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## MINUTES OF THE MEETING

HELD IN THE CENTRE WILLIAM RAPPARD AND IN VIRTUAL FORMAT ON 25-26 JULY 2022

*Chairperson: H.E. Mr. Didier Chambovey (Switzerland)*

The Chair and the Director-General bade farewell to Ambassador Gloria Abraham Peralta (Costa Rica); Ambassador Harald Aspelund (Iceland); Ambassador Vesna Batistić Kos (Croatia); Ambassador Stephen de Boer (Canada); Ambassador Dagfinn Sørli (Norway) and Ambassador Elisabeth Tichy-Fisslberger (Austria) and expressed appreciation for their valuable contribution during their time as Permanent Representatives.

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<sup>1</sup> The proposed agenda was circulated in document WT/GC/W/853.

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## **1 REPORT BY THE CHAIR OF THE TRADE NEGOTIATIONS COMMITTEE AND REPORT BY THE DIRECTOR-GENERAL**

### **2 IMPLEMENTATION MATTERS FROM MC12 MANDATES**

2.1. The Chair said that, in the spirit of ensuring an efficient conduct of business, he proposed that the General Council took up Items 1 and 2 together and open the floor only once. In this context, he recalled the comprehensive discussion that had taken place at the HoDs on 7 July convened by the Director-General and him, with forty-eight delegations taking the floor. He therefore did not expect a long discussion under those Items that day. He invited delegations to intervene if they had something to add. He also noted that all statements<sup>2</sup> made on 7 July would be reflected in the Minutes of this General Council meeting, unless a delegation advised otherwise. In this regard, delegations that had not yet submitted their statements to the Secretariat were invited to do so as soon as possible.

2.2. The Director-General and Chair of the Trade Negotiations Committee delivered the following report<sup>3</sup>:

2.3. Let me first say a good morning to all of you and join the GC Chair in extending a warm welcome to new Permanent Representatives. It is literally a warm welcome. It is so warm in Geneva. I think the weather is cooperating in making sure you feel at home. You are arriving here at a significant moment in the WTO's history – only weeks after Members overcame years of deadlock and successfully delivered 10 multilateral outcomes at MC12. But I hope you have come prepared

<sup>2</sup> At their request, the statements on the 7 July Informal Heads of Delegation meeting provided by the following delegations: the statements made by Brazil; Botswana; Australia; Jamaica (ACP); Indonesia; Cabo Verde; Malaysia; Nicaragua; Cameroon (African Group); Switzerland; Singapore; China; Cambodia; Chile; Bangladesh; Mexico; Colombia; European Union; Ecuador; South Africa; Nepal; Barbados (CARICOM); Japan; India; Nigeria; Chinese Taipei; Russian Federation; Vanuatu (Pacific Group); Paraguay; Tunisia; Türkiye; El Salvador; Canada; The Philippines; Antigua and Barbuda (OECS); Peru; Zimbabwe; New Zealand; United States; Chad (LDCs); Costa Rica, Plurinational State of Bolivia; United Kingdom; Kazakhstan; Egypt; Uganda; Bolivarian Republic of Venezuela and Panama are included as part of the Minutes of this General Council meeting and can be found in the Annex of this document.

<sup>3</sup> The report was also circulated in JOB/GC/315.

for hard work. Far from resting on our laurels, we now have to implement the new agreements. And we need to build on the momentum from MC12 to find ways to deliver results in other areas, such as the longstanding agriculture reform mandate, WTO Reform and other areas of interest to Members.

2.4. Turning now to my report as TNC Chair and Director-General, since the May session of the General Council, I updated delegations at the Special GC in June before MC12 and then at the 7<sup>th</sup> of July Informal HODs that I convened together with the GC Chair. My reports from these meetings were circulated to delegations in documents JOB/GC/312 and JOB/TNC/104, respectively.

2.5. Since the HODs, I have continued my outreach to Leaders, Ministers and stakeholders. We have welcomed Leaders and Ministers at the WTO – H.E. Prime Minister José Ulisses Correia e Silva of Cabo Verde and H.E. Finance Minister Hồ Đức Phúc of Viet Nam – with their respective delegations. I likewise met Mr. Houlin Zhao, the Secretary General of the ITU and participated in a meeting of G20 Finance Ministers and Central Bank Governors. I also recently attended the Fourth Mid-Year Coordination Meeting of African Union leaders in Lusaka as an invited guest along with H.E. President Charles Michel, President of the European Council. I want to let you know that, at this meeting, President Michel profusely thanked the WTO for the outcomes of MC12 in front of the African Presidents. Together with Ambassador Adamu Abdulhamid (Nigeria), I also met with the Minister of State Industry, Trade and Investment in Nigeria to discuss follow-up on MC12 outcomes and next steps.

2.6. Excellencies, I can report that I continue to be heartened by expressions of support for the WTO for the work that the Ministers and yourselves did to achieve the outcomes at MC12. The reception at the African Union meeting was very warm. I would really like to express my thanks to the AU Ambassadors and to the Africa Coordination. H.E. Ambassador Salomon Eheth (Cameroon), I would ask you to convey back to the African Union our appreciation for the warm welcome for the WTO and the follow-up the Presidents and the African Union have promised to do on the outcomes of MC12. At the same time, delivering results last month has generated expectations for more in the future.

2.7. On fisheries subsidies, as I said at the Informal HODs, while adopting the new Agreement at MC12 is indeed an historic achievement, we cannot afford to sit back as the Agreement can begin delivering only once it is in force. The urgent situation of the oceans and our fisheries makes it imperative to get this done as soon as possible. This means that each Member has to take action in accordance with its own system to formally accept the Agreement and deposit its Instrument of Acceptance with the Secretariat, that is, with me as the WTO Depositary. To this end, the certified copies of the Agreement in all three languages were distributed to all Members last week. So, I ask you again today to rapidly examine and execute your domestic processes of acceptance. In many cases this will be a simple administrative procedure that can be done quickly, while in other cases it may be a bit more complicated, so starting right away is really important. And I know and appreciate very much that some of you have already begun this work. I was heartened in my own country to find that the Ministry has already made strong steps towards starting this process. The sooner we receive acceptances from the critical mass of two-thirds of Members, the sooner the Agreement will enter into force and start delivering its benefits to Members and to our oceans. We normally take quite a long time to ratify agreements here, but I am hoping that, in this case, given the urgency of the situation, we should target months not years to get this done. Of course, the Secretariat stands ready to provide advice and technical assistance on this, as needed. And for technical assistance and capacity building, we also are working hard to set up the Fisheries Funding Mechanism. We are engaging with the CBFA on next steps. DDG Ellard has also been briefing the CBFA on this issue.

2.8. Leaders and Ministers have likewise recognized the importance of the TRIPS Decision. In particular, in Lusaka I heard the priority being placed by the African Union on extending the waiver compromise to diagnostics and therapeutics as COVID-19 continues to spread across the continent and the world. I understand that this issue will be taken up under Items 2 and 6 of this GC meeting and I look forward to the discussions. For my part, I would like to encourage delegations to work expeditiously towards a mutually agreeable solution.

2.9. Food security remains a vital issue and the WTO has been praised for the MC12 Declaration and the World Food Programme Decision. In this regard, I want to refer you to the 15 July Joint Statement on the Global Food Security Crisis by the Heads of the FAO, IMF, World Bank Group, WFP, and WTO in which we highlighted the need for short-term and long-term actions in four areas:

(i) providing immediate support to the vulnerable, (ii) facilitating trade and international supply of food, (iii) boosting production and (iv) investing in climate-resilient agriculture. We have just witnessed the recent signing of an agreement to send Ukrainian grain through the Black Sea. We were heartened by this agreement and hope that it will work especially for the 378 million people going hungry in the world. We also look forward to this agreement facilitating trade in fertilizers and other inputs. We are strongly keeping our fingers crossed that this hopeful sign that we see will manifest itself in practical terms. I call on all Members to work together to ensure that the WTO continues to effectively contribute to addressing the current food crisis – including by implementing the MC12 Declaration on Emergency Response to Food Insecurity and the MC12 Decision on the World Food Programme. I hope our monitoring and transparency efforts can help Members keep to the agreements and the decisions that they have made.

2.10. We need to use this support and momentum by continuing our efforts to revitalize and reinvigorate all of the WTO's core functions – so that we can remain fit for purpose in a changing global economy, and continue to deliver more for people around the world. I understand that the GC Chair will say more in his statement about the way forward on the MC12 mandate on WTO reform.

2.11. At this stage, I simply want to reiterate the need to develop common understandings about what reform is, build on that and act with a sense of urgency – including in resolving the Appellate Body issue – a matter that many Leaders have raised. At this juncture, I want to express thanks to the United States for the outreach its doing at the technical level on this particular issue. Let us not forget that an organization that is "fit for purpose" is one that is responsive to its Members in addressing the most pressing issues.

2.12. The final area I want to touch upon is agriculture. As you all know, Members could not agree on the draft text proposed by the CoA SS Chair. Also, we could not make head way with the revised text which we sent on for Ministers to consider at MC12. New thinking, as we said at the last Informal HODs, is therefore required to break the stalemate in these negotiations which commenced in 2000. In this regard, if you recall, I had proposed the idea of a retreat after the summer break. I hope that we will go forward to organize this retreat because it looks like it has the support of many Members. We hope this will help to catalyse new ideas and new thinking. We also understand that the Cairns Group will be organizing its own retreat. We want to thank them. This will also help them catalyse new approaches and new ways of trying to do business in agriculture. It will be most welcome. We will be announcing the time for the other retreat in due course once we have had a good discussion with the GC Chair and with other Members.

2.13. At this point, with your indulgence Chair, let me invite Ambassador Peralta – CoA SS Chair to say a few words on the recent CoA SS meeting and also provide her reflections as outgoing Chair.

2.14. Ambassador Gloria Abraham Peralta (Costa Rica), Chair of the Committee on Agriculture in Special Session, delivered the following report<sup>4</sup>:

2.15. As many of you are aware, today is my last General Council meeting. Therefore, I would like to make a brief report on the last CoA SS meeting and share with you some reflections on the way forward.

2.16. The CoA SS meeting took place last Thursday, 21 July. As it was the first meeting since MC12 and also my last as the Chair, its main purpose was to report on MC12 and discuss the way forward. My full report to the CoA SS will be circulated to all Members shortly.

2.17. Many Members acknowledged the success of MC12. It demonstrated WTO's ability to deliver results for people across the world, including with the adoption of an historic agreement on fisheries subsidies. In the area of agriculture, it also showed that Members are able to adopt timely responses to current challenges, by adopting the Declaration on the Emergency Response to Food Insecurity and the Decision on WFP Food Purchases Exemption from Export Prohibitions or Restrictions.

2.18. At the same time, while we rightly celebrate the outcome of MC12, many Members regretted that the Conference did not deliver on the agriculture negotiations. Unfortunately, the remaining

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<sup>4</sup> The report of the CoA SS Chair can be found in Annex 1 of document JOB/GC/315.

gaps on several critical issues could not be narrowed in time. As a result, there is still considerable work to be done in the agriculture negotiations, which started more than 20 years ago, to further reform agricultural trade.

2.19. The positions and priorities expressed regarding the substance remained the same, which was to be expected only one month after the Ministerial Conference. In the interests of time, I will not repeat them here as you are all familiar with them. Nevertheless, many Members who spoke called for new approaches, new ways of thinking and new ways of negotiating. They also stressed the need for a change in the dynamics of the negotiations and a common negotiating objective.

2.20. In short, there seems to be a broad understanding that the way of negotiating needs to change, while maintaining the crucial principles of inclusiveness and transparency. In addition, the way in which negotiations resume in the coming months would be important, as it will set in motion the trajectory of negotiations towards the next Ministerial Conference.

2.21. In this context I would like to provide some reflections on post-MC12 work that could guide future work if Members consider them helpful:

- a. Evidence-based negotiations remain crucial to building trust and taking informed decisions: Therefore, as much as possible, more accurate and timely information should be submitted to the Secretariat, whether as notifications or as responses to the questionnaires, taking into account the different capacities of Members. In this respect, I support initiatives such as the Domestic Support tool put forward by Canada and other Members. Organizing events with outside speakers on issues of relevance can also be useful.
- b. Do not throw out the champagne with the cork: Do not throw away the good work done, but instead build on it going forward. There is a goldmine of ideas that has been put forward which could be of use to Members as they seek to make progress.
- c. Focus on the big picture: The big picture includes old and new challenges such as food security and climate change, therefore also changing policy objectives and policies. There are different trade-offs that may have to be made, notably for the limited use of natural and financial resources. Focusing on one concept or policy tool only will make us miss the big picture. One member suggested a helpful question to ask: *if the AoA was being written today what should it look like?* I think this is a perfect question to reflect on during the summer holidays. And finally,
- d. Find and use different ways to brainstorm and work with each other: In this respect, I support the idea of a retreat to brainstorm ideas and consider the different issues under negotiations from new angles. But it should also look at our negotiating processes; what works, what does not work, and why; and what other avenues could be explored.

2.22. But the words will not suffice. As the very *à propos* Nigerian proverb goes: "Fine words do not produce food." I agree - we need more actions and less words.

2.23. This proverb provides me with a perfect transition to my concluding part. As it is my last meeting, I would like to conclude by thanking you, the DG for your leadership and actions that were crucial for the agricultural outcome at MC12. I would also like to thank all Members for their work and support over the past two years. These two years been very enriching and rewarding. I am very pleased with the results of MC12 and confident that Members will be able to deliver an agricultural outcome soon.

2.24. I would like to acknowledge the hard work of the Secretariat team. I appreciate their support so much. And last but not least, my gratitude goes to my mission team, who have worked twice as hard to enable me to fulfil my commitment to the CoA SS process. Thank you all.

2.25. The Director-General and Chair of the Trade Negotiations Committee continued her report<sup>5</sup>:

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<sup>5</sup> The report was circulated in document JOB/GC/315.

2.26. Thank you, Gloria. Let me again commend you for your excellent work and contributions and wish you Godspeed. I am sure it is not "au revoir" but "à bientôt". As you have said, we need to find a dynamic way forward so that we can start a culture of delivering results. I totally support you in your plea not to throw away the champagne with the cork. People have been waiting for more than two decades, as you noted, for this Organization to deliver on agriculture. If we put our minds to it, we can deliver. And we will deliver.

2.27. In line with the Rules of Procedure, I understand that the GC Chair will take up the matter of the Appointment of the next CoA SS Chair. In this regard, I would urge all Members to participate constructively in the process. If Members are serious about delivering on agriculture, your first test, at least for me, is how quickly you can agree on a Chair. I hope you will demonstrate seriousness about taking this issue forward by helping the GC Chair to come to a quick conclusion on this so we can move forward.

2.28. Now, before I end, I would like to make two announcements. First, as you know, we will be having the Global Review on Aid for Trade later this week from 27 to 29 July. The theme for this year's Global Review, the 8<sup>th</sup> held since 2007, is "Empowering Connected, Sustainable Trade". These four words run through the 53 sessions that begin already today with a pre-event programme looking at trade policy and gender equality this lunchtime.

2.29. This topic of women's economic empowerment runs directly through several other sessions and I expect will be touched on in many others. The reports that we will launch on Wednesday also paint an encouraging picture on how women's empowerment is being taken forward in Aid-for-Trade programming.

2.30. This is one of the insights from the joint OECD-WTO monitoring and evaluation exercise that I will be presenting in publications launched by the WTO and OECD on Wednesday morning. These reports will look at how COVID-19 has changed the needs of developing countries and least-developing countries. They also examine where the more than USD 556 billion disbursed in Aft support since the initiative started in 2006 has been spent. It will look at gaps and areas where we could be doing more – like digital connectivity, sustainability and more.

2.31. The Global Review is an important opportunity to deepen the discussion of how to take implementation forward of areas where we delivered outcomes at MC12, like fisheries subsidies. And areas we know that we will have to address like climate change. What we are going through now with respect to climate change should be a serious eye opener for us all and we should all be putting our minds as to how trade can be part of the solution to this problem – which I am convinced it can. I look forward to your participation this week and to working with you on empowering connected and sustainable trade.

2.32. Second, once we return from the summer break, the WTO will again be organizing the Public Forum from 27-30 September. The theme this time is, "Towards a sustainable and inclusive recovery: ambition to action". Many topics will be taken up such as leveraging technology for an inclusive recovery, delivering a trade agenda for a sustainable future and framing the future of trade. Many Members have proposed and will be running interesting sessions at the Public Forum. I want to thank you for your enthusiasm and your participation in this. I invite everyone to mark this Public Forum on their calendar. You are going to see some interesting and different things at the forum – a little bit different from what we used to do before. So, I would really like all of you to actively participate in the discussions.

2.33. The Chair delivered the following report<sup>6</sup>:

2.34. I will now deliver my own statement under Item 2 – Implementation Matters from MC12 Mandates. I see this as a forward-looking item. We had a rich MC12 follow-up and stock-taking discussion at the recent Informal HoDs meeting on 7 July. The onus is now on us to continue the good work, build on the success of MC12 and ensure that we implement the Ministerial mandates.

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<sup>6</sup> This report was circulated in JOB/GC/316.

2.35. Let me also note that, under Item 3 of today's agenda, we will follow up on the implementation of previous Ministerial Decisions – i.e., the Bali, Nairobi and Buenos Aires – some of this follow-up is also flowing from MC12.

2.36. As I had mentioned in my report on 7 July in JOB/GC/314, we have a long to-do list ahead of us. In this regard, I would like to refer you once again to the useful Secretariat-prepared table, contained in RD/WTO/13. Let me stress that the content of the table is without prejudice to Members' views and positions, and it does not interpret any of the MC12 mandates.

2.37. I wish to positively note that work is continuing following MC12. Some WTO bodies have already met and possible follow-up and implementation work on MC12 mandates for the second half of this calendar year have been discussed, including in the Committee on Agriculture, the SPS Committee, the TRIPS Council and the Council for Trade in Goods – to name a few. This is encouraging, and I take this opportunity to thank the Chairs for their efforts and hard work in helping Members ensure the effective implementation of MC12 mandates. We should do what it takes to sustain the momentum.

2.38. I therefore would like to encourage relevant WTO bodies to establish work plans based on MC12 mandates that could serve as yet another useful tool in our implementation pursuit.

2.39. Looking beyond the summer break, I intend to hold consultations on a range of matters, including: (i) WTO reform; (ii) e-commerce work programme and moratorium; and (iii) the venue and date of MC13. That said, there will be also other matters on which I will undertake consultations, including vacant chairmanships.

2.40. Let me say a few words on the WTO reform mandate contained in paragraphs 3 and 4 of the MC12 Outcome Document. Paragraph 3 contains the "launching pad" for Member-driven, open, transparent and inclusive reform discussions. It also stipulates that the General Council and its subsidiary bodies conduct the work, review progress, and consider decisions, as appropriate, to be submitted to the next Ministerial Conference. As you know, there is a footnote clarifying that this does not prevent groupings of WTO Members from meeting to discuss relevant matters or making submissions for consideration by the General Council or its subsidiary bodies. In paragraph 4, Ministers specifically acknowledged the challenges and concerns with respect to the dispute settlement system, including those related to the Appellate Body. Ministers recognized the importance and urgency of addressing those challenges and concerns and committed to conduct discussions with the view to having a fully and well-functioning dispute settlement system accessible to all Members by 2024.

2.41. In terms of organizing our work, I recalled on 7 July that there are already submissions referring to WTO reform, and some specific proposals in some areas, that were tabled to the General Council and its subsidiary bodies by Members or groups of Members before MC12. I would like to invite Members to reflect, including during the Summer break on how to organize this work when we resume – in light of the current mandate. This is precisely what I will be looking for in my consultations in September.

2.42. Let me say a few words on the e-commerce work programme and moratorium. As I mentioned at the 7 July HoDs meeting, Members need to engage intensively on this matter, in line with the MC12 mandate. In that respect, it is worth noting that discussions have already begun particularly at the recently held meetings of the Council for Trade in Goods (CTG) and the Committee on Trade and Development (CTD). You will recall that the MC12 Decision called for the reinvigoration of the Work Programme particularly in line with its development dimension. It is therefore encouraging that discussions were held at the CTD and that there was a general recognition of the need to address the digital divide. It is also worth noting that one of the main themes of the upcoming Aid for Trade review this week is digital connectivity. With respect to work in other bodies, it is my understanding that the Council for Trade in Services (CTS) will continue its discussions and work towards developing a work plan on the implementation of the MC12 mandate. I count on all Members to actively engage on this matter. I intend to consult after the summer break, including on how best to organize our work to ensure complementarity between the work of the respective bodies and that of the General Council.

2.43. Concerning the venue and date of the Thirteenth Ministerial Conference, I wish to recall that the Republic of Cameroon and the United Arab Emirates have both offered to host the next Ministerial Conference. As for the possible timing of MC13, Ministers gave us an indication. I will therefore consult on these matters on a priority basis after the summer break. The sooner we are in a position to take a decision, the better. This would: (i) afford sufficient time for the prospective host to prepare, and (ii) help Members manage the implementation of MC12 outcomes in an effective and result-oriented manner.

2.44. Also on an implementation matter from MC12 mandates, and as part of the WTO's response to the COVID-19 pandemic, Ministers adopted a Ministerial Decision on the TRIPS Agreement (WT/MIN(22)/30). This decision aims to improve the capacity of developing country Members to produce and supply COVID-19 vaccines to other eligible Members. In paragraph 8 of that instrument, it was agreed that within 6 months of the Decision, Members would decide on its extension to also cover the production and supply of COVID-19 diagnostics and therapeutics. In this context, I understand that the TRIPS Council has already begun discussions under this mandate at its formal meeting on 6 July 2022, and that the Chair of the Council for TRIPS, Ambassador Gberie, has invited Members for an additional informal open-ended meeting to continue work on this topic in September. Let me note that we have an item on this issue on today's agenda (Item 6) - entitled "Paragraph 8 of the Ministerial Decision on the TRIPS Agreement", as requested by the proponents of IP/C/W/669/Rev.1.

2.45. Before opening the floor, let me also recall that, in my report on 7 July, I highlighted several suggestions from Members related to the scope for improvement to better prepare and conduct future Ministerial Conferences. Lessons learned, so to speak. If any delegation has any further suggestions in this regard, my door remains open.

2.46. Without a doubt, we are looking at a very busy second half of the year. In preparation, I encourage group coordinators and delegations to already start thinking about these matters. As General Council Chair, I continue to stand ready to help Members carry the work of this Organization forward, and I propose we take stock again at the next regular meeting of the General Council in October.

2.47. With this, I open the floor under Items 1 and 2. I understand that the Chair of the Council for TRIPS wishes to make a statement under this item, so I will give the floor first to H.E. Ambassador Gberie.

2.48. H.E. Ambassador Lansana Gberie (Sierra Leone), Chair of the TRIPS Council delivered the following statement:

2.49. Under this item on "Implementation Matters from MC12 Mandates", I wanted to briefly report under my own responsibility, how the TRIPS Council has been following-up on relevant Ministerial instructions from MC12.

2.50. Let me focus on arguably the most important Decision within the framework of the TRIPS Council: the Ministerial Decision on the TRIPS Agreement (WT/MIN(22)/30). You may recall that this was one of the very last Decisions made by the MC12, so fraught were the negotiations leading to it. This Decision is a tailored and targeted outcome that helps Members to work together to build up and diversify vaccine production capacity, and to provide a streamlined avenue of exporting this production to countries in need, directly or through international humanitarian programmes.

2.51. Chair, as you mentioned, at a formal TRIPS Council meeting on 6 July 2022, Members began their discussion of paragraph 8 of the Ministerial Decision on the TRIPS Agreement, which provides that: "No later than six months from the date of this Decision, Members will decide on its extension to cover the production and supply of COVID-19 diagnostics and therapeutics". The purpose of the meeting we held was to share ideas on how best to approach this matter to conclude it within the timeframe mandated by the Ministerial Decision, which is no later than 17 December 2022.

2.52. In the lively discussion, most Members who took the floor emphasized strongly that the negotiation process on this question should be conducted in an open, transparent and inclusive manner, and that all Members needed to be heard on the development of any outcome. Many



Members reiterated that equitable access to therapeutics and diagnostics is critical to helping detect new COVID-19 cases and new variants, emphasizing the urgency of this extension.

2.53. As regards the process going forward, in a room document distributed just before the meeting began, the TRIPS waiver proposal co-sponsors suggested an indicative schedule for intensive meetings in the coming weeks and months, including meetings still during July and proposed a report to the General Council at its present meeting. Other Members indicated that domestic consultations with relevant stakeholders were still ongoing, and that additional time was needed for factual market analysis regarding diagnostics and therapeutics, and to obtain appropriate negotiating mandates, before they could engage substantively. A number of Members also saw no necessity or procedural basis for a formal report to the General Council at this point.

2.54. Those Members made clear that they would be ready to engage in a more focused and constructive manner after the summer break. Some of those Members also flagged the importance of evidence-based negotiation. You may recall from the negotiations leading to and during MC12 that certain Members said they did not yet have a mandate to consider covering diagnostics and therapeutics, and that they would need time for discussions in their domestic arena to obtain such a mandate.

2.55. The only important point of convergence during the discussions was that the process leading towards a Decision on this matter must be open, inclusive and transparent and should allow all Members to be heard. As is customary, the TRIPS Council had a small group preparatory meeting a few days prior to the formal meeting. Some delegates expressed their displeasure at that meeting about what they described as a lack of transparency and inclusiveness.

2.56. I underscored in my concluding remarks on the matter that it is important that meaningful discussions take place as soon as all delegations are ready to engage on the substance of this issue, which suggested a resumption of discussions after the summer break. I also, recalling the importance of bilateral and small stakeholder engagements during the past negotiations, urged delegations that are ready to engage to start discussions in such settings to explore options, while others complete their consultations to engage constructively. I encouraged Members to individually report any progress at this General Council meeting.

2.57. In order to take stock of such engagement, and to continue the discussion in an open, transparent and inclusive setting, I have invited delegations to an informal open-ended meeting of the TRIPS Council on 16 September 2022. I am hopeful that, by that time, all Members will be ready to engage in meaningful discussions, including on how the TRIPS Council should approach its work and complete its task no later than 17 December 2022.

2.58. Regarding other relevant follow-up from MC12, the TRIPS Council noted paragraph 24 of the Ministerial Declaration on the WTO Response to the COVID-19 Pandemic and Preparedness for Future Pandemics (WT/MIN(22)/31). As instructed therein, the TRIPS Council will continue its exchanges on COVID-19-related experiences in the field of IP as it has done since June 2020, and would welcome any proposals that Members may make in this regard.

2.59. Furthermore, as instructed by the Decision on TRIPS Non-Violation and Situation Complaints (WT/MIN(22)/26) – the TRIPS Council continues its examination of the scope and modalities for such complaints under the TRIPS Agreement with a view to making recommendations to MC13.

2.60. Finally, as Ministers further extended the Work Programme on Electronic Commerce (WT/MIN(22)/32) – which includes instructions for the TRIPS Council – I reminded Members of the TRIPS Council's mandate in this regard and foreshadowed relevant reports to be submitted for periodic reviews by the General Council.

2.61. Chair, I understand that there is an Item focused on the TRIPS Council, my sympathy is obviously not neutral but as Chair of the TRIPS Council, I will allow the discussions to go on and we will take this matter on 16 September 2022 in an informal open-ended setting. This concludes my intervention under this item.

2.62. The Chair reminded delegations that a comprehensive discussion had already taken place on 7 July and that the statements of that meeting would be reflected in the Minutes of the regular

General Council meeting, unless otherwise advised by any delegation. He invited delegations to take the floor if they had something to add.

2.63. The representative of Norway delivered the following statement:

2.64. Since we did not take the floor in the special meeting on 7 July, I would like to make the following statement – trying to be "forward looking" as requested by you, Chair. First of all, Norway would like to join others in the celebration of the positive results achieved at MC12. The agreement reached on fisheries subsidies is an achievement of tremendous significance – for global marine resources, and most importantly for the people depending on those resources – in this generation as well as future generations. Our first task is to make sure that the agreement can enter into force as soon as possible. We should all give the highest priority to initiate and complete the necessary procedures at the national level. I would make a specific call to those Members who are not fisheries nations and therefore may not feel the urgency as others do: Please do not wait to deposit your instrument of acceptance, because we need everyone onboard. Then, we are all aware that the job is not finished and that we need to fulfill all parts of the mandate in SDG 14.6. We need to develop and agree on efficient disciplines on subsidies that contribute to overcapacity and overfishing. We need to start this work immediately after the summer break. Years of negotiations have shown that we are not able to agree on clear-cut, absolute prohibitions of the most harmful subsidies. MC12 showed us that some developing Members cannot accept clear exceptions for small fishing nations. On this background, we suggest that we, this fall, concentrate on redrafting former paragraph 5.1.1, so that on the one hand the demonstration of the effects of measures does not create a loophole for some, while at the same time makes 5.1.1. accessible to all.

2.65. Another priority issue for Norway in the follow-up of MC12 is WTO reform. Restoring the dispute settlement system is fundamental, and we welcome the informal conversations that have been initiated recently. At some point, however, we need to complement this conversation with a more formalized process. We have, after all, committed to "having a fully and well-functioning dispute settlement system accessible to all Members by 2024". We also need to improve the WTO's monitoring and deliberative functions, including enhancing transparency and improving the work of WTO committees. This work has already been going on for some time, including through the initiative under agenda item 8 of today's meeting. We want the WTO to function efficiently in its daily work. We want to give Members the opportunity to have those substantial and interactive discussions that can lead to a common understanding of the benefits and costs of trade and trade-related reforms. Furthermore, we need to change and strengthen the WTO's negotiating function so that we together can respond to the economic and trade realities of the 21<sup>st</sup> century. As others have pointed out, if deals cannot be made within the WTO, they will be made somewhere else. This will inevitably result in some Members falling outside of the deals being made, and the universal character of the rules-based system will be lost. Finally, how to operationalize special and differential treatment is among the key questions related to future negotiations. The principle of S&DT is firmly embedded in the WTO rulebook. Norway, for one, does not put this into question. There is, however, not one single pre-defined operational S&DT modality that can be applied horizontally to every subject under negotiation. S&DT modalities must be negotiated, but they cannot be negotiated in the abstract. They must be negotiated in a specific context. Special and differential treatment is about finding practical and pragmatic solutions to specific development challenges.

2.66. Chair, "The end is near" – both for this statement, as well as my term in Geneva. It has been a privilege to represent my country and to work with so many competent and dedicated people from all over the world. A special thank you to you, Director-General, for your energy and your compassion, your broad perspective on the role of this Organization and on the role of trade as an engine for social and economic development. Thank you also for your kind words this morning. I would also like to thank our four DDGs for your contributions and your willingness to serve this Organization and us as Members. I would like to thank the Secretariat staff for all its efforts. Since I have had the honor to serve as Chair of two committees, I would like to thank the teams that supported me in those roles – in the CBFA and the TRIPS Council. Your professionalism, your dedication and your loyalty deserve our most sincere respect and gratitude. Thank you also to my team of colleagues at the Mission of Norway for all your support and hard work. Finally – to my colleagues - permanent representatives and delegates. We may disagree profoundly when discussing a specific file on the table, but we – or at least most of us – are still united in our belief in a higher, common purpose. This house is full of friends of the system and dedicated supporters of the rules-based, multilateral trading system. This makes me full of hope that the end is not near, but rather that a new dawn is in the coming. To those of you leaving, and to those of you staying, thank you

for your support, your cooperation, and your friendship, and all the best of luck in your future endeavors. I will continue working on trade policy, so before you know it, I will be back.

2.67. The representative of Cameroon, on behalf of the African Group, delivered the following statement:

2.68. The African Group would like to, once again, commend the efforts of all that led to the success of the Twelfth Ministerial Conference. We wish to underline the commendable commitment and efforts of the Director-General who spared no time and energy to facilitate understanding and agreement among Members. The African Group welcomes the exemplary contribution of yourself, Chair, and all Members. It is also important to learn lessons and move forward on the outstanding issues. We therefore thank the Director-General for her report and take note of the elements contained therein. We shall examine it and possibly suggest ways of facilitating the formal sessions of the Trade Negotiations Committee, to advance long overdue negotiations on topics of importance to our Group such as Development and Agriculture. The Group thanks the Secretariat for the preparation and circulation of document RD/WTO/13 which compiles the outcomes of the MC12 outcomes, identifying the issues that require action and the bodies that could follow up. This illustrative table makes our task easy and would deserve to be supplemented with some elements that Members would consider important, if necessary. Indeed, it should be emphasized that this table could be seen as the new compass for our work and priorities as well as for our mandate. However, it is important to note that the MC12 outcomes did not extinguish the pre-existing mandates, such as the one relating to a permanent solution on public stockholding for food security purposes. Hence, we need to keep an open mind and do our best to move forward on all issues of interest. To this end, the African Group will, as usual, make its determined contribution to the success of our work in all areas, including agriculture, development, intellectual property, SPS, and e-commerce. Subsequently, we call on all Members to work together constructively to forge a mutually beneficial future.

2.69. The representative of Brazil delivered the following statement:

2.70. Thank you, Chair, for the document RD/WTO/13 containing issues to be tackled from the outcomes we reached at MC12. Brazil sees the document as a contribution to our collective reflection, not as a guiding tool or a precise roadmap. The priorities for our post-MC12 work, as far as Brazil is concerned, are in the longstanding issue on which we did not manage to reach an agreement at MC12 – agriculture, and in another issue on which we did reach a consensus in the Outcome Document – WTO reform. Let me stress three brief points I have raised a few days ago. First, it is time for the WTO to look beyond old controversies, old issues and old concepts that can no longer lead to consensus. Post-MC12 is an opportunity to tackle how international trade can truly contribute to issues such as development, food security and sustainability. Second, the lack of a specific outcome on agriculture at MC12 is a result in itself – it marks the end of a cycle and the beginning of a new stage for agriculture negotiations. The old negotiating architecture and the old concepts inherited from the Doha Round do not serve anymore as the guiding principles for MC13. The only point of consensus we have in agriculture is Article 20 of the AoA – and that is the only mandate we all need to stick to for a fresh start. We must take advantage of this clean slate in agriculture to reflect on the necessary conceptual modernization of the agricultural negotiations. This conceptual modernization will comprehend, among other things, an assessment of how the two main topics of the agricultural negotiations – domestic support, including PSH, and market access – will be dealt with under new parameters. Third, on reform, we need to discuss how negotiations can effectively deliver, including through new and flexible multilateral avenues. We also have committed to conduct discussions with a view to having a full and well-functioning dispute settlement system accessible to all Members by 2024. Brazil has presented a proposal on annual Ministerials, as a way to, among others, increase the effectiveness and responsiveness of the WTO. The key word we use is to "de-dramatize" Ministerials. This is a decision we should take as soon as possible at the General Council. This notwithstanding, for some issues, we see value in the content provided in the document, such as fisheries subsidies. We have achieved an important, remarkable outcome, but we still have work to do in the areas of overcapacity and overfishing. It is of the utmost importance that Members engage constructively in negotiations to improve the Agreement, particularly in these issues. Brazil is ready to resume our work and contribute to build the necessary consensus towards MC13.

2.71. The representative of Colombia delivered the following statement:

2.72. We would like to draw Members' attention to the recent joint declaration by several Latin American countries at the UN Ocean Conference in Lisbon. In it, Argentina, Brazil, Costa Rica, Guatemala, Peru, Uruguay and my country, Colombia, committed to the prompt ratification of the Agreement on Fisheries Subsidies and to the prompt implementation of its provisions, even before the Agreement enters into force. Taking into account the sustainability criterion that guides this Agreement, we believe that time is against us, so we must redouble our efforts to bring the Agreement into force as quickly as possible and begin to adapt and implement its provisions at the national level as soon as possible. On our side, we want to report that we have already initiated the procedures for ratification of the Agreement in our Congress and our Constitutional Court, and we have already started the regulatory preparations to adopt it, properly implement it and bring our subsidy programmes into line with the new rules. We encourage all Members to rally behind this initiative and to do likewise in their respective jurisdictions. It is now our duty. In the written version of this statement, which we will send to the Secretariat, we will include the full text of the joint declaration issued in Lisbon in the framework of the above-mentioned Conference.<sup>7</sup> Let me conclude by thanking the Chair and the Secretariat for the summary paper on matters pertaining to the implementation of the decisions of the Ministerial Conference. It is a very useful document. We must build on the momentum and maintain the vigour with which Members acted at the Ministerial Conference and for which they are to be congratulated.

2.73. The representative of Malaysia delivered the following statement:

2.74. On agenda item 2, Malaysia wishes to register our appreciation, once again, to Madam Director-General, and you Chair for the successful MC12 outcomes. Both of you have steered WTO towards achieving tangible outcomes. This shows that the WTO is still relevant to govern the international trading system today. Malaysia was actively engaged in the negotiations and supportive of the constructive role of Members in achieving the landmark agreement on fisheries subsidies, WTO response to the pandemic, food security, e-commerce moratorium, and the mandate for the work on WTO reform. Allow me to briefly touch on some of these outcomes. On fisheries subsidies, we welcome further guidance from the Director-General, and the Chair of the Negotiating Group on Fisheries Subsidies, Ambassador Wills on the clearer process and way forward. On WTO reform, our Ministers have agreed to launch the WTO reform process with the aim to achieve results by MC13. In this regard, Malaysia's priority is to restore the two-tier dispute settlement system. We are confident that we can achieve this by MC13, provided that all Members are willing to show pragmatism in our future engagements. On the WTO response to the pandemic, we support the implementation of the efforts and continue combatting the pandemic. We should not be complacent and must continue to strengthen the multilateral cooperation in ensuring an inclusive response is accorded to all Members. On a final note, we will continue to support consensus on the plans for MC13. With the MC12 mandate, we call for all Members to work together and contribute constructively to supporting the multilateral trading system which must be equipped to deal with evolving 21st century challenges.

2.75. The representative of Guatemala delivered the following statement:

2.76. On fisheries subsidies, Guatemala would like to congratulate the membership, the Secretariat, and especially Ambassador Wills, for meeting our goal of adopting the Agreement on Fisheries Subsidies. This is an outcome that took more than 20 years to achieve, but we can finally say that we have achieved it. Guatemala would like to emphasize that, in its view, the area of illegal, unreported and unregulated fishing is largely covered and, despite containing a transitional period, it does not affect the agreement's impact. Furthermore, Guatemala would like to express its satisfaction with respect to the full and unconditional prohibition on granting subsidies to fishing in the open seas, in other words, outside the jurisdiction of a coastal State or the areas of competence of any RFMO. We consider these types of subsidies to be some of the most harmful as they lack control and have contributed to the reduction of marine species worldwide. It is our belief that the most important step now is to speed up the approval process at the national level to bring the agreement into force, and we look forward to hearing more about progress in this process. We are aware that there is still some way to go, and that Article 12 of the Agreement encourages us to continue negotiations with a view to obtaining a broader agreement, which is why we are committed to continuing to participate actively in these negotiations to achieve this objective.

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<sup>7</sup> At the request of the delegation of Colombia, the full text of this joint declaration can be found in Annex 2 of this document.

2.77. On Agriculture negotiations, first of all, let me thank Ambassador Gloria Abraham for her report on the last meeting of the Committee on Agriculture in Special Session (CoA SS) as Chair of the Negotiating Group on Agriculture. I would like to acknowledge her leadership and commitment to building bridges on the issues during her term in office. Her professionalism, patience, partiality, good humour and openness to dialogue is something that has characterized and been key in this process. On behalf of the Government of Guatemala, we would like to thank her for her efforts as the first woman to serve as Chair of the Special Session on Agriculture and from the Central American region, leaving a legacy for new generations. The agriculture negotiations are among the most difficult within this Organization, which is not an easy task. Guatemala recognizes her efforts to try to ensure that the discussions are conducted with a level of detail and having obtained agreements on food insecurity during the 12<sup>th</sup> Ministerial Conference. With regard to the agriculture negotiations, it must be stressed that much work remains to be done, and this work must be undertaken by us, the Members, in the quest to move forward and on how to move forward. It is important to relaunch the agricultural negotiations and to reflect on the structure and processes, with the aim of achieving the long-awaited agricultural reform, in particular for the domestic support pillar. We draw attention to the fact that the levels of distortion in agricultural trade continue to grow and this is worrying. The food crisis we are facing, and which, according to reports, will worsen in the coming year, leaves us with a great responsibility to seek fair and equitable trade for agricultural producers, particularly in developing Members and small vulnerable economies. Our biggest mandate is the Agreement on Agriculture, in Article 20 of the reform process, where we have all committed from the outset to reform agricultural trade, without exception. Guatemala is therefore willing to continue working constructively in the negotiations in order to move the negotiation process forward.

2.78. The representative of Australia delivered the following statement:

2.79. We would like to make particular mention of Ambassador Nella of Samoa. We are welcoming a new colleague and a new mission. This is an extremely important step for the Pacific Group especially when that region is having a growing influence on this Organization. Samoa has been a long-standing WTO Member and now has a presence here. Our priorities and our focus going forward must be on rebuilding the authority of the rules of this house, that includes building convergence on the restoration of the appellate review function. Dispute settlement must be returned to full health, and we will support any process you choose to implement, Chair, to build convergence on that issue. On the rulemaking front, on agriculture, MC12 taught us that fundamental change is required on our approach to that issue. The Cairns Group is ready to contribute. We are holding a retreat internally on 16-17 September. We are keen to work with others, and are inviting all Members to come and engage. We have a session for partners – so if Members want to work with us to rethink Agriculture please take that opportunity. The outgoing CoA SS Chair said we need to keep our eyes on the big picture. We agree. In terms of net zero emissions goals, we simply would not get there with USD 800 billion in agriculture support pouring into the sector each year. On fisheries subsidies, I agree with the Director-General, the Chair, Norway and others who said that we need to ratify these certified texts as soon as possible and to make it enter into force earlier than with other agreements. No other process is needed – just domestic ratification. On Brazil's new proposal on annual WTO Ministerial Conferences, we too have a strong interest in de-dramatizing these conferences in the future. MC12 was extremely successful but was a tumultuous experience. We need careful consideration of our approach to these Ministerial meetings. As Brazil said, this is the end of a cycle in several respects and is connected to our rethinking on rulemaking. We want to ensure we do not overload expectations for these meetings and ensure they are genuinely de-dramatized. We will think carefully about Brazil's proposal with those objectives in mind.

2.80. The representative of Türkiye delivered the following statement:

2.81. As we indicated at the Informal HODs meeting on 7 July, we are very content to have been able to secure a paragraph on WTO reform in the MC12 Outcome Document, which we see as indispensable. It is indeed vital to have a well-functioning international trading system under the WTO. This is not only because of the ambivalence in international trade due to post-pandemic recovery, war in Ukraine and related geopolitical conditions but also because of the need to catch up with the new ways of doing trade. Thus, we need to launch an inclusive and balanced reform process with clear objectives and concrete work plans as a matter of urgency. We need to bring the WTO back to its full functions. It has to resume its negotiating, monitoring and dispute settlement function fully and we have to preserve the WTO as the main venue for the governance of international trade. On the stalemate of the Appellate Body, we have to safeguard the two-tier and binding dispute settlement system at the WTO. The continued failure to do so would jeopardize the

functioning of the whole WTO system. For this, we have to come up with a set of explicit guidance for enhancing the system and in ensuring this, we have to be inclusive in our discussions. Moreover, we have to also establish new rules reflecting today's global conditions. In the absence of these new rules, the WTO runs the risk of losing its central place as the embodiment of world trade rules and principles. Also, development should be a central concept in the reform process. This process must be inclusive to make sure that trade can be sustainable and beneficial to all. For that, we have to strive to find mutually acceptable ground in making the special and differential treatment principle functional without disrupting the rights accorded to developing countries with the WTO Agreements. We take the reform of the WTO very seriously as a firm advocate of the multilateral system. We are ready and willing to work with all Members to achieve effective results in this process. Regarding e-commerce, we are pleased that a reasonable and comprehensive consensus has been reached on "Decision on the E-commerce Work Programme and Moratorium". Having regard to the deadlines in the Decision, we urge all Members to initiate the discussion about scope, definition, and impact of the Moratorium as soon as possible. In this context, we support the practice of discussing the Work Programme related issues in the WTO's relevant bodies and reporting the results of these discussions to the General Council. In addition to that, we believe that holding regular dedicated session meetings or forming a working group about Moratorium would be beneficial for discussing the scope, definition, and impact of the Moratorium in detail and reaching a consensus on these matters in line with the deadlines determined by the Decision. In accordance with this purpose, Türkiye is ready to engage actively and constructively in the E-commerce Work Programme and Moratorium related discussions.

2.82. The representative of the Philippines delivered the following statement:

2.83. Allow me to provide our perspective on this agenda item as well as the Director-General's briefing. I was not present at the recent Heads of Delegation meeting on 7 July, but I gather there is a renewed sense among the membership that we must be creative and adapt our thinking and behaviour to be more results-oriented, nimble and responsive to the changed world we now find ourselves in. Director-General, you never wavered in your persistence and leadership to deliver a successful MC12. And you did it and I congratulate you and the expertise of the DDGs and the Secretariat, your collaboration with the political Ministers, and the help of all delegations and Ambassadors here in Geneva. I had the opportunity on 15 July to personally brief my country's new President as Chief Executive and Cabinet Minister for Agriculture on the outcomes of MC12. It is clear that his priorities are aligned to that of the WTO's agenda: strengthening food security and agricultural capacity, building resilience to the pandemic and future public health emergencies, and addressing climate change and environmental sustainability. The Philippines would like to thank the Secretariat for producing RD/WTO/13, which provides us with a useful snapshot of the work required to fulfil MC12 mandates by MC13.

2.84. We wish to reiterate our support for the Director-General's proposal for a retreat in September to define pathways forward on agricultural negotiations. It is imperative that we identify a new COA-SS Chair as soon as possible, ideally someone from a developing Member who can represent a credible middle ground on the sensitive issues of domestic support, public stockholding for food security purposes, and special safeguard mechanism. The Philippines also believes that the membership would stand to benefit from a separate retreat to discuss WTO reform, which we expect will consume a significant amount of our work moving towards MC13. The retreat could utilize various formats to improve informal engagement and could be conducted under Chatham House rules. In addition, we must sustain the momentum from MC12 and resume work on fisheries subsidies, including the preparatory work for the creation of a Committee on Fisheries Subsidies and the establishment of the WTO funding mechanism, while Members are completing domestic procedures. The Philippines welcomes the historic deal reached in the fisheries subsidies negotiations at MC12, which elevated Members' shared value in ensuring the sustainability of our oceans, seas and marine resources. It demonstrated the solidarity of the Organization in addressing overfishing as well as sanctioned illegal, unreported, and unregulated fishing in a non-discriminatory and transparent regime. It also affirmed the WTO's commitment to be consistent with the United Nations Sustainable Development Goal 14.6. Given the mandate for the Negotiating Group on Rules to continue negotiations on outstanding issues with a view to making recommendations at MC13 to achieve a comprehensive agreement on fisheries subsidies, the Philippines subscribes to the Latin saying "carpe diem" or "seize the day". In the interest of time, Members need to capitalize on the remaining time to comply with the essential requirements as mandated in the agreement, while Members are completing domestic procedures in considering the agreement's protocol. The Philippines remains committed to engage in discussing the needed requirements for the proper implementation of the

agreement. The Philippines appreciates the adoption of the SPS Declaration for MC12 which would push Members to take stronger science-based approaches in assessing the safety of food and agricultural products in global trade. We believe that this is a step in the right direction to demonstrate that SPS measures should contribute to economic growth, poverty reduction, food security and environmental protection. As we undertake to develop a Work Programme to enhance the implementation of the SPS Agreement, WTO Members should harness the available agricultural technologies, mechanisms, and other innovations in promoting food safety and protection of human, animal and plant life and health. These approaches and innovations must be responsive in addressing the challenges and emerging pressures in the application of the SPS Agreement. Likewise, the Work Programme must take into account the special needs of developing and least-developed country Members to enhance their capabilities in responding to SPS challenges and improving agricultural sustainability. The Philippines stands ready to cooperate in the works of the SPS Committee and the implementation of the activities that will be outlined in the Work Programme. The Philippines likewise continues to support the extension of the moratorium on the customs duties on electronic commerce and highly advocates for the reinvigoration of the work under the Work Program on Electronic Commerce. We also note the progress made in the parallel discussions on the joint statement initiative on e-commerce. We believe that we should ride this momentum as electronic commerce plays a critical role in the global post-pandemic recovery.

2.85. Let me conclude by again supporting the Director-General's call for focused retreats to follow-up on the success of MC12 and deliver by MC13. And in this vein, to quote and borrow the words from the President of the Philippine's inaugural address as he called for unity and continuity in order to deliver prosperity to the Filipino people, and I quote: "So let us all be part of the solution that we choose; in that lies the power to get it done. Always be open to differing views but ever united in our chosen goal."

2.86. The representative of Chile delivered the following statement:

2.87. MC12 demonstrated that the WTO continues to be a key institution for the world economic order and provided us with clear mandates. Chile is fully committed to these mandates. My country is willing to resume work soon, and to press ahead and implement the agreements in preparation for MC13. With respect to the implementation of MC12 outcomes, we first wish to highlight the continued work on the Agreement on Fisheries Subsidies, one of the principal milestones. Disciplines of great importance for sustainability remain outstanding. Chile, a country overlooking the ocean, will always be actively involved in this matter. Furthermore, as a food producer and exporter, we are highly engaged in discussions on agriculture. The dynamic so far has made it unable to advance, and this has become all the more critical in these difficult times, when, instead of moving forward on improvements to food security, we are backsliding. We therefore welcome the Director-General's proposal for a retreat to allow Members to reflect on new alternatives in agricultural negotiations, the consideration given to discussions on food security within the Organization and the progress made in implementing the SPS workplan. Chile will certainly participate in a very active and constructive manner in all these matters. On this point, allow me to mention the commendable work of the Ambassador of Costa Rica, Gloria Abraham, who took on the difficult task of steering the discussions during the Special Session of the Committee on Agriculture. She did so with grace and wisdom, as well as level-headedness in the more difficult moments. We are more than ready to restart work on other topics of utmost importance, namely discussions on trade, health and intellectual property, which allow us to continue responding to the COVID-19 pandemic; on electronic commerce, especially the moratorium; and on services. Chile is also very keen to make headway in discussions on WTO reform. The outcomes of the last Ministerial Conference, as well as the impact and scope of the current challenges, call for an Organization that is able to continue responding effectively. This requires optimum performance in all aspects, including having an operational dispute settlement body that is accessible to all Members. I reaffirm our total commitment to the Organization, now and in the future, by supporting flourishing, sustainable and inclusive trade.

2.88. I would also like to take the opportunity to update Members on the latest developments in the Joint Initiative on Investment Facilitation for Development (IFD) which I have the privilege to co-coordinate with Ambassador Jung Sung Park from the Republic of Korea. As you know, over 110 Members, representing two-thirds of the WTO membership, participate in this open-ended, pro-multilateral joint initiative. Participants are committed to conclude the text negotiations on an Investment Facilitation for Development Agreement by the end of 2022 as aimed at in last December's Joint Statement. We recently held two very constructive and productive rounds of meetings, from 6 to 8 July and from 18 to 20 July respectively. Participants reiterated their

commitment to work hard – at the meetings, as well as in-between them – to meet this ambitious deadline. Participants 'walked the talk' by demonstrating flexibility and submitting compromise texts, which pave the way for possible 'landing zones' on a range of key issues. Among them – a joint text proposal on an MFN provision, a joint text contribution on the definition of "authorization", as well as possible landing zones for exclusions from the scope of application of the future agreement. More generally, the negotiations on the text of the agreement are well advanced thanks to participants' active engagement. We now have 'convergence text' for most of the key sections of the future agreement: section II on 'transparency of investment measures'; section III on 'streamlining and speeding up administrative procedures'; section IV on 'focal points, domestic regulatory coherence and cross-border cooperation'; and importantly, section V on 'special and differential treatment'. The S&DT section is modelled on the TFA approach – allowing developing and LDC Members to self-designate their pace of implementation as well as their technical assistance and capacity building support needs for a successful implementation. The Joint Initiative on Investment Facilitation for Development is advancing along two main 'tracks': the negotiations on the text of the agreement, based on the so-called 'Easter Text' (currently revision 6); and ongoing work on IFD needs assessments, modelled on the TFA approach, to help developing and LDC Members implement the future agreement. On IFD Needs Assessment, ongoing work on a draft Self-Assessment Guide – coordinated by the WTO Secretariat in cooperation with partner international organizations – is progressing steadily. Members participating in the Joint Initiative have assigned high priority to conducting investment facilitation needs assessments. Thus, it is hoped that a first draft of that Guide will be ready in time for Members' review in September. A dedicated Session on the Investment Facilitation Self-Assessment Guide, in the presence of partner international organizations, is planned for the meeting in September. We, the co-coordinators, envisage to circulate a new revision of the 'Easter Text' (revision 7) after the summer break, reflecting the significant progress achieved since February – including the recent new 'landing zones'. To best organize the work in the second part of 2022, we circulated to all WTO Members a schedule of meetings and a work plan entitled 'Priority Work Areas' for the period September to December. While it is an ambitious work plan, participants supported it at the 18-20 July meeting and reiterated their commitment to work towards the aim of concluding the text negotiations by the end of this year. Mindful that this initiative is 'pro-multilateral', all WTO Members are welcome to attend the meetings and participate in the negotiations and all documents are available on the IFD portal on the WTO website. The IFD initiative is at a decisive stage. It is very important for Members to make their voices heard in the negotiations as early as possible to help co-shape the future IFD agreement. Ambassador Park and I stand ready to engage with you on any issue you may wish to discuss.

2.89. The representative of Switzerland delivered the following statement:

2.90. In addition to our intervention made during the informal Heads of Delegation meeting on 7 July, Switzerland would like to highlight the decision taken by Ministers to reinvigorate the work programme and maintain the e-commerce moratorium, as this represents a positive signal for the economic operators and consumers. We are ready to reflect on how to intensify the discussions on the moratorium and are looking forward to engaging with interested Members.

