

STATEMENT BY INDIA
ON
CHAPTER-IV: ENVIRONMENT RELATED INSTRUMENT

THANK you
Co-Chairs!

With respect to analysis on trade and investment law regime, India feels that the UNSG Report does not provide complete assessment of the jurisprudence developed by the WTO Dispute Settlement Body and international investment law regime in regulating the environmental concerns of the States.

We feel that the Report relies on fairly old studies and unsuitable WTO dispute. The findings about the widening gap between trade and environment regime is not fully accurate and it does not reflect the progress made by trade and investment law Tribunals in accommodating environmental concerns.

The WTO has shown considerable support, to allow members to adopt environmental related trade measures, to achieve their conservation and preservation goals. The WTO Appellate Body has ruled on the legality of environment-related trade measures on certain occasions.

With regards to exhaustible natural resources, the WTO Appellate Body adopted a broad and evolutionary interpretation and held that GATT includes conservation measures of both the living (including

endangered species) and non-living natural resources.

The importance of optimal use of world's resources in accordance with the objective of sustainable development has also been recognized.

The 1994 Marrakesh Ministerial Decision on Trade and Environment has established the Committee on Trade and Environment (CTE) to identify and understand the relationship between trade and the environment in order to promote sustainable development.

The issues related to Trade or investment measure should be governed by the WTO or Investment law.

Finally, India reserves the right to make additional submissions and present further views on the relevant issues connected with the UNSG's Report.

THANK YOU.
