

General Council Meeting
9-10 May, 2022

Statement by India - Delivered by Ambassador & PR to the WTO

Agenda Item 11: PAPER TITLED 'THE LEGAL STATUS OF JOINTSTATEMENT INITIATIVES' AND THEIR NEGOTIATED OUTCOMES" BY INDIA, SOUTH AFRICA AND NAMIBIA (WT/GC/W/819/REV.1)

Chair, we have discussed the issue of Joint Statement Initiatives for past several General Council meetings.

2. Let us be very clear why Joint Statement Initiatives do not work. These initiatives are against the very basic mandate of this organization – multilateralism. We express our grave concern about the dangers of plurilateralism, which marks a return to the pre-WTO GATT days. It is deeply regrettable that some Members have chosen to rewind the clock by three decades and are hitting at the very foundation of the Marrakesh Agreement.

3. We have been talking about WTO reforms as well. My delegation fails to understand how overturning the formative principles of the WTO squares with the discussion on organizational reforms. One of the aims of the Marrakesh Agreement was to unravel the fragmented system of rules which was created by the Tokyo Round's plurilateral codes. That is why the Preamble to the Marrakesh Agreement clearly states that Members have "Resolved ... to develop an integrated, more viable and durable multilateral trading system".

4. It is our collective commitment to uphold the letter and the spirit of the Marrakesh Agreement. Acting otherwise will be a huge step backward and undermine the credibility of this organization.

5. Today, there may be a handful of Joint Statement Initiatives or Structured Discussions going on. Tomorrow, they may proliferate by the dozens. Have we given a thought to how the scarce Secretariat resources be divided between the work in the committees and supporting dozens of Joint Statement Initiatives? Will Members be comfortable if the Joint Statement Initiatives which they do not endorse consume scarce Secretariat resources generated from Member contributions?

6. The Marrakesh Declaration of April 15, 1994 which is the basis for the formation of the WTO, uses the term multilateral no less than seven (7) times. The Marrakesh Agreement Establishing the World Trade Organization uses the term multilateral no less than forty two (42) times.

7. The Article III (1) of this Agreement states – “The WTO shall facilitate the implementation, administration and operation, and further the objectives, of this Agreement and of the Multilateral Trade Agreements”.

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8. The Article III (2) of this Agreement states – “The WTO shall provide the forum for negotiations among its Members concerning their multilateral trade relations in matters dealt with under the agreements in the Annexes to this Agreement. The WTO may also provide a forum for further negotiations among its Members concerning their multilateral trade relations, and a framework for the implementation of the results of such negotiations, as may be decided by the Ministerial Conference.”

9. The Article IX (2) of the Agreement states – “The Ministerial Conference and the General Council shall have the exclusive authority to adopt interpretations of this Agreement and of the Multilateral Trade Agreements.”

10. We reiterate yet again that any attempt towards rule-making resulting from JSI negotiations into the WTO without fulfilling the requirements of Articles IX and X of the Marrakesh Agreement is not acceptable. These are clear legal problems, which cannot be written off as trivial and it certainly cannot be said that those participating in the Joint Statement Initiatives have demonstrated legality of these instruments. What we hear from Members is not their demonstration of legality, but rather a wishy-washy attempt to brush these issues under the carpet.

11. Chair, this process of Joint Statement Initiatives will create a precedent for any group of Members to bring any issue into the WTO without the required consensus. We are being led down a very dangerous path in the name of expediting negotiations.

12. We urge the Members not to be party to foisting irrelevance on multilateralism. Let us strive to collectively move forward, not go back in history.

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