2.91. The representative of Kenya, on behalf of the ACP Group, delivered the following statement:

2.92. Regarding the report of the Director-General as Chair of the TNC, and this agenda item on MC12 outcomes, we, once again, register our appreciation to the Director-General, the MC12 Chair, all Chairs and Facilitators, and commend all delegations for their remarkable resilience throughout what was an arduous Conference. We appreciate that, at the 7 July HOD Informal meeting, Members expressed concerns about the obstacles faced in the process during MC12 and how we all could consider together how to do things better. There are ways in which we can improve the process for MC13 and the ACP Group proposes that WTO Members reflect on this issue. We are also of the view that these issues must be part of what we intend to address under WTO reform. It was refreshing to hear Members' willingness to take this issue forward and resist an "end justifies the means approach", which has plagued all WTO Ministerial Conferences. At the same time, we recognize that there were certain unusual and difficult process needs in light of the fact that we are rebuilding in the wake of the raging pandemic and a context that we face on the global scene today. The ACP Group has exchanged, internally, on our preliminary views about the outcomes of MC12. We expect that over the coming months Members, through the General Council and the relevant bodies will begin to implement the outcomes. As we stated at the 7 July HODs, MC12 provided us with the opportunity to reflect on the role of the WTO in trade and development, to appreciate the importance of Ministerial involvement in the process and, importantly, the essential nature of inclusivity and



transparency in the work of the Organization. Though not perfect, we should be proud of the outcomes of MC12. There were significant lessons that we learned, and more importantly, we have been able to get Ministerial mandates on critical issues.

2.93. On fisheries subsidies, the mandate of the WTO in fulfilling SDG 14.6 remains a work in progress. A fisheries subsidies agreement was concluded with all provisions presented to Ministers in the text, except certain key paragraphs under Article 5 on overcapacity and overfishing. The Agreement covers, among other things, core disciplines on subsidies benefitting IUU fishing, fishing in overfished condition, and fishing in unregulated high seas. While we believe that the focus should be placed on securing ratification of the agreement, we should also ensure that overcapacity and overfishing negotiations are made a priority, if the agreement is to be credible and fully delivers SDG 14.6. Agreeing on overcapacity and overfishing disciplines has eluded us for decades but we now have an opportunity to conclude these negotiations by MC13. We are interested in plans within the Secretariat on ratification so that the threshold to trigger entry into force can be reached as soon as possible. Further, the Negotiating Group on Rules should reconvene early to have a legal scrubbing of the text in order to address any discrepancies that may be within the document. Notwithstanding the procedure taken for the TFA, a legal scrubbing is due diligence and a necessary step for any agreement, with or without a formal procedure. Legal scrubbing not only includes a verification between the three official languages, but also ensures that all drafting conventions are observed, editorial cleaning is done, and redundancies checked. This is a common practice in treaty making and contracts, which guarantees confidence as Members proceed to ratify and accept the agreement. This does not alter Ministers' decisions but can assist in ensuring that the Agreement, as a whole, adheres to established legal standards. We urge Members to move expeditiously on the legal verification. We appreciate the Director-General's report on plans for the trust fund but we also seek clarity on the implementation of Article 7 on technical assistance and capacity building.

2.94. Regarding the declaration on the WTO's response to the pandemic and preparation for future pandemics, it is important that the Chairs of councils, committees and working groups include on the agenda of their next meetings a discussion on how their respective bodies will contribute to the implementation of the various elements of the declaration. As relates to WTO reform, we should now begin to build-out the various elements which we would want to see in a reform package. We should aim to present a comprehensive package to Ministers at MC13. At the very least, Ministers should be presented with a streamlined vertical text that represents an advanced stage of negotiations on the issue. The ACP Group is working on a reform proposal which we hope to share with Members soon. On agriculture, we are disappointed that MC12 did not agree on a revised work programme for the negotiations. Agriculture is of fundamental importance to the ACP Group. We can start discussions on the parameters for outcomes in areas such as PSH, domestic support and SSM. Hopefully, we will be able to present streamlined texts and not just work programmes at MC13. We should proceed in a manner that respects the redlines of others and accommodates the interests of all Members. We appreciated the discussions in the CoA SS last week, and the observations from the Chair. As she prepares for her departure from Geneva, we thank her for all of her work to help us advance and arrive at outcomes during MC12 on the World Food Programme purchases, and the WTO's emergency response to food insecurity. She has made a positive contribution to the negotiations, and we look forward to working with her successor to carry the work forward. We wish her well in her future endeavours. The declaration on trade and food security is very timely. The CoA and other relevant bodies should begin discussions on how to implement the declaration. It is also important for the CoA SS to have a discussion on how it can contribute to the implementation process. Where collaboration with external stakeholders is necessary, we would wish to hear the Secretariat's road map in this regard.

2.95. In this intervention, we also address agenda item 3, in that we welcome the affirmations and new direction through instructions from the Ministers at MC12 regarding implementation of the Bali and Nairobi Decisions found, in particular for LDCs, in paragraph 8 of the MC12 outcome document, and the mandates for agriculture. On TRIPS non-violation and situation complaints, we urge a resolution of this area and the moratorium to be made permanent. Given the new deadlines for the e-commerce moratorium, we hope that the questions raised by Members can be resolved in time for MC13 and that the work programme is utilized to tackle these as well as other issues beyond the moratorium, including digital divide, payment systems, internal taxes, localization, source code and other questions facing e-commerce today. The ACP Group will play its part in bringing forward issues of interest to its Members, particularly as they relate to the development dimension of the Work Programme. We request that the General Council, the Chairs of councils, committees and working groups mandated to implement these MC12 outcomes to include on the agenda of their next

meetings a discussion on how their respective bodies will contribute to the implementation of the various elements of the declaration.

2.96. The representative of Japan delivered the following statement:

2.97. We commend the Members for delivering a Ministerial Declaration at MC12 for the first time in six and a half years, and for indicating the pathway in key areas. We believe that MC12 has created momentum for future work in the WTO. For the way forward, Japan considers it important that Members implement the outcomes obtained at MC12. Among the outcomes of MC12, the Agreement on Fisheries Subsidies is the most important. This Agreement will not only contribute to the achievement of the SDGs but also promote global fisheries resource management. Therefore, Members need to proceed with domestic ratification procedures promptly in order to bring this agreement into effect. As for Japan, we will make the effort for that. Furthermore, Members should resume the discussion as soon as possible toward a comprehensive agreement. On agricultural negotiations, we will actively participate in the process to move forward the negotiations, including by exchanging views at retreat meetings as suggested by the Director-General. With regard to the timing of the retreat meetings, we consider it important that Members are given sufficient preparation time so that the delegates including capital-based officials will have a fruitful discussion at the meeting. On WTO reform, Japan considers that the monitoring, rulemaking, and dispute settlement functions need to be reformed. In particular, Members should start the discussion as soon as possible in order to achieve a fully and well-functioning dispute settlement system that is accessible to all Members. We also need to initiate the discussion on WTO reform other than dispute settlement reform in a flexible and inclusive manner. On the moratorium on customs duties on electronic transmissions, it is important to continue and eventually make this practice permanent so as not to undermine business opportunities for many developing country Members' companies that are engaged in design and data processing in the global value chain of manufacturing industries. Members should reinvigorate the work under the Work Programme on Electronic Commerce so that the moratorium will be permanent.

2.98. Finally, I will provide you with a brief report on work under the Joint Statement Initiative on Electronic Commerce, on behalf of the co-convenors: Australia, Japan and Singapore. After the previous report, co-convenors had a transparency meeting in May to give some updates for our negotiation to Members. In this meeting, we declared to launch two new small groups, namely Privacy and Telecommunications Services Disciplines. During MC12, Ministers of Australia, Japan and Singapore issued a joint statement and welcomed the good results achieved in these negotiations to date. The Ministers also committed to the timely conclusion of the negotiations. To that end, they committed to issuing a revised Consolidated Negotiating Text by the end of 2022. Co-convenors and Switzerland also launched Capacity Building Framework, which we believe will offer effective technical assistance particularly regarding the rulemaking of e-commerce for developing and LDC Members. After MC12, we changed the modality of our negotiation, and held plenary meetings and small group meetings in hybrid style for three consecutive days in July, which we believe will contribute to accelerating our negotiations. It was our first attempt to hold these hybrid style meetings since the pandemic, but we saw good convergence for some of the texts, including Electronic Transaction Framework and Cybersecurity during this period. After the summer break, we will hold meetings with this new modality on a regular basis, hopefully with greater participation from capitals, in order to achieve further progress of this negotiation this year. We would like to thank all participants for their hard work and look forward to making further good progress this year.

2.99. The representative of the European Union delivered the following statement:

2.100. We take note of the suggestion by the Chair of the General Council to make better use of the General Council rules of procedure to be more effective. The autumn will be intense, and it needs to be so. We hope to engage in a spirit of cooperation on the issues coming out of MC12 and face today's challenges, including humanitarian ones. We find it appalling that the ink has not yet dried on the agreement to unblock grain exports from Ukraine, and the Russian Federation is already bombarding the port of Odesa the next day. The European Union calls on the Russian Federation to immediately stop its military aggression against Ukraine which is the only way to stop the humanitarian and food security crisis.

2.101. The representative of Botswana delivered the following statement:

2.102. My delegation aligns itself with the statement delivered by Cameroon on behalf of the African Group. As this is the first General Council after MC12, and following the Heads of Delegation meeting held earlier this month, I wish to reiterate that my delegation welcomes the outcome of MC12. We believe that more work still lies ahead to ensure full implementation of the outcome. It is important that this process be inclusive and as transparent as possible. My delegation remains committed and ready to engage on the work towards implementation of the outcomes and on the outstanding issues in preparation for the next Ministerial Conference. Chairperson, we thank you for your report and we take note of the issues you have raised. We welcome the non-paper document RD/WTO/13 on the implementation of MC12 mandate as a working document and request that Members be given the opportunity to reflect on it to ensure it captures all the outcomes and ensuring course of action accurately. We reiterate our commitment to implement these outcomes as speedily as possible. In the interest of time, we will not repeat our submissions made at the Heads of Delegation meeting on 7 July on the implementation matters of the MC12 mandates. However, we wish to reiterate the importance and urgent need for Members to take immediate action to implement the outcomes within stipulated timelines, especially on the outstanding issues including amongst others the discussions on the TRIPS Agreement outcomes to allow for the production and supply of COVID-19 diagnostics and therapeutics, as well as on the additional provisions to the Agreement on Fisheries in preparation for MC13.

2.103. The representative of Iceland delivered the following statement:

2.104. MC12 was a success for the WTO and demonstrated the ability of this institution to deliver concrete results in a difficult and challenging working environment. Multilateral outcomes on the immediate food crises and the pandemic are important and directly respond to these challenges. The MC12 outcome document reiterates our common commitment to strengthen the multilateral trading system. We have pledged to accelerated reform, restoring a well-functioning dispute settlement system within two years. We also agreed for the first time on the importance of adequately promoting women's economic empowerment and responding to environmental challenges. An important progress was made in the fisheries negotiations. It is important that we continue negotiations on harmful fisheries subsidies that are still out of scope of the new Agreement. Adequate support for least-developed Members to implement the disciplines already agreed is also important and Iceland fully supports the establishment of a Fisheries Funding Mechanism to that end. An inclusive and transparent process advancing WTO reform should be initiated at an early date and we need to continue and accelerate discussions on environmental challenges and women's economic empowerment.

2.105. As a one of the co-chairs of the Informal Working Group on Trade and Gender, Iceland is fully committed to continue the good work that has taken place within the informal working group from its establishment. In the coming months, we will continue to advance and deepen our discussion in the group with the aim of enhancing women's economic empowerment as laid out in the outcome document. Once again, I invite all Members who have yet to do so to participate in this important work. As I am leaving Geneva in a few days, I would like to thank you all for making these years so memorable for me. It is both a sad and proud occasion for me. It is sad because the past five years have been both difficult and eventful and I have had the privilege of working with so many wonderful friends and colleagues. I will always remember and be proud of the months that I sat in this building with Ambassador Walker and Ambassador Castillo in the troika facilitating the very successful selection of the new Director-General. I feel a deep sense of pride in what the WTO represents, and its role in making this world a better place. Thank you all for allowing me to end my stay here in Geneva with a successful WTO ministerial. Special thanks as well to the amazing Secretariat.

2.106. The representative of Argentina delivered the following statement:

2.107. On item 1, Argentina considers that while MC12 did produce some concrete outcomes, these outcomes were partial and failed to address this Organization's greatest outstanding issue, namely the reform of agricultural trade rules, particularly the pillars of domestic support and market access. Current global challenges mean that there is an urgent need to significantly reduce production and trade-distorting domestic support, which also affects the environment, and to improve market access conditions for efficiently- and sustainably-produced agricultural products, which continue to be particularly affected by tariff and non-tariff barriers that lack any scientific basis. Looking ahead to MC13, we understand that WTO Members have diverging priorities. However, at the same time, we are of the view that we must move on from this zero-sum game, which only favours those who

benefit from the status quo to one in which the interests of all Members are reflected. We should therefore set realistic goals for the next Ministerial Conference and provide the political support required to achieve them. On item 2, Argentina associates itself with the statement made by Colombia, on behalf of my country, Brazil, Costa Rica, Guatemala, Peru and Uruguay on sustainable fisheries for the ambitious protection of the oceans, which concerns the need for prompt ratification of the Agreement on Fisheries Subsidies. We call for discussions and negotiations to begin so that additional provisions may be concluded to secure a comprehensive agreement that includes disciplines on certain forms of fisheries subsidies that contribute to overcapacity and overfishing, recognizing that appropriate and effective special and differential treatment for developing country Members and LDCs must form a key part of these negotiations.

2.108. The representative of India delivered the following statement:

2.109. This morning India has been privileged to have a newly elected President. Madam Droupadi Murmu has taken over as the 15<sup>th</sup> Indian President. In our Prime Minister's words, "[i]t is a watershed moment, particularly for the poor, downtrodden and marginalized sections of society". On agenda item 1, since this is the first General Council meeting after MC12, let me take this opportunity to thank the Governments of Kazakhstan and Switzerland and the WTO Secretariat for hosting a successful Ministerial. I also take this opportunity to once again commend all Members and the Director-General for the successful outcomes at the Ministerial Conference. It is important for us to take forward the mandates from the Twelfth Ministerial Conference. We must also not lose sight of the negotiating pillars where we could not deliver during the Ministerial, as well as outstanding issues and mandates from previous Ministerials. So, let me very briefly highlight the key priorities for India for post-MC12 work: a permanent solution to the public stock holding (PSH) for food security purposes and a solution to SSM in agriculture. These two things remain our top priority and we need to restore the momentum that had been built on PSH in the run-up to the Ministerial Conference. On fisheries subsidies, India looks forward to a quick legal scrubbing of the text of the Agreement, maybe before the end of July or during the summer break so that when we resume the formal work in the month of September, we actually get into the further negotiations for the comprehensive agreement and the process of ratification. Delegations could emphasize the need or the relevance of effective special and differential treatment, based on their own priorities. However, India would like to emphasize that appropriate special and differential treatment, including adequate policy space for developing country Members, including LDCs, to be an integral part of all these negotiations particularly in fisheries negotiations. When we resume our work, we therefore keep the common but differentiated responsibilities (CBDR) and polluter-pays principle (PPP) as the guiding principle for further negotiations. I hope that after the summer break, the TNC will expedite the work across the negotiating pillars and work towards early outcomes.

2.110. Regarding item 2, I will touch upon TRIPS when I make a statement under item 6. On the World Food Programme Ministerial Decision, I will request and call upon the World Food Programme to submit periodically its procurement details to the General Council for better understanding of the effectiveness of the Ministerial Declaration. This information will help us in monitoring the effectiveness of the decision and also for identifying the food insecure regions. We should work in a time bound manner to fulfil the mandate given on the basis of proposals from Egypt and Sri Lanka for NFIDCs so that the problems and challenges of these countries, including LDCs are taken care of. On the e-commerce work programme and moratorium on customs duty on electronic transmissions, the process to understand the scope and the impact of the moratorium needs to begin quickly for which Members need to work in a concerted and time bound manner in the General Council and other regular WTO bodies to arrive at a common understanding. We have also underscored the importance of reinvigorating the Work Programme, particularly in line with its development dimension and as you have noted also in your report, in all mandated councils and committees. India along with South Africa has already submitted in the Council for Trade and Development a paper for discussion in November 2021 to take the discussion forward. Finally, many Members at the last HoDs meeting of 7 July had expressed their concerns on the process issues faced by Members during the Ministerial Conference and have made some useful suggestions. India has also given some suggestions and will provide further suggestions on this, and I hope that this will be taken note of.

2.111. The representative of Singapore delivered the following statement:

2.112. I thank the Chair and express our appreciation to the Director-General and the Secretariat for compiling this very useful document (RD/WTO/13), which provides Members with a useful

checklist, as we contemplate the way forward post-MC12. As we ride on the positive momentum and consider how we can think, work and act differently, allow me to suggest three priority areas for our consideration. First, we must address the moratorium on customs duties on electronic transmissions and the Work Programme on Electronic Commerce in a sustainable manner. The rapid pace of the digital transformation is a reality that is transforming global trade and Members must seize opportunities to help MSMEs and women entrepreneurs right away and expand their markets. Hence, Members need to have a mindset change to see the moratorium not as a negotiating currency, but as a key element of building the digital economy and narrowing the digital divide. Given that both international and business community attach great importance to the moratorium, we cannot afford to always use it as a bargaining chip at the 11<sup>th</sup> hour. Moving forward, we should embark on a comprehensive stocktake of Members' concerns, identify differences and work to close the gaps and find a sustainable solution. Failure to do so will undermine Members' efforts to embrace the digital transformation and leverage opportunities in an increasingly digital world. Second, we should continue our work on the WTO response to the pandemic in a pragmatic and realistic manner. Unfortunately, the pandemic is not close to being over and the WHO has reported that there was a tripling of COVID-19 cases over the past six weeks in Europe. Hence, the WTO we will need to continue our efforts to contribute to a holistic global response to the pandemic and urgently build upon what we have done thus far. Ministers have also instructed us to learn from the challenges experienced during the COVID-19 pandemic. In this context, Members must focus on how we can effectively and realistically save lives by ensuring that vaccines get into the arms of those who need them the most. Third, Ministers have also given us the clear mandates on WTO reform at MC12 and we should move quickly to carry discussions forward. We recognize that 164 Members have very different interests and concerns. However, given the critical importance to future-proof the WTO, we must be pragmatic about modalities in order to make progress in negotiations. As my Minister for Trade and Industry has suggested at the MC12 thematic session on WTO reform, it may be worth exploring the idea of flexible multilateralism. In this connection, Singapore supports the GC Chair to commence consultations with Members in a structured manner as soon as possible and will play an active role in these discussions.

2.113. The representative of the United Kingdom delivered the following statement:

2.114. Let me first say a formal congratulations to the Director-General, the Secretariat and Kazakhstan as MC12 Chair – who played such a vital role at the Ministerial Conference. It was a remarkable result for this Organization and for the trading system, but also for multilateralism, at a time when people have questioned whether multilateralism can stand up to the challenges of those who question the rules-based system. Let me pick up three small points. The first is about implementation. Let me welcome the work that you, Chair, and the Secretariat are doing to set out how it is we are going to implement the outcomes of MC12, and I think that is a really important piece of work to keep us focused on implementation. And let me, like others, flag two particular areas – one of which is the ratification of the Fisheries Subsidies Agreement which, after all, is a ground-breaking Agreement for this Organization, our first environmental agreement and one of upmost importance to the world's fisheries and to communities that rely upon them. I agree with others that say we need to press on with the work to build on that Agreement. At the same time, as Members work to ratify what we have achieved, I would like to echo Singapore's words on e-commerce. It was vital that we renewed that moratorium. It is vital that we keep our eyes on why that moratorium is so important to businesses across the world – developed, developing, micro-businesses as well as the largest businesses in the global economy. It is an enabler of digital growth across the global economy and one we need to sustain as we move forward. Second point is about learning lessons from MC12. It was a success, but we can do better – and we must do better at MC13. Brazil has offered some really helpful suggestions in terms of addressing the frequency of our Ministerial meetings and we warmly welcome those proposals. But they are not enough. We can and must do better both in de-dramatizing Ministerials and in preparing better for them – which includes looking at our working methods to ensure that they meet the needs of the Organization in the 2020s. Third, on substance, others have already praised those who are departing our shores and welcomed those who are arriving in Geneva. I think the comments this morning remind us of what we are losing in this organization. Their comments are absolutely on the spot of the substance of the issues that are facing us. And while we are right to congratulate ourselves of what we achieved at MC12, we must also be cognizant of what we did not manage to achieve at MC12, whether that be in agriculture, or in terms of services, digital trade, or green goods and services. As we look outside this room at the challenges we face with climate change, the Horn of Africa facing famine as a result of years of drought, as we face the challenges that have been posed to the global economy by Russia's invasion of Ukraine, we need to keep our eyes on that bigger prize, of how this

Organization, how global trade and the rules that we set enable the green transition and the transition to net-zero; how we can build respect for multilateral rules and the rules-based order and how we can ensure that the green transition delivers for everybody – developed and developing, micro-businesses and bigger businesses for our workers, for our consumers, for our societies and our planet. In our effort to implement MC12, we must not lose sight of that bigger picture of how global trade can contribute to those wider common goals.

2.115. The representative of the Republic of Korea delivered the following statement:

2.116. I would like to touch upon four specific issues, namely, WTO reform, fisheries subsidies negotiations, agriculture, and e-commerce. WTO reform deserves our priority attention. In my view, WTO reform is not intended to pursue perfection in its operation or the way we work here in the WTO. Rather, it is something that improves on practical terms the effective ways of doing business, focusing on the right subjects so that the WTO remains relevant. For so long, we have talked about WTO reform. We cannot afford to spend any more time just to be ready and aim. Now is time to fire. We need action. We believe WTO reform starts not from the GC alone but from every meeting we hold at different levels within the house. In my view, the best process of our reform is for each committee to launch its own reform initiatives right now and start to make differences from the past, rather than waiting for some mandate to be agreed from the above. Another area of our focus could be to facilitate the rulemaking process of the WTO. The obvious starting point in this area is to galvanize ongoing negotiations, those of JSIs in particular, including the finalization of certification process in domestic regulation, and the prompt conclusion of investment facilitation and e-commerce negotiations. Completing these negotiations and incorporating their results into the WTO framework would be a significant landmark in updating our rulebook. Furthermore, we should not ignore the potential, emerging new issues such as environment, particularly climate change that is causing havoc worldwide. Focusing our energy on dedicated discussions on Trade and Environment will enhance the WTO's relevance to the outside world and major stakeholders. I believe we should start our discussion to redefine the role of the Ministerial Conference. Korea believes we should not wait for the Ministerial Conference to make big decisions or deliver on grandiose packages. The gap between the General Council process and the Ministerial Conference process should be minimized. Therefore, we support Brazil's proposal to hold the Ministerial Conference annually as a stocktaking event and hope that the WTO membership will start discussions on this issue soon.

2.117. On fisheries subsidies, like other Members, my government will go through the internal process of accepting the outcome of the negotiations. Regarding the future negotiations, while we agree on the need to take a fresh look in future negotiations, I would like to reiterate that, as indicated in the Ministerial Decision, we should build on the work we have done previously. For example, it took us over 20 years to agree on a hybrid approach in the area of overcapacity and overfishing (OCOF), after having tried various approaches. We should not try to reinvent the wheel. As always, Korea stands ready to engage constructively with WTO Members. On agriculture, I believe that the failure to produce a work programme on agriculture at MC12 in spite of intensive discussions among Members clearly demonstrates that unless the outcome of discussions reflects the sensitivity of each Member in a balanced manner, it would be difficult to reach an agreement. From Korea's perspective, it will be vital to deal with the transparency aspect of export restrictions in the future Work Programme in a more serious manner, in light of the current food crisis. Finally, the Decision on the E-commerce Moratorium and Work Programme at MC12 was a balanced and pragmatic compromise which was well received by businesses, including MSMEs, as well as consumers around the world. Regarding the e-commerce work programme, Korea is of the view that it should be designed in a way to advance a more stable and inclusive digital world where the voices of all stakeholders, including both large and small businesses, workers and consumers, are heard. This will allow us to address the concern on digital divide and to promote digital inclusion. On the other hand, as a steadfast supporter of the extension of the moratorium on customs duties on electronic transmissions on a permanent basis, Korea would also like to encourage Members to work together to renew the moratorium in a timely manner, well ahead of MC13. In the era of digital transformation, the importance of developing global rules on e-commerce cannot be overemphasized. Participants commit to conclude negotiations by the end of 2022 and launch the E-commerce Capacity Building Framework to strengthen digital inclusion and to help developing and LDC Members. Korea would like to invite Members who have not yet participated in the discussions to join us.

2.118. The representative of Thailand delivered the following statement:

2.119. Although we achieved more than what we anticipated, it was by no means a cause for us to be complacent because, as the Chair pointed out, we still have a lot of work to do. There are four points about the lessons learned from MC12. First, Members must talk continuously rather than wait for the MC to arrive to begin talking. If we can engage much earlier to understand the positions rather than just repeating the same positions during a meeting, that will be better for future negotiations, especially at the highest level – the Ministerial Conference. Second, transparency was missing several times. I do not want to talk about this much because I heard many delegations already talked about this. I shared the same sentiment that transparency was lacking until the end of the Ministerial. How are we going to address this issue in the future? My delegation recognizes the need for small group discussions. Our task is to find a way on how to make them transparent and keep Members informed during the discussions. Third, I have noticed that there have been new creative ideas coming out of the MC12 negotiations, such as the sunset clause and opt-in, opt-out. This mechanism could be implemented or used to gain in future negotiations but having them presented at the last minute is not something that I wish to see again. We could discuss in WTO reform the mechanism that implements this so nobody will be caught by surprise again. Fourth, several emerging issues are coming out of MC12. They are related to the existing WTO mandates, but they are not formally here, such as climate change, which is related to many issues like food security, agriculture, the environment, and also digital economic issues, which is something that we need to take into account how we are going to incorporate these emerging issues into the future agenda of the WTO.

2.120. So, how should we move forward in the negotiations post-MC? First, we must build on previous work. We may need to ask the Chairs to consult with the Members about whether some of their proposals should be re-tabled. We should do a stocktaking of the existing proposals and see whether Members still have the same position or not in order to have a clear view on what we have on the table to find the best way forward. So, we must not forget the good work that has been done by all the Chairs as well as Members' proposals. Second, I would like to echo what the CoA SS Chair said at the agriculture meeting that future WTO negotiations must be evidence-based, and we should not negotiate based on emotions or speak without supporting information. I look forward to having more contributions not only from Members but also from the Secretariat, the Director-General, and the DDGs by providing the substantive research and analytical papers so that future negotiations will be based on information, evidence and sound policy study. I look forward to having more participation from the Secretariat, academics, business, and civil society in the future WTO discussion. Third, the GC must try to see how to incorporate the new issues like I mentioned earlier. How do horizontal issues such as climate change, digital economy, and development issues, which were very important issues during MC12, now come into play? Fourth, Members should talk to each other and not only talk to like-minded Members but also need to talk to non-like-minded ones to understand the rationale behind their position particularly on what they really want and what their position is. I would like to mention one delegation who has reached out to Thailand before MC12, which is Egypt, to explain their situation on food security in detail and they have continued efforts to reach out to other Members. I think this is what we should see more of in the future of the WTO. There are also various works that are taken in the various bodies, such as environment – how can we do this and look at the cluster mode. Lastly, Thailand's priority will continue in the main areas such as fisheries subsidies, agriculture, WTO reform, and TRIPS waivers, but I want to mention only two issues. On WTO reform, this is a very important and big basket of issues. I hope that we can have a better idea of how to proceed with these issues. They should not be lumped together as one basket, but we need to have a better idea about what they could cover and how to treat them as separate baskets. Another is the issue of development. Thailand is a developing country Member and this is the time that we need to come and discuss development issues and related mechanisms in a way that is practical and also sympathetic to the needs of Members.

2.121. The representative of Tunisia delivered the following statement:

2.122. My delegation associates itself with those that have welcomed the outcomes agreed upon collectively at MC12. We thank all Members that worked to find compromises on most of the priority matters under consideration, demonstrating that the WTO is capable of proposing solutions to crises and addressing current and future challenges through concrete trade commitments that benefit our populations. We are also grateful for the major role played by the Director-General, who, thanks to her wise leadership and endless determination in the difficult moments, was able to keep up the momentum needed in negotiations, while also instilling in them a humanitarian dimension and spirit of solidarity, which were key for the historic outcomes achieved. We also thank the Facilitators and the Chairs of the Negotiating Groups. Our particular thanks go to the Secretariat for its constant

support for Members' efforts during the preparations for MC12, at the Conference itself, and now through the preparation of the compilation of the outcomes. Moreover, the illustrative table (RD/WTO/13) will certainly be useful for Members and would benefit from their additions. The Organization has seen several successful Conferences, but fewer have delivered on their promises. The outcomes will only go down in history if the multilateral system and populations benefit from them, mainly in critical areas such as the pandemic response, food security and economic resilience. Members will be required to properly gauge the importance of and stakes surrounding MC13, since a long list of decisions to be examined, a work programme to be discussed and recommendations to be validated - have been carried over from MC12. We should continue to be guided by the same faith and sense of responsibility shown at MC12, working in the same spirit and with the same impetus. In this regard, my delegation considers that, in order to ensure a mutually-satisfactory implementation of the MC12 outcomes, we should, in particular meet the six-month deadline for a decision on the extension of the TRIPS waiver to cover COVID-19 diagnostics and therapeutics, with a view to seeking a holistic solution and boosting the credibility of the Ministerial Decision. We likewise need to immediately identify the priorities for MC13 regarding the agriculture negotiations. Another conference without an outcome on agriculture would no longer be credible. We are of the view that the longstanding mandated subjects on public stockholding for food security; domestic support; productive capacity development in developing countries, particularly in NFIDCs; and opportunities for small farmers must be a key part of any outcome. We also need to continue to work with the same momentum in the area of fisheries subsidies, in order to rapidly make decisions on the overcapacity and overfishing pillar, which is crucial for an effective and comprehensive result on fisheries sustainability. Moreover, it is essential to swiftly put in place the funding and assistance mechanism provided by the agreement to support developing and least-developed countries in its adequate implementation. We should also reinvigorate the Work Programme on E-Commerce by agreeing on a clear matrix containing the axes to be developed, including an evaluation of the scope and effectiveness of the moratorium. We should base WTO reform on the MC12 outcome document in order to make headway in strengthening the rules-based multilateral framework, taking into consideration the full range of Members' concerns, including the fulfilment of development goals. In addition, we are of the view that meeting the 2024 deadline for an operational dispute settlement system would restore the balance within the WTO that has been lost since late 2019. My delegation reiterates its commitment to constructively contributing to the fulfilment of the MC12 mandate and to strengthening the restored trust in our Organization. We associate ourselves with the statements on behalf of the African Group and the Arab Group.

2.123. The representative of the Kingdom of Saudi Arabia delivered the following statement:

2.124. Let me take this opportunity to congratulate all of us for the success that we have achieved collectively at MC12. We would like to express our sincere appreciation to the Director-General for your able leadership and determination that led us to a successful MC12. We wish also to express our deep gratitude to the General Council Chair, the Chairs of various WTO bodies, the Facilitators and the Secretariat for their tireless efforts in steering MC12 to a success. The achievement of the Geneva Package at MC12 is a laudable milestone. The outcomes achieved are indeed the fruits of our collective effort, strong commitment and hard work. They demonstrate that the WTO is capable and part of the solution to address unprecedented crises of our time and responds to the current challenges. We have shown the world that WTO Members can come together to find solutions and deliver constructive outcomes for the benefit of the people. As we move to MC13, we need to be guided by the same faith and sense of responsibility to the multilateral trading system. A long list of outcomes are on the table and we need to seize the momentum and continue to work in the same spirit that we have witnessed at MC12. In light of this, we would like to stress that the outcomes of MC12 should be implemented in a way that is satisfactory to all. After the summer break, it is our collective responsibility to speed up the process of the implementation of all elements of the package on WTO response to the emergencies particularly, the Ministerial Declaration on the Emergency Response to Food Insecurity, the Ministerial Decision on World Food Programme (WFP) Food Purchases Exemptions from Export Prohibitions or Restrictions, the Ministerial Declaration on the WTO Response to the COVID-19 Pandemic and Preparedness for Future Pandemics, and the Ministerial Decision on the Agreement on Trade-related Aspects of Intellectual Property Rights.

2.125. Having said that, let me now move to highlight the Arab Group's views in certain MC12 outcomes. On WTO reform, we are happy of the agreement reached by our Ministers at MC12 on a process for addressing reform of the WTO to improve all its functions through an open, transparent and inclusive process and to submit decisions on reform to the Thirteenth WTO Ministerial Conference. We are also happy with our Ministers' commitment to conducting discussions on



addressing challenges and concerns with respect to the WTO's dispute settlement system with a view to having a fully and well-functioning system accessible to all Members by 2024. On fisheries subsidies, we welcome the Agreement on Fisheries Subsidies. With this Agreement, we have the opportunity to deliver on a major SDG, that of putting an end to subsidies that contribute to overcapacity and overfishing, as well as illegal, unregulated, and unreported fishing. On agriculture, we stress the paramount importance of agriculture to our economies. We are all aware that the issues surrounding agriculture are not easy to reconcile. But we would urge all Members to work closely with each other after the summer break and strive for concrete outcomes at MC13. On accession, we commend the commitment by our Ministers at MC12 to facilitate the conclusion of ongoing accessions, especially for least-developed countries fully in line with the General Council Guidelines on LDC Accessions, and to provide technical assistance, where appropriate, including in the post-accession phase. Finally, the Arab Group remains committed to work constructively post-MC12 and towards meaningful outcomes in MC13 that would serve the interests of all WTO Members.

2.126. The representative of Bangladesh delivered the following statement:

2.127. Bangladesh aligns with the statement delivered on behalf of the LDCs. As we discuss the implementation matters of MC12 mandates, in addition to celebrating the success, we must admit our disappointment in some key procedural issues during MC12. Bangladesh commends the Director-General for candidly confessing this in her opening remarks at the HoDs meeting on 7 July in JOB/GC/314 that there were gaps in communication and that we could have done better. Since this is the first formal meeting of the GC after MC12, and as the Chair has kindly guided, the statement of Bangladesh delivered on 7 July at the HODs level meeting regarding the process of MC12 will be reflected in the minutes of this meeting. Bangladesh looks forward to working with all Members and the Chairs of different WTO bodies, on implementing the MC12 outcomes, including the issues of agriculture, food security, e-commerce work programme, services, WTO Reform, development issues, fisheries subsidies, TRIPS Waiver, WTO Response to Pandemic and so on. My delegation requests Members to also prioritize the issues of the LDCs particularly as reflected in paragraph 8 and the LDC graduation in paragraph 5 of the MC12 outcome document as we continue our work after the summer break.

2.128. The representative of Indonesia delivered the following statement:

2.129. The MC12 outcomes have become our prominent achievement, but this is not the end of the story. The time for celebration and excitement should not make us forget our work to implement the MC12 mandates. The most important part of it is to ensure that these outcomes benefit our people at home, are workable and implementable, as well as address the challenges faced by Members, particularly developing Members and LDCs. On the Decision on the TRIPS Agreement, we should ensure equitable access to countermeasures through the extension of the Decision on the TRIPS Agreement to therapeutics and diagnostics this December. With such a short deadline, this issue should be on top of our agenda this year. I will further elaborate this matter under the dedicated item of the agenda. On the Decision on Fisheries Subsidies, we need to continue our work to close the gaps on the remaining key issues to achieve a comprehensive agreement, such as disciplining harmful subsidies that contribute to overcapacity and overfishing, while including appropriate and effective special and differential treatment for developing Members and LDCs. Furthermore, the adoption last month will be meaningless if Members are left with ambiguities and uncertainties upon regarding the ratification process. Therefore, with a view to facilitate the domestic ratification process, we believe that the next step is to review and provide clarity for Members on several legal understandings, such as consistency of Article 7 with Rule 19 of the Financial Regulation. Following the Agreement reached by Ministers on the Moratorium on Customs Duties and Work Programme on E-Commerce, our work in reaching consensus on the scope, definition and impact of the customs duties should be carried out as soon as possible. It is imperative for Members to have a clear understanding on the longstanding impact of the moratorium, particularly to developing country Members. Indonesia is of the view that the focused work on this matter will be crucial to address developmental aspect surrounding the digital trade. Following our deliberation on WTO reform at MC12, Members have to focus on the efforts to revive the proper functioning of all WTO pillars, particularly in the dispute settlement system. Restoring the WTO two-tier dispute settlement system is important to maintain the relevance of the rules-based multilateral trading system. And last but not least, in agriculture, although we are unable to reach outcomes at MC12, we need to continue the negotiations based on the existing mandates. I will elaborate Indonesia's view on this issue under agenda item 3.

2.130. The representative of Nepal delivered the following statement:

2.131. My delegation wishes to refer to the statement delivered at the Heads of Delegation meeting held on 7 July and reiterates that Nepal heartily welcomes the Geneva package adopted at MC12. However, my delegation wishes to register displeasure in the process at the final stage, which has also been mentioned by the Director-General at the beginning of the 7 July meeting and as circulated in document JOB/GC/314 – JOB/TNC/104. I also regret to note that the Geneva package concluded without any decision on an LDC-specific issue. Nepal commends all Members for acknowledging the particular challenges that graduation presents, including the loss of trade-related international support measures as they leave the LDC category. Members have recognized the role that certain measures in the WTO can play in facilitating smooth and sustainable transition for these Members after graduation from the LDC category. In this context, we need to have a clear work plan to take this matter forward. WTO reform has become the most important and urgent matter for enabling the institution to function as per the preamble and provisions of the Marrakesh Agreement as well as by taking into account the changing context of the global trading system. In this regard, my delegation would like to welcome paragraph 3 of the MC12 outcome document. Trade is dynamic and ever changing that requires needful adjustments in our mindset, laws and practices in order for us to fully realize rule-based, transparent, predictable, inclusive and fair multilateral trading system. While implementing the declaration, my delegation expects the process to be fully inclusive, participatory, transparent, and Member-driven by respecting and taking into account the preamble of the Marrakesh Agreement and fundamental principle of multilateralism. Levelling the playing field in legal architecture, accession practices and WTO functioning is essential. My delegation stands ready to engage in the entire reform process and contribute to concluding it in a timely and inclusive manner. The COVID-19 pandemic has been challenging the world and the number of infected people has started rising again. The future is more challenging for LDCs in both saving lives of poor people and continuing the socio-economic development process. Therefore, the Ministerial Declaration on the WTO Response to the COVID-19 Pandemic and Preparedness for Future Pandemics should be fully implemented in a timely manner by taking into account the severity of the LDCs and LLDCs especially in recovery and building forward better from the pandemic. Chair, you can count on Nepal's full support in expediting the implementation of the Geneva Package.

2.132. The representative of Guyana, on behalf of the CARICOM Group, delivered the following statement:

2.133. On agenda item 2, on the E-Commerce Work Programme and Moratorium, the CARICOM Group reiterates the importance of electronic commerce particularly as it relates to our ability to engage meaningfully in international trade. The Group is pleased that at MC12 Members eventually coalesced around a Ministerial Decision relating to reinvigorating the Work Programme in line with its development dimension. We also welcome the mandated intensified discussions on the moratorium on customs duties on electronic transmissions as well as the decision on its renewal. In this regard, the Group has taken good note of the concerns raised by delegations in the lead up and at MC12 and stands ready to continue to engage in good faith dialogue on the subject. As it relates to fisheries subsidies and the ministerial outcome, after twenty years of negotiation we have reached an interim agreement on curbing harmful subsidies to illegal, unreported and unregulated fishing, overfished stocks and the prohibition on subsidies to fishing in unregulated high seas. The CARICOM Group commends all Members for their hard work and dedication in this regard. However, we must continue our work on the prohibition of harmful subsidies that contribute to overfishing and overcapacity, with effective and appropriate special and differential treatment for developing and LDC Members. This must be done for us to have a holistic and targeted approach to fulfilling the mandate under SDG 14.6. The CARICOM Group stands ready to continue the discussion on the basis of WT/MIN(22)/W/20. We continue to study the Ministerial Decision in our capitals and will share further reflections once our regional consultative process is completed. In the meantime, we believe that the Negotiating Group on Rules should undertake a process of review or legal scrubbing of the text, as is standard practice on the negotiations on international treaties. On WTO reform, we welcome paragraph 3 of the Outcome Document. Developing Members have, for some time, called for reforms that level the playing field between developed and developing Members and make trade function better for them. We recognize that, in the lead up to MC12, there were wide divergences on the process for WTO reform. With limited time between now and MC13, we must work expeditiously in the General Council and its subsidiary bodies to define the elements of WTO reform. We envision that this could *inter alia* include elements related to transparency and the restoration of the WTO two-tier dispute settlement system. We will also work to bring forward issues of specific importance to CARICOM. On food insecurity, the CARICOM Group strongly supports the decision to

have a work programme in the Committee on Agriculture to support the needs of LDCs and NFIDCs, and the special effort to increase the response of critical level food instability that exists in our countries. The need to strengthen agricultural production and the domestic food security is critical in emergencies. Our Group aligns its statement to that delivered on behalf of the ACP Group.

2.134. The representative of Hong Kong, China delivered the following statement:

2.135. On agenda item 2, on fisheries subsidies, Hong Kong, China is delighted that we have finally managed to agree on multilateral rules on eliminating harmful fisheries subsidies. The Agreement demonstrates that the negotiation function of the WTO is alive and well, and that the rules-based multilateral trading system is capable of delivering results on new subjects of importance to economies around the world. Hong Kong, China is committed to making timely preparation to ratify the Agreement and hope that all Members will keep up the momentum and act early to bring this meaningful Agreement into force and get ready for the next phase of fisheries negotiations. On e-commerce, the extension of the moratorium on customs duties on electronic transmission also shows that we, at the WTO, are able to respond to the call of the business communities around the world, including MSMEs. That said, it is abundantly clear that our work on this important matter must continue. Hong Kong, China all along considers the moratorium a key measure contributing to maintaining a stable, predictable and conducive e-commerce environment. We remain committed to reinvigorating the work under the Work Programme and intensifying discussions on the moratorium as agreed in the MC12 Ministerial Decision, with a view to coming up with a permanent solution by MC13. We are open-minded to the format in which the discussions are to be conducted. Lastly, on the dispute settlement system, we cannot emphasize enough the importance of restoring the full function of the two-tier dispute settlement system which is a key pillar of the WTO rules-based multilateral trading system. Hong Kong, China would like to reiterate our commitment to engaging constructively in any discussion with other Members for the necessary changes and improvements to the existing system with a view to restoring a fully and well-functioning dispute settlement system accessible to all Members by 2024 as denoted in the MC12 outcome document.

2.136. The representative of Mauritania, on behalf of the LDC Group, delivered the following statement:

2.137. The LDC Group welcomes the results on the TRIPS Waiver and the MC12 response to food security in the context of the World Food Programme as well as the Fisheries Subsidies outcome. On Paragraph 8 of the MC12 outcome document, regarding the instructions given by Ministers concerning the services waiver, DFQF and rules of origin, each of these matters should be discussed under a specific agenda item in the relevant WTO Bodies and work should be continued within these competent bodies as mentioned in the MC12 outcome document. All of these matters should be taken up with MC13 in mind. We should not waste any time. We should urgently fulfil these LDC-related mandates. The MC12 outcome document also mentions WTO reform. We are in favour of this being done within the context of the General Council and we urge Members to take account of the proposals of the LDCs in JOB/GC/223/Rev.1. In this connection, the LDC Group also aligns itself with the submission in WT/GC/W/778/Rev.5 dealing with item 9. The process must be carried out by Members in an open, transparent and inclusive way. Inclusiveness also means taking into account the interest of all Members, which includes the development priorities of LDCs. In this regard, we thank the work done on market access for LDCs including our recommendations being taken into account in the context of WTO reform. We urge all Members to deal with these issues in a broader systemic manner to make the work of our Organization more relevant and more pertinent. This should improve the holding of Ministerial Conferences in an inclusive, transparent and open manner – not through small groups. All of us should be able to participate in the discussions concerning the significant decisions that are up for adoption. On food security and the decision concerning the WFP, we welcome the fact that these proposals, and the wording suggested, were reflected in the text, thanks to the active participation of our LDC Focal Point. The response of the WTO to the pandemic is a huge priority given the critical role of trade in preventing access to essential goods in the event of an emergency. We need to revise this system every year to check on possible lacunae and to look at potential challenges with which developing and LDC Members are confronted with. We urge the relevant Chairs of WTO bodies to look specifically at the needs of the LDCs and to keep an area open for discussion on these questions. The Agreement on Fisheries Subsidies is a first in the WTO. We also need to conclude the unfinished negotiations in order to eliminate IUU fishing and address overfishing, among others. The LDCs have proposed texts in this regard. The LDC Group stands ready to commit actively in this field which needs further work and action and, in particular, urges Members to take into account the LDCs' needs when discussing the fisheries trust fund.

2.138. The representative of Vanuatu, on behalf of the Pacific Group, delivered the following statement:

2.139. I make this statement on behalf of the Pacific Group and align with the ACP. A special welcome to Ambassador of Samoa, H.E. Nella Tavita Levy, a new addition to the Pacific family. Since this is the first meeting of the General Council after MC12, the Pacific Group welcomes the significant achievements made at MC12. These achievements have enabled WTO to respond to the pressing challenges of our time, notably the COVID-19 pandemic and the unfolding food crisis. MC12 was also able to deliver partially on some longstanding issues, notably the fisheries subsidies. In going forward on the work of the TNC, the Pacific Group wishes to highlight the following: On fisheries subsidies, we were naturally disappointed that MC12 was unable to agree on a comprehensive agreement. Hence, for the Group, the completion of negotiations on fisheries subsidies, to include overcapacity and overfishing remains a priority. These negotiations must include, appropriate and effective special and differential treatment, as an integral part of the outcome. Only then, will the fisheries subsidies agreement be considered credible and fully deliver the SDG 14.6 mandate. We urge Members to step up this work, so that clear recommendations can be made to MC13 in line with the MC12 decision. On agriculture, Members must reflect on finding innovative ways to bridge differences in positions. The food crisis may continue to deepen with the onset of the climate crisis we are facing, that will threaten future food security. We must find solutions to progress work to ensure a fair and efficient agricultural trading system, taking into account the situation of NFIDCs. Finally, work must continue on development issues and making SDT precise, effective and operational to support economic diversification of developing countries, including small island developing states. The Pacific Group remains open and ready to engage in these and other priorities of interest to us.

2.140. On MC12 implementation issues, the Pacific Group thanks you, the DG and the WTO Secretariat for the circulation of the document RD/WTO/13, which sets out the main decisions from MC12 and an implementation matrix. This document is very useful in guiding small Members like us on the implementation priorities. While all the mandates from MC12 are important, the Pacific Group underlines the following priorities: First, the ratification of the Fisheries Subsidies Agreement to prohibit subsidies to IUU fishing and to overfished stocks. At the same time, negotiations on outstanding issues, including overcapacity and overfishing and special and differential treatment, must be stepped up to enable concrete recommendations to MC13 in line with MC12 decision. Second, as highly import-dependent Members, we underline the importance of ensuring access to essential supplies such as food and medicines at affordable prices. We therefore support the: implementation of the WTO response to COVID-19, including future preparedness and paragraph 8 of the TRIPS Agreement decision to extend the TRIPS waiver to therapeutics and diagnostics within 6 months must be advanced. We support the Room Document put forward by the co-sponsors as a practical work plan to deliver this mandate by December 2022; and the implementation of the declarations on Food Security and SPS. Third, the reinvigoration of the Work Programme on E-commerce, including its development dimension. This should focus on addressing the digital divide that developing countries face, such as weak infrastructure, weak regulatory environment, limited skills, low levels of access to internet, high connectivity costs and weak e-payment systems. Fourth, we support the work to progress LDC issues including duty free quota free (DFQF) market access and operationalization of the services waiver. Finally, Chair the Pacific Group welcomes the inclusion of Trade and Environment in the Outcomes document, and we hope to engage in finding ways that the MTS can contribute effective solutions to the climate crisis and other environmental concerns.

2.141. The representative of South Africa delivered the following statement:

2.142. We associate ourselves with the statement by the Africa Group and the ACP. South Africa believes that the TNC remains an important forum within its mandate to take forward the DDA issues and we look forward to dedicated TNC sessions which remain critical. In addition to the statement we made on 7 July, while it is laudable that we had a successful MC12, we need to acknowledge that on the most important issues, we delivered partial outcomes. We therefore have our work cut-out for us as we prepare for MC13, we should therefore not be complacent. Given the number of challenges facing the global economy, we need to reflect on the role of the WTO in inclusive global economic recovery. It is for this reason that South Africa feels strongly that the WTO must deliver on its development mandate, including the outstanding issues in the DDA which remain key to an inclusive MTS. On agriculture, we need to ensure that the work programme going forward delivers on the food security and livelihoods agenda in more practical and tangible ways. It is not enough to have declarations on this critical issue. There are a number of proposals, including the Africa Group,

ACP and G33 proposal on PSH, and the various Africa Group proposals on the various negotiation issues that provide a solid basis to continue our work. Effective disciplines on trade distorting domestic support are long overdue and the inconclusive discussions in this regard contribute to the current imbalances in global trade. On fisheries, we have made good progress on the IUU and overfished pillar, there is still a lot of work ahead of us to conclude the negotiations on the overfishing and overcapacity pillar. We must ensure that the outcome targets distant water fishing and adheres to common but differentiated responsibility which must continue to be the underpinning principle on issues that deal with global commons. Ultimately, the agreement must ensure that those who are responsible for the state of the oceans take greater responsibility and provide sufficient policy space to developing countries to grow their fisheries sector in a sustainable manner. We echo the statement by the ACP on the need for legal scrubbing and this does not need to be a lengthy process but is necessary. On WTO reform, it is laudable that we now brought this issue firmly on the WTO agenda. For South Africa, if WTO reform is to be successful, it must result in inclusive trade and this necessitates a development centred reform agenda. Importantly, the process must rebalance trade rules to provide policy space for African industrialisation. On e-commerce, trade policy is a national imperative, we need to recognize that the moratorium was envisaged as a temporary initiative and we need to ensure that the rules at the WTO support inclusive digital industrialisation. We appreciate the discussions at MC12, including the recognition that the moratorium at some point has to end and as South Africa we see the current extension as the last extension that gives the private sector sufficient time to adjust in preparation for its termination so we can have access just in all other sectors to the use of tariffs as an important industrial policy tool. The reinvigoration of the work programme, especially its development dimension remains our important priority.

2.143. The representative of Peru delivered the following statement:

2.144. I would like to refer to four particular matters, bearing in mind the statement we made on 7 July. First of all, on WTO reform, including the mandate granted by Ministers to ensure that we have a fully operational dispute settlement system by 2024, we consider this to be a critical issue. It is of a very systemic nature, and we really must ensure that we get going at a sustained pace on this. Otherwise, we run the risk of not having met the deadline that has been set. This would seriously compromise one of the main pillars of the multilateral trading system. On fisheries subsidies, I would urge all Members to ratify as quickly as possible the Agreement. This is an appeal that Peru made through its declaration in the context of the latest Ocean Conference of the United Nations alongside Argentina, Brazil, Colombia, Costa Rica, Guatemala and Uruguay. Peru welcomes the partial results obtained. They have great value and show great potential with respect to what they provide us with respect to the sustainability of our marine resources. This result is also significant because it shows that we are in a position to meet the challenges of our times. I would like to take this opportunity to stress that this is an opportunity; I say opportunity because we have not yet reached the end of the road. We still have to ensure that we implement what has been agreed to date. The true value of what was agreed by our Ministers will only be shown when we have a judicious implementation of the Agreement in a transparent and properly monitored fashion. We also have to consider the next stage of these negotiations on disciplines which have to do with overfishing and overcapacity. These are very significant areas as they will allow for a full, fair and genuinely effective treaty which will help us meet the goals we have set. This is something that we also agreed in our joint statement as Latin American countries represented at the UN Ocean Conference. We should ensure that we have an agreement that is not just an agreement on paper. We have to ensure the sustainability of our oceans. Third, we would like to refer to the agricultural reform question. We welcome what we have achieved with respect to addressing food insecurity and the extension of prohibitions on restrictions with respect to exports that are under the aegis of the World Food Programme. We have decisions that show that we can deal with real problems in the real world. I am for instance thinking of the need to provide food to the most vulnerable of people or trade facilitation and the provision of food and agricultural inputs. This result was underlined when the Director-General mentioned this in her statement alongside the FAO, the IMF, the World Bank and the World Food Programme. We must echo those who have expressed concerns that we have not yet managed to reform agricultural trade. We must ensure that we redouble our efforts in this area because we need to ensure that we have a fairer, more transparent, predictable and resilient international agricultural system that is able to provide us with sustainable development and food security. Fourth, on e-commerce, Peru would like to thank Members who have shown flexibility on the question of the moratorium on customs duties on electronic transmissions. We would like to reiterate our support for the moratorium. It has allowed our micro- and small enterprises to make some headways in respect to making their supply international and being a part of global value chains. If we had not taken this approach, it would have undermined their competitiveness,

burdened them with additional costs and may possibly have slowed down the digital economy which would cause problems for online trading. We welcome the decision contained in document WT/MIN(22)/32, and we would reiterate our commitment to actively participate in the periodic reviews and discussions in relevant WTO bodies. This will allow us to ensure that we have a specific approach to these matters with a view to 2023.

2.145. The representative of Panama delivered the following statement:

2.146. Regarding agenda item 1 and 2, Panama is of the opinion that to prepare the road ahead, it is important quickly to set work programs for our future work. WPs should not be limited to include subsidiary bodies with work mandated in MC12. All special sessions, including rules for fisheries and agriculture, should also develop WPs to revive negotiations. As my Minister mentioned in the opening informal session at MC12, it is important to build trust among Members to move forward on particular issues or sectors, if progress cannot be made on all issues or sectors in parallel. To accomplish this, we must move away from simply restating own priorities without doing more than saying one is willing to talk about others' interests. Conferences at a Ministerial or high-level are also an important tool for reviving negotiations. Again, Members must move away from saying simply what they want, to saying what they are willing to give in exchange for what they want. Panama looks forward to being an active participant in any consultations on reinvigorating negotiations and regular work in the WTO.

