



**Trade Negotiations Committee
28 February 2023**

MINUTES OF MEETING

HELD IN THE CENTRE WILLIAM RAPPARD ON 28 FEBRUARY 2023

Chairperson: Dr Ngozi Okonjo-Iweala (Director-General)

Contents

1	INTRODUCTORY REMARKS BY THE CHAIRPERSON	1
2	REPORTS BY THE CHAIRPERSONS OF THE BODIES ESTABLISHED BY THE TNC	2
3	REPORT BY THE CHAIRPERSON	5
4	STATEMENTS BY PARTICIPANTS	8

1 INTRODUCTORY REMARKS BY THE CHAIRPERSON

1.1. The Chairperson welcomed Members to the forty-fourth formal meeting of the Trade Negotiations Committee and to the Informal Heads of Delegation meeting. She expressed her condolences¹ to the victims, families, and survivors of the earthquakes in Türkiye and Syria. Aftershocks had been experienced recently. She assured Ambassador Acarsoy (Türkiye) that thoughts and prayers were with the people of Türkiye during these tough and unprecedented times. She likewise conveyed sympathies through Ambassador Kelly (New Zealand) to the people of New Zealand following the devastating effects of cyclone Gabrielle.

1.2. She noted that at this time next year, Ministers would be in Abu Dhabi for the Thirteenth WTO Ministerial Conference. Members had less than a year to ensure that that meeting would yield meaningful outcomes. The period from August to Jeûne Genevois were six lost working weeks in Geneva. In this regard, she thought it useful to discuss how best to organize work in the short time Members had – including discussing (i) Members' vision for MC13, (ii) their top priorities and (iii) the contributions they were prepared to make to achieve these goals and priorities. Ten months was a short time in WTO negotiations, so Members needed to step up their efforts. She hoped they had come prepared to engage so they could start determining what they could realistically deliver before, and at the Conference, and how they could meaningfully progress work post MC13.

1.3. Despite the impressive results that Members had delivered collectively at the Twelfth WTO Ministerial Conference, they had so much more to do. Members had heard her say before that some people had described MC12 as the miracle on Lake Geneva – and she did not want this to be the case. Members could only ensure this by showing that the organization was capable of delivering continuously – especially now that there was little faith and belief in multilateral institutions across the world. With this waning, Members needed to show that they could deliver. The WTO's sister multilateral organizations were under pressure to reform and perform. Members could not afford to have an MC13 that did not deliver.

¹ Throughout the meeting, delegations joined the Director-General in extending condolences to the people of Türkiye, Syria and New Zealand. The representatives of Türkiye and New Zealand expressed appreciation to the Director-General and Members in this regard.

1.4. Members should also not forget that the polycrisis was still present – the economic, environmental, natural disaster and other challenges that they had as well the health risks to lives and livelihoods. In that regard, people were still looking to the WTO to contribute to today's global challenges from food security to health security to all the other global issues that they were confronting today. While Members needed to be targeted and clear, they also needed ambition. In this regard, she hoped that Members would be able to have this conversation during the present meeting and not just where they wished to go, but helpfully build on the issue of the modalities for getting there.

2 REPORTS BY THE CHAIRPERSONS OF THE BODIES ESTABLISHED BY THE TNC

2.1. Ambassador Alparslan Acarsoy (Türkiye), Chair of the Special Session of the Committee on Agriculture (CoA SS) and the Sub Committee on Cotton, noted that it was his first TNC meeting as CoA SS Chair and thanked all delegations for entrusting him with this important responsibility. He paid tribute to the excellent work done by former CoA SS Chairpersons, including Ambassador Gloria Abraham Peralta from Costa Rica whose efforts had led to the two agricultural outcomes at MC12. His report was structured around three key themes: his recent consultations, main take aways and way forward. Regarding his consultations, he had held 37 bilateral meetings since his election as CoA SS Chair at the end of January, including with the group coordinators thus covering the entire Membership. He had also held his first informal meeting of the CoA SS the previous day where he had reported on his consultations in detail². His consultations had focused on Members' priorities in the negotiations and the objectives for MC13, as well as on possible new approaches to overcome the current impasse. In his consultations, he had asked all delegations if they had been prepared to say no to "No", meaning if they had been prepared to discuss all the issues on the table, even those they did not particularly like. He was pleased that virtually all of them had agreed. This was important, because it constituted the necessary basis for a virtuous circle that may eventually lead to a collective yes in a year from now.

2.2. Regarding the main takeaways, while Members had different views on the relevant issues, Members broadly agreed on the need to address food security challenges. However, views had differed on how best to achieve this goal. For some, this had to be done through a "classical" package covering various elements such as domestic support, market access, export restrictions or export competition – for others through Public Stockholding while some other Members had advocated new approaches. Some Members had also highlighted the plight of vulnerable countries, particularly Least Developed Countries (LDCs) and Net Food Importing Developing Countries (NFIDCs) stating that priority should be given to them in any measures that may be adopted. It had also been considered that it was necessary to balance three narratives – food security, sustainability, and trade reform. Members also wanted the process to be driven by them. Small group meetings had been considered useful provided the process remained fully transparent and inclusive. Several had felt that other formats such as retreats or seminars could help to break the stalemate in the negotiations. There appeared to be widespread agreement that restating well known positions through reading prepared statements would not get Members anywhere, so it was necessary for new approaches to be adopted. Members were likewise keen on having an outcome in agriculture at MC13. For many, an outcome in the agriculture negotiations was long overdue. Some even considered that the lack of an outcome at MC13 would constitute a systemic failure. At the same time, several Members had also pointed out that, with only one year to go, MC13 would not mark the end of the negotiating process. Some other Members had cautioned against having unrealistic expectations about what would be politically feasible by MC13. The specifics of an outcome still needed to be decided by Members and this would be the focus in the coming months.

2.3. Regarding the way forward, in the short term, he had decided to organize a series of seminars to unwrap some of the most important issues to Members. The first of these seminars would take place in the week of 27 March. During this agriculture week, he intended to also convene a CoA SS meeting as well as Dedicated Sessions on PSH and Special Safeguard Mechanism (SSM). Since Members had expressed during the consultations that they would like this process to be Member-driven, he requested them to engage with one another, including with non-proponents, to explore the possibility of submitting future inputs and proposals. He believed this approach would help to increase the efficiency of the process and enable Members to make progress toward a compromise

² JOB/AG/239.

outcome at MC13 and beyond. He was convinced that it was by working together that Members would have the best chance of achieving a meaningful outcome on agriculture at MC13.

2.4. Ambassador Einar Gunnarsson (Iceland), Chair of the Negotiating Group on Rules (NGR), thanked the Director-General for the opportunity to provide the TNC with some details about the work on fisheries subsidies that the NGR had undertaken since his appointment as the Chair. He would also outline how they planned to work in the coming months. Members had confirmed his appointment as the Chair of the Negotiating Group on 27 January 2023. Soon thereafter, he had sent a communication inviting all interested delegations and groups to share their views with him bilaterally on two issues: the basis on which to start substantive discussions on the outstanding issues and the organization of work, including how to structure their meetings. More than 30 delegations and groups had taken up his invitation. He had consulted with them between 8 and 15 February 2023. The delegations that had come to see him had expressed enthusiasm to fully re-engage. Based on what he had heard in his consultations, he was optimistic that Members would be able to reach their goal of submitting a Minister-ready draft outcome for additional disciplines on fisheries subsidies by MC13, as mandated by Ministers in their decision at MC12 adopting the Agreement on Fisheries Subsidies.

2.5. On 20 February, he had convened a plenary meeting of the Negotiating Group, at which he had reported back to all Members on his consultations. As he had indicated at that meeting, all delegations with which he met had indicated that disciplines on subsidies contributing to overcapacity and overfishing, and related provisions on special and differential treatment, should be the central focus of their work. He had also understood that the key issue to resolve within the overcapacity and overfishing pillar was finding the right balance between the inherently intertwined issues of disciplining harmful subsidies on the one hand and recognizing the needs of developing and LDC Members to develop their fishing sectors on the other. Finding this balance between strong disciplines and appropriate flexibilities, in particular for special and differential treatment, was therefore the main substantive challenge that he saw before Members. He had heard a range of views from delegations regarding what an eventual solution could look like, so it was clear that Members had work to do to find a way forward that all of them could accept. That said, he had found it positive that Members were thinking constructively on how to move forward. Importantly, he had gotten the sense that Members saw that most of the pieces of the puzzle on overcapacity and overfishing were, at least in a general conceptual sense, already reflected in documents WT/MIN(22)/W/20 and WT/MIN(21)/W/5. Members had also expressed openness to exploring other options and alternatives. Beyond overcapacity and overfishing, some Members had also expressed interest in resuming discussions on other issues reflected in the WT/MIN(22)/W/20 and WT/MIN(21)/W/5 but not retained in the Agreement adopted at MC12. Members had mentioned in this regard subsidies contingent on fishing outside of the subsidizing Member's jurisdiction, transparency provisions on the use of forced labour in fishing and fishing related activities, and the issue of non-specific fuel subsidies.

2.6. In his consultations, Members had also spoken about how to best organize work moving forward. One key takeaway was that Members had overwhelmingly endorsed the utility of holding so called "fish weeks" – dedicated, periodic clusters of meetings with a mix of configurations and with time for delegations to consult among themselves. Dedicated Fish Weeks, including remote technology, would also give an opportunity for capital-based participation. In this regard, he had shared with Members his suggestions on the structure of work between now and the summer break. Members had requested that the schedule of the meetings be set for several months running so that there was adequate opportunity for planning and preparation. Accordingly, he had shared with Members the dates for four clusters of meeting between now and July. These were Fish Weeks during the weeks of: 20 March, 25 April, 5 June, and 10 July. Many delegations had requested that each cluster should be organized around a specific theme. There had also been widespread support for starting substantive work with some time for conceptual discussions on the building blocks that Members needed for delivering on their mandate, rather than jumping straight into a text-based discussion. Accordingly, for the first one or two clusters, he would propose a few questions aimed at stimulating that kind of a discussion. He would communicate such questions for the first cluster to Members soon.

2.7. Related to implementation of the new Agreement, several Members had suggested to begin a process of developing the working procedures, notification templates, and other documentation that would be used by the Committee on Fisheries Subsidies once the Agreement entered into force. He agreed that it would make sense to start a process for this, which could run in parallel to Members'

negotiating work. Members would discuss this during their first fish week. He would also be looking to determine the right moment for beginning text-based discussions and anticipated that this could begin before the summer break. Also, as he had done at the Negotiating Group meeting the previous week, he encouraged all Members to reflect on whether and how they wished to incorporate into their work programme possible additional elements such as further knowledge-building workshops, themed retreats, and possible Ministerial engagement. He also reiterated his call to Members to use the time before the first fish week to engage with other Members, especially those with differing views, to prepare for the discussions during that week.

2.8. He again thanked Switzerland and Singapore – the two Members that had deposited their instruments of acceptance. He congratulated those delegations for showing leadership in this way. Like the Director-General, he strongly encouraged each Member that had not already done so to deposit their instrument of acceptance at the earliest possible moment. As he had stated during the consultations as well as in the Negotiating Group meeting, he considered this to be a top priority and would be using sometime during the Fish Weeks to seek updates from Members. He also thanked Japan for being the first Member to make a contribution to the Fish Fund, and he was encouraged that so many other Members had made pledges. A viable and effective Fund would help developing and least-developed countries to implement their obligations, and it demonstrated the WTO's commitment to work with them. He was confident that by working together with an open mind and a spirit of compromise, Members would be able to achieve the target set by the Ministers during MC12. After his first month as the Chair of the Negotiating Group, he was optimistic, and eager to work with all Members to accomplish the great task that awaited them.

2.9. Ambassador Kadra Ahmed Hassan (Djibouti), Chair of the Special Session of the Committee on Trade and Development (CTD SS), recalled that, when Members had previously met in this format in November, she had reported on the formal CTD SS meeting that had taken place in September. She had explained that the main purpose of convening the CTD SS meeting was to allow an exchange of views on the way forward in the CTD SS after MC12. The basis for this exchange was the language found in paragraph 2 of the MC12 Outcome Document which, inter alia, instructed officials to continue to work on improving the application of S&DT in the CTD SS and other relevant venues in the WTO, as agreed and report on progress to the General Council before MC13. An unofficial room document had been submitted by the Group of 90 (G-90) for the CTD SS meeting. A number of delegations in their interventions had suggested that the 10 Agreement-specific proposals by the G-90 provided a good basis for taking the discussions forward in the CTD SS. However, other delegations had indicated that a new conversation was needed in order to allow Members to advance in discussions on S&DT. The view was shared that any further discussion in the CTD SS on the same 10 proposals by the G-90 would not yield results. These positions had been similar to those expressed in the CTD SS before MC12. Although the divergence in views on the G-90 proposals remained, she noted the readiness expressed by many delegations to fulfil Ministers' instructions in paragraph 2 of the MC12 Outcome Document. The G-90 had also indicated at the meeting that it would be submitting a formal proposal on how the work of the CTD SS could be organized and structured, including on the substantive elements. As the proposal by the G-90 had been circulated³, a meeting of the CTD SS would be convened to allow Members to consider the submission.

2.10. S&DT was a crucial component of the development dimension of the WTO's work. The importance of S&DT had also been highlighted by many Members during the informal General Council meeting on the development dimension of WTO Reform held on 2 and 3 February. She felt that the discussion that had taken place during the informal General Council meeting provided an opportunity to make progress on development-related work in the WTO. The need for strong and effective S&DT provisions was undeniable, and the CTD SS could play a role in achieving this objective. Advancing in the negotiations in the CTD SS was therefore in the interest of the Membership, and the organization as a whole since S&DT remained central in many ongoing negotiations. She called on all Members to engage constructively in the CTD SS, in the spirit of collaboration and with an open mind, with the objective of finding solutions together. As she had said before, this would require the political will to negotiate in good faith, and without prejudice to the outcome. As Chair of the CTD SS, she could do her part in facilitating meetings, but it was ultimately for Members to collectively determine how to deal with this longstanding and critically important issue. A reaffirmed mandate by Ministers required Members' renewed political will and ways of engaging in negotiations.

³ JOB/TN/CTD/2 – JOB/TNC/106.

2.11. The Trade Negotiations Committee took note of the reports by the Chairs of the Committee on Agriculture in Special Session, the Negotiating Group on Rules and the Committee on Trade and Development in Special Session.

3 REPORT BY THE CHAIRPERSON

3.1. The Chairperson said that the countdown to MC13 had officially begun. She had had the opportunity to witness the preparations underway in Abu Dhabi after the recent World Government Summit in Dubai. H.E. Mr Abdelsalam Al-Ali and the ADNEC facilities staff had kindly shown her around the future ministerial venue. She had also discussed MC12 implementation and MC13 preparations with H.E. Dr Thani Bin Ahmed Al Zeyoudi, Minister of State for Foreign Trade of the United Arab Emirates. She was also pleased to have been received by His Highness, the Ruler of Dubai. There was high anticipation, excitement and willingness to work on the part of the host.

3.2. Since the last TNC and HODs meeting, she had continued her outreach to Leaders, Ministers, and other stakeholders, in the Gulf region, the Caribbean and in Latin America. She had also held several bilateral meetings with Ministers who were in Geneva to attend the Human Rights Council. The importance of implementing MC12 outcomes was a recurring theme. This was important to her and to everyone. It was one thing to negotiate an agreement and another to make sure that Members embarked on implementation. Another theme that was important in her meetings was addressing the challenges facing the multilateral trading system by delivering new outcomes in the lead up to and during MC13. It had become a WTO imperative to contribute to solutions to food and energy insecurity, the climate crisis, sustainability issues, pandemic preparedness, economic recovery, and persistent developmental challenges. The sooner they transitioned to delivery mode, the better the chances were for success. Members had heard the Chairs' reports. As she was encouraged that certain paths forward were beginning to shape up in some areas, she urged Members to step up their engagement even further.

3.3. Regarding agriculture, while it was positive that Members had finally reached consensus on appointing Ambassador Alparslan Acarsoy (Türkiye) as CoA SS Chair, it was clear from his report that thus far, longstanding positions had not much changed. Yet, delivering on agriculture and ensuring food security remained vital. Food security was a recurrent theme in her discussions with many Leaders in the past two weeks. For example, she had heard from the 15 CARICOM Heads of Government that this was an issue they were keen on and were aiming to reduce food imports by 25 percent by 2030. Food security was clearly a top priority for nearly all Members as Ambassador Acarsoy had highlighted. The challenge before Members was therefore taking a food security lens in finding a way to deal with the issues that they had always been concerned about so that these did not stand in their way of delivering a food security result for MC13. Some questions for reflection that she posed related to the new approaches that Members should take and how they would unpack the longstanding issues so they could see them transparently and deal with them.

3.4. Climate change likewise continued to impact agriculture production from New Zealand to Pakistan and the Horn of Africa. She had recently been told that Ukraine might not be able to plant all of its acreage but only a certain percentage. If this was the reality, Members could not be sanguine – that from that region which was the breadbasket of the world, they would not continue to see supply shortages and shrinkages. They needed to bear this in mind. It was therefore proper to view agriculture and address issues in this area through a food security lens. In this regard, taking a page from the fisheries subsidies negotiations, focusing first on issues everyone could agree on and building from there could be a good way forward. She urged Members to constructively work with Ambassador Acarsoy and called on them to ensure that, by Abu Dhabi, they ushered in a new, results-oriented era for WTO agriculture negotiations breaking through the impasse they had seen for the past two decades.

3.5. Regarding fisheries subsidies, the road to MC13 had started positively with Switzerland and Singapore depositing their instruments of acceptance of the Fisheries Subsidies Agreement. She had also heard from many Members – including 10 Ministers she had met – about progress towards acceptance of the Agreement. She was hopeful that significant numbers would be coming in soon. The objective that she had heard at MC12 was quite ambitious – that Members should try to do this within a year. The year was almost upon Members, and they might not be able to make this. But they could make it an objective that by MC13, two-thirds of the Membership would have ratified the Agreement. It was slower than what she would have liked but it would still be half the time it normally took to ratify an agreement. A clear deliverable for MC13 was ratification of the Agreement on

Fisheries Subsidies. She thanked Members because the issue remained alive. In all the meetings she had recently had, the Ministers of Foreign Affairs had raised this issue before she did – and so had the Deputy Prime Minister of Viet Nam whom she had met in the morning. In the meeting in the Bahamas with the 15 CARICOM Prime Ministers, she had asked them for a Valentine's Day present. Two of them had volunteered that they would give her one shortly. The race was on, and she thanked Members.

3.6. She likewise congratulated Japan – through Ambassador Yamazaki – for becoming the first to deposit money – approximately CHF 763,000 – to the WTO Fisheries Funding Mechanism. She was grateful for the pledges that were coming in and hoped that Members could make actual disbursements soon so that the money could start assisting LDCs and developing Members that needed it. It was important for developing and LDC Members to ratify the Agreement. As one could only use and get access to the funds through ratification, she hoped this would be a good incentive. Members had agreed that they had unfinished business. On the second wave of negotiations, they had had the second knowledge building workshop in January and several regional workshops including in Oman and in Panama. The workshop that she attended in Oman like the one in the Pacific was well attended. There were 35 participants from Arab countries who were keen. Now that Members had a work plan in front of them – and the political will seemed to be there to move forward – she looked forward to them working hard to deliver on the mandate. In relation to this, she asked Members, when taking the floor, to say more on the specific modalities on the way forward including the work plan – whether it would be having more meetings involving capitals, senior officials or even Ministers at some point during the next ten months.

