which will help him in participating effectively during the negotiations.

Bipul Chatterjee thanked all the participants for devoting their time and attending this training programme and their interest in understanding WTO and related issues. He also thanked all the resource persons. He informed the participants that theory comes from practice and assured that CUTS will definitely give a serious look at having more customised course and keep the in mind the target audience while designing the course.

Participants were of the opinion that the training programme provided them with better understanding and exposure to various aspects of commercial and economic diplomacy. They appreciated and acknowledged the rich experience and expertise of resource persons, quality of resource material and overall administration of the training programme. Participants provided with their feedback and suggestions which are summarised in the feedback analysis report have been prepared separately.

Agenda

Day (Wednesday): 16.07.2008	
0900-1000	<i>Inaugural</i>
0900-0910	Bipul Chatterjee, Deputy Executive Director, CUTS
0910-0920	Kishan S Rana, Former Ambassador of India and Course Director of the CUTS CDS Programme
0920-0930	B K Zutshi, Former Indian Ambassador to GATT
0930-1000	Participants' Expectations
1000-1030	<i>Tea/Coffee</i>
1030-1130	<p><i>Session 1 Effective Commercial and Economic Diplomacy: An Analytical Framework</i></p> <p>What is commercial diplomacy (Narrow definition <i>vis-à-vis</i> broad definition); difference between commercial and economic diplomacy; elements of commercial and economic diplomacy; relationship between commercial diplomacy and political diplomacy; how commercial and economic diplomacy helps in fostering better political relationships</p> <p>Kishan S Rana Ahmed F Ghoneim, Associate Professor, Faculty of Economics and Political Sciences, Cairo University</p>
1130-1300	<p><i>Session 2 A Practical Approach to Negotiations</i></p> <p>An examination of the broad issues in negotiations with particular reference to the Indian style and possible improvements in our external negotiation process</p> <p>Kishan S Rana</p>
1300-1400	<i>Lunch</i>
1400-1530	<p><i>Session 3 Effective Communication in Commercial and Economic Diplomacy, and Writing Effective Resolution</i></p> <p>Written and oral communication in commercial and economic diplomacy; developing contents with focus, organisation, accuracy, timeliness and enthusiasm; how to use a hook or grabber to capture the attention of the audience; how to set an agenda; how to integrate all parts of a presentation seamlessly, etc</p> <p>Kishan S Rana</p>
1530-1600	<i>Tea/Coffee</i>
1600-1730	<p><i>Session 4 Multilateral Trading System</i></p> <p>Emergence of the new multilateral trade order - from GATT to WTO; understanding process, mechanics, key aspects, approaches of multilateral trade negotiation; WTO negotiation process; role and responsibility of the representatives, members, the WTO secretariat, NGOs, etc; role and responsibility of the chairpersons' of various councils, committees and negotiating groups; acceding member as a participant in multilateral trade negotiation</p> <p>B K Zutshi Ahmed F. Ghoneim</p>
2000	<i>Dinner</i>

Day 2 (Thursday): 17.07.2008	
0900-1030	<i>Session 5 An Overview of the Indian Agriculture Sector</i> A brief overview of Indian agriculture sector and its contribution to the economy; what have been the achievements of the agriculture sector in the present era of globalisation and economic liberalisation and what are the challenges and their implication Ramesh Chand, Director & Principal Scientist, National Centre for Agriculture Economics and Policy Research
1030-1100	<i>Tea/Coffee</i>
1100-1300	<i>Session 6 An Overview of the Indian Manufacturing Sector</i> A brief overview of the Indian manufacturing sector and its contribution to the economy; achievements, challenges, etc Pranav Kumar, Policy Analyst, CUTS
1300-1400	<i>Lunch</i>
1400-1500	<i>Video Session</i> a) To the heart of the WTO b) Solving Trade Disputes
1500-1900	<i>Jaipur Tour</i>
2000	<i>Dinner</i>
Day 3 (Friday): 18.07.2008	
0900-1030	<i>Session 7 WTO Negotiations on Agriculture</i> Overview of the WTO Agreement on Agriculture (AoA); market access; domestic support; export competition - export subsidies; special and differential treatment; other provision in the AoA and the current negotiation; accession negotiation on agriculture; disputes in agriculture trade R S Ratna, Professor, Centre for WTO Studies, Indian Institute of Foreign Trade
1030-1100	<i>Tea/Coffee</i>
1100-1300	<i>Session 8 WTO Negotiations on Non-Agricultural Market Access</i> What does NAMA negotiations cover; issues under NAMA, namely, product coverage, tariff peaks and escalation, tariff binding, Swiss formula approach, non-tariff barriers, etc R S Ratna
1300-1400	<i>Lunch</i>
1400-1600	<i>Session 9 Case Study on India's Negotiating Strategy on Agriculture</i> The session will be based on case studies along with 'issues for discussions' and will be facilitated by the Resource Persons.
1600-1630	<i>Tea/Coffee</i>
1630-1830	<i>Session 9 Continued</i>
2000	<i>Dinner</i>

Day 4 (Saturday): 19.07.2008	
0900-1030	<i>Session 10 An Overview of the Indian Services Sector</i> A brief overview of Indian service sector and its contribution in the economy; achievements, challenges, etc Arpita Mukherjee, Senior Fellow, Indian Council for Research on International Economic Relations
1030-1100	<i>Tea/Coffee</i>
1100-1300	<i>Session 11 WTO Negotiations on Services</i> The built-in agenda of the WTO General Agreement on Trade in Services (GATS); modes of supply of services; horizontal and sectoral issues in GATS; negotiations on GATS rules, namely, safeguards, procurement and subsidies; special and differential treatment in the negotiations on services; regional integration and liberalisation of trade in services, etc B K Zutshi
1300-1400	<i>Lunch</i>
1400-1600	<i>Session 12 Case Study on India's Negotiating Strategy on Services</i> The session will be based on case studies along with 'issues for discussions' and will be facilitated by the Resource Persons.
1600-1630	<i>Tea/Coffee</i>
1630-1730	<i>Closing</i>
1630-1725	<i>Evaluation of the Training Programme</i> Kishan S Rana B K Zutshi
1725-1730	<i>Closing Remarks</i> Bipul Chatterjee

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