2.147. The representative of Nigeria delivered the following statement:

2.148. At the outset, Nigeria wishes to associate itself with the statement delivered on behalf of the African Group. We also wish to associate ourselves with the statement delivered regarding the JSI on Investment Facilitation and e-commerce respectively and we continue to encourage Members, particularly those from Africa, to join these initiatives so we can collectively deliver outcomes that would complement the AfCFTA. We thank everyone that worked tirelessly towards ensuring a successful MC12. We commend the DG for her remarkable leadership which fostered the delivery of unprecedented package of agreements and declarations at MC12. We also thank the DG for her report. We take note of her recommendations and wish to assure the WTO membership that Nigeria would engage constructively in the post-MC12 discussions and negotiations to foster the building of consensus. Regarding implementation matters from MC12 mandates, we wish to inform that Nigeria has commenced internal processes for timely implementation of MC12 decisions. We would be depositing our instrument of acceptance of the protocol amending Annex 1A to the Marrakesh Agreement for the insertion of the Agreement on Fisheries Subsidies with the DG, as Depositary in record time. This for us is both a credibility and reputational issue. We thank the WTO Secretariat for circulating the matrix of action plan on post-MC12 works contained in document RD/WTO/13. We would continue to engage constructively in this and other area of works not contained in the matrix, especially the broader agriculture negotiations where we are seeking outcomes that would address the structural causes of food insecurity and unlock Developing Countries Productive capacities. In conclusion, we wish to draw the attention of Members to the Nigerian proverb aptly captured in the statement of the CoA SS Chair, Ambassador Gloria of Costa Rica, "fine words do not produce food". Therefore, we encourage Members to come prepared in September to engage intensively and constructively with flexibility to foster the building of consensus in all areas of WTO works.

2.149. The representative of Ukraine delivered the following statement:

2.150. As highlighted by many, MC12 was a success. Please use this momentum in all possible efforts; in our opinion, the combination of Ambassadors' and Ministers' engagement created this momentum. Therefore, we need to explore this *modus operandi* between the Ministerial Conferences. I want to explore in greater detail the notion, mentioned by the Ambassador of Norway, that if trade topics are not discussed here, they will be addressed elsewhere. As you know, with the UN's support, Ukraine and Türkiye created an initiative to resume the logistics of cereal and fertilizers out of the Ukrainian Black Sea ports. Unfortunately, the Russian Federation is trying to present this initiative as something like sovereign trade depending on the grace of Russian murders in military uniform. As the Russian Federation shelled the Odesa seaport immediately after signing the initiative, it reminded us of the colonial trade under gunshots. All of us believe that these are the matters of the past, not the future. This is one example of attempts to deteriorate the WTO rulebook and fundamental trading freedoms. Current challenges - security, climate change, pandemics and food shortages - prompt a more active role of governments that tend to intervene in trade. Our

recipe for tackling the challenges is to enhance the efficiency of private-based trade with coordination with governments, not intervention. To this end, we need more vital rules respected by everyone to ensure the development of agriculture. The MC12 outcomes and deliberations at the Conference reflect the general direction of further works on agriculture and food security. The statements and ideas expressed during MC12 are the best material for the development of an ambitious trade-centered policy framework for the development of sustainable agriculture, especially in NFIDCs and LDCs. To conclude, the combined involvement of Ambassadors and Ministers in advance of the next MC is the best solution for finding brave and efficient solutions for the issues on the WTO agenda. We are ready to support the Chairs in the facilitation of finding consensus between WTO Members for all the important topics on the WTO agenda.

2.151. The representative of Sri Lanka delivered the following statement:

2.152. I take this opportunity to make a brief intervention covering one of the key MC12 outcomes, which is Fisheries Subsidies Agreement, which requires an urgent attention. On item 2, we take note of the strong calls urging WTO Members to ratify the Fisheries Subsidies Agreement (FSA). While the domestic processes are underway for Members to work towards the swift implementation of the FSA, there are a few issues that require the urgent attention of the WTO to facilitate the rapid ratification of the Agreement to enable its entry into force. Based on past practices both in the WTO as well as after the conclusion of regional trade agreements, a legal review or legal scrubbing is a standard course of action. This process typically occurs after the negotiations are complete and with the implementation of the final legal texts of trade agreements into Members' domestic law. The process allows Members to vet the text and address the legal inconsistencies, if any, with a view to ensuring internal consistency of the Agreement, e.g., consistent use of terms throughout the text; legal certainty so that the Agreement is detailed and clear enough so that all signatories understand the text in the same way including when it is read or interpreted; and ensures linguistic consistency over the texts produced in different languages. Members have a small window of opportunity to address these legal inconsistencies. If they are not addressed urgently, there are risks of further delays in the domestic ratification procedures of Members where these ambiguities are most likely to be picked up when Members scrutinize the FSA for consistency with international law and Members' other international obligations. Legal scrubbing will also prevent additional implementation-related delays, as well as costly and time-consuming disputes on language that could easily be resolved through the review or scrubbing process. It is responsible rulemaking for a review to arrive at a further enhancement of Members' common understanding of the FSA while noting that the final text was the result of small group and Green Room meetings at MC12. The FSA was not fully assessed by most Members before it was adopted. It is also worth pointing out that there is no *aide memoire* on the articles that were modified just prior to, or at, MC12. In summary, it is expected that a prompt legal scrubbing process ensue in the WTO to facilitate the smooth domestic legal ratification processes and implementation of the FSA. Convening the Negotiating Group on Rules on an urgent basis is warranted for this purpose. With a view to expeditiously ratifying the Agreement, a decision shall be taken to create a Preparatory Committee, which shall first carry out a legal examination of the text to ensure consistency and legal certainty, and where necessary, correct or clarify the text of the Agreement. The General Council shall adopt any proposed amendments recommended by the Preparatory Committee. My delegation is strongly of the view that such expeditious actions by WTO Members are urgently needed that will enable Sri Lanka and other countries to go through their national ratification process and join the Agreement as early as possible.

2.153. The representative of the United States delivered the following statement:

2.154. I have couple of comments on the compilation document that is the subject matter of the second agenda item. We appreciate the Secretariat putting it together. We ourselves had put together a similar document just to try to compile and have a good sense of what the work ahead is. But we do view the compilation as just a compilation of the things that we agreed to do. Some of them are things that we are already doing. So, we have a little bit of issue when we start think of this as a mandate. I was not a fan of the word "mandate" before I got here. The more I sit here, I have become even less of a fan of the word "mandate" because it clearly means different things to different people. It creates this notion that we have agreed to an outcome when what we really have agreed, for the most part, in the outcome documents, which again we should celebrate, is work. We agreed on work that we are willing to do. Since I want to be very clear, we are not walking away from what we have agreed, but we view it as work that we have set out for ourselves which is not the complete universe of the work that we have in front of us. There are only certain things that we

were able to agree and there are many others, some of which have been mentioned here for different reasons, where there was no agreement, no consensus but we know that we have work to do. One of our concerns with focusing on this compilation being the universe of mandates that were agreed to at MC12 is that we are expected to spend our energy on that, and not spend energy on other things that are important. I have things that are important to me, and everybody else has things that are important to them. We had this conversation in the reform context – that this is Member-driven, and it should be that Members are able to bring to the table the work that they think is valuable. We are not walking away from what was agreed. We just want to be very careful on how we refer to it and how we talk about it. We do not want it to become the only thing that we focus on as we head to MC13.

2.155. On that point, we totally agree and have heard several Members talk about this concept of de-dramatizing Ministerial Conferences. To me, certain things are tied because this should be about regular work and we should be working towards whatever work we have in front of us and whatever work we need to do. But we should not start already putting up a Christmas tree and putting all the Christmas ornaments on the tree and try to deliver a big package for MC13 - whenever that is. We again fully agree that we should be thinking about Ministerials. We can have Ministerials about getting our Ministers together to talk about their visions for the institution, but not necessarily to deliver the next big package. If there are things to deliver, then, great. But if we start setting ourselves up for the big circus event for MC13, I do think that that hinders the actual work that we need to do – the day-to-day work that happens and that should be happening in Committees. In echoing the Ambassador of Singapore's comments about needing to think differently, work differently and act differently, this is what we are trying to do and think through as we start, not necessarily heading down the path to MC13, but looking at the work that we need to do in the future. In the list that we put together of the work arising out of MC12, one of the things that I had put on the list, because it had been mentioned by several delegations, is this issue that has come up a couple of times today of the legal scrub and language verification of the Fisheries Subsidies Agreement. Certainly, in free trade agreement practice, we do legal scrubs, and we do language verifications. We are where we are on the Fisheries Subsidies Agreement, but that should not prevent a review to make sure that there are no mistakes. Oftentimes you find those things when you do the language verification. So, I am a little bit unclear as to where we are on that issue because it has been raised several times and I am not sure whether anything had been scheduled on that -I did ask my team in Washington who works on this issue, and the answer was "we have not heard anything". It does not have to be long. It does not have to be complex. But it is an exercise that is worth doing. This should be part of reform. These are legal documents, and we should treat them as such. They are important and it is somewhat amazing that we are not in the habit of doing that kind of work and taking the time to do it here. That is something we should think about.

2.156. The representative of Ecuador delivered the following statement:

2.157. I would like to reiterate that my country welcomes the agreements achieved during the Ministerial Conference. In particular, the WTO has been able to reach consensus on a declaration concerning food security and the response on food and health. This is a very urgent subject on the world's agenda. The work dynamics in our Organization, however, meant that we spent too much time finding a solution to the COVID-19 problem, in terms of food security but also because of the crisis in supply as well as imports. This has been caused by the war against Ukraine. Ecuador welcomes the paragraph on WTO reform in the MC12 outcome document, and we are grateful for the work done to come up with a comprehensive document which contains a paragraph on gender and MSMEs. We consider it essential to work jointly and in a constructive spirit in order to use a trade perspective to the solution of problems that are affecting the whole planet, such as gender equality, sustainable development and contributing against climate change, pollution and the loss of biodiversity. With regard to fisheries subsidies, the first steps have been taken for the ratification of the Agreement. We make an appeal for all Members to do the same. Particular work is needed, and perseverance as has been shown already by the Director-General. We consider it of particular importance to look at coastal states and to look at the conservation of a huge marine reserve in the Galapagos. Although much has to be done to achieve a broader agreement, we are ready to contribute constructively for that purpose. On this point, I should like to mention what was already mentioned by the US in terms of receiving legal information on instruments. That is a very important topic. We believe it is important to pay attention to all the points in the completed documents and the decisions taken at the Ministerial so that no document or agreement is left behind. Ultimately, this is in response to an understanding of the Ministerial package and consequently implementation should take the same positive line of action that has been agreed on by all Members on all subjects,



and the particular components in each and every one of them. Although agreement was not reached on many subjects relating to trade in agriculture, which are something very much lacking, Ecuador considers that precisely for this reason the WTO should without delay begin to deal with these issues again. We consider it positive to look at the proposal by the DG concerning a retreat or time-out to think about this subject to see what is working, what is not working, and what can be done to make a constructive contribution to this debate. We do not need to say more regarding the importance of agriculture for us, and I would say that this is particularly true for developing countries such as Ecuador. Several Latin American countries passed a declaration in this connection during the Ministerial Conference. We need a response to that. We are major agricultural producing countries, which provide global food security. Sixteen Members of the region endorsed that statement. We express our commitment as Ecuador and join with other countries to deal with problems of trade and agriculture in a spirit of solidarity and international cooperation. Finally, as mentioned already during the 7 July meeting, from my delegation's experience during the Ministerial, as also that of other Members, we consider it timely to revisit the way in which the work procedures take place in our Organization, in particular at Ministerial Conferences. The experience of the Ministerial helps us improve transparency in line with what should be done in a multilateral agency. Each person should be able to contribute constructively. That is essential. It is important to look at the lessons learned and to take specific measures in order to improve these procedures.

2.158. The representative of Mauritius delivered the following statement:

2.159. I express my appreciation to you, Chair, for having handled a very difficult process along with your predecessor Ambassador Castillo, and all the other heads of the negotiating groups and the Secretariat. It was not easy. We thank the DG, the DDGs, the Chief of Staff and all the team in fact, who tried to keep us abreast of the consultations as they were proceeding and tried to share with us what was happening. It was not always easy for the DG, we realised, to take different perspectives and try to carve them into an outcome. But she spoke her truth as usual, and we spoke our truth. And we still found a way of turning this into an outcome. So, we thank you DG for that energy and on moving situations that you want to get into a determination, thank you for that. A lot has been said this morning, and I think we are especially hearing a lot of lists of what should be a priority, what should be coming out of our discussions. I think we should not underestimate what happened at MC12. It was certainly an important step and a reaffirmation of multilateralism. Now speaking about WIPO, we saw the same reaffirmation of multilateralism after two decades, and I think we are on a good trend. But this is only a first step. A second step will have to be at MC13. As far as my delegation is concerned, we will not go into a list of things, but we want to say that we see two sets of deliverables and that our approach should remain practical and realistic at all times. First, there are substantive deliverables based on the suggestions made by the delegations this morning. These deliverables must at all times be measured against the contribution that they will make to the common good and against the sustainable development goals. We cannot do everything, but priority should be for those that serve the common good. The second set of deliverables as we see it is on process, for example, as what more we should be doing to make the Ministerial process more transparent and inclusive.

2.160. The representative of Chinese Taipei delivered the following statement:

2.161. In addition to the statement that I made at the informal HODs meeting on 7 July, let me add one more point about the approach for our future work. For those most difficult issues that we are encountering, the extent of our efforts is important. In this regard, I echo other colleagues that we should be prepared for another round of active and constructive engagements immediately after the summer break. But it must also be noted that it is not merely how much time and efforts we devote. It could also be about what new approach we can identify to address the difficult issues which we were not able to settle based on the existing approach. As suggested by the Ambassador of Singapore: to think differently and act differently. In this regard, we welcome the idea of a retreat for agriculture. It is a way to develop collegiality among delegations to build up the needed trust. It is also a way to search for the approach to properly handle the issues of such nature. In addition to agriculture, Members might want to consider whether certain settings either a format similar to a retreat or other useful formats can also be arranged for other important but equally difficult topics, such as the OCOF in fisheries subsidies, the e-commerce moratorium and the work programme, and even the emerging issues such as digital economy and climate change.

2.162. The representative of Mexico delivered the following statement:

2.163. At the 7 July meeting, I made a statement, which I ask to be included in the record of today's meeting, so I will not repeat my thoughts on the process and outcomes of MC12 or on the substantive issues. I would like to echo what the Chair of the General Council said about the importance of making a greater effort to make these meetings more efficient. It will be important to rethink them with a view to making them considerably shorter. Considering that it is already the end of July, I will allow myself to express something politically incorrect. In its two-and-a-half decades of existence, this Organization cannot be accused of talking too little – quite the opposite. Respectfully, my view is that, in this Organization, we need to talk less and do more. We have no time to spare; the global challenges are as undeniable as they are numerous. As I understand it, the Chair is open to suggestions on how to ensure that meetings of the General Council, and perhaps those of other bodies in the Organization, are characterized by a valuable yet still scarce ingredient: brevity.

2.164. The representative of Senegal delivered the following statement:

2.165. Senegal associates itself with the statements made on behalf of the African, ACP and LDC Groups. We are pleased with the results of MC12, and we also welcome the Secretariat document which was distributed as RD/WTO/13 which speaks of the implementation of the results of MC12. We need, as some delegates have indicated, to focus more on discussions and negotiations on new bases concerning outstanding questions, particularly fisheries subsidies, agriculture, and to have a more complete report on the graduation of LDCs. This question is of great interest to us. Although we do acknowledge that paragraph 5 of the MC12 outcome document has a mention of it, no particular structure has been given to pursue discussions on this issue. This is why we encourage you to rally round to the proposal made for a work plan on this question between now and MC13.

2.166. The representative of Pakistan delivered the following statement:

2.167. I hear you when you complain about long statements but that, I am afraid is partly self-inflicted, since a 1-day TNC prior to the regular GC meetings seems to have disappeared. We perhaps need to discuss that more openly. It seems a bit confusing, to me at least. I would also like to take this opportunity to raise some of the points and ambitions going forward. While most of our views on various files are well-known, we will not repeat them here. But I will say this much: Files that had followed a process throughout which was transparent and inclusive stood the best chance of surviving the rigorous and the pushes and shoves of the Ministerial. So, let us take that key lesson going forward. The fisheries draft produced needs the usual legal scrubbing as we get on with ratification and also get back to the negotiations on the outstanding issues. We need to earnestly engage in work on food insecurities arising in various parts of the world, especially in the Net Food Importing Countries. These are triggered by various external shocks that have unfortunately more or less coincided over the last couple of years, including conflict. Sustainability and resilience should thus be an important part of any conversation on agriculture. A basic issue of bread and butter! On item 2, we find this matrix (RD/WTO/13) to be useful as a Secretariat note indicating areas of work. We do realize that these are not conclusive and are happy to work further on them.

2.168. The representative of Russian Federation delivered the following statement:

2.169. I would like to bring to your attention that some elements of the statements made today by a couple of delegations clearly contradict your request as contained in your communication of 8 July. They repeat the same politicised stuff that we already heard before and evidently aim at using the General Council to spread fake information on issues that go beyond its agenda and the WTO mandate in general. I kindly ask you, Mr Chairman, to approach those delegations in the context of your efforts to streamline the work of the General Council and to invite them to stop using this body as a platform for their biased political propaganda. On the substance of today's meeting, the success of MC12 was indeed our collective achievement. The portfolio of much needed decisions adopted at the Conference proved beyond any doubt that the WTO remains relevant and indispensable for promoting and regulating international trade. However, we are only halfway there. We need to start implementing the adopted decisions as well as launching discussions on mandated issues, foremost on the reform of the WTO and its dispute settlement system. The Russian Federation highly welcomes the Ministerial Decision to launch the negotiating process to address the challenges and concerns relating to the WTO dispute settlement mechanism which was brought to a halt in December 2019. Members undertook a commitment to find a solution and to restore a fully and

well-functioning system by 2024. For the Russian Federation, these words mostly mean two-tier, effective and predictable. This deal is doable but only if the solutions reflect the interests and concerns of all Members. In this regard, the process shall be organized under the auspices of relevant WTO bodies, i.e., be inclusive and transparent. Moreover, we consider that the process and possible results should not be linked to negotiations on other issues. In respect of the Agreement on Fisheries Subsidies, the Russian Federation fully agrees that the WTO membership should make all possible efforts to accelerate the fulfilment of necessary internal procedures and to ratify the Agreement as soon as feasible. As regards to the agricultural track, we believe that any discussions on food security should be proceeded strictly within the mandate of the MC12 Ministerial Declaration on the Emergency Response on Food Insecurity. Moving forward on all mandated tracks, it is important to keep in mind that a productive MC12 was only possible because we chose to overcome our differences and work together for the common good. The spirit of constructive cooperation should be fostered while our work should be carried out in an inclusive and result-oriented manner. In this regard, the core principles of the WTO negotiations: openness, inclusiveness and transparency, should be diligently upheld. The preparation and the context of MC12 clearly demonstrated that a general approach to the negotiating process in this house is in need of serious revision. I am sure that for most delegations present here, the situation when a handful of countries get together to a draft decision while the larger WTO membership knows little about what transpires behind closed doors, is simply unacceptable. Those practices were proved to be problematic and were only tolerated by Members due to MC12 time constraints and their common engagement to achieve a package of meaningful decisions. This may not happen next time. Thus, any further discussions on overarching themes, such as the dispute settlement revival and the larger WTO reform should directly involve all Members and reflect their positions, or be doomed to fail. Having said that, let me ensure you that the Russian Federation stands ready to engage constructively with all interested parties on any outstanding issues.

2.170. The representative of Canada provided the following statement:

2.171. Canada stands by the Ukrainian people and strongly condemns the unjustifiable invasion of Ukraine by President Putin. This illegal and unprovoked war has had, and continues to have, devastating effects on Ukraine, its neighbours and people around the world. No disinformation can hide the Russian Federation's guilt: it alone, and not the sanctions put in place to end the Russian Federation's unjust and brutal war in Ukraine, is responsible for this crisis. Canada calls on Russian leaders to leave this war path, immediately withdraw their troops from Ukrainian territory and assume their responsibility for re-establishing and maintaining international peace and security. Canada is unwavering in its support for Ukraine and its people. We will continue working with our allies and finding ways of using trade to help Ukraine rebuild its economy and society. Canada joins other Members in welcoming the outcomes from MC12. Though not as ambitious as we had hoped, they do strengthen the multilateral trading system and create important pathways forward. In this regard, Canada remains committed to working with other Members on the outstanding elements of the fisheries text to ensure the sustainability of the fish and seafood sector and preserve global fish stocks for generations to come, in line with SDG 14.6. We will also actively participate in the work on responding to future pandemic. Further to direction by Ministers in the Ministerial Decision on the TRIPS Agreement, Canada also remains committed to engaging constructively with all WTO Members in discussions on the TRIPS waiver. While Canada continues to seek a permanent multilateral prohibition on the imposition of customs duties on electronic transmissions, we welcome the successful outcome at MC12, which will offer the certainty and predictability that consumers and businesses need. Canada looks forward to continuing the discussions on the relevant trade-related aspects of e-commerce, under the Work Programme. In addition, we look forward to participating in the SPS Committee work programme to consider how to further enhance the implementation of that Agreement to respond to emerging challenges and promote science- and rules- based trade. Canada does regret that we were unable to reach an outcome in agriculture during MC12. We believe this setback requires that we reflect on the architecture of these negotiations and to chart a different path forward. Indeed, the challenges encountered during MC12 highlight why Canada has been a leading voice calling for significant reform of the WTO. We need a strong and effective WTO that can deliver results for Members at all levels of development. One way is through JSI negotiations, where Canada seeks to attain and quickly implement ambitious outcomes. Canada is steadfast in its commitment to the ideals and objectives of the WTO, and we will continue to play a leadership role in nurturing a strong multilateral rules-based trading system for all Members.

2.172. The representative of China provided the following statement:

2.173. For the WTO, the success of MC12 is like sweet rain after a long drought, a good harvest after 20 years of famine. It proved to the world that, as long as we uphold the spirit of solidarity and cooperation, the WTO can still deliver and respond to the global challenges. China would like to pay special tribute to DG for her strong leadership. Our thanks also go to Members for their tremendous efforts and contribution. While still indulging in the joy of success, we fully realize that the way forward could still be bumpy and rocky. In order to seize the momentum, China has three suggestions: First, cook the hard-won harvest into tasty delicacies by implementing the ministerial mandates. This work should be well organized and structured. China appreciates the Secretariat for circulating the list of implementation matters from MC12 mandates (RD/WTO/13). For the next step, GC and relevant subsidiary bodies should consult with Members and make implementation schedule with clear time limits. In addition, early ratification of Fisheries Subsidies Agreement will provide strong impetus for members to negotiate on the remaining challenging issues, like over-fishing and over-capacity (OFOC). Second, for those longstanding controversial issues, such as domestic support, we have to think out of the box and explore new ways forward, rather than repeat the same failure again and again with the existing ways. For the retreat on Agriculture, we welcome the proposal and hope, through frank discussion, we can have a good basis for moving agricultural negotiations forward. In order to have fruitful discussion, it should give members enough time to reflect and think. So, maybe late fall, the harvest season is a better choice. Third, as the negotiation on the short reform paragraph in the outcome document was extremely difficult, the implementation of reform is destined to be more challenging. In order to move forward, reform should be based on some common understandings. From China's point of view, the premise of reform should be preserving the basic principles of the WTO, including MFN and consensus-based decision-making; the aim should be to ensure the WTO's well-functioning and relevance, including the restoration of Appellate Body; and development issues should always be an integral part of the future reform process.

2.174. The Director-General delivered the following statement:

2.175. Let me thank Members for the very useful statements and sometimes suggestions that we have heard on MC12 and its follow up. I myself thought that, given the very long interventions at the Informal HODs, this will be a shorter set of interventions. But it was not. That brings me to the point raised by Ambassador Muhammad Mujtaba Piracha (Pakistan). He is confused about the one-day TNC not being held. I do not think you should be confused. The issue is that sometimes when I listen, I hear the same statements at the TNC as you hear at the GC. Since there was no big negotiating agenda before us, I thought it would save Members' time by having just the GC and give a report out. But the TNC is not going anywhere. It is there. We have done this only to be more efficient and to save time from having yet another meeting. That was why we did that.

2.176. I also want to touch on one or two issues that were raised. On the issue of implementation matters and the table circulated from the Secretariat (RD/WTO/13), I want to reassure everyone that this is not a list of mandates or an attempt to get Members to do things they do not want to do. It was an attempt to try and put together a guide or some list of things that we might follow-up on. Many Members said this might be helpful. We do have a good footnote at the bottom of the table which states, "This table is only for purposes of facilitating Members' discussions on implementation matters from MC12 Decisions and Declarations. It does not in any way interpret the mandates and is without prejudice to Members' views or positions." We put that caveat. This was just an attempt to be helpful. I must confess, sometimes, here, when you are trying to be helpful, you may be doing more harm than good, but we will keep trying. It is neither complete nor meant to be some kind of dictate for people to follow. If Members wish, we could add to it – if they have more suggestions about follow-up that is missing. If they do not find it useful then, you do not have to use it as a guide. It will help us in the Secretariat to keep track of what we need to be doing to follow-up. The other point I would like to make is that I am glad that many Members have stressed that even though MC12 is billed as a success or we have achieved some things, we are not there yet. There is still a lot of work to be done. I could not agree more. I hope Members are ready to come back quickly to try and resume that work. That is all I wanted to say. We have a lot to deliver before the end of the year and I hope we have the appetite for trying to do that.

2.177. Now, we face very challenging times with respect to the way we negotiate. Everybody knows it. It has been a miracle that we were able to have the outcomes we had given the tough negotiating position we are in. I think everyone knows what I am talking about. It seems that people have

forgotten that these are difficult times, and we are trying to do the best we can. It is not an ideal situation with regard to how we negotiate but we had to figure out a way to do it. It is interesting to me, sometimes when I listen to Members, you would almost believe that three quarters were not in some of the negotiating rooms from the comments I have heard. But that is not the case. Most people were in these rooms. I really want to insist on that. I just want to, again, push back a bit. If we allow these comments to keep going on, they become fact. And this is not a fact. Most people were in the rooms. There were some who were not in some rooms. And there were reasons why we had these rooms the way we did – because we are in a tough situation now with respect to how we negotiate in this Organization. We cannot do it the way we used to before. We had to be very creative. That creativity has led us to get some results. As soon as this situation alleviates, we will go back to the standard mode of doing business. But until then, we have to be creative, and I want Members to please be understanding and supportive of our trying to get business done in spite of difficult circumstances.

2.178. I also want to raise the matter of the issue of the legal scrubbing of the Agreement on Fisheries Subsidies. In this regard, I would like to give Ambassador Santiago Wills (Colombia), the Chair of the Negotiating Group on Rules, the floor.

2.179. Ambassador Santiago Wills (Colombia), Chair of the Negotiating Group on Rules, delivered the following statement<sup>8</sup>:

2.180. Today, some delegations have alluded to a possible process of legal review, based on the process that was followed for the Trade Facilitation Agreement after the Bali Ministerial Conference in 2013. Allow me to reiterate what I mentioned on the 7 July HODs meeting in this regard.

2.181. Let us be reminded that the decisions relating to fisheries subsidies at MC12 are substantively different from those pertaining to the TFA. In particular, at MC12 Ministers took a decision to adopt, in three languages, the protocol to amend Annex 1A of the Marrakesh Agreement by inserting the Agreement on Fisheries Subsidies once it enters into force, and to immediately open the Agreement for acceptance by Members. And should I add that the Agreement in three languages is attached to the protocol. Thus, as of 17 June 2022, the Agreement is open for acceptance without further steps to be taken, aside, of course, from the domestic procedures of the Members to deposit instruments of acceptance. This is exactly the same procedure as was followed for the 2005 amendment of the TRIPS Amendment. At Bali, by contrast, while Ministers decided that the substantive TFA negotiations had been concluded, they also decided at the same time to establish a Preparatory Committee to conduct a legal review of the TFA to prepare it for acceptance. Given the difficulties throughout the process, the protocol that actually opened the TFA for acceptance was adopted by the General Council about one year after the Ministerial Conference. This is a fundamentally different legal posture than what the Ministers agreed to at MC12.

2.182. On translations of the Agreement, I would recall that French and Spanish versions of the text should have been familiar to Members, given that every version of the draft text that I have provided to Members for consideration since June 2020 has been circulated immediately in all three languages. This includes both WT/MIN(21)/W/5 and WT/MIN(22)/W/20, which were sent to Ministers in November last year and June this year, before MC12. All of that said, I would encourage any delegation that wishes to raise any questions to contact me as soon as possible. Under well-known treaty procedures, if there are translation corrections on which Members can agree, there are processes for the Depositary – the DG – to circulate technical rectifications for approval by Members.

2.183. I should add, also, that some Members have already informed me that they have begun their domestic procedures of acceptance of the instrument, including, for instance, already having submitted the adopted text of the Agreement to their Congress or Parliament. In other words, domestic procedures from Members have already started on the basis of what was decided during MC12.

2.184. Having said all of this, if there are specific concerns of consistency, of translations, or anything else, please reach out to me. As I mentioned in the 7 July HODs – when I shared the details

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<sup>8</sup> The statement of the NGR Chair can be found in Annex 2 of document JOB/GC/315.

on the process that I'm reiterating today - my door is still open for all delegations to reach out and have the discussions we need to have.

2.185. The Director-General delivered the following statement:

2.186. Thank you very much Ambassador Wills. I want to echo what you said. Thank you all for your comments on this today. As we all say, my door remains open for anyone who has any comments.

2.187. The General Council took note of the reports of the Director-General, the CoA SS Chair, the General Council Chair, the statement made by the TRIPS Council Chair, and of the other statements made.

### **3 IMPLEMENTATION OF THE BALI, NAIROBI AND BUENOS AIRES OUTCOMES – STATEMENT BY THE CHAIR**

3.1. The Chair delivered the following statement<sup>9</sup>:

3.2. Item 3 – 'Implementation of the Bali, Nairobi and Buenos Aires Outcomes' remains on the agenda so that the General Council can continue to follow-up, in a horizontal and transparent manner, on the implementation of the said Ministerial decisions.

3.3. My statement under this item is based on the information and updates provided by the Chairs of Regular Bodies on the work carried out in their respective areas. It goes without saying that some of the matters that we discuss under this item intersect with MC12 outcomes. Regarding the Work Programme on Electronic Commerce and the moratorium on customs duties on electronic transmissions, I refer you to my statement under the preceding item.

3.4. On the decision on TRIPS non violation complaints, following the extension of the moratorium at MC12, there have been no new substantive developments. At the recent TRIPS Council meeting, Members largely reiterated known positions regarding the applicability of NVSCs in the TRIPS area generally. The Chair of the TRIPS Council will continue to seek engagement from Members ahead of the next TRIPS Council meeting in October.

3.5. With regard to the follow-up to the Bali Decision on TRQ Administration, Members shared at the 101st meeting of the Committee on Agriculture on 27-28 June, initial ideas, which they would like to pursue for the first triennial review of the operation of the Bali TRQ Decision.

3.6. With respect to the implementation of the Nairobi Decision on Export Competition, the 7th annual dedicated discussion took place at the 101st meeting of the Committee on Agriculture. The situation regarding the modification of schedules pursuant to the Nairobi Decision has not evolved since my last report.

3.7. On the implementation of the Bali Ministerial Decision on Public Stockholding for Food Security purposes, the latest notification covering the year 2020-21 by the only developing Member who has thus far invoked the Decision was subject for review at the recent meeting of the Committee on Agriculture. At the same meeting, a group of Members informed the Committee that they had launched consultations with this Member under paragraph 6 of the Decision to address their transparency-related concerns.

3.8. On Preferential Rules of Origin for LDCs, with paragraph 8 of the MC12 Outcome Document, Ministers welcomed the decision of the Committee on Rules of Origin adopted in April on Preferential Rules of Origin and the Implementation of the Nairobi Ministerial Decision (G/RO/95) and instructed the Committee to report its work to the General council ahead of MC13.

3.9. On the Services Waiver for LDCs, also with paragraph 8 of the MC12 Outcome Document, Ministers instructed the Council for Trade in Services to review and promote its operationalisation, providing additional guidance in this regard.

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<sup>9</sup> The Chair's statement was subsequently circulated in document JOB/GC/317.

3.10. Regarding Duty-Free Quota-Free Market Access for LDCs, for several years now, it has not been possible for the Secretariat to prepare its report on Members' DFQF schemes for the annual review, as mandated by the Bali DFQF Ministerial Decision. This is due to the divergent views among some Members on the scope and coverage of the report. Paragraph 8 of the MC12 Outcome Document instructs the CTD to re-commence the annual review process on preferential DFQF market access for LDCs.

3.11. Concerning the Monitoring Mechanism on Special and Differential Treatment, as the situation remains unchanged, I refer you to earlier statements made under this item.

3.12. On Trade and Transfer of Technology, at the May meeting of the Working Group, Brazil presented its communication titled "Intellectual property, transfer of technology and capacity building for COVID-19 and beyond" (WT/GC/W/845), initially presented at the May GC meeting. Members supported the communication's broad objective and invited Brazil to provide additional specific proposals that could reinvigorate the Working Group's work. With regard to possible recommendations on steps that might be taken to increase flows of technology to developing countries, India said that it was testing ideas on how to reinvigorate the Working Group's work and that it would update the Working Group at its next meeting. The Chairperson suggested organizing a workshop to exchange national experiences and identify best technology transfer practices.

3.13. On Trade Facilitation, the ratification rate remains at 94.5% with 8 Members still to ratify. The rate of implementation commitments currently stands at 75% for the entire membership and just over 67% for developing countries and LDCs. The rate of implementation commitments for LDCs stands at just over 43%. Concerning LDCs, I understand that an important notification date is coming up for LDCs on 22 August – i.e., notification of category C definitive implementation dates. Regarding LLDCs, the Committee will hold a Dedicated Session on Transit Issues during the next spring meeting, in accordance with paragraph 9 of the MC12 Outcome Document and the first four-year review of the TFA (G/TFA/2).

3.14. And finally, on Aid for Trade, the WTO will host the 8th Global Review of Aid for Trade from 27 to 29 July. There will be a total of 53 sessions – with half of the sessions in person and all sessions available online. The theme for this edition of the Global Review is: "Empowering connected, sustainable trade". This title includes three main pillars, namely: (i) the role that Aid for Trade can play in the context of women's economic empowerment and how it can favour their better inclusion in trade; (ii) how it can boost digital connectivity and contribute to the development of e commerce in developing countries; and (iii) what Aid for Trade should do to support a just transition to environmental development.

3.15. The Global Review will see the launch of the Aid for Trade reports by the WTO and the OECD, with expert contributions from other organizations. These reports discuss the results and analysis of the monitoring and evaluation exercise and direction of financial flows. I encourage all Members to participate actively in the Global Review, so as to make the event as meaningful as possible.

3.16. The representative of the United States delivered the following statement:

3.17. We appreciate the update from the Chair, but we are unsure why this item remains on the General Council agenda. We are not aware of any outcomes from these Ministerial Conferences that are still considered "outstanding". In the spirit of improving our work in the General Council, we suggest that Members allow this current agenda item to drop from the next GC meeting agenda. If a Member perceives that a specific outcome remains outstanding, they could request an agenda item to address that specific issue.

3.18. The representative of Cameroon, on behalf of the African Group, delivered the following statement:

3.19. Recalling the Bali outcomes, the African Group together with the LDC Group and G33 submitted a Ministerial Decision on PSH for Developing Country Members contained in WT/MIN(22)/W/4. We express regret that the MC12 could not deliver on a permanent solution on public stockholding that caters to the needs of all developing and least developed countries. African countries are particularly vulnerable to the increasing challenges to agricultural food security. Tools such as the establishment of a permanent solution on PSH are effective for supporting domestic

producers in agricultural production. The time has come to effectively deliver on this important subject and the Group stands ready to work with all Members in this regard. We thank Members that expressed their readiness to work with us and others in this line and call on others to join and improve international trade rules for food security.

3.20. The representative of India delivered the following statement:

3.21. We would like this agenda to remain on the table for the discussions in the General Council because at least it reminds us of the things that are pending from the previous Ministerial mandates or decisions. Otherwise, whatever we are talking about MC12 and at MC13, if we are silent on some of those decisions of MC12, and these are ongoing works, we may end up starting with a clean slate, again wiping off all the decisions of MC12 from our memory. As we have stated before and we reiterate that Public Stock Holding had a clear Ministerial mandate and PSH negotiations for a permanent solution must be on an accelerated separate track. Any effort to link these discussions with other pillars, which we saw prior to MC12, undermines the Ministerial mandate. Unfortunately, this was tried, and we failed to find a permanent solution to the PSH at the MC12. No outcome on this subject at MC12 was a failure of a colossal order, at least for India. It is indeed backsliding. The delay since the decision was taken at Bali, and further decisions in General Council in 2014 and in Nairobi Ministerial in 2015 is a long delay even by WTO standards. Sometimes, a few Members say that PSH is one of the solutions to ensure food security and it's not the only solution. Let me again clarify we had never said that it is the only solution. Just like what we have witnessed in last two years, free trade being a solution, not the only solution for food security of so many countries and vulnerable people. Some Members have sought for consultation under paragraph 6 of the Bali decision with India the design and implementation of PSH, in itself is evidence for other countries to look at. Because as we say that proof of the pudding is in the eating, this program in India actually has helped us to provide food security for 1.4 billion people in our country, even during a crisis period of the last two years. It has also helped us to help countries in need who have approached India for bilateral support for food security in their country where they felt that the free trade has not helped them in ensuring food security for their people. While I speak still more than 800 million people in India get additional quantity of guaranteed basic food needs delivered at their doorstep without any cost for them. Thanks to the PSH program that we are running. Therefore, I would request rather than doing a theoretical debate, we may acknowledge a successful model which is the PSH model of India and help countries in implementing their own respective successful models without creating unnecessary barriers and pushing them into lengthy debates, including the debates here in the General Council. The failure of agriculture in MC12 also has lessons for all of us. I don't have to articulate it. And I'm sure they are very apparent, and everyone understands this. Still, let me touch upon four or five of them. There will be no meaningful progress on the agriculture negotiations, unless the mandated issues are delivered. Times have changed since 1994; international trade had changed. Members' understanding of WTO has improved and developing country members now understand their rights better. Developing country Members may not have the wherewithal to pursue their interests but are wise enough to at least protect their interests. I also hear in the room that we cannot solve the problems with the same set of failed solutions. But surprisingly the same Members, are advocating the same solutions that they have been propagating for 25 years. This gives one a feeling of false sense of entitlement that they know better and they preach better. I can only say selective quoting of mandates in WTO has not helped in the past and will not help in future. Mandates given by our Ministers in Bali and Nairobi and under delegated power by this General Council in December 2014 cannot be forgotten. That may not help in taking forward the credibility of the WTO. Silence on mandates of MC12 during MC13 will not result in a clean slate post-MC13 with respect to MC12 decisions. With this reminder, I will close my statement.

3.22. The representative of the Nepal delivered the following statement:

3.23. My delegation welcomes the report and commends you for your continued efforts in making past decisions implemented. The WTO passed through twelve Ministerial Conferences over the last 27 years and most of the Ministerial have successfully taken good decisions in favour of the LDCs. My delegation commends all Members who have taken timely initiatives to implement those decisions in an effective manner, such as EBA facility of the European Union and the United Kingdom, and some initiatives in rules of origin and operationalization of service waiver by some Members. Similarly, my delegation welcomes the paragraph 8 of the MC12 outcome document, which rightly reflects the matter demanding improvement in implementation of the past decisions in favour of the LDCs. Nepal wishes to urge Members for respecting the decisions in favour of the LDCs and the paragraph 8 of the outcome document. Effective operationalization of service waiver, simplifying



rules of origin, mobilizing additional resources in implementation of category C measures of the Trade Facilitation Agreement and others would be helpful for LDCs in integrating into the global trading system and benefiting from it. The LDCs have limited capacity to effectively do follow up of these decisions as they are even not able to do follow up of implementation of their own legal provisions and decisions made in home countries. Therefore, regular follow-up in respective bodies and in this General Council is crucial. My delegation wishes to maintain this agenda as standing agenda of the General Council.

3.24. The representative of the Indonesia delivered the following statement:

3.25. On this item, Indonesia is of the view that we need to continue in advancing the existing Ministerial mandates and implementing the outcomes from Bali and Nairobi Decisions. In this regard, Indonesia remains committed to implement the Ministerial mandates and would like to reiterate its priority in delivering the mandated issues in agriculture towards achieving the establishment of a permanent solution on PSH as well as a comprehensive and balanced outcome in SSM. Indonesia believes that as Members of a rule-based Organization, our works are based on mandates that we have to adhere. Any attempts to un-mandate any Ministerial mandates will not be acceptable. Agriculture reform is urgently needed to create a fair and balance discipline that addresses the current challenges and its impact in food security and livelihood security. Under such condition, negotiations on other priority pillars, namely domestic support, market access, and cotton, would also be able to progress. Moreover, Indonesia welcome DG's initiative to convene a retreat in the upcoming months to discuss agriculture negotiations. Nevertheless, while such initiative may take stock of new and fresh ideas, we should not start from scratch and neglect existing mandates.

3.26. The representative of Nigeria delivered the following statement:

3.27. Nigeria wishes to associate itself with the statement delivered on behalf of the African Group. Nigeria is concerned that despite the severity of the food security difficulties experienced in Developing countries, and the joint submission on PSH by the African Group, the ACP and G33; MC12 probably due to time constraint, could not deliver on a longstanding mandated issue of PSH, a critical food security support instrument. We believe achieving food security in developing countries requires increasing support to enhance productive capacity, and economic opportunities for, small-scale farmers. PSH programmes are crucial for sustaining production and consumption support that are necessary to meet critical food security objectives for poor and marginalized sections of Developing Countries population. We therefore need to intensify our work towards a balanced outcome on PSH at MC13. In conclusion Chair, we continue to call on Members to exercise requisite flexibility towards the delivery of requisite decision on the mandated issue of PSH.

3.28. The representative of South Africa delivered the following statement:

3.29. We believe that it is important to maintain this item which enables the WTO membership to reflect on whether we are delivering on Ministerial mandates. The inability of the WTO to implement agreed decisions and mandates remains a matter of concern. It contributes to the inequity we see in benefits from the MTS. This has been exacerbated by the COVID-19 pandemic, the current food crisis that is contributing to rising food insecurity which emphasizes the need deliver on the mandate in Article 20 of the Agreement on Agriculture, including the need to conclude the outstanding work on disciplines on the trade distorting domestic support, a permanent solution on PSH, disciplines on cotton and SSM. We therefore welcome the initiative by the DG to convene a Retreat on Agriculture and we hope its outcomes will create the necessary momentum to take the work forward. Most importantly, we need to deliver on the outstanding DDA issues which remains critical if the WTO is to deliver on the development mandate. We therefore urge the Members to prioritize the fulfilment of outstanding Ministerial mandates.

3.30. The representative of Sri Lanka delivered the following statement:

3.31. My delegation would like to align itself with the statement made by Indonesia as chair of G33 on mandates in relation to the agriculture. Sri Lanka attaches high importance to negotiations on PSH and SSM, which are mandated issues by the Ministers under Agriculture negotiations. The Ministerial mandates on these two issues do not require any rewriting by the membership on the premise that they have been remaining on the table for many years justifying their relevancy. Nairobi Ministerial Declaration reads as follows "[w]ork on all the Ministerial Decisions adopted in Part II of

this Declaration will remain an important element of our future agenda". Part II specifically recognizes PSH and SSM. Therefore, my delegation would like to reiterate that past Ministerial decisions cannot be forgotten or neglected. Sri Lanka, therefore, reiterates that the delivery on all ministerial decisions, including Doha and Bali, Nairobi and Buenos Aires outcomes need to be addressed. As mandated by the Bali Ministerial Decision, we should continue our discussion on PSH at CoA SS so that a permanent solution could be reached before MC13. My delegation would like to emphasize that the harmonized proposal for PSH by G33 and African Group and ACP Group should be the basis for our work ahead. As mandated by our Ministers previously, we should continue negotiations on a special safeguard mechanism (SSM) for developing country Members in dedicated sessions of the CoA-SS. Members should engage constructively so that SSM would be delivered by MC13. We already have several proposals for SSM on the table including G33 and African Group proposals. Negotiations should be based on these proposals. Finally, Sri Lanka urges that this item shall be retained as a standing agenda item in the agenda of the General Council.

3.32. The representative of Pakistan delivered the following statement:

3.33. While another Ministerial Conference has just ended, we wish to note that the implementation of mandates from these Ministerial are still lacking. As we have raised several times in our previous statements under this item, developmental issues to ensure the livelihoods and developmental prospects of people in developing countries are left unaddressed. Furthermore, we have been constantly raising our concerns to address the imbalances in Agriculture and to deliver on the G90 proposals on SDT. We reiterate our call to build a mechanism where the unfulfilled mandates and unimplemented decisions are regularly highlighted in this Council and at the Ministerial Conferences as a reminder for us to act in the right direction. At this juncture, immediately after MC12, this is the most opportune time to put such a mechanism into place since we have received more mandates from MC12, and we need to fulfil them along with all the pending matters. To ensure that the world sees the WTO as an organisation that delivers on the mandated outcomes, we must find means to take stock of such mandates and decisions.

3.34. The representative of Uruguay delivered the following statement:

3.35. Today we have heard a number of arguments which we have already discussed on other occasions. We could make a long statement and refer to legal issues about mandates, treaties, the different hierarchy of norms and so on, but we will not do so today. Let us embrace what the Director-General and other delegations have said: it is good for us to take the time to reflect on things and seek new ways of addressing the issues involved in the agriculture negotiations. Some have talked about retreats or seminars on the subject. Perhaps it is good for us to take the time to reflect and see if we can find a way of approaching these issues with an open and creative mind, or "thinking outside the box".

3.36. The representative of Bangladesh delivered the following statement:

3.37. Bangladesh supports that this item be kept as standing item on the agenda of General Council meetings. For the developing countries, including the LDCs, it is imperative that the past Ministerial decisions and mandates provided by our Ministers should be followed and pursued in full. The Ministerial decisions taken in favour of the developing countries and LDCs are immensely important as many decisions taken in the past Ministerial Conferences are yet to be implemented fully. A regular follow-up and regular reporting for those works at the General Council will be helpful. Bangladesh stands ready to work with other Members in this regard.

3.38. The General Council took note of the General Council Chair's report and of the statements.

#### **4 WORK PROGRAMME ON SMALL ECONOMIES – REPORT BY THE CHAIR OF THE DEDICATED SESSION OF THE COMMITTEE ON TRADE AND ENVIRONMENT**

4.1. The Chair recalled that, in line with the agreement in the General Council in 2002, the Work Programme on Small Economies was a standing item on the agenda and the Committee on Trade and Development reported regularly on the progress of work in its Dedicated Sessions. At MC12, Ministers had reaffirmed their commitment to the Work Programme and had instructed the CTD to continue its work in Dedicated Sessions under the overall responsibility of the General Council. In this respect, the Chair of the CTD provided regular progress reports of the ongoing work in each

regular meeting of the General Council. He then invited Ambassador Dwarka-Canabady (Mauritius), Chair of the CTD, to take the floor to provide an update on the ongoing work in the Committee.

4.2. Ambassador Usha Chandnee Dwarka-Canabady (Mauritius), Chair of the Committee on Trade and Development, delivered the following statement:

4.3. Let me start by welcoming the Decision taken by Ministers at MC12 on the Work Programme on Small Economies, which is found in documents WT/MIN(22)/25 and WT/L/1136.

4.4. The Ministerial Decision contains, *inter alia*, a reaffirmation of Members' commitment at Ministerial level to the Work Programme on Small Economies. Note is taken of all the work conducted to date, and the CTD is instructed to continue its work in the Dedicated Session on Small Economies under the overall responsibility of the General Council. The Dedicated Session is to continue monitoring the progress of the small economy proposals in WTO bodies and in negotiating groups with the aim of providing responses, as soon as possible, to the trade-related issues identified for the fuller integration of SVEs into the multilateral trading system.

4.5. In terms of future work in the Dedicated Session, the Decision instructs the WTO Secretariat to provide relevant information and factual analysis for discussion among Members on the topic of "integrating small economies into the post COVID-19 economy: effects of the pandemic, challenges and opportunities."

4.6. Mr. Chairman, it will be recalled that the text of this Ministerial Decision was, in fact, already agreed in the CTD's Dedicated Session on Small Economies last October. This allowed the General Council to forward the text last November to the Ministerial Conference for adoption.

4.7. Because this matter was settled some months ago, it was possible for discussions to advance this year in the CTD's Dedicated Session on Small Economies, even before the Decision was formally adopted by Ministers at MC12.

4.8. In particular, at a meeting of the Dedicated Session held on 20 May, the Committee agreed to a proposed outline, submitted by the SVE Group, of a background document by the Secretariat on the topic of "integrating small economies into the post COVID-19 economy: effects of the pandemic, challenges and opportunities." The Secretariat document, which will be substantive and statistical in nature, will form the basis for the discussions that will take place in the Dedicated Session on this mandated topic.

4.9. As I informed the Committee, I shall remain in touch with the Secretariat after the summer break to monitor the progress being made in the preparation of the background document. I shall keep Members informed of this matter. Once the document has been finalized and circulated, a meeting of the Dedicated Session will be convened, so that Members can begin their discussion on the important topic of integrating small economies into the post COVID-19 economy.

4.10. Let me close by encouraging all Members to participate actively in the discussions that will take place in the Dedicated Session. More broadly, I take this opportunity to once again call on all Members to continue to engage in order to frame responses to the trade-related issues identified for the fuller integration of SVEs into the multilateral trading system. This concludes my intervention.

4.11. The Director-General delivered the following statement:

4.12. I very strongly welcome and support the decision that Ministers took on the Work Programme for Small Economies, this is a very important subgroup of our membership, which face particular concerns and vulnerabilities. I am therefore delighted that our Ministers while reaffirming the WTO membership's commitment to the Work Programme on Small Economies also called on Members to help small economies in the post COVID-19 economic recovery. I am pleased to note from Ambassador Canabady's report that Members have agreed to the outline of a background document by the Secretariat on this topic. The work that will be done on this matter in the CTD Dedicated Session on Small Economies will, I am sure, be very valuable. It is extremely important that work continues in the WTO to address the issues of interest and concern to small economies. I would also like to encourage small economies to continue making submissions in the negotiating groups and other WTO bodies, so that Members are made aware of their specific needs. Let us keep in mind the

objective that Members set themselves when the Work Programme was established, which is to frame responses to the trade-related issues identified for fuller integration of small, vulnerable economies into the multilateral trading system. I am certain that this work by the Secretariat will help in that direction.

4.13. The representative of Guatemala, on behalf of the SVE Group, delivered the following statement:

4.14. The SVE Group would like to thank the CTD Chair for her report on the Work Programme on Small Economies. As mentioned, the Ministerial Decision of the Work Programme on Small Economies for us is a major outcome of MC12. Ministers have reaffirmed their commitment to the Work Programme on Small Economies and mandated the work on the topic: "Integrating small economies into the post COVID-19 economy: effects of the pandemic, challenges and opportunities." The group would like to thank all Members for their support and hope that the work leads to concrete proposals that ensure a fuller integration of the SVEs in the multilateral trading system. We note that following this mandate, the Secretariat is already working on a background note that will provide factual information to guide the discussions on the agreed topic at the CTD Dedicated Session. The group hopes to receive the background document soon and look forward on starting work on this important topic.

4.15. The representative of Barbados delivered the following statement:

4.16. The agreement by Ministers at MC12 on a decision on the Work Programme is an important feature of the WTO's work and also a commitment by Members to integrating small economies in the multilateral trading system and for this we thank all Members. our inherent structural challenges, small vulnerable economies are disproportionately impacted by environmental and economic shocks. The economic crisis that emerges is a result of the pandemic is a prime example of this. We therefore welcome the agreement to discuss the topic, the COVID-19 pandemic and the post-COVID economy, effects of the pandemic challenges and opportunities. We look forward to the discussions on this topic as our immediate next step on this decision. We strongly believe that the continued impact of the pandemic compounded by those associated by the climate crisis and emerging food, energy and financial crisis means that we will need to consider the vulnerabilities as well as the trade and economic circumstances small economies in greater debt. The small economies work programme is to make a meaningful impact for the countries, we must also seek to move towards the next edge of the decision which instructs the dedicated session on small economies to consider further detail the various submissions that have been received to date, examine any additional proposals that Members might wish to submit, where possible and within its mandate make recommendation to the General Council on any of these proposals. In so doing, the General Council has a mandate to direct the relevant subsidiary bodies to frame responses to trade related issues identified by the CTD with a view to making recommendations for action. Barbados looks forward to working with Members within the General Council and the Committee on Trade and Development as relates to the Work Programme on Small Economies and express our willingness to work with the Chair of the CTD and how we with the assistance of the Secretariat can effectively implement the MC12 decision. In closing, Barbados wishes to signal its association with the statements of the CARICOM and SVE Groups on this agenda item.

4.17. The representative of Kenya, on behalf of the ACP Group, delivered the following statement:

4.18. The ACP Group is pleased with the decision taken at MC12 on the small economies work programme. The work done, and which will continue, on reducing trade costs, opportunities and challenges for small economies in attracting investments; and economic and trade impact of natural disasters on small economies have been helpful to small economies. We look forward to continuing our discussions in the CTD's dedicated sessions on small economies with a view to implementing the work programme. The COVID-19 pandemic has had a significant impact on the economic activities and trade performance of small economies. Hence, we look forward to discussions on how to integrate small economies into the post COVID-19 economy in the context of the effects of the pandemic, challenges and opportunities.