3.7. On special and differential treatment, Members had heard Ambassador Hassan's report. She commended the G-90 for sustaining the momentum. As Members had seen the recent G-90 submission, she hoped they would go through it to see how that had changed. She also thanked Members for participating actively in the reform discussions on development early in the month. The existence of S&DT as an integral element of the WTO did not seem to be at issue. The question was about who benefited and how it was administered. Members had found answers to this question before in the Trade Facilitation Agreement and the MC12 Decision on TRIPS and COVID-19 vaccines. She hoped they could build on these answers to find a useful way out. Members all agreed that development was much broader in scope than the S&DT negotiations. Given the immense economic and development challenges facing many Members, Members needed to deliver in this area even before MC13. When she was in the Bahamas with CARICOM Prime Ministers, many of them had expressed their disappointment that the WTO had not been delivering for them on the development agenda. She had been able to share with them what had transpired at the development retreat – the new WTO that the Membership was trying to put forward that was about people. With this being well received, she hoped Members could continue in that direction because of their desire to see something meaningful come up soon. She hoped Members could agree on something even before MC13 on issues of LDC Graduation and others where agreement was within reach. Members likewise had to come to grips with questions such as policy space for industrialization which increasingly seemed not only to be a developing country Member issue but also an issue for developed Members. She hoped for a way through to look at this issue at some point. DDG Zhang, in his summary at the development reform retreat, had also detailed various topics that Members had outlined as being of interest. She hoped that Members would continue these important conversations in a solutions-oriented manner.

3.8. She also highlighted services and digital trade, given their centrality to the future of trade, growth and job creation for many regions. She had heard great excitement about services and digital trade in particular during recent visits to the CARICOM and the Gulf regions. On the other negotiating areas, it was time to find clarity on how these should fit within Members' ongoing endeavours. Proponents in these areas remained in the drivers' seat, and the Chairs were at their disposal to assist as needed. In this regard, it would be helpful for all negotiating group Chairs working with the Membership, to set out work plans and get work restarted in their respective areas. It might perhaps also be useful for Members to reflect as part of the reform process, how their reform work could feed into existing structures such as the special sessions that had been created for some of these purposes rather than multiplying new structures.

3.9. Turning to the other areas of work that did not fall squarely within the remit of the TNC but were nonetheless important – particularly in preparing for MC13, she saw that WTO Reform remained of prime importance. She paid tribute to the General Council Chair – Ambassador Chambovey, other Chairs and Ambassador-Facilitators for moving this process along. She also thanked the Membership

for their efforts and continued engagement including submitting new papers to be taken up in the General Council at its next meeting. She was also encouraged to hear many Leaders – at the World Government Summit, CARICOM Heads of Government, Gulf Cooperation Council (GCC) Trade Ministers and during her bilateral visit to Colombia – make clear the need for a well-functioning multilateral trading system with the WTO at its core. This was what the reform process Members had launched was all about – and they needed to advance work on all WTO functions. She appreciated the work being done at the Committee-level which was an essential part of WTO Reform. She urged Members to ensure that they could report meaningful progress to Ministers at MC13 – one that showed that the WTO was responsive and capable of driving success. There was also widespread support on dispute settlement reform. It was clear that in the eyes of the outside world, the WTO lacked credibility as a rules-based organization since it was not resolving disputes the way it should. A clear road map and way forward was therefore needed. This reform did not simply mean resolving the crisis in the Appellate Body as there was much more at stake. In this regard, she thanked the United States for its efforts and Members for their engagement. She understood that these discussions had entered the next stage. She hoped they would continue to constructively engage in this process to find a solution to this matter as quickly as possible and by MC13.

3.10. Members likewise needed to find a solution on the TRIPS waiver extension. While this issue was no longer in the headlines, Members could not afford to be complacent. They needed to learn the lessons of the past so as not to repeat mistakes in the future. She had received a delegation from the UN General Assembly who had been asked to draft a political statement for adoption by UN Heads in September. They had come to see how the WTO could be integrated into this statement – a political commitment to pandemic preparedness. Part of the assessment they had was that, in spite of everything that had happened, the world was still not prepared. Should there be another pandemic breakout today, they were not sanguine, and neither was she, that the world would be prepared to handle it before many more people died. In this regard, the delegations were expecting the WTO to play a role and was also liaising with the WHO work on the Treaty on Pandemic Preparedness. It had been sobering to hear such assessment and the fact that the UN Heads in September at the UN wanted to adopt a political statement to show their willingness to be better prepared for the next pandemic. She hoped Members would not forget this issue which remained current and enabled the WTO to play its role.

3.11. On e-commerce, the MC12 Ministerial Decision was clear. Members needed to work hard to reach a collective agreement on where the moratorium was going, and to reinvigorate work on the Work Programme based on the mandate and in line with its development dimension. She thanked Ambassador Usha Dwarka-Canabady for facilitating this work. Parallel to the preparations for MC13, the world was also counting on the WTO to respond to pressing challenges about the way business was done across borders. This necessitated a conversation on shaping a forward-looking agenda for the WTO. She was concerned that the WTO was not moving with the times – discussing issues that had passed by while still not being able to comprehensibly deal with them and already being faced with new ones. As she often said, the future of trade was digital, services, green and inclusive. She therefore invited Members to reflect on what the WTO could do in these areas.

3.12. Concerning Secretariat matters, she informed Members of the plan to develop a vision and a strategy for the Secretariat. The Committee on Budget, Finance and Administration (CBFA) had been thinking about this for many years and there was finally some movement on this matter. Members should get the Secretariat as much as they could into a vision of the 21st century. They needed to consider what trade was going to be like looking forward and what the Secretariat should be doing to deliver for the Membership. This process was being led by the Transformation Office of the Secretariat with the help of McKinsey and others. They might come to Members to conduct focused group discussions to move this forward. The need to think of the WTO's future required Members to be imaginative and clear if they wanted this organization to survive.

3.13. She had said all of these not only to set out the MC13 agenda but also to stimulate Members' minds about the exciting challenges ahead. She did not find these challenges intimidating – but rather exciting. She invited all Members to also get excited about some of these issues and have the political will to move forward. She called on Members to engage – working in the same manner as in the development discussions, negotiate and deliver.

3.14. The Trade Negotiations Committee took note of the report by the Chair.

4 STATEMENTS BY PARTICIPANTS

4.1. The representative of Brazil noted that MC13 was a renewed opportunity to demonstrate that cooperation and multilateralism were the best course of action for delivering trade related solutions to global concerns such as food security and sustainability. Sustainable development should be the principle for potential outcomes on trade and environment at MC13. The WTO had a key role to play on promoting trade, investment and technology transfer that supported Members especially developing ones and LDCs in building their capacity to address climate change and to reach economic and social development building upon clean energy sources. These WTO efforts should be mutually supportive and harmonious with existing UN treaties such as the United Nations Framework Convention on Climate Change (UNFCCC). Unilateral measures that attempted to shift and backtrack on pledged responsibilities would only undermine the multilateral environment and trade frameworks and move Members further away from a decarbonised economy. In this regard, Brazil welcomed the contribution made by India in document JOB/TE/78 which offered a solid and constructive basis for a multilateral discussion on this matter. Agriculture was also an indispensable part of a credible MC13 package. Members should develop a fresh approach to fulfilling the mandate on Article 20 of the Agreement on Agriculture based on addressing issues related to global food security. In the next few months, a discussion on how the WTO and international trade in agriculture could be part of the solution to global food insecurity would help to identify the concrete elements that should be tackled by MC13 including trade distorting subsidies and export restrictions on international trade. In order to move the agricultural rulebook forward, Members should continue their discussions on WTO Reform in all its pillars particularly with a view of having a fully and well-functioning dispute settlement system by 2024. Brazil also remained fully engaged in the debates on Paragraph 8 of the MC12 Decision on the TRIPS Agreement. COVID-19 continued to inflict a disproportionate toll on developing and LDC Members. Members should therefore work with a sense of urgency to reach an outcome that provided for enhanced and timely access to COVID-19 therapeutics and diagnostics at an affordable price. Brazil also remained committed to the continuation of the talks on the outstanding issues on fisheries subsidies. Brazil would constructively work with other Members with a view to achieving progress on additional provisions by MC13. Brazil would spare no effort to deliver a robust set of results at MC13 capable of reinvigorating international trade and promoting sustainable development and food security.

4.2. The representative of Japan noted that, as the second largest food importing country, Japan relied on imports for more than 60% of its food consumption. Japan therefore continued to stress the importance of food security in trade negotiations. In order to ensure food security, it was essential that smooth flow of agricultural trade was retained, and sustainable domestic agricultural production was maintained and enhanced in each Member. To ensure food security, as Japan had been repeatedly pointing out, Members should address the issue of export restrictions especially as it had been occurring rather frequently. Discussions in agricultural negotiations should be carried out not in a way to discourage but rather encourage each Member's efforts to address current challenges such as food insecurity, climate change and biodiversity loss. It was also important to bring the Agreement on Fisheries Subsidies adopted at MC12 into force swiftly. Japan was making every effort to advance the relevant domestic process as quickly as possible. The Membership should support developing and LDC Members in effectively implementing the Agreement. Japan appreciated the kind words of the NGR Chair and the Director-General on its recent contribution to the WTO Fisheries Funding Mechanism as the first donor. Japan would engage in the negotiations to MC13 constructively from the viewpoint of securing ocean sustainability. On WTO Reform, dispute settlement reform remained the highest priority. As for an immediate target on the way to 2024, Members needed to strive to start text-based discussions after the summer break. On the deliberative and monitoring function, Japan welcomed the fact that discussions and efforts to improve this was underway in subsidiary bodies. The practical and realistic way forward to advance reform was to accumulate these bottom-up improvements and report them to Ministers at MC13. It was important to increase transparency of the measures taken by Members with regard to new challenges such as measures related to environmental issues, and to enhance mutual understanding.

4.3. On development, these issues required a holistic approach in collaboration with other relevant international organizations. Concrete discussions on the basis of needs and evidence were needed. Japan would constructively engage in such discussions, including with readiness to examine what it could do to address the challenges faced by Members graduating from the LDC category. The discussions on S&DT also needed to be based on facts and specific needs. On the rulemaking function, Japan would strive toward achieving outcomes on the Joint Statement Initiatives, namely: swift certification in the WTO of the improvement of GATS Schedules on Service Domestic

Regulation, substantial conclusion of negotiations on E-Commerce by the end this year, and finalizing the negotiating text on Investment Facilitation for Development in the first half of this year. On e-commerce, Japan appreciated the meaningful discussions Members had been having in the dedicated sessions on reinvigorating the Work Programme on E-Commerce facilitated by Ambassador Usha Dwarka-Canabady. On the moratorium, Japan's position of striving to make it permanent remained unchanged. Members would at least need to agree on its extension at MC13. Discussions on securing a level playing field were also essential and should be initiated at an appropriate juncture. These include the response to government support and forced technology transfer in the industrial sector. On environment, trade policy's contribution to environmental sustainability, especially the issue of climate change, was also an important element. In light of Paragraph 14 of the MC12 Outcome Document, Members should explore what could be achieved prior to MC13 including the revitalization of the CTE. Japan also promoted the activities of the joint initiatives on trade and the environment.

4.4. The representative of the European Union said that, with just under a year to MC13 in Abu Dhabi, the European Union was looking forward to intensifying work across the board in order to make good progress towards a substantive package for MC13. The European Union saw a number of areas where concrete and substantive results could be reached. Activating an improved and fully functioning dispute settlement by 2024 through meaningful, multilaterally agreed reforms remained the EU's top priority. The WTO dispute settlement system was vital for the credibility of a rules-based trading order – the position shared by the vast majority of WTO Members. While the European Union was attached to a binding, two-tier and independent adjudication – which were the system's core characteristics – the EU saw ample scope for improvement. Time was pressing as 2024 was fast approaching. With this in mind, the European Union was keen to see reform discussions accelerating and focusing on identifying solutions for a limited set of issues that required improvements. This should pave the way for text-based negotiations in good time before MC13. The Membership could not afford to miss the 2024 deadline to have a fully functioning dispute settlement system which meant finding a solution no later than MC13. The European Union also welcomed the plan of work on fisheries subsidies set out by the NGR Chair and saw MC13 as the target date for the two main work strands. First was the entry into force and implementation of the phase 1 agreement. The European Union was well advanced on its internal ratification procedures and had also committed to support the Fisheries Subsidies Funding Mechanism at EUR 1 million. The other strand was the phase 2 negotiations on the outstanding issues which was possible to conclude by MC13. The EU called on all Members to engage constructively in these negotiations.

4.5. Development was a key issue that should be mainstreamed across the whole WTO Reform agenda. The priority for MC13 should be a development package that included addressing LDC concerns notably in relation to their smooth transition out of the LDC category. The European Union would continue to listen to the priorities of developing countries and stood ready to consider how to address their underlying concerns without changing the agreements. Members needed to start substantive deliberations on the E-Commerce Work Programme with a particular focus on the development dimension. While it was an important multilateral track of work, for it to be meaningful and to deliver, Members should also prevent the creation of potential new obstacles to the digital transition across the globe. Termination of the moratorium would seriously undermine the WTO's relevance for the digital economy. The EU hoped that Members could work on both a reinforced multilateral Work Programme and the extension of the Moratorium. The European Union likewise remained fully committed to continue the work on agricultural reform. The EU supported the need for a new approach. Members should integrate the issues of food security, environment, climate, poverty and sustainable production into the negotiations on reforming trade-distorting policies. The European Union suggested to start working on improving transparency in agriculture across all pillars notably in areas linked to food security such as export restrictions and international food aid. The European Union also underlined the importance of work on the implementation of the work programme under the MC12 Declaration on Food Insecurity and would remain constructively engaged to deliver concrete outcomes that contributed to overcoming the challenges related to the ongoing food insecurity situation.

4.6. The EU stressed the importance of making good progress in the negotiations on the open plurilateral JSI on investment facilitation for development. Conclusion by MC13 was a priority. It was also crucial to achieve substantial progress on the JSI on e-commerce by MC13. The European Union also expected the outcome of Services Domestic Regulation to enter into force before that. In line with its approach to a comprehensive response to the COVID-19 pandemic, the European Union supported the continuation of the discussion on the extension of the TRIPS Decision to COVID-19 therapeutics and diagnostics and would continue to engage with all Members. On the European

Union's latest contribution to the process of WTO Reform, the success of MC13 would be measured by how much more effective Members could make the WTO. The EU had proposed to develop the deliberative capacity of the WTO as a key component of the reform process. The European Union had circulated in this sense a submission a week ago on "Reinforcing the Deliberative Function of the WTO to Respond to Global Trade Policy Challenges" (WT/GC/W/864). The European Union was looking forward to presenting it at the General Council and to engaging with the Membership on how best to take forward these ideas.

4.7. The representative of Uruguay stressed that agriculture was the missing piece of MC12 – so it should be at the forefront of MC13. Agriculture negotiations were as important today as they had been in the Uruguay Round given the challenges that high levels of distortions and restrictions present to international agriculture markets in order to achieve sustainable development including in the area of food security and environment protection. These matters continued to be relevant and could have even become more urgent in some aspects since the Uruguay Round. Trade and environment protection were neither mutually exclusive nor did they oppose each other – as they could be mutually supportive. All Members agreed that this organization should contribute in a tangible way to the achievement of global food security objectives. It was clear that agriculture reform was an intrinsic part of the food security agenda. Uruguay wished to have an outcome in agriculture at MC13 which should be meaningful along the lines of the objectives set down in Article 20 of the Agreement on Agriculture. Agriculture reform was a long process and Members could not realistically hope that this would be concluded at the next Ministerial Conference. But as it had been stated by some Members, they should at least see the establishment of modalities to move forward in this process towards a meaningful outcome. Uruguay likewise saw importance in the speedy resolution of the pending issues that Members had to resolve in dispute settlement because of its clear systemic relevance to this organization. The best way of addressing these issues was for all Members to focus on the concrete, particular aspects that had been pointed out as dysfunctional in the Dispute Settlement Understanding (DSU) – which could always be improved. Uruguay however cautioned on getting lost in long discussions that would not lead Members to achieving their main objective which was a fully functioning dispute settlement system.

4.8. The representative of Djibouti, speaking on behalf of the LDCs, underscored the necessity of looking into the actions and the reports, including in the MC12 Outcome Document, to be presented at the next Ministerial Conference. This could facilitate Members' consideration of pragmatic approaches for early harvest particularly in favour of LDCs. The LDC Group welcomed the resumption of work on fisheries subsidies. The Group had taken part in the consultations of the new NGR Chair. The LDCs urged Members to commit to continue negotiations based on WT/MIN(22)/W/20 with a view to making recommendations at MC13 on additional provisions that achieved disciplines on certain forms of fisheries subsidies that contribute to overcapacity and overfishing. The LDCs also applauded the resumption of work in agriculture. The Group had also taken part in the consultations of the new CoA SS Chair and encouraged Members to intensify work in order to achieve concrete results at MC13. The Group supported a reform of the Agreement on Agriculture towards a fair and market-oriented agricultural trading system which prioritized issues related to food security and resilience such as domestic support with trade distortion, including cotton, SSM, PSH and export restrictions. The LDCs hoped to receive special coverage in any agreed reform because of their NFIDC status. They also hoped that some of its members would be able to benefit from guaranteed market access for certain special products. To this end, the Group invited Members to refer to its proposal in G/AG/W/225. Furthermore, in the context of public stockholding for food security purposes, the LDCs were in favour of a permanent solution taking into account the new programmes.

4.9. On the MC12 Decision on the TRIPS Agreement, the co-sponsors of the TRIPS Waiver proposal, including the LDC Group, maintained their support to reach consensus by MC13 to include therapeutics and diagnostics in the Ministerial Decision in WT/MIN/(22)/30 – WT/L/1141. Regarding the CTD SS work, as part of G-90, the LDC Group reiterated its support for the G-90 submission and called on Members to engage constructively as instructed by Ministers in Paragraph 2 of the MC12 Outcome Document. The LDC Group likewise called on Members to operationalize the decisions adopted at previous sessions of the Ministerial Conference in line with Paragraph 8 of the MC12 Outcome Document. The LDCs had been waiting for several years for the operationalization of decisions on the services waiver and the one on preferential rules of origin, among others. Under the services waiver and DFQF market access, Ministers had instructed the General Council to report at MC13 on the progress made. They had also instructed the Committee on Rules of Origin to report on its work to the General Council before MC13. The effective implementation of these decisions would contribute to the development of LDCs.

4.10. At MC12, the LDC Group had shared its priorities with Members with some not receiving favourable treatment. After MC12, the Group had reviewed some of its proposals and had formulated others. With the aim of reaching an outcome before MC13, the LDC proposal on graduation had been revised to take into account Members' concerns. The revised proposal in WT/GC/W/807/Rev.2 had been forwarded to the General Council. LDCs urged Members to favourably consider their proposal in order to allow graduated Members to continue to benefit from the flexibilities offered to LDCs for a smooth transition and a sustainable exit from the category. Thus, the Members who would be graduating would benefit from a legal framework and the necessary predictability allowing them to preserve their development achievements. A positive outcome on graduation would inspire and reassure LDCs who were vying for graduation. WTO Reform should take into account the diversity and needs of all Members of the organization. The elements contained in communication JOB/GC/223/Rev.1 could be useful for the negotiations on the reform of the WTO. The submission addressed areas such as principles, transparency, administrative measures, institutional reform, committees and two-tier dispute resolution. It included pragmatic approaches. Aspects of reform related to administrative and institutional issues within the existing mandate of the WTO could be part of the early harvest by MC13. At MC12, Members had been instructed to reinvigorate the work programme on e-commerce particularly its development dimension. The LDC Group commended the work initiated in this area in accordance with the Ministerial Decision in WT/MIN(22)/32 – WT/L/1143. In this regard, the submission in WT/GC/W/787 constituted the LDCs' contribution for future work. It highlighted the group's position and identified the challenges its Members faced. Given the excessive volatility of food prices in the international market, the LDC Group urged Members to implement the declaration in WT/MIN(22)/28 – WT/L/1139 on the urgent response to food insecurity. They should find pragmatic solutions to meet the needs of those facing food insecurity around the world particularly in LDCs. The LDC Group stood ready for constructive engagement on all issues of interest to the LDCs.

