

## RECENT TITLES



### The Gram Nyayalayas Bill, 2007

The *Gram Nyayalayas* Bill, 2007, provides for the establishment of *Gram Nyayalayas* for the purpose of providing access to justice

– both civil and criminal – to the citizens at the grassroots level. It ensures that opportunities for securing justice are not denied to any citizen on the grounds of social, economic or other disabilities and matters connected therewith.

The Law Commission of India, in its 114<sup>th</sup> Report on *Gram Nyayalaya*, suggested its establishment, so that speedy, inexpensive and substantial justice could be provided to the common man. The Bill is broadly based on the recommendations of the Law Commission.

The Bill seeks to address, on top priority, the problem of tackling the mounting arrears in courts, through decentralisation of the system of administration of justice, by providing for a participatory forum of justice within the Constitution.

*This Bill Blowup can be viewed at: <http://www.cuts-international.org/pdf/Bill-Blow-up-1-2007.pdf>*



### Vague & Dodgy Responses: Whither to Go from Here?

Questions raised in the Parliament serve a very important process of democracy, whereby the people are able to know what the government is

doing and what it intends to do. Alas, often the way these questions are responded to by the Minister concerned, appear to be lackadaisical and/or incomplete, thus negating the very purpose and ethos of the system.

This Issue Note is the latest one in the series being generated by CUTS to assist Parliamentarians in discharging their solemn duty to the nation. In the present context, this Issue Note assumes a greater significance, in particular, with the Right to Information (RTI) Act coming into effect, whose main purpose is to promote greater transparency. The Note focuses on whether RTI is more apt or Right to correct Information.

*This Issue Note can be accessed at: <http://www.cuts-international.org/pdf/PAR-FORE-1-2007.pdf>*



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## Integrated Framework for Trade Related Assistance: *What is its role in tackling poverty?*

The supply-side constraints that are hampering the efforts of the poor countries to respond to new trading opportunities

are getting increased attention in Poverty Reduction Strategy Papers (PRSPs) and the World Trade Organisation (WTO) Aid for Trade (AfT) agenda. One of the facilities that is being utilised by the least developed countries (LDCs), to identify trade capacity building priorities, is the donor-funded

multi-agency Integrated Framework (IF) for Trade Related Technical Assistance (TRTA). This facility is being manoeuvred to play a crucial role in integrating trade into PRSPs and guiding the AfT process.

However, since its launch in 1997, the IF has faced a range of entrenched problems, including limited ownership by LDCs and weak management. This Briefing Paper examines the neglect and constraints in trade capacity building in the poor countries and analyses the IF process, including its weaknesses and ongoing reforms, followed by specific recommendations.

*This Briefing Paper can be viewed at:*  
<http://www.cuts-citee.org/pdf/BP07-DI-10.pdf>



## The Luxury of Forum Shopping in International Trade Disputes: *Problems and Solutions* (No 8/2007)

Regional Trade Agreements (RTAs) or Free Trade Agreements (FTAs) contain a chapter on dispute

settlement that establishes committees and detailed procedures for handling disputes between the parties to the agreement. The growing number of these agreements is creating, in effect, a web of bilateral dispute resolution fora.

This Briefing Paper addresses questions like: on what basis do countries decide to go to a forum – global or regional, or both? How do RTAs regulate their relationship vis-à-vis the WTO dispute settlement

procedure? What is the effect of dispute settlement under the RTAs before a WTO panel? Are principles such as *res judicata* and estoppel relevant?

The Paper also determines the arguments for choosing a regional Dispute Settlement Mechanism (DSM) or multilateral DSM. The analysis presents the problem associated with the overlapping jurisdictions under the WTO DSM and the RTAs DSM. Since all the RTAs basically deal with matters of trade and service, there is bound to be overlapping with the WTO agreements and, hence, with the DSMs under both the systems. This overlapping often results, and will result, in the luxury of forum shopping in international trade disputes.

*This Briefing Paper can be viewed at:*  
<http://www.cuts-citee.org/pdf/BP07-WTO-11.pdf>

TRADE AND DEVELOPMENT



## Services Trade Negotiations after WTO Hong Kong Ministerial: A South Asian Perspective

(SAFIT-II 2/2007)

The scope of services export for South Asian countries is largely concentrated in Mode 4. Though India has interest

countries lay special emphasis on submitting request lists and developing country-specific strategies and action plans for the movement of natural persons under Mode 4.