4.19. The representative of Trinidad and Tobago, on behalf of CARICOM, delivered the following statement:

4.20. We align ourselves with the statement by Guatemala, on behalf of the SVE Group. We welcome the Ministerial Decision on the Work Programme on Small Economies as a critical element of the outcomes from MC12 and wish to thank Members for their support. For SVEs such as those in CARICOM, the COVID-19 pandemic was an unwelcome reminder of how susceptible our economies are to exogenous shocks. We, therefore, remain committed to the Work Programme on Small Economies and the mandated work on the topic: "Integrating small economies into the post-COVID 19 economy: effects of the pandemic, challenges, and opportunities". We note that as part of the mandate, the Secretariat will be working on a factual background note to guide the discussions, and we look forward to receiving this document in due course. Our work over the years under the Work Programme on Small Economies has emphasized the importance of meaningful actions to assist SVEs in overcoming their vulnerabilities to integrate into the multilateral trade system fully. For CARICOM, our limited productive bases and other structural challenges have proven that simple and antiquated income per capita metrics do not fully portray the peculiar challenges that our countries face and the far-reaching consequences that these challenges have on our ability to develop. Therefore, we continue to highlight the importance of specific flexibilities, technical assistance, and capacity building that support SVEs in CARICOM in their economic development. The CARICOM Group looks forward to engaging with all Members on this and other areas of work on the Small Economies Work Programme.

4.21. The representative of the Maldives delivered the following statement:

4.22. The Maldives wishes to align with the statement delivered on behalf of the SVE group. SVEs such as the Maldives are very reliant on trade and a major component of this is attracting investment to support major industries such as Tourism. Resorts require capital and materials which must be sourced from abroad. As a low-lying small island state we are aware of the impact of natural disasters on our economy, such as the 2004 tsunami, which caused damages worth 62% of our GDP and set the country back years in social and economic progress. Ensuring that SVEs are able to address their needs though trade is crucial for their successful development and inclusion in the multilateral trading system. Once again, the Maldives thanks the CTD chair for her report as it will provide valuable information to drive the Work Programme forward. We remain committed to engaging constructively on this issue and look forward to future progress made.

4.23. The representative of Brazil delivered the following statement:

4.24. We also welcome the adoption of the "Ministerial Decision on the Work Programme on Small Economies" by MC12. We believe that this initiative will support small and vulnerable economies in facing specific challenges and further benefiting from the multilateral trading system. The work programme will also be a valuable contribution to tackle the effects of the COVID-19 pandemic in those countries, many of which have been severely hit by the crises. We look forward for the publication of the background document on "Integrating small economies into the post COVID-19 economy", to be elaborated by the Secretariat, in order to support further substantive discussions on the issue.

4.25. The representative of Vanuatu, on behalf of the Pacific Group, delivered the following statement:

4.26. Our Group also aligns with the SVE statement and the ACP Statement. We also welcome the extension of the Small Economies Work Programme at MC12, and the work envisaged under it. Small Vulnerable Economies face significant trade challenges. We are very small open economies, dependent on very few exports, are highly susceptible to external economic shocks, and are uncompetitive due to the high trade costs that we face, owing to our remoteness, smallness and geographical fragmentation. These structural characteristics are exacerbated by climate change and frequent natural disasters. COVID-19 has further compounded these vulnerabilities as our major economic sectors such as the tourism were adversely affected, and exports and remittances decline. This work must not be allowed to go on forever by extending the Work Programme at every Ministerial Conference without tangible results. We must focus on the mandate of framing responses for the fuller integration of small, vulnerable economies, into the multilateral trading system, as required by paragraph 35 of the Doha Agenda. We therefore encourage Members to engage

constructively to facilitate meaningful responses for integrating SVEs into the multilateral trading system.

4.27. The representative of Ecuador delivered the following statement:

4.28. Ecuador as a small vulnerable economy aligns itself with the statement made on behalf of the SVE Group. We are in favour of the adoption of a Work Programme as per the Ministerial Declaration and we commit to engage constructively with the Chair of the CTD in this regard.

4.29. The General Council took note of the report of the Chairperson of the CTD, the statement by the Director-General and of the statements made.

## **5 COMMITTEE ON BUDGET, FINANCE AND ADMINISTRATION – REPORT ON MEETINGS OF 5 MAY 2022 (WT/BFA/203) AND 24 MAY 2022 (WT/BFA/204)**

5.1. Ambassador Bettina Waldmann (Germany), Chair of the Committee on Budget, Finance and Administration, delivered the following report:

5.2. My remarks will focus on the meetings of the CBFA that were held on 5 May and 24 May 2022. Summary reports of those meetings are contained in documents bearing the reference WT/BFA/203 and WT/BFA/204. I will also provide some highlights of the carry-over of discussions that have taken place since May.

5.3. Let me begin with the important question of Long-Term Liabilities. The principal sources of long-term liabilities are: (1) the WTO Pension Plan; and (2) the After Service Health Insurance (ASHI).

5.4. The Management Board of the WTO Pension Plan has started work on proposals to address the long-term actuarial deficit that was recently announced. This deficit can be expected to have an impact on the financial health of the Organization going forward. The Board will recommend corrective action in due course and options will be discussed at the CBFA. Stakeholders will be kept informed. I should add that pensions are currently being paid. In that sense, there is no immediate emergency. However, we will need to plan ahead. For example, increased life expectancy means that benefits will be paid for longer periods to retirees. The problem is real, and action will be required to find a solution for the longer-term.

5.5. Let me now turn to the question of ASHI liabilities. This is an estimate of the future costs of paying for ASHI benefits for current staff and retirees. Due to an aging population and medical inflation, the liability continues to grow steadily. The question of ASHI liabilities will also remain on the agenda of the CBFA going forward.

5.6. On the WTO Transformation Process, the Secretariat transformation process will continue to be on the agenda of the CBFA as it moves forward, ultimately with a focus on the strategic direction of the Secretariat. This process will be of fundamental importance in shaping the Organization for the future.

5.7. The first two stages of design work dealt with staff talent management and ways of working within the Secretariat. This included design work on procurement, career pathways, recruitment, staff mobility, promotions, other rewards, and risk management. Since the end of May, the focus has been on digital tools and technology. DDG Ellard provided helpful written and oral updates to delegations at the meeting of the CBFA held on 15 July. She has offered a briefing for Members with the Transformation Office after the summer break, and specific Member consultation sessions on digital tools and technology have been held as well.

5.8. On the Coherence in the Management and Administration of WTO Trust Funds, the CBFA has also carried out work in relation to WTO trust funds. I am delighted to report that the CBFA has endorsed recommendations to improve the management, governance, and administration of voluntary contributions. I referred to this matter briefly in my report to the General Council on 9<sup>th</sup> May. My thanks and appreciation go to the Chair of the Working Group on Trust Funds, Ms. Alicia Goujon of Mexico, who led the process to a successful outcome. I would also like to acknowledge the valuable support provided by the Secretariat to this work, and to thank Members for their positive

and constructive engagement. The recommendations endorsed by the CBFA can be found in paragraphs 3.10 to 3.13 of document WT/BFA/203.

5.9. As a next step, the Secretariat will start developing necessary policies and guidelines to ensure that the governance and management of WTO Trust Funds and Voluntary Contributions are brought in consistency with the principles recommended by the Working Group in a time bound manner.

5.10. With regard to other important work for later this year, the question of the mid-term review of the budget will likely be on the agenda of the CBFA in October. In that connection, it may be relevant for Members to reflect on budgetary implications of implementation requirements flowing from the successes of MC12, also taking into account the economic context that we are operating in.

5.11. The Director-General delivered the following statement:

5.12. I took the floor to thank the CBFA Chair for her report and her update, which is very useful. I also wanted to recall my update on the ongoing transformation process and thank DDG Ellard for updating all Members on the process at the last CBFA meeting. I would also in particular like to thank the 43 delegations who participated in the Member consultations on the use of Secretariat digital tools, which were held on the 11 and 21 July. Members' inputs during these consultations as well as throughout the process will go a long way in ensuring that the Secretariat can better function and service of WTO Members. I had an update on where we are on the transformation. Just to illustrate the implementation, we are focusing now towards implementing some of the things that were being done during the transformation that have been designed, I am grateful to the Transformation Office led by Victoria Donaldson and to the many staff who participated in this process.

5.13. One of the things we are trying to implement, just to illustrate, is redesigning some of the things that are there already, making them better and stronger. For instance, with respect to rewards outside promotion, these rewards outside promotion already exist, but we to make some changes so that we can strengthen this and make it more fitting for recognizing our staff work, outstanding teamwork, innovation and excellence in management. We are also trying to implement a redesigned system for awarding the annual performance bonuses which already exist, to be fairer and more transparent and to ensure clearance between these rewards and real performance of people. Also, distinguishing the amount of bonus awarded between a small group of top performers and others very strong performers we want to implement a stronger culture of ongoing recognition and praise.

5.14. So just to illustrate to you some of the things that we are beginning to work on to implement, and this implementation will be led by the Transformation Office and by staff members themselves. I hope many Members who would like to know more will avail themselves of this opportunity to listen in detail to what is being done under transformation. I just also want to say one word on another change that we are working on, which is the gender policy. As I mentioned to you before, when I took this job, I found that we did not have an internal gender policy. I really was surprised to find that unlike many international organizations we did not have such a policy. There was a policy that has been worked on over the past seven years but was never actually put in place, so we looked at this policy and decided we needed really to perform a gender audit, so that we could see where the gaps are within the Secretariat and use this to help us build a gender policy for the WTO, something I consider really important, and I am really committed to. As you know, I tried to set the tone by the top management team saying for the first time that 50% should be women. Therefore, I am very committed to making sure that we deal with issue, and we really put a gender policy in place. We hired the Edge Consulting Group to perform this gender audit and two weeks ago they presented some of the key findings which I find very interesting. Just to share with you one or two, as we do not have too much time, women were found to be overrepresented at lower grades, grades 2 to 5 and grades 6 to 7 and underrepresented at higher levels. This is very much like many organizations - whether they are multilateral or even private sector. This is a finding that is quite common, and we are not different.

5.15. Another key finding, they are looking at the gender pay gap, from the information they have seen so far, we do not seem to be doing too badly, but they are digging deeper into the gender pay gap issue, so that if there is a problem, we can try to rectify it. A third but more trouble finding was on sexual harassment and discrimination. Women do not feel safe to report misconduct for fear of

retaliation, sometimes it is because of lack of knowledge of our processes, sometimes it is that they feel that there is no leadership reaction or inappropriate action when they report, so that is obviously something we have to fix within the Organization.

5.16. And just to share one more key finding, they find that, in spite of all of this, one of the most interesting things is that staff, both women and men, overwhelmingly would recommend the Organization to their friends and colleagues. One of the things they did find relates to promotion, recruitment and performance management. They are very similar to what the McKinsey report found, so it is very interesting to me that another Organization, looking at this from another perspective, has the same findings. So, those are the areas we need to work on, and that is why I wanted to share with you just some of the things we will be doing to strengthen rewards outside of salaries and pay and strengthening what already exists. We are going to set up focus groups after the summer, trying to build on all of that and to come up with a gender policy for the Secretariat, and I will be very happy when this is done.

5.17. The General Council took note of the CBFA Chair's statement and of the Director-General's statement and adopted the two reports contained in WT/BFA/203 and WT/BFA/204.

**6 PARAGRAPH 8 OF THE MINISTERIAL DECISION ON THE TRIPS AGREEMENT ADOPTED ON 17 JUNE 2022 – DOCUMENT WT/MIN(22)/30 (MINISTERIAL DECISION ON THE TRIPS AGREEMENT OF 17 JUNE 2022) – REQUEST FROM SOUTH AFRICA, INDIA, INDONESIA, EGYPT, PAKISTAN AND ARGENTINA ON BEHALF OF THE CO-SPONSORS OF IP/C/W/669/REV.1**

6.1. The representative of South Africa delivered the following statement:

6.2. Our delegation is concerned about the lack of urgency with which the paragraph 8 Ministerial mandate is being treated. On 6 July, we circulated a Room Document aimed at assisting Members to comply with the mandate. Our delegation did not receive adequate institutional support in this regard. We note the informal remarks made by the Ambassador of Sierra Leone under his own responsibility under agenda item 2. Given that the paragraph 8 mandate is a continuation of the waiver negotiations under Article IX of the Marrakesh Agreement, it is critical that the Chairperson of the TRIPS Council continues the practice of presenting a formal, factual report to the GC. We made this request which regrettably was declined. The Ministerial mandate in paragraph 8 of the WTO Decision on the TRIPS Agreement is time-bound, and necessitates that we work with speed, and there is urgency in continuing the discussions on this important item that affects people's lives. In paragraphs 14 and 15 of our Room Document, the 65 cosponsors of the TRIPS Waiver proposal requested that the TRIPS Council convene in late July and that the TRIPS Council report to the GC. As indicated previously, the latter request would have been a mere continuation of the existing practice. Neither of these requests have been accommodated and it is unclear to us what the obstacle is in continuing with the existing practice of a factual report to the GC. This is despite many delegations taking the floor at the 6 July TRIPS Council meeting to indicate that the indicative schedule proposed in RD/IP/49 is reasonable. Fulfilment of the paragraph 8 mandate is a matter of utmost priority if the WTO is to have a credible response to the pandemic.

6.3. Chair, the WHO has been abundantly clear about the need to deal with the COVID-19 pandemic comprehensively. WHO DG, Dr Ghebreyesus, has said, "Vaccines alone will not end the pandemic." "Many countries need diagnostics, lifesaving therapeutics — including oxygen and support for vaccine rollout." Chair, it is unjustifiable for the WTO membership to remain in a bubble that would see it deliver a solution on only one product that is needed for a comprehensive response to the pandemic. On Tuesday 19 July, the WHO revealed that coronavirus cases have tripled across Europe in the past six weeks, accounting for nearly half of all infections globally. Given the relative lack of access to tests in LICs, all of which are developing countries, cases in these countries are likely to be grossly underreported. The acclaim we received for the MC12 outcome will not shield us from accountability on 17 December when Ministers and the public, to which we are accountable, will expect us to have delivered on the paragraph 8 mandate. This necessitates that we work with speed to deliver a comprehensive solution that addresses all the aspects of the COVID-19 pandemic. We urge this institution to avoid the urge to fall into complacency. Let's get to work and deliver in the interests of our people.



6.4. The representative of Djibouti, on behalf of the LDC Group, delivered the following statement:

6.5. The LDC Group is a co-sponsor of the waiver proposal IP/C/W/669/REV.1, now reflected as a separate MC-12 decision WT/MIN(22)/30. The Group is now engaged with the co-sponsors of the original TRIPS Waiver submission and supports the proposal that is presented in response to the mandate in paragraph 8 of the Ministerial Decision. The LDC Group thanks the TRIPS Council Chair, the DG, DDG, and every delegation with a collective effort for an outcome on the temporary TRIPS Waiver. This is a much-delayed decision; however, it is expected that the decision will be helpful for scaling up the COVID-19 vaccine production.

6.6. There is an urgent need to expand manufacturing globally and to diversify supply of vaccines, therapeutics, and other medical products to effectively fight the pandemic. Ministers also mandated this objective in the MC12 declaration on WTO Response to Pandemic. Due to limited manufacturers, there are significant supply constraints for the therapeutics recommended by WHO and for potentially new therapeutics. Likewise, testing is critical to detect cases, to identify new variants and to better understand the scale of infection. It also allows for rapid action to be taken and to break the chain of transmission. Testing in developing countries and especially in least developed countries remains low. The Group is informed that most companies that have patents on instruments, reagents and methods discourage competition and do not share the know-how and other critical information to scale up production. The LDC Group stand ready to work constructively with Members for extending the MC12 TRIPS Waiver decision to cover the production and supply of COVID-19 diagnostics and therapeutics.

6.7. The representative of Cameroon, on behalf of the African Group, delivered the following statement:

6.8. COVID-19 continues to grip the world. A comprehensive approach to fighting against the pandemic is critical. The African Group has consistently said that the TRIPS decision should be comprehensive, encompassing flexibilities for the production and supply of vaccines, therapeutics and diagnostics as a holistic approach to address the pandemic. Access to diagnostics and life-saving drugs is limited and when are available, they are unaffordable in most developing countries and particularly in Africa. In addition, a significant number of countries are excluded from medicines patent pool (MPP) voluntary licensing agreements.

6.9. Regarding diagnostics, the World Health Organization (WHO) has been insisting that testing for COVID-19 is critical to curb the pandemic. It is important as the only means of detection of cases. It helps countries to establish proper statistics on the level of infection or emergence of new variants in the population and leads to informed preventive actions. However, the production of diagnostics is yet concentrated in high-income countries. African states like many other developing countries are over-reliant on imported diagnostics which are supplied at higher prices. Diversification of production and supply across geographical locations remains an effective way to address the current inequity in access to diagnostics, particularly in Africa. Therefore, I want to take this opportunity to reiterate our call for an extension of the TRIPS adopted decision to cover COVID-19 diagnostics.

6.10. Equally, on therapeutics, production is concentrated in high-income countries. The importance of life-saving drugs cannot be re-emphasized. COVID-19 drugs such as Paxlovid reduce the risks of patients getting into critical conditions and death. However, such drugs are in short supply and when are available in developing countries are unfordable, particularly Africa. This situation also calls for an extension of the TRIPS adopted decision to cover COVID-19 therapeutics.

6.11. The African Group would like to urge Members to comply with the mandate in Paragraph 8 of the Ministerial Decision on TRIPS Agreement adopted on 17 June 2022. The cosponsors of the TRIPS waiver proposal have submitted document RD/IP/49, which sets out an indicative timetable for the negotiations on therapeutics and diagnostics.

6.12. Finally, Chair, the negotiation phase mandated in paragraph 8 are a continuation of the TRIPS waiver discussions that have been held under Article IX of the Marrakesh Agreement and we would expect the TRIPS Council to continue its practice of providing factual status reports to the General Council.

6.13. The representative of Pakistan delivered the following statement:

6.14. Pakistan wishes to align itself with and echo the statement delivered by South Africa on behalf of the co-sponsors of the original TRIPS waiver decision. While we welcome this Decision as a step in the right direction to contribute to our fight against the COVID-19 pandemic, it remains insufficient to fully address the challenges in containing COVID-19. Indeed, the solution to the overwhelming challenges faced by developing countries in their ongoing fight against COVID-19 is very limited if it remains confined to vaccines and does not address therapeutics and diagnostics.

6.15. We wish to note that the world has not managed to keep COVID-19 at bay, it keeps on mutating and spreading. The recent emergence of the Centaurus variant is a case in point. This will result in increased pressure on public health and ultimately on the economy in general. Right now we are only counting on and hoping that the successive mutations result in 'COVID-lite'. But that is conventional wisdom based only on an assumption, easily violated by an outlier variant, something we cannot totally discount, especially the way this decade is going so far. We cannot afford to have another string of lockdowns which will wreak havoc on the global economy and will add another extra layer of challenges to the economies of developing countries which are still reeling from the devastating impacts of the COVID back in 2020 and 2021.

6.16. The extension of the waiver to cover diagnostics and therapeutics is not a mere economic argument if we want to effectively fight against the COVID-19. It is a social, moral and political responsibility of all nations across the world to fight the pandemic as effectively as possible. The extension of the waiver to therapeutics and diagnostics, which are increasingly becoming more important in this fight, falls squarely within this collective responsibility. At the meeting of the TRIPS Council of 6-7 July 2022, the co-sponsors have circulated a Room Document which provides a concrete time frame to fulfil our Ministerial mandate in a timely and effective manner. We wish call on Members to consider this timeline before us and work positively, constructively, and meaningfully to deliver a decision on extending the waiver to therapeutics and diagnostics within the stipulated time.

6.17. The representative of Kenya, on behalf of the ACP Group, delivered the following statement:

6.18. The ACP Group calls for expeditious compliance with the paragraph 8 mandate as in the new decision on TRIPS Waiver taken by the Ministers at MC12. COVID-19 infections have increased significantly over the past few weeks. This highlights that the pandemic is far from over and the importance of test and treat strategies.

6.19. At the TRIPS Council meeting of 6 July 2022, the cosponsors of IP/C/W/669/Rev.1 submitted RD/IP/49, which includes an indicative schedule of meetings aimed at assisting the membership to comply with the paragraph 8 mandate. Many delegations took the floor to indicate that the proposed schedule of meetings was reasonable. We would urge the membership to proceed in accordance with the proposed schedule unless compelling reasons as to why the schedule cannot be accommodated are advanced.

6.20. The paragraph 8 mandate is a continuation of the TRIPS Waiver negotiations conducted under Article IX of the Marrakesh Agreement. As such, the practice of the TRIPS Council providing factual reports to the GC should be continued. Discontinuing this practice would raise questions about the WTO's commitment to completing the work assigned to us by Ministers at MC12 and we do not see the rationale of doing so. The ACP Group is committed to fulfilling the paragraph 8 mandate. This would add to the availability of COVID-19 therapeutics and diagnostics in developing countries and significantly contribute to global efforts to end the pandemic.

6.21. The representative of Antigua and Barbuda, on behalf of CARICOM, delivered the following statement:

6.22. At the outset, we align ourselves with the statement delivered on behalf of the ACP Group. CARICOM notes the progress made on the TRIPS Agreement in the Ministerial Decision adopted at MC12. However, the outcome was partial one, only covering vaccines. The Decision does not cover future pandemics which should be considered as equally important. We note the Ministerial Decision on the WTO Response to the COVID-19 Pandemic and Preparedness for Future Pandemics calling for

Members to develop an effective solution for Intellectual Property and technology transfers to cover future pandemics.

6.23. CARICOM recognizes the work in progress by South Africa, India, Indonesia, Egypt, Pakistan and Argentina on behalf of co-sponsors of IP /C/W/699/Rev.1 on the implementation of paragraph 8 of the Ministerial Decision on the TRIPS Agreement in RD/IP/49. We are studying the submission and will revert with more substantive comments in the near future.

6.24. The evidence of the impact of the COVID-19 Pandemic is one that is still seen and felt. Therefore, CARICOM calls on the TRIPS Council to fulfil its obligation to Members to continue this important discussion on paragraph 8 of the Ministerial Decision to cover the supply and production of COVID-19 diagnostics and therapeutics. Finally, we look forward to the next TRIPS Council meeting tentatively scheduled for mid-September to continue this discussions on vaccine technologies accessibility for developing members.

6.25. The representative of Barbados delivered the following statement:

6.26. Barbados welcomes the Ministerial Decision on the TRIPS Agreement adopted on 17 June 2022. We recognize that the decision includes a built-in provision for Members to decide on an extension to cover the production and supply of COVID-19 diagnostics and therapeutics no later than 6 months from the day of the Decision. As we continue to see what is taking place around the world, certainly time is not on our side. We therefore thank the co-sponsors of IP/C/W/669/Rev.1 for their statement today and for the active approach in bringing this discussion forward to the General Council at an early stage. We are undertaking a comprehensive review of the Ministerial Decision in capital, the aim is to see precisely how its content can be of benefit to us and how we can contribute to the next steps in our discussions on this issue. We continue to be engaged in discussions on this decision related to the work of the General Council as well as the TRIPS Council. In concluding, Barbados aligns with the statements of the CARICOM and ACP Groups.

6.27. The representative of Argentina delivered the following statement:

6.28. Argentina celebrates the Decision taken at the Ministerial Conference on the TRIPS Waiver. We align ourselves with the words of South Africa and we hope that we take into account the concerns also that referred to in its statement. My delegation supports the initiative of an indicative timetable to comply with the multilateral agreement that we refer to in Paragraph 8 in order to extend therapeutics and diagnostics to combat COVID-19. It is vital that Members continue the work allowing us to increase health access in a universal equitable way to end the pandemic and save lives across the world. Argentina would urge delegations to consider positively the plan outlined, in order to move forward in discussions.

6.29. The representative of Switzerland delivered the following statement:

6.30. Paragraph 8 of the Ministerial Decision on the TRIPS Agreement provides a mandate for Members to decide no later than 6 months whether or not to extend the decision to cover the production and supply of COVID-19 diagnostics and therapeutics. Based on this mandate, discussions have started in the TRIPS Council on 6 July. Discussions will resume on 16 September.

6.31. Accordingly, there is not much we can say on this agenda item – there is in our view no need or value-added for a discussion in the General Council on this matter at this stage. In the TRIPS Council on 6 July, many delegations underlined that they needed time before they are ready to engage on the substance of this complex question. Factual analysis and domestic stakeholder consultations must indeed take place before we can have a meaningful discussion in the TRIPS Council.

6.32. The scope of products covered by the Paragraph 8 mandate is potentially very large, and COVID-19 therapeutics and diagnostics may serve multiple treatment purposes beyond and outside of the COVID-19 pandemic. The discussion must therefore be evidence- and fact based, and we firstly need to understand the situation on the ground (including existing licensing activities and market conditions for the products concerned). My delegation is currently examining these and other factors internally in order to usefully prepare for the discussion in the TRIPS Council, discussion which should be open, transparent and inclusive. Regarding the issue of reporting, the Ministerial

mandate does not foresee a requirement to submit any intermediary report to the General Council on the TRIPS Council's discussion. Hence, my delegation sees no need of the TRIPS Council to report to the General Council.

6.33. The representative of Indonesia delivered the following statement:

6.34. Indonesia aligns with the statement delivered by South Africa and other cosponsor. As we look forward to a world free from the pandemic, our work is far from over and we should seize the momentum to build a more resilient global health system, not only for today's purpose, but also for tomorrow's challenges. The document IP/C/W/669/Rev.1 submitted by the co-sponsors of the TRIPS waiver during the previous TRIPS Council meeting, highlights the urgency of holistic countermeasures to the pandemics, as well as providing guidance to our work on the remaining key issues of therapeutics and diagnostics. We are still in the midst of pandemic, where in some countries, including Indonesia, new cases are increasing. Just yesterday in Indonesia, the data shows 4,048 new cases with 14 deaths. This new case is an increase around 15% compared to the day before. Therefore, it is our view that therapeutics and diagnostics are an integral and inseparable part of the pandemic's countermeasures, and its extension should be concluded before December of this year. At this juncture, I would like to call on Members to give positive consideration and inputs as well as to work constructively on the document submitted by the cosponsors. Indonesia, along with other co-sponsors, stands ready to engage and work with all Members.

6.35. The representative of Bangladesh delivered the following statement:

6.36. The delegation of Bangladesh aligns with the statement delivered by Djibouti on behalf of the LDCs. Bangladesh welcomes the temporary TRIPS Waiver decision at the MC-12 to support production and affordable and timely supply of COVID-19 vaccines with a future opportunity to extending the decision for therapeutics and diagnostics.

6.37. It is estimated that the COVID-19 pandemic has caused the deaths of nearly 15 million people around the world, which is 13% more deaths than the normally calculated rate over the last two years. The pandemic is not over. Its devastating impact has already reversed many years' progresses earned by many developing countries including the LDCs. In fact, the LDCs are hit hardest, both from social and economic aspects. Hundreds and thousands of people are pushed to live under extreme poverty. Because of the pandemic, extreme poverty in the world rose in 2020 for the first time in over 20 years. According to a World Bank estimate late 2021, around 100 million more people are currently living on less than \$1.90 a day.

6.38. COVID-19 vaccination rate is significantly low in the LDCs and mostly in the African continent. The average daily testing rate in developing countries is as low as one-eightieth (1/80) the rate in developed countries. A recent WHO statement (22 April 2022) highlights that "Improving access to early testing and diagnosis in primary health care settings will be key for the global rollout of this treatment". The MC-12 decision on TRIPS Waiver for the COVID-19 vaccine is just a half-way progress. Extending the TRIPS Waiver decision to cover the production and supply of COVID-19 therapeutics and diagnostics will immensely help the middle and low-income developing countries and the LDCs. The issues of therapeutics and diagnostics are also emphasised by the Ministers in their declaration on WTO Response to Pandemic.

6.39. Bangladesh strongly appeals Members to consider the room document (RD/IP/49) circulated by South Africa and other delegations on behalf of the proponents on 6 July 2022. The room document proposes a tentative timeline to finalize the discussion and agree on a positive decision as soon as possible in the next couple of months before December 2022. Bangladesh hopes that WTO Members will not fail to deliver a fuller and strengthened TRIPS Waiver decision including the therapeutics and diagnostics. My delegation stands ready for further work in this regard.

6.40. The representative of the United Kingdom delivered the following statement:

6.41. Let me start by thanking the Chair, the DG and others involved for delivering the WTO's response to the pandemic including the TRIPS Decision at MC12. That outcome was clearly important in demonstrating how trade can contribute to the response to the pandemic – it was an important outcome both substantively and for the credibility of the WTO. As others have said today, the pandemic is clearly not over, and significant issues remain with vaccine equity and access. The UK

remains absolutely committed to addressing vaccine inequity and believes that the WTO is pivotal to help find solutions to address the current challenges we face, like manufacturing constraints and supply chain issues, including export restrictions and tariff barriers on COVID-19 critical products.

6.42. We have always maintained that IP is part of the response to the pandemic. We are focused on how the IP framework can continue being used to address real issues we are now seeing as the pandemic evolves. I recall in that context the comments made on Friday by the Chief Executive of GAVI Seth Berkley, that we are now living in "a world of vaccine abundance" in which they are having to work with pharmaceutical companies to minimise wastage in the system. So we need to keep an eye on what is happening in the real world and not how we perceived the situation to be a year or two years ago. The UK will continue to engage constructively and in good faith on discussions regarding an extension to therapeutics and diagnostics. The appropriate forum for these discussions is the TRIPS Council. The UK's view on this issue and next steps is on the record from the last TRIPS Council, so I will not repeat it here. We will be focused on doing our homework over the summer to ensure we can have an evidence-based and informed discussion when we resume in September. I hope that other Members of this organisations do the same.

6.43. The representative of Peru delivered the following statement:

6.44. The debates and negotiations leading to making paragraph 8 effective of the Ministerial Decision on the TRIPS Agreement should respect the principles of openness, transparency and inclusion. We agree that efficient use should be made of the limited time we have because a decision should be taken by the end of December. An indicative timetable of meetings could be agreed to guide our work. We are happy that the start of these discussions have been agreed for this September, we also believe that given the nature of the decision to be taken and the speed of progress in this area the TRIPS Committee should base its discussions on scientific evidence that is updated so that information can be taken from other organizations such as the WIPO and the WHO. Therapeutics and diagnostics are a fundamental element of our comprehensive strategy of fight against the virus, this also in a context where new waves of infection are emerging in different parts of the world nevertheless our discussions should be based on updated information and scientific evidence that enables us to understand whether the extension is needed or not.

6.45. The representative of Norway delivered the following statement:

6.46. The Ministerial Decision adopted on 17 June represents a balanced approach between on the one hand ensuring that IPRs do not constitute a barrier to solving the current or future health crises, and on the other hand preserving the incentives for innovation. As we all know, our work on this issue is not finished. In fact, work on the follow-up of Paragraph 8 of the Ministerial Decision has already commenced within the context of the TRIPS Council. Norway will continue to engage constructively in our common search for a balanced solution that can achieve consensus. As always, we expect that negotiations will be conducted in a manner which is open, transparent and inclusive.

6.47. The representative of Nepal delivered the following statement:

6.48. I support the statement delivered by South Africa and other proponents in favour of the agenda item. My delegation welcomes the decision of the MC12 on TRIPS waiver which is a historical decision in the WTO functioning. It would definitely contribute to saving lives of people around the world especially the bottom billions. This decision by itself is not sufficient. We need to redouble our efforts by demonstrating flexibility and constructive engagement with a view to taking a decision on its extension to cover production and supply of COVID-19 diagnostics and therapeutics in a timely manner as mandated by the Paragraph 8 of the Ministerial Decision on TRIPS Agreement. As the number of infected people in different parts of the world is on the rise again since the past few weeks, this aspect needs to be addressed on an urgent and priority basis.

6.49. The representative of the Maldives delivered the following statement:

6.50. I want to begin by noting the clear mandate set to us in paragraph 8 of the TRIPS Waiver by Ministers at MC12 to decide on the extension of the waiver to diagnostics and therapeutics in the treatment of COVID-19. Time is already ticking on the short 6 months provided us to reach this decision, so diligent work and discussion on this issue are necessary. The Omicron variant and its subsequent variants have altered the course of the pandemic. BA.4 and BA.5 are the latest

subvariants of Omicron and have increasingly eroded the immunity provided by vaccines. The Omicron variant first surged in case numbers at the end of 2022 leading into this year and the highly infectious strain has already mutated at least four times to this point. This rapid rate of mutation poses a real challenge to response systems as scientists struggle to keep up in the creation of effective vaccines. Vaccines are still a necessary and important component to the pandemic response, but Omicron has clearly demonstrated that Vaccines alone are not enough.

6.51. An extension to the waiver to cover diagnostics and therapeutics will mean testing capacities of developing members will greatly improve. Testing is vital as it enables our health systems to track and identify new variants and for new treatments to be created. It also enables more effective management of the spread of new vaccine resistant variants by providing authorities and the public of accurate and fast information with which they can act accordingly. The extension to therapeutics is necessary to cover the instances where proper testing, distancing, and vaccinations were not enough. There are a wide range of therapeutics in development currently, which is promising for those affected by COVID, but it also presents a significant challenge in navigating the patent landscape of these emerging therapeutics. Extending the waiver to account for therapeutics as they are developed will be crucial in ensuring an effective response and management of the pandemic for all members.

6.52. The Maldives stresses the need to begin substantive discussions on fulfilling the mandate as set by ministers in MC12 on completing Paragraph 8 of the TRIPS waiver. We support the schedule of meetings as suggested by the room document circulated by the core group and look forward to further engagement and work on this critical issue.

6.53. The representative of Sri Lanka delivered the following statement:

6.54. Sri Lanka would like to thank South Africa for its statement on behalf of co-sponsors of proposal IP/C/W/669/Rev.1. The world is now experiencing an evolution of the COVID-19 pandemic. It is observed that antibodies triggered by vaccination are less effective in responding to new variants of the pandemic such as Omicron and even vaccinated people with boosters are vulnerable to multiple infections of new variants. On the other hand, therapeutic options for COVID-19 recommended by the WHO are either unavailable or unaffordable for developing countries.

6.55. IP monopolies, especially relating to patents, remain a major barrier to scaling up production and to facilitating equitable access. Supply constraints are expected to continue during 2022 as well even for products for which voluntary licenses have been granted. There are significant supply constraints for the therapeutics recommended by the WHO and also for new therapeutics due to limited number of manufacturers. Diagnostics are critical for effective use of therapeutics. Testing helps to identify new COVID-19 variants and to develop effective vaccines and therapeutics. Testing in developing countries, especially in LDCs, remains absurdly low.

6.56. In this regard, Sri Lanka would like to reiterate that the current TRIPS decision will not provide any credible solution to COVID-19, if its scope is not immediately extended to therapeutics and diagnostics. Therefore, equitable and affordable access to therapeutics and diagnostics still remains a massive challenge for developing countries and LDCs. Considering the ongoing challenges and experiences shared by many countries with regard to facing COVID-19 pandemic, the Sri Lankan delegation would like to re-emphasize that the TRIPS Decision needs to be extended to cover the production and supply of COVID-19 diagnostics and therapeutics.

6.57. Sri Lanka is of the view that negotiations in this regard should be commenced as quickly as possible so that a final decision could be reached within six months as mandated in Ministerial Decision on the TRIPS Agreement adopted at MC12 on 17 June. Sri Lanka echoes the concerns expressed by co-sponsors of the proposal, particularly in relation to lack of clarity on the way forward leading up to the delivery of the final outcome on the remaining Ministerial decision by the end of 2022. Sri Lanka reiterates its support to the latest proposal contained in the unofficial room document RD/IP/49 dated 6 July submitted by co-sponsors. Sri Lanka will continue to engage in all future discussions on this very important file constructively.

6.58. The representative of the European Union delivered the following statement:

6.59. The European Union welcomes the outcome achieved during the WTO Ministerial Conference in June on a number of clarifications and a waiver of certain obligations of the TRIPS Agreement to allow eligible WTO Members to authorise a company to manufacture and export COVID-19 vaccines in a fast and simplified manner without the consent of the patent owner. The solution backs and clarifies the flexibilities that exist in the TRIPS Agreement. It simplifies the process to export vaccines and their ingredients to other developing countries which should help overcome difficulties related to the domestic implementation of the TRIPS Agreement flexibilities and support developing countries in scaling up their production capacity and supplying vaccines to other developing countries.

6.60. The outcome and the discussions that we have had over the last year should also lead to all WTO Members equipping themselves with agile and efficient legislative frameworks that fully use all the flexibilities that already exist in the TRIPS Agreement. The outcome maintains the protection of intellectual property, a key element for developing countries not only to benefit from the innovation that the system sustains, but also to have the environment that incentivises the needed investments in the pharmaceutical sector. The European Union is ready to engage constructively in the discussions on the extension of the mechanism agreed by the WTO Ministerial Conference to therapeutics and diagnostics. We are currently analysing the situation on the market as regards these products in order to prepare consultations with our member States.

6.61. The representative of Malaysia delivered the following statement:

6.62. At the outset, allow me to thank Madam Director-General, Madam DDG Gonzalez, and you Chair for your collective leadership in delivering the first Ministerial Decision on the TRIPS Agreement. This is a testament that with pragmatism and flexibility, we could deliver an outcome. With the recent TRIPS Ministerial Decision, we believe that vaccine equity can be improved in the vulnerable parts of the world in a timely manner. We remain cognisant of the role of intellectual property rights in research and development. Nonetheless, the COVID-19 experience tells us that addressing this life-threatening pandemic situation now and in the future warrants more comprehensive and decisive interventions. Therefore, we will continue our endeavour to deliver an inclusive WTO's response to the pandemic.

6.63. The representative of Japan delivered the following statement:

6.64. Intellectual Property Rights and the TRIPS Agreement have played an important role for the development of COVID-19 diagnostics and therapeutics as well as vaccines to counter the disease. With regard to Paragraph 8 of the document, discussions on the extension to cover diagnostics and therapeutics should be based on facts and evidence. In particular, it is widely recognized that diagnostics and therapeutics are different from vaccines in terms of their properties, situation of use and distribution pattern. Accordingly, the discussion on this issue should take such facts and evidence in the market and supply chain into consideration. Japan always remained constructively involved in the discussions on vaccine IP toward the recent MC12 Ministerial Decision, and will continue to do the same in future discussions on this issue.

6.65. The representative of Chile delivered the following statement:

6.66. Our delegation would like to use this opportunity to celebrate the agreement reached during the Twelfth Ministerial Conference with the aim of improving the production and distribution of COVID-19 vaccines worldwide. For our delegation, it is important that the discussions we will have on this issue are inclusive and transparent. In terms of procedure, we believe that it is extremely important for all delegations to have the opportunity to submit their proposals and be heard during the discussion, thus ensuring a constructive debate and allowing us to arrive at an outcome that can garner consensus.

6.67. In our view, it is crucial that the delegations should not lose their sense of urgency. They should adopt a pragmatic and evidence-based approach when exchanging views by considering the particular needs and challenges of developing countries in responding to the pandemic. I would like to reaffirm Chile's commitment to the Ministerial Declaration on the WTO Response to the COVID-19 Pandemic and Preparedness for Future Pandemics, which aims to identify effective solutions. As

we have pointed out in previous meetings, we are convinced that a holistic response is the best way forward. We reiterate that our delegation will participate constructively during the discussions under this agenda item.

6.68. The representative of the Republic of Korea delivered the following statement:

6.69. Korea welcomes the MC12 Ministerial Decision on the TRIPS Agreement as a meaningful outcome for the WTO's response to the COVID-19 pandemic. My delegation will continue to work closely with Members in the upcoming discussions on Paragraph 8. The past negotiation was a process aimed at striking a right balance between the two critical values of the IP world, namely promoting innovation for essential medicine and enabling equitable access to vaccines. Subsequent discussions on Paragraph 8 will push us to find another delicate balance, which will be made possible through sound evidence-based discussions, taking into consideration what is going on out there on the ground.

6.70. Looking back on past negotiations, one of the most contentious points that persisted up to the last minute was the scope of the subject matter of a patent to be covered by the Decision. Defining the scope requires an analysis of the potential impacts of the Decision on the stakeholders. Therefore, in discussing the extension of coverage of the Decision to COVID-19 diagnostics and therapeutics, we need to take into account the different nature and circumstances of the scope of patents for diagnostics and therapeutics. In this regard, I understand that as a preparatory step for future discussions, consultations with stakeholders are underway in many countries, Korea included. We also look forward to working with Members under the mandate of the Decision and engaging constructively in the upcoming discussions.

6.71. The representative of Colombia delivered the following statement:

6.72. Colombia supports a simple extension of the waiver decision to therapeutic medicines and diagnostic technologies. The global COVID pandemic is not over, and the WTO must show the same flexibility and strength as it did with vaccines for therapeutics and diagnostics too. Moreover, our alternatives are limited. Colombia believes that reopening a process of negotiation of the text for these new elements would be a very complicated option. The "no decision" option is also a bad alternative, for the same reasons that led us to adopt the first decision. The world is still watching, so the most practical and reasonable approach would be to simply extend the decision to cover the two new categories of health therapy.

6.73. Lastly, Colombia would like to express its concern about the text in footnote 1 regarding waiver eligibility. This was an issue that, as we all know, was initially of particular interest to two Members, and we all hoped for a solution that would accommodate them both. This was achieved and welcomed. The resulting text, however, went further and introduced aspects that covered elements additional to the conditions intended only for these two Members. Colombia can live with this, but wishes to place on record in this General Council that the solution that was entrusted to the negotiators ended up affecting everyone. In any case, Colombia advocates a simple extension of the decision that was adopted. And not only simple but also fast. We believe that simplicity also makes us effective, and we could respond much quicker than within the six months initially envisaged and thus better respond to those who say that the WTO took too long to get the ball rolling.

6.74. The representative of Brazil delivered the following statement:

6.75. Brazil has been an active participant of the discussions leading to the Ministerial Decision on the TRIPS Agreement during MC12. In our view, that decision represents a balance that preserves the integrity of the TRIPS Agreement while improving and streamlining the use of special compulsory licensing. We believe that the same rationale could benefit the ongoing discussions on the extension of that decision to therapeutics and diagnostics. We remain read to assess Members' proposals on that regard.

6.76. The representative of the Plurinational State of Bolivia delivered the following statement:

6.77. We align ourselves with the statement made by South Africa. As we said in earlier meetings of the TRIPS Committee, we are in favour of the decision made during MC12 and we have to continue our discussions regarding therapeutics and diagnostics. Any decision made should not slow down



matters, we need to have a slate of meetings to continue our work in this regard. We only have six months ahead of us. We think the discussions should be transparent and inclusive, we are in favour of a patent system that can involve all countries so they can work in a very constructive way to bring us forward.

6.78. The representative of Angola delivered the following statement:

6.79. The Ministerial Decision limits the TRIPS waiver and clarifications on COVID-19 vaccines (now in surplus) as well as postpone reference to tests and treatments where access is often more uneven. This situation represents a real challenge for LDCs and developing countries, and because of that we can only take a good note of and hope that a solution will be found promptly. The Ministerial Decision waiver formula is also likely to limit, either explicitly or implicitly, those countries that can export vaccines under a compulsory license to producers with less than 10% of the world's COVID vaccine export capacity, thus excluding the world's biggest exporters of vaccines and medicines.

6.80. In the same manner, the Ministerial Decision's exception to the export restrictions will only last five years. Currently, no LDC or developing countries' vaccines are manufactured under a compulsory license. For the Decision to have any use for vaccines, a LDC or developing country would have to issue a compulsory license on a vaccine, obtain regulatory approval for that vaccine, and export more than 50 percent of the output. Therefore, it seems that under optimistic scenarios, it could take 2 to 3 years to bring a new COVID vaccine into the market, given the increasing challenges in obtaining regulatory approval. That would only give the developer a few years of sales under the exception if, having the proper means, they would begin working today. For this reason, we can say without any doubt, that the Ministerial Decision would not lead to any new vaccine manufacturing worldwide, let alone in LDC and developing countries.

6.81. Despite these inconsistencies, Angola has supported the adoption of the MC12 Ministerial Decision on this issue mainly due to its clarifications on current TRIPS "flexibilities", including Article 39.3 Safeguards System and the complex 2003 TRIPS amendment, known as 31 bis, notably on the process of notification and anti-diversion through texts much shorter and more usable. Thus, it is worth recalling that in the 19 years since its adoption, the TRIPS amendment 31 bis mechanism has been successfully used only once, by Apotex in Canada to export an HIV drug to Rwanda. However, Apotex has indicated that it would never attempt to use the mechanism again, given the considerable complexity and delays it experienced so far.

6.82. The Ministerial Decision under debate is part of a much larger set of MC12 declarations on critical challenges regarding the present and future pandemics, climate change, or food security. In consequence, Angola would like to invite the General Council and the subsidiary bodies to embrace a more comprehensive and multidisciplinary perspective. Finally Chair, Angola, as a LDC graduating country supports the rapid implementation of Paragraph 8 of the Ministerial Decision on the TRIPS Agreement adopted on June 17 2022 (WT/MIN(22)/30), and extending the waiver within the framework of the principles established in the IP/C/W/669/Rev.1.

6.83. The representative of Egypt delivered the following statement:

6.84. I extend our greetings and appreciation to you, Chair, and the Director-General for the sincere efforts you put in order to have a successful Ministerial Conference. I would also like to extend our greetings and appreciation to the distinguished ambassadors who are leaving us and welcome the new permanent representatives wishing them all success in their endeavours. Egypt supports the statement made by the delegation of Cameroon on behalf of the African Group, and South by Africa on behalf of the co-sponsors. Our position is well-known, and we shall not repeat it today, nonetheless we need to reiterate that if our discussions leading to a decision shall be evidence based, then the TRIPS decision should be extended to cover therapeutics and diagnostics without any further due. We invite our trade partners to engage with us on the basis of the evidence presented or prepared by relevant international bodies, especially the WHO, and on the basis of the timeframe we suggested in our room document. The WTO should adopt a comprehensive response to the pandemic by making a positive decision in December and extend it to cover therapeutics and diagnostics.

6.85. For the benefit of time, my delegation thought of taking the floor one time today, with your permission I will add the following with respect to agenda items 1, 2 and 3. Egypt affirms its

commitment to implementing the decisions of the 12<sup>th</sup> Ministerial Conference and the Ministerial Conferences in Bali and Nairobi. We would like to support the interventions of the African Group and the Arab Group, made under those agenda items. We would also like to confirm that what was included in the statement made by my delegation at the meetings of the Heads of Delegations earlier this month.

6.86. The representative of Zimbabwe delivered the following statement:

6.87. Zimbabwe aligns with the statements of the African Group, ACP Group and the submission by South Africa on the issue under discussion. The Decision by Ministers at the MC12 gave the window of 6 months for us to work and time is not our side. COVID-19 is still with us and the people of the countries we represent here are looking to us to resolve on the production of COVID-19 related products, hence the need for work to start. Zimbabwe is ready and committed to work with Members on this issue in a transparent and all-inclusive manner.

6.88. The representative of China delivered the following statement:

6.89. China would like to appreciate efforts made by all during the MC12, making the TRIPS Waiver on vaccines, an issue of importance for many for a successful MC12. This outcome is not only helpful in promoting the accessibility and affordability of the COVID-19 vaccines but also demonstrates the good faith and the cooperation within this Organization. With regard to the mandate contained in paragraph 8 of the Ministerial Decision, as in China's saying, "strike the iron while it is hot", we should maintain the positive spirit and start our work immediately since there are only five months ahead of us. China thanks the proponents for the room document circulated at the TRIPS Council meeting, we will make better use of summer break to conduct domestic consultations and analysis and to be ready for the discussions after summer break with a view to delivering outcome in line with the mandate given by Ministers at MC12. I would like also to take this opportunity to associate China with the statement made by Indonesia as G-33 coordinator under item 3 on PSH.

6.90. The representative of Singapore delivered the following statement:

6.91. Singapore welcomes the outcome of the TRIPS Waiver decision at MC12, it demonstrated Members' ability to work together and exercise flexibility when the time calls for it. In this connection, Singapore thanks the co-sponsors for room document RD/IP/49 proposing a schedule of meetings to discuss paragraph 8 of the Ministerial Decision. This is a concrete first step to start discussions on an important issue. First, it is useful to remind ourselves that the fundamental objective of the TRIPS Waiver is to save lives, based on scientific evidence is establish that vaccination remains the best response to combat the pandemic. According to The Lancet, a respected medical journal, vaccinations have prevented at least 14.4 million deaths in 185 countries in 2021. However, to date we have only achieved a global vaccination rate of 68.8% which means that more than 2 billion people have not received their first dose of vaccine. This is unattainable and undesirable situation given that there is a global oversupply of COVID-19 vaccines. Second, the pressing priority is to remove the bottlenecks that have prevented vaccines from being delivered into the arms of the unvaccinated. We need to carefully examine whether and how intellectual property has hindered equitable access to vaccines, diagnostics and therapeutics and zooming to resolve the problems. Third, we must continue to adopt a long-term perspective and ensure that we preserve the incentives for innovation so that we are better prepared to respond to future pandemics. Singapore stands ready to work closely with all Members to exercise pragmatism and flexibility in order to ensure that the WTO can formulate a holistic and realistic response to the pandemic.

6.92. The representative of India delivered the following statement:

6.93. On behalf of co-sponsors of IP/C/W/669/Rev.1, I would like to thank all the participants in this debate. And let me congratulate Madam DG and all Members for achieving this significant outcome at the Ministerial Conference. The much-delayed outcome is by no means perfect and falls short of what the co-sponsors of the 669-waiver proposal had expected. Nevertheless, it is by no means a small feat. It signifies that the WTO membership, despite deep divergences, can deliver. The decision provides yet another opportunity for the Organization to further deliver upon the mandate as provided in paragraph eight of the Ministerial Decision and to decide to extend the scope of the decision to COVID-19 therapeutics and diagnostics.

6.94. The co-sponsors had circulated a room document on 6 July, RD/IP/49, to put forth a timeline to assist ourselves in scheduling and prioritizing our work in the TRIPS Council to fulfil the mandate in paragraph 08 within the stipulated time of six months. And we were happy to note during that discussion on 6–7 July that it was well received by the Members in the last TRIPS Council meeting. But somehow, we are surprised to see this hesitation from the institution. We are not able to continue discussion in TRIPS Council and we are waiting for summer break and the things to resume maybe in the month of September. But that would mean that out of targeted time period of 6 months, 3 months would be over by the time TRIPS Council meeting will be convened in the month of September. So, I again urge the Secretariat to convene TRIPS Council meeting and we will continue to work during summer break with domestic stakeholders as well as those delegates who are present in Geneva or who can attend through video conferencing.

6.95. I would like to remind that ramping up production for therapeutics and diagnostics have been thoroughly discussed in various formats on several occasions for the past two years. So, for the matter of evidence-based discussions, proponents have already submitted numerous documents while giving the proposal in IP/C/W/669 Rev.1, which was followed by three-four very elaborated documents. I will request Members who are asking for new evidence to please go through those documents and to also go through the documents released by WHO, which has well recognized that therapeutics and diagnostics are integral components of a comprehensive prevent, test and treat strategy to combat the pandemic.

6.96. Let us not forget that the pandemic is not over yet. I'm not repeating the numbers mentioned here on the new cases, the new hospitalizations and death. It still remains a public health emergency of international concern. It is well recognized now that the testing and treatment are essential aspects of controlling and managing COVID-19. Therefore, in order to follow test and treatment model, we need to make therapeutics and diagnostics not only available, but also affordable and accessible. I, therefore, call upon Members to get to work. Let us target the next General Council in October to deliver on this mandate and not wait until the last General Council of the year. And even while working towards the October General Council, if we are unable to finalize this, we can have a special General Council prior to the December General Council to fulfil this mandate. We are willing to work in TRIPS Council and in various configuration to bring this agenda in the month of October General Council to deliver. Let us all collectively strive to achieve this.

6.97. The representative of the United States delivered the following statement:

6.98. I just want to make a very quick point on the conversation that we had on paragraph 8 of the TRIPS Decision. It relates back to a comment I had made earlier about mandates. And I just want to be very clear that we do not view Paragraph 8 as a mandate, it is simply a deadline. It is not a mandate to do something, it is a deadline to make a decision on whether or not to extend what was agreed to therapeutics and diagnostics. From our perspective this is a very important difference. I am not going to get into the substance of whether or not it should be extended, but just want to be very clear that it is not a mandate to extend, but a mandate to have a conversation and come to a decision on whether or not to do so.

6.99. The representative of Botswana provided the following statement:

6.100. We thank the delegations of South Africa, India, Indonesia, Egypt, Pakistan and Argentina on behalf of the co-sponsors for the statement. In accordance with Paragraph 8 of the Ministerial Decision on the TRIPS Agreement, my delegation reiterates the need for Members to collectively work expeditiously with a view to conclude negotiations on the extension that will allow the production and supply of COVID-19 diagnostics and therapeutics, within the 6-months timeline in compliance with the Ministerial Decision.

6.101. The representative of Canada provided the following statement:

6.102. Canada was pleased to see the international community come together to find a multilateral solution on the TRIPS waiver at MC12, as part of the broader MC12 outcome on the WTO Response to the Pandemic. Canada has long recognized and promoted the importance of balance in IP frameworks that provide incentives for innovation while ensuring that WTO Members can continue to pursue important public policy objectives, like public health. Canada also recognizes that the

global management of COVID-19 is informed by a broad range of factors, including supply chain barriers and considerations related to the distribution and delivery of medical interventions.

6.103. In this regard, Canada continues to support a broad range of near-term solutions to enhance immunization and access to COVID-19 medical interventions and diagnostics, including those measures contemplated under the WTO Response to the Pandemic, such as to address supply chain constraints and export restrictions, as well as ongoing support for the Access to COVID-19 Tools Accelerator and its vaccines, diagnostics, and therapeutics pillars.

6.104. Further to direction by Ministers in the Ministerial Decision on the TRIPS Agreement, Canada remains committed to engaging constructively with all WTO Members on the scope of the TRIPS waiver. Canada remains interested in engaging Members in an evidence-based discussion on any challenges experienced in producing and/or accessing diagnostics and therapeutics, with a view to identifying whether Members had experienced challenges related to or arising from the TRIPS Agreement. We look forward to the resumption of those discussions at the next TRIPS Council meeting on 16 September.