4.11. The representative of the Kingdom of Saudi Arabia, speaking on behalf of the Arab Group, expressed appreciation to the United Arab Emirates for hosting the next WTO Ministerial conference in February 2024 in Abu Dhabi. The Arab Group was certain that the UAE would lead this conference to more progress and success in shaping tangible and balanced outcomes for the benefit of all Members. The successful outcome from MC12 demonstrated that consensus was still possible even in times of deep challenges and uncertainty. MC13 was a year away and there was a lot of work ahead. Given the long list of outcomes on the table, Members needed to seize the current momentum to continue to work in the same spirit that they had witnessed at MC12. In order to achieve concrete results before and at MC13, the Arab Group urged Members to come with an open mind to find possible ways to bridge the gaps on different positions that still existed on a number of issues. The Arab Group emphasized that the overall WTO Reform should reaffirm the founding principles of the WTO and must be open, transparent and inclusive – considering Members' concerns. The reform should also promote greater linkages between the trade rules and development. Discussions on WTO Reform should focus, among other issues, on the current impasse of the Appellate Body with a view to having a fully and well-functioning dispute settlement system accessible to all Members by 2024. On food insecurity, Members should accord high attention to address this specific need and circumstances of developing country Members including those of LDCs and NFIDCs. The Arab Group likewise stressed the paramount importance of agriculture to their economies. Although issues surrounding agriculture were not easy to reconcile, they should not deter all Members from working closely with each other and thriving for concrete outcomes at MC13. The Arab Group commended Ministers' commitment at MC12 to facilitate the conclusion of ongoing accessions especially for LDCs fully in line with the General Council Guidelines on LDC's accessions and to provide technical assistance where appropriate including in the post accession phase. The Arab Group remained committed to working constructively post MC12 and towards meaningful outcomes in MC13 that would serve the interests of all Members.

4.12. The representative of Norway noted that although the various retreats had kept the Membership, it was only now that Members could regain the momentum from MC12. As the Director-General had pointed out, multilateralism was under pressure. The Membership should take advantage of the positive multilateral results that had happened after MC12 especially last fall's COPs on climate change and on biodiversity. There had been near universal agreement at both meetings, and this should give spin-offs in the WTO discussions to find consensus. A resolution of the Appellate Body crisis and a conclusion of the Fisheries Subsidies negotiations were Norway's main priorities for MC13. Norway also wanted to see positive developments for renewed negotiations on agriculture and more generally on all aspects of WTO Reform. The Kunming-Montreal "Global Biodiversity Framework" (GBF), agreed in December 2022, had direct relevance for WTO's work on

fisheries subsidies. It gave a clear statement to protect at least 30% of all sea and all land, as well as at least 30% of degraded area under restoration by 2030 and it had a clear objective on funding. Up to USD 500 billion was to be found by removing incentives harmful to biodiversity including subsidies by 2030. This had clear implications for the WTO negotiations on reducing harmful fisheries subsidies. Members should discuss development aspects for all relevant parts of new disciplines from the start of negotiations, rather than negotiating disciplines first and then second exceptions. The fisheries subsidies negotiations gave Members the opportunity to put this into effect. Specifically for agriculture, food security had become a very relevant theme and should be given the necessary attention in negotiations – for example by focused clusters of meetings. As the Director-General had said, Members should start by focusing on what they could agree on. MC13 would need to make reference to environmental challenges. They were cross-cutting global issues also for trade and the WTO which also came into WTO work on subsidies, market access, least trade restrictive measures, TBT and SPS, and technology transfer, among others. The entire Membership needed to work on green solutions, including through WTO negotiations, and find respective comparative advantages.

4.13. The representative of the Republic of Korea underscored the importance of creating a winning streak at MC13 after the success of MC12 so that the multilateral trade system could contribute to building back sustainable economic growth. Accordingly, the TNC would provide an important opportunity for Members to seek progress on different topics and to discuss potential achievements to make MC13 a success. Korea welcomed the new facilitator-led informal discussions on dispute settlement reform starting next month to review proposals from Members and to have text-based negotiations after the summer break. The discussions would be a meaningful step forward in achieving the objective of a fully functioning dispute settlement system by 2024. Korea urged further discussions and actions on WTO Reform at the subsidiary bodies on the monitoring and deliberative function and looked forward to new developments in the negotiating function. The MC12 mandate was due in a year so Members should effectively utilize the remaining time to fulfil this goal. The discussions held the previous month on the development dimension of WTO Reform had been very useful. As development was a cross-cutting issue, Korea hoped that Members could resolve the stalemate in many fronts of WTO businesses with enhanced mutual understanding on development needs. Korea supported the CTD as the focal point for discussing the development agenda and stood ready to constructively engage in further discussions.

4.14. On fisheries subsidies, Korea commended the new NGR Chair for taking the initiative in mapping out the work programme until the summer break and welcomed his commitment to this role as Members had witnessed how critical the role of the Chair was in the first phase of negotiations. On the way forward, setting the dates for the fish week and defining the central focus of work as the disciplines on overfishing and overcapacity, and S&DT was right on track. Engaging in conceptual building blocks or elements of solution could turn out useful if Members transitioned to text-based discussion in a timely manner. As bridging the gap between different positions on the remaining issues remained a challenge, Korea stood ready to constructively engage with other Members. Korea likewise looked forward to moving away from the stalled agriculture negotiations and embarking on a new journey with a renewed sense of mind under the leadership of the new CoA SS Chair. As a net food importer, Korea expected that export restrictions should be enforced in a transparent manner taking due account of global food security concerns. The sensitivities of each negotiating group should also be assured in the negotiation processes to achieve a balanced outcome. In addition, the current global challenges such as climate change, environment, food security and rural livelihood should be addressed properly in future agricultural negotiations.

4.15. With regard to JSI negotiations on E-Commerce, Korea looked forward to further progress in ongoing discussions. Korea would continue to actively participate in the negotiations to achieve substantial conclusion by the end of 2023 as agreed by Ministers on the margins of the WEF annual meeting in Davos. On the E-commerce Work Programme, Korea appreciated that Members were collectively moving forward through a series of dedicated discussions. On Trade and Environment, the fact that more and more unilateral trade restrictive measures were issued under the name of environmental policies was a reality that was now impossible to ignore. Unilateral environmental measures that could violate multilateral trade rules should be restrained. Meanwhile, Members should invigorate the WTO's deliberative and rulemaking functions with regard to environment and climate change before seeing a plethora of trade remedy actions stacking up in the DSB. Korea called for dedicated discussions in committees such as the CTE or CTE SS to discuss unilateral trade restrictive measures regarding environment, and to develop further what could be negotiated within the WTO framework.

4.16. Speaking as Coordinator of the Structured Discussions on Investment Facilitation for Development, in accordance with the open, inclusive, and transparent nature of the initiative, Korea updated Members on the latest developments in the Joint Initiative on Investment Facilitation for Development. Last December had marked a key milestone in the text negotiations as reflected in the negotiating text, the so-called "Draft IFD Agreement" as well as in the "Statement by the co-Coordiators" both circulated to all WTO Members in December 2022. The text of the Draft IFD Agreement had now only a handful of remaining open issues in the Annex. Participants were currently focusing on resolving these few open issues aiming to conclude the text negotiations as early as possible within the first semester of 2023. As for the needs assessments process, the work on developing the IFD Self-Assessment Guide was ongoing. The WTO Secretariat and a group of seven international organizations would present this Guide at the IFD negotiating round on 3-5 April. Thereafter, needs assessments should start by the second semester of this year, with some pilot projects starting even earlier. As Co-Coordiators, Chile and the Republic of Korea stood ready to engage with Members on any issue they may wish to discuss.

4.17. The representative of China recalled that, during the December TNC meeting, he had shared a key word in his statement – "urgency". Dr. Ngozi and many other Members had also expressed the sense of urgency. The reality had however remained not so desirable in the past two months. In particular, the negotiations on fisheries subsidies and agriculture had been substantially at a standstill until the recent nomination of the two new Chairs. As Members had less than 12 months left before MC13, he shared another key word – "focus". In the past 8 months since MC12, Members had been looking up at the sky and doing some philosophical reflections on the future of this organization including in four retreats on key issues which were enlightening. It was now high time for Members to look down on the earth and focus on the specific negotiations with an aim to finding consensus on important issues by intensively, flexibly and pragmatically enacting with each other – like what they had done in MC12. Members should especially focus on those issues that were urgently needed and widely considered by them as top priority. Restoring a full and well-functioning independent, impartial and binding two-tier dispute settlement mechanism was a top priority. Such a mechanism had been and would continue to be an essential element in providing security and predictability to the multilateral trading system. To fulfil MC12's mandate by 2024, the fisheries discussions should be objective-driven, priority-focussed and balanced to build a solid foundation for the text-based negotiation in the near future. Like WTO Reform, development was a broader issue that involved almost every aspect of the WTO which could not be addressed all at once. Members should therefore get the development issue done by doing, focusing on what was already on the table to translate them to concrete outcomes by MC13. There had already been many proposals and mandates such as the LDC's proposal on smooth transition, the G-20 proposal on S&DT and agriculture mandates on food security. Agriculture was a fundamental and urgent issue for development especially in this challenging global context. In this regard, China suggested that the agriculture discussions in 2023 should focus on two aspects. Food security should be the priority. China agreed with the CoA SS Chair's statement that after two failed attempts to deliver outcomes in agriculture at a Ministerial Conference, success at MC13 was more critical than ever. With the current pressing food security challenges, Members should continue discussing PSH in order to have an early outcome. More urgently, they should move forward to get a concrete and a meaningful deliverable by MC13 based on the MC12 Ministerial Declaration on the Emergency Response to Food Insecurity especially for LDCs and NFIDCs. Fulfilling the existing mandates should continue to be an integral part of agriculture negotiations. Climate change and food insecurity should be taken well into account while expecting agreed road map on the mandated negotiations as early as possible. MC13 was the nearest and most important time for Members to prove to the world that the success of MC12 was not just a coincidence. As most of the important negotiations had restarted, Members should stay focussed with a sense of urgency to build up momentum for MC13. China would continue to participate in all discussions in an active, pragmatic and constructive manner.

4.18. The representative of the United Arab Emirates associated with the statement made by the Arab Group. The United Arab Emirates was pleased to receive the Director-General in Dubai and Abu Dhabi where she had participated heavily and met a lot of Presidents, Ministers and Policymakers at the World Government Summit. She also had a successful visit to ADNEC where MC13 would take place. After the Director-General had left Dubai, officials had a serious meeting with His Royal Highness and about fifteen Cabinet Ministers of the UAE – including Ministers of Trade and Economy, Agriculture, Fisheries and Artificial Intelligence, among others – where they had all been instructed to heavily engage towards an MC13 package. In his personal capacity, he believed that soft power was key towards any successful Ministerial Conference including MC13 – using it to kick-off a meaningful package building on the success at MC12. The Government of the United Arab Emirates

remained always keen and very constructive, and stood ready to heavily engage in WTO work in the lead up to MC13 and beyond.

4.19. The representative of Paraguay would continue working constructively with Members to fulfil the MC12 mandate on WTO Reform and ensure that a functioning dispute settlement system was in place by 2024. Without a functioning dispute settlement system, any new multilateral rule negotiated would be a dead letter and the WTO would lose credibility. With regard to S&DT discussions, Members should pay particular attention to Landlocked Developing Countries (LLDCs) and called for this aspect to be included in the reform discussions. Paraguay also stressed its commitment on deliberative function noting that, together with Ecuador and Argentina, they had put forward concrete proposals⁴ for improvements to be made to the functioning of the Council for Trade in Goods and its subsidiary bodies with a view to enhancing the deliberative function.

4.20. Paraguay hoped to collaborate with the new CoA SS Chair to move towards concrete modalities in a comprehensive package that served all interests. There could be no separating the discussions on food security and those on agricultural trade reform. Delivering on the reform mandated under Article 20 of the Agreement on Agriculture was the way to guarantee global food security. In this regard, Paraguay's priority in any agriculture package was the market access pillar. The need to move forward with agricultural reform was not a past but rather a present concern. Members still had a long way to go if they were to achieve a fairer and more transparent, predictable, equitable and market-oriented agricultural trading system that contributed to people's sustainable development. This was the WTO's guiding principle and the objective and approach that should underpin all WTO discussions. Paraguay was seeking an ambitious, fair and balanced agriculture outcome and would work collaboratively with all Members to achieve this. As noted by the CoA SS Chair, while seeking an outcome at MC13, this should be conducive to moving forward rather than backward in the reform process or in relation to the existing rules.

4.21. Paraguay considered that, as part of the discussions on trade and sustainability, Members should study how environmental measures could be developed from a rules-strengthening perspective with a view to achieving common objectives and progressively reducing trade protections and distortions. This would not only contribute to environmental sustainability, but also to the social and economic elements of sustainable development. Within the WTO, Members should discuss how to prevent unilateral responses to these challenges from creating new barriers to trade and further protectionism; how best to incorporate in the design of trade measures for environmental purposes the fundamental principles of international environmental law such as common but differentiated responsibilities and provide means of implementation; and how to ensure that, in all cases, those responses and measures were delivered in a way that furthered the objective of this organization. Today, the opposite was happening, as shown by the high number of trade concerns across all fora – resulting from protectionism.

4.22. With regard to the JSI on Services Domestic Regulation, Paraguay expressed concern on the uncertainty generated by the objections put forward by certain Members and the unilateral modifications to the Schedules of Specific Commitments of 61 WTO Members. Paraguay was particularly concerned about the systemic impact that these objections would have on discussions on this initiative and on others especially on the risk of such objections impeding the process of incorporating and immediately implementing the negotiated outcomes due to the uncertainty they generated as regards the legal incorporation of such outcomes into the framework of WTO Agreements. On the JSI on E-Commerce, Paraguay reiterated to the co-convenors that the negotiations should be strengthened through an open, transparent and inclusive process taking into account the needs of developing and LDC Members. Consideration should be given to any possible flexibilities such as implementation periods and other forms of special and differential treatment so that there were incentives for other Members to join the initiative.

4.23. Paraguay reaffirmed its commitment to the work of other joint initiatives such as those on investment facilitation for development, MSMEs and women's economic empowerment, in addition to the initiatives on trade and the environment, plastics pollution and environmentally sustainable plastics trade, fossil fuel subsidy reform and the Trade and Environmental Sustainability Structured Discussions, as it considered them to be key matters for driving sustainable economic development for the people in the 21st century. Paraguay had always supported these types of initiatives on the understanding that they would be inclusive, transparent and open to all Members, with a view to

⁴ JOB/CTG/21 – JOB/TBT/498 – JOB/SPS/25 – JOB/MA/158 – JOB/AG/238 – JOB/TF/232.

their eventual multilateralization. Should the initiatives begin to require that certain Members become co-sponsors, based on their size or other considerations, in order to participate effectively, Paraguay would have to reconsider its position in this regard as this would signal an abandonment of their spirit of multilateralization.

4.24. The representative of Samoa, speaking on behalf of the Pacific Group, associated with the statement by the ACP. The Pacific Group thanked the NGR Chair for the work plan proposed for March to July and supported his report that WT/MIN(22)/W/20 had the necessary elements to advance the negotiation although noting that some work or refinements may be needed. The Pacific Group welcomed the Chair's proposal to start with conceptual discussions to allow any new ideas that might be proposed to strengthen WT/MIN(22)/W/20. The Pacific Group continued to prioritize the negotiations on overcapacity and overfishing to complement the partial outcome on fisheries subsidies delivered at MC12 and fully meet SDG 14.6. The negotiation in the second phase should deliver on the mandates' two dimensions to find the balance, as the NGR Chair had referred to, to strong disciplines for subsidies that contribute to overcapacity and overfishing such as those to large industrial fleets, and appropriate and effective S&DT for developing and LDC Members. The Pacific Group had also taken note of the Director-General's ambition for ratification of the Agreement on Fisheries Subsidies as a target for MC13.

4.25. Agriculture was an important sector for food security and economic diversification. Members should progress the discussions and aim at some outcomes at MC13. The Pacific Group continued to place priority on domestic support to remove trade distortions, on public stockholding that extended to new products and SSM to cushion the effect of import surges and price volatilities. The Pacific Group also underlined the importance of S&DT in agriculture negotiations. The Pacific Group agreed with the Director-General that work on WTO Reform went beyond addressing the impasse on the dispute settlement system. The Group remained open to discussions and called for a fair, transparent and inclusive process for all discussions. The Group supported all efforts to realize the MC12 mandate to restore a fully and well-functioning dispute settlement system accessible to all Members by 2024. The Pacific Group acknowledged the informal meeting held earlier this month dedicated to the development dimension of WTO Reform and looked forward to building on these discussions to ensure that the WTO would meet one of its utmost objectives of facilitating the achievement of Members' development needs and objectives.

4.26. The Pacific Group also supported the work that had already started in the E-Commerce Work Programme and Moratorium and thanked the Facilitator for convening two dedicated sessions that had focused on consumer protection and the digital divide faced by developing countries and LDCs. The Pacific Group found the sharing of national and regional experiences useful in identifying challenges. Members needed also to work together in the WTO as well as other relevant institutions to find solutions as they looked to make progress in the lead up to MC13. On development issues, the Pacific Group underlined the importance of addressing the G-90 Agreement-specific proposals especially those that focused on trade and industrialization and urged Members to engage constructively in the discussions in the CTD SS to find solutions to these proposals. The Pacific Group stood ready to engage actively and constructively with all Members in the hope of delivering meaningful outcomes at MC13.

4.27. The representative of Singapore, speaking as Co-Convenor of the Joint Statement Initiative on E-Commerce, provided an update on behalf of Australia, Japan, and Singapore on the JSI on E-Commerce cluster meeting held on 13 to 16 February. They had welcomed the Kyrgyz Republic as the 88th Participant in the JSI on E-Commerce which reflected the growing importance that developing Members attached to e-commerce. The JSI continued to make steady progress particularly on electronic invoicing and personal information data protection. Except for one Member maintaining a couple of square brackets, they had parked the provision on electronic invoicing. They continued to make progress in streamlining the issues under discussion. In this connection, they were encouraged that one Member had exercised flexibility by withdrawing its proposal concerning source code. They looked forward to accelerating the pace of negotiations in order to achieve their target of substantial conclusion by 2023.

4.28. Speaking on behalf of Singapore, he shared some thoughts on Singapore's vision for MC13 and how Members could contribute to a successful MC13. He commended the new NGR and CoA SS Chairs for the gusto with which they had embarked on their work. The three points which he wished to share were encapsulated in "3Rs" – Relevance, Realistic and Result-oriented. On Relevance, MC13 should reinforce the Relevance of the WTO. Members must build on the substantive outcomes of

MC12 to continue to reinvigorate the WTO. At MC12, Members had been able to overcome the odds and deliver globally relevant outcomes in fisheries subsidies, food security, and health. In the face of the ongoing polycrisis, when multilateralism was under stress, it had become more important than ever for the WTO to entrench its relevance. For a start, Members should accelerate the ratification of the Agreement on Fisheries Subsidies and restore a fully functioning and effective dispute settlement system. More importantly, the WTO must, in the longer run, address contemporary challenges such as food security, supply chain resilience, and climate change. Other international organizations such as the World Bank, IMF and OECD had already undertaken work in many of these areas, and if the WTO remained static, they would miss the opportunity to contribute to these important conversations, to shape meaningful outcomes, and above all, to ensure that the WTO remained relevant in the 21st century.