This Briefing Paper focuses on the developmental elements in services trade negotiations from the perspectives of the South Asian countries' interest. It explores the development that has taken place, since the Hong Kong Ministerial, and provides for a way out for this region in the prevailing scenario.

*This Briefing Paper can be viewed at: <http://www.cuts-citee.org/pdf/BP07-W>*

in all the modes of services trade, the need for a greater cooperation within South Asia on Mode 4 is reasonably justified. There is also a need to come out with a common South Asian negotiating agenda on rules on the liberalisation of services. The South Asian

TRADE AND DEVELOPMENT



## Preference Erosion and Aid for Trade: A South Asian Perspective

(SAFIT-II 3/2007)

The erosion of trade preferences is an important issue in the on-going negotiations on multilateral trade deal

However, the debate over this issue has become a highly divisive one amongst developing countries in the WTO – between those who are beneficiaries of preferential agreements, namely, the LDCs and those who have less preferential market access.

This Briefing Paper provides an overview of various generalised system of preference (GSP) schemes and identifies the countries and sectors in South Asia which would be vulnerable to preference erosion, in the context of the trade liberalisation under the Doha Round. Further, it discusses the possible options available – both trade and non-trade related measures, including AfT, to mitigate the adverse effects of preference erosion and suggest a way forward to deal with the problem.

*This Briefing Paper can be viewed at: <http://www.cuts-citee.org/pdf/BP07-WTO-10.pdf>*

under the Doha Round. Tariff reductions, under agriculture and non-agricultural market access (NAMA) negotiations, are expected to lead to lowering of most-favoured nation (MFN) tariffs, which is expected to adversely affect countries benefiting from various preferential agreements. Reflecting this concern, the Hong Kong Ministerial Declaration made explicit reference to preference erosion, recognising it as an issue that needs to be addressed.

#### TRADE AND DEVELOPMENT



### Strengthening the Linkages between Trade, Development and Poverty Reduction

During the implementation of the Project entitled 'Linkages between Trade, Development and Poverty Reduction', different key themes have

been garnered from the case studies and the research work. This Advocacy Document is directed towards policy-makers, civil society organisations (CSOs) and other stakeholders. It contains seven key messages, which are: to strengthen labour-intensive sectors; ensure

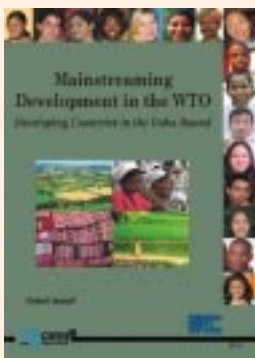
that the benefits of growth work against inequalities; strengthen domestic policies; demand for government policies promoting human development, through trade; consider the importance of economic integration and spill over for the poor; work with a realistic market analysis; and establish strong partnerships between relevant stakeholders.

It is strongly hoped that these key messages will be utilised for further research and enhanced dialogue. Ultimately, this document aims to influence a policy shift amongst trade ministries to incorporate a more development-oriented foreign trade policy.

*Advocacy Document*

*Suggested Contribution: Rs 100/US\$15*

#### TRADE AND DEVELOPMENT



### Mainstreaming Development in the WTO: Developing Countries in the Doha Round

The idea of mainstreaming development is an attempt to make a break with the previous undue made by developing countries on special and

differential treatment (S&DT). It argues that the concept of S&DT, while recognising the need to take into account the special needs of developing countries, is by itself ineffective and serves as a palliative for unfair and imbalanced trade rules. Simply deepening the existing trade preferences and providing greater flexibilities for the existing rules of the WTO, as most of the provisions of S&DT call for, will not result in a more development-oriented WTO.

This Book is an attempt to provide institutional memory for the next generation of trade negotiations and an effort to provide a platform for others to continue to build on, in pursuit of the goal of building a fair, balanced and development-friendly multilateral trading system. It is also the complexity of the issues and concerns of the smaller developing countries in the Doha Round.

The Book unfolds Doha Round negotiations from this perspective, including the July Framework Agreement of 2004; the Hong Kong Ministerial Meeting of 2005; and the post-Hong Kong phase of the Doha negotiations, until the collapse of the G-4 Ministerial Meeting, held in Potsdam, Germany, on June 21, 2007.

*This Book can be viewed at:*

*<http://library.fes.de/pdf-files/bueros/genf/04888.pdf>*

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