6.105. The General Council took note of the statements made.

## **7 TRADE RELATED CHALLENGES OF THE LEAST DEVELOPED COUNTRIES AND WAY FORWARD (WT/GC/W/807) – REQUEST FROM DJIBOUTI ON BEHALF OF THE LDC GROUP**

7.1. The representative of Djibouti, on behalf of the LDC Group, delivered the following statement:

7.2. Notwithstanding the disappointment of the Group that the LDC proposal on an interim arrangement for smooth graduation of LDCs was not eventually given consideration at MC12, the LDC Group resumes under this agenda to obtain a decision that would allow for the extension of measures to those Members that will graduate from the LDC category. The LDC Group deliberated on the preambular language now found in Paragraph 5 of the MC12 Outcome document, which is the first multilaterally agreed acknowledgement by WTO Members on this issue at a ministerial conference. However, this provision was to be taken together with a separate interim decision for MC12, until the LDC Group could come back to conduct the further work necessary to meet the expectations of LDC Ministers.

7.3. Our proposal is not new, and we are thankful to all delegations who have been continuously supporting the LDCs. LDC Graduation will not fix our inherited challenges overnight. However, all LDCs will graduate eventually. This is also a target of the global community, and the WTO cannot stay behind. A decision in the WTO to extend the LDC-specific flexibilities for a few more years after graduation from the LDC category will have negligible impact on global trade. On the other hand, having such a forward-looking provision will greatly encourage all LDCs to graduate. And we just wish to reflect that currently 26 LDCs are in the process of graduation.

7.4. The Group wants to continue our discussion to garner support from all Members for a positive outcome in this regard. We are open to hear everyone. The LDC Group hopes that before, and at MC13, its current proposal will be prioritised in terms of time and outcomes by the next Ministerial Conference.

7.5. The representative of Bangladesh delivered the following statement:

7.6. Bangladesh aligns with the statement delivered by Djibouti on behalf of the LDC Group. The LDC graduation is one of the key priorities of the LDC Group. The proposal has already been discussed several times at the WTO General Council since December 2020. The LDC Group also provided factsheet on the graduation process including the current state of trade and economy in the LDCs. In October 2021, in view of the time constraints before the scheduled MC12 last year, the LDC group submitted a draft decision as an interim arrangement on LDC Graduation with two sections. As we approached to the MC12 we lowered our expectation, to the level of best endeavor effort, to provide comfort to delegations. Yet, a decision eluded us. MC12 in June 2022 concluded without any LDC specific outcome.

7.7. We are thankful to all delegations who have been continuously supporting the LDCs. As the LDC Coordinator has pointed out, the LDC Graduation will not fix our inherited challenges overnight.

However, all LDCs will graduate eventually and this is a target of the global community. A decision in the WTO to extend the LDC-specific flexibilities for a few more years after graduation from the LDC category will have negligible impact on global trade.

7.8. The MC12 Outcome Document (WT/MIN(22)/24 and WT/L/1135), paragraph, 5 acknowledges the particular challenges including the loss of trade-related international support measures when members leave the LDC category. The Ministers also recognize that through some measures the WTO can facilitate smooth and sustainable transition for these Members after graduation. The LDC Group wants to build on this goodwill gesture and looks forward to further engaging with Members to get a positive outcome on this submission. Along with the LDC Group, the delegation of Bangladesh hopes that the proposal will be supported and finalized by Members much ahead of the next Ministerial Conference.

7.9. The representative of Angola delivered the following statement:

7.10. My delegation aligns itself with the statement made by Djibouti, on behalf of the LDC, by Jamaica, on behalf of the ACP, and by Cameroon, on behalf of the African Group.

7.11. The final MC12 outcome document (WT/MIN(22)/24 and WT/L/1135) stresses, in its 2<sup>nd</sup>, 4<sup>th</sup> and 8<sup>th</sup> paragraphs, the urgency to implement differential treatment for LDC both in trade in goods and services, while the 5<sup>th</sup> paragraph recognizes the need for a smooth LDC graduation, granting our countries timely unilateral trade preferences and preferential market access. The other MC12 declarations and the Agreement on fisheries subsidies also express or realize other LDC exceptions and promise special support mechanisms.

7.12. Since MC9, held in Bali in 2013, numerous WTO declarations to further support LDC's full integration in the World Multilateral Trade System have been repeatedly made. However, the Istanbul Programme of Action (IPoA) for 2011-2022, forecasting that LDCs would double their contribution to global trade, failed completely. The proposal on "Trade-related Challenges of the LDCs and Way Forward" (WT/GC/ W/807)" that dates back to December 2020 is a critical attempt to rebuild a new global answer to LDC's deep problems and present challenges. It has since been discussed in countless WTO council and committees' meetings and has widely circulated among the MC12 members and observers. It is therefore, time to implement all the decisions of previous Ministerial Conferences reaffirmed in the MC12 supporting the LDC.

7.13. Angola continues to support the present proposal under debate to extend all support measures benefitting graduating LDCs for a period of twelve years after their graduation, thus gradually phasing out their preferential market access, other preferences and exclusions, including the obligations' waiver under paragraphs 8 and 9 of Article 70 of the TRIPS Agreement. We also uphold an interim arrangement for smooth LDC transition by calling on WTO state-members to grant LDCs unilateral trade preferences, to extend and gradually dispose of their preferential market access scheme for graduated countries over a period of six to nine years.

7.14. Finally, it has been clear for several years, and it became utterly evident with the global pandemic crisis, that without a structural transformation that prioritizes economic diversification and addresses institutional and capacity constraints, including on health and other primary public services, the LDCs will remain vulnerable to various socio-economic, health and environmental shocks. Therefore, we reiterate the importance of the adoption of a pragmatic framework of concrete package of support measures in favor of LDCs smooth transition as proposed for adoption at the forthcoming Fifth United Nations Conference on Least Developed Countries (LDC5).

7.15. The representative of Kenya, on behalf of the ACP Group, delivered the following statement:

7.16. The ACP Group continues to pledge its full support for this important submission on behalf of the LDC Group. It is unfortunate that time was not taken at MC12 to consider the interim proposal. However, we are ready to resume consideration of WT/GC/W/807. The ACP Group continues to believe that graduation is never automatically accompanied by favourable conditions that warrant immediate relinquishing of LDCs flexibilities. We draw Members attention to our remarks since this proposal was placed on the agenda of the General Council. As our membership includes several LDCs, we urge all Members to favourably respond to the proposal so as to reach an agreement that

is acceptable to LDCs, and which will indeed fulfil the UN mandate of smooth transition of all LDCs when they graduate from LDC status.

7.17. The representative of Cambodia delivered the following statement:

7.18. My delegation would like to associate ourselves with the statement by Djibouti on behalf of the LDC Group. After the hectic works during the MC12, we believe that this is now the time to reinvigorate this proposal to address the issue of a smooth transition of countries graduating out of the LDC category. I would like to stress that graduating out of LDC status indicate the level of achievement and development of a country, but it also brought about new challenges which the newly graduated country would need to face.

7.19. A smooth transition arrangement would be an encouragement for LDCs to strive toward development and thus graduation. The LDCs are already facing numerous challenges and graduation would add another level of challenges that are needed to be addressed. Therefore, the proposed extension would provide this much needed time for graduated countries to adjust to new surroundings and make appropriate adjustments to sustain their level of development.

7.20. At this juncture, I would like to point out once again that LDCs' share of world export of goods is currently at 1.01% and it will hover around that rate for the foreseeable future, and this is with LDCs receiving preferential market access. In relation to this, I must point out that we have by far missed the target of SDG 17.11 that aimed to double LDCs' share of global export by 2020. Therefore, the proposed transition period would go a long way in sustaining and accelerating the level of development of graduating LDCs and to avoid falling into a situation that stagnate development progress. I would like to point out that the LDC Group has been listening to views of all Members and have made appropriate adjustments which reflect strong flexibility and full engagement on our part.

7.21. We once again would like to urge all Members to work constructively on this proposal, the detailed for which have already been outlined by Djibouti on behalf of the LDC Group and by Bangladesh, the focal point on graduation. I would like to reiterate that we are fully ready to engage all partners to discuss this proposal toward a positive outcome.

7.22. The representative of Nepal delivered the following statement:

7.23. I associate with the statement delivered by Djibouti on behalf of the LDC Group and wish to add some points. This agenda item has been continuously discussed since December 2020 and large scale of membership has expressed their views in its favour. I thank all Members who were engaged constructively before the MC12 with the expectation of taking needful decision. The LDC Group also demonstrated sufficient flexibility to accommodate members' concerns.

7.24. However, I regret to mention that this matter could not be included in the list of priority areas of the MC12 in finalizing its decisions and declarations. We, LDCs, tried our best from our side but we were not heard well, and this item was left aside. Now, referring to the paragraph 5 of the Outcome Document, the LDC Group has again brought this issue forward with a view to concluding it at the earliest possible.

7.25. I am not going through all rationales and justifications we have presented in various rounds of discussions before the MC12 since December 2020. I would just like to share three points: First, LDCs are asking not for any new thing, but mere for a continuation of existing facilities and flexibility for a few more years after graduation for ensuring their path to sustainable graduation. Second, this should not be linked with any other issues of WTO reform or reform of special and differential treatment provisions because it is not intended for a long time and is not a new subject. Third, this is not a demand of LDCs per se, but an essential component agreed upon by global leaders at different international forums. Finally, my delegation extends sincere thanks to all Members who have supported this agenda and urges the entire membership to consider it as an urgent and special matter without linking to other issues at the WTO functioning. My delegation stands ready to constructively engage with members for an early conclusion of this matter.

7.26. The representative of South Africa delivered the following statement:

7.27. We thank Djibouti and the LDC Group for the proposal contained in document WT/GC/W/807. We support the statement by the ACP and the African Group. The topic of LDC graduation has generated increasing interest since the adoption of the LDC Ministerial Declaration in 2017 calling for positive action on LDC graduation. Since then, the LDC Group has put forward several graduation-related proposals in various WTO bodies. It is regrettable that there was no outcome on this important issue at MC12. As the submission correctly states, while meeting the graduation criteria remains a major achievement, graduated LDCs still face significant trade and development challenges. Graduation means loss of access to a wide range of international support measures which contributes to socio-economic development, including trade-related measures such as preferential market access or special and differential treatment (SDT) provisions in WTO rules. If not well managed, these risks graduating LDCs falling back to the LDC category if their progress is not sustained. There is therefore a need for the WTO to develop a mechanism that will support the smooth transition of graduating LDCs. We see this as one of the critical aspects of the development mandate and is critical to deliver on the UN General Assembly Resolution 59/209 of 2004. South Africa has been a strong supporter of LDC integration into the multilateral trading system and supports all efforts to increase their share in global trade. We note that although graduation from the status of LDC marks an important milestone in the development path of each LDC, the phasing-out of support measures associated with LDC status could present challenges for graduating LDCs in their efforts to continue to integrate into the global economy. As the submission highlights, LDCs suffer from various capacity constraints and economic vulnerabilities. Strengthening capacity to trade therefore remains a priority for graduating LDCs and the design of any support provided to LDCs should be reflective of the trade priorities and challenges LDCs have identified. It is thus essential for LDCs and the international community to ensure greater cooperation to better support every LDC with a view to achieving a sustainable graduation. South Africa supports a comprehensive and smooth transition for graduating LDCs under the WTO system and we are of the view that appropriate support measures will enable graduating LDCs to develop strategies and provide a predictable and reliable environment. We urge all Members to engage constructively on this issue with the aim of providing a better chance for graduating LDCs to integrate into the multilateral trading system.

7.28. The representative of Senegal delivered the following statement:

7.29. I do not want to go back and repeat what previous speakers have said, especially the statement from Nepal, and we would like to align ourselves with the statement made by Djibouti on behalf of the LDC Group. The WTO should not lag behind with respect to a smooth transition for LDCs who are graduating. As noted in the proposal, the UN has already recommended that WTO Members give a transition period to LDCs, so they can continue to benefit from the existing flexibilities and some agreements. That should not be difficult, and this recommendation is also in relevant resolutions from 2004 and 2012, therefore, we should take that into account. Efforts were made and were made at MC12 to reach a decision on this matter. Despite the efforts that you made, through a number of meetings with different Members, that the Director-General also held consultations with several Members on this matter, unfortunately, we found that no decision was reached. In my opinion, as stated by South Africa, there should be a mechanism to allow LDCs to have a smooth transition.

7.30. The representative of Vanuatu, on behalf of the Pacific Group, delivered the following statement:

7.31. The Pacific Group thanks the LDC Group for keeping this proposal alive to support the smooth transition of graduating LDC Members. We also support the ACP Statement. Apart from the loss of trade preferences and aid for trade support after graduation, LDCs face ongoing challenges from climate change as well as from frequent and severe natural disasters that undermine their development efforts. Pacific LDCs in particular, face high trade costs associated with our remoteness and smallness. Graduation will not remove these structural challenges.

7.32. The Pacific Group therefore reiterates our support for this proposal as it will provide greater certainty and predictability for LDC Members through the continuation of market access and aid for trade support for 12 years after graduation. These are necessary to facilitate their smooth and successful transition and to better integrate them into the multilateral trading system. We therefore encourage Members to engage on this proposal. Thank you.

7.33. The representative of Nigeria delivered the following statement:

7.34. We align ourselves with this statement delivered on behalf of the ACP and the African Groups. We thank Djibouti and the LDC Group for their proposal. Nigeria wishes to reaffirm its support for the proposal, because we believe graduating LDCs require support during the transition period to foster stability. Graduating LDCs should have to LDCs specific flexibilities within an agreed timeframe during the transition period. We also wish to call on all Members granting unilateral trade preferences to consider extending the benefits to graduating LDCs over a reasonable period of time. And we hope we will move forward with the proposal towards achieving the concrete outcome on this.

7.35. The representative of the United Kingdom delivered the following statement:

7.36. We continue very much to celebrate LDC Graduation; it is a cause for celebration when a country graduates from that status. But we do recognize – like others here – the challenges that LDCs face when graduating. And that's one reason why we will continue to provide a transition period and even more generous preferences on the eagerly awaited Developing Countries Trading Scheme, which we will be unveiling with great fanfare later this year. And we share some of the frustration in this room in thinking that we probably could have achieved an outcome on this issue at MC12. We, for our part, tried to play our bit to try and establish common ground with other delegations. And we thank the Republic of Korea, amongst others, for their efforts to do the same. So, we thank the LDC Group for their flexibility, and for approaching these discussions in a spirit of compromise. Flexibility, openness, proactive compromises are going to be required from all of us if we are to reach a successful conclusion to this issue. We remain committed to working with other delegations here to help LDCs, and LDC Graduates, to integrate further into the multilateral trading system, and to enjoy the fruits of economic growth that flow from that.

7.37. The representative of Norway delivered the following statement:

7.38. Support for LDCs is a high priority for Norway – through bilateral as well as multilateral channels. Like others, we celebrate the fact that a number of LDCs are in line for graduation. We acknowledge that Members graduating from the LDC category will continue to face challenges, and we welcome a discussion of how we best can assist graduated LDCs in addressing and overcoming these challenges. This is in fact acknowledged and highlighted by our ministers in para 5 of the Outcome Document.

7.39. Turning to the specific elements under discussion, it is important to remember that preferential trade arrangements are Member-specific, unilateral concessions. This fact must be taken into consideration, as one size does not fit all. We may, however, inspire and learn from each other. In the case of our own GSP system, transition periods between the various income categories are already built into the system. Regarding access to technical assistance and capacity building after graduation, we are open to discuss practical arrangements within the framework of relevant support facilities. In fact, some facilities, such as the STDF and EIF, already have some transitional arrangements in place.

7.40. The representative of the European Union delivered the following statement:

7.41. The European Union is mindful of the challenges that Least Developed Countries face in integrating in the global trading system. At MC12, Members acknowledged the particular challenges that LDC graduation presents. The EU has heard and engaged with LDC concerns throughout the run-up to MC12. The European Union will continue to support constructive initiatives to better integrate members with capacity constraints into the multilateral trading system, and to take into account in that connection the specific situation of graduating LDCs. We especially encourage discussions based on analysis that shows where specific difficulties exist.

7.42. The representative of the United States delivered the following statement:

7.43. The United States, along with many other preference granting Members, worked hard prior to MC12 to craft a potential outcome that we believed addressed a priority issue for graduating LDCs – one that would have recognized the situation of graduating LDCs and encouraged Members to consider a transition period for these countries within their domestic preferential tariff programs. That approach was rejected by the LDCs.



7.44. We have indicated that we are willing to consider flexibility in future negotiations for developing countries that have recently graduated from LDC status, as long as other similarly-situated developing countries have access to the same tailored flexibilities. In addition, we have signalled an openness to encouraging Members to incorporate transitional periods in their goods preference programs. However, the LDCs have indicated they are not interested in either of those elements. Given the current impasse, we believe the best course of action would be to return this to the technical level for further discussion.

7.45. The representative of India delivered the following statement:

7.46. It was disappointing that outcome on LDCs related matters were not achieved during the 12<sup>th</sup> Ministerial Conference. While we all acknowledge that the LDCs have been disproportionately affected by the pandemic and most recently by the food crisis. Therefore, their concerns need to be heard and addressed by this organisation. India thanks Djibouti as coordinator of LDCs and Bangladesh as the focal point on this subject for the LDC Group for bringing this agenda back on the table for us to deliberate and deliver. India remains committed to working towards meaningful integration of the LDCs in the multilateral trading system as a trusted and reliable partner. I reiterate India's unequivocal support for a reasonable period of transition and urge Members to engage constructively and work expeditiously towards an outcome.

7.47. The representative of Pakistan delivered the following statement:

7.48. We wish to thank the LDC Group for the presentation of its proposal today. The Preamble of the Marrakesh Agreement reminds us of the recognition of the need for a positive efforts designed to ensure that developing countries, and especially the least developed among them, secure a share in the growth in international trade commensurate with the needs of their economic development. Graduating is already a big step. Going forward will require an adequate transitioning mechanism for such countries. We therefore recognize this need for a smooth transition. We wish to call on Members to consider this proposal positively and to engage constructively to support this smooth transition for the LDCs.

7.49. The representative of Indonesia delivered the following statement:

7.50. Indonesia would like to thank the LDC Group for their submission on smooth transition in favour of countries graduating from the LDC category. Indonesia recognizes the trade and development challenges faced by Least-Developed Countries. Indonesia shares the view that Special and Differential Treatment in trade rules is one of the key tools to address the trade-related challenges, in particular for LDC Members. With that in mind, the WTO should take its role in creating rules that is favourable to all Members by extending a period of time where Graduating LDCs could benefit from a safety net period under S&DT. This grace period would provide a favourable condition for LDC to ensure full integration into the global trading system despite the challenges. Therefore, Indonesia extends its support on the proposal by the LDC Group in document WT/GC/W/807 and calls all Members to positively consider this proposal.

7.51. The representative of China delivered the following statement:

7.52. The smooth transition for graduating LDCs is one of the priority issues of the LDC Group. The proposal has taken Members' views into account and shown positive engagement of the LDC Group. It is regretted that no substantial progress was made at MC12. China will continue to grant preferential treatment to graduated LDCs and support their smooth transition. As for the engagement post-MC12, we call for constructive discussions and a proactive engagement from all Members. It is essential to ensure greater cooperation and better support every LDC with a view to achieving a sustainable graduation. China will remain committed to help LDCs fully participate in the global recovery and minimize the negative impact of the COVID-19 pandemic, climate change and the continuing energy and food crisis.

7.53. The representative of Australia delivered the following statement:

7.54. Successful integration of LDCs into the multilateral trading system is a key priority for Australia. Australia's system of unilateral trade preferences already extends tariff concessions to LDCs for more than 12 years beyond graduation. We acknowledge Members should have flexibility

to tailor extensions to need, in consultation with the graduating country. Australia welcomes the LDC Group's work and efforts to identify convergence in this area. To be most effective, any arrangements should be tailored to the diverse economic circumstances and needs of each graduating country. Australia supports the approach outlined in the UNGA resolutions noted in Chad's covering communication to WT/GC/W/807 and WT/GC/W/829 - LDC-specific special and differential treatment should be extended for a period appropriate to the development situation of the graduating country. W829 better reflects this approach. It also reflects progress made in discussions so far. We look forward to further engagement with the LDC Group on this matter, and recommend that continuing the useful collaboration and compromise that led us to WT/GC/W/829 would be a good and constructive basis for discussions to move forward.

7.55. The representative of Japan delivered the following statement:

7.56. Japan recognizes the importance of providing special measures for developing countries and LDCs to engage in the multilateral trading system in smooth transition, and has been offering special preferential treatment for LDCs and a generalized system of preferences to a wider range of developing countries and continues to do so. Regarding the proposal by the LDC Group, preferential tariff systems and the period for which they are implemented normally reflect the situation of a providing country and its beneficiaries. We should therefore carefully consider the issue of pre-setting a standard for the extension period. Therefore, we believe that technical-level discussions at an appropriate place such as LDC Sub-Committee are necessary to advance work on this issue based on evidence needs. Japan will continue to constructively engage in this discussion.

7.57. The representative of Brazil delivered the following statement:

7.58. We would like to thank the LDC Group for their proposal. Brazil has consistently engaged in discussions aiming at strengthening the multilateral trading system and ensuring that it remains beneficial to all its Members. We attach great importance to Special and Differential Treatment to LDCs Members, which provides them the needed flexibility to fully integrate into the multilateral trading system. In this sense, we welcome discussions on the issue of graduation. Graduation is a milestone in LDCs path for development and graduating countries must receive the adequate support to ensure that they will not experience setbacks that may force them back into the LDC category. We reiterate our willingness to work together with the LDC Group to advance on the issue and urge all Members to constructively engage in the discussions.

7.59. The representative of Botswana delivered the following statement:

7.60. My delegation wishes to join others in supporting the proposal by the LDC Group contained in document WT/GC/W/807. We equally regret that so little progress was made during MC12 on this issue. As a former LDC that graduated to middle-income status some years ago, the fact that we continue to experience some serious challenges, especially following COVID-19, shows that this is a matter that deserves the empathy and collective intervention by all WTO Members. So let me end by expressing the hope that this is something on which we can have a good multilateral response going forward as WTO Members.

7.61. The representative of Egypt delivered the following statement:

7.62. Egypt supports the demand of the least-developed countries for a smooth transition after their graduation. We are ready to engage on the matter with the aim of finding appropriate modalities that would achieve this legitimate cause taking into account elements of the proposal submitted in this regard by the beneficiary countries and also in light of the elements of Djibouti's intervention in this regard on behalf of the LDC Group.

7.63. The representative of Bangladesh delivered the following statement:

7.64. Bangladesh thanks all delegations who took the floor and extended their support to this submission. As we hear from one delegation, Bangladesh wants to clarify that the LDC group never rejected any proposal that we could have accommodated at least. We did not probably get enough time to hear the concerns from those delegations who considered our proposal problematic. Nevertheless, we want to renew our spirit and begin our work - as the DG often says that there is always life after the MC12. As we have pointed out earlier, we want to build on the paragraph 5 of

the MC12 Outcome Document. We seek support from all Members to have a positive outcome in this regard.

7.65. The representative of Canada provided the following statement:

7.66. Canada thanks the LDC Group for its interim proposal on a smooth transition to graduation. We are broadly supportive of efforts to smooth the transition for graduating LDCs. Concerning both the original and interim proposals, we have some questions about the length of the transition period and about the emphasis on ensuring measures are applied automatically, equally and unconditionally. For example, on the transition period, we would like to better understand the rationale behind the choice of 6, 9 and 12 years, including how this relates to the UN-led process for graduation.

7.67. The Director-General delivered the following statement:

7.68. Just to comment, first, to say thanks to all delegations for a very constructive spirit and approach towards the LDCs and the LDC issue. This is nothing new, the issue of LDC graduation and an appropriate transition period to accommodate them - and the fact that they may indeed slip back into LDC status if appropriate care is not taken. That is really being kind of a standard in most organizations, and I think that at the WTO, we should also not be left behind on this. I am very happy that Bangladesh finally referred to paragraph 5 of the Outcome Document, which I think was a very solid foundation on which to push the issue forward. It was indeed disappointing that we did not come to a conclusion on the issue at MC12. That would have been ideal, but a foundation was laid on which the LDC Group could build - and sometimes I felt we were actually stepping backwards from where we were instead of moving forward. So, I would urge the LDC Group to build on paragraph 5 to move the matter. I am very happy to hear both from the coordinator of the Group and Bangladesh the constructive spirit that I sense in this room, so that we can really get an outcome on this issue. I think it is within reach and we should go for it.

7.69. The Chair recalled that this matter had been discussed and consulted on in the lead-up to MC12. A common understanding and consensus on this matter had not been reached because positions remained divergent. He encouraged the LDC Group and Members to interact with each other with a view to narrow down the differences.

7.70. The General Council took note of the statements made.

**8 PROPOSED GENERAL COUNCIL DECISION ON PROCEDURES TO ENHANCE TRANSPARENCY AND IMPROVE COMPLIANCE WITH NOTIFICATION REQUIREMENTS UNDER WTO AGREEMENTS – ALBANIA; ARGENTINA; AUSTRALIA; BRAZIL; CANADA; CHILE; COLOMBIA; COSTA RICA; THE EUROPEAN UNION; ICELAND; ISRAEL; JAPAN; REPUBLIC OF KOREA; LIECHTENSTEIN; MEXICO; REPUBLIC OF MOLDOVA; MONTENEGRO; NEW ZEALAND; NORTH MACEDONIA; NORWAY; PARAGUAY; PERU; THE PHILIPPINES; SINGAPORE; SWITZERLAND; THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU; THAILAND; UNITED KINGDOM; THE UNITED STATES; AND URUGUAY (JOB/GC/204/REV.11 – JOB/CTG/14/REV.11)**

8.1. The representative of the United States delivered the following statement:

8.2. As Members are aware, the co-sponsors have actively sought input from all Members through intensive outreach efforts, particularly over the last two years. Following the last General Council meeting, the co-sponsors re-engaged with Members – especially developing and LDC Members – through a series of breakfast sessions, bilateral discussions, and meetings in various configurations to address their outstanding concerns.

8.3. This revision includes adjustments aimed at resolving those specific concerns. Of note, the text now provides – in a number of places – greater recognition of the challenges and capacity constraints that developing and LDC Members experience with notifications. There are acknowledgements of these challenges in the chapeau and in paragraphs 3 and 7. Other adjustments directly reflect developing and LDC Members' priorities as shared during consultations, such as using digital tools to make accessing information about notifications easier. In addition, we have removed language in paragraph 8 encouraging Members with notification delays to provide status updates every six

months. The focus of this paragraph is now on more-targeted delivery of notification-related technical assistance and capacity building, which is made possible when Members share information on their specific notification challenges. The co-sponsors also welcome Albania as a new co-sponsor, bringing the total number of co-sponsors to over one-third of the WTO membership.

8.4. I had the pleasure of working on this proposal personally while in Washington, DC over the course of its development. The proposal has evolved significantly since it was first introduced four years ago. It is a sincere effort to advance practical, technical work aimed at improving Member notification capabilities in CTG bodies. It comprises a bottom-up, inclusive, Member-driven process, led by a Working Group open to all Members, which will identify and recommend improvements in notification processes and procedures that benefit the entire membership. The first step is to launch the Working Group by approving the proposal today and I hope we do so.

8.5. The representative of China delivered the following statement:

8.6. Transparency is crucial for the proper functioning of the WTO. China thanks the US and other co-sponsors for circulating this revised proposal with regard to transparency and notification. We welcome co-sponsors' effort to address Members' concerns, including recognizing capacity constraints and particular technical assistance needs of developing Members and LDCs, removing all administrative measures and accountant notifications. We also would like to thank the US and Canada for their bilateral engagement with us and in responding our questions on the revised proposal. However, China still has some concerns on the revised proposal, for example as there is no definition on "complete notification", the word "complete" in paragraph 2 lead to different interpretations and assessment on Members' implementation of notifications. Also, on paragraph 3 (e) regarding Secretariat's report on updating the list of notification obligations and compliance. We wonder here how the Secretariat will report compliance, what criteria the Secretariat is expected to use for assessing the compliance. China is looking forward to further constructive dialogues with co-sponsors on this proposal.

8.7. The representative of Ukraine delivered the following statement:

8.8. Ukraine continues to strongly support WTO efforts to ensure transparency of Members' trade policies and expresses its appreciation to all co-sponsors of the document for their efforts to improve transparency practice and capacity to implement notification obligations. The initiative reflects Ukraine's confidence that a clear understanding of WTO Members' policies and practices is possible only if the notification procedures are fully respected.

8.9. Along with the co-sponsors of the initiative, Ukraine recognizes the essential role of transparency in the implementation of the WTO Agreements and considers notifications as an important and indispensable instrument to assess compliance with substantive WTO commitments. We also see transparency and notifications as key tools that enable us to rebuild trust and strengthen cooperation among the membership. Ukraine fully supports the concept of the document that offers opportunities for each Member to improve its ability to comply with notification obligations within the Member's existing commitments under the WTO Agreements.

8.10. It is also important that the document creates new opportunities, including technical assistance and capacity building, for developing countries that experience human resource and institutional capacity constraints. We are convinced that Members' efforts to enhance compliance with notification obligations will contribute to positive results in strengthening and enhancing the rules-based multilateral trading system. Despite all the horror of the war unleashed by Russia, Ukraine continues to fulfill its notification obligations. In the light of the above and to demonstrate Ukraine's commitment to the fundamental WTO rules we would like to take this opportunity to express Ukraine's willingness to join the document. We also encourage other Members to support this initiative.

8.11. The representative of Cameroon, on behalf of the African Group, delivered the following statement:

8.12. The African Group is still consulting on the technical aspects of the submission. We would like to share some of our views today, which we have elaborated on in the past. We thank the proponents

for addressing some of our concerns, however we believe that there are still areas in the text that have not yet been addressed in this eleventh revision.

8.13. We have consistently stated that the objectives for this proposal should add value to the bigger challenge relating to the effective implementation of existing obligations, instead of establishing new rules that increase the burden of compliance, which disproportionately affects the developing countries including least developed countries. The Group needs more time to reflect on how this horizontal approach as suggested in the draft decision would add value to the important work which has been carried out and is ongoing within the committees. We are of the view that the proposals for changes in the TPR report should actually take place in the TPRM appraisal process which starts in the second half of 2022.

8.14. The representative of Barbados, on behalf of CARICOM, delivered the following statement:

8.15. The CARICOM Group continues to be of the view that transparency and notifications are a crucial element of the proper functioning of the WTO and the rights and obligations of Members. It is in this vein that our Group thank the cosponsors for the eleventh iteration of their proposed decision on procedures to enhance transparency and improve compliance with notification requirements under WTO Agreements.

8.16. We thank the co-sponsors for their active engagement with our Group. We can see that some of our comments have been taken on board. Our Members, both here in Geneva and in capital, are examining this version of the document and we will revert with more fulsome comments in due course. Indicatively, we continue note that the proposal states that any Member can avail of technical assistance and capacity building. We would request the cosponsors to advise us of the type of technical assistance and capacity building that is envisaged for countries beyond developing and least developed countries. On this point, we reiterate that for many developing and least developed countries our challenges go beyond the availability of technical assistance and capacity building. Technical assistance will not remedy inherent structural challenge. We would therefore be concerned if requests for technical assistance are examined in isolation from our realities on the ground.

8.17. We are aware that the area specific notification obligations already feature in the Trade Policy Review process, and that Members are systematically reminded of their country-specific notification obligations by the Secretariat. It would be useful if cosponsors could elaborate on what the proposal for the inclusion of a specific, standardised focus on the Member's compliance with its notification obligations would look like and how this could potentially enhance transparency and improve compliance with notification requirements under WTO Agreements. The CARICOM Group looks forward to the responses to these questions and remains ready and willing to continue our engagement with co-sponsors and other members on the issue of enhancing transparency and monitoring within the WTO.

8.18. The representative of Sri Lanka delivered the following statement:

8.19. My delegation would like to thank the co-sponsors for their proposal and wish to offer a few initial comments. My delegation notes that the revised text has addressed some concerns of the developing countries. However, the text cannot be adopted in its current formulation due to the concerns regarding the scope of the decision and also regarding its applicability. There are several types of notifications, such as regular notifications, one-time only or ad hoc notifications. Most notification requirements are ad hoc in nature because such notifications are to be made only when a certain action is taken by a concerned Member, for example SPS or TBT notifications. This proposal does not make any distinction between these notification types. My delegation requests the proponents to clarify as to which type of notifications that this proposal would cover.

8.20. The coverage of the proposal is selective, since it does not refer to the GATS or TRIPS Agreement. My delegation would like to know whether there are any specific reasons for not covering GATS and TRIPS. My delegation has concerns with the terms "notification requirements" and "notification obligations". The proponents should clarify whether they are being used interchangeably, or whether they have different meanings.

8.21. There are some concerns relating to institutional arrangements as well. It is observed that the decision is to revive the Working Group on Notification Obligations and Procedures. We know

that many Agreements are overseen by the CTG. Therefore, it would be more logical to have a discussion at the CTG instead of reviving the Working Group. There has been a lot of existing work on transparency in the various committees over the years and Members require time to reflect on how a horizontal approach as suggested in this decision would add value to the important work which has been carried out and is ongoing within the committees.

8.22. The relation of this proposal to the proposals on transparency in Agriculture need to be clarified. Otherwise, there will be a duplication of work between the proposed reestablishment of the Working Group and the Committee on Agriculture. On the Trade Policy Review, we believe it is more relevant to discuss this within the context of the TPRM Appraisal. Regarding "Reaffirming existing commitments", my delegation would like to mention that "Timeliness" of notifications is more difficult to establish for ad hoc notifications.

8.23. The proponents should clarify whether the recommitment applies to notifications due in the future or to all past notifications which have not been submitted. My delegation would like to get more clarity from the co-sponsors on the above key concerns and is ready to engage constructively in further discussions.

8.24. The representative of the Kingdom of Saudi Arabia delivered the following statement:

8.25. I would like to thank the proponents of the recent communication dated 14 July 2022, on the procedures to enhance transparency and improve compliance with notification requirements under WTO agreements. This proposal is still under internal assessment in the capital. The Kingdom of Saudi Arabia is a supporter to the WTO functioning reforms and believes that transparency is a fundamental principle of the multilateral trading system. Improving transparency will enhance business environment and making it more predictable.

8.26. Having said that, I would like to stress that discussions on any pillar of WTO reform should take into account the complementarity, the balance with the other pillars and the progress in their discussions. It is difficult to advance in one area while others are lagging behind. Any outcome on the WTO necessary reform should be balanced, inclusive and multilateral.

8.27. The representative of Senegal delivered the following statement:

8.28. The delegation of Senegal aligns itself with the statements made by Cameroon and Kenya on behalf of the African and ACP groups. Our delegation thanks the co-sponsors of the revised draft decision and wishes to make the following preliminary remarks while awaiting comments from our capital. Given that the scope of the draft decision is limited to goods-related notification obligations, it would be a good idea to consider adding the following words to the title: "on trade in goods". Proposal concerning the definition of the term "notification" (paragraph 1). "For the purpose of this decision, 'notification' means the information provided by Members under their transparency obligations in relation to each of the following WTO Agreements, Understandings and Decisions. "Proposal to add a paragraph under the "Technical assistance and capacity building" heading of the draft decision. The paragraph to be added is: "Members are encouraged to show flexibility and exercise restraint when reviewing notifications submitted by LDCs."

8.29. The representative of Brunei Darussalam delivered the following statement:

8.30. Brunei Darussalam welcomes the latest draft Rev.11 and appreciates the proponents' efforts to enhance transparency and improve compliance with notification requirements under WTO Agreements. We reiterate that we share the view of the importance of transparency as a vital element in the basic functioning of a rules-based organization such as the WTO. Equally important is the need to ensure that the inclusive and effective participation of all Members and that this is an important aspect of transparency in addition to notifications. As such, considerations should be made to allow sufficient time and/in position of assistance for Members to address the root cause of delays to establish/start submissions notifications. In this regard, we will continue to engage proponents and other Members on this agenda item to address any remaining issues including with regard to China's questions.

8.31. The representative of Vanuatu, on behalf of the Pacific Group, delivered the following statement:

8.32. The Pacific Group thanks the US and the co-sponsors for this latest revision of the proposal on enhanced transparency and we have referred this to our capitals for guidance. We recognize that transparency is one of the fundamental principles of the WTO and adhering to transparency enables us to keep abreast of trade policies and measures of all WTO Members. While we are trying to do our best, as small Members, we face significant and genuine challenges in fulfilling notifications especially those of technical nature. That said, we note that the proposal contains some positive elements such as the work under the Working Group in particular, in identifying improvements such as simplified notification formats, greater use of electronic notification systems, updating reporting requirements, use of new digital tools to help compliance with notification, establishing automatic reminder emails to Members before notification is due as well as technical assistance and capacity building. A review of the Decision's implementation after three years of its adoption will also allow Members to assess its effectiveness and how it adds value to the existing notification mechanisms and immense work already embarked on by most of the Committees in achieving enhanced transparency within the multilateral trading system. Perhaps, in relation to this latter point, we seek a clarification on how the role of the horizontal mechanism in the form of the Work Group will not duplicate the work of the existing Committees that deal with notification. Nevertheless, we remain open to discussing this proposal.

8.33. The representative of South Africa delivered the following statement:

8.34. Chairperson, South Africa thanks the US and the cosponsors for the revised Proposed Decision on Procedures to Enhance Transparency and Improve Compliance with Notification Requirements Under WTO Agreements contained in JOB/GC/204/Rev.11. We align ourselves with the statements delivered by the Africa Group and the ACP and, recall our previous statements on this topic and proposal. We further note and acknowledge the attempts of the co-sponsors to address some of the concerns we expressed regarding the proposed General Council Decision. South Africa has on previous occasions consistently expressed its view that one of the important pillars of the multilateral trading system is indeed Transparency. Our view and perspective on transparency is elaborately captured in the submission we cosponsored titled "An Inclusive Approach to Transparency and Notification Requirements in the WTO" found in document JOB/GC/218/Rev.2. Any attempts to improve transparency within the WTO would need to be comprehensive, and also be sensitive to and deliberately address the genuine capacity constraints of developing countries, including LDCs. There are broad areas in the proposal that still require our further consideration and clarification. These include, among others, the scope of the draft Decision, the actual nature of the measures or types of notifications that this decision speaks to, the seeming overlap and duplication of work that is already being conducted in various committees, as well as the legal standing of the Working Group on Notification Obligations and Procedures and its actual terms of reference. The implications of the horizontal approach to transparency envisioned in the proposal requires our further and careful consideration before we can agree to its adoption.

8.35. South Africa remains concerned that the Decision goes beyond a cosmetic improvement, but rather creates a new set of far-reaching obligations under Agreements and Understandings listed in paragraph 1 of the proposal, whilst also introducing fundamentally new processes and structural changes in the way various WTO Committees would conduct their work. How, for instance, would the Working Group relate to the Committee on Trade in Goods as the primary body with competence over notification obligations? We would require clarity in this regard. We also note that the coverage of Agreements in the proposed draft Decision is still confined to those in Annex 1A. We once more seek clarity on the rationale for this selective approach, particularly considering the shortcomings in other covered Agreements that we also highlighted in document JOB/GC/218/Rev.2. We also observe that the revised proposal still calls for the use of Members' TPR reports as a basis for the enforcement of specific obligations or the imposition of new policy commitments on Members. It would be more prudent, in our view that the appraisal process of the TPRM be conducted as a bottom-up process, without a-priori outcomes. We look forward to engaging with the proponents to further understand the revisions introduced today on their proposal and to discuss our areas of concern.

8.36. The representative of Nigeria delivered the following statement:

8.37. At the outset, Nigeria wishes to associate itself with the statement delivered by Cameroon on behalf of the African Group. Though this proposal is currently being reviewed in our Capital, we wish to seek some clarifications from proponents regarding the exclusion of some notification obligations under WTO Agreements such as the GATS Article III:3 from the scope of the draft decision. Nigeria has interest in improving GATS Mode 4 Transparency and we are wondering why this was excluded from the scope of the draft decision. Response to these questions will enable us take informed decision on this issue.

8.38. The representative of Nicaragua delivered the following statement:

8.39. Turning to the agenda item under discussion, I would like to highlight the importance of transparency as a fundamental pillar of the WTO Agreements, which is why we welcome the proposal contained in document JOB/GC/204/REV.11. We welcome the suggestion to implement further activities to promote capacity-building for the benefit of developing and least-developed Members; we consider that these activities would help in part to facilitate the fulfilment of commitments. However, Nicaragua considers that this proposal adds new commitments to the long list of notifications that Members are required to submit each year, that is, it goes beyond what is provided for in the WTO Agreements. We therefore state, as developing Members, that we are not in a position to take on additional commitments to those already established. We emphasize that outstanding notifications often do not stem from a lack of knowledge of Members' processes. Sometimes the problem goes beyond that. For example, the necessary coordination between different national authorities in preparing these notifications can be affected by a lack of technical and financial resources, which is exacerbated by coercive unilateral measures implemented by developed economies against various Members of this house. We therefore urge Members to reconsider their proposal, taking into account the particular situations of developing and least-developed Members. Thank you.

8.40. The representative of India delivered the following statement:

8.41. India would like to thank the co-sponsors for bringing this agenda item to the General Council and particularly thanks to the delegation of the United States for their engagement on this subject. We acknowledge that the current draft takes into account a lot of our feedback that had been given in the previous General Council meetings. We also note that this proposal builds on the Working Group on notification obligations and procedures, the last report of which was presented in 1996 in the document G/NOP/W/16/Rev.1, the Working Group on Notification Obligations and Procedures had a specific mandate, which this September 1996 document captured in paragraph 04.

8.42. "At its first meeting the Working Group noted that it was being called upon to thoroughly review all existing notification obligations in the 12 Agreements listed in Annex 1A of the WTO Agreement, as well as the GATT 1994, including the six Understandings interpreting certain articles thereof. The mandate did not include the Agreements on Services, TRIPs, DSU, TPRM or the Plurilateral Trade Agreements." By the time Working Group completed its work it did reflect on the mandate and the need to take a holistic look at the WTO notification obligations and procedures. Even then, a need was felt not to stay limited to the goods vertical of GATT. Paragraph 81 of the Secretariat report on this Working Group also reflected this view. "However, the Group also saw benefit in conducting periodic reviews of the operation of the entire notification process from a more detached and global perspective under a mandate along the lines of the present Working Group. It was considered that this could be achieved: (a) through the extension of the mandate of the current Working Group; (b) through the establishment by the CTG of a new working group, at an appropriate time, to address Annex 1A agreements; or (c) through the establishment, at an appropriate time, of a new working group under the General Council to address notification obligations in Annexes 1A, B and C."

8.43. At the time of the original conception there was a recognition that any discussion on transparency should not be limited only to the Annex 1 A Agreements. Notwithstanding the enabling provision now given by the co-sponsors in paragraph 11 in the present proposal regarding future work, introduced after our comments, my delegation will still prefer a proposal that is comprehensive and covers all WTO agreements, including TRIPs Agreement and GATS. Chair, we would request that let us strive not just for better compliance, but also for better efficiency, agility and to reimagine



a WTO that is in tune with the needs of a rapidly changing world, particularly for the developing world. I would request co-sponsors to take note of para 6 of the document WT/ GC/W/ 778 Rev 5, which is coming up as agenda 9 in today's GC meeting, and it has very specific and concrete suggestions on transparency pillar. Our worry on the present proposal is that the recommendations mentioned should not be giving a foot in the door or the pathway for new obligations. We request that the recommendations whatever has been envisaged in the present proposal should be confined to the existing notification obligations. Similarly, the mention of reviewing document G/L/223 and therefore recommending enhancements to reporting should not create a pathway for new obligations. The para 10 of the proposal which allows the General Council to direct the Working Group to develop further recommendations, again should not create a pathway for new obligations.

8.44. India has held a view that in the area of transparency, fulfilment of existing obligations is necessary without further adding the onerous obligations in the name of transparency in view of the limited resources. Further, members' notification must not be undermined, in the name of adding to transparency by other members or the Secretariat. And in this aspect, there is a popular belief back home, and I am sure it may be there in other countries also, that if you don't submit a notification, one question will be asked "When are you submitting that notification?" In case you submit that notification after going through the entire process of collecting data and coordinating with multiple agencies, then 100 questions will be asked for the sake of asking question. So back home, the agencies have this decision to make. That are you fine with one question, or are you willing to take up 100 questions? So therefore, I would again request that this tendency of asking further questions, on the notification is coming in the way of improving compliance and countries who are even willing to provide notifications in a time bound manner in a resource constrained environment feel that it is very difficult to handle the situation with 100 subsequent questions and here I am referring to some of the Committee's meetings, which have been conducted in the recent past, where a particular country was targeted.

8.45. The representative of Bangladesh delivered the following statement:

8.46. The delegation of Bangladesh aligns with the statement delivered by Djibouti on behalf of the LDCs. Bangladesh thanks the US and other co-sponsors for the presentation of the JOB/GC/204 with the 11<sup>th</sup> revision. My delegation appreciates the changes in the document comparing to the previous versions and welcomes the continuous and constructive engagement of the cosponsors with other delegations. Bangladesh has always reiterated that transparency is an essential pillar, however, only a few notification templates or notification rituals cannot assure transparency.

8.47. Bangladesh thanks the cosponsors for recognizing the difficulties and capacity constraints of some Members to comply the notification requirements. To address the difficulties, the draft has proposed consultation with relevant committees and other working groups and bodies to identify both systemic and specific improvements such as introducing simplified notification formats, updating reporting requirements, holding additional trainings and workshops at the committee level and using new digital tools that can help Members improve compliance with notification obligations. Bangladesh welcomes these honest intents. However, my delegation also reiterates that technical assistance programmes, including the workshops and ad-hoc trainings, still cannot make up for the limitations in human resources in many of our capitals and in Geneva. We need more dialogues on these issues.

8.48. Staying within our ability to contribute, we welcome any constructive proposal that will improve the works in the WTO. As LDCs we cannot undertake any commitment that goes beyond our administrative and institutional capabilities. This is also assured by article 11.2 of the Marrakesh Agreement. In my delegation's view the draft proposal needs further discussions to obviate systemic uncertainty and concerns of many Members including the LDCs. Bangladesh looks forward to working with the cosponsors and other Members in this regard.

8.49. The representative of Chile delivered the following statement:

8.50. In our view, this proposal is a substantive contribution to promoting transparency and seeking to enhance Members' capacities to comply with their notification obligations. Properly honouring transparency commitments is essential to the smooth functioning of the WTO, the enhanced implementation of Multilateral Trade Agreements and the creation of a stable and predictable environment for the various trade actors. The current notification obligations are now more than 25

years old and were negotiated in a very different context than today's, so it is important to be able to improve our procedures in the light of current needs and technological developments. The low level of compliance with notification requirements is a serious problem for the transparency and credibility of the WTO.

8.51. This proposal is a contribution to addressing that challenge and incorporates diverse views expressed by Members. We believe that the current proposal does not establish new notification obligations, nor does it extend the scope of existing ones. Its aim is to find ways to enable Members to meet their existing commitments, while also addressing the difficulties that many Members face. This is why technical assistance is incorporated as a central element. Chile calls on Members to give positive consideration to this document, as it would benefit the proper functioning of this Organization as a whole, in a complex international context in which we need more and better multilateralism.

8.52. The representative of Indonesia delivered the following statement:

8.53. Indonesia appreciates the submission by the group of Members to enhance transparency and improve compliance with notification requirements under WTO Agreements. Indonesia shares the views on the importance of transparency to ensure predictability in trade. Strengthening the monitoring system will provide Members to have equal access to information on prevailing laws, regulations, measures, and policies as well as benefit Members in anticipating certain impacts on trade from measures undertaken by Members. Indonesia understands that the draft proposal has been developed and revised. However, we need to take into consideration the capacity constraints and difficult challenges faced by developing Members and LDCs that could not be treated equally with developed members. We also should not treat transparency compliance as a "policing" mechanism that could limit the policy space of members. Therefore, Indonesia is of the view that it is important to utilize the existing mechanism in the WTO, while also reaffirms its commitment with regard to this obligation. We need to maximize the existing tools which are provided in the WTO system. As such, this monitoring mechanism should not duplicate existing ones that we already have before us in order to avoid proliferation, such as the proposed establishment of a working group.

8.54. The representative of Brazil delivered the following statement:

8.55. Brazil is proud to be one of the cosponsors of this initiative. In our document about "Moving the WTO forward" (JOB/GC/253, March 2021), we stressed the importance of enhancing transparency and strengthening notifications. This must be an indispensable part of the WTO reform. We welcome the new cosponsors and hope we can have more Members on board so that this document can be adopted as soon as possible.

8.56. The representative of Switzerland delivered the following statement:

8.57. We thank the United States for its introductory remarks and for this revised version of the proposal. We wish to recall that transparency, through compliance with our notification obligations, is a prerequisite for effective monitoring of our respective trade policies, which is a key pillar of the WTO. Perhaps more importantly, transparency also helps build trust among WTO Members. At present, there is room to improve the rate of compliance with notification obligations. With this objective in mind, the proposal in question offers pragmatic solutions. Switzerland supports the adoption of this proposal by the General Council and calls on all Members to follow suit.

8.58. The representative of Kenya, on behalf of the ACP Group, delivered the following statement:

8.59. The ACP Group appreciates the eleventh revised proposal from the proponents, in which punitive and other measures have now been removed. We also note other adjustments to this most recent draft, notably explicit references to developing and least developed country Members. Notwithstanding some positive adjustments and obvious attempts by the proponents to respond to the concerns raised, the proposal could benefit from further reflection, including with respect to scope.

8.60. Furthermore, we believe that the ACP and other Members worked hard towards an agreement at MC12 on a process of reform including on the question of notifications that will enable all Members

to introduce proposals and engage. We welcome the compromise found in paragraph 3 of the MC12 Outcome document and the General Council must therefore begin now to take this mandate forward.

8.61. The representative of Uruguay delivered the following statement:

8.62. We are taking the floor as co-sponsors of this proposal. The proposal does not create new notification obligations, but aims to improve the efficiency of existing ones. All Members seem to agree on the need for, and increase in, transparency. But we would like to emphasize another aspect of this proposal, which is that it would allow us to update the information available to us. We wonder how we are going to approach the upcoming WTO negotiations when we have delayed and incomplete information. This proposal aims to solve these problems, to update the information available to us and to ensure we have complete information. We must look at the issue of the effectiveness of negotiations going forward. We therefore echo Chile's call and invite Members to support this proposal.

8.63. The representative of European Union delivered the following statement:

8.64. We have listened carefully to the various interventions. Over the last few months, the United States and other cosponsors have made significant efforts to proactively speak to Members and accommodate the comments and concerns raised. The proposal has been significantly recalibrated. It is now focused on incentives: the decision relates to existing notification requirements; it will essentially launch a process open to all Members to consider ways to help Members submit their due notifications; and it includes a strong focus on support and assistance to Members.

8.65. We all agree that transparency and notifications are critical. MC12 showed that when there is political will, we can take actions that set us on the right track. This proposal is about launching a positive process, without prejudice to the outcome. As several Members before us have indicated, it is crucial that we benefit from updated and accurate information. We have taken good note of the comments that the proposal is focused on Annex 1A (goods). We indeed "need to start somewhere" and the initial focus on goods does not prevent us from addressing TRIPS and GATS at a later stage. We should take steps to modernise the Organisation now.

8.66. The representative of the Republic of Korea delivered the following statement:

8.67. Korea would like to join others in highlighting the importance of transparency in various work of the WTO. Transparency is indeed one of the very fundamental elements for the operation of the WTO, providing enhanced predictability and stability in today's uncertain global trade environment. To my delegation, enhanced transparency in the WTO is a public good. Therefore, Members are expected to continue to explore methods to improve compliance with existing notification requirement under many WTO agreements. As the United States and others reiterated, over the course of developing the revised proposal, the co-sponsors have made special efforts to address a Member's difficulty arising from capacity constraints or unexpected circumstances by inclusively accommodating different voices and various perspectives. Most significantly, this proposal is not intended to introduce any additional burden or obligation on Members in addition to the existing commitments. In spite of all this, unfortunately, a number of Members still find it difficult to accept the proposal. As a co-sponsor, Korea once again calls upon those sceptical Members to engage actively with co-sponsors to arrive at the adoption of the proposal as early as possible. Thank you.

8.68. The representative of Australia delivered the following statement:

8.69. Transparency is a baseline requirement of our efforts at the WTO. As the Republic of Korea said, it is a global public good. It appears from today's interventions that everyone agrees with the notion that we can and should do more in the WTO to promote transparency. But for some delegations, while transparency is crucial, the response to launching a process that reflects that, is "but/however/maybe". These qualifications have proliferated throughout today's discussion. The co-sponsors of this proposal have made extraordinary efforts to revise the proposal to accommodate Members. There are no penalties in this proposal. No new obligations. Just improved incentives. This is about making transparency obligations easier to meet, not harder. I must say that today's discussion does not augur well for WTO reform efforts, if even simple proposals like this cannot attract convergence. We are seeking a little more understanding and effort to come together around this proposal. We understand there is some scepticism and mistrust around this proposal. We can

assure you, if you focus on the proposal itself, you will see this is a good faith effort to promote a baseline for how we can successfully discharge our existing transparency obligations. We are open to concrete ideas on how we can move to consensus. We hope this proposal can be received in the spirit in which it has been submitted, namely to launch a bottom-up process to discuss these issues which we all agree are essential. We would like to thank the United States and other co-sponsors for their efforts on this proposal. This will be a fundamental next step on our WTO reform journey.

8.70. The representative of Japan delivered the following statement:

8.71. Like previous speakers, as a co-sponsor of this proposal, Japan considers that having a consensus among Members at an earliest stage to improve the notification system - the transparency system for this Organization - is a very critical step forward to improve the software of the WTO. The purpose of this proposal is for all Members to discuss possible improvements of the current notification system, bearing in mind the difficulties that LDCs and other developing countries Members are facing. We consider that, as previous speakers pointed out, there are no new obligations. This proposal is rather centred at more targeted technical assistance and capacity building. We would like to see a consensus emerging. In order to do so, Japan is eager to engage in discussions with concerned Members.