4.29. Members should be Realistic as they teed up for MC13. Since summer last year, Members had had several useful retreats to exchange views candidly on longstanding negotiations. These engagements had allowed Members to collectively unpack these longstanding and complex issues, and identify certain key areas of priority, including S&DT and development, food security, and dispute settlement system reform. In a way, these priority areas represented bite-size objectives that Members could focus on in the run-up to MC13. Given that Members had less than a year left, they should be careful not to overburden the agenda or impose unrealistic expectations on MC13. Members should also be Result-oriented – a point earlier made by the Director-General. This would require Members to think differently, work differently, and act differently. Members must now walk the talk by committing to negotiate seriously, in good faith, and with an eye to securing win-win outcomes that served both domestic interests as well as those of the WTO. In terms of modality, Members should do the heavy lifting in Geneva with the active participation of capital but involve Ministers judiciously. He had heard the WTO and its Members being compared to koalas and pandas which spent long hours chomping on food with low nutritious value such as eucalyptus leaves and bamboo. But what was often overlooked was that both these animals had evolved and adapted to make the best out of their situations. For example, a panda ate for ten to sixteen hours a day but it was able to extract a proportion of protein from bamboo comparable to the carnivorous diets of wolves. Similarly, the evolution of koalas had allowed them to efficiently digest the toxins present in eucalyptus leaves. In the same way, he hoped that the WTO would be able to evolve, adapt and prove the nay-sayers wrong – and like the panda and koala, become a universally loved icon.

4.30. The representative of Panama, speaking on behalf of the Article XII Members, recalled Paragraph 7 of the MC12 Outcome Document in which Ministers had recognized the special situation of the Members who acceded in accordance with Article XII, undertaking extensive commitments at the time of accession, including in market access. Ministers had agreed that this situation should be taken into account in negotiations. As they moved forward with the negotiations ahead of MC13, the Membership should remember that these extensive commitments made at accessions were over and above those of original Members. The Article XII Members hoped that Members would be recognizant of this fact in negotiations and make corresponding significant contributions to reach a level playing field. The Group stood ready to work constructively with Members to achieve fair and balanced outcomes in all negotiating pillars. On WTO Reform, the restoration of a fully-functioning, binding, and two-tiered dispute settlement system should remain a top priority for the WTO in the year ahead before MC13, as mentioned in Paragraph 4 of the MC12 Outcome Document. One of the main reasons for joining the WTO after its establishment was the benefit of gaining access to a fully operational, fair, predictable, and transparent dispute settlement system. This was an acquired right and obligation, both in the Uruguay Round and in the accessions negotiations – a right that was currently being undermined. Members should therefore not continue to allow the current impasse. Accessions used to be an important feature of Ministerial Conferences. Accessions should also be viewed as important negotiation topics but there had not been new accessions since 2016. The Article XII Members remained committed to facilitating ongoing accessions which were of benefit to all. Accessions strengthened the multilateral trading system and brought Members closer to their goal of universal Membership. The Article XII Members reiterated their support to the ongoing accessions and hoped to see new Members join the WTO next year.

4.31. Speaking on behalf of Panama, he noted that, since the Negotiating Group Chairs were in place and work had restarted, Members should move forward and build convergence in order to deliver significant results in all their undertakings and negotiating fora before MC13. Panama had noted a splitting of the working groups resulting in an increase in fora and meetings. Members should consider the limitations of small delegations. The matters addressed by many of the new working groups fitted in with the mandate of certain regular bodies in which informal work should be

integrated at the appropriate time. As the TNC Chair had suggested, Members should make maximum use of these existing mechanisms and bodies. This would enable Members to make progress on many of the reform-related matters. In this connection, Panama commended the efforts made by the Chair of the Council for Trade in Goods in relation to the functioning of the Council and its subsidiary bodies and was hopeful that these conversations would soon contribute to facilitating work within the organization. Panama hoped that such efforts could also serve as a new example of how reform and improvement efforts could be an organic and permanent part of the organization's regular work - where there would be no need to constantly establish new fora. Panama was pleased to hear the NGR Chair's intention to organize fish weeks and had received the schedule of meetings. As suggested by the TNC Chair, Panama called on the other Chairs and facilitators, with proposals and support from Members, to prepare schedules including goals, dates and interim targets and to coordinate with one another to avoid conflicts in the scheduling of major meetings. Panama would participate as far as possible in the consultations on revitalizing negotiations and the regular work within the WTO, including in the work to transform the Secretariat.

4.32. The representative of Nepal associated with the statement of the LDC Group. MC12 had created hope in WTO Reform, e-commerce, food security, pandemic response including the TRIPS Agreement and the smooth and sustainable transition to graduation, among others. Reaching consensus on MC13 date and venue and on appointing the Chairs of different bodies were positive indicators of the WTO's deliberative function. The General Council, various WTO Negotiating Groups, and WTO Councils and Committees had likewise taken some steps in this area. With less than a year until MC13, Members did not have the luxury of time – making it essential to harvest the ripen and hanging fruits first. These included the extension of the waiver under the MC12 Decision on the TRIPS Agreement to the production and supply of COVID-19 diagnostics and therapeutics and the proposal of LDC Group on the smooth transition package in favour of those who would graduate from the LDC Category (WT/GC/W/807/Rev.2). The interest and concerns expressed by most Members on this proposal during the Informal Meeting on WTO Reform focused on Development provided optimism on this matter.

4.33. As Members identified reform areas, it was necessary to take steps to realize their varying needs based on their level of economic development. The reports by the Facilitators and DDG Zhang during this Informal Meeting could be a good basis to proceed ahead. Nepal had shared its perspectives in detail both in the breakout and plenary sessions. About 14 percent of people had less than 1 percent of global trade. WTO rules, agreements and programmes should focus on enhancing LDC trade. Enhancing and strengthening infrastructure both in backward and forward linkages, transfer of technologies and enhancing the knowledge and skill was necessary to address the unique situation of LDCs and LLDCs. Such support would be important in the field of agriculture, manufacturing, and digital connectivity to overcome supply side constraints. Another important element of the reform agenda would be addressing the huge trade deficit. Any Member facing huge trade gaps after joining the WTO such as having several times higher export-import ratio, where the ratio threshold could be discussed further, should be given adequate flexibility for adopting needful policy space in a non-discriminatory manner. Members' concerns, especially those of the acceded LDCs with high levels of commitment and obligations beyond their capacity, should be addressed. It was necessary to review all the provisions relating to S&DT with a view to strengthening them and making them more precise, effective, and operational. It was also necessary to expediate the work mandated by MC12 for the full functioning of the dispute settlement mechanism.

4.34. Nepal appreciated the constructive steps taken by the CoA SS Chair through bilateral consultations to expediate the existing work and setting priorities. While talking about ensuring food security in LDCs and NFIDCs, Members should focus on enhancing the LDCs' and NFIDCs' productive capacity and production of agriculture products. For this to happen, easy access to fertilizers, support on logistics including warehouses and cold storages, trade infrastructure for connectivity, ICT and e-commerce were necessary. Nepal hoped that the biennial work programme on Aid for Trade for 2023 and 2024 would be a cornerstone in this regard. The recent dedicated discussions organized by the Facilitator on the E-Commerce Work Programme and Moratorium had focused on e-commerce and the digital divide – identifying the unique conditions of the LDCs on how the digital divide had posed the challenges to participate in and benefit from e-commerce. Mobilizing resources to bridge the digital divide, lowering costs of internet access, and supporting investment in digital skills, transfer of technology and enhancing institutional and human capacity in LDCs and LLDCs were some important aspects that could be addressed through the reinvigoration of e-commerce work programme. Nepal likewise urged all Members to engage constructively and positively on the G-90 proposal with a view to addressing the development dimension within the WTO framework.

4.35. The representative of Malaysia noted that the Informal Meeting on WTO Reform focused on Development had provided the Membership with a good kickstart. The exchange of perspectives and priorities in a frank manner had enabled Members to better understand each other's positions on critical issues. While divergence remained, engagement in various configurations should continue to sustain the momentum on this crucial agenda. While all Members affirmed the importance of the development agenda in the WTO system, they should reflect on their understanding of the development gaps by acknowledging the need for policy space and flexibilities by some of them. In this regard, S&DT should remain as a crucial element and should be embedded in the current and future agreements. On the dispute settlement mechanism, in line with Ministers' mandate at MC12, Malaysia would continue to work with the Membership towards having a fully and well-functioning dispute settlement system accessible to all Members by 2024. Malaysia welcomed the ongoing informal discussions on dispute settlement reform with a view to restoring and making the dispute settlement system operational again. A fully functioning two-tier dispute settlement system was fundamental to this organization, and should remain as the central pillar of this institution.

4.36. Malaysia supported the new NGR Chair's leadership on fisheries subsidies and would constructively participate in these negotiations. Malaysia welcomed the Chair's proposed work plan of having fish weeks with capital-based participation beginning next month up until the summer break. On substantive matters, disciplines on subsidies contributing to overcapacity and overfishing and the S&DT provisions should be the central focus of Members' work in the next stage of negotiations. There was a crucial need to find the right balance between disciplining harmful fisheries subsidies and recognizing the needs of the developing and LDC Members to develop their fishing sector. Malaysia also welcomed the new CoA SS Chair and expressed its readiness to collaborate with other Members to make progress in the agriculture negotiations with the aim of having a significant outcome at MC13. Malaysia looked forward to continue engaging especially on its priority area – domestic support. Based on past experience, if Members wanted to progress forward, they should thoroughly discuss and close gaps in understanding related issues especially on public stockholding for food security purposes. At the same time, development and the S&DT principle remained an integral part of negotiations. As a Member that firmly believed in the multilateral trading system, Malaysia would continue to advocate open, inclusive and sincere discussions to ensure that work in the lead up to MC13 would result in balanced outcomes acceptable to all Members.

4.37. The representative of Costa Rica noted that the WTO had proven to be a key instrument for development and should continue to play this role. To continue complying in a relevant way, it was necessary to deliver on long-standing outstanding mandates such as agricultural trade reform. Members should also fulfil MC12 mandates and achieve results in MC13 and beyond. Costa Rica welcomed the resumption of work on agriculture and fisheries subsidies and reiterated its support and collaboration with the new Chairs. Costa Rica agreed with the Director-General on the importance of achieving the entry into force of the Agreement on Fisheries Subsidies by MC13. It was also essential to complete the WTO Reform process. Costa Rica would work to deliver results for all three pillars. In the monitoring and deliberation function, Members should seek results to significantly improve transparency, including compliance with notifications and the better functioning of the WTO Councils and Committees. On the negotiating function, Members should find ways to facilitate the conclusion of the ongoing negotiations which would make it easier to find ways to update the WTO rulebook. Resolving the crisis in the dispute settlement mechanism was a priority that Members should resolve by 2024. Members should also achieve development results using trade as a tool to achieve development goals. On MC13 outcomes, there should be modalities in the three pillars of agriculture or at least achieve progress in this work with a mandate to continue the negotiations towards their conclusion. As the CoA SS Chair reported, "MC13 may not be the end of the journey, but it can be a step forward." Negotiations on the domestic support pillar would pave the way for levelling the playing field and achieve balanced outcomes on cotton, food security and sustainability – areas which should yield results. Costa Rica would also seek to achieve substantial results on the digital economy and would actively participate in the work under the E-Commerce Work Programme and in making the moratorium on electronic transmissions permanent. Burdens on electronic transmissions would only widen the digital divide and cause enormous harm to developing and LDC Members. Members should also move to the next phase on the issue of trade and environmental sustainability. Costa Rica was an active participant in all joint initiatives – a valuable option for linking domestic economies to global trade through updated provisions that had not yet been multilaterally reached.

4.38. Speaking as Coordinator of the Joint Statement Initiative on Services Domestic Regulation, he reported on the latest developments since the adoption of the Declaration on the Conclusion of

Negotiations on Services Domestic Regulation on 2 December 2021. Between December 2022 and January 2023, 61 WTO Members – representing more than 89% of global services trade – had circulated their certification requests in accordance with the "Procedures for the Certification of Rectifications or Improvements to Schedules of Specific Commitments" contained in document S/L/84, in order to give legal effect to the new commitments on services domestic regulation in their respective services schedules. The remaining eight participants of the Joint Initiative on Services Domestic Regulation had not yet submitted their certification requests as they had indicated that they were still working internally to obtain the necessary domestic approvals and they would be submitting their certification requests as soon as possible. Unfortunately, on 3 February, two delegations had submitted objections to the certification requests circulated by these 61 Members. The S/L/84 procedures provided that the objecting and the certifying Members should enter into consultations as soon as possible with a view to reaching a satisfactory solution within 45 days. Accordingly, on behalf of the certifying Members, he had quickly approached the two objecting delegations – a week after the objections were received – to invite them to joint consultations. While the services schedules incorporating the improved SDR commitments in draft form had been available to all Members for more than one year, the objecting delegations had, unfortunately, not yet been available to engage in consultations. The certifying Members stood ready to provide the objecting delegations with the clarifications they may require so that a solution would be found on this matter as soon as possible. In line with the open, inclusive and transparent nature of this process, he would continue to keep Members informed about any developments.

4.39. The representative of India hoped that Members would deliver during MC13 both on the critical issues confronting the world today as well as long pending mandated issues that had been agreed by Ministers. These issues were particularly important to enable developing and LDC Members to navigate through this crisis period. In this regard, India requested to consider proposals/submissions by Members for negotiations. For that, Members should reinvigorate the negotiating and deliberative function and then the respective Chairs may facilitate negotiations to be started on the basis of texts presented by Members. One such example was JOB/AG/229 in agriculture which had been presented by more than 80 Members on the permanent solution for public stockholding. Regarding the conduct of small group meetings, he saw that sometimes Members may have to take recourse to the small group meetings. But for the purpose of transparency in these meetings which were in less than plenary configuration, details of these meetings should be provided to all Members including the agenda, participants and their respective positions. There should also be an option for the Members not invited to a particular small group meeting due to space or time constraints, to attend these meetings remotely without taking the floor. Since transparency in text-based negotiations was very important and positions attributable to Members should be clearly reflected in the text for discussion. Therefore, whenever a Chair's text would come out, it should come with the name of the proponents. This would facilitate further discussion with such Members.

4.40. On substance, India's priority remained agriculture which was a previous Ministerial mandate. India assured the CoA SS Chair of its complete support in his leadership and in the pursuit of achieving good outcomes for MC13 including the mandated issues on priority. India thanked the CoA SS Chair for consulting with India bilaterally and in groups. India reiterated its request at the recent Informal COA SS meeting to start text-based negotiations using Members' submissions. For example, on the PSH pillar, more than 80 Members representing more than two-thirds of the world population had submitted a joint proposal. This needed to be considered for negotiations. In this regard, time was short, but this proposal had been presented nine months back and Members still had about twelve months for MC13. So, taken together, about 21 months were there for Members to work on this proposal. Twenty-one months, by WTO's standards, was not a short period especially given the expectation of achieving an outcome on this pillar. India also reiterated its request regarding agriculture reform where a good starting point would be to review the way External Reference Price (ERP) was calculated. India had requested the Secretariat to create a simulation using the current ERP which could be based on the available data of maybe year 2020, 2021, 2022. If data for 2022 was not available, they could use data for 2019, 2020 or 2021 and then compare it with the historical ERP which was at 1986, 1987, 1988 prices. It was difficult to digest the current scenario where the subsidy was calculated in the current prices, whereas the market price was determined based on the 1986, 1987, 1988 pricing. These were India's requests on the agriculture front. On the fisheries side, India continued to engage. India thanked the NGR Chair for having bilateral and group discussions. In these negotiations, S&DT should be clearly defined, and principles of polluter pays and common but differentiated responsibilities should be ingrained into this proposal.

4.41. On TRIPS and Pandemic Response, India looked forward to a successful outcome on the expansion of the MC12 TRIPS Decision to therapeutics and diagnostics. On pandemic response, as its contribution, India had submitted two papers⁵ which would be coming up in the General Council meeting. One related to how to pool healthcare resources in case of pandemics or natural disasters. The second one was on how the world had gained from the expansion of telemedicine during the pandemic and learnings from cross-country experiences and how to utilize them. On E-Commerce, India was actively participating in the Work Programme as reflected in both dedicated sessions. India had presented its submissions⁶ on consumer protection and digital public infrastructure which had been widely acknowledged with Members actively participating in the discussions. India might be submitting a third paper before the next dedicated discussion on competition. India thanked the Ambassador Usha Dwarka-Canabady for facilitating this process and would continue to actively engage. On WTO reforms particularly focused on development, Members had heard clearly during the two-day informal meeting that there was a consensus emerging that the CTD should be designated as the focal point for discussion as well as coordination of development-related issues. Accordingly, India was putting forward a proposal⁷ in the upcoming General Council for discussion and looked forward to that. India likewise looked forward to engaging constructively with a view to delivering a successful MC13 and to the Director-General's visit to India.

4.42. The representative of the Russian Federation recognized the value of the bilateral consultations held between Members that allowed to collect their views, concerns and ideas on how further work should be organized and conducted on fisheries and agriculture. Russia appreciated the NGR and CoA SS Chairs' intention to secure an inclusive and open negotiation process in their respective areas based on consensus decision-making so that each interested party could contribute efficiently. Any other approach would not allow to accommodate the interests of all participants, would prevent the establishment of an effective system of international trade, and would bear the risk of missing the negotiating target. If certain major Members kept promoting their individual political interests to the detriment of the interests of others, they might end up stuck in the search for consensus. The new round of agriculture negotiations should focus on a comprehensive approach involving the discussion on food security. This could only be achieved by taking into account the interests of all market participants, including producers and exporters. Equal access to markets, technology and capital were a prerequisite.

4.43. Four months had passed since the 10 November 2022 Informal Meeting on WTO Reform. To deliver tangible results on these issues at MC13, Members should step up the pace of their work. Russia suggested preparing a roadmap of consultations with indications of specific dates and themes with the immediate goal of identifying areas where the WTO instruments and procedures were lacking or ineffective. Members should reach a common understanding on this to clearly define the scope of reform and the pathways to reach it. A practical starting point could be compiling a working paper detailing Members' views on the WTO's current shortcomings and ways to correct them through the reform process. This could be achieved with the help of subsidiary WTO bodies. The working paper could be structured in accordance with key themes, aligned with the WTO functions of dispute settlement, negotiations and monitoring. It was imperative to set priorities straight and tackle the big overarching issues. The most urgent problem that needed fixing was the defunct dispute settlement mechanism. Without doing so, any other efforts could be compared to carrying out merely a cosmetic renovation of a building in need of major repairs.

4.44. The overall goal of reform was to ensure that this organization continued to provide a stable framework of openness which promoted economic recovery and development as well as stability and predictability of trade regimes. To achieve this, the WTO should be effective in combating the emerging forms of protectionism, distortion of competition and discrimination. WTO rules should be efficient, enforceable and fair, adapted to tackling modern day challenges. These rules should be respected and there must be legal remedies should they be violated. Members should think not only on "what" to reform, but also "how" to reform the WTO. The reform process should be inclusive, transparent, aim to safeguard multilateralism and uphold consensus-based decision-making – to which Russia saw no alternative. Transforming decision-making into a "behind the closed doors" process undermined the whole system. In this regard, Russia echoed the opinion and ideas expressed by India. The same was true for the plurilateral formats. Russia reiterated its belief in Joint Statement Initiatives. JSIs had a chance to serve as an effective tool to make the WTO more

⁵ WT/GC/W/866 – S/C/W/426 and WT/GC/W/867 – S/C/W/427.

⁶ WT/GC/W/857 and WT/GC/W/863.

⁷ WT/GC/W/865.

relevant. If they however failed to be open, transparent and inclusive, if the current trend towards selective approach to Members participation persisted – their value as a tool to improve the WTO rulebook would be much less evident. Russia shared certain concerns raised in this regard by developing Members. At the same time, the role and place of plurilateral negotiations, including under the JSIs, in the WTO system seemed to be an unavoidable question Members needed to deal with in the reform process. The recent situation in the domestic regulation track with blocking the certification of improved schedules of commitments was another proof of the critical need to tackle this issue. Dedicated discussions on this particular topic could be helpful.

