

The following issues are important to Global Justice Now in the India-UK trade negotiations because we believe trade rules need to work for people and planet.

Agriculture and the Right to Food

We are concerned about the potential impact of trade negotiations in the agriculture sector on jobs and the Right to Food in India. Agriculture provides the main livelihood for 70% of rural households in India and 82% of farmers are small-scale.¹ This is therefore a sector that public policy needs to support and empower, and trade rules should contribute to that support and not undermine it.

India is also home to a quarter of the people living in chronic hunger in the world[1] and this situation has been made worse by the pandemic. It is also vital that trade rules do not limit the scope for public policy to address this.

With regard to these concerns, we particularly want to highlight the importance of ensuring that nothing in the India-UK negotiations or eventual trade deal puts pressure on or restricts the scope for policies around:

- guaranteed minimum price supports
- public procurement of food
- public stockholding of food
- public distribution of food

Healthcare and access to medicines

India has long been known as the pharmacy of the developing world and its key role in the production of vaccines and medicines has been highlighted by the pandemic.

The UK should not request any 'TRIPS plus' provisions in an India-UK trade deal, as these could restrict access to medicines, including vaccines, in India and beyond. Among other things, there should be no inclusion of:

- data exclusivity
- patent extensions
- limitation of grounds of compulsory licences

There should also not be any restrictions around public procurement of medicines and the way in which that is done.

The trade negotiations should also support rather than undermine public services, including public health services. This includes:

- using a positive list, rather than negative list, approach to services
- broad, watertight exemption for public services, for both India and the UK, based upon the definition of public services developed by the European Public Services Union

Separately from the negotiations around a trade deal, the UK should support India's proposal for a TRIPS waiver for Covid-19 health technologies at the WTO.

¹ <http://www.fao.org/india/fao-in-india/india-at-a-glance/en/>

Climate

A future India-UK trade agreement should explicitly state that climate goals and commitments take precedence over the trade agreement and if there is any conflict between the two, the trade rules will be changed to support climate goals.

The trade negotiations should ensure climate considerations are central to the whole approach, including ensuring:

- policy space for climate action is not limited by necessity tests, regulatory cooperation or other deregulatory approaches
- IP provisions do not hinder access to the climate technologies needed for a carbon transition
- technology transfer is encouraged
- policy space to promote a just climate transition that supports decent jobs and local communities is not prevented
- ISDS is excluded (more below)

ISDS

ISDS (investor-state dispute settlement) should not be included in an India-UK trade deal.

India has stepped away from ISDS in recent years and cancelled its earlier Bilateral Investment Treaty with the UK in 2017. The trade negotiations should not be used as a means to put pressure for that to be reversed.

India and Brazil recently concluded an investment agreement which focuses on investment facilitation and cooperation and does not include ISDS.² Instead it includes an ombudsman system, reference to investors obligations, and state to state dispute prevention and settlement processes which do not include awarding compensation. This could be a precedent for an India-UK trade deal.

Digital

Trade rules in an India-UK trade deal should not be used to deregulate, or prevent regulation of, the digital economy. All of our societies are in a very fluid state of working out how best to regulate and manage the digital world, and that process should not be preempted by trade rules.

It is vital to have policy space to enable the digital economy to support economic development, decent jobs, access to quality public services and other measures in the public interest. It must be possible to restrict the power of the giant digital platforms and to empower the equitable involvement of communities, small businesses, local and national authorities in benefiting from the digital economy. It must also be possible for individuals to have control of their own data and to prioritise use of data in the public interest over private commercial interests. Trade rules need to support and enable this.

Trade rules on the digital economy should not make it easier for corporations to avoid paying taxes or evade regulations.

² <https://investmentpolicy.unctad.org/international-investment-agreements/treaties/bilateral-investment-treaties/4910/brazil---india-bit-2020->