8.72. The representative of Egypt delivered the following statement:

8.73. Egypt supports the statement made by the delegation of Cameroon on behalf of the African Group and South Africa on behalf of the cosponsors. Our position is well-known and we shall not repeat it today. Nonetheless, we need to reiterate that if our discussions leading to the decision shall be evidence based, then the TRIPs decision should be extended to cover therapeutics and diagnostics without any further ado. We invite our trade partners to engage with us on the basis of the evidence presented or prepared by relevant international bodies especially the WHO and on the basis of the time frame we suggested in the room document that we presented. Chair the WTO should adopt a comprehensive response to the pandemic by making a positive decision and extend the d

8.74. For the benefit of time, my delegation thought of taking the floor only once. With your permission I would add the following with respect to Agenda items 1, 2 and 3. Egypt affirms its commitment to implementing the decisions of the Twelfth Ministerial Conference and the Ministerial Conferences in Bali and Nairobi, and we would like to support the interventions of the African Group and the Arab Group made under those agenda items. We would also like to confirm what was included in the statement made by my delegation at the meeting of heads of delegations earlier this month.

8.75. The representative of the United Kingdom delivered the following statement:

8.76. First of all we thank the work by the United States and the cosponsors, we thank them for the way they have engaged with other delegations on this. Transparency is an essential part of this organisation's work, we do it well, but we could do it better. That is what this proposal is all about, making our existing work better without new obligations but with some new incentives. Just as we came together at MC12, to find agreement on some issues on which different delegations had different concerns, I hope we can come together on this proposal, find consensus and improve the work of our organisation to the benefit of all Members.

8.77. The representative of Canada delivered the following statement:

8.78. Canada supports the adoption of this decision. Canada expects the results of the work called for by it will bring long-term benefits to all pillars of our Organization. It has indeed been a long time since the last meeting of the Working Group on Notifications Obligations and Procedures. It is time for it to be reactivated and to get to work on the task at hand.

8.79. The representative of the Philippines delivered the following statement:

8.80. We wish to reiterate that transparency is one of the key pillars of an effective rules-based multilateral trading system, it is indeed one of the most important elements to ensure predictability and a stable business environment. The draft decision as it stands reaffirms WTO Members' existing transparency notification obligations and seeks to improve compliance. Recognizing the challenges

some Members, especially developing and least developed countries encounter to fully comply, the draft decision welcomes the technical assistance and capacity building provisions. And so, we thank the sponsors for addressing these concerns which have been expressed today. The Philippines just reiterates that it sees great value in implementing this decision as part of our WTO reform efforts. And as the UK Ambassador has said: let us do it better, let us follow after MC12, let us follow the example of the FAO World Food Programme. Perhaps this may just require a few further explanations and, since I am known as Mr. Optimist, I just see this as a small hiccup in the process towards adapting this draft decision.

8.81. The representative of Singapore delivered the following statement:

8.82. I was not intending to take the floor but having heard the discussion I just want to add three quick points. First, transparency is, as our colleagues from UK and Australia highlighted, a global common good and it is fundamental to the rules-based multilateral trading system. Second, membership in any organization, including the WTO, has privileges but also responsibilities and it is our responsibility, as Members, to take transparency seriously. Third and finally, I just want to echo what our colleagues have highlighted earlier that this is a simple but meaningful proposal and if Members cannot even agree on such a proposal it is both disappointing and disturbing.

8.83. The representative of Peru delivered the following statement:

8.84. As the Ambassador of Singapore has just said, I did not intend to take the floor on this matter. However, we are here, a gathering of Members, and we should be in a position to show that despite of the differences of views we did have a successful MC12. We were successful with respect to fisheries, with respect to food security and so on, I am not going to list all of the positive outcomes from our Ministerial Conference that we all very much appreciate, given that situation, however, I do find it disappointing that because of misunderstandings or difficulties this attempted improving of one of the vital pillars of our Organization, transparency, is being viewed with some doubts and suspicion. Of course, there is room for improvement, initiatives and texts can be enhanced, but as the delegate of Uruguay and others have said, the point is not at all to add notification obligations, the whole question is to improve things. So, we would urge those delegations who have reservations, please do engage with the whole question, try to seek clarifications so that we can see where there might be even a hint of an increased obligation, so that we can move forward together on this.

8.85. The representative of Mexico delivered the following statement:

8.86. I will be brief. I would simply like to express my agreement with my colleagues from Chile and Uruguay and others who have expressed their support for this proposal. There has been a lot of work done on this proposal over some time and, as co-sponsors, we are going to be in a very good position to have discussions with some delegations. I am rather surprised to hear that some of the hesitation with respect to this proposal are not really about the core of the proposal. I think we do need to ensure that we all understand that transparency is key to this Organization and we need also to remember that we need to bear in mind that we will not be able to work on reforming this Organization if we can do other proposal as clear and straightforward as this one.

8.87. The representative of the United States delivered the following statement:

8.88. Well, that was interesting. I thank those who supported the proposal, they made very appropriate statements. I am not going to answer every concern that was raised but of course we will continue, I am not going away on this issue. As noted, transparency is key, without transparency we have nothing, and as I believe Australia made this point and Canada and others, this is a need for reform, we must reform our approach to transparency in this Organization if we want to be able to move forward. So, we will continue engaging with everybody, but I do want to make a few points. Please, do read the proposal, there are no new rules, no new obligations in this proposal. This is about helping and assisting meeting the obligations that we already undertook that we all undertook, there are no new rules. I am happy to personally sit down with whoever thinks there are new rules being established, new obligations being established in this proposal. So, we can have a conversation about it. Clearly there are no new obligations here, and this is about setting a process where we can all participate in to figure out how to improve the way that we do notifications in the WTO. It does not have any predetermined outcome, it is about establishing a process for improving how we do notifications and providing assistance.

8.89. On the issue of scope, I find it interesting that a reason for not agreeing to the proposal where we can start, I think the EU made this comment, we need to start somewhere. I think that if we had started with applying this to every notification obligation, the concern would have been that we are doing too much. But again, paragraph 11 it does provide for the possibility that this will be extended, could be extended, if we all want it to be so to other notification obligations. The other comment that I have heard, and I heard this before – this issue that the incentives that are provided here under technical assistance applied to all Members have been negative. There are all sorts of reasons why Members may have difficulties, Members of all sizes and development status may have difficulties meeting the notification obligations and we think that it makes sense that if a Member comes forward with specific needs. Again, I point you to paragraph 7 that talks about: you come forward to the Secretariat with your specific needs, and then we figure out what technical assistance and what help needs to be provided. So, I think that this is intended to apply to everybody, this being in negative, I found curious and a little sad. China asked a very specific question on what does "timely and complete notification" mean, we can have this conversation. We hope to have many conversations and we will definitely have more conversations with everybody. But on the issue of "timely and complete notifications", what I just point right now is that it is a concept that appears in multiple places in WTO documents. I would just point out that this is all about making and facilitating the completion of timely and complete notifications, so I do not see what the problem is, and maybe I misunderstood the question. I will end by thanking Ukraine for joining us as co-sponsors and particularly given their difficulties. It is very heartening, and it is a very positive note.

8.90. The representative of Djibouti, on behalf of the LDC Group, provided the following statement:

8.91. The LDC Group thanks the co-sponsors for their proposal on procedures to enhance transparency and improve compliance with notification requirements under WTO Agreements. The LDC Group takes note of changes made to their proposal removing certain provisions that were problematic. The LDC Group is still reviewing the proposal and will hold internal consultations after the break when our members have returned. The Group also wishes to recall the LDC Communication JOB/GC/223/Rev.1 on WTO reform in which its view on notification and transparency is described in detail. Emphasis is laid on the capacity constraints encountered by individual Member countries and provision of technical assistance alone will not result in significant change. Rather support must be accompanied with financial assistance to extend concrete help in Capital. The LDC Group would also urge further dialogue under the General Council on this matter within the process pertaining to WTO reform, in the spirit of formulating a more comprehensive set of recommendations geared to the needs of least developed countries. Finally, the LDC Group wishes to recall Article XI.2 of the Marrakesh Agreement, which states that LDCs "will only be required to undertake commitments and concessions to the extent consistent with their individual development, financial and trade needs or their administrative and institutional capabilities".

8.92. The General Council took note of the statements made.

## **9 STRENGTHENING THE WTO TO PROMOTE DEVELOPMENT AND INCLUSIVITY – COMMUNICATION FROM THE AFRICAN GROUP, CUBA, INDIA AND PAKISTAN (WT/GC/W/778/REV.5)**

9.1. The representative of Cameroon, on behalf of the African Group, delivered the following statement:

9.2. The African Group takes this opportunity to welcome Pakistan as an additional cosponsor of this revised submission in document WT/GC/W/778/Rev.5 of the paper we presented to the General Council in February this year titled "Strengthening the WTO to Promote Development and Inclusivity". As the General Council meets for the first time following a successful 12<sup>th</sup> Ministerial Conference last month, we welcome the agreement by our Ministers at MC12 on WTO and we are well aware that the commitment contained in paragraph 3 of the MC12 Outcome Document is only the beginning of a journey towards renewal of the multilateral trading system.

9.3. As we pointed out at the General Council of 23-24 February, our submission is intended to capture a developmental perspective on the operations of the WTO, and to define a WTO Reform agenda that speaks to the longstanding aspirations of developing countries on pertinent issues of their interest. The rebalancing of WTO rules in favour of equitable economic development, fairness,

and in support of the structural transformation of African economies has indeed been a key demand of ours since the conclusion of the Uruguay Round in 1996.

9.4. We reiterate our conviction that the core foundational principles that underpin the WTO and the multilateral trading system such as inclusivity, equality, transparency, and consensus decision-making, including the upholding of the character of the WTO as a Member-driven organisation should continue to be guarded and preserved. For the African Group, WTO reform should at its heart be about economic development and "raising standards of living" and "ensuring full employment" as envisioned in the Marrakesh Agreement Establishing the WTO. It must reinforce special and differential treatment (S&D) as a core tenet of the WTO, its agreements, and future negotiations; and it should fundamentally address longstanding imbalances in the WTO rules.

9.5. Post-MC12 discussions on reform should be attuned to the realities of the negative impact that COVID-19, and the currently escalating food security crisis that has disproportionately impacted developing. Developing countries, now more than ever need all the necessary support and policy space to lead their economies towards economic recovery and sustainable growth trajectories. Reform must support access to policy tools that support the industrialization goals of developing Members, including the resolution of long-awaited development issues from the Doha Round.

9.6. The reform discussions should give practical meaning to and provide more impetus to the objectives and call of the Marrakesh Agreement "for positive efforts designed to ensure that developing countries and especially, the least developed among them, secure a share in the growth in international trade commensurate with the needs of their economic development". It is certainly not the hour now to insist on rules that constrain the policy space of developing Members to advance towards a sustainable industrialization path and becoming meaningful players in global trade.

9.7. Reform of the dispute settlement system should be our highest priority, whilst simultaneously addressing systemic obstacles that render the dispute settlement system out of reach for the majority of developing countries. The restoration of the Appellate Body is crucial for the maintenance of the balance of rights and obligations that were carefully negotiated in the Dispute Settlement Understanding. The process that is undertaken to discuss the reform of the WTO and the general conduct of work in WTO Bodies should be permeated by transparency and openness. In this regard, the Organization of work should take into account the capacities and resource constraints of Members and Groups of Members. It is also important that the roles and functions of the Chairpersons of WTO bodies, the WTO Secretariat, including relevant stakeholders, intergovernmental and international organizations are also informed and guided by the core principles we have outlined.

9.8. In conclusion, the African Group looks forward to engaging constructively with all Members on our submission and vision for reform. We trust that the process and agenda of WTO reform shall respond to the needs of the African Group, and genuinely address the aspirations of developing countries in general.

9.9. The representative of South Africa delivered the following statement:

9.10. South Africa aligns itself with the statement delivered by the African Group and associates itself with the statement by the ACP. We also take this opportunity to welcome Pakistan as a cosponsor of document WT/GC/W/778/Rev.5 titled "Strengthening the WTO to Promote Development and Inclusivity". We fully reiterate our view that WTO reform should at its core be development-centred. The reform process should contribute towards shaping a more even and just economic recovery from the dire impact of COVID-19 and lately the alarming escalation in global food insecurity and related global market volatility. WTO rules contain many imbalances and inequities that have prejudiced the trade and development interests of developing countries in particular. WTO reform should not mean accepting inherited inequities, but should rather be geared towards the rebalancing of trade rules to provide policy space for African countries to pursue their strategic and industrialization objectives, including addressing the asymmetries in WTO Agreements.

9.11. We must urgently resolve the dysfunctionality of the Appellate Body. This is critical for certainty and as a reaffirmation of the rule of law in the conduct of our trade relations. As we welcome and reflect on the next steps in pursuance of the MC12 Ministerial mandate on WTO reform, South Africa reiterates that the following key principles remain pertinent: 1. Safeguarding and

strengthening of the multilateral character of the WTO, including the retention of consensus decision-making, equality, inclusivity and transparency in the operations of the WTO; 2. Safeguarding the Member-driven nature of the WTO; 3. Preservation of policy tools for developing countries to promote economic recovery and provision policy flexibility to support their structural transformation and industrialization; 4. Reaffirming the principle of Special and Differential Treatment for developing countries in the WTO; 5. Reasserting development within the WTO by delivering on longstanding development mandates; 6. Restoring a functioning, independent and effective dispute settlement system that will be accessible to all. South Africa looks forward to constructive engagements on the content and nature of reforms we jointly envision in line with the MC12 Ministerial mandates.

9.12. The representative of Pakistan delivered the following statement:

9.13. We wish to thank and align ourselves with the statement made by the African Group on behalf of the cosponsors. The proposal which we have joined as a co-sponsor thoroughly reflects our priorities for a WTO which would be fit for purpose and the kind of reform that is necessary for this organisation. A WTO fit for purpose would need a mechanism to implement the existing and long overdue mandates and to address the imbalances and inequities. It requires that its fundamental principles, such as consensus-based decision making, and Special and Differential Treatment for developing countries must be preserved. SDT must be unconditional and non-reciprocal, based on members own determination. The restoration of a fully functional two-tiered dispute settlement system is also crucial for the legitimacy of the organisation and to infuse confidence in the world about the WTO's credibility.

9.14. Increasingly our world will be faced with problems of the global commons and issues that need a collective and cooperative response from this organisation. We are already witnessing the COVID-19 pandemic. Monkey pox has been declared a global public health emergency. Similarly, the developing food crises, devastating impacts of climate change patterns are adding new layers of challenges, particularly for the developing economies. As we ride into the storm of WTO reform we need to keep in mind that none of these challenges can be overcome by taking competitive approaches. We have to make WTO fit for purpose if this organisation is expected to come up with any solutions of the global commons. Our track record needs much to be desired. We can certainly improve; we have hope after MC12. We therefore call on Members to consider this proposal meaningfully and constructively engage on this proposal to move towards a true and credible reform of the institution. Let us fix what is needed, not reinvent the wheel, and not tinker with concepts that are well-established and disturbing which could weaken the foundations of the organisation.

9.15. The representative of New Zealand delivered the following statement:

9.16. New Zealand welcomes our Ministers' collective commitment to WTO Reform made at MC12. It is very important to have this clear affirmation from our Ministers of the importance of the task that is ahead of us. We would like to thank the co-sponsors of this paper for the ongoing contribution to the discussion of the reform issues. We note the breadth of issues covered in the paper, including issues of substance such as agriculture, and the way on which we conduct our work. We look forward to engaging with co-sponsors and indeed all other Members, and the General Council Chair on how to take forward the issue of WTO Reform in September. We will use the summer to reflect on what we might contribute to this discussion, including on issues of prioritization and which ideas amongst the range of suggestions emerging across the reform discussion might most usefully be advanced first.

9.17. The representative of Nepal delivered the following statement:

9.18. I appreciate all the proponents for this proposal. I commend India and South Africa for briefly highlighting the essence of the issue. While going through the preamble of the Marrakesh Agreement establishing the WTO, we understand the relevancy and value of development and inclusivity of the WTO functioning, both in process and impact. Let me take an example of my own country. Nepal had export-import ratio of 1: 2.5 in trade in goods while joining the WTO in 2004. However, the country could not benefit from the WTO membership as per the expectation and faced huge challenges of trade imbalance resulting in the export-import ratio of about 1: 16.5 in the year 2018. This demonstrates an urgency of making the WTO more inclusive and taking initiatives in assisting socio-economic development of members suffering from huge trade imbalance since they join the WTO. This will fall under the responsibility of the WTO if we sincerely respect the preamble and



fundamental principles of the Marrakesh Agreement. In this context, my delegation supports the proposal in principle. The issues raised by the proponents are genuine and need to be considered positively.

9.19. However, I would also like to request the proponents for taking the following four points into account while moving ahead for concluding this matter: First, inclusivity cannot be achieved without addressing special challenges faced by LDCs and LLDCs in their participation in the multilateral trading system. Therefore, supply-side capacity constraints and low level of productive capacity of those countries need to be adequately addressed; Second, LDC graduation has become a global phenomenon. Poverty is the biggest challenge of LDCs and we know, poverty anywhere is a challenge everywhere. Therefore, how development dimension and inclusivity address unique challenges faced by countries graduated from the LDC status could also be a part of the proposal; Third, country's achievements and progress in enhancing export competitiveness, productive capacity, and domestic employment generation by participating in global trade should also be assessed and this aspect should be taken into account; Finally, development and inclusivity should also address capacity constraints of weaker segment of membership to participate in and benefit from emerging opportunities and address challenges. For instance, addressing huge digital divide and capacity gaps in benefiting from the digital economy including e-commerce is urgent especially in LDCs and LLDCs. My delegation stands ready to constructively engage with the proponents and other Members with a view to expediting discussions in this matter in a more result-focused manner.

9.20. The representative of Bangladesh delivered the following statement:

9.21. On behalf of Djibouti, the LDC Coordinator, the LDC Group thanks Cameroon for the presentation of WT/GC/W/778/Rev.5 on behalf of the cosponsors and supports the principles elaborated in the communication. The LDC Group calls for this communication and the LDC Group's submission JOB/GC/223/Rev.1 to be fully considered in the work ahead in the General Council on WTO Reform. The members of the LDC Group are ready to work constructively with all delegations. The delegation of Bangladesh thanks the African Group, Cuba, India and Pakistan for the submission in document WT/GC/W/778/REV.5 and welcomes the revised version of the communication. My delegation also endorses the statement delivered by Djibouti on behalf of the LDC Group. Development is a multifaceted concept and inclusive development is one of the pre-conditions of sustainability. My delegation acknowledges that all Members do not have the same level of technical or administrative capacity, but all should enjoy respect and recognition from each other. Challenges of many developing countries, particularly in the LDCs and the graduating LDCs, are unique and these Members still need special and differential treatment which is also at the core of WTO's inherent and inseparable principles.

9.22. The communication has highlighted that Reforms in WTO must be premised on the principles of inclusivity and development and respond to the underlying causes of the current backlash against trade and the difficulties that developing Members continue to face *vis-à-vis* their industrialization challenges. The WTO reform must be a comprehensive task which should be open, inclusive and transparent. The LDC group has also highlighted several important principles and discussion themes on WTO reform contained in JOB/GC/223/REV.1. The LDC Group supports that inclusivity must require preserving consensus decision making in the WTO. The MC12 Outcome document (WT/L/1135) paragraph 3 provides that the work for reform shall be Member-driven, open, transparent inclusive, and must address the interests of all Members, including development issues. Bangladesh welcomes the idea of inclusivity in the overarching development goals. This also meaningfully aligns with the fundamental principle of the SDGs: no one should be left behind. Inclusive development demands participatory discussion and decision-making in the WTO. This is what we understand - collective responsibility. The delegation of Bangladesh fully supports the values of partnership, shared development and inclusivity as reflected in this communication. On this issue, my delegation looks forward to working constructively with Members.

9.23. The representative of India delivered the following statement:

9.24. First of all, I would like to welcome the new co-sponsor, and would like to thank Cameroon for introducing this proposal on behalf of African Group and other co-sponsors. At MC12 the Ministers have given us a clear mandate on reforms, WTO reforms, and we all need to work together to address the challenges that the WTO is facing. All of us are very well aware of these challenges and the need for reforms and Ministers' reaffirmation of the foundational principles of the WTO in the context of reform is a clear indication that the reforms should be consistent with the core principles

of the WTO and should address interests of all members and also pay attention to the development issues. The unprecedented outcomes that MC12 has achieved has rebutted successfully, the false narrative that WTO's negotiating function is broken. MC12 has shown that if we are willing to understand each other's concerns, work to narrow the differences and accept compromises, we can succeed in delivering results. Despite the success of WTO's negotiating function at MC12 there are still challenges on other functions that we need to address and address them quickly. The mandate for restoration of the Appellate Body by 2024 is perhaps the most significant decision that the ministers have taken in the context of WTO reforms. We look forward to closely engaging in this process in the coming weeks and months.

9.25. Consistent with the mandate provided by the Ministers on WTO reforms, our joint submission highlights the issues that are important to the developing countries and addresses the core issues that concern development and inclusivity. In this regard, India would also like to draw attention of members to the similar submission made by the LDC group during the May 2022 General Council meeting, vide JOB/GC/223/Rev.1 which also echoes the same issues that have been identified by our reform paper. Since we had full discussions on the elements contained in our present proposal in earlier GC meetings. I was not planning to repeat those elements once again. However, since transparency is the flavour of the day, and going by the discussion on Agenda 8 today, let me take this opportunity to highlight some of the transparency provisions in our reform proposal. And these are what we have said in our proposal that developed members themselves should lead by example, in submitting comprehensive, timely and accurate notifications. However, we have seen that this has not always been done and given this, surely the resource constraints of developing countries should be appreciated.

9.26. Let me give some examples. In the area of agriculture, developed Members those have final bound Aggregate Measure of Support (AMS) entitlements should submit their notification within 3 months at the end of each year. That is certainly one transparency provision, which has not been followed by most of the developed countries. They have taken in fact up to two years or more to do so. The second example is in the area of Services, i.e., GATS Article III.3. It requires Members to promptly and at least annually inform the Council for Trade in Services of the introduction of any new, or any changes to existing laws, regulations or administrative guidelines, which significantly affect trade in services governed by its specific commitments under this agreement. The Secretariat report presented in 2020 vide JOB (09)/10/Rev. 10, very clearly indicates how Members have failed in doing so, particularly developed countries before the pandemic, and this has further got aggravated during the pandemic. I am happy to note that in the proposal for transparency under Agenda 8, paras 5 and 6 does not distinguish between developed and developing countries. And therefore, I would request that the developed countries should start getting access to support and capacity building from Secretariat for timely notification in these matters. We have also seen that some of the Members, particularly from the developed countries, have not been fully complying with WTO commitments on transparency and therefore the reform should also take care of these undermining of commitments. Let me give four examples on that: (i) The regular notification of entry-related measures affecting existing mode 4 commitments of members have not been transparently notified; (ii) Article 66.2 of the TRIPS Agreement, developed countries have a legal obligation in the area of technology transfer towards LDCs. More transparency would be supportive of LDCs efforts to build a viable technological base; (iii) Disclosure of origin of traditional knowledge and genetic resources in patent applications; (iv) Transparency in tariffs – Non ad-valorem tariffs should be notified in ad valorem terms or converted to ad valorem tariffs. I was not intending to take up such a long list of examples where the reforms should actually go forward in the transparency part, but I was forced, based on the discussion in the previous Agenda item 8, which was again giving a false narrative of 'we' versus 'they'. So, I am saying that all of us are lacking in transparency and in notifications. Let us work together towards WTO reform on working closely and jointly without making it 'we' versus 'they', at least for the purpose of transparency.

9.27. The representative of Cuba delivered the following statement:

9.28. My delegation shares the views expressed by Cameroon on behalf of the African Group, India and South Africa, as well as by Pakistan, which has joined as co-sponsor of this document. Following the conclusion of the Ministerial Conference, and given its outcomes, we are of the view that this document is becoming increasingly important, especially after hearing doubts in recent days regarding what is and what is not considered a mandate. Developing Members have been calling for reforms since the conclusion of the Uruguay Round to correct the inequities and the imbalances in some multilateral trade rules and to create the necessary policy space to industrialize their

economies. The unfulfilled promises from the Doha Development Round, into the agenda of which the reform agenda put forth by developing countries was incorporated, remain unaddressed today. "WTO reform" does not mean accepting either inherited inequities or new proposals that would worsen imbalances, especially after the COVID-19 pandemic, the effects of which have led to a rollback of many years of progress for many developing and least-developed Members. Reform must be premised on the principles of inclusivity and development. It must contribute to preserving the principles of the multilateral trading system, with development at the core of the work. It must also strengthen the multilateral character of the WTO and continue the ongoing multilaterally-mandated negotiations, incorporating in them the principle of special and differential treatment. Lastly, I wish to recall the words of the head of the Cuban delegation at the Ministerial Conference: "There is no single economic model. The WTO must acknowledge the existence of different economic models given the importance of government policies in tackling market failures or achieving development goals."

9.29. The representative of China delivered the following statement:

9.30. We thank the co-sponsors for this renewed proposal. China supports this proposal and shares many views in this proposal on WTO Reform. First, the reform should respond to the development needs of developing Members, it is essential to address the development deficit in the existing WTO rules resolving difficulties they encounter in the integration into economic globalization and help them respond to the unprecedented multiple challenges including the pandemic, food security, supply chain disruptions etc. Special and differential treatment is a treaty-embedded and a non-negotiable right for developing Members. Second, WTO Reform could only succeed with mutual trust and full respect of Members' differences including diverse historical and cultural backgrounds, different economic models and development paths. Third, the two-tier dispute settlement system is essential to ensure security and predictability of the multilateral trading system. We welcome the recent informal discussions on dispute settlement reform led by the US and hope this exercise could help us to have a fully and well-functioning dispute settlement system by 2024. Last but not least, the basic principles of the WTO, such as non-discrimination, openness and consensus-based decision-making should be well preserved. Reform is never an easy task, the success of MC12 has provided us with an invaluable opportunity for WTO reform, let us seize the opportunity to build momentum and the confidence and work together for a well-functioning WTO.

9.31. The representative of the European Union delivered the following statement:

9.32. The European Union appreciates the Members' engagement in exploring how to reform the WTO. We are carefully reviewing the views and ideas set out in this communication as we believe in a process where all voices can be heard. MC12 provided evidence that we can find ways forward when working constructively together. At MC12 Members also agreed to reform the WTO in order to make it more capable of responding effectively to the challenges facing the multilateral trading system. In this context, the EU calls on all Members to engage constructively on WTO reform. Going forward, we should disaggregate the individual components of reform: 1. Monitoring and deliberating function, 2. the negotiating function, 3. Dispute settlement, where we have agreed that a fully functioning dispute settlement system should be in place by 2024. The European Union intends to participate in deliberations with an open mind so that reforms are both meaningful and respond to the expectations of the broad WTO membership. It will be important to deliver concrete improvements by MC13. We are open to engaging with the membership on previous submitted proposals in this context as well as upcoming proposals. Integration of developing countries in the multilateral trading system is one of the central objectives of the sustainable development goals. We remain of the view that developing countries should be provided with assistance and flexibilities. The European Union is open to considering ideas on how to promote a more forward-looking engagement on development issues. We look forward to engaging further in reform discussions in the autumn.

9.33. The representative of Indonesia delivered the following statement:

9.34. Indonesia would like to thank the African Group, Cuba, India, and Pakistan on their submission on Strengthening the WTO to Promote Development and Inclusivity. This proposal reflects the need of developing members on the inclusion of development perspective and inclusive growth in the WTO and continued call by developing Members to address development issues. This proposal also describes the inherent imbalances in WTO which could be addressed by strengthening WTO through the three functions of the WTO by upholding key principles in the multilateral trading system, such

as S&DT rights for developing Members. Therefore, Indonesia supports this proposal with a view to keep development at the core of all of our works. This submission provides Members with key priorities for reform at the WTO in all its functions, including priorities for the WTO response on COVID-19 pandemic that is relevant with our future work to follow up the MC12 outcomes on pandemic response and TRIPS waiver.

9.35. The representative of Egypt delivered the following statement:

9.36. We have requested the floor to welcome Pakistan as the new co-sponsor of WT/GC/W/778/Rev.5. We echo the statements made by Cameroon on behalf of the African Group. As mentioned by South Africa, reform should bring about economic resilience, enhance production and productivity in developing countries and should increase developing countries' share in global trade. Moreover, reform should be transparent, inclusive and shall address existing imbalances in various WTO provisions. As far as reform and transparency are concerned, we believe that the statement made by India is quite descriptive of the issue at hand and how to deal with it. Reform should allow for the proper policy space needed for developing countries to deliver on their individual development aspirations with development at the heart of our work. Allow all Members to adequately address acute challenges like pandemics and food security in a manner consistent with their legitimate needs.

9.37. The representative of the United Kingdom delivered the following statement:

9.38. It is clear that if you listen to this debate that we all want to see this organisation reformed, but we've all got very different ideas of what reform means, so I take due note of what is in this communication and the comments made by colleagues this morning. I think we ought to be aware that different Members have different views, different visions, and as we resume this work back in September under your guidance, your consultations, we need to find ways to find common ground as we did again, at the Ministerial, and not assume that any one vision can answer the needs of the organisation as a whole.

9.39. The representative of the Plurinational State of Bolivia delivered the following statement:

9.40. We thank the African Group, Cuba, India and Pakistan for their proposal, and we value the elements reflected in the document to address the necessary reform of all WTO functions. We deem this a significant contribution to begin essential work for our Organization and to be up to the challenges posed by current circumstances. We must carry out a credible procedure based on developmental priority, the WTO must modernize and update the rules that have remained static for decade and no longer correspond to the development needs of its Members. We require the urgent reestablishment of the dispute settlement system in its two tiers from the creation of the Organization asymmetries among Members have deepened, therefore the WTO Reform must necessarily include effective S&DT measures insuring the participation of developing and least developed countries in global trade without curtailing its development possibilities to industrialize its economies and reactivate its economy as well as ensuring food sovereignty. Bolivia expresses its interest and commitment to work constructively with co-sponsors and other Members on the matter.

9.41. The representative of Botswana provided the following statement:

9.42. My delegation aligns itself with the statement delivered by Cameroon on behalf of the African Group. My delegation believes that preserving the foundational principles of the WTO is critical to reflect the diversity in membership and the need to ensure WTO agreements serve the interests of the membership as a whole, taking into account differences in levels of development to promote the integration of developing countries into the global trading system. The reform agenda that addresses the structural transformation of developing countries and the preservation of a rules based multilateral trading system that is transparent and inclusive, is very critical.

9.43. The representative of Canada provided the following statement:

9.44. As indicated before, we agree that the WTO needs to be reformed and updated – where we differ is on the best approach to achieve this objective. The WTO is a Member-driven Organization. All major decisions, including the conclusion of multilateral negotiations have been taken by consensus. This decision-making mechanism is at the centre of the multilateral trading system.

There are no second-class Members. To be an effective organization, the WTO must be prepared to address new trade-related issues and to improve how it addresses longstanding issues. In a number of areas, creating new or modified trade rules is more than overdue.

9.45. In some cases, we can proceed most effectively multilaterally. In other cases, the JSI model offers a pragmatic and realistic avenue for interested Members to pursue common objectives. The JSI negotiations are inclusive, transparent and open to all WTO Members. We note the increased participation of developing Members. It would be premature to prejudge the legal architecture of the JSIs, as each initiative is unique. However, it would be very worrisome if any Member raised concerns about an outcome that was trade liberalizing or that increased the predictability of the global trading environment.

9.46. On dispute settlement, Canada firmly supports a binding two stage system and agrees that having a well and fully-functioning multilateral system should be a priority. However, we do not consider that this should be a prerequisite to engaging constructively in negotiations on new rules. On the larger trade and development point, let me be clear here that Canada believes that development is a core element of the Organization and Members must find ways to ensure that the WTO fulfils its objective of fully integrating developing members into the multilateral trading system.

9.47. We are also committed to ensuring that the WTO is inclusive and transparent and that it reflects the needs and expectations of 21<sup>st</sup> century stakeholders. Importantly, there is no one-sized fits all approach to addressing the legitimate development needs of WTO Members. We must instead look for tailored approaches that are responsive to both the subject matter at hand as well as the individual capacities and situations of WTO Members. We do share concerns that the Organization risks becoming irrelevant if we cannot move beyond traditional positions and look at applicable, pragmatic ways to address the trade and development nexus that work for all Members.

9.48. The General Council took note of the statements made.

## **10 WAIVERS UNDER ARTICLE IX OF THE WTO AGREEMENT**

### **10.1 Review of waivers pursuant to article IX:4 of the WTO Agreement**

**10.1.1 Least-developed country members – Obligations under Article 70.8 and Article 70.9 of the TRIPS Agreement with respect to pharmaceutical products, granted on 30 November 2015 until 1 January 2033 (WT/L/971)**

**10.1.2 Kimberley process certification scheme for rough diamonds, granted on 26 July 2018 through 31 December 2024 (WT/L/1039)**

**10.1.3 Canada – CARIBCAN, granted on 28 July 2015 until 31 December 2023 (WT/L/958, WT/L/1146)**

**10.1.4 European Union – Application of autonomous preferential treatment to the Western Balkans – Granted on 28 July 2021 until 31 December 2026 (WT/L/1114, WT/L/1147)**

10.1. The Chair noted that, concerning the review of waivers, in accordance with paragraph 4 of Article IX of the WTO Agreement, "any waiver granted for a period of more than one year shall be reviewed by the Ministerial Conference not later than one year after it is granted, and thereafter annually until the waiver terminates." There were four waivers before the General Council for review, and they were listed in the proposed Agenda. These waivers had already been agreed by the General Council and were in force. In other words, the General Council was not expected to take any new decision on their renewal or otherwise at this meeting. Two of the waivers under review provided that an annual report should be submitted by the Member concerned regarding the operation or implementation of those waivers with a view to facilitating their annual review by the General Council. The reports from Canada and the European Union had been circulated in documents WT/L/1146 and WT/L/1147 respectively.

10.2. The representative of Bahamas, on behalf of CARICOM, speaking as an Observer, delivered the following statement:

10.3. I make this statement on behalf of the CARICOM Group. CARICOM is grateful to the Government of Canada for the trade related provisions outlined in documents WT/L/958 and WT/L1146. In 1985, at the Commonwealth Heads of Government Meeting in Nassau, Bahamas Canada made a commitment to its sister states in the Caribbean region to assist in economic development through the promotion of trade and export earnings, investment opportunities, and to enhance economic integration and cooperation through a trade development assistance program referred to as CARIBCAN. Since its inception, CARICOM Member States have benefitted from CARIBCAN and we look forward to the continued progress of this arrangement. Preferential access to the Canadian market, whether under CARIBCAN or the General Preferential Tariff (GPT) is crucial for our region as it contributes directly and indirectly to micro and medium sized businesses, foreign exchange earnings and our further integration into the global economy. Document WT/L/1146, highlights total trade under CARIBCAN, valued at CAN \$1.75 billion /USD \$1.35 billion. Canadian Imports from the CARICOM region have grown steadily under this arrangement with some decline being recorded as result of the COVID-19 pandemic. However, trade between the region and Canada is now positively on the rebound. The data provided is an indication of the benefits CARICOM member States receive from the Government of Canada through the CARIBCAN and we are most appreciative of this opportunity to express to Canada our gratitude for their economic and trade and development assistance to our region and for their 2022 report.

10.4. The representative of Canada delivered the following statement:

10.5. CARIBCAN reflects the special relationship between Canada and the Commonwealth Caribbean. Since 1986, it has helped improve the trade and economic development prospects of the region. In light of the continuing relevance of the considerations underlying CARIBCAN, the initiative's objectives, scope and coverage remain unchanged. Canada thanks those Members that have expressed support for the CARIBCAN program and the associated WTO waiver.

10.6. The representative of Barbados delivered the following statement:

10.7. At the outset, Barbados wishes to register its association with the statement delivered by Bahamas on behalf of the CARICOM Group. We thank Canada for its 2022 report on the trade-related provisions of CARIBCAN and its continued economic and trade development technical assistance to Barbados and the other Commonwealth Caribbean countries. Over the years, the programme has been a positive contributor to our trade and export earnings, improving our trade and economic development prospects and has led to new investment opportunities for Barbados. Chair, we look forward to our continued engagement with Canada and all other Members in the coming months on this matter.

10.8. The General Council took note of the statements made.

## **11 WTO PENSION PLAN MANAGEMENT BOARD – ELECTION OF A MEMBER (WT/GC/W/852)**

11.1. The Chair recalled that Article 4 of the Regulations of the WTO Pension Plan (WT/L/282) provided for the establishment of a Management Board comprising, inter alia, four members and four alternates elected by the General Council, and four members and four alternates appointed by the Director-General. The current membership of the Board was due for renewal in July 2023. As indicated in his communication circulated to delegations in document WT/GC/W/852, the Chair of the Board, Mr. Jean-Marc Van Dril, had undertaken consultations in June to identify one member to be elected by the General Council, for the remainder of the current three-year term and subject to renewal in 2023. Accordingly, in his communication, and as a result of this process of consultations, he had proposed one representative that had been identified for election as member. He had invited delegations to submit any comments regarding the proposed nomination by close-of-business on 14 July 2022. He informed delegations that no comments had been received on this nomination. Therefore, he proposed that the General Council elected Mr. Leong Darryl (Singapore) to serve as member on the Board for the remainder of the term, i.e., until July 2023.

11.2. The General Council so agreed.

## 12 OTHER BUSINESS

### 12.1 Chairmanship of the Committee on Agriculture in Special Session – Statement by the Chair

12.1. The Chair recalled that, as noted at the beginning of the meeting, further to the imminent departure of Ambassador Gloria Abraham Peralta of Costa Rica, Members needed to fill the position of Chair of the Committee on Agriculture in Special Session. He would begin consultations immediately after the summer break by meeting the coordinators of the four broad groups: (i) Developed Members; (ii) Africa; (iii) Asia and the Pacific; and (iv) Latin America and the Caribbean – GRULAC. In line with the Guidelines for the Appointment of Officers and with the "Practical Steps" to improve their implementation, he would be assisted in this process by the Chair of the DSB, Ambassador H.E. Dr. Athaliah Lesiba Molokomme, and by the former Chair of the General Council, Ambassador H.E. Dacio Castillo. He urged the coordinators of the four groups to start consulting their constituencies as soon as possible, with a view to filling this vacancy without delay.

12.2. The Director-General delivered the following statement:

12.3. I just want to urge Members on this particular issue of trying to assist our work with the GC Chair on the issue of identifying the Chair of CoA SS. It would really be important to work fast. We have all agreed that agriculture needs to take a new turn and the more we delay in trying to identify a Chair the more it looks like we do not mean business. So, all I wanted to say whilst you or before you leave for your summer holiday, please consult each other and so that the Chair can have some help in coming to conclusion quickly when we come back in September.

12.4. The General Council took note of the statements made.

### 12.2 Statement by the Chair in connection with Administrative Measures for Members in arrears

12.5. The Chair recalled that the General Council Procedures for Members and Observers subject to Administrative Measures in WT/BFA/132 required that, at the end of each meeting of the General Council, the Chair of the Committee on Budget, Finance and Administration would provide information with regard to which Members and Observers are under Administrative Measures.

12.6. Ambassador Bettina Waldmann (Germany), Chair of the Committee on Budget, Finance and Administration, delivered the following statement:

12.7. The Administrative Measures applicable to Members and Observers in arrears have been in place since 1<sup>st</sup> March 2013. Administrative Measures are detailed in Annex B of the Financial Regulations as contained in document WT/L/156/Rev.3. In accordance with a decision previously taken by the General Council, I shall state all Members and Observers under all categories of administrative measures. However, before doing so, I would like to acknowledge payments received from ten Members since my last report to you on 9<sup>th</sup> May. As a result of these payments, the following Members are no longer subject to Administrative Measures: Cameroon, Congo, Gabon, The Gambia, Kyrgyz Republic, Niger, Togo, and Zimbabwe. Moreover, Antigua and Barbuda which was previously in Category III, is now in Category II. In addition, Cuba, which was previously in Category III, is now in Category I. Regarding Observers, Comoros, previously in Category II, is now in Category I. This means that Antigua and Barbuda, Comoros, and Cuba, are subject to a lesser scope of Administrative Measures than in the past. This is a result of the payments they have made. I would like to express my thanks to these Members for the payments received.

12.8. That said, as at 25 July 2022, there remain a total of 19 Members and 10 Observers subject to Administrative Measures. The following 8 Members are currently in Category I: Plurinational State of Bolivia, Cabo Verde, Cuba, Dominica, El Salvador, Rwanda, Uganda and Zambia. The following 5 Members are in Category II: Antigua and Barbuda, Djibouti, Mauritania, Papua New Guinea and Yemen. The following 6 Members are in Category III: Burundi\*, Central African Republic\*, Chad\*, Guinea, Guinea-Bissau\* and Bolivarian Republic of Venezuela (\* Members not compliant with payment plan terms). The following 4 Observers are in Category I: Comoros, Ethiopia, Lebanese Republic and South Sudan. The following 2 Observers are in Category II: Iran and Iraq. There are also 4 Observers in Category III: Libya, Sao Tomé and Príncipe, Somalia and Syria.

12.9. The representative of Cuba delivered the following statement:

12.10. The unilateral coercive measures imposed by the United States on Cuba, which have been steadily stepped up since 2017, continue to have a negative impact on the efforts of the Cuban Government and society to ensure the sustained containment of the COVID-19 pandemic, which has been achieved thanks to the work of the country's scientists and medical personnel, and to mitigate the economic and social consequences of the pandemic.

12.11. As part of the blockade against Cuba, the restrictive measures imposed by the US Government continue to be of an ever-increasing extraterritorial scope. The US Government continues to include Cuban companies and entities connected with trade in arbitrary lists issued by the Department of State and other agencies, which ban natural and legal persons under US jurisdiction from maintaining relations with the listed entities. Companies registered in other countries, which are subsidiaries of US companies, are prohibited by US law from engaging in trade with Cuban companies. The US Government prohibits entities under its jurisdiction from importing Cuban products, including goods from reputed brands in the international rum, tobacco and shellfish markets, among others. US companies that obtain specific licences to export agricultural products to Cuba are prohibited by their country's law from offering credit or any type of financing to cover these exports.

12.12. The application of sanctions by US government agencies on ships involved in the transportation of goods being traded with Cuba is a barrier to Cuban imports and exports. The application of sanctions by the Department of the Treasury and other US government agencies on banking and financial entities transacting with Cuba is a barrier to Cuban imports and exports, and to those of companies from other countries that are interested in trading with Cuba, which require secure banking routes to carry out operations. All of the above-mentioned measures and others restrict the international market space that Cuban imports and exports may access. The restriction on international market access for Cuban companies as a result of the US Government's measures hampers imports of inputs and equipment that are crucial for making investment in the country for its economic development, as well as for the exports resulting from this investment, which is a priority in order to increase the country's revenues.

12.13. These restrictions also have an impact on the development of foreign investment in Cuba and the marketing of the exports resulting from this investment. In addition to these limitations, it is impossible to use the US dollar in foreign commercial and financial transactions, banking operations and signed correspondent agreements have been cancelled, account closure requests have been made by foreign banking entities, foreign banks have refused to transfer funds to or from Cuba and to provide other banking services, and Cuban bank transfers have been returned. Despite this situation, as proof of Cuba's firm commitment to meet its international financial commitments, including those relating to the WTO budget, we have made a significant contribution that has enabled the status of our commitments to be updated.

12.14. The Chair noted that, as also required by the General Council Procedures, he requested Members and Observers in Categories II and III of the Measures to inform the Secretariat as to when their payment of arrears may be expected.

12.15. The General Council took note of the statements made.

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**ANNEX 1****STATEMENTS BY MEMBERS AT THE INFORMAL HODS MEETING HELD ON 7 JULY 2022**

Following the statements of the General Council Chair and the Director-General at the above-mentioned meeting, the statements made by Brazil; Botswana; Australia; Jamaica (ACP); Indonesia; Cabo Verde; Malaysia; Nicaragua; Cameroon (African Group); Switzerland; Singapore; China; Cambodia; Chile; Bangladesh; Mexico; Colombia; European Union; Ecuador; South Africa; Nepal; Barbados (CARICOM); Japan; India; Nigeria; Chinese Taipei; Russian Federation; Vanuatu (Pacific Group); Paraguay; Tunisia; Türkiye; El Salvador; Canada; The Philippines; Antigua and Barbuda (OECS); Peru; Zimbabwe; New Zealand; United States; Chad (LDCs); Costa Rica, Plurinational State of Bolivia; United Kingdom; Kazakhstan; Egypt; Uganda; Bolivarian Republic of Venezuela and Panama are included below as part of the Minutes of the General Council meeting.

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**1. Brazil**

The WTO delivered at MC12. The Ministerial meeting was important for what we managed to achieve collectively: an agreement on fisheries, outcomes on trips and public health, on food security, and on reform. The Ministerial meeting was also important for what we managed to avoid backtracking on the current rules of the multilateral trading system, particularly on agriculture.

MC12 closes a cycle. It is now time to repositioning the WTO to look beyond old controversies, old issues and old concepts that can no longer lead to consensus. Post-MC12 is an opportunity to tackle how international trade can truly contribute to development, how international trade can contribute to food security and sustainability.

We have now a mandate on reform, a necessity that predates MC12 and that ministers unanimously recognized. We welcome the U.S. disposition to address the current impasse on dispute settlement. This is a challenge we need to face collectively in the post-MC12, as we have committed to conduct discussions with a view to having a full and well-functioning dispute settlement system accessible to all Members by 2024. We also need to discuss how negotiations can effectively deliver, including through new and flexible formats of negotiations.

We have also presented a proposal on annual ministerials, as a way to, among others, increase the effectiveness and responsiveness of the WTO.

We need to make the WTO again fit for purpose in trade negotiations and we need to think about setting negotiating priorities for MC13. As we move towards MC13, we need to be guided by the same spirit of commitment to multilateralism and constructive solutions that China has shown during MC12. Emerging economies, like Brazil and China, have clearly demonstrated our sense of responsibility to the WTO system.

Regarding fisheries subsidies, we have achieved an important and credible outcome regarding IUU fishery and overfished stocks, for which we salute once again all the membership and the DG. But we still have work to do in the overcapacity and overfishing pillars. In order to effectively fulfil the UN and the WTO mandates and to really contribute to the sustainable development, it is of the utmost importance and urgency that Members engage constructively in negotiations to improve the Agreement, particularly in these issues. Brazil remains committed to this initiative and will keep engaged in further talks. Last but not least, we urge all Members to promptly ratify the instrument.

On agriculture, we adopted the Decision on the World Food Programme and the Ministerial Declaration on Food Insecurity. However, there was no possible consensus on the next steps towards the long-awaited reform of the multilateral rules of agricultural trade.

The lack of a specific outcome on agriculture at MC12 is a result in itself - it marks the end of a cycle and the beginning of a new stage for negotiations.

The old negotiating architecture and the old concepts inherited from the Doha Round can no longer serve as the guiding principles for MC13. We should not repeat the same mistakes hoping that a different outcome will follow.

Given the evident dissent across the membership on much of the current agricultural agenda, what seems clear is that the only point of contact between the different positions is Article 20 of the AoA – and that is the only mandate we all need to stick to for a fresh start.

For the coming months, our suggestion is that we take advantage of the clean slate that we have in agriculture to reflect on the necessary modernization of the agricultural negotiation architecture, which presupposes the consideration of new formats and topics that are in line with contemporary challenges for agricultural trade, including food security and sustainability. All without losing focus on our Article 20 mandate: pursuing continuous reform towards less and less trade distortion and protectionism.

This conceptual modernization will also comprehend an assessment of how the two main topics of the agricultural negotiations – domestic support, including PSH, and market access – will be dealt with.

Brazil is ready to work constructively as we collectively reflect on the future of the WTO and our challenges ahead of MC13.

Let me finally thank the DG for her leadership before and during MC12, the role of the DDGs and the secretariat.

## **2. Botswana**

Director General, GC Chair, Excellencies and Colleagues. Let me take this opportunity to extend my heartfelt gratitude to you all for a successful MC12 and specifically the Director General and the Secretariat for the tireless efforts in supporting us during the Conference. Thanks to you to GC Chair Didier Chambovey, for your steady hand in the build up to the conference and your usual quiet magic during MC12.

At some point during the week of MC12 it seemed like the conference would not achieve any outcome; however that did not discourage the members, ably chaired by Kazakhstan, and here I must specifically commend my sister Ambassador Zhanar, not to mention our steadfast DG Dr Ngozi to persevere. Our gratitude also goes to the Chairpersons and facilitators on the various themes for their hard work and role in the outcomes we have achieved.

Botswana wishes to echo the sentiments of other delegations who have already taken the floor, to welcome the outcomes of MC12, the Ministerial Decisions, Declarations and the Agreement on Fisheries Subsidies.

After two decades of negotiating the agreement on Fisheries Subsidies, it is worth celebrating that we have finally concluded the agreement and should commence work towards continuing discussions on the outstanding issues for additional provisions in preparation for MC13, as per the Ministerial Decision.

Excellencies, the role of the World Trade Organization (WTO) in global trade remains pertinent. Its main functions to ensure free and fair trade flows are critical, hence it will be important for the reforms agenda to be defined and prioritised post MC12 while upholding the core principles of the WTO: transparency, openness, relevance and the development dimension.

Botswana is pleased with the Ministerial Declaration on the Emergency Response to Food Insecurity which provides for the establishment of a dedicated work programme on NFIDCs and LDCs, to address their specific concerns on food security through the Committee on Agriculture.

We are also pleased with the Ministerial Declaration on the WTO Response to the COVID-19 Pandemic and Preparedness for Future Pandemics.

As a Net Food Importing Developing Country, Botswana has been negatively impacted by the pandemic outbreak and the current shortage of food and production inputs.

It is in this regard that we believe that the two declarations will be beneficial to us and will help to cushion the looming food insecurity threats posed by the current challenges. Botswana is hopeful that WTO members will take immediate action to address food shortages and soaring food prices and ensure that the most vulnerable can access emergency food aid as highlighted in the Ministerial Decision on WFP food purchases exemption from export prohibitions or restrictions.

We are mindful of the vital role played by agricultural trade in improving food security and the need to build up long term resilience of agricultural markets. We would like to also echo what is expressed in the decision that Members should take concrete steps to facilitate trade and not impose unnecessary export restrictions while ensuring transparency in the process.

Excellencies, as we reflect and map a way forward post MC12, I wish to reiterate Botswana belief that agriculture is a very important sector for developing countries. It is unfortunate that we could not reach an outcome on agriculture, and we wish to implore the membership to give it a priority for a meaningful outcome at MC13.

In relation to the outcome on the TRIPS Agreement, we would like to urge members to collectively work around the clock with a view to deliberate and conclude on the extension that will allow the production and supply of COVID-19 diagnostics and therapeutics, within the 6 months' timeline in accordance with the Ministerial Decision.

Excellencies, my delegation has noted your reminder and that of others that our modest success at MC12 is only the beginning, and that as members we must put all our efforts into implementing these decisions. Many issues remain outstanding and we must put all hands on deck to move forward.

My delegation has also noted and associates itself with the observations made with respect to improving our preparedness and ensure transparency as well as better communication. This is especially important for small delegations such as mine, to avoid a feeling of alienation or marginalization from the process.

Excellencies, on that note let me end by pledging my delegation's commitment and support to the work ahead; the implementation of MC12 outcomes and conclusion of the remaining DDA issues. We remain committed to the rules-based Multilateral Trading System, that is transparent and inclusive. I thank you.

### **3. Australia**

Congratulations to all on the success of MC12.

We cannot overstate the importance of what we achieved at this Ministerial for the WTO's vitality, and its standing. The commitment to restore dispute settlement also gives us new hope on the continued authority of global trade law.

The required leadership came from everywhere. It came from the top – from the Director-General, from negotiating Chairs, from the Conference Chair, from the General Council Chair – and it came from non-traditional places. It was Fijian Minister Faiyaz Koya's passionate appeal on fisheries subsidies that galvanised us to save the deal late at night on Thursday 15 June. His was an exceptional contribution.

One lesson we have learnt is that we must now avoid "all or nothing" Ministerial Conferences. We cannot continue to load up these Conferences with too many expectations and high stakes – which risks damaging our credibility. No other international organisation holds itself to account by a need to continually demonstrate it can renew its treaty system every time Ministers gather, so why do we? We achieved something of a minor miracle this time on fisheries, but our guess is that this type of fully multilateral deal is not easily replicable – indeed it has only been achieved twice in two and a half decades.

So, we must de-dramatize these Ministerial Conferences. In this context we are considering the idea of annual Ministerial Conferences within the frame of how we can de-dramatize the meetings. Our concern is that we do not create undue burdens twice as often as we are now. We are, however, keeping an open mind and will continue to reflect on whether the idea of annual meetings allows for something of a more routine form of engagement.

On rule making the lesson was that: while a minor miracle was achieved on fisheries subsidies, it may not be replicable. Neither has such a deal been achievable - aside from once - in the last quarter century on agriculture. Threading the interests of 164 Members through the head of a needle is not a realistic ask on a regular basis. Miracles are possible, but we should stop banking on them.

That we could not make progress, again, on agriculture was of course a major disappointment for Australia and the Cairns Group, but that has clarified that the current mode of negotiating is simply not working. We need a new approach, founded on new political consensus and a new negotiating model. The US\$817 billion in support going to global agriculture every year is a sum several times global aid flows. On carbon emissions and climate change, this is also a sum that will prevent us reaching net zero by 2050.

So, we do need to act. The Cairns Group is considering options for a retreat in September to reflect on the lessons we have learnt and how we can move ahead. We met earlier this week and the strong sentiment is that we want to work in partnership with others in the membership who are ready to join the effort. Please let us know if you want to come and join part of our retreat or think together about how to move ahead. Our efforts to do this collectively – building bridges across the membership – are going to be critical to the prospects of success.