4.45. The representative of Kenya, speaking on behalf of the ACP, said he had participated in the consultations of the Chairs of the CoA SS and NGR and the ACP's views had been captured in the reports of the respective Chairs. The ACP recalled that, notwithstanding the results obtained at MC12 on food security, Members could not afford another Ministerial Conference without an outcome on the agriculture negotiations. The ACP saw MC13 as the ministerial for agriculture with priority on domestic support, cotton, PSH for future programmes and SSM. The ACP would however engage actively and constructively on other areas and had detailed the Group's specific interests and approaches at the recent CoA SS meeting. On fisheries, the ACP had participated in the NGR Chair's consultations held on 8 February and thanked the NGR Chair for his transparency meeting held on 20 February. The NGR Chair's report on 20 February had been balanced and his consideration of the approaches and scheduling of fisheries weeks for Phase 2 negotiations appeared to take into account the principles the ACP had outlined. The Group stressed the need to work on the basis of WT/MIN(22)/W/20 and to conclude Phase 2 negotiations by MC13. All Members, including the ACP, were taking a pragmatic approach. The core of the overcapacity and overfishing pillar must be to discipline those with subsidies to large-scale industrial distant water fishing where the overcapacity lays and preserve the appropriate S&DT for those developing and LDC Members who were not the problem. Members could not go back to loopholes in the text that maintained the status quo for subsidization to overcapacity and the resulting overfishing that was depleting the world's fish stocks.

4.46. The ACP Group, as part of the G-90 with ten agreement specific proposals on the table, supported the CTD SS Chair in her efforts and called on all Members to take a constructive and positive approach. The ACP had not seen any counter proposals to the many revisions and proposals from the G-90. This file was the only other Doha mandated negotiation that had been side-lined. Members must work together to resolve these issues by MC13. As far as the ACP's other priorities for MC13, Members should have a clear idea of ongoing work and guidance from Ministers on all of the pillars in the MC12 Outcome Document where Ministers gave instructions for work this year and reporting for MC13. These would include areas on WTO Reform in Paragraph 3 where decisions for MC13, if appropriate, were contemplated, and LDC issues in Paragraph 8, where reporting was expected. The ACP Group attached great importance to fulfilling the Ministerial mandate in Paragraph 4 of the MC12 Outcome Document. The Group recognized that there were ongoing informal discussions towards this end. These discussions should be done in an open, transparent and inclusive manner, with the ultimate goal of having a multilateral outcome acceptable to all Members. On all of the work ahead to prepare for MC13, Members should adhere to the principles of consensus decision-making, balance and inclusiveness throughout all of the processes in preparation for MC13 including on substance.

4.47. The representative of Barbados was pleased to hear the positive feedback from the Director-General's meetings with CARICOM Heads of Government. From all reports, the regional consultations and bilateral talks with Barbados had both been timely and productive. On fisheries subsidies, Barbados welcomed the NGR Chair's commitment to being a Chair for all Members and looked forward to engaging with him in advancing the second wave of negotiations on an area that was critical for developing sustainable ocean economies, food and nutrition security and for many –their continued existence. Barbados commended Switzerland and Singapore for being the first two Members to submit their instruments of acceptance for the Agreement on Fisheries Subsidies. Barbados noted that its officials in capital were moving forward on the internal procedures for the ratification of the Agreement. Work going forward should focus on ensuring that the disciplines captured those engaged in large scale industrial fishing associated with the most egregious types of subsidies. It was unreasonable to expect Members that did not contribute to the problem of overcapacity and overfishing to pay for those that did including by applying last century metrics like per capita income to assess access to S&DT in the WTO. Barbados was pleased to see the operationalization of the Fisheries Subsidies Mechanism which countries like it could utilize to assist with the implementation of the Fisheries Subsidies Agreement. Initiatives like this Mechanism, if capitalized adequately, and if accessible to all Members that needed it, could assist with closing

capacity and infrastructural gaps in the implementation process. Barbados therefore thanked Japan for its contribution and urged developed Members and developing ones in a position to do so to capitalize the Fisheries Subsidies Mechanism.

4.48. As a Small Island Developing State (SIDS), Barbados was acutely aware of the nexus between trade, climate and development. The recent openness by some Members to discuss the trade-related impact of issues that may not fall squarely under the traditional definition of trade, would give an important space for discussion. Barbados thanked Members for their growing support for the Bridgetown Initiative which included some important elements on climate finance. Barbados looked forward to engaging in an honest conversation with other Members on the elements of that document at the appropriate time. WTO Reform continued to be a priority area for Barbados which would engage with the aim of lifting all boats especially for small vulnerable economies and LDCs. The Membership should step back to consider the needs of all of them. A genuine first step would be to ensure that meetings were not scheduled in a manner that would cause delegations to forgo other equally important meetings. Barbados associated with the statements by the CARICOM and the ACP.

4.49. The representative of Australia recalled that it was over twelve months since Russia's illegal and immoral invasion of Ukraine. The best thing that could be done for this house was to put an end to that illegal invasion which had so compromised the international rule of law from which this house was built. Australia noted that Members had several months for reflection on how to move forward on agriculture, fisheries and WTO Reform. Instead of continuing to retreat, it was time to advance – and how they advanced was important. Ambassador Tan (Singapore) had introduced the relevance of koalas in trade policy in the WTO. As the custodian of the koala community, he felt a special responsibility to comment on the particular role that a koala might play in trade policy. Koalas, as Members all knew, were asleep for 23 hours of the day. They might be lovable, but they were asleep for 23 hours of the day. Members could not afford to be asleep for 24 months. This meant that they needed to be conscious of the particular role that Ministerial Conferences played in their work. Members could not have only advances made at Ministerial Conferences. They could not tie the credibility of this organization to those conferences. They could not put their Ministers in a position where they were faced with a last-minute throw of the dice each time to see what was possible. It was up to delegations in Geneva to make as much progress as they could in the period between now and MC13 – as the Director-General had said, and to harvest their good work.

4.50. Australia's highest reform priority remained the urgent restoration of a fully functioning dispute settlement system. Australia welcomed the next phase of discussions to progress dispute settlement reform under the guidance of an able Facilitator. It was essential that this phase focused on identifying viable and concrete solutions to those issues that were critical to restoring the system as soon as possible. Agriculture was the unfinished business of the WTO. The imperative for action had never been greater with global hunger increasing and climate change worsening. As the Cairns Group said at the discussions at the recent CoA SS meeting, the WTO must respond with real reforms that reduced domestic support and other barriers to trade, rather than with those that raised them. Agricultural trade reform was intrinsic to food security and, as what had been heard clearly during the development retreat, it was also intrinsic to development. The fisheries subsidies negotiation was critical including for the development of the Pacific region. Australia called on Members to keep an open mind and be willing to explore new ideas in this next phase of negotiations to increase the chance of attracting convergence.

4.51. On WTO Reform, continuing a "reform by doing" approach would allow Members to harvest helpful improvements wherever they could and build trust among the Membership. By continuing the strong progress they were making on the Joint Statement Initiatives between now and MC13, Members would deliver on a reform by doing approach to rulemaking. Australia was also pleased by the strong engagement in the Work Programme on E-Commerce. This could complement rulemaking efforts undertaken in other fora such as the JSI on E-Commerce. On the growing use of subsidies, the collective use of agricultural, environmental and industrial subsidies had now surpassed tariffs as one of the greatest challenges facing this institution. If Members were not careful, they risked sleepwalking into an even greater subsidies war in the decade ahead. They urgently needed transparency, cooperation and action in this institution to protect their global trading system for all Members regardless of their size. They needed that action to ensure the WTO was not missing in action on one of the biggest challenges that the system had faced in a generation.

4.52. The representative of Morocco noted that the meeting was taking place in a particular and difficult international environment unfavourable to international trade – making sustainable

development out of reach to developing and LDC Members. Time was therefore of the essence. The WTO should take on the challenge in order to urgently reach appropriate solutions specifically for food insecurity and sustainable development. At the same time, Morocco welcomed the appointment of the CoA SS and NGR Chairs and was encouraged by the launch of consultations and the clearing of the way forward in their respective areas. The level of participation in deliberations and discussions that had taken place in the last months, particularly on development, reform and the informal process on the dispute settlement system were good signs of Members' commitment and good faith. These exercises had been a good opportunity for Members to come together, have frank discussions and exchange views on the pressing issues in WTO negotiations in order to overcome obstacles that hindered progress in these discussions. In the lead up to MC13, Members should continue their work in the same spirit as MC12, and intensify their discussions to deliver significant outcomes.

4.53. Morocco was strongly convinced that WTO Reform discussions should be sustainable development oriented to provide the necessary policy space for developing and LDC Members to promote their industrial emergence and integration into global value chains. An accessible and fully functioning two-tiered dispute settlement system was a cornerstone of the multilateral trading system. Morocco looked forward to bringing the informal dispute settlement reform process to a formal forum. Morocco also remained committed to the fisheries subsidies negotiations towards a comprehensive agreement and to ratifying the current agreement expeditiously. The objective of these negotiations was to identify and discipline harmful subsidies that affected the sustainability of fish stocks and perpetuated overfishing and overcapacity. Morocco reiterated its position that flexibilities should be conditional on the establishment of efficient fisheries management systems capable of ensuring the sustainability of resources. Moreover, other flexibilities for developing and LDC Members could be considered by calling on creative capacities and avoiding a recall of approaches that were not based on science or considering references other than the level of subsidizing. Morocco strongly supported all efforts to conclude the fisheries subsidies negotiations as soon as possible ahead of MC13.

4.54. On agriculture and food security, Morocco was committed to engaging constructively in the ongoing discussions and negotiations. Morocco was also encouraged by the adoption of the Work Programme in the CoA on the implementation of Paragraph 8 of the Ministerial Declaration dealing with food security issues affecting NFIDCs and LDCs and would actively participate in discussions for its implementation. Agriculture and food security were of utmost importance for Morocco. The Moroccan OCP Group had launched a new strategic programme for 2023-2027 devoted to raising fertilizer production, investing in new green fertilizers and renewable energy. The OCP Group's green growth programme provided for a global investment of about USD 13 billion over the 2023-2027 period. It was based on increasing mining and fertilizer production capacities while achieving full carbon neutrality by 2040. On investment facilitation for development, progress on these negotiations was important to help facilitate investment in many developing and LDC Members. Morocco would continue to engage substantively and constructively to conclude negotiations as soon as possible. Morocco commended the Ministers' commitment at MC12 to facilitate the conclusion of ongoing accessions, especially for LDCs, and to provide appropriate technical assistance, including in the post-accession phase. As Chair of the Working Party on the accession of Comoros, Morocco believed that Comoros' accession goal was within reach. Morocco urged Members to show more flexibility towards this acceding LDC in order to celebrate its accession as soon as possible.

4.55. The representative of South Africa said that the immediate deliverable before MC13 was the extension of the TRIPS MC12 Decision to therapeutics and diagnostics. It was unfortunate that the WTO had missed the deadline. Concentration of production of essential medical tools left all Members vulnerable. Delivering on the MC12 mandate remained critical to ensure diversification of production across the world. The slow progress with which the WTO had responded to the pandemic emphasized the need for trigger ready mechanisms to ensure preparedness for future and increasingly inevitable pandemics. South Africa's vision for MC13 was a Ministerial that delivered substantial developmental outcomes for developing and LDC Members – multilateral outcomes that preserved the multilateral trading system and avoided the temptation for fragmentation. In light of current, dire and persistent global food security challenges, with developing and LDC Members disproportionately impacted, Members should deliver a meaningful food security and livelihoods package at MC13 that centred on PSH, SSM, trade distorting domestic support and cotton while observing existing mandates. S&DT should permeate the negotiations and their outcomes. South Africa was concerned with the increase in use of SPS measures not based on science. Members should build on the MC12 SPS Declaration to deliver tangible outcomes at MC13 ensuring that SPS measures were not used as protectionist tools.

4.56. South Africa reiterated calls for a balanced text on fisheries. The agreement must safeguard food security, livelihoods and enable developing and LDC Members to use their marine resources for their development. It must be aligned to the mandate, including providing appropriate S&DT. The negotiations should be concluded with an appropriate level of de minimis to give sufficient policy space to small fishing nations and developing countries above de minimis. The 0.8% in the text was unacceptable. The outcome must be underpinned by CBDR with large subsidizers and distant water fishing nations taking the responsibility. On S&DT and the G-90 ASPs, Members should ensure that S&DT underpinned all the outcomes for MC13. As indicated by the CTD SS Chair, the G-90 had submitted document JOB/TNC/106 which would assist to take discussions forward building on the MC12 outcomes. In line with the MC12 mandate, South Africa urged Members to strengthen the application of S&DT and the CTD SS must report progress to the General Council before MC13. South Africa called on Members to engage constructively to deliver on the longstanding G-90 ASPs. Members must also focus on unfinished business from MC12 including food security for NFIDCs and LDC graduation. She agreed with Ambassador Mina (Australia) that Members should not wait for Ministerial Conferences to deliver. The General Council had a role as the highest decision-making body in between Ministerial Conferences.

4.57. On other issues, development and inclusivity must underpin WTO Reform. There was scope to build on the development retreat held recently. Members should work with speed to ensure that tangible outcomes were achieved in the interest of developing and LDC Members. Reform must fundamentally provide policy space to promote African industrialization and must preserve the WTO's principles and multilateral character. Members needed a coordinated multilateral response to address global challenges to avoid resorting to unilateral measures. South Africa hoped the paper⁸ on policy space for industrialization to be discussed in the upcoming General Council would assist to focus work. A multilateral discussion on the proliferation of non-tariff barriers in the name of sustainability or climate change was also required given the grave threat to exports, particularly from developing economies. South Africa thanked India for its contribution⁹. On e-commerce, South Africa echoed what Minister Patel had said in Davos in agreeing that, by MC13, the moratorium would lapse especially in the absence of a meaningful package of measures that addressed e-commerce capacity in developing and LDC Members. South Africa called on the Membership to outline a work programme that promoted digital industrialization in developing and LDC Members by July. The WTO dispute settlement system remained in crisis especially as Members appealed into the void, leaving some disputes in limbo. Members had committed to having a fully and well-functioning dispute settlement system by 2024. This required that in 2023, they established a clear roadmap to restore the two-tier dispute settlement system. They must address its shortcomings including ensuring its accessibility to all and that Members' rights and obligations were not altered.

4.58. The representative of Colombia acknowledged the new NGR Chair's work to revive discussions for a second phase of negotiations. Work in various configurations, together with informative plenaries and discussions would be key in the process. Colombia supported the proposed work plan and the suggestions to run information sessions for delegates and capital-based experts. Colombia also reiterated its commitment to reaching, by the next Ministerial Conference, a substantive and ambitious agreement that delivered on the mandate to discipline subsidies that contributed to overfishing and overcapacity. Furthermore, Colombia was making decisive progress towards the ratification of the Agreement and was grateful for the valuable boost given to the process by the Director-General on her recent visit to the country. Colombia also expressed its support for the efforts of the new CoA SS Chair and thanked him for his consultations. It was vital for the agriculture negotiations to be centred on SDG 1 – no poverty and SDG 2 – zero hunger. It was essential for progress to be made in reducing and limiting distorting subsidies in order to level the playing field.

4.59. Colombia called for open and frank discussions to be held on intellectual property. The protection of intellectual property rights must be balanced with other key public policy objectives, such as human health or the fight against environmental degradation. Colombia supported the extension of the TRIPS waiver for diagnostics and therapeutics and was hopeful for a positive decision in this area soon. There was a growing technological component to both the right to health and the energy transition. Access to new technologies was therefore becoming increasingly important. The extreme concentration of the market in these critical sectors was not conducive to the rapid identification and adoption of global solutions. Collaborative and cooperative solutions, including a discussion on the transfer of environmental and health technologies, were required.

⁸ WT/GC/W/868 – G/C/W/825 – WT/COMTD/W/270 – IP/C/W/695 – WT/WGTTT/W/33.

⁹ JOB/TE/78.

There was a need to find models that promoted innovation while also facilitating a rapid and wide-scale energy transition.

4.60. Colombia supported the discussions to develop common rules in the areas of the digital economy and investment facilitation and considered that collective action in such areas was necessary to ensure that the WTO was able to address current challenges in global trade. It was however equally important for the substantive and procedural discussions to take into account the interests, needs, perspectives and realities of developing and LDC Members. Colombia called for the spaces for substantive discussion within plenaries to be reinforced and for there to be greater traceability in the negotiations with a view to ensuring the effective participation of delegates in Geneva and capital-based experts. It was also highly important to ensure that these negotiations did not result in fragmentations or divisions within the WTO. That was why Colombia insisted that consideration always be given to the fact that the outcomes should be multilateralized in the future.

4.61. The representative of the United Kingdom said that the Director-General was right in trying to get Members to focus on what they needed to deliver in Abu Dhabi a year from now. The Director-General knew how much the UK supported her desire to get the WTO focused on a new forward-looking agenda around green services, digital and inclusive trade. It was also quite right that she had flagged the issues that the world currently faced around food insecurity. One of the principle ways to deal with this was for Russia to remove its tanks from the fields of Ukraine and to stop bombing Ukraine's infrastructure. At the same time, Members should think of what they needed to do to finish the work that Ministers at MC12 had asked them to do. This job was for delegations in Geneva – not for other people neither for Ministers nor for capital. The Permanent Representatives and the teams that they led were talented and committed. They just needed to get on with this work. They had spent a little bit too long since June debating issues about who should chair which committee rather than actually dealing with substance. It was great to hear the CoA SS and NGR Chairs reporting on work that they had set out in their respective areas. It was also impressive to see the energy and commitment brought to the table – the same with dispute settlement.

4.62. Members should move forward from words to deeds – stop retreating and start advancing as Ambassador Mina (Australia) said – by putting in place agreements what Ministers could sign off at MC13. They should be careful not to step back between now and MC13. On e-commerce, there was good work both in the JSI and the work programme. Members should move forward as they could not go next February and explain that somehow they had decided to suspend time to start imposing taxes on a digital sector which underpinned future economic prospects for developed, developing and LDC Members. On environment, Members should try to identify how, through the various WTO bodies, they could enable that transition to net zero in a way that delivered in terms of the net zero objective and did not set off a whole new subsidy race where everyone would be the losers at the end of the day. Members also had good discussions including at the development retreat. They should look at their work through a development prism. Members needed to start thinking about how to go about their tasks and the UK looked forward to working with other delegations in this regard. He was very fond of koalas like so many other Members, but as Ambassador Mina (Australia) had reminded Members, they were quite sleepy animals. On the eve of St David's day, Patron Saint of the Welsh, Members needed a bit more Welsh dragon and a little less koala in this organization.

4.63. The representative of Nigeria associated with the statement by the ACP. As Members did not have much time before MC13 in Abu Dhabi, it was important to resume into action with constructive engagement on the preparatory process particularly on substance. The successes at MC13 would be another milestone to the WTO – building more confidence and trust to the WTO by the international community and Leaders. Members should therefore be committed to ensure its success and fruitful outcome. The major concerns of some Members especially developing ones had to do with lack of compliance to the full implementation of some key MC12 decisions. It would be disheartening if things remained the same until MC13. Members should expedite action by fully engaging with each other to ensure that they implemented most part of the MC12 decisions, especially the TRIPS waiver issue, response to pandemic preparedness, ratification of the Agreement on Fisheries Subsidies and dispute settlement reform with a view to reporting positive development to Ministers at MC13. Nigeria's objective and expectation was to see Members' serious commitment prior to MC13 in the negotiating issues to ensure fruitful outcomes at MC13. Nigeria remained committed and determined to ensure outcomes in MC13 on agriculture and food security, WTO Reform especially on dispute settlement and the full functioning of subsidiary bodies, concluding the remaining part of the fisheries subsidies negotiations, trade and development especially S&DT in line with the G-90 proposals and the reinvigoration of the E-Commerce Work Programme especially in its development dimension

discussed under the facilitation of Ambassador Usha Dwarka-Canabady (Mauritius). Since MC12 did not produce an outcome in agriculture, it was important and paramount to have fruitful and meaningful results in this area especially on domestic support, SSM, PSH and cotton. Agriculture remained one of the most important areas in the WTO. Nigeria therefore called on the Membership to ensure that agriculture formed part of the outcomes in MC13 so that Members could address the food insecurity challenges and hunger affecting most of them.