On fisheries subsidies, our own view is that we should all take a step back, and reflect, on that issue as well. We should think about the best way to avoid painting ourselves in a corner on Article 5 on overcapacity and overfishing, and maybe before launching straight in, consider carefully what different models might be available to us.

Congratulations to all again on this success.

Let's celebrate it.

Let's all own this story and project it with confidence.

And let's ensure we learn the lessons of this Conference, to ensure we can make best use of our next one.

#### **4. Jamaica (ACP Group)**

Thank you, Chair. The ACP Group wishes to thank you for organizing this meeting. It is an opportune time for delegations to exchange notes on the way forward post MC12.

The ACP Group takes the opportunity to thank the Director General, the MC12 Chair, all Chairs and Facilitators and to commend all Colleagues for remarkable resilience throughout what was an arduous Conference.

The ACP Group is currently reflecting on the outcome of MC12. Our intervention today is, therefore, preliminary as we await the outcomes of our internal deliberations.

MC12 provided us with the opportunity to reflect on the role of the WTO in trade and development, appreciate the importance of Ministerial involvement in the process and, importantly, the essential nature of inclusivity and transparency in the work of the Organization. Though not perfect, we should be proud of the outcome of MC12. There were lessons learnt and we have been able to get Ministerial mandates on critical issues. There are ways in which we can improve the process for MC 13 and the ACP Group would propose that WTO members reflect on this issue.

We are happy to know that the Secretariat has already put in train initiatives to facilitate Members' implementation of the Ministerial mandates.

As it relates to fisheries subsidies, the mandate of the WTO in implementing SDG 14.6 remains work in progress. We welcome the agreement on elements such as IUU fishing. While we believe that the focus should be placed on securing ratification of the agreement, we should ensure that overcapacity and overfishing negotiations are made a priority, as our fisherfolk continue to be the victims of overcapacity and overfishing. Agreeing on overcapacity and overfishing disciplines has eluded us for decades but we now have an opportunity to conclude these negotiations by MC13.

It would be good to hear about plans within the Secretariat to encourage ratification so that the threshold to trigger entry into force can be reached as soon as possible. Further, the NGR should reconvene early to have a legal scrubbing of the text in order to address any discrepancy that may be within the document. Legal scrubbing does not and should not alter Ministers' decision but can assist in ensuring that the agreement, as a whole, adheres to established legal standards. We would also request that Members are apprised of plans for the implementation of Article 7.

Regarding the declaration on the WTO's response to the pandemic and preparation for future pandemics, it is important that the Chairs of councils, committees and working groups include on the agenda of their next meetings a discussion on how their respective bodies will contribute to the implementation of the various elements of the declaration.

As it relates to WTO Reform, we should now begin to build-out the various elements which we would want to see in a Reform package. We should aim to present a comprehensive package to Ministers at MC13. At the very least, Ministers should be presented with a streamlined vertical text that represents an advanced stage of negotiations on the issue. The ACP Group is working on a Reform proposal which we hope to share with WTO Members soon.

On agriculture, we are disappointed that MC12 did not agree on a revised work programme for the negotiations. Agriculture is of fundamental importance to the ACP Group. We can start discussions on the parameters for outcomes in areas such as PSH, domestic support and SSM. Hopefully we would be able to present streamline texts and not only work programmes at MC13.

We should proceed in a manner that respects the redlines of others and accommodate the interests of all Members.

Chair, the food security declaration is very timely. The CoA and other relevant bodies should begin discussions on how to implement the declaration on trade on food security. Where collaboration with external stakeholders is necessary, we would wish to hear the Secretariat's road map in this regard.

On the issue of process, our Group stands ready to work towards solutions for greater clarity, transparency and inclusiveness at Ministerial Conferences, with a view to ensuring the participation of all members. I thank you, Chair.

## **5. Indonesia**

Thank you, Chair, for giving me the floor. First of all, I would like to join others in conveying our sincere appreciation to Madam Director-General for her tireless efforts and determination that has brought us to a successful MC12. I would like to extend our highest appreciation to the Secretariat as well who has worked with great dedication and has supported our works through and through.

And, of course, I would also like to congratulate all of us for the outcomes achieved at the MC12, which has demonstrated our strong commitment, hard work, and patience to reach consensus and compromised solutions. These outcomes are indeed the fruits of collective efforts and success.

While MC12 has delivered substantive outcomes on a wide-range of issues, which respond to the current challenges... we must now ensure that these outcomes benefit our people at home, are workable and implementable, as well as address the challenges faced by Members, particularly developing Members and LDCs.

A long list of outcomes are now on the table, such as the Decision on Fisheries Subsidies, Declaration on the Emergency Response to Food Insecurity, the Decision on WFP Exemption, the Declaration on the WTO Response to the Pandemic, the Decision on the TRIPS Agreement, and the Work Program on Electronic Commerce.

However, we should not be complacent, and this is indeed the time for deep reflection. While we may consider MC12 as a breakthrough, there are many issues that we need to follow up... and others need to be reinvigorated, such as agriculture. Undeniably, the real work has just begun.

With that in mind, Indonesia is of the view that we need to seize the momentum and continue our work on the following main pillars:

First, on agriculture, we need to improve the negotiations and reframe the narrative to avoid the repeated failures of a non-outcome. On this pillar, we have to continue our negotiations to address the imbalances in order to create a fair and balanced discipline.

In this regard, I would like to emphasize our continued priority to achieve outcomes on the mandated permanent solution on Public Stockholding for Food Security Purposes and on Special Safeguard Mechanism. Furthermore, the future work on the PSH has to consider the joint proposal by the African Group, the ACP, and the G33 co-sponsoring members. In the meantime, other pillars also need to progress, such as domestic support and market access.

Second, on the Decision on the TRIPS Agreement, therapeutics and diagnostics are inseparable parts of the countermeasures in the WHO's four-pillar strategy, which also includes vaccine and health protocol. These have been proven to be essential in the prevention, containment, and treatment of COVID-19.

Therefore, we should ensure equitable access to countermeasures through the extension of the Decision on the TRIPS Agreement to therapeutics and diagnostics in less than 6 months from now. With such a short deadline, we need to begin our work on this issue as soon as possible.

Third, following the decision on the work programme on e-commerce, it is imperative that the reinvigoration of the work program shall be considered as a priority, with the developmental aspect at the core of this work. To that end, we need to clarify the scope and definition of the moratorium on customs duties... and have a clear understanding on the longstanding impact of the moratorium, particularly to the developing countries, that has lasted for 24 years.

Fourth, on the Decision on Fisheries Subsidies, we need to continue our work to close the gaps on the remaining key issues, such as disciplining harmful subsidies that contribute to overcapacity and overfishing, while including appropriate and effective special and differential treatment for developing Members and LDCs, to achieve a comprehensive agreement.

Lastly, on the WTO Reform, Indonesia is of the view that the ongoing momentum should be maintained by Members to focus on the efforts to revive the proper functioning of all WTO pillars, particularly in the dispute settlement system. Restoring the WTO two-tier dispute settlement system is important to maintain the relevance of the rules-based multilateral trading system.

In conclusion, Chair, we would be remiss should we stop our efforts after achieving the "Geneva Package". We need to continue and redouble our efforts in concluding the remaining works and resolve the unfinished business.

We should always bear in our mind that multilateralism under the WTO should prevail to demonstrate the relevance and the credibility of this Organization to the world. Developmental issues and S&DT for developing members and LDCs should also always be at the heart of this organization. Meanwhile, equal access, inclusivity, and transparency should also be maintained in the negotiations, where all Members are involved and no one is left out in the decision-making processes.

And with that, I will stop here, Chair. Let me conclude by reiterating Indonesia's full commitment to continue the work on all issues and we stand ready to engage with all Members to advance the negotiations. Thank you, Chair.

## **6. Cabo Verde**

My delegation would also like to echo the statement made by the ACP group and the statement that is to be made by our colleague from Cameroon on behalf of the African Group. I would like also to echo the words of those who have taken the floor before me to express our sincere gratitude to you and all the Ministers and stakeholders for the success of MC12. This really was a phenomenal

ministerial conference. We are very grateful for your leadership and your energy which were unfettered. Without you none of this would have been possible so thank you very much. The agreement on fisheries subsidies is one of the outcomes that will make a positive contribution to sustained growth for smaller island developing countries such as mine. I would like to take this opportunity to congratulate Ambassador Wills for the excellent work that he did in that regard and for all of his efforts. As we work together on long-standing areas of work and as we look to the 13th Ministerial Conference, particularly agricultural trade, we feel we need to keep our eyes fixed on trust and good faith in our negotiations. We remain attached to the multilateral trading system and its importance and we are looking forward to future victories here at the WTO. You can count on us to pursue our work constructively.

## **7. Malaysia**

Thank you, Madam Chair, Malaysia wishes to express our appreciation to the Government of Kazakhstan and Switzerland as well as the WTO Secretariat for successfully hosting the Twelfth WTO Ministerial Conference (MC12). We also wish to commend the Director-General; General Council Chair; Conference Chair; and Vice-Chairs for their sterling leadership in stewarding MC12 to success.

At a time when global solutions are critical, we have shown the world that WTO members can come together to address global problems and deliver the Geneva Package which contains a series of decisions on fisheries subsidies and WTO response to emergencies, among others, which demonstrates the remarkable commitment, tenacity, and flexibility of all members in ensuring acceptable outcomes are achieved.

For post-MC12, let us continue to work together to deliver on what has been agreed by our Ministers three (3) weeks ago.

On the process, we wish to share our views on MC12 arrangements, and the lessons learned – or scope for improvements – as you said this afternoon, in preparation for the MC13:

On transparency, it is a point of concern where Members did not have sufficient opportunity to review the draft agreement/texts prior to adoption. The outcomes of small group discussions were not shared and some decisions were made through small group discussions. Moving forward, we would like to see an open, transparent, and inclusive negotiation process for all members.

On MC12 timetable, the list of thematic sessions and list of Ministers/facilitators should be shared in advance, i.e. two weeks ahead not on the day of the conference (12th of June). This will facilitate our Capital in managing our Minister's participation.

On a final note, Malaysia will continue to support the multilateral trading system. Our collective undertaking at MC12 has brought back WTO on the path of being relevant. We must join hands in driving the recovery process towards a sustainable and resilient global economy. Thank you, Madam Chair.

## **8. Nicaragua**

Mr Didier Chambovey, Chair of the General Council, Dr Ngozi Okonjo-Iweala, Director-General of the WTO, dear colleagues, heads of delegation, I extend fraternal greetings from the Government of National Reconciliation and Unity and the people of Nicaragua.

My delegation is thankful for this meeting and greatly appreciates the opportunity to deliver our assessment of how the negotiations unfolded during the Twelfth Ministerial Conference of the WTO.

The international community counted MC12 as a success. However, we all know that there are facts of which only the Members of this Organization are aware and which must be expressed in order to be corrected, otherwise they will become customary. In my country, we have a saying that custom makes law.

Our assessment of MC12 is that it was exclusive. The decisions were made by the larger Members and there was no opportunity to examine the texts or state our position with regard to the agreements reached.

Furthermore, the lack of transparency was cause for concern. For example, significant amendments were made to the text of the Agreement on Fisheries Subsidies initially presented at the beginning of MC12, but there is no official channel of communication by which to inform Members excluded from the negotiations of such amendments in a timely manner. The changes were notified at inappropriate hours and there was no time to consult our capitals.

Furthermore, the lack of organization was obvious, as the logistical information provided in advance was a little confusing and time was badly managed. We see the extension of the Ministerial Conference as disrespectful to the delegations. I should stress that delegations have full schedules and other important matters to attend to for our countries. We therefore suggest loosening the schedule, given the risk of delays in the negotiations.

We are open to proposals for improving this Organization that offer transparency and are more inclusive of all Members, especially small economies like our own.

Our future work should focus on extending the Ministerial Decision on the TRIPS Agreement, reached at MC12, to methods for diagnosing and treating COVID-19, moving forward in discussions on the work programmes established at MC12, and achieving concrete results agriculture that would address the problem of food security among disadvantaged populations.

Thank you very much.

## **9. Cameroon (African Group)**

Chair of the General Council, Director-General. I am making this statement on behalf of the Ambassador of Cameroon who is the Coordinator of the African Group and who has had a last-minute commitment elsewhere. At this first meeting after MC12 we would like to thank the DG, the Chair of the General Council, the Chair of the Conference, the Vice-Chairs, the Facilitators, the Swiss Government and all those who worked tirelessly on the side-lines to ensure that MC12 was such a historic success. Thanks to the DG's leadership the WTO Members were able to exceed expectations and rise above the challenges and agree on outcomes that reflected the priorities of all Members. MC12 has breathed new impetus and a new sense of trust and collegiality here at the WTO. In light of that, the African Group would like to stress that the outcomes of MC12 must be implemented in a way that is satisfactory to all. We don't have much time so we won't go into all the details of the MC12 outcomes, but we would like to stress five key areas that in our opinion should receive the highest level of priority in WTO work over the second half of this year.

TRIPS Waivers - on the Ministerial Decision on the TRIPS agreement we feel that the discussion should begin before the summer break and be continued immediately after that break so that we can take a decision about the extension of the decision relating to COVID-19 by the end of November 2022.

On agriculture our group will continue to stress the pivotal importance of agriculture for our economies. It is to be regretted that we have not achieved outcomes on public stockholding for food security purposes and cotton at MC12, or on domestic support. These are key elements for our group and we will continue to strive for outcomes on those multilateral outcomes that will enable us to remedy the existing problems and open up a political space to free up positive capacity for developing countries and new economic opportunities for small scale agricultural players. We will also look at the way forward and identify priorities for MC13 because these issues really do need to be key elements of our work.

WTO reform – where WTO reform is concerned the African Group congratulates everyone on beginning a process that will look towards reforming the WTO. We reiterate that our opinion is that the WTO reform process should be open and representative of all WTO Members. That will ensure that the views and concerns of all Members, including developing and least developed countries will be duly taken into account and we continue to be determined to establish a fully operational dispute settlement system by 2024. Where development is concerned, despite the time and significant efforts made by the G90 we have made no significant progress despite the significant commitments of our partners as well so we would call upon all WTO Members to engage in good faith with that process, with those negotiations and with the discussions on that area as we prepare for MC13.



Fisheries subsidies, the African Group congratulates WTO Members on the agreement reached on fisheries subsidies which was adopted at MC12. We call upon the Members to complete their ratification processes so that the agreement can enter into force and so that the disciplines on which we agreed will continue and begin to apply and contribute effectively to the achievement of SDG 14.6. We also agree that the work on various aspects of the disciplines such as on overcapacity and overfishing should begin without undue delay. The text that we have agreed upon will be a good basis for discussion. I would like to conclude by reiterating our commitment to the multilateral trading system and to ensuring that its fair, transparent and inclusive which supports our development objective.

## **10. Switzerland**

Switzerland shares the positive feelings expressed in this room. Beyond the specific results, the success of MC12 lies in the fact that Members were able to find the path to compromise. This is an encouraging signal and we hope that this spirit will continue, without which it will be difficult to make further progress. With regard to improving the flow of information at Ministerial Conferences, we are pleased to take notice of the catalogue of measures developed by the Secretariat. Switzerland will continue to be committed to transparent and inclusive processes in the WTO, and we are of course ready to continue the reflection that you have started on the Ministerial Conferences. At MC12, the WTO was able to give an emergency response to the global food crisis. This response addresses the importance of minimising short-term trade distortions; it recognizes the complexity of ensuring global food security and that we need a holistic approach. In order to ensure long-term food security, elements such as sustainable agricultural practices and food systems must be part of our deliberations. My delegation is ready to engage constructively in order to achieve this common goal, and takes note of your suggestion to discuss this topic at a retreat. As regards the response to the pandemic, this is holistic and includes elements on trade-related aspects as well as on intellectual property. This is an important sign of the Organisation's relevance and capacity to respond to crises. Switzerland will continue to actively contribute to the various follow-up discussions, based on the lessons learned and challenges encountered during the COVID-19 pandemic. Finally, Members gave themselves a mandate during this Ministerial Conference to start a WTO reform process. Switzerland welcomes this outcome and calls for work on each of the organisation's functions and in particular on dispute settlement. While MC12 has delivered some results, there are still many areas in which Switzerland would like to see progress. Among these, let me mention trade in services. This area of international trade has great potential for growth and can contribute to sustainable development. We also hope that the time available between now and the next Ministerial Conference will allow us to continue to deepen our exchanges on electronic commerce. This includes the moratorium on electronic transmissions, which represents a significant contribution by the WTO to the governance of digital trade.

## **11. Singapore**

Thank you, Director-General, for calling us together this afternoon for this meeting. The positive outcome of MC12 has given the WTO a shot in the arm and Singapore commends your leadership as well as the efforts of the Chairs, Facilitators, the Secretariat as well as each and every Member in this room. Indeed, the MC12 deliverables were unexpected but very much welcomed. While we celebrate MC12 it is equally, if not more important, to focus on the road ahead. Moving forward, the challenges confronting the WTO remain formidable, but we can draw on the lessons that we have learnt from MC12. Allow me to share three broad suggestions as we move forward.

First, Members must think differently. We must approach MC's with a new mindset that does not expect every MC to be a big bang event. Rather MC's should become regularised as check points for Ministers to take stock of negotiations and provide political guidance. But I recognize that this is easier said than done because it involves breaking away from a long-held mindset. To avoid eating cold sandwiches for dinner and toiling overnight and for the sake of our own physical and mental well-being we must avoid another drama at MC13.

Second, Members need to work differently. What this means is that all of us in Geneva must gear our work to achieve results and outcomes. Hence the TNC, the General Council and the various committees must move beyond being platforms for posturing or staking out positions. We should also think out of the box and look ahead rather than constantly looking into the rear mirror. On some issues such as WTO reform we may even need to press the reset button and start with a clean slate.

Third, Members need to act differently. Many of us have proclaimed our commitment to support the WTO and multilateralism. We must now walk the talk by committing to negotiate seriously, in good faith and with an eye to securing win-win outcomes that serve both our national interests as well as the interests of the WTO. In other words, we must not insist that it is my way or the highway. In your opening remarks at MC12 you had invoked Martin Luther-King junior and said "We may have all come in different ships, but we are in the same boat now. Either we go up together or we go down together". Thankfully we have avoided going down together in MC12. The challenge before us is to build on the momentum to further steady the ship and be better prepared for the next storm. Thank you.

## **12. China**

MC12 is a success well beyond our expectations. It demonstrates that the WTO can still deliver and respond to global challenges as long as we uphold the spirit of solidarity and cooperation. China would like to pay special tribute to DG's strong leadership in carrying us forward before and throughout MC12. We also appreciate all Chairs, Facilitators, Secretariat and Members for their tremendous efforts and contribution. MC12 has provided a strong impetus for future work. We must keep working, breathing the wind and the waves with the current strong momentum to achieve a successful MC13. We could continue to deliver outcomes with the same spirit of solidarity and cooperation. However, we have to realize that the way forward could still be bumpy and rocky. In order to move forward we have to be pragmatic, innovative and open-minded.

First, we must ensure the full implementation of the MC12 outcomes, translating the goodwill and support at MC12 into concrete actions. This work should be organized and structured, relevant Councils or Committees could make their own plans in accordance with the ministerial outcomes.

Second, for those long-standing controversial issues, we have to think out of the box and explore new ways forward, for instance on agriculture. China supports DG's idea of having a dedicated retreat to brainstorm on the way forward rather than repeating the same failure again and again with the existing way.

On fisheries subsidies, all the remaining issues are the hardest nuts to crack. We have tried many ways on OCOF but none work. Members are encouraged to soberly reflect on the current deadlock and think of possible ways out creatively. In the meantime, early ratification of the agreement will provide the impetus for Members to negotiate on the remaining challenge issues.

Third, let us remain open minded on WTO reform. As Members have carefully deliberated every word in the negotiation of the reform paragraph, the future reform progress is destined to be more challenging. In order to move forward, there should be open-minded brainstorming based on some common understandings which China believes are another three points. First, the basic principles of the WTO such as MFN and consensus-based decision-making should be well preserved. Second, approaches should be explored to ensure the WTO's well-functioning and relevance. Last but not least, development issues should always be an essential and integral part of the future reform process. I will stop here.

## **13. Cambodia**

Thank you, Director-General. Firstly, I would like to align with the statements to be made by Chad on behalf of the LDC Group. I would like to join others in congratulating you, the MC Chair and the whole of the Kazakhstan delegation, the GC Chair, all the Chairs and Facilitators and the Secretariat for the outcomes that we have achieved at MC12 and like my Minister had stated we must use MC12 to strengthen multilateralism at the WTO and use this opportunity for consensus building to deliver results that address issues faced by all concerned and for the benefits of everyone and we surely did that by delivering multilateral outcomes of global significance and impact and I join others in applauding this great achievement. On personal and professional level, I will look back fondly at MC12 and the time that we all spent waiting with concerns, with anticipation and trepidation to hear the updates on the negotiations and the final outcomes. I can remember fondly the atmosphere outside the building by the lake. It was like a festival out there and fortunately the result at the end justified this festivity atmosphere.

Chair, I would like to join others as well in commenting briefly on the process in terms of transparency and inclusiveness which I also think that it could have been much better. For much of

the MC12 we were left in the dark over what is going on in the negotiation rooms. We need to have representations in all negotiation issues to report back to the Members so that they are made aware of what is going on and not be surprised on the outcomes. We have some time before MC13 so let us take this time to reflect and find ways to make future Ministerial Conferences more organised, more transparent and more inclusive.

Before I conclude, I would like to outline that one important outcome for the LDCs was not able to be achieved at MC12 which is the smooth graduation for Members graduating from the LDC status. I would like to thank all Members who worked constructively with us prior and throughout the MC12 to get this issue over the line and I look forward to your continued support to deliver this agenda item at MC13. I look forward to you also, Mme DG and GC Chair for your continued support for the LDC Group in this endeavour. On other equally important issues including agriculture, fisheries, WTO reform and the pandemic response, the food insecurity response and others we will continue to be constructive in our engagement and implementation. Thank you.

#### 14. Chile

This is the first Heads of Delegation meeting in which I am participating as the Permanent Representative of Chile to the WTO. I am very pleased that this coincides with the first HODs meeting that has been held since the 12th Ministerial Conference (MC12), precisely with the objective of reflecting on the results of MC12 and addressing the Organization's future work. I had the great honour to be part of my country's delegation that participated in the Ministerial Conference and so I was able to witness the development of the negotiations and activities that took place there.

First, as previous speakers have done, I would like to acknowledge the results achieved in a complex economic and political context, marked not only by overlapping, inter-related major challenges but also by scepticism. I would like to congratulate the Members and the chairs and facilitators of the various processes – a number of them distinguished representatives from the Latin American and Caribbean region, to which Chile belongs – and also the Secretariat and the Director-General for their leadership. It has been demonstrated that it is possible to achieve results when work is done with pragmatism and flexibility in the pursuit of common interests.

The Ministerial Conference and the Geneva Package represent an important and positive step for the WTO and for a multilateral trading system based on clear, transparent and non-discriminatory rules, that ensures stability and predictability in international trade, as a key promoter for inclusive and sustainable development. My country is fully committed to all of this.

We must now turn our attention to the path set out by the Conference, taking advantage of the momentum created by the agreements reached, and we must also reflect on the challenges ahead.

First, we should focus on the implementation of what was agreed and ensure that it can be implemented as expeditiously as possible. As far as **fisheries subsidies** are concerned, we must continue the work to achieve an ambitious result on the outstanding disciplines, including overfishing and overcapacity. To this end, we need to reflect on the lessons of the Ministerial Conference, as there is now greater urgency for us to achieve a result in this area.

Furthermore, the "Ministerial Declaration on the WTO response to the COVID-19 pandemic and preparedness for future pandemics" has established a route for work within this Organization, in which we hope that discussions will have a pragmatic and evidence-based approach. Certainly, Chile reiterates its commitment to working on this subject constructively, and we remain convinced that a holistic response is the best.

In addition, we must continue working on an effective and timely response to the global **food security** crisis, which is aggravated by climate change, to the effects of the COVID-19 pandemic and to the conflict in Ukraine. Agri-food trade is key to addressing this challenge, and we must not forget that it affects especially the most vulnerable. As a country we are fully committed in this regard.

Second, we already need to resume our efforts relating to the future work of the Organization, recognizing that there is much to do in short periods of time:

- There is still a need to move forward on the long-awaited reform programme in **agriculture**;
- Completing the **fisheries subsidies** agreement;
- Starting the implementation of the work plan on **sanitary and phytosanitary measures** launched in the recent Ministerial Declaration, which is essential for net food exporters such as my country;
- Continuing the work programme on electronic commerce, and in particular on the moratorium, as well as work in relation to **services**, among other things;
- It is also important that we agree how we are going to address the trade-related aspects of key issues for our societies today such as the response to climate change, the sustainability of the oceans, and the inclusion of MSMEs and women. As I said before, this is about achieving trade that makes a decisive contribution to sustainable and inclusive development.

The future work of this Organization should also consider moving forward in the joint initiatives, in which we are interested in remaining very active as a country and which we regard as being complementary to the multilateral process.

Likewise, WTO **reform** should be at the heart of forthcoming discussions, and it is therefore essential to ensure that this work is well structured. The overall impact and scope of current challenges call for an Organization that is capable of responding appropriately. This requires the optimum functioning of all its facets, including an operational dispute settlement body that is accessible to all Members. Thank you.

## 15. Bangladesh

Thank you, Mme. Director General. First of all, let me align my statement with that to be delivered by Chad on behalf of LDCs. I would like to join other colleagues in congratulating you, DG Dr Ngozi and her full team, the GC Chair Amb. Chambovey, the Government of Kazakhstan and the Government of the Swiss Federation for successfully holding the much-awaited MC-12 and delivering some concrete results. This MC proved that commitment, professional skills, art of compromise and above all, appropriate political guidance of our Ministers can make impossible possible. With all members, Bangladesh shares the joy of WTO's collective success: that WTO still can deliver, and that this multilateral organization is still relevant. As we all know, we have still some unfinished jobs that we would need to complete within stipulated time. We should reenergize ourselves to accomplish the remaining works riding on the momentum already generated.

Mme DG, as we celebrate the success, we also have some issues that some colleagues have already highlighted. I start first with one logistic issue. During the extended days of the MC-12, many LDC Ministers had to leave Geneva, as they were sponsored by WTO Fund and changing the flights and accommodations were difficult. As we all know, Key decisions were made on 16 June and in the early hours of 17 June. Many of our Ministers could not be present. The relevant office of WTO may keep this in mind while arranging travels in future.

Secondly, the issue of transparency and inclusiveness, which has also been mentioned by a number of delegations. As has been said, for many critical decisions, general membership were not given opportunity to see the agreed documents: the decisions were made directly through small groups or the green room process with selected Members. This was frustrating for many of us who did not have the privilege to be in the green room process.

Thirdly, we had only one LDC-specific submission for this MC. It was a non-binding decision on LDC Graduation. We lowered our expectation, to the level of best endeavour effort, to provide comfort to delegations. Yet, a decision eluded us. This MC concluded without any LDC specific outcome.

Fourthly, as a Group, there is a feeling that the LDC group was not treated fairly during the informals. I specifically mean during the green room meetings: as we waited for the opportunity of a discussion

on our proposal on graduation, even till the very last moment, when most of the other issues were settled, but we were ignored. Obviously, the LDC group felt left out.

Needless to say, we learnt many lessons, which will help us going forward. We are still optimistic. We want to believe that integrating the LDCs in the International Trade is still one of the priorities of the WTO. On our part, we will continue to engage with other members of WTO to contribute to the works of this body for a better outcome in future, as we focus on the modalities of implementing the agreed outcomes of this MC. Thanks for your kind attention.

## **16. Mexico**

I would like to commend and thank the DG, the Chair of the General Council, the DDGs and the Facilitators for their leadership and tenacity in ensuring a successful MC12. I would also like to thank the Secretariat for its outstanding support, which reaffirms once again that the WTO has one of the best teams on the multilateral stage. The Secretariat is extremely professional and works very effectively.

The outcomes of MC12 clearly exceeded even the most optimistic scenario and have given a boost to the Organization's credibility. Let us use this impetus sensibly, and remain objective when looking at the size of what was achieved. We know there is still a lot to do, and must fight off complacency and work effectively to implement and follow up on what has recently been agreed. The challenges that lie ahead also require a renewed spirit of cooperation and creativity.

The problems mentioned by certain Members regarding insufficient communication and transparency during the Ministerial must be addressed so as to minimize such issues in the future and help ensure a more satisfactory process for the membership in general from now on.

I agree with the General Council Chair and a number of colleagues in that it would be appropriate to design a work programme. The sequencing in this programme would be very important. Work on certain issues could begin without delay, while others would require prior deliberation in order to steer the discussions well away from any dead ends.

Regarding WTO reform, it would be advisable to resume the consideration of this issue with fresh eyes, and avoid getting bogged down in previous proposals that did not gain much traction.

As regards the discussion on the moratorium on electronic transmissions, it is important not to fall back on the worn-out and polarizing monologues that have been circulating for more than two years. Let us hear what the true experts have to say; a serious and reliable analysis will help ensure that a reasonable decision is eventually taken regarding this issue of such importance.

As the DG said, agriculture requires special consideration, new creativity in the negotiations and a generous amount of political will. Careful thought must be given to which path we decide to take. The proposal to hold retreats to reconsider the issue and process seems very reasonable to me. Perhaps we will progress more rapidly if some negotiators do not return from the retreat.

While much was clearly achieved in the area of fisheries subsidies at MC12, it is important to recognize that the outstanding issue of overcapacity and overfishing is a no less important challenge. Creativity and political will be vital to address that challenge.

We will keep a close eye on the consultations held by the General Council Chair and the various WTO bodies involved in organizing future work, and we reiterate Mexico's willingness to contribute in any way it can to the continuing efforts to strengthen the relevance of the WTO and uphold the mandate entrusted to the Organization as the custodian of the multilateral trading system.

Lastly, I would like to take this opportunity to welcome our colleague from Chile. I wish them every success in their new role in the Organization. Thank you very much, Director-General.

## **17. Colombia**

Thank you, Mr Chair and Madam Director-General, Mr Chair, we should not be shy about congratulating ourselves on the outcomes achieved: a multilateral agreement on fisheries subsidies, a key and difficult decision on the waiver, accompanied by a cross-cutting work mandate on the

response to the pandemic, the two moratoriums, and mandates expressly on the food crisis, among other important decisions and declarations. The WTO has regained its position in global discussions, and we should be happy about this; we should also build on and strengthen this momentum.

There are two messages I would like to convey on the next steps:

On the one hand, there are several actions and mandates arising from MC12 that the membership must carry out. I do not want to go into detail on each of them, so I will focus on one action that is essential from Colombia's point of view, and which is also an individual action for each Member: Colombia would like to encourage all Members to deposit the instrument of acceptance of the Agreement on Fisheries Subsidies promptly. Together with Argentina, Brazil, Costa Rica, Guatemala, Peru and Uruguay, we issued a call to this effect last week at the United Nations Ocean Conference, and we encourage other Members to join us or to promote domestic actions along the same lines as soon as possible.

Without going into the other specific actions or mandates, the second message I would like to share is that we need to reflect on how we work in this Organization. We must have a moment of introspection and start thinking about new ways of working, new types of processes, new levels of discussion, using available technology to facilitate discussions and decision-making – in other words, we must be prepared to work differently. Our processes, which are for the most part static, are still bound to a context that has not changed for several decades. And I must say that they are mostly tied to the past from a mental point of view, from a working culture point of view; not legally or statutorily. The world has changed, and we must change with it. We cannot continue to work in the same way, expecting different outcomes. The change must not only be formal or on paper; the change required must also be a change in mentality.

MC12 was a resounding success, but this was an exception; it will be difficult to repeat this feat if we do not adjust to a new reality. Let us build on this success; let us use this momentum to progress. Colombia is ready.

Before I conclude, I would like to take this opportunity to congratulate all Members on the progress made at MC12, and also to congratulate the Chair of the Ministerial Conference (through the delegation of Kazakhstan), the Chair of the General Council, Ambassador Didier Chambovey, and, of course, Director-General Dr Ngozi Okonjo-Iweala – to thank all of you for your outstanding work and unquestionable leadership. Thank you, Mr Chair.

## **18. European Union**

The fisheries subsidies agreement is a major achievement and we welcome it fully as it shows that the WTO multilateral negotiating arm can deliver meaningful results, and particularly such that relate to sustainability, which is new for this Organization. We encourage all WTO Members to swiftly complete their internal ratification procedures so the agreement can enter into force as soon as possible.

We would strongly advise against any reopening of the text. The Ministerial Decision on this was explicit in launching the process of ratification of this text by Members. Unlike in the first Ministerial decision for the TFA, there is no legal revision foreseen in the MC12 decision. So, while there should be no change to the agreed English text, we could agree to a targeted process on the translated versions, but this should not delay the process of getting this deal on the books as soon as possible.

The EU is ready to engage on the additional provisions on overcapacity and overfishing and related special and differential treatment elements so the WTO can deliver on the full SDG 14.6 by MC13.

On reform, the decision at MC12 to give priority to WTO reform is a historic opportunity to revitalize the trading system. We need to hear and discuss the views of all Members and identify a way forward that better reinforces the organisations. Going forward, we probably need to disaggregate the individual components of reform: the monitoring and deliberating function, the negotiating function, and the dispute settlement where we have agreed that a fully functioning disputed settlement system should be in place by 2024. The EU intends to participate in deliberations with an open mind to ensure that the reforms agreed are both meaningful and respond to the expectations of the broad membership. It will be important to deliver concrete improvements by MC13.

On agriculture, we support the need for a new approach. Further reform is needed, and members need to agree on new ways to achieve this. The issues of the reduction of trade-distorting domestic support, of transparency across all the agricultural pillars and a permanent solution on Public Stockholding (PSH) programmes have to be seen as priorities in the run to MC13. Early and better engagement from Members is so much needed.

On IP, it would be important to decide on the modalities for the discussion on therapeutics and diagnostics as soon as possible.

And finally, on e-commerce, we need to use more the e-commerce work programme to engage in discussions on trade-related aspects of digital transformation and its opportunities for our economies, particularly developing and LDCs. We also need to discuss the role of the e-commerce moratorium in the system and make sure to agree on a ministerial decision on the moratorium and the work programme well in advance to MC13, as this is crucial for business predictability. This issue is of systemic importance for the organisations and its ability to deliver results for businesses in the 21<sup>st</sup> century.

## **19. Ecuador**

It is a pleasure to be at this meeting as an opportunity to think collectively about the outcomes of MC12 and begin a debate about the future work of this organisation based on those outcomes. I would like to reiterate that my country welcomes the agreements reached. We feel that the outcomes are positive because they tackle pressing matters at the current time our Organisation has indeed been able to reach agreements on food security, the World Food Programme, responses to COVID-19 vaccines and we have adopted the Ministerial Agreement with a view to looking towards WTO reform in an inclusive, open and transparent way. We feel that it is very important in the WTO's work to make a link between trade and environmental crises as well as the role of women in work without overlooking the positive aspects of what has been achieved, we observe that due to the dynamic of work and how it is done in our organisation we took too long to take a stance on COVID-19 and the WTO's response to the pandemic generally. In any case we trust that in the future we will be effective in implementing the agreements reached and we will adjust to circumstances as required and that we will work together and constructively to bring solutions to the problems that are undoubtedly affecting the entire planet. As was said a few moments ago by the Chair of the GC and the Director-General, the Members will need to begin working on the various commitments that were made in statements, declarations and outcome documents as well as on fisheries subsidies which is a major forward step following years of negotiations. My dear colleague and friend Ambassador Wills deserves special congratulations having delivered that outcome. Chair, Director-General, we should pay attention to all the items within the agreements that were reached at MC12 so that nothing is left behind. They respond to what is being called "a package" emerging from the MC12 and their implementation should also be tackled holistically. I thank the Secretariat for the document that is being distributed in the room on implementation of the mandates emerging from MC12. I have not yet had an opportunity to review that in detail. I have only done so quickly but we will submit our comments to the Secretariat in due course.

Beyond the mandate emerging from MC12, I would like to observe that although agreements were not reached on a number of issues around agriculture, which we regret, Ecuador feels that because of that our Organisation should resume its work with those goals in mind. We welcome the Director-General's proposal to have a retreat that would enable us to inject new dynamism into those specific discussions and avoid the traps that we fell into in the past. I don't need to make clear how important agricultural trade is for our countries' economies and societies, and particularly for developing countries. A number of Latin American countries put out a statement on trade in agriculture during MC12 and that statement sought to put forward a proactive approach based on the principles that govern this organisations work. We put out that statement based on the needs of a number of our countries to be able to ensure predictability in that trade.

I would also like to state that based on the experience of MC12 my delegation feels that it is urgent that we review the way in which working procedures function in this house at that type of meeting. I thank the Director-General for having referred to that in her opening statement this afternoon. In all multilateral fora it is quite natural for there to be informal meetings between Members who are particularly interested in certain negotiations. That is a positive way of working if it speeds work up. However, there does need to be timely information about how such meetings are taking place when they occur at such a major conference and when proposals concern all the Members of the

Organisation. I am sure that any confusion that took place was the result of the complexity of the negotiations and the lack of time available, but we do need to ensure transparency for all Members because due information is a pillar for decision making if Members are to make those decisions in an informed manner. With a view to the future we need to take the steps that the Director-General mentioned as they emerge from the Members ideas and from the contributions and implementation work done by the Secretariat. We need to take specific steps to organise our work to publish schedules for meetings, to facilitate work on particular issues, to distribute working documents in a timely fashion and particularly documents that need to be approved because those documents have to be given to the Members so that internal consultations can take place before commitments are taken. That would avoid confusion and it would enable us to adhere to the principles of multilateral management and it would strengthen the effectiveness of decision-making in this house. I conclude by welcoming the new Permanent Representative of Chile I wish her every success in her new role and we stand willing to work closely with her.

## **20. South Africa**

Thank you Chair for giving me the floor. South Africa associates itself with the statement delivered by Cameroon on behalf of the Africa Group. South Africa would like to join others in commending the membership for reaching 10 multilateral outcomes which is unprecedented since the Uruguay Round. The role of the DG cannot be overstated and we acknowledge the role she played. With regard to process, the membership should collectively reflect on how to improve the inclusiveness and transparency of discussions. While there is cause to celebrate collective achievements of MC12, the membership must build on these outcomes. I would like to offer my delegation's perspective on some of the key aspects to be addressed going forward. TRIPS: The WTO Ministerial Decision on the TRIPS Agreement has added to the toolkit of policy options available to Members as they seek to facilitate the production and supply of COVID-19 health products. These efforts remain incomplete in the absence of therapeutics and diagnostics being included in the scope of the Decision. Therefore, the Ministerial mandate in paragraph must be fulfilled by 17 December. To this end, the cosponsors of the TRIPS Waiver proposal in IP/C/W/669 Rev.1 have submitted RD/IP/49 which sets out reasons why therapeutics and diagnostics are important to comprehensively address the COVID-19 pandemic. As the highest decision-making body between conferences, the GC should take up the paragraph 8 mandate as a standing item on its agenda in line with existing practice and deliver on the mandate by the December GC meeting. Linked to this is the mandate in paras 23 and 24 of the of the Ministerial Declaration on the COVID-19 Pandemic and Preparedness for Future Pandemics. This work must be carried out in all relevant committees including the TRIPS Council. Fisheries: On fisheries, the Agreement requires a process of technical and linguistic legal scrubbing to be conducted as soon as possible. This is necessary to provide Members with the necessary comfort to bring the Agreement into force through the requisite ratifications. The work on OCOF is crucial in order to fully address the 14.6 mandate. Accordingly, S&D in this pillar must address the needs of all developing countries Agriculture: On Agriculture, the membership must centre its work on food security, safeguarding livelihoods of rural farmers, and rural development Disciplining trade distorting domestic subsidies remains critical for food security and safeguarding livelihoods in developing countries. PSH and SSM are critical to give real impact to the food security agenda – they constitute important and long outstanding issues. WTO reform: Our delegation is committed to engaging constructively on WTO reform in line with the foundational principles of the Marrakesh. This work, to be conducted in the GC, must address the interests of all Members. With regard to the footnote in paragraph 3 of the outcome document, it's important to note that the understanding in the green Room was that it does not refer to plurilateral arrangements. For South Africa, the key issue to be addressed under the reform agenda is how to rebalance trade rules to respond to Africa's industrial development imperative. The Africa Group has submitted a paper which addresses some of these issues and we are ready to engage Members in this discourse in the GC and its subsidiary bodies. Part of the reform agenda pertains to the restoration of the DSB to full functionality including the two-tier system. South Africa is participating actively in the ongoing talks on DSB. Greater clarity on the objectives of the current discussions is needed to facilitate the effectiveness of the ongoing work. eCommerce: Reinvigoration of the WPEC is important to address the development aspects of ecommerce. The longstanding questions on scope and definition need to be clarified. Regarding the moratorium, paragraph 4 of the Ministerial Decision on WPEC provides a clear end date. The extension agreed at MC12 provides concerned private sector entities with the opportunity to adjust to the long overdue termination of the moratorium. I thank you.



## **21. Nepal**

Thank you, Madam Chair, for convening this meeting and giving me the floor.

Let me begin by commending you, Madam Chair, and GC Chair for the tireless efforts and constructive engagement in concluding the twelfth Ministerial conference successfully with some positive outcomes. I congratulate all leaders, delegates, and secretariat officials for this achievement. My delegation welcomes the MC12 outcomes although it does not have any LDC-specific decision. I associate with the statement to be delivered by Chad on behalf of the LDC Group and would like to add some points.

All Members collectively worked and prepared the draft documents for the MC12 during the preparatory phase. However, we came to observe that the LDCs have been ignored and least heard while finalizing the MC12 results. LDCs with 14% of world population and 22% of the WTO membership were side-lined in the process. The document addresses LDCs' concerns and priorities inadequately, except in a few areas of their concerns. We concluded Ministerial Conference without any specific decision on LDCs.

The LDC group submitted a proposal for extending facilities and flexibility to graduated LDCs in 2020. The proposal was discussed intensively at the General Council and wholeheartedly supported by a large scale of membership. Considering the reservation expressed by a few members, the LDC group lowered its position, showed maximum flexibility, and submitted a revised proposal of interim arrangement in 2021. We had an expectation of having final discussion and decision on this proposal during the Ministerial. We had expressed our readiness to show further flexibility with a view to having a meaningful decision through this Ministerial. And this was the only proposal of the LDC group.

Now, we have various decisions and declarations from the MC12 but without any specific decision on LDC issues. We say that the WTO is member-driven and is committed to an inclusive and transparent process of the Ministerial Conference. However, to our surprise, the green room process at the final stage could not be inclusive and transparent. At least, its discussions and achievements could have been shared with entire membership and members were given an opportunity to share their concerns. Additionally, there was almost no time to go through the final documents and provide comments for members who were not the part of the green room process.

Let me turn to the post MC12. There are some works to carry out in a fixed timeline such as WTO reforms including functional dispute settlement mechanism, extension of coverage of TRIPS waiver, and others. LDCs still have some hope to continue discussion on our proposal and conclude at the earliest possible. My delegation stands ready to engage constructively with all these post MC12 works. I urge the entire membership and the WTO Secretariat for ensuring all post MC12 works to be fully transparent, participatory, inclusive, and member-driven. Thank you.

## **22. Barbados (CARICOM)**

At the outset, I wish to, on behalf of the CARICOM group in Geneva, thank you Mme Director-General and the General Council Chair for convening this meeting and in so doing welcome this opportunity to participate in a collective reflection on MC12, including its outcomes, as well as to collectively discuss our work ahead. Our group joins others in commending Ministers across the development spectrum of the membership on a successful MC12. Our collective ability to agree on a package of outputs by consensus was a demonstration of the type of moral political leadership that is required throughout our work here in the WTO, and is a signal that this organisation continues to be relevant as the regulator and developer of trade rules. We therefore thank both you, Director-General and the General Council Chair for the role that you played in bridging the differences and finding convergences where possible during MC12. We especially thank you DG for your tremendous fortitude and leadership particularly as it relates to the pursuit of consensus on critical issues. The work of the MC12 Chair and Ministerial Facilitators was indispensable and was key to the achievements of the comprehensive package that was achieved. This applies to the work of the Chairs of the Negotiating Groups as well. We agree that despite these successes the process during MC12 was not perfect and that post-MC12 we need to spend some time thinking about how these can be made more transparent and inclusive for all Members. Included in such reflection must be a very clear recognition and respect for the fact that not all regional groupings or configurations within the WTO have a mandate to negotiate on substantive matters on behalf of its Members. We must

therefore seek to ensure that certain lines are not blurred or crossed as smaller and amongst those that can be considered by some as less powerful WTO Members we were pleased to see that these traits were in no way meant that countries like ours could be rendered as invisible or dispensable within the main decision making organ of this organisation. In looking forward we recognize that what we do next will depend on each specific outcome from MC12. Whilst some outcomes require reflection on implementation, there are others that incorporate critical built-in timeframes which would either require us to report to our Ministers at a later date or that trigger further action for example the decision on an extension of the MC12 decision on the TRIPS Agreement to cover the production and supply of COVID-19 diagnostics and therapeutics. We are reflecting on the outcomes in our Capitals and consider it necessary for a similar period of reflection on these in the WTO. Conversely, we cannot be complacent if we are to ensure transparency and inclusivity, particularly in areas which have MC12 mandates or in areas where there are well known divergences. We must seek to avoid a situation where we are rushed to negotiate on important issues and therefore compromise the ability of small delegations like ours to participate in all areas of interest to us. Our group continues to place significant importance on multilateralism and the delivery of multilateral outcomes in this organisation. Such outcomes and discussions must take into account the issues and positions of all Members particularly those of us that are small. We look forward to engaging on areas included but not limited to WTO reform, fisheries subsidies, services, food security, trade debt and finance.

On fisheries subsidies we recognize the acqui in the June 10 Chair's text, particularly as it relates to over-fishing and overcapacity and the implicit timeline for conclusion of comprehensive disciplines. Our group is ready to engage on the way forward on this file.

On the work programme on e-commerce, we recognize that significant emphasis has been placed on the moratorium on the imposition of electronic transmission. Of equal importance for us is the continued ability to discuss and engage with Members on issues under the remit of 1998 Work Programme, which impinge whether positively or negatively on our development. The focus of the WTO must therefore expressly result in the reinvigoration of the work programme as mandated by our Ministers. Admittedly, the onus will be on us and on other Members to bring forward papers and proposals for engagement in the various bodies designated for work under the work programme. We commit to working in this vein.

The last few years have shown that there is a real and pressing need for WTO reform. While we recognize that reform is being undertaken as we speak, defining the parameters on which is meant by the term will be critical if we are to ensure that the issues of interest to all Members are included in the manner that allows the participation and ownership of a process that is Member-driven and ensures that the WTO is an organisation that is fit for purpose and ensures that all of its Members particularly those that are small and vulnerable are integrated into the multilateral trading system.

In conclusion, the CARICOM group reaffirms its readiness and willingness to engage with all Members and in your respective processes as Director-General and Chair of the General Council. The CARICOM group aligns with the statement delivered by Jamaica on behalf of the ACP Group.

## **23. Japan**

We share the positive recognition of MC12 as summed up by you, General Council Chair and other Members. We need to capture this and increase trust in this organisation to move forward. In this regard, I have a couple of specific elements to share with other Members.

First, agriculture negotiations. Japan supported the discussions based on the Chair's text in the series of processes leading up to MC12. Given the post-MC12 reality, we intend to actively participate in the process to find out the future course of the negotiations including the exchange of views at the retreat suggested by the Director-General.

On fisheries subsidies, Japan considers meaningful Members were able to reach a multilateral agreement from the perspective of securing the fisheries resources as well as demonstrating the rule-making function of the WTO is still alive and working. Members should proceed with the domestic ratification procedures at the earliest timing. As stated in paragraph 4 of the Ministerial Decision, Members shall address the outstanding issues on the basis of the relevant text and Members should resume the discussions in order to achieve the outcome. On COVID response, Japan recognizes that the WTO managed to make achievements that meet expectation of the world. On

the extension of the TRIPS waiver to COVID-19 therapeutics and the diagnostics, we believe that fact-based discussions on the specific need for such a waiver is necessary.

On the WTO reform. As noted in Paragraph 3 and 4 of the MC12 outcome document, Japan highly appreciates the agreement reached by the Ministers on WTO reforms, including dispute settlement reform. One specific item, Japan wishes that the Members will reach a consensus on the proposal on the procedures to enhance transparency and improve compliance with the notification requirements at the next General Council as a step forward advancing WTO reform.

Finally, on the e-commerce moratorium, Ministers agree to reinvigorate the work under the work programme on e-commerce and extend the moratorium at MC12. Although Japan is of the view that the moratorium should be permanent, the agreement reached at MC12 was an achievement. We will participate constructively in the discussions under the work programme on e-commerce.

## **24. India**

Thank you, Mme DG and good afternoon colleagues. First of all, India would like to thank Kazakhstan and the Swiss Government for the successful conduct of MC12. I would also like to join our colleagues in congratulating you, the GC Chair, the Ministerial Conference Chair, all the Members and last but not least the WTO Secretariat for a successful MC12 which indeed delivered unprecedented outcomes. Notwithstanding the sleep deficit all of us had I think all of us have recovered from that and thank you. I think I forgot to mention the good hospitality of office of DG during those 3 or 4 nights when we were missing our homes and that first-floor room or Room D was our second home with a good, sumptuous food being offered both inside and outside the room so that we could sustain long nights. Thank you for that. Mme DG we would like to emphasise the importance of post-MC12 work, both to implement the mandate delivered by our Ministers and also to expedite the work on those mandated areas in which, unfortunately, decisions could not be reached and on top of that list for us for India is permanent solution to public stock holding, SSM in agriculture and G90 proposal on special and differential treatment.

On specific outcomes, which we have achieved, all the 10 documents India believes that all the 10 documents are work in progress because we have not yet reached the final stage of any of these 10 documents.

On fisheries subsidies, let me start, that what we delivered, India would be looking forward towards the legal scrubbing, joining other Members who have raised this issue of the texts, without getting into debate and putting a timeline on legal scrubbing so that before summer break we can complete the legal scrubbing and move process forward for the ratification of agreement on accelerated matters by Members.

On the commencement of negotiations for comprehensive agreement in fisheries, including through further disciplines on certain subsidies that contribute to overcapacity or overfishing, my delegation would like to emphasise the need for appropriate and effective special and differential treatment for developing country members including LDC members to be an integral part of these negotiations.

On WFP decision we would call upon WTO Secretariat to start getting information from World Food Programme and to start reporting on the procurements made after this declaration to let us understand better the effectiveness and utility of this declaration.

On food insecurity declaration, we would remind Members that we should work in a time-bound manner to fulfil the mandate given on the basis of proposals from Egypt and Sri Lanka so that the problems or challenges of least developed and net food importing developing countries are taken care of.

On WTO reform, we look forward to commencement of the process by the General Council. We emphasise once again that the reform process should be conducted by the GC and its subsidiary bodies as mandated by our Ministers and let me also take this opportunity to reiterate to the Members that the footnote with respect to WTO reform paragraph is not meant to be used as an opening for the joint statement initiatives but for Members to submit proposals to the General Council and its subsidiary bodies on WTO reform, so we do hope that members will respect this understanding reached during the final stage of negotiations on this matter during those late night discussions.

On special and differential treatment as mandated by our Ministers, we look forward to expediting the work with respect to issues in the CTD SS as these have been long pending and my delegation is ready to actively contribute to help move the work forward in this area.

On WTO response to the pandemic, we will be giving our suggestions in writing, so I will not take much time.

On e-commerce moratorium and work programme, the process to understand the scope of moratorium needs to begin now. Members need to work in a consorted and time-bound manner in the General Council and other regular WTO bodies to arrive at a common understanding on the scope of this moratorium. We also underscore the importance of reinvigoration of work programme in all mandated councils and committees and we do repeat that India along with other Members have already submitted in the Council for Trade and Development a paper in November 2021 and encourage Members to engage on this issue.

On the TRIPS waiver we need to expedite and take forward the work with respect to paragraph 8 of the Ministerial Decision. The submission made on 6 July, by co-sponsors of waiver proposal which South Africa has also mentioned in their intervention is having an indicative timeline to assist with scheduling and prioritising this mandated work within the estimated time period. I will not take much time on TRIPS we will give it as a part of our written submission.

And on process during MC12 many delegations have reiterated here and have given their grievances and we also faced considerable challenges due to the limitations on the number of delegates who could attend meetings at the same time in the WTO premises and since you know that multiple meetings were taking place simultaneously sometimes we also felt left out of some of the meetings. So, we would request that we should review the process of green room and room D or any small group processes so that we should have proper representation and, in this regard, we request that catalogue of suggestions received from Members may be prepared by WTO Secretariat and India is willing to contribute into that.

Lastly, lack of sufficient time given to Members to go through the final negotiating texts is an issue and which comes repeatedly in various Ministerial Conferences, so I am sure that Members will collectively look at this and these issues would be looked at well before MC13 so that we learn from the experiences of MC12.

## **25. Nigeria**

My delegation would like to thank you for convening this meeting and to thank Kazakhstan and Switzerland for the successful hosting of MC12. At the outset, we wish to associate ourselves with the statement delivered on behalf of the African Group by Cameroon and ACP by Jamaica. Nigeria wishes to take this opportunity to congratulate you, the GC Chair, the DDG's, the Chair and Vice Chairs of MC12 and Facilitators and indeed the WTO membership and Secretariat staff for the remarkable success of MC12. I must specially commend you DG for fulfilling within a year most of the campaign promises you have made to Members. DG, you have set a record of excellence in the MC12 by making sure that Members came together to produce 10 ministerial decisions which is very unprecedented. These decisions really restored the image, dignity and trust of the WTO. By implications the multilateral trading system is back on track for more successes. It is appreciative through the present leadership members who are able to deliver a package of agreements and declarations that will have positive impact on lives of people around the world, especially the most vulnerable as they grapple with the hard economic and social impact of the COVID-19 pandemic and other global economic uncertainties. We believe that for the benefit of the MC12 package to trickle down, Members must honour commitments made as well as agreements reached and take proactive steps towards their implementation. In this regard, we wish to share our views on some issues that should be accorded priority in the WTO especially after the summer break.