4.64. The representative of Thailand counted on the respective Negotiating Group Chairs to continue work under the CoA SS, NGR, and CTD SS but extended appreciation to tracks of work under the General Council including E-Commerce and WTO Reform, and to the JSIs. Outcomes in these areas should become part of the substantial package at MC13 plus other areas that may emerge in the near future such as trade and climate change. During this meeting, she had heard a lot of views illustrating that Members had the same expectations on what should be on the plate for MC13 such as food security and agriculture, fisheries subsidies, WTO Reform with high hopes on the functioning of the dispute settlement mechanism, development issues with emphasis on those related to LDCs and E-Commerce Work Programme and Moratorium. Some Members had also mentioned the TRIPS waiver extension and trade, sustainability and climate change. Since everybody wanted to have the same menu, the question on how to deliver on these areas. Members might differ on that. From Thailand's point of view, having concrete submissions was very useful. Ambassador Navnit (India) had mentioned it and she shared his view on this. In this regard, Thailand thanked Members that had recently made concrete contributions on various areas including E-Commerce and WTO Reform such as Singapore, Indonesia, India and the European Union. These were very helpful in facilitating capital engagement. The Group statements of the OECS and the African Group during the recent CoA SS meeting were also useful. She encouraged their respective coordinators to circulate these statements if they thought it was appropriate.

4.65. The next phase of negotiations should be based on evidence particularly in some areas that needed updated information such as food security, fisheries subsidies, e-commerce, TRIPS waiver, and trade and climate change, where possible. Members should not continue negotiating without any proper information or data. It was important to know the current situation including in access to medicine and in the state of food insecurity. Members should be clear on what was happening, where and who was affected and in what kind of areas. Members should step up in getting updated information from the WTO Secretariat and other international organizations and stakeholders as appropriate as they should continue negotiations based on concrete information. Even though Members might want the same thing, divergent views remained on the details. In this regard, crossover discussions among delegations with different positions and perspectives would be vital. The CoA SS Chair called this "talking to non-proponents". She was not so sure how this could take place but it would be useful to try to understand where Members were coming from and what kind of flexibilities both sides could show to move closer together before MC13.

4.66. At some stage, capital engagement would be necessary. Things were not only happening in Geneva. Based on experience, some technical negotiations such as fisheries and agriculture benefited a lot from capital experts having the in-person engagement to understand and to discuss issues among themselves. At a certain time, they may also need to have engagement at a political level especially in areas where expectations were much higher than the reality. For example, Members' expectations on one of the areas in WTO Reform was very high but the reality maybe not be at the same level. The Director-General would decide on when would be the appropriate time and the format of discussion get people at the political decision-making level together. Political engagement might be required down the road before the MC13. At the same time, Thailand expressed disappointment on services domestic regulation – being one of the 61 JSI participants looking forward to the certification process on this issue. Thailand was disappointed that they had failed to follow through. She thanked Costa Rica for the report and hoped that all interested parties would be able to start engaging on the consultation and come out with the outcome that would allow for the certification to take place before MC13.

4.67. The representative of Cambodia associated with the statement by the LDCs. It had been over eight months since Members achieved successes at MC12. Although work had been moving forward at different speeds in different tracks, much remained to be done to replicate the successes of MC12 with MC13 taking place in less than a year. Cambodia welcomed the acceptance of the Agreement on Fisheries Subsidies by Switzerland and Singapore and appreciated the workshops on fisheries subsidies which were valuable in sensitizing capital-based officials on the Agreement. Cambodia also welcomed the appointment of the new NGR Chair and his proposed way forward for the negotiations

that he had outlined on 20 February. Cambodia stood ready to constructively engage in the second wave of negotiations to fulfil the mandate provided by Ministers at MC12 on this issue. A number of critical issues relevant to Cambodia and the LDCs however remained to be addressed including the need to have effective S&DT provisions for the LDCs and graduated LDCs in the overcapacity and overfishing pillar, in particular, by addressing the challenges faced by low income, resource-poor and livelihood fishers.

4.68. As an agricultural country, Cambodia placed high value on the agriculture negotiations. The retreat that had taken place in October had been constructive as it had provided a platform for informal discussions among Members to find new ways and approaches to carry out the negotiations. In welcoming the appointment of the new CoA SS Chair, Cambodia stood ready to continue the negotiations in a constructive manner on all agriculture issues in order to reach substantive outcomes at MC13. On Paragraph 8 of the Ministerial Declaration on the Emergency Response to Food Insecurity, Cambodia supported the establishment of the work programme and the contents outlined in document G/AG/35 to address food security issues which were the main concern of the LDCs and NFIDCs. Food security remained one of the key priorities for LDCs. In the current situation, poor and vulnerable countries had capacity constraints in boosting agricultural production and faced high prices of imported food. As trade and domestic production played important roles in improving global food security and sustainability, Members should take concrete action to improve the functioning and long-term resilience of global markets by not imposing export prohibitions or restrictions and ensuring that measures introduced to address food security minimized trade distortions as much as possible in order to effectively respond to the concerns of LDCs and NFIDCs.

4.69. The proposal on the smooth transition for graduated LDCs would go a long way in sustaining and accelerating the level of development of graduating LDCs and to avoiding any potential pitfalls. Cambodia again urged all Members to work constructively on the LDC proposal in document WT/GC/W/807/Rev.2. Cambodia also took WTO Reform seriously and with careful consideration. Document JOB/GC/223/Rev.1, which provided the LDC Group's views on WTO Reform, was a clear indication of the LDCs' commitment and strong interest in having a well-functioning WTO in all of its pillars including the dispute settlement mechanism. Cambodia noted the usefulness of the retreat on WTO Reform and some improvements that had been adopted on the monitoring and deliberative function of some Councils and Committees which provided indications that the best approach in addressing WTO Reform was to have reform by doing that was Member-driven and inclusive and to take up reform areas as and when they were ready to be agreed by all Members in a consensual manner. Cambodia also stressed the need to restore the two-tier dispute settlement system which was a critical pillar of the WTO and to achieve results on dispute settlement reform by MC13.

4.70. Cambodia regretted that agreement could not be reached on Paragraph 8 of the MC12 TRIPS Decision to extend its coverage to diagnostics and therapeutics by the original deadline. The LDCs had been disproportionately impacted by the COVID-19 pandemic and the extension of the TRIPS Decision would have provided LDCs better access to all essential medical products in the fight against the current pandemic and improve readiness for future ones. Cambodia had taken note of the WHO, WIPO, WTO Joint Technical Symposium on the COVID-19 Pandemic in December which had emphasized the critical need for the extension of the scope of the Decision. Cambodia understood that the extension of the deadline agreed in December was the only practical solution to allow Members more time to continue to discuss this issue. Cambodia likewise observed that e-commerce contributed a lot to online business, facilitated consumers' needs, and was fast growing in both developed and developing Members but not much in LDCs. LDCs faced systemic challenges to leverage benefits from e-commerce. In this regard, technical assistance and capacity building was needed to strengthen the development of the e-commerce ecosystem to allow for effective participation of LDCs in e-commerce, especially for micro, small and medium-sized enterprises. Cambodia welcomed the initiative to have dedicated sessions on e-commerce work programme, especially the discussion on the development dimension of e-commerce. In this regard, Cambodia urged Members to take into account the challenges faced by LDCs as listed in the communication WT/GC/W/787.

4.71. The representative of Trinidad and Tobago, speaking on behalf of CARICOM, took good note of the Director-General's reflections on her recent engagement with CARICOM Heads of Government in Nassau and associated with the statement by the ACP. CARICOM noted that the first TNC/HODs for 2023 gave Members the opportunity to assess progress on the implementation of MC12 outcomes even as they oriented themselves towards preparing meaningful outcomes for MC13 in February 2024. The CARICOM Group recognized the support of the Director-General and the Secretariat in

this regard, including as related to the convening of workshops, retreats and dedicated discussions over the last period of time, all in an effort to advance work. The discourse on WTO Reform must uphold the core principles of transparency, inclusiveness and consensus-based decision-making. The process should be based on the proposals of all Members and be held in a comprehensive, balanced, structured, non-discriminatory, transparent and inclusive manner, including as it related to work conducted pursuant to Paragraph 4 of the MC12 Outcome Document towards restoration of a fully functioning dispute settlement mechanism by 2024. It would therefore be useful to clarify the relationship between work on WTO Reform pursued under Paragraph 3 of the MC12 Outcome Document and work undertaken on the dispute settlement mechanism pursuant to the mandate in Paragraph 4 of the Outcome Document; and to add structure to work on WTO Reform, develop different work streams around the core functions of the WTO, namely, negotiation, monitoring and deliberation and dispute settlement.

4.72. The work programme agreed in the CoA on the implementation of Paragraph 8 of the Ministerial Declaration on Emergency Response to Food Insecurity was an encouraging sign that the WTO could deliver for NFIDCs. CARICOM members were NFIDCs whose food security was vulnerable to external shocks and were actively participating in the implementation of the Work Programme. In fact, there were two CARICOM panellists currently discussing the trade finance elements of the Work Programme in the Workshop on Financing in the Committee on Agriculture. In welcoming the appointment of the new CoA SS Chair, the CARICOM Group gave him its full support. Article 20 of the Agreement on Agriculture and Ministerial mandates to date should be the basis for agricultural reform. CARICOM's priority was on domestic support and SSM, especially disciplines that provided certain exemptions for SVEs. The Group took note of advocacy for the agriculture negotiations to be more closely aligned to the climate change agenda. As supporters of climate action in the multilateral fora, CARICOM would work to see how the negotiations could take on these issues within its mandate and without creating barriers for trade for small economies such as those in CARICOM. The Group already had concerns with non-tariff barriers packaged as measures to mitigate climate change. The negotiations should not be used to legitimize what would normally be untenable under WTO rules.

4.73. CARICOM welcomed the renewed energy and interest Members had injected into work under the E-Commerce Work Programme under the stewardship of its Facilitator. The dedicated discussions to date had been insightful and constructive. In keeping with the emphasis on the development dimension of the Work Programme, CARICOM highlighted the wide-ranging discussion last week on the digital divide. It was clear that Members had not exhausted their dialogue on this subject. The Group welcomed the indication from the Facilitator regarding convening pertinent stakeholders so that they could deepen Members' discussion and secure a better understanding of ways in which external entities could assist with efforts to address e-commerce related development needs. Beyond that, it would be important to clarify and move towards action on the WTO's preparedness to strengthen its support for CARICOM, better positioning its members to access and leverage the benefits to be derived from engagement in electronic commerce. In this regard, CARICOM had posed some questions and made suggestions relating to Aid for Trade and the Institute for Training and Technical Cooperation, among others. In looking forward to the upcoming discussion on legal and regulatory frameworks, the CARICOM Group continued to attribute importance to work under the Work Programme and remained committed to participating robustly in this regard.

4.74. As it welcomed the appointment of the new NGR Chair, CARICOM thanked him for outlining an approach for the months before the summer break. The Group reiterated its commitment to work towards achieving a comprehensive agreement on fisheries subsidies, including through agreeing disciplines relating to overcapacity and overfishing, utilizing the WT/MIN(22)/W/20 document as a basis and starting point. Accordingly, CARICOM placed importance on effective and appropriate S&DT and de minimis where it was flexible on the final figure. The Group underscored the importance of the principles of transparency and inclusivity through the NGR work. Concerning the organization of the NGR's work, consideration should be given to the capacity constraints of small delegations, such as CARICOM delegations, when planning meetings and informal consultations.

4.75. The representative of Canada underscored the timeliness of the discussion on supporting success at MC13. Taking stock of progress since MC12, the informal retreats held over the past few months had helped elucidate Members' positions and interests, and good progress had been made on reforms to the deliberative function. At the same time, timelines for multilateral negotiations had been shortened. Members now had less than a year to achieve promised deliverables. With this in mind, Canada hoped that Members could work together in an effective, pragmatic and expeditious manner towards a realistic package of deliverables. Members could count on Canada's continued

constructive engagement on the best way to move forward the agriculture negotiations. All Members needed to work through any and all configurations to reach their common goal. Canada supported the Director-General's ambitious goal of ratification of the Agreement on Fisheries Subsidies by MC13 and was fully committed to continue the negotiations on the outstanding elements in line with the MC12 Ministerial Declaration. Canada looked forward to participating in the upcoming negotiating clusters recently announced. To respond to the specific questions on modalities, Canada supported the NGR Chair's work programme. Participation from capital-based senior officials, and perhaps a meeting of Ministers was something Canada was open to. Canada also welcomed the frank and constructive exchanges at last month's retreat on development. On the margins of the World Economic Forum, the Ottawa Group Ministers had reaffirmed their commitment to WTO Reform, including through ensuring developing Member voices were heard, and tasked officials with forward work in this regard.

4.76. Canada welcomed the current reinvigoration of the work programme on e-commerce, with particular attention to the development dimension and to cover the moratorium during the dedicated session in April. On dispute resolution, Canada's common goal was to have a fully operational system back in place by 2024. To that end, Members would need to focus on what was really needed to meet their needs. Canada intended to participate actively and constructively in discussions aimed at achieving this objective. On structured discussions on trade and environmental sustainability, these covered a variety of topics in 2022 which allowed for more focused and in-depth discussions with the aim of identifying concrete actions that participating Members could take individually or collectively to advance trade and environmental objectives. As the global economy evolved and transformed, it was important for the WTO to be able to deal with emerging issues. In this context, Canada welcomed the progress made under the various initiatives of the Joint Statements and looked forward to a speedy conclusion on investment facilitation for development and e-commerce. Canada also said that it had now been more than a year since Russia's illegal invasion of Ukraine – an event that had catastrophic events on Ukraine and its neighbours, and people around the world. For 369 days, Ukraine had endured staggering levels of destruction and human suffering. Its ability to participate in the global trading system had been severely impaired. Members needed to stand united against this unprovoked and illegal invasion. Canada would stand in solidarity with Ukraine for as long as it takes.

4.77. The representative of Chinese Taipei said that one of the pressing issues for MC13 was WTO Reform and discussions on reform issues up to now had been positive. On dispute settlement reform, Chinese Taipei considered that the informal discussions previously led by the United States and now led by Guatemala had been very constructive and hoped that there would be concrete results arriving from this round of discussion. Chinese Taipei especially hoped that a fully functioning dispute settlement system accessible to all Members would be reinstalled. The idea of fully functioning dispute settlement system included the full functioning of all existing dispute settlement tools in the DSU including mediation, panel procedure and arbitration. Chinese Taipei would continue to engage constructively in the ongoing informal process led by Guatemala with the hope that discussions would soon be institutionalized in the next stage to secure full support of the Membership. On the deliberative function reform, Chinese Taipei had read the proposal by the European Union on reinforcing the deliberative function of the WTO to respond to global trade policy challenges with high interest. There might be different views on what constituted the global trade policy challenges among Members. The approach proposed by the EU about identifying best practices, sharing experiences and developing non-binding guidelines as an approach nonetheless coincided with the Chinese Taipei's suggestion in earlier discussions. The EU's suggestion was pragmatic and useful. He was hopeful that the approach would be seriously considered by all Members. Chinese Taipei thanked the CoA SS Chair for his earnest consultation and proposed way forward. As a net-food importer, Chinese Taipei prioritized ensuring food security and believed that agriculture played a multifunctional role including mitigating climate change and preserving traditional culture among its other functions. Continuous collection of more scientific data and evidence could help move the negotiation forward on tackling food security and other challenges. For MC13, e-commerce was also an important component not to be forgotten including reaching consensus on the moratorium to ensure a stable and predictable global digital trade environment.

4.78. On the implementation aspect of fisheries subsidies, Chinese Taipei congratulated Singapore and Switzerland for having completed their domestic ratification procedures and thanked Japan for having put forward its financial contribution to the fisheries funding mechanism. To encourage the domestic ratification procedure, Chinese Taipei suggested holding periodical stocktaking sessions for the Agreement on Fisheries Subsidies to allow Members sharing their progress on domestic

ratification and approval procedure. This could create a positive atmosphere to encourage earlier implementation of the agreement. On the second wave of negotiations, Chinese Taipei thanked the NGR Chair for his efforts on identifying ways forward. When entering the second wave, Members should bear in mind WT/MIN(22)/W/20 as their basis. The issues left on overcapacity and overfishing at MC12 were limited in scope mainly about how to structure the S&DT mechanism for developing country Members. Chinese Taipei hoped that Members could identify innovative and workable solutions to address the most difficult issues such as the nautical miles for artisanal fishing and the transitional period for developing country Members. Chinese Taipei was confident with the leadership of the NGR Chair to help Members come to a successful conclusion of additional disciplines at MC13. In recent months, after MC12, Chinese Taipei had exchanged experiences with some Members. He had heard many valuable experiences of Members helping their domestic disadvantaged fishing villages and fishing population to engage in much more viable economic activities based on their knowledge and skills. Such successful stories could help Members consider whether they should shift part of their focus on mutual assistance and experience sharing among each other in helping disadvantaged fishermen develop economically much viable activities as supplementing methods for S&DT.

4.79. The representative of Saint Vincent and the Grenadines, speaking on behalf of the OECS, thanked the Director-General for her productive exchange with OECS Prime Ministers in Nassau, Bahamas. At the highest level, the OECS remained committed to the work of this organization. The OECS associated with the statements by the ACP and CARICOM. With MC13 pending, it was critical to advance work in the agriculture and fisheries files in a manner which upheld the fundamental principles of openness, transparency and inclusivity to which the OECS subscribed. The OECS was confident that the new CoA SS and NGR Chairs would work in a manner which gave full effect to these fundamental principles. On fisheries subsidies, Members had the twin objectives of securing effective disciplines on overcapacity and overfishing while also ensuring appropriate flexibilities for developing and LDC Members. The OECS looked forward to constructive exchanges on elements such as de minimis and other aspects of S&DT and was supportive of how the NGR Chair intended to organize the work ahead. The OECS looked forward to contributing to a meaningful outcome as soon as practicable. Agriculture continued to be a difficult area for multiple reasons, but the OECS was certain that the new CoA SS Chair was up to the task. Maintaining the flexibilities available to developing Members under Article 6.2 of the Agreement on Agriculture was a priority to the OECS – which also looked forward to a meaningful outcome on SSM. The OECS would also engage meaningfully on all proposals brought forward by Members.

4.80. The OECS was pleased with the injection of momentum by the General Council Chair on matters under Paragraph 3 of the MC12 Outcome Document – noting that a number of proposals were emerging in the General Council and at the level of the subsidiary bodies. The OECS intended to engage on these in a fulsome manner and urged Members to consult broadly, especially when proposals were being developed so that all Members could all be co-creators higher up on the value chain of ideas. Reform should further institutionalize the development dimension for developing Members. In this vein, the OECS called for more constructive engagement on the G-90 proposals on S&DT. The OECS also placed a high degree of priority on achieving dispute settlement reform, particularly with respect to the restoration of the full functioning of the two-tiered structure. There was also scope to prioritize other issues such as making dispute settlement more accessible to developing and LDC Members, strengthening the incentives to comply with panel and Appellate Body decisions, creating guardrails to shield the system from power differentials which were largely unfavourable to developing and LDC Members and having more effective remedies. The OECS had been engaging constructively in the informal conversations which it hoped would be eventually multilateralized. In these discussions, Members could not separate process from substance. Organizing work in a manner which allowed for the full participation of small delegations was key in contributing to the substance of the work. Regarding the E-Commerce Work Programme, the OECS was pleased with the work being done by the Facilitator and would remain engaged including through the submission of proposals. At the end of these discussions, the OECS hoped that Members could better identify a clearer role for the WTO on this topic.

4.81. The representative of Jamaica noted that the WTO's preparation for MC13 provided a unique opportunity to ensure that the WTO played its part in contributing to the myriad of challenges currently facing the international community. The WTO could assist its Members in finding durable solutions to current and emerging global issues such as food security, economic volatility, the impact of climate change and natural disasters and difficulties attaining the SDGs. In this regard, outcomes on WTO Reform, agriculture, fisheries subsidies, e-commerce and LDC Graduation should be among

the key outcomes at MC13. WTO Reform was a key priority for Jamaica with development issues being at the centre of Members' work. In thanking the General Council Chair for convening the Informal Meeting on WTO Reform focused on Development and the Ambassador-Facilitators who had led the breakout sessions, Jamaica recalled delegations' constructiveness and the useful exchange of ideas that they had. Reports from this informal meeting would be helpful in Members' work going forward. Jamaica stressed that Members could deliver results on development at MC13.

4.82. Development issues, including the implementation of internationally agreed development goals such as the SDGs, should be mainstreamed and embedded in all WTO negotiations and agreements. The WTO should ensure that the outcome of reform included mechanisms to periodically evaluate WTO agreements not only for progress in implementation but also for their development impacts on developing and LDC Members. Technical assistance and capacity building, in addition to S&DT that included exemptions and adequate transition periods in respect of certain commitments, must be a core part of the development agenda in WTO Reform. Members should also ensure that the WTO, within its mandate, played a role in global efforts to address the impacts of climate change and natural disasters. Jamaica would welcome and participate in activities to this end. Members should however be careful to ensure that their work did not create barriers to market opportunities for developing and LDC Members disguised as environmental protection measures. The WTO must also re-establish a fully functioning two-tier dispute settlement system by 2024. In welcoming the appointment of the new CoA SS Chair, Jamaica assured him of its full support in his efforts to facilitate delivery of a balanced and development-oriented outcome at MC13. Jamaica's priorities were domestic support and SSM. Members should also conclude negotiations on PSH to bolster the food security position of developing and LDC Members. SVEs must be accorded special treatment in any outcome given that their agriculture and food systems were extremely underdeveloped and vulnerable making it unfeasible for SVEs to take on full commitments in any outcome on agriculture.

4.83. Jamaica welcomed the appointment of the new NGR Chair and looked forward to giving its full support for his work in the second phase of the negotiations. WT/MIN(22)/W/20 should be the basis of work going forward and Members should deliver by MC13. Jamaica was approaching the negotiations with an open mind but would insist that key elements of WT/MIN(22)/W/20 such as the de minimis threshold for exceptions be a part of an outcome. Jamaica welcomed the high level of engagement at the last two dedicated sessions which focused on online consumer protection and the digital divide. The discussions had been rich. Jamaica had heard several ideas on the role of the WTO on issues relating to e-commerce and digital trade including emphasis on its convening role. Jamaica looked forward to the proposed workshop of the Facilitator that would bring together relevant stakeholders. It was critical that the WTO facilitated in-person participation of capital-based representatives to enrich the Geneva-based discussions. Jamaica would continue to actively contribute to the dedicated discussions.

4.84. On services, Jamaica noted that the CTS Chair had undertaken consultations on how best to implement the outcomes from MC12. Jamaica reiterated the importance of services to Members whose economies relied heavily on service-based industries such as tourism – which were severely impacted by the COVID-19 pandemic. On the discussions in the TRIPS Council to expand the waiver to cover therapeutics and diagnostics, Jamaica urged Members to work constructively to find an amicable solution to deliver on the MC12 mandate. Jamaica called on Chairs of Negotiating Groups and Facilitators to continue maintaining transparency and inclusivity in their post-MC12 work – the best way to build trust. If small groups were necessary to move forward on an issue, representation was crucial to give legitimacy to those processes. Views of all Members must be treated equitably. Jamaica stood ready to work with other delegations in approaching work in the WTO on these issues. Jamaica associated with the statements by CARICOM and the ACP.

4.85. The representative of Türkiye was pleased to start work on agriculture and fisheries subsidies with the appointment of the CoA SS and NGR Chairs a month ago. Due to challenges posed by the pandemic and geopolitical developments, there was a need to tackle food insecurity by building a sustainable and resilient agriculture sector. As the most problematic area in the Agreement, rebalancing the domestic support entitlements was a high priority for Türkiye. Market distortive subsidies were historically a fundamental reason for food insecurity. Development had to be an integral part of these negotiations and thus preserving and building meaningful and operable S&DT provisions for developing Members was essential. Mandated issues such as SSM and PSH should be part of agriculture reform. Türkiye supported the work programme and the format of the fish weeks as proposed by the NGR Chair and agreed to start with conceptual issues. At the same time, Türkiye hoped to proceed to text-based negotiations well before the summer break. While seeing merit in

small group configurations, Türkiye stressed that transparency and inclusivity were crucial. Any progress should in principle take place in the plenary sessions. Türkiye remained ready to engage constructively in the discussions for a Minister-ready draft outcome by MC13.

4.86. While WTO Reform was no easy task, there were ways to go about this process as outlined by Members with work starting incrementally. As DDG Gonzalez had stated, "WTO Reform is likely to be a slow burn rather than a big bang" and yet was too valuable an opportunity to let go. Türkiye thanked the General Council Chair and DDG Zhang for holding a dedicated session on development where Members had rich discussions confirming a common understanding that development was central to the multilateral trading system. Members should keep S&DT and development part and parcel of the negotiations. Addressing the inherent imbalances in existing Agreements was one of Türkiye's priorities. Türkiye also welcomed the work that had already been initiated under the Goods Council to improve the daily functioning of its subsidiary bodies. These steps might seem small but they would render WTO work more effective and efficient at the end of the day. The paralysis of the Appellate Body needed immediate attention. Türkiye would have preferred formalizing the ongoing dispute settlement reform informal conversations in the DSB to expedite it in line with the objective of having a fully and well-functioning dispute settlement system by 2024 – but welcomed the progress made in these conversations and would continue to actively participate.

4.87. Türkiye's priority on the E-Commerce Work Programme was to clarify the scope and definition of the Moratorium. The moratorium was written in an ambiguous way which did not clearly reflect what was expected of the decision. Türkiye looked forward to dedicated discussions on this issue in April. Türkiye expected to have a clear view of what the moratorium meant and a well-defined and streamlined language by MC13. With only a year left before MC13, Türkiye hoped that Members would not leave decisions to the last minute when preparing and finalizing potential outcomes. Türkiye encouraged Members to try to complete everything before the start of the Conference. At this time of turbulence marked by multiple shocks, the pandemic, geopolitical developments and resulting food, energy and financial crises as well as the climate emergency and a growing number of natural disasters, the WTO was needed more than ever to keep the multilateral trading system intact. Members should step up to meet current needs and challenges of their era.

4.88. The representative of the Philippines commended the new NGR and CoA SS Chairs for immediately engaging with Members on how to carry forward work on these critical portfolios. Based on the recent informal open-ended meetings, the Philippines saw avenues for optimism, particularly the commitment to transparency and inclusivity as well as the shared sentiment to build on work that had been done while remaining open to new concepts and approaches in securing balanced outcomes towards MC13. The Philippines saw value in approaching these negotiations through the interlinked perspectives of food security and sustainable development. The Fisheries Subsidies Agreement was a touchstone for building further work on environmental sustainability in the WTO and the Philippines commended Switzerland and Singapore for their swift domestic acceptance of the Agreement. The Philippines remained committed to leveraging trade policy tools to support climate action within the WTO such as voluntary commitments that would lower trade barriers, stimulate access and adoption of green goods and services, and reduce trade of environmentally harmful products such as certain plastics.

4.89. The Philippines noted the constructive spirit that had permeated recent informal meetings on WTO Reform and hoped the process of "reform by doing" would continue along similar lines. The most recent session had provided the opportunity to carry forward targeted discussions on development, particularly on the crucial issue of LDC graduation. Future discussions could be focused on the role of the WTO Secretariat, stakeholder engagement, and new approaches to rules setting. The Philippines remained committed to the restoration of the two-tier dispute settlement system and noted the advances in the informal process on dispute settlement reform. The Philippines encouraged Members to adhere to a compressed timeline and supported efforts to mainstream these discussions in WTO bodies. The Philippines had also noted calls from Members to create an informal space to discuss industrial subsidies and would be supportive of such efforts.

4.90. The Philippines noted the renewed impetus for cooperation under the Work Programme on Electronic Commerce and had benefited from these rich discussions including on consumer protection and the digital divide. The Philippines encouraged the Facilitator to consider a future session that focused on the specific challenges faced by MSMEs and under-represented groups in pursuing digital trade. These discussions complemented Members' efforts to pursue new disciplines that addressed contemporary trade challenges. The Philippines looked forward to the conclusion of

the IFD agreement by mid-year and encouraged Members to substantially advance negotiations on the JSI on Electronic Commerce. The Philippines, as a participant in the JSI on Services Domestic Regulation, supported recent efforts by Members to certify additional and improved commitments under their respective GATS schedules, and which crucially were mutually advantageous to all trading partners. Given the current state of play on this issue, the Philippines encourage all Members to demonstrate good faith in supporting an open and rules-based multilateral trading system.

4.91. The representative of Switzerland informed Members that, at the invitation of Federal Councillor Guy Parmelin, 23 Members and the Director-General met in Davos on 20 January on the side-lines of the WEF Annual Meeting to discuss further WTO negotiations. Participants represented a broad spectrum of trade interests. Besides allowing to get some insights into the lives of Pandas and Koalas, as rightly mentioned by several delegations, the meeting provided an opportunity to give political direction and impetus to the preparations for the 13th WTO Ministerial Conference. After the successful Ministerial Conference in Geneva last June, participants expected to see some key outcomes to strengthen the WTO and the international trading system. The Ministers discussed their priorities for the next stages of WTO negotiations and expressed their resolve to preserve the credibility of the rules-based multilateral trading system and to undertake a meaningful reform of the WTO to improve all its functions. Participants underlined the importance of restoring a fully functioning dispute settlement mechanism for the global trading system.

4.92. Many Ministers had underlined the importance of considering development needs along the entire reform process. Issues related to LDC graduation were also stressed. Ministers called on Members to ratify the Agreement on Fisheries Subsidies without delay so that it could enter into force soon. Numerous Ministers also stressed the importance of completing the remaining negotiations on fisheries subsidies by the next Ministerial meeting. Referring to concerns about the considerable social and economic impact of the COVID-19 pandemic, a number of Ministers emphasized the need to extend the TRIPS Decision adopted at MC12 to cover COVID-19 diagnostics and therapeutics. Ministers furthermore stressed the need for effective negotiations on agricultural trade policy reform. Many participants highlighted food security as well as other concerns such as subsidies, export restrictions, public stockholding and environmental issues. Several Ministers also called for an extension of the moratorium on customs duties on electronic transmissions. The reinvigoration of the work programme was also underlined in order to inform decision-making on the matter. While multilateral outcomes remained the preferred option, many participants considered that it was important to continue to apply approaches that allowed Members to pursue, in an open and inclusive manner, initiatives of interest to them. The importance of environmental sustainability and trade and climate were also highlighted by several participants. Finally, Ministers showed their readiness to remain involved in the preparations for MC13 to further engage for meaningful results.

4.93. Turning now to the Swiss priorities for WTO negotiations, Switzerland considered the Director-General's call to identify topmost priorities as very timely, with the next Ministerial Conference to take place in less than a year from now. Considering structural challenges of the multilateral trading system, Switzerland continued to strongly support the WTO Reform process. In the short-term, finalizing the DSU reform by 2024 was a top priority. Switzerland welcomed the process dedicated to this issue. For the overall reform process to strive, agility was of the essence. Members should be under no illusion that if they wanted concrete outcomes, this would only be achieved through an incremental, step-by-step approach – reform by doing. In this perspective, there was great potential to achieve tangible results within the monitoring and deliberative function where concrete work within Committees was under way. On the negotiation function, Switzerland called on Members to engage with each other in an open mind to identify workable avenues to aim for a result over the mid- to long-term. To do so, Members should create room for informal and genuine exchanges to improve mutual understanding of their respective expectations. Considering development needs along the entire process would be key. Switzerland welcomed the retreat dedicated to the development dimension that had allowed an initial and rich exchange of views, and would remain engaged in discussions to find a solution to support the graduation process in an appropriate way.

4.94. Switzerland stood ready to engage with the CoA SS Chair and Members in order to contribute to the shaping of a balanced and meaningful outcome in agriculture – one that addressed current challenges including food security and nutrition. Switzerland remained convinced of the positive role of intellectual property (IP) in developing and ramping up the production of vaccines, therapeutics and diagnostics. Based on the discussions held so far, Switzerland was not convinced of an extension of the MC12 TRIPS Decision to therapeutics and diagnostics but was open for further evidence-based

discussions on this matter in the TRIPS Council. Switzerland attached great importance to the Agreement on Fisheries Subsidies and had submitted its instrument of ratification. Switzerland congratulated Singapore for doing the same and encouraged other delegations to follow suit as soon as feasible. Regarding the further negotiations, it was essential to achieve progress and that all the Members remained committed to this important goal. In continuing to support the different JSI processes, Switzerland was hopeful that the initiative on Investment Facilitation for Development would be concluded at MC13 and supported the substantial conclusion of the negotiation on e-commerce by the end of the year. Switzerland furthermore supported the discussions on trade and environmental sustainability and the initiatives on MSMEs and trade and gender. Switzerland welcomed the holding of dedicated sessions of the General Council on e-commerce and was pleased by the level of engagement witnessed so far. This was the appropriate format to reinvigorate the Work Programme and to deepen the discussions on the moratorium which provided predictability to economic operators and was necessary for the WTO to be relevant in the context of digital transformation.

4.95. The representative of Indonesia said that the current global financial volatility and ongoing conflict added further pressure to the world. The situation could be more challenging for developing and LDC Members. It was the responsibility of the whole Membership to act on the commitment to put developmental issues at the heart of this organization and contribute to address the most urgent and important issues such as health, food crisis and livelihood of people. Following the appointment of NGR and CoA SS Chairs, Members should speed up their pace in the negotiations to advance their homework with a view to achieve concrete and meaningful outcomes at MC13. On agriculture, Indonesia continued to reiterate the need to deliver on the critical mandated issues at the Ministerial Conference. Agricultural trade rules needed to address the historical imbalances so that they could move toward a more equitable trading system. This would allow economic development and fair competition among Members regardless of their development status. Resolving their homework on PSH and SSM as well as achieving a balanced and fair outcome in domestic support and cotton should continue to be in the agenda under the CoA SS. Indonesia reiterated its commitment to work on the joint proposal on PSH in JOB/AG/229 to be the basis of the PSH negotiations. On fisheries subsidies, in parallel with the process of acceptance, Members should continue their negotiations to conclude the comprehensive agreement particularly on the overfishing and overcapacity pillar with S&DT as an integral part of the negotiations. This was important if Members were to achieve the SDG 14.6 that they had all envisioned. Indonesia looked forward to the deliberation of the fish weeks to better jumpstart the negotiating process.

4.96. As a co-sponsor of the TRIPS Waiver proposal, Indonesia was disappointed that Members had been unable to arrive at a decision to extend the scope of the MC12 TRIPS Decision to therapeutics and diagnostics in time. Indonesia appreciated the effort made by the United States to conduct a fact-finding investigation. Following the WTO's partnerships with FAO and the World Bank for some negotiating issues, Indonesia underlined the importance of the WHO, as the leading body in responding and tackling the COVID-19 pandemic, to be given an appropriate role to provide information on the global state of therapeutics and diagnostics feeding into Members' discussions on this issue. Without discounting the importance of all the issues under the reform umbrella, Indonesia's continued priority was to resolve the current Appellate Body impasse to maintain the security and predictability of the multilateral trading system. While preferring for the ongoing dispute settlement discussions to be conducted in a fully formalized manner, Indonesia could compromise with the option to have an informal discussion with regular reporting to the DSB and the General Council. Indonesia also hoped that the discussion should be open, transparent and inclusive. Indonesia also underlined the importance of resolving the issue on the work programme on e-commerce and commended the Facilitator for organizing the dedicated discussions. These discussions had been fruitful and constructive in ensuring that digital trade policies would be inclusive and able to accommodate the needs of the wider community. Indonesia re-emphasized that the discussions to reach clarity and consensus on the scope, definition and impact of customs duties especially to developing and LDC Members were needed prior to agreeing on any course of action. Current challenges were becoming more complex and required global cooperation instead of unilateral measures. As such, Members should expeditiously work together to advance their homework and complete their unfinished business with strong political commitment while at the same time pick up their pace and ways of work in light of newly emerging issues. Indonesia was fully committed to engage constructively in the WTO negotiations to achieve meaningful outcomes at MC13.

4.97. The representative of Hong Kong, China highlighted two priority areas of work in the preparation for MC13: fisheries subsidies and restoration of a fully-functioning dispute settlement system. With some Members completing their domestic procedures with regard to the implementation of the Agreement on Fisheries Subsidies, Hong Kong, China reported that its relevant authorities were also actively preparing for the implementation of the Agreement with a view to contributing to its early entry into force. Members had different wishes and priorities on the outstanding issues in the second wave of negotiations. Hong Kong, China supported the work plan presented by the new NGR Chair and would continue to engage constructively in the negotiations. The restoration of a fully-functioning, binding, two-tiered dispute settlement system was a top priority for Hong Kong, China. Many Members also shared the same view. It could not be emphasized enough how important the dispute settlement system was to the WTO. It not only assisted Members in resolving trade disputes among themselves but also supported making new rules by reassuring Members that there would be an effective mechanism for enforcement of newly agreed provisions. The MC12 Outcome Document had set out a timeframe for restoring a fully and well-functioning dispute settlement system accessible to all Members by 2024. Members should step up efforts to make this happen. A new stage of informal discussion on the dispute settlement reform commenced on 17 February. Hong Kong, China was pleased to note the progress in this important area of work and would continue to engage constructively with other Members so as to revitalize the dispute settlement function of the WTO. In this connection, Hong Kong, China also highlighted the importance of the early involvement of the General Council and its subsidiary bodies in the relevant discussions, or in the review and consideration of recommendations that might be generated in the process so as to prepare all Members for consensus to the eventual submission to MC13.

4.98. The representative of Botswana associated with the statement by the ACP Group. Botswana welcomed the developments in the appointment of Chairpersons of the CoA SS and NGR. Their appointments were timely in order to advance MC13 preparations. Having had the opportunity to interact with them in a number of initiatives and hearing their reports, she was encouraged by their resolve and confident that with Members' support, they would move Members in the direction of progress on these issues. With regard to MC13 deliverables, MC12 outcomes provided a solid basis and path to be followed for the issues Members should focus upon. While acknowledging the MC12 outcome on food security, MC13 should deliver binding commitments on agriculture especially that addressed challenges for developing Members particularly LDCs and NFIDCs. The WTO must also adopt a development-oriented approach on WTO Reform. The outcome must provide the necessary policy space to cater for developing and LDC Members' economic diversification and industrialization. Botswana underscored the importance of upholding basic principles of transparency and inclusiveness especially for small delegations in these processes. Botswana emphasized the need to maintain S&DT as an integral part of WTO Agreements and remained committed to engage constructively in the upcoming discussions aimed at achieving concrete outcomes at MC13.