On Agriculture, we must engage constructively in discussions under the work programme envisaged under paragraph 8 of the Ministerial Decision on the emergency response to food insecurity taking into account paragraph 9 of the same declaration towards the delivery of outcomes that will foster the building of a resilient agriculture sector in net food importing developing countries and LDCs. We must also engage constructively in the negotiations in the COA SS towards the delivery of outcomes that will enable developing countries and LDCs the opportunity to scale domestic support to reforms that are needed for a competitive fair and level playing field in the global agriculture market. We

also welcome the suggestion by the DG on the need for a retreat, particularly to re-strategize on a different approach to negotiate agriculture in order to achieve positive outcomes.

Regarding the Ministerial decision on TRIPS Agreement we must engage in good faith, discussions on the extension of the decision to cover the production and supply of COVID-19 diagnosis and therapeutics by the end of 2022. The same applies to the fisheries subsidies Members are expected to ratify and to enter into force hoping that overfishing and overcapacity will be addressed. We are also interested to see soonest the commencement of the process of the WTO reform, and we hope that it will be open, transparent and inclusive and to consider the concerns of the developing countries. In conclusion, we will continue to call on Members to accord priority to the delivery of development centred outcomes in all areas of works of the WTO.

## **26. Chinese Taipei**

Thank you, Madam Chair. Following your suggestion, let me succinctly make the following points:

On fisheries subsidies, we are satisfied with the process conducted under the leadership of Ambassador Wills. For the next wave of negotiation on overcapacity and overfishing (OCOF), we are of the view that the chair's latest draft on this topic is a very good basis to start with. My sense is that there are many elements in the OCOF chapter in the chair's text on which most Members can agree. Members can start discussing how to fine-tune our approach so as to carefully adjust the balance between the practical needs of developing country Members, on the one hand, and the expectation of fisheries conservation, on the other hand.

On the general WTO reform issues, we are of view that we need to improve WTO's negotiation function and that we should review whether there are substantive rules to be improved to ensure fair competition. On the specific reform of the dispute settlement mechanism, our view is that collecting and compiling previous problems and reviewing whether there are unused existing tools under the DSU or other agreements could be the first step to give all Members a fuller picture of the aspects that need to be fixed. In this respect, we welcome the consultation opportunity with the GC Chair after the summer break.

Regarding e-commerce, Members certainly should continue serious discussions on the possibility of making the moratorium permanent as well as ensuring the reinvigoration of the Work Programme. This is of high importance for businesses of all Members. The decision needs to be made far prior to MC13 so as to ensure stable and predictable business environment.

On the public health issue, we certainly should continue the discussion of TRIPS waiver issues on diagnostics and therapeutics. We must also not forget that we have to prepare ourselves for any possible future public health crisis of similar nature. How to best use the experiences we already have this time regarding COVID-19 pandemic and to apply them to future event is of high importance.

Finally, I share the view expressed by some Members that the Ministerial Conference could have been more transparent so that before adopting the final result, those Members not in the small room had the minimum necessary time to review the compromises achieved in the small room before their acceptance.

## **27. Russian Federation**

As the Director-General correctly stated, the success of MC12 was achieved in quite a changing external environment and that success is to very much extent due to the constructive approach of most Members, including my delegation, who left no space for politicisation of its outcomes. All final documents were designed in a purely professional manner and did not go beyond the WTO mandate. That allowed Russia together with all other Members to accept them. At the same time, in our view, their "friend-shoring" negotiating format chosen by some Members for some particular reasons seriously intoxicated both the preparatory process and the content of the conference. Contributing to the deficit of transparency and inclusiveness as mentioned by several previous speakers and in spite of tremendous efforts by the DG and the General Council Chair and Chairs of Negotiating Groups and the Kazakhstan Presidency efforts that we very much appreciated. As the result of such deficit as an example it so happened that many delegations including ours obtained their final text of the fisheries agreement only a few minutes before its gavelling at the Closing Session and I

witnessed many other delegations who got acquainted with that text in paper version only after its formal approval. And one day before disengagement of some smaller Members in the negotiations put the whole deal under systemic risk. The question is "should such practice be now considered normal for the WTO?". None of us made those stories public, in contrary, in media we held the fisheries deal as the first multilateral agreement adopted by the WTO within the last 9 years which is absolutely true and a great achievement. However, I think that that was a lesson and a matter for reflection for all of us and today's meeting seems to be the right occasion for doing that. Thank you, DG, for admitting such failures of the MC12 conduct, which you called communication problems, but I am afraid that problems we are facing are much broader. It's not just about transparency, it's about the right of any Member independently of its size, status, negotiating position and/or any other factors, to feel engaged in the negotiating process. At least for me it would be quite difficult, not to say impossible, to convince next time my superiors to sign off another agreement, a decision or a document which will be elaborated without direct participation and involvement of my delegation. Thus, if some Members continue their practice of negotiating behind closed doors only with those partners with whom they want to do it I very much doubt that we will be able to adopt any further consensual decisions here in the WTO either on implementation of the MC12 outcomes or on building upon the achievements of the Conference. We believe that the real progress can be made only in a truly multilateral setting.

## **28. Vanuatu (Pacific Group)**

We associate ourselves also with the positive sentiments expressed by a number of delegations and also, I make this statement on behalf of the Pacific Group and we also align ourselves with the statement of the ACP Group. We thank you for your report and the report of the Chair of the Rules Negotiating Group and we thank you for calling this meeting to have this collective reflection on MC12. We have analysed the outcomes of MC12 and we will not make any comments on the other issues other than to make reference on the fisheries subsidies which as you all know is an issue of priority for the Pacific region. We are very pleased with the outcomes and we recognize that there will be some additional work that needs to be done but given the circumstances of the partial outcome on the fisheries subsidies agreement focussing on IUU fishing or fish stocks and transparency was necessary and a positive step to addressing the two forms of harmful subsidies. We must continue work in earnest to address the imbalance in the current agreement by completing negotiations to integrate overcapacity in all fishing pillar in the agreement, as some members had already indicated.

On the process of MC12, we commend the streamlined business-like format of the conference and the inclusion of the thematic sessions which allowed all Members to participate. Obviously, we have some concerns regarding what appears to be some lack of transparency and inclusiveness which you have made reference to, of some of the processes of MC12 that seemed to be dictating outcomes. We must rethink on how to improve participation of all Members in the decisions.

Going forward, we must prioritise work in completing the negotiations on the fisheries subsidies agreement and progressing work on agriculture. Some of the proposals that you had expressed this afternoon for a retreat, we support for it. In addition, we would like to think that the work on the WTO reforms should be progressed to restore the appellate body and to improve an inclusive and transparent process at Ministerial Conferences.

## **29. Paraguay**

Thank you, Director General. Paraguay recognizes that, despite the challenges faced by the multilateral trading system, with a pandemic and geopolitical crisis in between, Members put aside their differences and focused on achieving a successful Ministerial Conference. In this regard, we understand that the consensus reached on the e-commerce moratorium, food security, the response to the pandemic, including the waiver for COVID-19 vaccines, and fisheries subsidies, will enable work to continue in order to achieve more far-reaching and broader outcomes, particularly in the reform of the Organization, where there is still a long way to go.

Furthermore, despite the absence of satisfactory outcomes in agriculture, we would like to emphasize that we will continue working constructively with a view to moving towards real agricultural reform in all pillars, in particular market access, mandated by Article 20 of the Agreement on Agriculture.

Madam Director-General, we would like to take the opportunity of this meeting to reflect on the decision-making process during MC12. We would have liked to see greater transparency in the handling of the discussions and the opportunity to have more time to examine the negotiating texts, in Heads of Delegation format. That would have ensured a transparent, open and inclusive process, and given more legitimacy to the outcome of the ministerial package. This is a challenge ahead for all Members.

Similarly, in the future we would like to see a more balanced handling of the interests of developing countries, and in particular of the Latin American region, which has contributed so much to the multilateral system. The fact that Paraguay has joined the consensus does not mean that it is satisfied with what has been agreed.

Our wish for subsequent ministerial meetings is for all Members to be not only part of the outcome but also part of the process and decision-making.

To conclude, we would like to congratulate you and your team once again, as well as the facilitators of the negotiating groups, in particular Ambassador Gloria Abraham of Costa Rica, Ambassador Santiago Wills of Colombia and Ambassador Dacio Castillo of Honduras, who represented our region so well. Director General, you can count on my delegation to move forward constructively on the road map we established towards MC13, committed to WTO reform and building a WTO for all. Thank you.

### **30. Tunisia**

My delegation welcomes the outcome reached at MC12 and we would like to thank all Members who showed the necessary flexibility to find a consensus on most of the priorities before us and we would also like to thank the MC12 Chair, the Chair of the General Council, the Facilitators, Ministers and Chairs of Negotiating Groups, the Secretariat and in particular we would like to thank you, DG, for having inspired the negotiators with your specific way of leading those negotiations and indeed your dedication and we are not accustomed to such humanity in the negotiations in this organisation and I think that was a real key to the historic success that we achieved. Personally speaking, it was my first conference and I am delighted to continue to work in this organisation which has now seen renewed credibility and with a real conviction to reach compromises that was the good news at MC12 came at the end of a whole night negotiating but if that is the right way to go why not to programme night sessions at all of the decision making ministerials and I think Members could be receptive to that. DG, having said that, we should be pleased with what we have achieved but at the same time we must not forget that there were issues with the process at MC12 and you have referred to those yourself in your report. We take note of what you have said but clearly we are going to have to improve the transparency and inclusiveness of the process in future meetings, including in the green room process, which seems to have replaced other processes where a number of Ministers in spite of their flexibility stayed longer but were never invited and just waited to try and get some news in the corridors and that was a great shame for many of our delegations. We need to assess the stakes at the MC13 because MC12 seems to have postponed a lot of decisions to be taken there and a lot of the work that still needs to be done and a lot of recommendations need to be approved. I won't go into all the details of the different mandates, but I would just like to sketch out the priorities of my delegation for the way forward.

Firstly, a decision on the extension to diagnostics and treatments for COVID-19 regarding the waiver to the TRIPS Agreement. Immediately after the summer break would be a priority so that we could reach a holistic agreement and strengthen the credibility of the Ministerial Decision that was reached.

Secondly, we still have regrets about the fact that no results were achieved in agriculture and that should no longer be acceptable. We need to identify areas and work immediately towards preparing for MC13 and that must be an absolute priority. The long-awaited agreement on public stock holding for food security purposes, domestic support, strengthening the capacities of developing countries in particular net importing food products and support for small scale agriculture farmers should also be an integral part of the outcome.

On fisheries subsidies, we need to make the most of this unprecedented momentum to work very closely and focus on the issue of overcapacity and overfishing which is absolutely vital if we are to have global agreement on fisheries sustainability. It's also vital to set up very quickly the financing

and assistance mechanism as provided for in the agreement in order to support developing countries and LDCs to implement it effectively.

Regarding e-commerce, we need to reinvigorate the Work Programme and that is not just something for speeches it is something that we need to see in practice and we need to have a clear matrix with the major thrusts to work on and an assessment of the scope and effectiveness of the moratorium.

Finally, on WTO reform, we believe that we need to continue to maintain the momentum in order to strengthen the rules-based multilateral framework, taking into account all of the concerns of all Members and supporting the SDGs and we believe that the deadline for 2024 for a functioning dispute settlement system must be respected, otherwise we risk undermining the credibility of decisions at WTO. And to conclude, we reiterate our commitment to engaging constructively and contributing to a mandate which is implemented and then ensuring that we have this renewed trust in our organisation. We support the statement by Cameroon on behalf of the African Group.

### **31. Türkiye**

We would like to thank you, MC Chair, Kazakhstan, Switzerland and all the Members and the Secretariat staff for their tireless efforts that made MC12 a success. The agreement on the fisheries subsidies has been a historic achievement and shown that here at the WTO we can still negotiate effectively. We find it very meaningful to be able to craft an agreement in this area and stand ready to do our part on a more comprehensive agreement as well as pledge to the current text. We are also content that we have finally managed to put together a document that registers the relevance of trade and the WTO with regards to the pandemic. What falls upon us from now on is to make it actually work in the current and future pandemics. We should make this document our guide in our quest for a quicker and cleverer response to future pandemics, keeping the lessons learned in our minds. In this sense we are confident that the stocktaking exercise to be undertaken by the General Council will work to this end.

Regarding e-commerce moratorium we are pleased that a reasonable and comprehensible consensus has been reached. Having regard to the deadlines in the decision we urge all the Members to initiate this discussion about scope, definition and impact of the moratorium as soon as possible. Türkiye is ready to engage actively and constructively in Work Programme-related discussions.

It has also been an important milestone to be able to keep on the MC outcome paper the need for reform of the WTO. As much as it has necessitated tough round of negotiations, it was worth it. Now we know that we need to launch an inclusive and balanced reform process with clear objectives and concrete work plans as a matter of urgency. We have to bring the WTO back with its full functions. It has to resume its negotiating function, monitoring function and the dispute settlement function fully and we have to preserve the WTO as the main venue for the governance of international trade. Türkiye stands ready to participate in the upcoming work to that effect.

In conclusion, we are glad that we have a successful Ministerial Conference and we will continue to work in cooperation in the WTO.

### **32. El Salvador**

Thank you, Madam Chair, thank you for convening this meeting.

I would like to thank and acknowledge your tireless efforts and leadership and extend my thanks to the Chair of the General Council and the entire Secretariat team.

The ministerial package represents a milestone in the history of the Organization, for several reasons:

- It contains substantive decisions and agreements that go beyond trade and address sustainability and trade and health issues, which have a positive impact on the lives of our people.
- Being one of the most important packages achieved in meetings of this kind, it breaks with the paradigm that it is difficult to have concrete outcomes at Ministerial Conferences held in Geneva.



- The constructive spirit and cooperation of all Members, as well as moderation, was evident and undoubtedly contributed to these important achievements.

We share your views, Madam Director-General, on the future work of the Organization and the urgency of resuming discussions as soon as possible on the outstanding issues, as well as on the implementation of the agreements reached. Despite the Organization's positive outcomes, we have a lot of work ahead of us.

Madam Director-General, with regard to the preparatory process and conduct of the Ministerial Conference, there is room for improvement based on the lessons learned, to which you and other Members have referred. I will focus on just a few:

- The flow of official information should be improved in future meetings, as well as increasing the number of transparency meetings needed to keep all members informed. Reports on progress and/or status of small discussions should be made available in a timely and official manner.
- Official documents circulated prior to the Ministerial Conference, as well as final agreements or declarations, should be circulated in sufficient time to allow for due process of analysis and consultations within the membership.
- To consult in an inclusive manner on substantial changes made to the texts during negotiations that take place during the Ministerial Conference, as these may alter the balance of the texts for some Members.

We welcome the ideas that have been put forward to improve these processes, including the Secretariat's document.

Madam Chair, it is important that, while we continue to push for substantive agreements and outcomes, we must at the same time keep to the format and ensure that the principles of transparency and inclusiveness to which we always refer are preserved and effectively implemented.

I would like to take this opportunity to welcome our colleague from Chile and wish her every success in her new functions. Thank you, Madam Chair.

### **33. Canada**

I would like to thank the DG, the GC Chair and the former GC chair for their efforts to achieve outcomes at MC-12.

Canada joins other Members in welcoming these outcomes.

Though not as ambitious as we had hoped, they do strengthen the multilateral trading system and create important pathways forward.

In this regard, Canada remains committed to working with other Members on the outstanding elements of the fisheries text to ensure the sustainability of the fish and seafood sector and preserve global fish stocks for generations to come, in line with SDG 14.6.

We will also actively participate in the work on responding to future pandemics.

Building on the extension of the e-commerce Work Program and Moratorium, Canada looks forward to continue the discussions on the relevant trade-related aspects of this important issue.

In addition, we look forward to participating in the SPS Committee work programme to consider how to further enhance the implementation of that Agreement to respond to emerging challenges and promote science- and rules- based trade.

[As mentioned by the United States, we see the adoption at the next General Council of the proposal to examine and come up with ways to improve transparency by Members as another important pathway that can reinforce the system's foundation.]

Canada does regret that we were unable to reach an outcome in agriculture during MC12. We believe this setback requires that we reflect on the architecture of these negotiations and to chart a different path forward.

Indeed, the challenges encountered during MC12 highlight why Canada has been a leading voice calling for significant reform of the WTO.

We need a strong and effective WTO that can deliver results for Members at all levels of development.

One way is through JSI negotiations, where Canada seeks to attain and quickly implement ambitious outcomes.

Canada is steadfast in its commitment to the ideals and objectives of the WTO, and we will continue to play a leadership role in nurturing a strong multilateral trading system for all Members.

Finally Chair, Canada strongly condemns President Putin's unjustifiable invasion of Ukraine and calls on the Russian leadership to immediately withdraw its troops back to Russia.

Russia alone is responsible for this illegal and unprovoked war, which continues to have catastrophic effects on Ukraine, its neighbours, and people across the globe.

Canada's support for Ukraine and its people is unwavering, and we will work to find ways to use trade to support Ukraine rebuild its economy and its society.

#### **34. Philippines**

The Philippines would like to commend the leadership and fortitude shown by the Director-General, MC and GC Chairs, Facilitators, Chairs of Negotiating Groups, Senior Officials and the Secretariat in securing convergence in the waning hours of the Ministerial Conference. The Geneva package must be deemed a success. It has enhanced the organisation's visibility and restored confidence in the WTO as an institution. The Philippines looks forward to building on the concrete outcomes on fisheries subsidies and sustainable development, trade and health and food security. We were also able to sustain predictability in digital trade and achieved a clear commitment to hasten comprehensive WTO reform. That said, we concur with the views expressed by other delegations that our working methods related to negotiations and transparency must be significantly improved as we look towards MC13. We are supportive of efforts to enhance confidence building among delegations and to examine new modalities for engagement. In this respect, we would support the organisation of a retreat to consider new approaches to agriculture and possibly extending it to a discussion on WTO reform. We also remain open to the suggestion of convening of more frequent and regular Ministerial Conferences, possibly with a more streamlined agenda and format.

#### **35. Antigua and Barbuda (OECS)**

Thank you, Director-General, for the floor and for the important statement you made at the beginning. This statement is delivered on behalf of the OECS members, and we associate with the statement by Barbados on behalf of the CARICOM Group and by Jamaica on behalf of the ACP. Chair, the OECS commends you, the Chair of the General Council and the entire Secretariat team for a successful staging of MC12. We commend also the entire WTO membership and we should be proud to have secured an important and meaningful outcome on behalf of all people as well as the integrity of the multilateral trading system. However, we cannot afford to be so consumed by self-congratulations that we forget that there is a considerable amount of work ahead to ensure that we fulfil the respective mandates of the Ministers.

The TRIPS agreement - We are pleased that the Ministers were able to come to an agreement on TRIPS, a limited TRIPS waiver for COVID-19 vaccines. This is not just a symbolic gesture but for countries still finding it difficult to access vaccines in the fight against COVID-19 the waiver decision has the potential to make a meaningful contribution to that effort. We now call attention to Paragraph 8 of the TRIPS waiver decision and support the cause made at the TRIPS Council meeting yesterday and again here today by South Africa and others for work to begin to arrive at a decision on extending the waiver to cover diagnostics and therapeutics. After 3 years of battling COVID-19 what is clear is that we need to deploy every tool available to combat this deadly virus. Over the next 6 months we

have an opportunity to prioritise people, their lives and livelihoods over and above profits and legal rigidity.

Fisheries subsidies, this is another area in which we secured another vital outcome – albeit one with a reduced ambition. We welcome the fact that we have an agreement which allows us to reduce and eventually eliminate subsidies which contribute to illegal, unreported and unregulated fishing as well as those which contribute to overfished stocks. We also welcome the launch of the fisheries funding mechanism. We are also disappointed that we are unable to finalise the overcapacity and overfishing pillar including with respect to appropriate and effective special and differential treatment for developing countries and LDCs. Therefore, we call attention to Article 12 of the Agreement and we impress on the membership to resume work well in advance of the triggering of the sunset clause to develop the outstanding comprehensive disciplines. It will be in no-one's interest to allow this agreement to collapse.

E-commerce – we maintained throughout that the reasonable course of action was to renew both the Work Programme and the moratorium. That these negotiations went down to the wire was a reflection of the extent to which some Members have felt let down by the apparent lack of intent to engage constructively on matters of importance to them such as addressing the digital divide and clarifying the scope and coverage of the moratorium as well as the revenue issues. These concerns should not be lost on us, and we call on the intensified discussions foreseen in the ministerial decision to be convened shortly.

Work Programme on Small Economies – The Ministerial decision is clear and we call for work to begin in this area without delay. We invite your attention to paragraph 3 and 4 of the outcome document. The OECS is committed to discussions on reform and we want to see the convening of work under the General Council and its subsidiary bodies on reform as instructed by our Ministers. We further draw attention to the desire and need to have a fully functioning two-tiered dispute settlement system. We call for the urgent reconstitution of the appellate body and we remind the Members which is chiefly responsible for the current impasse that we can reconstitute the Appellate Body while simultaneously engaging in discussions and processes to address any concerns that Members may have. The two are not mutually exclusive.

Finally, it would be remiss not to flag the high priority we attach to the principles of transparency, inclusivity, openness and consensus decision-making. We are against any and all attempts at subverting these principles. Whilst we accept that some difficult issues may first need to be worked out between and amongst Members with specific concerns on the matter, our modus cannot and should not be one where we are routinely excluded from processes and then presented with outcomes which we are expected to adopt. As much as we laud the successes secured at MC12, we now have an opportunity to engage in some serious soul searching. We encourage more dialogue across the board and invite Members to engage on more trust and confidence building activities. Each of us has a stake in trade multilateralism and in this house there is no bright star amongst us because every voice matters.

### **36. Peru**

First of all, I would like to express my thanks to you, to your team, to the DDGs, to Facilitators, Chairpersons of the Negotiating Group for the excellent work and the tireless efforts we all have seen. Their leadership has meant we have been able to strengthen the international rules-based trading system. The achievements of MC12 were absolutely historic because of the context in which they were materialized, as it has been mentioned already, we made achievements despite some not too large expectations. We were facing a pandemic, in the middle of a conflict and a global economic crisis. Despite all of that, 164 Members managed to leave our aspirations to one side and to achieve consensus based agreements - agreements we could live with - as we like to say. One of the most important tools is the fisheries subsidies document after 20 years of negotiations we have a result. This is the first document with the goal within this house of protecting the environment. Other important results have been mentioned. The vaccine waiver, the mandate for the reform of the WTO, the focus on the dispute settlement system and the fact that it was expressed by Ministers that it must be fully operational with a deadline and of course I must mention the moratorium on e-commerce which particularly affects Peru and our SMEs.

Of course, DG, now is not a time for us to be fatalistic, rather we must be realistic. We must acknowledge that yes decisions and agreements were made but some fundamental issues were

kicked down the road. Mme DG, the reform of agricultural trade was left to one side. This is an important issue in our house, this is very concerning for Peru and for other members. We must return to that issue as soon as possible. Moreover, the conference as has been mentioned did not deal with the serious deficit we had on negotiations, lack of transparency, difficulties faced on getting access to timely information and inadequacies in terms of final texts. We are very grateful for the realistic explanations you gave at the beginning of this meeting, and we would like to lend all our support to dealing with these issues efficiently. Peru believes we need to get to work as soon as possible and to ensure that work here is Member-driven. We would urge all our colleagues to be more proactive, to take part, to be committed to engage in dialogue and to not just wait for ministerials but rather actually get involved in the meetings prior to ministerials here in Geneva. As you proposed, we have important tools which help us to think about these issues, but perhaps we need innovative solutions. We need to be creative; we need to think out of the box. We must learn the lessons of the past and not commit the same errors time and again expecting different results. We will continue to constructively contribute to the difficult work we have ahead.

### **37. Zimbabwe**

My delegation joins the other Members in thanking you for your leadership. The resolve of Members of the Organisation and the entire Secretariat team that worked tirelessly to bring about the success, albeit less ambitious outcome of the MC12 which we are timely reviewing at this moment. Zimbabwe aligns itself with the statements delivered by Cameroon on behalf of the African Group and by Jamaica on behalf of the ACP. In that regard, we wish to emphasise that the MC12 outcome still provides the organisation with a credible basis for renewed impetus to work harder and with new mindset and open minds that endeavour to meet the sustainable development expectations of Members.

Agriculture is critical to our economies. In view of the fact that MC12 fell short on achievements on this important issue, Zimbabwe urges that serious engagement be initiated and accomplished in support of this sector as mandated by the Ministers.

On the TRIPS waiver, we are happy that at the TRIPS Council meeting yesterday, Members emphasised the need for urgent engagement before the summer break and even immediately after. This takes into account the urgency to address the concerns regarding the production and supply of COVID-19 diagnostics and therapeutics.

Finally, Zimbabwe stands ready to constructively play its part and work assiduously in these areas in order to reap maximum advantages from the multilateral trading system. We therefore underscore that inclusivity and transparency are key principles within the context of the negotiation of the WTO reform so as to fully and comprehensively embrace the views and concerns of all Members.

### **38. New Zealand**

We would like to start by joining in congratulating you, the General Council Chair, the Secretariat, Switzerland and Kazakhstan on the MC12 outcome and to thank you, in particular, Director-General, for your unwavering faith in the membership to deliver tangible results. New Zealand agrees with the statement you made earlier that we need to capitalise on the shot in the arm that a successful MC12 has given our organisation and the multilateral trading system. Our delegation has taken the opportunity to think carefully about how we best contribute to delivering on Ministerial direction for MC13. We particularly seized of the opportunity to bring new ideas and new energy to our deliberations in negotiations on agriculture. As you know, New Zealand has always had agriculture at the core of its WTO engagement, and we are very heartened to hear today much collective will to advance the agriculture reform agenda. We look forward to being part of all discussions in all formats on the substance of the agricultural agenda and the processes by which we advance it. I have one further point on fisheries, and I would like to echo the comments made by the European Union in response to a suggestion that we have heard today of the need for a legal revision or legal scrub of the text. We don't agree with this suggestion or understand why it is being made. The MC12 text is open for acceptance. New Zealand and I am sure other delegations are in the process already of preparing to submit the MC12 text to our parliamentary processes as the basis for our instrument of acceptance. This does not preclude the exercise of consultations on alignment of translations as offered today by Ambassador Wills.

### **39. United States**

I would like to thank everybody, and I mean everybody, because everybody contributed to a successful MC12. In particular to whoever thought at 5h30 on the morning of Friday, June 17th to raise their flag and did not. So, thank you, so that we could gavel the meeting to a close. There has been a lot said about some deficiencies in transparency. It is good that we all recognize that things can be done better and we also have to recognize that Ministerials are what they are and it gets messy towards the end. We also have to recognize that this is us. It is not the WTO that does these things. We do this to ourselves and in as we look forward to the work that we have to do and to MC13 which if according to plan is not that far away, we should keep these lessons in mind because we are the ones that have to change the way we act. I completely agree with the colleague from Singapore. We have to think differently, we have to work differently, and we have to act differently and that includes how we interact and how we prepare ourselves for things like Ministerial Conferences. To the United States delegation that is one big part of reform and no process that we set up for reform is going to succeed if we do not also change how we interact and how we do things here. I believe Singapore said also in a different context we have to behave in ways that bring the group together and as I think back to MC12 I think towards the beginning of MC12 I was not necessarily saying that. I do think that towards the end I was seeing more of that, and I hope that this is something that many or all of you share that we were trying to and there was a genuine desire to try to bring consensus. It does not mean that we have to agree on everything but that we have to agree that we are here to try to achieve something and I think that Room D was part of that but also just different conversations and talking to each other and I hope that we keep that as we move forward. David and I used to joke even starting last fall when we were looking at MC12 for November/December that the theme should be a renewal of vows from the WTO Members to the WTO and maybe in a way what we saw towards the end of MC12 was a little bit of that. We are here and we should make the most out of it and we are here and we are committed and we want to find ways of working, of doing what Singapore is suggesting, that we have to think, work and act differently. We are doing this in-house in the US team, we are looking across the board at the committees to see how we can work better, how we can revitalise agendas in some committees so I welcome and will be reaching out to some committee chairs, but I welcome anyone who wants to have a conversation with us about how we can revitalise the work because there is a lot of good work that gets done here and sometimes it gets lost. Again, to us, that is a big part of what reform should be about. One other thing I would say as we look forward to the work that we need to get done and looking forward to MC13 is the notion that we have to leave everything for Ministers to decide is really not a good idea and I have heard some people justifiably complaining about time management and the fact that the Ministerial had to be extended and people had to leave because they have commitments but that is on us, that is because we leave everything, and I remember having some conversations about this in the weeks leading up to the Ministerial, that every single decision needed to be made by Ministers. That is not right and that is not the way to success. We managed to pull it off this last time around, but I think we should not bank on that.

On reform I will say, again, we are committed to reform, but to us reform is not just setting up a process. It is changing how we behave, and it has to come from everywhere. I already see and have learned today that we already have some differences of opinion of what we actually agreed on the paragraph on reform but that is fine because what we did agree is that it has to be open, transparent and available to all Members and we will continue to push that through all means.

I would like to very warmly welcome the new representative of Chile and look forward to working with you.

### **40. Chad (LDC Group)**

Mr Chair, I am making this statement at the request of Djibouti, the new coordinator of the WTO LDC Group.

The LDC Group welcomes the decisions and declarations adopted at MC12 and congratulates you, Madam Director-General, and all delegates and fellow WTO members who demonstrated political will and determination to achieve a ministerial outcome. We are aware of the difficult circumstances in which MC12 took place. However, as with any Ministerial Conference, there were some obstacles in the process, which we hope will be rectified for MC13.

In particular, with regard to our proposal for an interim solution on the reclassification of LDCs, we appreciated the efforts made in the days leading up to the Ministerial Conference by you, Mr Chair, and by the Director-General. We also thank the Members who worked with us to seek an agreement at the Ministerial Conference. We note that during MC12, we were given opportunities for consultations with a particular Member and in the final Green Room when we were called on to wait for the conclusion of the deliberations on fisheries.

The LDCs held several bilateral meetings with various Members on how to find a compromise on the different wording of the proposal. We know that the Conference had already overrun the scheduled end date. This has happened in a number of WTO Ministerial Conferences. That is why we were pleased to be invited to join the Green Room. However, after a four-hour wait, we were informed that there was no time left to facilitate a meeting with us.

At this juncture, we will resume the item on the agenda of the General Council in order to obtain a decision that would allow the extension of the measures to Members graduating from the LDC category.

We have deliberated on the preamble that now appears in paragraph 5 of the MC12 outcome document, which is the first multilateral recognition agreed by WTO Members on this issue at a Ministerial Conference. This paragraph, and our proposal in the General Council, are important for our future. We hope that before, and during, MC13 our proposal will be given priority in terms of time allocated and outcomes.

As far as other outcomes are concerned, we look forward to the continuation of the work that has now begun on the TRIPS waiver, and our recommendations for the discussions on WTO reform.

The LDC Group appreciates the adoption of paragraph 8 of the outcome document, which reaffirms Members' commitment to ministerial decisions in favour of LDCs, including additional instructions to the Council for Trade in Services on the implementation of the LDC services waiver and instructions to the Committee on Trade and Development.

We also welcome the adoption of our proposal in the Committee on Rules of Origin and additional instructions.

Regarding agriculture, we are disappointed that the discussions on cotton have failed to achieve the expected outcomes.

The document on the response to the pandemic was a priority achievement for us as the WTO emerged from the pandemic. Prior to the 12th Ministerial Conference, the LDC group contributed to this document, and thanks the facilitator, Ambassador Castillo, for his excellent work, as well as Minister Walcott of Barbados, for his role as facilitator during the ministerial meeting. The WTO can show the world that it is committed to being ready to implement WTO rules and procedures on pandemic response.

The LDC Group's draft texts on fisheries subsidies are included in the agreement adopted at MC12. The agreement is an important and unprecedented achievement for the WTO, which is committed to eliminating subsidies for IUU fishing and fish stocks that are in an overfished condition, and subsidies that lead to harmful fishing in unregulated high seas.

Notwithstanding the Article 12 clause, we must make progress towards the entry into force of the agreement and the completion of the remaining areas as agreed at the 12th Ministerial Conference.

We call for LDCs to be included in the special fisheries fund. We would appreciate further information on the next steps in this regard.

Lastly, we look forward to moving forward on a work programme and hope to see a convergence of views on the important issues for all of us in a rules-based multilateral organization, including responsiveness to the needs of LDCs.

We ask that this statement be recorded in the minutes of the next official meeting of the General Council. Thank you.

#### **41. Costa Rica**

Costa Rica welcomes the outcomes of MC12 and is grateful for your leadership and your tireless work. We also thank the Chair and the Facilitators. The achievements are significant, and the WTO has shown that it is an organisation that is capable of achieving results. It avoided non relevance of the organisation. In addition to the results in terms of fighting against the pandemic and food safety and work on the fisheries subsidies I thank Santiago for his commitment and dedication and success and the results on e-commerce and the WTO reform.

It is also important to acknowledge that we avoided backtracking on certain topics and that in itself is very important for the future of the WTO and of the multilateral trading system. We now need to look at implementing the results and continue to work on the remaining topics. We need to remain pragmatic and flexible. This is what enabled us to reach these achievements in MC12 and this will help us in the future.

In agriculture, we welcome the way in which we are approaching the matter and we think that it is important to look at how we are going to deal with agriculture and agriculture negotiations in the near future. This is something that has been pending for many years and we believe that it is vital that we conclude negotiations in agriculture. The lack of agreements has led us to the figures that you mentioned and domestic support with the negative impact on sustainability of resources and causing trade distortions.

Our country is committed to the multilateral trading system, and you can count on our support and on our proactive work to carry out the remaining tasks and also reaching the new goals that we set ourselves at the ministerial meeting. I would like to seize this opportunity to welcome our colleague from Chile and wish her much success in her responsibilities.

#### **42. Plurinational State of Bolivia**

I am speaking on behalf of my Ambassador, who had to attend a meeting of the Human Rights Council. We would like to thank you and the Chair of the General Council for calling this meeting which is a first opportunity for us to go over the results of this 12th Ministerial Conference. We thank the efforts that you made, Mme Director-General, as well as those working on the thematic sessions and the Secretariat for the work carried out. The achievements at this meeting were positive and they enabled us to strike a very delicate balance. We are concerned however about what remains to be done and the need for decisions to be taken in an inclusive and transparent way that meets the expectations of all Members of this Organisation. We understand that we cannot adopt a similar practice in the future to the one that was adopted during the Ministerial and we hope that the documents will be sent through in due time for their analysis to be carried out. We believe that we need to fulfil the mandate that we have been given. Some of the priority topics according to us are the following.

On the response to the pandemic and TRIPS, we need to continue discussions to allow for a more equitable approach. In addition, we are aware of the fact that there are still remaining topics to be dealt with and further negotiations to be had.

Regarding the reform of the WTO, we need to resume a revision as quickly as possible. In addition, we need to continue to work on the dispute settlement system so that it is more accessible to developing countries. We need to continue to work on agriculture and fisheries subsidies and we can start constructive discussions on the moratorium on e-commerce in addition to discussions on TRIPS to find a solution that will be satisfactory to all Members.

We also need to decide on the date for the next Ministerial Conference so that we can prepare adequately. We would need that to carry out the work necessary and reflections. We need to defend the multilateral trading system that is rules-based. We reiterate our availability to work in a constructive way to achieve our objectives.

#### **43. United Kingdom**

Thank you, I will try to be brief. I'd like to start by thanking you DG, the GC Chair, the former GC Chair, Chairs of every negotiation, the DDGs and the Ambassador of Kazakhstan. Your tireless efforts were central to delivering at MC12 and we cannot thank you enough for your leadership and sheer

hard work. MC12 really was hard work, long nights, tough discussions and all done in such a challenging climate. We wanted to congratulate everyone involved. As the US said, it's all of us here, our Ministers and our teams that made this impressive set of outcomes possible. We surpassed expectations and we have changed the narrative on the WTO. We have shown that we can and do deliver.

As always and as many have said, there is still work to be done. We welcome the secretariat's focus on implementation which is a key agenda and should be our first priority for follow up for MC12. Particularly, each member needs to focus on the domestic ratification of the Fisheries agreement so it can enter into force. And while we want to move quickly, we do think there is value in taking a short period of reflection. We need to acknowledge the unprecedented outcomes from MC12 but also take time to learn the lessons. You DG highlighted some of the lessons, and don't worry, I'm not going to correct your very accurate definition of transparency. We need to bring the whole membership with us, at these critical next steps and it's reassuring to hear your plans on how to do that, so everyone, at this really critical moment has a chance to input and understand how we move forward together.

We wanted to particularly highlight, that given the challenges of some of our discussions, which are complex and sensitive issues that we are considering, it would be helpful to really start to do our homework now. We need to reflect on our positions, to gather evidence, so we can have evidence-based discussions and to look for new approaches to help us to deliver. We agree with what many have said here today, we need to move on from old discussions and focus on what matters to the global trading system and the challenges it's really facing today. We must de-dramatize Ministerials, we cannot expect different outcomes if we keep pushing everything to Ministers and putting such pressure on these moments. We fully agree with Australia, with Singapore, with the United States, who set this out really clearly, we must think differently and act differently.

And finally, while the politics in the UK is slightly distracting, at the moment, I just wanted to say that our government remains the same and the UK stands ready to fully engage and looks forward to MC13. We are finally now, in the post-MC12 world. Before I give up the floor, I just would like to take this opportunity to welcome the new Ambassador to Chile, we wish her every success in settling in to life in Geneva, and look forward to working closely together. Thank you.

#### **44. Kazakhstan**

I would like to start by saying that this MC12 Ministerial conference was the third ministerial conference after Nairobi and Buenos Aires where my country, Kazakhstan, has participated as a fully pledged member of the WTO. In this regard, as a newcomer, Chairmanship and the role of co-host of this Ministerial - it was of course a great honour to say the least for us as well as a huge responsibility in itself. But it was also a challenging experience due to the COVID-19 related several postponements of the Ministerial Conference. Looking back the only thing which we regret about is that we could not host it in Kazakhstan as we had planned initially and since as I have mentioned it is our third ministerial conference we really hope and look forward to welcoming you in the future in Kazakhstan, not only for Ministerial Conferences but for any retreats or gatherings. When the MC Chair arrived in Geneva, I was briefing him and mentioning that if we achieve an outcome on one or two thematic areas, including the Ministerial outcome document, the smooth running of the Conference would be a big achievement for us, for Kazakhstan and for its Chairmanship of the Ministerial Conference. But this outcome, unprecedented, of 10 decisions was not something was expected even until 2 a.m. of the last night when we were making this package deal we were not sure that we will make it through so I think this was a demonstration of the collective efforts and collective political will and demonstration of maximum flexibility on the part of the Members in order to reach the meaningful outcomes and maximum of what was possible and demonstrate that WTO is still relevant and could handle all these pressing challenges of the global trade. This would not be possible, DG, without your strong leadership, dedication and outreach to various Governments, Ministers, Heads of Governments in preparation for MC12 as well as during MC12. I would like to thank you, for your leadership and I believe that you have delivered what you promised during your campaign for this post.

I also would like to use this opportunity to thank DDGs for their substantive involvement in thematic areas where outcomes have been ensured as a result of MC12. I would also like to thank the General Council Chair, Didier, for your strong leadership as well as for ensuring that there is an outcome document with the elements which we very much wanted to see in this document, particularly on



WTO reforms. I would also like to thank my colleagues, Santiago for your role and with MC Chair you have made sure that until the 5 a.m. that there is a document on fisheries and there is an outcome on fisheries. I would like to thank Gloria for her role as well as Dacio for his role in WTO's response to COVID.

And as a Services Chair, I would like to thank all the Members for the flexibility which you have demonstrated. I know that for some of you it is not an ambitious paragraph which we have in the outcome document, but I have been told that this is the first time in more than 10 years the role of services in the global trade has been mentioned in the consensus-based multilateral outcome document of the Ministerial Conference. I really hope that we can build on this momentum and use the WTO as a forum for increasing the role of services, particularly the participation of developing countries in services discussions and use the services as a strong response to the economic recovery as well as to economic development of Member countries.

As Chair of the Ministerial Conference, I would like to mention the magic of footnotes in the Ministerial Decisions which we have experienced. I think that the footnotes have made sure that we do have in the outcome document the reform paragraph, and we also have the paragraph on women's economic empowerment as well as on MSMEs, because the footnotes have played its magic and made sure that the concerns were addressed and we do have all these three major elements of the Ministerial outcome document.

Regarding the concerns expressed and recommendations made on communication gap. As Chair, we take very well note of all these concerns and I believe that this is one of the major lessons learned from MC12, but during the 3 sleepless nights it was very difficult to, not using this as an excuse, but those who experienced all those negotiations it was difficult to take care of every aspect but we take well note of this and I believe that this also emphasises the role and we need to enhance this role of Regional Coordinators of Coordinators of various regional and other groups in ensuring two-way communication – first, representing the interests of the group members and secondly ensuring that members are well informed on what is going on in the negotiating rooms, green room and room D formats. So therefore, I think that this is something on which we will work together, and we stand ready to work together and reflect further in order to make sure that all Members' interests are reflected and they are well informed and they own the decisions which the Ministers have made at this Ministerial Conference.

With this, I would like to thank all the Members for your participation and strong involvement and support to Kazakhstan as Chair of this Ministerial Conference. We stand ready for further constructive engagement on implementation of MC12 decisions.

#### **45. Egypt**

Thank you, Mr. Chairman, I deliver this statement on behalf of H.E. Ambassador Dr. Gamaledin who regrets not be able to participate due to other pressing obligations.

Congratulations!

To you, Mr. Chairman, to Madame Director General. Deputy Director Generals, the WTO Secretariat, and above all to the entire membership on the success of MC12. It testifies that there is life at the WTO at the heart of the multilateral trading system, and represents multilateralism. I take this opportunity to express appreciation and a victory for gratitude to the MC12 Chair, Vice Chairs and the governments of Kazakhstan and Switzerland, as well as Minister Facilitators for their contribution to this success.

We also want to thank the secretariat and the council team for the great effort they put into the processes.

Despite all obstacles and difficulties faced in negotiations, our collective patience, perseverance and wisdom supported by the constructive engagement in good faith led to this unexpected outcome upon which we shall be able to deliver and address the challenges ahead of us.

Chair, the success of MC12 down the line will depend on the results achieved from the implementation of its outcome. In this regard, my delegation believes that we need to build on the momentum set at MC12, by setting a specific timetable and modalities for implementing the commitments stipulated in the various outcomes of the ministerial conference, and conclude related

pending issues, including the unfinished business with the fisheries subsidies agreement, the work program for food security in NFIDCs and LDCs.

Definitely, WTO reform and agriculture negotiations and development related issues should be prioritized.

That said, we stress the need to swiftly launch a dedicated work program for the effective implementation and monitoring of the Marrakesh Decision on Measures Concerning the Possible Negative Effects of Reform Programme on LDCs and NFIDCs, in order to urgently address the needs of these countries and increase their resilience to food insecurity, including by providing them with the needed flexibilities to bolster their agricultural production and enhance their domestic food security in emergencies. The dedicated work program shall be based on lessons learned and on proposals submitted by members. We need to conclude the matter before end of 2022.

Chair, likewise, concerning paragraph 8 of the ministerial decision on trips agreement there is a global recognition that controlling COVID-19 requires a comprehensive approach beyond vaccines. There is no dispute that therapeutics and diagnostics are central to effectively handling COVID-19 and to socio-economic recovery. Our work on this file should be focused and streamlined in order for us to reach an agreement by December 2022 on the extension of this decision to cover therapeutics and diagnostics.

On the WTO response to the pandemic and preparedness for future pandemics, we urge members to develop ideas on the sort of outcome we wish to have by MC13, and consequently table proposals in the relevant WTO bodies, based on the terms of reference and in line with the time frames specified in paragraphs 23 and 24 of this decision.

In this regard, we underscore the importance of taking urgent steps to start the negotiations before the summer break.

Chair, as always, Egypt stands ready to constructively engage in all issues in order to reach consensual and meaningful outcomes, and we look forward to continue collectively to score successes en route to MC13 under the able leadership of our dear DG.

Finally, my delegation associates itself with the statement delivered by Cameroon on behalf of the African Group (and the statement delivered by Saudi Arabia on behalf of the Arab Group). I thank you.

#### **46. Uganda**

First, allow me to begin by thanking you for warmly receiving me earlier today and thank you for your tireless efforts and contribution towards a successful MC12. I would also like to express our appreciation to the Chairman of the General Council, the Chairman of the Conference, the Vice Chairs, the Minister Facilitators, the Swiss Government for making the conference possible. My delegation aligns itself to the statement delivered by the African Group and the ACP Group. Almost 3 years into COVID-19 pandemic, it remains a priority for my country and other developing and least developed countries that have borne the brunt of two-track pandemic to build on the momentum of MC12 and advance negotiations on paragraph 8 of the Ministerial Decision on the TRIPS Agreement regarding the extension of the IP waiver to cover the production and supply of COVID-19 diagnostics and therapeutics. This will go a long way in ensuring the legacy of a two-track response to the pandemic and indifference to the concerns of developing countries and least-developed countries are not normalised and carried forward.

The unfolding global economic and food crisis also means that agriculture negotiations need to be prioritised with the objectives of delivering tangible outcomes for MC13. My delegation would also like to emphasise the need to prioritise reforms of the WTO in a process that, first of all, seeks a common understanding of what a fit-for-purpose WTO would look like and what it would take to effectively tackle the institutional challenges that the WTO is facing, including the imbalances in the rules that have impacted Members, particularly developing countries and least-developed countries from effectively shaping rules or influencing decision-making in the WTO. We also call for the urgent reconstitution of the appellate body and the establishment of rules of procedure to overcome its challenges and make it more effective. In the interim, there is need to urgently improve scheduling

of meetings in order to avoid overlaps and prepare factual summary reports in a timely manner which would go a long way in facilitating more equitable participation by all delegations.

#### **47. Bolivarian Republic of Venezuela**

Director-General, we acknowledge and appreciate your leadership, along with that of the Deputy Directors-General, the Chair of the Conference, the Chair of the General Council, the Chairs of the negotiating bodies, the facilitators, the Swiss authorities and the Secretariat during the Twelfth WTO Ministerial Conference.

We agree that the outcomes of MC12 give renewed impetus to the Organization. This was possible thanks to both the leadership of the key players and the vote of confidence from all 164 Members of this Organization, which was given at the last minute in the most constructive of spirits and despite profound uncertainties and the fact that many were excluded during the process.

Turning to this meeting, our first major reflection is one that greatly concerns us and pertains to the excessive use of so-called "green rooms" during MC12, which demonstrates that the process did not adhere to the principles of transparency and inclusion in negotiations and decision-making.

It is even more concerning that, despite the acknowledgement that seems to be emerging of how detrimental this approach is for guaranteeing the required transparency and inclusiveness, just two days prior to today's meeting, another "green room" was convened as a prelude to address essentially the exact same reflections on MC12 as those who were excluded have the opportunity to do today in this plenary. However, we are only able to do so very briefly, since time is of the essence.

What took place at MC12 cannot happen again. Members did not have sufficient time to examine all the negotiating texts. Two critical negotiating texts were not circulated to Members prior to being submitted for adoption (Decision on TRIPS and the Agreement on Fisheries Subsidies). Rule 23 of the Ministerial Conference regulations provides that proposals and amendments to proposals shall normally be introduced in writing and circulated to all representatives not later than twelve hours before the commencement of the meeting at which they are to be discussed.

Thematic sessions were turned into plenary sessions in order to keep the majority of delegates occupied while the documents were being negotiated in the green rooms.

The informal sessions of Heads of State and Government were used arbitrarily for "transparency" purposes, but they did not provide any substantial information on the progress being made in the green rooms.

In sum, we witnessed a rushed and exclusive process with some significant negotiating outcomes but with little ambition. It is now time to rectify processes to rebuild the necessary trust among us all. We have faith in your leadership. We are here and we are committed.

Lastly, we welcome the new Permanent Representatives of Chile and Uganda. Thank you.

#### **48. Panama**

Thank you very much, Director-General, and thank you also to the Chairperson of the General Council as well. As I am the last speaker today, I will be as brief as I can. First of all, I would like to welcome our new colleague from Chile and also our colleague from Uganda. I am sure we will have other new colleagues arriving from other countries over the next few days and it's always a real pleasure to work with new colleagues, so welcome.

On the results, we agree with many of those who have spoken today that the results were not exactly what we wanted. However, they were significant, and they do have a role to play that is very important in the life of the WTO. As the Rolling Stones said, perhaps we didn't always get what we want, but perhaps sometimes and that time we got what we needed and we needed quite urgently, so I would like to congratulate all those who were involved, those who facilitated meetings, presided over meetings and I would also like to congratulate those who showed flexibility so that we could achieve results. Today, we have heard a lot about the process. I would not have anything particular to add but a few comments. We always have lessons to learn, lessons to take on and above all lessons to implement. So, I would like to focus on the future, the work to be done. The results we

achieved have provided us with a number of mandates, tasks to be carried out and there is a lot to do.

First and foremost, I would like to thank the Secretariat and your office, Mme Director-General, for the list that has been prepared, the topics that need to be implemented following up from MC12. We are looking into that document in detail, and we will be focussing on the whole range of issues before us, not only those that are particularly "sexy" as far as we are concerned. It would, of course, be a good idea for us to make progress on fisheries, agriculture, the TRIPS waiver, but of course this is something which for us is important and we do not have very much time on that, so we need to be very quick.

On fisheries, we need to finish our work under the SDGs as well – Article 5, for example – there is a lot to do before we can feel satisfied that we have actually dealt with everything that needs to be dealt with, based on the mandate given to us by our Heads of State and Government. So, it would be a good idea for us to look at the Spanish and French documents as well to ensure that they are consistent with the language that was used for negotiations (English). It doesn't mean we need to reopen documents or renegotiate, we do however need to make sure that there is consistency in all three official languages as they are all equally official.

On agriculture, we are very grateful for that idea of a retreat of carrying out a brainstorming exercise to think about how we can make progress on these negotiations. I would like to suggest that we should also carry out brainstorming on other issues not just agriculture. In the statement made by my Minister under the informal session on the first day of the Conference, this was a statement on the state of the multilateral trading system, the Minister made a number of concrete proposals with regard to how we can return to real negotiations and not just have people presenting their positions all the time. I have spoken to colleagues about this particularly, our colleague Gloria Abraham now of course Chairperson. I hope we can contribute constructively to the processes that will be taking place and the work on the outstanding issues throughout the consultation process. To the Chairperson of the General Council, you suggested that the Chairs of the standard bodies and the subsidiary bodies could be involved and we could develop work plans. I would like to suggest that this could be suggested to Chairs of the groups of the special session. That would be particularly important for some issues such as reform.

Under reform, there are a number of issues, such as settlement of disputes, this is something that will have to be dealt with at a Special Session and I think it is a good idea not to try and reinvent the wheel or create new bodies for discussions or negotiations or consultations where forums already exist. For us, small delegations, that would be a very important point. And that is also important in the interest of consistency as we carry out discussions. Furthermore, work plans on that special session well perhaps we could revive work on issues that have been around for a number of years or indeed leaving to one side to focus on other issues.

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## **ANNEX 2**

### **JOINT DECLARATION BY ARGENTINA, BRAZIL, COLOMBIA, COSTA RICA, GUATEMALA, PERU AND URUGUAY ON SUSTAINABLE FISHING FOR AN AMBITIOUS PROTECTION OF THE OCEAN**

At the request of the delegation of Colombia, the Joint Declaration below is annexed to the Minutes of this General Council meeting.

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#### **Joint Declaration on**

#### **Sustainable Fishing for an Ambitious Protection of the Ocean**

The Governments of Argentina, Brazil, Costa Rica, Guatemala, Peru, Uruguay, and my own country, Colombia,

RECOGNIZING that the ocean plays a vital role in the fight against climate change, harbours a great part of the planet's biodiversity, and its resources contribute to sustainable development, poverty eradication and food security.

RECOGNIZING the urgent need to act in immediate and effective ways to restore the oceans, particularly regarding the conservation and sustainable use of its living resources.

RECALLING the importance of the Sustainable Development Goal 14 "Conserve and sustainably use the oceans, seas and marine resources" and in particular of target 14.6 that mandated to conclude a negotiation at the WTO to prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing and refrain from introducing new such subsidies, recognizing appropriate and effective special and differential treatment for developing and least developed countries.

AWARE of the adverse impacts of certain forms of fisheries subsidies that contribute to overcapacity and overfishing, and that IUU fishing remains a threat to a sustainable development and to the marine biodiversity, especially for developing countries

WELCOMING the Agreement on Fisheries Subsidies, adopted in Geneva on the 17th of June 2022 at the World Trade Organization (WTO), which prohibits subsidies to those engaged in IUU fishing, for fishing overfished stocks, and for fishing on the unregulated high seas.

NOTING the mandate given by the WTO Ministerial Conference, to continue negotiations for additional provisions that would achieve a comprehensive agreement on fisheries subsidies, including through further disciplines on certain forms of fisheries subsidies that contribute to overcapacity and overfishing.

Decide to:

1. Continue their efforts to deepen the dialogue in the pursue of sustainable fisheries.
2. Commit to promptly ratify, in a manner that is consistent with their applicable national laws and regulations, the Agreement on Fisheries Subsidies, with a view of an expedite entry into force of the agreement.

3. Cooperate for the effective implementation of the provisions under the WTO Agreement on Fisheries Subsidies, including in areas where implementation can be pursued before the entry into force of the agreement.

4. Fully engage in further negotiations, within the WTO, with a view to agree additional provisions to achieve a comprehensive agreement on fisheries subsidies, including through further disciplines on certain forms of fisheries subsidies that contribute to overcapacity and overfishing, recognizing that appropriate and effective special and differential treatment for developing country Members and least developed country Members should be an integral part of these further negotiations.

*Lisbon, Portugal, 29 June 2022.*

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