4.99. The representative of Nicaragua welcomed the appointment of the new CoA SS and NGR Chairs and was confident that their skills and leadership would enable Members to achieve results for the benefit of all. Overcoming the impasse in the dispute settlement system was a priority for Nicaragua and, in line with the guidance of Ministers, Members must find a solution to this issue by 2024 at the latest. Agriculture negotiations should take into account the needs of the most vulnerable groups. The outcome of these negotiations should particularly benefit small farmers in developing Members. Nicaragua continued to support the reduction of trade-distorting domestic support such as subsidies and other forms of support used by developed countries in their agricultural markets. With regard to the fisheries subsidies negotiations, Nicaragua supported the S&DT provisions that granted longer timeframes for the implementation of commitments. Nicaragua reaffirmed its commitment to taking part in the reform negotiations with a view to ensuring that the outcomes benefited developing Members – and particularly small, vulnerable economies – and addressed the food security crisis, climate change, environmental sustainability issues and the post-COVID-19 global economic recovery. Nicaragua hoped that this process would be open, transparent and inclusive, with a development dimension, and urged Members to ensure that the outcomes included S&DT provisions. Nicaragua reiterated its call for Members to comply with and promote the rules-based, open and predictable multilateral trading system. Members enjoyed a range of benefits, yet with these came responsibilities. Nicaragua therefore called on Members to avoid adopting trade-restrictive unilateral measures, especially coercive measures based on interests unrelated to trade objectives that fell outside the scope of the WTO.

4.100. The representative of Ecuador was delighted to attend this TNC meeting to reflect collectively on MC13 with a view to enabling Members to begin to discuss the future work of the organization

on the basis of the understandings reached and, above all, those that could not be reached at MC12. Agriculture was an essential part of the package for the next Conference. The WTO and the multilateral trading system must play their part, in terms of the mandates and rules, to contribute to addressing the serious challenges facing the international community in various areas. Given the dynamics of WTO work, Members had taken longer than they should to take action on COVID-19. Much remained to be done on the issue as well as on fisheries subsidies. Although the outcome had been significant and positive, it was not sufficient. Members must define the disciplines for a major part of the mandate on overfishing and overcapacity and for food security taking into account the price crisis and the crisis in the supply of food and the inputs needed to produce it, which had been aggravated by the war in Ukraine. In Members' work, they would develop the understandings reached on these topics in order to find the best way to implement them, adjust them if the circumstances so required, and work together in a constructive manner to contribute, from the perspective of trade, to solving problems that unquestionably affected the entire planet. In view of the triple planetary crisis, the multilateral trading system should outline – as a matter of urgency – the contribution of trade to global efforts to combat climate change, pollution and biodiversity loss, from the intersection of trade and the environment, in line with the SDGs. The COVID-19 crisis had put decades of progress in combating poverty at risk. Under the General Council, Ecuador had indicated the importance of organizing Ministerial Conferences so as to increase transparency, inclusion and the effective participation of all Members. The reports of the Chairs had reflected the importance of effective, full and inclusive participation in discussions on proposals that concerned all Members. Any effort to improve the organization of work, including consideration of the realities of delegations with few staff members, was a positive step. Its proposal at the Council for Trade in Goods, jointly prepared with Paraguay, Argentina and Colombia, was focused on improving the functioning of the organization in an inclusive manner, with particular consideration of the situation of delegations with few staff members.

4.101. The representative of New Zealand recalled that previous week marked one year since Russia had launched its illegal invasion of Ukraine. New Zealand's resolve to stand against Russian aggression and alleged atrocities committed in Ukraine was undiminished. New Zealand stood shoulder-to-shoulder with Ukraine in support of its sovereignty and territorial integrity. Through its illegal and unprovoked attack on one of the world's leading food producers, as well as its destruction of Ukraine's civilian infrastructure and blockading of its ports, Russia had massively disrupted the production of and trade in key staples such as wheat, barley and sunflower oil. The implications for global food security in both the short and medium term had been disastrous. Food markets were global and the restrictions in supply caused by Russia's actions were further exacerbating food shortages and price rises globally. Russia had undermined living standards for the most vulnerable among Members and condemned many millions around the world to hunger over the coming year. As it had said in the CoA SS, MC13 must deliver for agriculture. The Director-General had asked what Members' top-most priorities were. For New Zealand, and many other Members, that was agricultural trade reform. Addressing trade and production distorting, and frequently environmentally harmful, agricultural subsidies was a key part of any agriculture discussion. There was already a compelling evidence base on why Members needed change to address food insecurity, development objectives, and climate change. The UN estimated that an additional 150 million people were now affected by hunger since the outbreak of the COVID-19 pandemic. The Director-General had also asked what Members were willing to contribute to achieve the objective. New Zealand was ready to talk about all of the agriculture issues of interest to Members and was open to a discussion on PSH – which New Zealand would be working hard in and outside of the CoA SS to come into the room not with pre-prepared statements but with new ideas and new understandings.

4.102. Another key priority for MC13 was fisheries subsidies. This was an issue of utmost importance to New Zealand's region – the Pacific. Members should be able to submit a Minister-ready draft outcome by MC13. New Zealand reiterated the call made by Pacific Ministers at the end of 2022, during the Director-General's visit to the region, for all Members to ratify and implement the agreement as soon as possible. New Zealand continued to pursue its own ratification at pace. Members could count on New Zealand's continued active support for this negotiation, building on the achievement secured at MC12 and further demonstrating this organization's contribution to the shared environmental and sustainability challenges. New Zealand would also be looking to progress frank and open discussions on the reform of inefficient fossil fuel subsidies following the Ministerial Statement at MC12 and direction to elaborate concrete options in advance of MC13. New Zealand noted the importance of maintaining the e-commerce moratorium for business, and sought to work with others in the crosscutting Work Programme to address any outstanding concerns well in advance of the Ministerial Conference. Another priority area was WTO Reform. Members should be

on a journey of continuous improvement and reform. But they must make tangible progress by MC13 on dispute settlement. Moreover, they should be able to take positive steps forward on various plurilateral negotiations. On the development dimension of WTO Reform, LDCs placed significant value in the LDC graduation proposal. This was a practical and feasible decision that Members could make in the short term.

4.103. The representative of Pakistan stressed the need to realize that, in light of the polycrises faced around the world, some were less capacitated especially in financial terms to ride through these turbulence triggered by various supply shocks. The underlying factors common to many developing and LDC Members – which were not all multilaterally inflicted – was that they had put them at a disadvantage leading to the need to capacitate them to become effective trading partners for others and not just markets. The risk of not doing that now was not only to these Members but to the multilateral trading and international financial systems. Rising indebtedness of many developing and LDC Members and ensuing Balance of Payments crises needed to be addressed not as a one off but on a systemic basis which meant that they needed to take up the development issues with some urgency. A related issue was of food insecurity that needed to be focused on by Members. This issue could not wait for wider outcomes on agriculture and should be fast tracked.

4.104. The representative of Côte d'Ivoire hoped that, with the leadership of the Director-General and various Chairs and the constructive engagement of all Members, they would achieve positive outcomes in relation to the outstanding matters and issues of interest for developing and LDC Members. Côte d'Ivoire welcomed the appointment of the new CoA SS and NGR Chairs and assured them of its support in discharging their respective duties. Côte d'Ivoire associated with the statements by the ACP, the African Group and the Cotton 4 (C-4) on the issues at stake at MC13 in the areas of agriculture, fisheries subsidies, the dispute settlement mechanism, e-commerce, the TRIPS waiver and development. Côte d'Ivoire highlighted the priority it placed on agriculture. Although MC12 had been unanimously recognized as a success, it had failed to deliver an outcome on agricultural reform. MC13 should be the Ministerial Conference for agriculture. Côte d'Ivoire called on Members to focus additional efforts on agriculture. The new impetus injected by the appointment of the new CoA SS Chair gave cause for hope that the WTO would be able to provide concrete and effective responses to the contemporary challenges in agricultural trade.

4.105. Negotiations on agricultural reform should prioritize food security to complement the work programme adopted under Paragraph 8 of the Ministerial Declaration on Emergency Response to Food Insecurity. Côte d'Ivoire encouraged Members to work on reforming the multilateral trading system to provide developing Members, LDCs and NFIDCs with the tools and sufficient political space to promote agricultural production systems that were resilient in the face of the threat of food insecurity facing their populations. Agriculture played a key role as it structured economies and generated a significant share of the financial resources required to address development needs. Agriculture was also crucial for the livelihoods of small producers and of the most vulnerable populations in rural areas. It was therefore essential for Members, prior to MC13, to focus their efforts on finding consensus based, functional and purposeful solutions to the issues contributing to the imbalance of the global agricultural market, such as domestic support, special safeguards and public stockholding. Members must also take care not to minimize the issue of cotton and should instead focus on translating into concrete results the longstanding mandates and decisions requiring that the issue be addressed ambitiously, expeditiously and specifically. Côte d'Ivoire reiterated its commitment to contribute in a constructive and open manner to all initiatives and approaches that would help make MC13 a success.

4.106. The representative of the United States had not heard anybody talk about de-dramatizing the next Ministerial Conference. She reminded delegations about the conversation that they had had on this fairly recently. She had heard calls to focus on the task ahead and to be realistic and results-oriented. She shared those calls because Members did not have much time. Members had agreed to an agenda at MC12 for MC13 that was fairly fulsome. The United States was committed to working on those issues and hopefully Members could deliver. Specifically, there were significant items that were linked to those that needed to be delivered by MC13: fisheries subsidies negotiations, E-Commerce Work Programme and Moratorium, SPS Work Programme and WTO Reform under Paragraph 3 of the MC12 Outcome Document. These were four substantive sets of negotiations and conversations that the United States was committed to spending time on and hopefully Members could deliver. The United States was very comfortable with the path that the new NGR Chair had laid out and was committed to working to fulfil that. Work on the ratification of the Agreement on Fisheries Subsidies as agreed at MC12 was also important. The United States was working on that

and hoped to have something in the near term. On E-Commerce Work Programme and Moratorium, the United States was investing a lot of time on this and thought it was important. Given that there had been a lot of engagement, the United States hoped that this would help Members have a good conversation on these issues for MC13. A lot of work was likewise being spent on the SPS Work Programme. On WTO Reform under Paragraph 3, there was a lot of work going on the various Committees and hopefully Members could have some good outcomes there. This by itself was a fulsome agenda.

4.107. There were other important issues that everyone knew would be part of the MC13 conversation. Everybody agreed that agriculture was an important element and Members should get this right. At the recent CoA SS meeting, the United States had expressed its views. There had been others who had expressed their views both yesterday and today that had a focus on food security being an important part of this conversation – a view shared by the United States. Members had also been working on food security particularly with respect to NFIDCs and LDCs. The United States would continue to spend time on that. Members had had a retreat on development. There would be some work related to that which was important. The United States hoped to have good conversations. Pandemic response was still something Members were working on. There was a trade facilitation event on humanitarian shipments scheduled for March. This was one of those little things that took some time to get right but something that could have a practical effect and could demonstrate the practical aspects of the work that could be done particularly in light of the fact that Members had pandemics and natural disasters. These issues had practical importance.

4.108. If there was one priority that the United States had – which was also heard from everybody else – it was dispute settlement reform. DS Reform was of high priority for the United States perhaps for the reverse reason than others. Members had said that the current situation diminished their rights. This was exactly how the United States felt about what the Appellate Body had done and why the dispute settlement system needed to be reformed. The United States had been and was engaged. The United States hoped everybody would continue to seriously engage on this issue. It was important to get it right. There were other issues that had come up – which were by themselves a fulsome agenda – some things that had specific outcomes that Members agreed to deliver by MC13, others that they knew they needed to tackle. The United States shared the call to focus on work particularly because they also heard often, and understandably so, that Members had limited bandwidth to deal with a lot of issues. They should not expect Ministers to deal with a plethora of issues. Members needed to focus work in relation to whether this was something they wanted to deliver for MC13 versus all the other work that they should continue to do at the WTO but letting them move at their own pace.

4.109. Environment, climate change and intersection of measures with respect to the trade space were important conversations. The United States was engaged with them through the Trade and Environmental Sustainability Structured Discussions (TEESD) and other spaces. Members should be careful as they were not easy conversations – ones that they needed to work with. Members should take their time to understand the issues and look at them. The United States cautioned against trying to aim for any specific outcome on this front for MC13 because these were difficult issues. They should spend time thinking about it. The United States shared the disappointment of Members who had put forward improvements to their GATS schedules on services domestic regulation being offered to the entire Membership on a unilateral basis – particularly on the blocking of the certifications of their schedules by a couple of Members. The United States looked forward to engaging with those Members to see if they could resolve that issue as soon as possible. This was one way where Members could make unilateral improvements to their schedule. The United States remained committed to continuing to work on any and all issues at the WTO – but cautioned that, as Members started working to the path of what they were actually going to deliver at MC13, they should try to be focused, realistic and results-oriented.

4.110. The Chairperson agreed and noted that if Members focused on what they could deliver – especially given the good and substantive pieces on the table – that would help de-dramatize the Ministerial Conference. If Members did not focus, there would be drama as everybody would try to get everything all at once. The two were linked and she agreed with that.

4.111. The representative of Peru supported the work programme proposed by the NGR Chair., Peru was currently deploying its best efforts to ratify the Agreement on Fisheries Subsidies as quickly as possible. Peru hoped that the number of necessary ratifications for the agreement to come into force would be reached as soon as possible. Peru also thanked the CoA SS Chair for the work he was

carrying out. Peru would like to see the full implementation of the current agreements as well as agriculture reform. The effective implementation of Article 20 of the Agreement on Agriculture was the best way to deal with food security at a global level and to have positive impacts for the environment bearing in mind the effects of the majority of agricultural subsidies. Members should make progress in the three pillars of the negotiations. At the same time, with other Cairns Group members, Peru would always be looking for areas where Members could converge and work together. On the process and the ambition in the lead up to MC13, Members should keep this process on a single path. They could not split food security from the rest of agriculture reform. But Peru also understood the need to make progress in the three pillars of agriculture negotiations as quickly as possible. Peru was committed to find multilateral solutions on modalities which would allow Members to reduce the level of internal support that they had as well as maintaining the relevance of PSH discussions. Peru reiterated its commitment to work in the lead up to MC13 bringing all the efforts they could to the table so that they could achieve meaningful and sustainable results.

4.112. The representative of Cameroon, speaking on behalf of the African Group, noted that the time had come for this organization to finally meet expectations in the areas of agriculture, cotton and development looking ahead to MC13. The African Group shared the idea of prioritizing a package of food security measures, without prejudice to the reduction or elimination of subsidies that clearly distorted economic exchanges. The Group reiterated the need to reduce domestic aggregate measurements of support to the de minimis threshold level. The success of MC13 depended on achieving outcomes in agriculture. With over 60% of arable land and a young and growing population, Africa needed to regain its foothold in the agricultural sphere and develop its potential to meet its food needs. Agriculture was a key element of Africa's "Agenda 2063". Future discussions would be enriched by being structured around textual proposals. This was the best way to progressively build a common understanding of the topics concerned, followed by a consensus. For this reason, the African Group had submitted proposals on several topics, most notably food security and public stockholding for food security purposes. The African Group remained convinced that actions in favour of the above-mentioned elements, as well as SSM, were needed in order to create positive momentum. To this end, the Group was open to Members' constructive contributions and had taken it upon themselves to work with the Cairns Group and with other Members that shared the same interest in finding solutions through these negotiations. On cotton, which was so important for the day-to-day lives, cotton farmers continued to keep a close eye on any concrete decisions taken at the WTO to resolve the issue of subsidies. Decades had passed and there had been very few positive decisions. This lack of progress in the cotton negotiations, coupled with the timid nature of development-oriented action in favour of cotton projects, was a real concern. The African Group commended the Director-General's efforts to think outside the box by proposing new partnerships to assist cotton-producing countries in Africa. Her efforts deserved to resonate more widely thanks to the engagement of Members willing to take the discussions forward.

4.113. The mandate given by Ministers in Paragraph 8 of the MC12 Decision on the TRIPS Agreement was clear. The text reached at MC12 was the result of a hard fought and delicate balance. The only question that remained was whether Members had the political will to take the necessary step of extending the Decision to cover therapeutics and diagnostics. Test-to-treat strategies were essential. This was particularly true in Africa where, due to vaccine nationalism, vaccination rates were low. Co-sponsors had spent three years providing evidence of intellectual property barriers. The inability of the WTO to deliver on issues of public health amplified the need for African countries to achieve health security by prioritizing local production and address concentration of production. The African Union Summit had issued a Decision on Africa's Industrialization and Economic Diversification. The Decision recalled the pharmaceutical manufacturing plan for Africa, reaffirmed Africa's support for the TRIPS Waiver proposal and called for extension of the WTO Ministerial Decision on the TRIPS Agreement to cover therapeutics and diagnostics. Fulfilment of the Paragraph 8 mandate remained a key priority for the Group. The African Group remained attentive to the matter of extending the MC12 Ministerial Decision to therapeutics and diagnostics. According to WHO reports, it had been proven that the control of COVID-19 relied on effective testing as well as on the treatment of the effects of the virus. Africa's low vaccination coverage however meant that the level of exposure was higher for their populations. The African Group therefore called upon all Members to join consensus to extend the TRIPS Decision to therapeutics and diagnostics without delay.

4.114. The African Group favoured a phased, inclusive and transparent approach to WTO Reform. The slogan "reform by doing" should not give rise to the implementation of new measures unless they were agreed by consensus. To ensure that all Members had an opportunity to participate in the discussions, it was vital that the scheduling of meetings be better coordinated so as to prevent

scheduling conflicts wherever possible as African delegations were small – forcing them to prioritize certain issues. The African Group appreciated the quality of the workshops organized by Ambassador Usha Dwarka-Canabady in her capacity as Facilitator, and the quality of Members' participation. It was vital that these discussions continued and that Members were able to find joint responses to the key issues in particular the acquisition and development of infrastructure, data processing and mobility, consumer protection, competition, services related to the development of e-commerce, taxation and customs duties. The Group was aware that reaching consensus would only be possible through open and constructive discussion. Together with other Members, the African Group would play its part in ensuring a balanced agreement that took into account the development needs of the continent. It was important that the principle of common but differentiated responsibility be understood, so as to ensure that the main contributors to the over-exploitation of fisheries resources effectively engaged in reducing the level of their subsidies.

4.115. The Chairperson noted that Members had had quite a robust debate with 48 interventions. Many of the interventions were to the point and not as long as before. More importantly, they were constructive. In this regard, she thanked Members for what she felt had been a good debate. She had listened carefully and thought Members were on a path where they could work constructively towards what they wanted to deliver. She was happy about that. The tone was changing. If Members kept in this direction, they may be able to get somewhere together and get deliverables.

4.116. Before closing the meeting, she recalled that she had mentioned about the business of trying to get more interaction with the business community and with civil society. At that time, Members thought they could get an advisory group. There had been much demand for this. Since there was no universal view on that, what she had decided to do was to have an advisory group to the Secretariat. Interactions with business and civil society had helped the Secretariat since she came to the WTO. The Secretariat was thinking through and forming these groups which would be representative of the Membership. She would share more information as the matter progressed.

4.117. She had also mentioned earlier that the Secretariat was trying to look at a Secretariat vision and strategy. This was something that needed to be done the same way that they did not have a gender policy in place. There were some things that were missing. The Secretariat did not have a strategy, a Strategy Unit and a vision. She did not know how one could run an organization without a vision of what was happening for the future and how one should staff-skill oneself to support Members if thought was not put to what trade was going to be like. She was not used to that. She found it anomalous, and would try to do something for the Secretariat. To do that, interaction with Members was needed as they were important. Ambassador Dacio Castillo (Honduras) had kindly agreed to help do this – to get together some focus groups that could interact and give their views on what that Secretariat strategy should be and the vision the Secretariat should be looking towards. She hoped to be able to leave something that could help guide the Secretariat moving forward to the future. On the part of the Secretariat, the Transformation Unit would lead this process.

4.118. The Trade Negotiations Committee took note of the Chair's statement and the statements of Participants.
